

**WSR 06-12-085**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Health and Recovery Services Administration)

[Filed June 6, 2006, 4:16 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-07-145.

Title of Rule and Other Identifying Information: Sections of chapter 388-865 WAC, Community mental health and involuntary treatment programs, amending WAC 388-865-0105, 388-865-0150, 388-865-0205, 388-865-0245, 388-865-0275, 388-865-0430, 388-865-0440, 388-865-0452, 388-865-0466, 388-865-0468, and 388-865-0575.

In addition to these revisions, the mental health division anticipates additional rule making on the subject matter initiated by WSR 06-07-145, including but limited to, changes to WAC 388-865-0201 and 388-865-0203.

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane. A map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6097), on July 25, 2006, at 10:00 a.m.

Date of Intended Adoption: Not earlier than July 26, 2006.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail [fernaax@dshs.wa.gov](mailto:fernaax@dshs.wa.gov), fax (360) 664-6185, by July 25, 2006, at 5:00 p.m.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by July 21, 2006, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at [schilse@dshs.wa.gov](mailto:schilse@dshs.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Multiple sections of chapter 388-865 WAC are no longer accurate because of the changes made to chapters 71.24 and 71.05 RCW by ESSB [ESHB] 1290, ESSB 5763 and 2SSB 6793 (chapters 503 and 504, Laws of 2005, and chapter 333, Laws of 2006 respectively). Amended rules are needed to be consistent with the statutes.

The statutes changed the definition from "county designated mental health professional" to "designated mental health professional" - removing the reference to county. This is consistent with the other statutory changes that created the structure for allowing private entities to act as regional support networks (RSN). The rule changes remove the term "county" from designated mental health professional. The changes also implement the goal of allowing a private entity to become certified as an RSN.

Reasons Supporting Proposal: Amended rules are needed to be consistent with the statutes.

Statutory Authority for Adoption: RCW 71.24.035 and 71.05.560.

Statute Being Implemented: Chapters 71.24 and 71.05 RCW as amended by chapters 503 and 504, Laws of 2005, and chapter 333, Laws of 2006.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Paul DesJardien, P.O. Box 45320, Olympia, WA 98504-5230, (360) 902-0873.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The mental health division has analyzed the proposed rules and concludes that the rule changes proposed do not impose any additional compliance costs or administrative burdens on small businesses. Therefore, preparation of a small business economic impact statement is not required.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Paul DesJardien, P.O. Box 45320, Olympia, WA 98504-5230, phone (360) 902-0873, fax (360) 902-0809, e-mail [desjapp@dshs.wa.gov](mailto:desjapp@dshs.wa.gov).

Andy Fernando, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-12-047, filed 5/31/01, effective 7/1/01)

**WAC 388-865-0105 What the mental health division does and how it is organized.** (1) The department of social and health services is designated by the legislature as the state mental health authority, and has designated the mental health division to administer the state mental health program.

(2) To request an organizational chart, contact the mental health division at 1-888-713-6010 or (360) 902-8070, or write to the Mental Health Division Director, PO Box 45320, Olympia, WA 98504.

(3) Local services are administered by regional support networks (RSN), (~~which are a county, or combination of counties,)~~) whose telephone number is located in the local telephone directory and can also be obtained by calling the mental health division at the above telephone number.

AMENDATORY SECTION (Amending WSR 05-17-156, filed 8/22/05, effective 9/22/05)

**WAC 388-865-0150 Definitions. "Adult"** means a person on or after their eighteenth birthday. For persons eligible for the Medicaid program, adult means a person on or after his/her twenty-first birthday.

**"Certified peer counselor"** is defined as a consumer of mental health services who has met the registration, experience, and training requirements, has satisfactorily passed the examination, and has been issued a certificate by the mental health division as specified in WAC 388-865-0107.

**"Child"** means a person who has not reached his/her eighteenth birthday. For persons eligible for the Medicaid program, child means a person who has not reached his/her twenty-first birthday.

**"Clinical services"** means those direct age and culturally appropriate consumer services which either:

(1) Assess a consumer's condition, abilities or problems;

(2) Provide therapeutic interventions which are designed to ameliorate psychiatric symptoms and improve a consumer's functioning.

**"Consumer"** means a person who has applied for, is eligible for or who has received mental health services. For a child, under the age of thirteen, or for a child age thirteen or older whose parents or legal guardians are involved in the treatment plan, the definition of consumer includes parents or legal guardians.

**"Consultation"** means the clinical review and development of recommendations regarding the job responsibilities, activities, or decisions of, clinical staff, contracted employees, volunteers, or students by persons with appropriate knowledge and experience to make recommendations.

**"Cultural competence"** means a set of congruent behaviors, attitudes, and policies that come together in a system or agency and enable that system or agency to work effectively in cross-cultural situations. A culturally competent system of care acknowledges and incorporates at all levels the importance of language and culture, assessment of cross-cultural relations, knowledge and acceptance of dynamics of cultural differences, expansion of cultural knowledge and adaptation of services to meet culturally unique needs.

**"Ethnic minority"** or **"racial/ethnic groups"** means, for the purposes of this chapter, any of the following general population groups:

- (1) African American;
- (2) An American Indian or Alaskan native, which includes:
  - (a) A person who is a member or considered to be a member in a federally recognized tribe;
  - (b) A person determined eligible to be found Indian by the secretary of interior, and
  - (c) An Eskimo, Aleut, or other Alaskan native.
- (d) A Canadian Indian, meaning a person of a treaty tribe, Metis community, or nonstatus Indian community from Canada.
- (e) An unenrolled Indian meaning a person considered Indian by a federally or nonfederally recognized Indian tribe or off reservation Indian/Alaskan native community organization.
- (3) Asian/Pacific Islander; or
- (4) Hispanic.

**"Medical necessity"** or **"medically necessary"** - A term for describing a requested service which is reasonably calculated to prevent, diagnose, correct, cure, alleviate or prevent the worsening of conditions in the recipient that endanger life, or cause suffering or pain, or result in illness or infirmity, or threaten to cause or aggravate a handicap, or cause or physical deformity or malfunction, and there is no other equally effective, more conservative or substantially less costly course of treatment available or suitable for the person requesting service. For the purpose of this chapter "course of treatment" may include mere observation or, where appropriate, no treatment at all.

**"Mental health division"** means the mental health division of the Washington state department of social and health services (DSHS). DSHS has designated the mental health division as the state mental health authority to administer the

state and Medicaid funded mental health program authorized by chapters 71.05, 71.24, and 71.34 RCW.

**"Mental health professional"** means:

(1) A psychiatrist, psychologist, psychiatric nurse or social worker as defined in chapters 71.05 and 71.34 RCW;

(2) A person with a masters degree or further advanced degree in counseling or one of the social sciences from an accredited college or university. Such person shall have, in addition, at least two years of experience in direct treatment of persons with mental illness or emotional disturbance, such experience gained under the supervision of a mental health professional;

(3) A person who meets the waiver criteria of RCW 71.24.260, which was granted prior to 1986;

(4) A person who had an approved waiver to perform the duties of a mental health profession that was requested by the regional support network and granted by the mental health division prior to July 1, 2001; or

(5) A person who has been granted a time-limited exception of the minimum requirements of a mental health professional by the mental health division consistent with WAC ((388-865-265)) 388-865-0265 [388-865-0265].

**"Mental health specialist"** means:

(1) A **"child mental health specialist"** is defined as a mental health professional with the following education and experience:

(a) A minimum of one hundred actual hours (not quarter or semester hours) of special training in child development and the treatment of children and youth with serious emotional disturbance and their families; and

(b) The equivalent of one year of full-time experience in the treatment of seriously emotionally disturbed children and youth and their families under the supervision of a child mental health specialist.

(2) A **"geriatric mental health specialist"** is defined as a mental health professional who has the following education and experience:

(a) A minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to the mental health problems and treatment of persons sixty years of age or older; and

(b) The equivalent of one year of full-time experience in the treatment of persons sixty years of age or older, under the supervision of a geriatric mental health specialist.

(3) An **"ethnic minority mental health specialist"** is defined as a mental health professional who has demonstrated cultural competence attained through major commitment, ongoing training, experience and/or specialization in serving ethnic minorities, including evidence of one year of service specializing in serving the ethnic minority group under the supervision of an ethnic minority mental health specialist; and

(a) Evidence of support from the ethnic minority community attesting to the person's commitment to that community; or

(b) A minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to ethnic minority issues and treatment of ethnic minority consumers.

(4) A **"disability mental health specialist"** is defined as a mental health professional with special expertise in work-

ing with an identified disability group. For purposes of this chapter only, "**disabled**" means an individual with a disability other than a mental illness, including a developmental disability, serious physical handicap, or sensory impairment.

(a) If the consumer is deaf, the specialist must be a mental health professional with:

(i) Knowledge about the deaf culture and psychosocial problems faced by people who are deaf; and

(ii) Ability to communicate fluently in the preferred language system of the consumer.

(b) The specialist for consumers with developmental disabilities must be a mental health professional who:

(i) Has at least one year's experience working with people with developmental disabilities; or

(ii) Is a developmental disabilities professional as defined in RCW 71.05.020.

"**Older person**" means an adult who is sixty years of age or older.

"**Regional Support Network (RSN)**" means a county, a combination of counties, or a private non-profit entity that administers and provides publicly funded mental health services for a designated geographic area within the state.

"**Service recipient**" means for the purposes of a mental health prepaid health plan, a consumer eligible for the Title XIX Medicaid program.

"**Substantial hardship**" means that a consumer will not be billed for emergency involuntary treatment if he or she meets the eligibility standards of the psychiatric indigent inpatient program that is administered by the DSHS economic services administration.

"**Supervision**" means monitoring of the administrative, clinical, or clerical work performance of staff, students, volunteers, or contracted employees by persons with the authority to give direction and require change.

"**Underserved**" means consumers who are:

- (1) Minorities;
- (2) Children;
- (3) Older adults;
- (4) Disabled; or
- (5) Low-income persons.

**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 WSR 01-12-047, filed 5/31/01, effective 7/1/01)

**WAC 388-865-0205 Initial certification of a regional support network.** ~~((A regional support network is a county authority or group of county authorities that have a joint operating agreement))~~ An entity is initially certified if it is selected to be a regional support network for a designated geographic area through a Request for Proposal process. In order to gain certification as a regional support network under circumstances other than through a Request for Proposal, ~~((a county or group of counties))~~ an entity must submit to the department:

(1) A statement of intent to become a regional support network;

(2) ~~((Documentation that the total population in the county or group of counties is not less than forty thousand;~~

~~(3) A joint operating agreement if the proposed regional support network is more than one county or includes a tribal authority. The agreement must include the following:~~

~~(a) Identification of a single authority with final responsibility for all available resources and performance of the contract with the department consistent with chapters 71.05, 71.24, and 71.34 RCW;~~

~~(b) Assignment of all responsibilities required by RCW 71.24.300; and~~

~~(c) Participation of tribal authorities in the agreement at the request of the tribal authorities.~~

~~(d)) A preliminary operating plan ((completed according to)) which meets departmental guidelines and complies with the requirements of RCW 71.24.045 and 71.24.300.~~

(3) If the entity proposes to serve more than one county or the designated geographic area includes a tribal authority, the entity must also include a joint operating agreement that includes the following:

(a) Identification of a single authority with final responsibility for all available resources and performance of the contract with the department consistent with chapters 71.05, 71.24, and 71.34 RCW;

(b) Assignment of all responsibilities required by RCW 71.24.300; and

(c) Participation of tribal authorities in the agreement at the request of the tribal authorities.

(4) Within thirty days of the submission the department will provide a written response either:

(a) Certifying the regional support network; or

(b) Denying certification because the requirements are not met.

AMENDATORY SECTION (Amending WSR 01-12-047, filed 5/31/01, effective 7/1/01)

**WAC 388-865-0245 Administration of the Involuntary Treatment Act.** The regional support network must establish policies and procedures for administration of the involuntary treatment program, including investigation, detention, transportation, court related and other services required by chapters 71.05 and 71.34 RCW. This includes:

(1) Designating mental health professionals to perform the duties of involuntary investigation and detention in accordance with the requirements of chapters 71.05 and 71.34 RCW.

(2) Documenting consumer compliance with the conditions of less restrictive alternative court orders by:

(a) Ensuring periodic evaluation of each committed consumer for release from or continuation of an involuntary treatment order. Evaluations must be recorded in the clinical record, and must occur at least monthly for ninety and one hundred eighty-day commitments.

(b) Notifying the ~~((county))~~ designated mental health professional if noncompliance with the less restrictive order impairs the individual sufficiently to warrant detention or evaluation for detention and petitioning for revocation of the less restrictive alternative court order.

(3) Ensuring that when a peace officer or ~~((county))~~ designated mental health professional escorts a consumer to a facility, the ~~((county))~~ designated mental health professional

must take reasonable precautions to safeguard the consumer's property including:

- (a) Safeguarding the consumer's property in the immediate vicinity of the point of apprehension;
- (b) Safeguarding belongings not in the immediate vicinity if there may be possible danger to those belongings;
- (c) Taking reasonable precautions to lock and otherwise secure the consumer's home or other property as soon as possible after the consumer's initial detention.

**AMENDATORY SECTION** (Amending WSR 01-12-047, filed 5/31/01, effective 7/1/01)

**WAC 388-865-0275 Management information system.** The regional support network must be able to demonstrate that it collects and manages information that shows the effectiveness and cost effectiveness of mental health services. The regional support network must:

- (1) Operate an information system and ensure that information about consumers who receive publicly funded mental health services is reported to the state mental health information system according to mental health division guidelines.
- (2) Ensure that the information reported is:
  - (a) Sufficient to produce accurate regional support network reports; and
  - (b) Adequate to locate case managers in the event that a consumer requires treatment by a service provider that would not normally have access to treatment information about the consumer.
- (3) Ensure that information about consumers is shared or released between service providers only in compliance with state statutes (see chapters 70.02, 71.05, and 71.34 RCW) and this chapter. Information about consumers and their individualized crisis plans must be available:
  - (a) Twenty-four hours a day, seven days a week to ((~~county~~))designated mental health professionals and inpatient evaluation and treatment facilities, as consistent with confidentiality statutes; and
  - (b) To the state and regional support network staff as required for management information and program review.
- (4) Maintain on file a statement signed by regional support network, county or service provider staff having access to the mental health information systems acknowledging that they understand the rules on confidentiality and will follow the rules.
- (5) Take appropriate action if a subcontractor or regional support network employee willfully releases confidential information, as required by chapter 71.05 RCW.

**AMENDATORY SECTION** (Amending WSR 05-14-082, filed 6/30/05, effective 7/31/05)

**WAC 388-865-0430 Clinical record.** The community support service provider must maintain a clinical record for each consumer and safeguard the record against loss, defacement, tampering, or use by unauthorized persons. The clinical record must contain:

- (1) An intake evaluation;
- (2) Evidence that the consumer rights statement was provided to the consumer;

(3) A copy of any advance directives, powers of attorney or letters of guardianship provided by the consumer;

(4) The crisis treatment plan when appropriate;

(5) The individualized service plan and all changes in the plan;

(6) Documentation that services are provided by or under the clinical supervision of a mental health professional;

(7) Documentation that services are provided by, or under the clinical supervision, or the clinical consultation of a mental health specialist. Consultation must occur within thirty days of admission and periodically thereafter as specified by the mental health specialist;

(8) Periodic documentation of the course of treatment and objective progress toward established goals for rehabilitation, recovery and reintegration into the mainstream of social, employment and educational choices;

(9) A notation of extraordinary events affecting the consumer;

(10) Documentation of mandatory reporting of abuse, neglect, or exploitation of consumers consistent with chapters 26.44 and 74.34 RCW;

(11) Documentation that the department of corrections was notified by the provider when a consumer on an less restrictive alternative or department of corrections order mental health treatment informs them that they are under supervision by department of corrections. Notification can be either written or oral. If oral notification, it must be confirmed by a written notice, including e-mail and fax. The disclosure to department of corrections does not require the person's consent;

(12) If the consumer has been given relief by the committing court it must be confirmed in writing;

(13) When the mental health provider becomes aware of a violation that relates to public safety of court ordered treatment of a consumer who is both in a less restrictive alternative and is being supervised by the department of corrections, documentation that an evaluation by a ((~~county~~)) designated mental health professional was requested;

(14) Documentation of informed consent to treatment and medications by the consumer or legally responsible other;

(15) Documentation of confidential information that has been released without the consent of the consumer including, but not limited to provisions in RCW 70.02.050, 71.05.390 and 71.05.630.

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

**AMENDATORY SECTION** (Amending WSR 01-12-047, filed 5/31/01, effective 7/1/01)

**WAC 388-865-0440 Availability of consumer information.** (1) Consumer individualized crisis plans as provided by the consumer must be available twenty-four hours a day, seven days a week to ((~~county~~))designated mental health professionals, crisis teams, and voluntary and involuntary inpatient evaluation and treatment facilities, as consistent with confidentiality statutes; and

(2) Consumer information must be available to the state and regional support network staff as required for management information, quality management and program review.

AMENDATORY SECTION (Amending WSR 01-12-047, filed 5/31/01, effective 7/1/01)

**WAC 388-865-0452 Emergency crisis intervention services—Additional standards.** The community support service provider that is licensed for emergency crisis intervention services must assure that required general minimum standards for community support services are met, plus the additional minimum requirements:

(1) Availability of staff to respond to crises twenty-four hours a day, seven days a week, including:

(a) Bringing services to the person in crisis when clinically indicated;

(b) Requiring that staff remain with the consumer in crisis to stabilize and support him/her until the crisis is resolved or a referral to another service is accomplished;

(c) Resolving the crisis in the least restrictive manner possible;

(d) A process to include family members, significant others, and other relevant treatment providers as necessary to provide support to the person in crisis; and

(e) Written procedures for managing assaultive and/or self-injurious patient behavior.

(2) Crisis telephone screening;

(3) Mobile outreach and stabilization services with trained staff available to provide in-home or in-community stabilization services, including flexible supports to the person where he/she lives.

(4) Provide access to necessary services including:

(a) Medical services, which means at least emergency services, preliminary screening for organic disorders, pre-scriptive services, and medication administration;

(b) Interpretive services to enable staff to communicate with consumers who have limited ability to communicate in English, or have sensory disabilities;

(c) Mental health specialists for children, elderly, ethnic minorities or consumers who are deaf or developmentally disabled;

(d) Voluntary and involuntary inpatient evaluation and treatment services, including a written protocol to assure that consumers who require involuntary inpatient services are transported in a safe and timely manner;

(e) Investigation and detention to involuntary services under chapter 71.05 RCW for adults and chapter 71.34 RCW for children who are thirteen years of age or older, including written protocols for contacting the ((county)) designated mental health professional.

(5) Document all telephone and face-to-face crisis response contacts, including:

(a) Source of referral;

(b) Nature of crisis;

(c) Time elapsed from the initial contact to face-to-face response; and

(d) Outcomes, including basis for decision not to respond in person, follow-up contacts made, and referrals made.

(6) The provider must have a written protocol for referring consumers to a voluntary or involuntary inpatient evaluation and treatment facility for admission on a seven-day-a-week, twenty-four-hour-a-day basis, including arrangements for contacting the ((county)) designated mental health professional and transporting consumers.

AMENDATORY SECTION (Amending WSR 01-12-047, filed 5/31/01, effective 7/1/01)

**WAC 388-865-0466 Community support outpatient certification—Additional standards.** In order to provide services to consumers on a less restrictive alternative court order, providers must be licensed to provide the psychiatric and medical service component of community support services and be certified by the mental health division to provide involuntary treatment services consistent with WAC 388-865-0484. In addition, the provider must:

(1) Document in the consumer clinical record and otherwise ensure:

(a) Detained and committed consumers are advised of their rights under chapter 71.05 or 71.34 RCW and as follows:

(i) To receive adequate care and individualized treatment;

(ii) To make an informed decision regarding the use of antipsychotic medication and to refuse medication beginning twenty-four hours before any court proceeding that the consumer has the right to attend;

(iii) To maintain the right to be presumed competent and not lose any civil rights as a consequence of receiving evaluation and treatment for a mental disorder;

(iv) Of access to attorneys, courts, and other legal redress;

(v) To have the right to be told statements the consumer makes may be used in the involuntary proceedings; and

(vi) To have the right to have all information and records compiled, obtained, or maintained in the course of treatment kept confidential as defined in chapters 71.05 and 71.34 RCW.

(b) A copy of the less restrictive alternative court order and any subsequent modifications are included in the clinical record;

(c) Development and implementation of an individual service plan which addresses the conditions of the less restrictive alternative court order and a plan for transition to voluntary treatment;

(d) That the consumer receives psychiatric treatment including medication management for the assessment and prescription of psychotropic medications appropriate to the needs of the consumer. Such services must be provided:

(i) At least weekly during the fourteen-day period;

(ii) Monthly during the ninety-day and one-hundred eighty day periods of involuntary treatment unless the attending physician determines another schedule is more appropriate, and they record the new schedule and the reasons for it in the consumer's clinical record.

(2) Maintain written procedures for managing assaultive and/or self-destructive patient behavior, and provide training to staff in these interventions;

(3) Have a written protocol for referring consumers to an inpatient evaluation and treatment facility for admission on a seven-day-a-week, twenty-four-hour-a-day basis;

(4) For consumers who require involuntary detention the protocol must also include procedures for:

(a) Contacting the ((county)) designated mental health professional regarding revocations and extension of less restrictive alternatives, and

(b) Transporting consumers.

AMENDATORY SECTION (Amending WSR 01-12-047, filed 5/31/01, effective 7/1/01)

**WAC 388-865-0468 Emergency crisis intervention services certification—Additional standards.** In order to provide emergency services to a consumer who may need to be detained or who has been detained, the service provider must be licensed for emergency crisis intervention services and be certified by the mental health division to provide involuntary treatment services consistent with WAC 388-865-0484. In addition, the provider must:

(1) Be available seven-days-a-week, twenty-four-hours-per-day;

(2) Follow a written protocol for holding a consumer and contacting the ((county)) designated mental health professional;

(3) Provide or have access to necessary medical services;

(4) Have a written agreement with a certified inpatient evaluation and treatment facility for admission on a seven day a week, twenty four hour per day basis; and

(5) Follow a written protocol for transporting individuals to inpatient evaluation and treatment facilities.

AMENDATORY SECTION (Amending WSR 04-07-014, filed 3/4/04, effective 4/4/04)

**WAC 388-865-0575 Special considerations for serving children.** Inpatient evaluation and treatment facilities serving children must develop policies and procedures to address special considerations for serving children, including:

(1) Adults must be separated from children who are not yet thirteen years of age;

(2) Children who have had their thirteenth birthday, but are under the age of eighteen, may be served with adults only if the child's clinical record contains a professional judgment saying that placement in an adult facility will not be harmful to the child or adult.

(3) Examination and evaluation by a children's mental health specialist within twenty-four hours of admission.

(4) Provisions for evaluation of children brought to the facility for evaluation by their parents.

(5) Procedures to notify child protective services any time the facility has reasonable cause to believe that abuse, neglect, financial exploitation or abandonment of a child has occurred.

(6) For a child thirteen years or older who is brought to an inpatient evaluation and treatment facility or hospital for immediate mental health services, the professional person in charge of the facility must evaluate the child's mental condition, determine a mental disorder, need for inpatient treat-

ment, and willingness to obtain voluntary treatment. The facility may detain or arrange for the detention of the child up to twelve hours for evaluation by a ((county)) designated mental health professional to commence detention proceedings.

(7) Admission of children thirteen years or older admitted without parental consent must have concurrence of the professional person in charge of the facility and written review and documentation no less than every one hundred eighty days.

(8) Notice must be provided to parents when a child is voluntarily admitted to inpatient treatment without parental consent within twenty four hours of admission in accordance with the requirements of RCW 71.34.044.

(9) Children who have been admitted on the basis of a ((county)) designated mental health professional petition for detention must be evaluated by the facility providing seventy two hour evaluation and treatment to determine the child's condition and either admit or release the child. If the child is not approved for admission, the facility must make recommendations and referral for further care and treatment as necessary.

(10) Examination and evaluation of a child approved for inpatient admission to include:

(a) The needs to be served by placement in a chemical dependency facility;

(b) Restricting the right to associate or communicate with parents; and

(c) Advising the child of rights in accordance with chapter 71.34 RCW.

(11) Petition for fourteen-day commitment in accordance with the requirements of RCW 71.34.070.

(12) Commitment hearing requirements and release from further inpatient treatment which may be subject to reasonable conditions if appropriate in accordance with RCW 71.34.080.

(13) Discharge and conditional release of a child in accordance with RCW 71.34.120, provided that the professional person in charge gives the court written notice of the release within three days of the release. If the child is on a one hundred eighty-day commitment, the children's long-term inpatient program administrator must also be notified.

(14) Rights of children undergoing treatment and posting of such rights must be in accordance with RCW 71.34.160, 71.34.162, and 71.34.290.

(15) Release of a child who is not accepted for admission or who is released by an inpatient evaluation and treatment facility in accordance with RCW 71.34.170.

(16) Information concerning treatment of children and all information obtained through treatment under this chapter may be disclosed only in accordance with RCW 71.34.200.

(17) Availability of court records and files in accordance with RCW 71.34.210.

(18) Mental health services information must only be released in accordance with RCW 71.34.225 and other applicable state and federal statutes.

**WSR 06-13-005**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed June 8, 2006, 11:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-09-055.

Title of Rule and Other Identifying Information: WAC 392-121-200 through 392-121-299, Finance—General apportionment—Certificated instructional staff.

Hearing Location(s): Old Capitol Building, 600 South Washington Street, P.O. Box 47200, Olympia, WA 98504-7200, on July 25, 2006, at 9:00 a.m.

Date of Intended Adoption: August 4, 2006.

Submit Written Comments to: Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201.

Assistance for Persons with Disabilities: Contact Sheila Emery, TTY (360) 664-3631 or (360) 725-6271.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These WAC updates are a result of legislation in 2005 which changed the governance of K-12 education and realigned the powers and duties of the state board of education and the professional educator standards board. References in the finance rules concerning the certification and continuing education of certificated instructional staff are updated from Title 180 WAC under the state board of education to Title 181 WAC under the professional educator standards board.

Other "housekeeping" updates include:

- Replacing the term "vocational" with the term "vocational/career and technical education" to acknowledge the new terminology (career and technical education) while still referencing the old terminology (vocational) that is still used in a number of state documents and references.

- Clarification of the definition of "certificated employee" to include superintendents, deputy superintendents, and assistant superintendents, whether or not they hold a professional education certificate issued by the superintendent of public instruction.

- Clarification of the requirement that, for state reporting purposes, documentation of college/academic credits completed in a country other than the United States must include a written statement of credit equivalency from a foreign credentials' evaluation agency approved by the office of superintendent of public instruction.

Statutory Authority for Adoption: RCW 28A.150.290

(1).

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

Name of Proponent: Office of superintendent of public instruction, governmental.

Name of Agency Personnel Responsible for Drafting: Charlie Schreck, Office of Superintendent of Public Instruction, (360) 725-6136; Implementation: Ross Bunda, Office of Superintendent of Public Instruction, (360) 725-6308; and Enforcement: Jennifer Priddy, Office of Superintendent of Public Instruction, (360) 725-6292.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable - no small business impact.

A cost-benefit analysis is not required under RCW 34.05.328. The superintendent of public instruction is not subject to RCW 34.05.328 per subsection (5)(a)(i). Additionally, this rule is not a significant legislative rule per subsection (5)(c)(iii).

June 2, 2006

Marty Daybell

for Dr. Terry Bergeson

Superintendent

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

**WAC 392-121-200 Definition—Certificated employee.** As used in this chapter, "certificated employee" means:

(1) A person who holds a professional education certificate issued by the superintendent of public instruction and who is employed by a school district in a position for which such certificate is required by statute, rule of the ((state board of education)) professional educator standards board, or written policy or practice of the employing school district; or

(2) A superintendent or a person hired to fill a position designated as, or which is, in fact, deputy superintendent or assistant superintendent.

AMENDATORY SECTION (Amending WSR 94-01-190, filed 12/22/93, effective 1/22/94)

**WAC 392-121-249 Definition—Regionally accredited institution of higher education.** As used in this chapter, "regionally accredited institution of higher education" means the same as defined in WAC ((480-78-010(6))) 181-78A-010(6).

AMENDATORY SECTION (Amending WSR 94-01-190, filed 12/22/93, effective 1/22/94)

**WAC 392-121-250 Definition—Highest degree level.** As used in this chapter, the term "highest degree level" means:

(1) The highest degree earned by the employee from a regionally accredited institution of higher education;

(2) "Nondegreed" for a certificated instructional employee who holds no bachelor's or higher level degree; or

(3) "Nondegreed" for a certificated instructional employee who holds a valid vocational/career and technical education certificate acquired as the result of industrial experience rather than college training, and who has a degree earned from a regionally accredited institution of higher education prior to the issue of the initial vocational/career and technical education certificate, which is incidental to or not related to the vocational/career and technical education certificate.

AMENDATORY SECTION (Amending WSR 02-22-065, filed 11/1/02, effective 12/2/02)

**WAC 392-121-257 Definition—In-service credits.** As used in this chapter, "in-service credits" means credits determined as follows:

- (1) Credits are earned:
  - (a) After August 31, 1987; and
  - (b) After the awarding or conferring of the employee's first bachelor's degree.
- (2) Credits are earned on or before October 1 of the year for which allocations are being calculated pursuant to this chapter.
- (3) Credits are earned in either:
  - (a) A locally approved in-service training program which means a program approved by a school district board of directors, and meeting standards adopted by the (~~state board of education~~) professional educator standards board pursuant to the standards in WAC (~~(180-85-200)~~) 181-85-200 and the development of which has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040; or
  - (b) A state approved continuing education program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the (~~state board of education~~) professional educator standards board pursuant to chapter (~~(180-85)~~) 181-85 WAC.
- (4) Credits are not earned for the purpose of satisfying the requirements of the employee's next highest degree.
- (5) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262.
- (6) Credits are not counted as academic credits pursuant to WAC 392-121-255 or nondegree credits pursuant to WAC 392-121-259.
- (7) Ten locally approved in-service or state approved continuing education credit hours defined in WAC (~~(180-85-030)~~) 181-85-030 equal one in-service credit.
- (8) Each forty hours of participation in an approved internship with a business, industry, or government agency pursuant to chapter (~~(180-83)~~) 181-83 WAC equals one in-service credit.
  - (a) No more than two in-service credits may be earned as a result of an internship during any calendar-year period.
  - (b) Each individual is limited to a maximum of fifteen in-service credits earned from internships.
- (9) Accumulate credits rounded to one decimal place.

AMENDATORY SECTION (Amending WSR 02-22-065, filed 11/1/02, effective 12/2/02)

**WAC 392-121-259 Definition—Nondegree credits.** As used in this chapter, "nondegree credits" means credits recognized for nondegree certificated instructional employees as follows:

- (1) Zero credits shall be recognized for persons holding a valid certificate other than a certificate included in subsection (2) or (3) of this section.
- (2) Thirty credits shall be recognized for persons holding a valid continuing or standard school nurse certificate.

(3) Persons holding valid vocational/career and technical education certificates as provided for in chapter (~~(180-77)~~) 181-77 WAC shall accumulate recognized credits as follows:

- (a) One credit for each one hundred clock hours of occupational experience as defined in WAC (~~(180-77-003(7))~~) 181-77-003(7) such that each calendar year is limited to a maximum of twenty credits. Clock hours of occupational experience used in determining nondegree credits must be earned after meeting the minimum vocational/career and technical education certification requirements as established in WAC (~~(180-77-041)~~) 181-77-041 (1)(a).
- (b) One credit for each ten clock hours of vocational/career and technical education educator training meeting the requirements of WAC (~~(180-77-003)~~) 181-77-003 (2), (9), or (12). Clock hours of vocational/career and technical education educator training used in determining nondegree credits must be earned after meeting the minimum vocational/career and technical education certification requirements as established in WAC (~~(180-77-041)~~) 181-77-041 (1)(b) and (c).
- (4) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262.
- (5) Accumulate credits rounded to one decimal place.

AMENDATORY SECTION (Amending Order 95-09, filed 10/18/95, effective 11/18/95)

**WAC 392-121-261 Definition—Total eligible credits.** As used in this chapter, "total eligible credits" means the total number of credits determined as follows:

- (1) For an employee whose highest degree is a bachelor's degree, sum:
  - (a) Academic and in-service credits; and
  - (b) Nondegree credits, determined pursuant to WAC 392-121-259 and reported on Report S-275 prior to the awarding of the bachelor's degree for vocational/career and technical education instructors who obtain a bachelor's degree while employed in the state of Washington as a non-degreeed vocational/career and technical education instructor.
- (2) For an employee whose highest degree is a master's degree, sum:
  - (a) Academic and in-service credits in excess of forty-five earned after the awarding or conferring of the bachelor's degree and prior to the awarding or conferring of the master's degree; and
  - (b) Academic and in-service credits earned after the awarding or conferring of the master's degree.
- (3) For a nondegree employee sum only nondegree credits.

AMENDATORY SECTION (Amending WSR 05-22-008, filed 10/20/05, effective 1/1/06)

**WAC 392-121-262 Definition—Additional criteria for all credits.** Credits earned after September 1, 1995, must satisfy the following criteria in addition to those found in WAC 392-121-255, 392-121-257, and 392-121-259:

- (1) At the time credits are recognized by the school district the content of the course must meet at least one of the following:



(a) It is consistent with a school-based plan for mastery of student learning goals as referenced in RCW 28A.655.110, the annual school performance report, for the school in which the individual is assigned;

(b) It pertains to the individual's current assignment or expected assignment for the following school year;

(c) It is necessary for obtaining endorsement as prescribed by the Washington professional educator standards board;

(d) It is specifically required for obtaining advanced levels of certification;

(e) It is included in a college or university degree program that pertains to the individual's current assignment or potential future assignment as a certificated instructional staff; or

(f) It addresses research-based assessment and instructional strategies for students with dyslexia, dysgraphia, and language disabilities when addressing learning goal one under RCW 28A.150.210, as applicable and appropriate for individual certificated instructional staff;

(2) Credits which have been determined to meet one or more of the criteria in subsection (1) of this section shall continue to be recognized in subsequent school years and by subsequent school district employers; and

(3) Credits not recognized in a school year may be recognized in a subsequent school year if there is a change in the qualifying criteria such as a change in ~~((state board of education))~~ professional educator standards board rules, a change in the district's strategic plan, a change in the school-based plan for the school in which the individual is assigned, a change in the individual's assignment, or a change in the individual's employer.

**AMENDATORY SECTION** (Amending WSR 02-22-065, filed 11/1/02, effective 12/2/02)

**WAC 392-121-264 Definition—Certificated years of experience.** Regardless of the experience factors used by a school district for the purposes of its salary schedule(s), as used in this chapter, the term "certificated years of experience" means the number of years of accumulated full-time and part-time professional education employment prior to the current reporting school year in the state of Washington, out-of-state, and a foreign country. School districts shall report all certificated years of experience including those beyond the experience limit of the school district's salary schedule.

(1) Professional education employment shall be limited to the following:

(a) Employment in public or private preschools or elementary and secondary schools in positions which require certification where:

(i) Schools include the Centrum education program, the Pacific Science Center education program, and educational centers authorized under chapter 28A.205 RCW;

(ii) Certification means the concurrent public professional education licensing requirements established in the state, province, country, or other governmental unit in which employment occurred and which, for the state of Washington, refers to the certificates authorized by WAC ~~((180-79A-~~

~~140))~~ 181-79A-140 and temporary permits authorized by WAC ~~((180-79A-128))~~ 181-79A-128;

(b) Employment in public or private vocational-technical schools, technical colleges, community/junior colleges, colleges, and universities in positions comparable to those which require certification in Washington school districts;

(c) Employment in a governmental educational agency with regional administrative responsibilities for preschool, elementary, and/or secondary education including but not limited to an educational service district, office of the superintendent of public instruction, or United States department of education in any professional position including but not limited to C.P.A., architect, business manager, or physician;

(d) Experience in the following areas:

(i) Military, Peace Corps, or Vista service which interrupted professional education employment included in (a), (b), or (c) of this subsection; and

(ii) Sabbatical leave.

(e) For nondegreed vocational/career and technical education instructors, up to a maximum of six years of management experience as defined in WAC ~~((180-77-003))~~ 181-77-003 acquired after the instructor meets the minimum vocational/career and technical education certification requirements established in WAC ~~((180-77-044))~~ 181-77-041 (1)(a). If a degree is obtained while employed in the state of Washington as a nondegreed vocational/career and technical education instructor, the eligible years of management experience pursuant to this subsection reported on Report S-275 prior to the awarding of the degree shall continue to be reported but shall not increase.

(2) Years of full-time and part-time professional education employment prior to the current reporting school year are accumulated as follows:

(a) For each professional education employment which is not employment as a casual substitute pursuant to subsection (1)(a) of this section;

(i) Determine the total number of hours per year for an employee working full-time with each employer;

(ii) Determine the number of hours per year with each employer excluding unpaid leave;

(iii) Calculate the quotient of the hours determined in (a)(ii) of this subsection divided by the hours in (a)(i) of this subsection rounded to two decimal places for each year.

(b) For professional education employment as a casual substitute pursuant to subsection (1)(a) of this section:

(i) Determine the total number of full-time equivalent substitute days per year;

(ii) Calculate the quotient of full-time equivalent days determined in (b)(i) of this subsection divided by 180 rounded to two decimal places for each year.

(c) No more than 1.0 year may be accumulated in any traditional nine-month academic year or any twelve-month period.

(i) Accumulate, for each year, professional education employment calculated in (a)(iii) and (b)(ii) of this subsection.

(ii) Determine the smaller of the result in (c)(i) of this subsection or 1.00 for each year.

(d) Determine certificated years of experience as the accumulation of all years of professional education employ-

ment calculated in (c)(ii) of this subsection and report such years rounded to one decimal place.

AMENDATORY SECTION (Amending WSR 02-22-065, filed 11/1/02, effective 12/2/02)

**WAC 392-121-270 Placement of certificated instructional employees on LEAP salary allocation documents.**

Each certificated instructional employee shall be placed on LEAP salary allocation documents based on the employee's highest degree level, total eligible credits, and certificated years of experience each defined in this chapter provided that:

(1) If an employee holds more than one degree of the same level, additional credits shall be counted after the first degree.

(2) An employee whose highest degree is a bachelor's degree, whose total eligible credits are ninety or greater, and whose total eligible credits earned prior to January 1, 1992, were less than one hundred thirty-five shall be placed on the BA + 90 column.

(3) An employee whose highest degree level is nondegreed shall be placed on the BA columns except that such persons holding valid vocational/career and technical education certificates with one hundred thirty-five or more eligible credits shall be placed on the MA + 0 column.

(4) A vocational/career and technical education instructor who obtains a bachelor's degree while employed in the state of Washington as a nondegreed vocational/career and technical education instructor and for whom one hundred thirty-five or more eligible credits determined pursuant to WAC 392-121-259 were reported on Report S-275 prior to the awarding of that bachelor's degree shall continue to be placed on the MA + 0 column and shall not advance to any other column unless a master's degree is obtained.

(5) For placement on LEAP salary allocation documents, total eligible credits and certificated years of experience shall be rounded to the nearest whole number. One-half credit or year shall be rounded to the next highest credit or year.

AMENDATORY SECTION (Amending WSR 02-22-065, filed 11/1/02, effective 12/2/02)

**WAC 392-121-280 Placement on LEAP salary allocation documents—Documentation required.** School districts shall have documentation on file and available for review which substantiates each certificated instructional employee's placement on LEAP salary allocation documents. The minimum requirements are as follows:

(1) Districts shall document the date of awarding or conferring of the highest degree including the date upon which the degree was awarded or conferred as recorded on the diploma or transcript from the registrar of the regionally accredited institution of higher education.

(a) If the highest degree is a master's degree, the district shall also document the date of awarding or conferring of the first bachelor's degree.

(b) If the degree was awarded by an institution which does not confer degrees after each term, and all degree requirements were completed at a time other than the date recorded on the diploma or transcript, a written statement

from the registrar of the institution verifying a prior completion date shall be adequate documentation.

(c) If the degree program was completed in a country other than the United States documentation must include a written statement of degree equivalency for the appropriate degree from a foreign credentials' evaluation agency approved by the office of superintendent of public instruction.

(2) Districts shall document academic credits by having on file a transcript from the registrar of the regionally accredited institution of higher education granting the credits. For purposes of this subsection:

(a) An academic credit is deemed "earned" at the end of the term for which it appears on the transcript: Provided, That a written statement from the registrar of the institution verifying a prior earned date may establish the date a credit was earned;

(b) Washington state community college credits numbered one hundred and above are deemed transferable for purposes of WAC 392-121-255(4) subject to the limitations of that same subsection;

(c) Credits are not deemed "earned" at an institution of higher education which transfers-in credits. Such credits must be documented using a transcript from the initial granting institution and are subject to all the limitations of WAC 392-121-255; (~~and~~)

(d) If the credits were completed in a country other than the United States, documentation must include a written statement of credit equivalency for the appropriate credits from a foreign credentials' evaluation agency approved by the office of superintendent of public instruction; and

(e) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(3) Districts shall document in-service credits;

(a) By having on file a document meeting standards established in WAC (~~(180-85-107)~~) 181-85-107; and

(b) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(4) Districts shall document nondegree credits.

(a) For vocational/career and technical education educator training credits pursuant to WAC 392-121-259(3) districts shall have on file a document meeting standards established in WAC (~~(180-85-107)~~) 181-85-107 and evidence that the training was authorized pursuant to WAC (~~(180-77-003)~~) 181-77-003 (2), (9), or (12).

(b) For credits calculated from converted occupational experience pursuant to WAC 392-121-259(3) districts shall have on file documents which provide:

(i) Evidence that the occupational experience meets the requirements of WAC (~~(180-77-003(7))~~) 181-77-003(7);

(ii) Evidence of the individual's actual number of hours of employment for each year including dates of employment; and

(iii) The district calculation of converted credits pursuant to WAC 392-121-259(3).

(c) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(5) Districts shall document certificated years of experience as follows:

(a) For certificated years of experience obtained and reported on Report S-275 prior to the 1994-95 school year districts shall have on file documents that provide evidence of employment including dates of employment.

(b) For certificated years of experience reported on Report S-275 for the first time after the 1993-94 school year districts shall have on file:

(i) The total number of hours per year for an employee working full-time with each employer;

(ii) The number of hours per year and dates of employment with each employer excluding unpaid leave: Provided, That documentation of hours in excess of one full-time certificated year of experience in any twelve-month period is not required;

(iii) The quotient of the hours determined in (b)(ii) of this subsection divided by the hours in (b)(i) of this subsection rounded to two decimal places for each year;

(iv) The name and address of the employer;

(v) For those counting out-of-district experience pursuant to WAC 392-121-264 (1)(a), evidence whether or not the position required professional education certification pursuant to WAC 392-121-264 (1)(a)(ii);

(vi) For those counting experience pursuant to WAC 392-121-264 (1)(b), a brief description of the previous employment which documents the school district's decision that the position was comparable to one requiring certification in the Washington school districts;

(vii) For those counting management experience pursuant to WAC 392-121-264 (1)(e), evidence that the experience meets the requirements of WAC ~~((180-77-003(6)))~~ 181-77-003(6).

(6) Any documentation required by this section may be original or copies of the original: Provided, That each copy is subject to school district acceptance or rejection.

(7) The falsification or deliberate misrepresentation, including omission of a material fact concerning degrees, credits, or experience by an education practitioner as defined in WAC ~~((180-87-035))~~ 181-87-035 shall be deemed an act of unprofessional conduct pursuant to WAC ~~((180-87-050))~~ 181-87-050. In such an event the provisions of chapters ~~((180-86 and 180-87))~~ 181-86 and 181-87 WAC shall apply.

**WSR 06-13-016**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed June 12, 2006, 8:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-09-003.

Title of Rule and Other Identifying Information: Public records disclosure.

Hearing Location(s): Department of Licensing, Highways-Licenses Building, Room 108, 1125 Washington Street S.E., Olympia, WA 98504-8016, on July 25, 2006, at 10 a.m.

Date of Intended Adoption: July 26, 2006.

Submit Written Comments to: Walt Fahrner, 1125 Washington Street S.E., Olympia, WA 98504-8016, e-mail [wfahrner@dol.wa.gov](mailto:wfahrner@dol.wa.gov), fax (360) 753-7500, by July 24, 2006.

Assistance for Persons with Disabilities: Contact Dale R. Brown by July 21, 2006, TTY (360) 664-8885.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of these rules is to establish the procedures the department of licensing will follow in order to provide full access to public records.

Reasons Supporting Proposal: Model rules developed by the attorney general.

Statutory Authority for Adoption: RCW 42.17.250, 42.17.260, 46.01.110.

Statute Being Implemented: RCW 42.17.260.

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

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Walt Fahrner, 1125 Washington Street S.E., Olympia, WA, (360) 902-3640; Implementation and Enforcement: Hannah Fultz, 1125 Washington Street S.E., Olympia, WA, (360) 902-3625.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

A cost-benefit analysis is not required under RCW 34.05.328. The department of licensing is not one of the named agencies that must comply with this statute.

June 5, 2006

Walt Fahrner  
Administrator

AMENDATORY SECTION (Amending WSR 92-09-107, filed 4/20/92, effective 5/21/92)

**WAC 308-10-005 Authority and purpose.** ~~((The purpose of this chapter shall be to ensure compliance by the department of licensing with the provisions of RCW 42.17.250-42.17.320, dealing with public records.))~~ (1) RCW 42.17.260(1)/42.56.070(1) requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public record" to include any "writing containing information relating to the conduct of government or the performance

of any governmental or proprietary function prepared, owned, used, or retained" by the agency.

(2) The purpose of these rules is to establish the procedures the department of licensing will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the department of licensing and establish processes for both requestors and the department of licensing staff that are designed to best assist members of the public in obtaining such access.

(3) The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the department of licensing will be guided by the provisions of the act describing its purposes and interpretation.

AMENDATORY SECTION (Amending WSR 99-17-031, filed 8/11/99, effective 9/11/99)

**WAC 308-10-010 Definitions.** (1) The definitions set forth in RCW 42.17.020/42.56.010 shall apply to this chapter.

~~((2) The "department of licensing" is the agency created pursuant to chapter 46.01 RCW. The department of licensing shall hereinafter be referred to as the department. Where appropriate, the term department also refers to the staff and employees of the department of licensing.~~

~~(3) "Director" means the director of the department of licensing as appointed by the governor pursuant to RCW 46.01.090.~~

~~(4) "Raw data" means facts, symbols, or observations which have all of the following characteristics:~~

~~(a) They have not been processed, edited or interpreted.~~

~~(b) They are unevaluated and unorganized.~~

~~(c) The fact, symbol, or observation does not, of itself, impart meaning to a potential user or fulfill a recognized need.~~

~~(d) To be useable the fact, symbol, or observation must go through some transformation process.~~

~~(5) "Information" means raw data that are organized, evaluated and interpreted to impart meaning to potential users and fulfill a recognized need.~~

~~(6) "Listing (list)" means an item-by-item series of names, figures, words or numbers written or printed one after the other.~~

~~(7) "Tabulation" means the systematic arrangement of facts, statistics, and similar information, except the names of individuals, in column or table format.~~

~~(8) "Individual" means a natural person.~~

~~(9) "Commercial purpose" means using or intending to use information for the purpose of facilitating a profit expecting business activity.~~

~~(10) "Profession," when applied to department records, or the release of department record information, means any state regulated business, profession or occupation administered by the assistant director, business and professions division.)~~ (2) "Designee" is a department employee authorized

by the public records officer to receive and respond to a public records request.

(3) The "department of licensing" is the agency created pursuant to chapter 46.01 RCW. The department of licensing shall hereinafter be referred to as the department. Where appropriate, the term department also refers to the staff and employees of the department of licensing.

(4) "Director" means the director of the department of licensing as appointed by the governor pursuant to RCW 46.01.090.

(5) "Listing (list)" means an item-by-item series of names, figures, words or numbers written or printed one after the other.

(6) "Individual" means a natural person.

(7) "Commercial purpose" means using or intending to use information for the purpose of facilitating a profit expecting business activity.

(8) "Profession" when applied to department records, or the release of department record information, means any state regulated business, profession or occupation administered by the assistant director, business and professions division.

AMENDATORY SECTION (Amending WSR 96-05-036, filed 2/15/96, effective 3/17/96)

**WAC 308-10-020 Operations and procedures.** (1) The department is organized under a director, deputy director, chief financial officer, chief information officer and ~~((five))~~ three assistant directors. Each assistant director and officer is delegated authority to act in a specific functional area. The five major functional components are: Vehicle services, driver services, ~~((administrative services))~~ finance and administration division, information services, and business and professions division.

(2) The director of the department is appointed by the governor, with consent of the senate, and holds office at the pleasure of the governor.

(a) Subject to statutory limitations the director has complete charge of the department. The director may delegate any power or duty vested in the office to any assistant or subordinate, but remains responsible for the official acts of the officers and employees.

(b) By the specific powers of legislation and delegation the director is charged with the responsibility and authority to act and direct in the following areas:

(i) Efficiently administer the laws pertaining to licensing of vehicles, vehicle operators, professions, occupations, real estate, vessels, and businesses.

(ii) Adopt and enforce rules consistent with, and necessary to carry out, the provisions of existing laws.

(c) Each assistant director and officer reports directly to the deputy director, unless otherwise prescribed.

(d) Unless specifically delegated the director shall establish and maintain relationships with the state's executive offices, legislature, and other state agencies, other states and other states' agencies, agencies of the federal government, state and national associations, local and municipal governments, boards and commissions, and the press.

(e) The director shall have direct authority over matters pertaining to public information, research, and legal issues.

(3) The assistant director, vehicle services, has authority to act in the following areas:

(a) Administer laws pertaining to:

- (i) Vehicle and vessel licensing and excise tax programs;
- (ii) Fuel tax programs;
- (iii) Proration and reciprocity programs;
- (iv) Vehicle and vessel dealer, manufacturer licensing and inspection programs; and

(v) Miscellaneous vehicle licensing programs including: Transporters, wreckers, hulk haulers, abandoned vehicles, tow truck operators, scrap processors, snowmobile and ORV vehicle dealers.

(b) Adopt and enforce rules and standards to carry out the provisions of existing law.

(c) Administer the licensing functions of county auditors, and licensing agents who have been appointed to act on behalf of the department.

(4) The assistant director, driver services, has authority to act in the following areas:

(a) Administer the laws pertaining to driver licensing, financial responsibility, driver improvement, and examining;

(b) Adopt and enforce rules and standards to carry out the provisions of existing law; and

(c) Determine field office locations and initiate property acquisition.

(5) The assistant director, business and professions division, has authority to act in the following areas:

(a) Administer the laws in conjunction with appointed boards pertaining to the following professions, occupations, and businesses:

Appraisers  
 Architects  
~~((Athlete agents))~~  
 Auctioneers  
 Bail bonds ~~((agencies))~~  
~~((Barbers))~~ Boxing  
 Camping resorts  
 Cemeteries  
 Collection agencies  
 Cosmetologists  
~~((Debt adjusters~~  
~~Embalmers))~~ Court reporters  
 Employment agencies  
 Engineers  
~~((Estheticians))~~  
 Firearms ~~((dealers))~~  
 Funeral directors  
Geologists  
Land surveyors  
 Landscape architects  
~~((Manicurists))~~ Limousines  
Martial arts  
 Notaries public  
On-site wastewater treatment  
 Real estate ~~((brokers and salespersons))~~  
 Private investigators  
 Security guards  
~~((Court reporters))~~ Sellers of travel  
 Timeshares  
Vehicle for hire (includes taxis)

### Wrestling

#### Uniform commercial code (UCC)

(i) The assistant director of the business and professions division helps administer the laws in conjunction with appointed boards, who exercise administrative and regulatory functions. Those boards are as follows:

~~((Appraiser advisory committee))~~ Real Estate Appraiser Commission

Board of registration for architects ~~((registration board))~~

Board of funeral directors and embalmers

Cemetery licensing board

Collection agency board

Cosmetology, barbering, esthetics, and manicuring advisory ~~((committee))~~ board

Professional engineers (&) and land surveyors ~~((registration))~~ board

Landscape architect~~((s-examining))~~ board

Real estate commission

~~((Shorthand court reporters advisory committee))~~ On-site wastewater design advisory committee

Geologist licensing board

(ii) Correspondence to these boards should be directed to the program units for the boards.

(b) Adopt and enforce the rules, regulations and standards in conjunction with appointed boards to carry out the provisions of existing laws.

(c) Establish and maintain relationships with commissions, boards, societies, associations, and agencies both external and internal to this state in order to enhance the department's capability for recommending improvements in legislation, rules, or regulations relative to professions, occupations, or businesses.

(d) Administer the laws pertaining to Uniform Commercial Code, business licensing and registration.

(6) The ~~((assistant director, administrative services))~~ chief financial officer, finance and administration division, has authority to act in the following areas:

(a) Develop, promote, and direct department activities and programs which relate to:

- (i) Budget and management systems;
- (ii) Supply and equipment procurement;
- (iii) ~~((Forms and))~~ Records management;
- (iv) Fiscal and revenue accounting;
- (v) Contracts;
- (vi) Safety and risk management;
- (vii) Facilities;
- (viii) Mail operations;

(b) Organize, provide, and manage integrated staff services to best serve the overall interests of the department.

(7) The ~~((assistant director))~~ chief information officer, information services, has the authority to act in the following areas:

(a) Develop, promote, coordinate, and direct department activities which relate to the automated processing of data.

(b) Consult and work with other state agencies in structuring and phase-in of inter-agency related programs.

(c) Develop and implement a formal problem reporting system.

(8) The department conducts informal and formal proceedings in areas of its statutory authority as related in WAC 308-10-020. These proceedings are governed by chapters 34.05, 42.30 and 43.24 RCW, except that the denial, suspension, or revocation of drivers' licenses are not subject to provisions of chapter 34.05 RCW, the Administrative Procedure Act, other than those actions taken pursuant to chapter 46.29 RCW. The department has adopted rules in Title 308 WAC.

AMENDATORY SECTION (Amending WSR 96-05-036, filed 2/15/96, effective 3/17/96)

**WAC 308-10-025 Public records available.** All public records of the department are deemed to be available for public inspection and copying during ~~((customary office))~~ normal business hours pursuant to these rules, except as otherwise provided by chapters 42.17/42.56 and 46.12 RCW, WAC 308-10-050 and 308-93-087. For the purposes of this chapter, the normal business hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

AMENDATORY SECTION (Amending WSR 96-05-036, filed 2/15/96, effective 3/17/96)

**WAC 308-10-030 Public ~~((disclosure))~~ records officer.** The department's public ~~((disclosure))~~ records officer shall be designated by the director. The person so designated shall be located in the main administrative offices of the department. The public ~~((disclosure))~~ records officer shall be responsible for the following: The implementation of the department's rules regarding release of public records, coordinating the staff of the department in this regard, maintaining, keeping current, and publishing an index of all agency records and ensuring compliance with the public records disclosure act requirements.

AMENDATORY SECTION (Amending WSR 96-05-036, filed 2/15/96, effective 3/17/96)

**WAC 308-10-040 Requests for public records.** In accordance with requirements of chapter 42.17/42.56 RCW, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon ~~((a))~~ the department's public records request form ~~((prescribed by the department which shall be available at its administrative office. The form shall be presented to any member of the department staff designated by the responsible assistant director to receive requests, at the administrative office of the department during customary office hours))~~ or by letter, fax, or e-mail addressed to the public records officer or designee where the record is held. The request shall include the following information:

(a) The name and address of the person requesting the record.

(b) The calendar date on which the request is made.

(c) The nature of the request.

(d) A reference to the requested record as it is described in the current department record index.

Note: If the material is not identifiable by reference to the department's current index, an accurate description of the record is requested.

(e) The signature and other ~~((identifying information of the requester))~~ contact information including telephone number and any e-mail address.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

(3) Persons authorized by law to obtain lists of names of individuals from public records will be required to complete a statement agreeing not to release or use the information for commercial purposes.

(4) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to WAC 308-10-045, standard photocopies will be provided at fifteen cents per page.

(5) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm, in writing, receipt of the information and the substance of the request.

#### NEW SECTION

**WAC 308-10-041 Processing of public records requests—General.** (1) Providing "fullest assistance." The department is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) Acknowledging receipt of request. Within five business days of receipt of the request, the public records officer or designee will do one or more of the following:

(a) Make the records available for inspection or copying;

(b) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;

(c) Provide a reasonable estimate of when records will be available; or

(d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available; or

(e) Deny the request.

(3) Consequences of failure to respond. If the department does not respond in writing within five business days of receipt of the request for disclosure, the requestor should con-

sider contacting the public records officer or designee to determine the reason for the failure to respond.

(4) Protecting rights of others. In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(5) Inspection of records.

(a) Consistent with other demands, the department shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy.

(b) The requestor must claim or review the assembled records within thirty days of the department's notification to him or her that the records are available for inspection or copying. The department will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the department to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the department may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(6) Providing copies of records. After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

(7) Providing records in installments. When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set or records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(8) Completion of inspection. When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the department has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(9) Closing withdrawn or abandoned request. When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer or designee will close the request and indicate to the requestor that the department has closed the request.

(10) Later discovered documents. If, after the department has informed the requestor that it has provided all available records, the department becomes aware of additional responsive documents existing at the time of the request, it

will promptly inform the requestor of the additional documents and provide them on an expedited basis.

AMENDATORY SECTION (Amending WSR 99-09-045, filed 4/19/99, effective 5/20/99)

**WAC 308-10-045 ((Copying-)) Costs of providing copies of public records.** (1) No fee shall be charged for the inspection of public records. The department shall charge a fee in the amount necessary to reimburse the department for its actual costs incident to providing copies of public records. The schedule of charges is:

ITEM	FEE
Copies produced on copying and duplicating equipment	15 cents per page
Computer generated listing, magnetic tapes or labels	Cost of services
Microfilm copies	75 cents per page
Postal charges	May be added to any copy of a public record if applicable

(2) Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The department will not charge sales tax when it makes copies of public records.

(3) Payment may be made by check or money order to the department.

AMENDATORY SECTION (Amending WSR 97-17-009, filed 8/7/97, effective 9/13/97)

**WAC 308-10-050 Exemptions.** (1) The department may determine that a public record requested is exempt under the provisions of chapter 42.17/42.56 RCW ((42-17-310 or other law)). In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure.

(2) Under RCW 42.17.260/42.56.210, the department may delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17/42.56 RCW.

(3) The department will not release personal information, as defined in 18 USC 2725(3), from records pertaining to motor vehicle operator's licenses and permits, motor vehicle titles, motor vehicle registrations, and identification cards, unless the release both is considered a permissible use under 18 USC 2721 and is otherwise permitted by state law. In construing 18 USC 2721 (b)(2), the release of personal information for use in connection with matters of motor vehicle safety or driver safety shall be deemed to include the physical safety of persons as drivers, passengers or pedestrians and their motor vehicles or property.

(4) All denials of requests for public records will be accompanied by a written statement specifying the reason for the deletion or denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

(5) The department is prohibited by statute from disclosing lists of individuals for commercial purposes.

AMENDATORY SECTION (Amending WSR 92-09-107, filed 4/20/92, effective 5/21/92)

**WAC 308-10-055 Review of denials of public records ((requests)).** (1) ~~((Upon any denial of a request for a public record, the public disclosure officer or staff member who denied the record shall initiate a prompt review of the decision by referring the request and denial to the director of the department or designee. The director or designee shall immediately consider the matter and either affirm or reverse such denial or call a specific meeting of the department as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial.~~

~~(2) Administrative remedies shall not be considered exhausted until the department has returned the review of a denial with a decision or until the close of the second business day following denial of inspection, whichever occurs first.)~~ Petition for internal administrative review of denial of access. Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) Consideration of petition for review. The public records officer shall promptly provide the petition and any other relevant information to the manager of administration, finance and administration division. That person will immediately consider the petition and either affirm or reverse the denial within two business days following the department's receipt of the petition, or within such other time as the department and the requestor mutually agree to.

(3) Review by the attorney general's office. Pursuant to RCW 42.17.325/42.56.530, if the department denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) Judicial review. Any person may obtain court review of denials of public records requests pursuant to RCW 42.17.340/42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

AMENDATORY SECTION (Amending WSR 96-05-036, filed 2/15/96, effective 3/17/96)

**WAC 308-10-067 Public records indexing system.** (1) The department ~~((of licensing))~~ has implemented a system of

indexing for identification and location of the following records:

(a) All records issued before July 1, 1990, for which the ~~((agency))~~ department has maintained an index.

(b) Final orders from adjudicative proceedings as defined in RCW 34.05.010(1) entered after June 30, 1990, that contain an analysis or decision of substantial importance to the ~~((agency))~~ department in carrying out its duties.

(c) Declaratory orders entered after June 30, 1990, that contain an analysis or decision of substantial importance to the ~~((agency))~~ department in carrying out its duties.

(d) Interpretive statements entered after June 30, 1990.

(e) Policy statements entered after June 30, 1990.

(2) The department ~~((of licensing))~~ shall maintain a general index of all its records available to the public for inspection and copying, including those records mentioned above.

(3) The general index of public records will be maintained and updated ~~((yearly))~~ by the ~~((agency))~~ department. The index of records is available during regular business hours for public inspection at the ~~((agency's))~~ department's main office located at the Department of Licensing, 1125 Washington Street S.E., Olympia, Washington 98504. The public ~~((disclosure))~~ records officer is responsible for updating the general index ~~((yearly))~~.

AMENDATORY SECTION (Amending WSR 92-09-107, filed 4/20/92, effective 5/21/92)

**WAC 308-10-070 Communications with department.**

All written communications with the department pertaining to the administration or enforcement of chapter 42.17/~~42.56~~ RCW and these rules shall be addressed as follows: Department of Licensing, c/o Public ~~((Disclosure))~~ Records Officer, ~~((Office of Budget and Program Support))~~ Highways-Licenses Building, 1125 Washington Street S.E., Olympia, WA 98504-8001.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-10-035 Office hours.

**WSR 06-13-026**

**PROPOSED RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed June 13, 2006, 4:23 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-02-073.

Title of Rule and Other Identifying Information: Amendment of WAC 388-14A-3200 How does DCS determine my support obligation? and 388-14A-8100 Are there special rules for setting child support for children in foster care?, to clarify how the division of child support (DCS)



completes the Washington state child support schedule worksheets when administratively determining a child support obligation for a child in foster care. New sections WAC 388-14A-8125 How does DCS complete the WSCSS worksheets when setting the child support obligation for one parent of a child in foster care? and 388-14A-8130 How does DCS complete the WSCSS worksheets when setting a joint child support obligation when the parents of a child in foster care are married and residing together?

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane, behind Goodyear Tire. A map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6097), on July 25, 2006, at 10:00 a.m.

Date of Intended Adoption: Not earlier than July 26, 2006.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail [fernaax@dshs.wa.gov](mailto:fernaax@dshs.wa.gov), fax (360) 664-6185, by 5:00 p.m. on July 25, 2006.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by July 21, 2006, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at [schilse@dshs.wa.gov](mailto:schilse@dshs.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: DCS is amending existing rules to provide that, when setting a parent's support obligation for a child in foster care, DCS completes the WSCSS worksheets using that parent's income and the income of the child's other parent, even if the other parent is not a party to the administrative determination of support. DCS does not impute income for another parent when paternity has not been established or when the other parent is known but dead.

Reasons Supporting Proposal: Clarity of procedures for establishing support in foster care cases.

Statutory Authority for Adoption: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056.

Statute Being Implemented: RCW 74.20A.055.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Koptur, DCS HQ, P.O. Box 9162, Olympia, WA 98507-9162, (360) 664-5065.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not have an economic impact on small businesses. It only affects individuals who have support obligations or individuals who are owed child support.

A cost-benefit analysis is not required under RCW 34.05.328. The rule does meet the definition of a significant legislative rule but DSHS/DCS rules relating to the care of dependent children are exempt from preparing further analysis under RCW 34.05.328 (5)(b)(vii).

June 8, 2006

Andy Fernando, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00)

**WAC 388-14A-3200 How does DCS determine my support obligation?** (1) The division of child support (DCS) determines support obligations using the Washington state child support schedule (the WSCSS), which is found in chapter 26.19 RCW, for the establishment and modification of support orders.

(2) See WAC 388-14A-8100 for rules on completing the worksheets under the WSCSS for cases where DCS is determining support for a child in foster care.

AMENDATORY SECTION (Amending WSR 05-12-135, filed 6/1/05, effective 7/2/05)

**WAC 388-14A-8100 Are there special rules for setting child support for children in foster care?** (1) Child support obligations for children in foster care are set (~~(under)~~) according to the Washington state child support schedule (the WSCSS), found in chapter 26.19 RCW(~~(, just like any other support obligation)~~).

(2) When a child or children are placed in foster care, DCS may use the administrative process to set a support obligation:

(a) As a joint obligation for married parents who reside together;

(b) As two separate obligations for parents who do not reside together; or

(c) For just one parent, if:

(i) There is already a court or administrative order setting the support obligation of the other parent;

(ii) The other parent is dead; or

(iii) The other parent is unknown.

(3) When setting a support obligation for only one parent, DCS follows the procedure set out in WAC 388-14A-8125.

(4) When setting a joint support obligation for parents who are married and residing together, DCS follows the procedures set out in WAC 388-14A-8130.

#### NEW SECTION

**WAC 388-14A-8125 How does DCS complete the WSCSS worksheets when setting the child support obligation for one parent of a child in foster care?** (1) When the division of child support (DCS) is setting a support obligation for only one parent, DCS follows the steps set out in this section.

(2) The noncustodial parent (NCP) for whom DCS is setting support is called the party NCP, because that parent is a party to the administrative action.

(3) The parent for whom DCS is not setting support is called the non-party NCP, because that parent is not a party to the administrative action.

(4) DCS completes a Washington state child support schedule (WSCSS) worksheet using income information for both the party NCP and for the non-party NCP, instead of setting support based solely on the income of the party NCP.

(5) DCS uses the best available information regarding the income of both the party NCP and the non-party NCP, as provided in WAC 388-14A-3205.

(6) DCS does not include the income of a non-party NCP in the worksheets if:

- (a) Paternity has not been established for the child;
- (b) The non-party NCP's parental rights have been terminated; or
- (c) The non-party NCP is known but deceased.

(7) DCS determines the support obligation of the party NCP without regard to:

- (a) The amount of the non-party NCP's support obligation for the same child or children; or
- (b) The cost of foster care placement, as provided in WAC 388-14A-8105.

#### NEW SECTION

**WAC 388-14A-8130 How does DCS complete the WSCSS worksheets when setting a joint child support obligation when the parents of a child in foster care are married and residing together?** (1) When the division of child support (DCS) is setting a joint support obligation for married parents who reside together, DCS follows the steps set out in this section for completing the worksheets under the Washington state child support schedule (WSCSS).

(2) DCS calculates each parent's income under the rules set out in WAC 388-14A-3205, and then calculates the income of the marital community by combining both parents' income in the "Father" column of the worksheet and does not put any income in the "Mother" column.

(3) DCS calculates the joint support obligation using the limitations contained in RCW 26.19.065:

- (a) The joint child support obligation may not exceed forty-five percent of the net income of the marital community except for good cause.
- (b) Even with the need standard limitation, there is a presumptive minimum obligation of twenty-five dollars per month per child.

(c) DCS or the administrative law judge (ALJ) may find reasons for deviation and must support those reasons with appropriate findings of fact in the support order.

(4) The support obligation in the "Father" column of the WSCSS worksheet is the joint support obligation of the parents. The support obligation in the "Mother" column of the WSCSS worksheet is irrelevant for purposes of this particular support calculation.

(5) DCS determines the joint support obligation of the parents without regard to the cost of foster care placement, as provided in WAC 388-14A-8105.

**WSR 06-13-060**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Filed June 16, 2006, 11:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-10-095.

Title of Rule and Other Identifying Information: WAC 392-139-310 Determination of excess levy base.

Hearing Location(s): Old Capitol Building, 600 South Washington, Olympia, WA 98504-7200, on July 25, 2006, at 10:00 a.m.

Date of Intended Adoption: August 22, 2006.

Submit Written Comments to: Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, e-mail cbrodie@ospi.wednet.edu, fax (360) 753-4201, by July 24, 2006.

Assistance for Persons with Disabilities: Contact Sheila Emery by July 20, 2006, TTY (360) 664-3631 or (360) 725-6271.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Rules are updated to: (1) Reflect changes in the state and federal revenues in the levy base, and (2) make permanent the rule adopted last year on an emergency basis that allows OSPI to include in the school district's levy base federal revenues that have been paid directly to the ESD on behalf of the district.

Reasons Supporting Proposal: Revisions are required to implement legislative changes in state revenues.

Statutory Authority for Adoption: RCW 28A.150.290.

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

Name of Proponent: Office of superintendent of public instruction, governmental.

Name of Agency Personnel Responsible for Drafting: Steve Shish, Office of Superintendent of Public Instruction; Implementation: Calvin W. Brodie, Office of Superintendent of Public Instruction; and Enforcement: Jennifer Priddy, Office of Superintendent of Public Instruction.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is not applicable to nongovernmental agencies.

A cost-benefit analysis is not required under RCW 34.05.328. This rule is not applicable to nongovernmental agencies.

June 5, 2006  
 Marty Daybell  
 for Dr. Terry Bergeson  
 State Superintendent

AMENDATORY SECTION (Amending WSR 03-21-040, filed 10/8/03, effective 11/8/03)

**WAC 392-139-310 Determination of excess levy base.** The superintendent of public instruction shall calculate each school district's excess levy base as provided in this section.

(1) Sum the following state and federal allocations from the prior school year(s) as determined in subsections (4) and (5) of this section:

(a) The basic education allocation as defined in WAC 392-139-115 and as reported on the August Report 1191;

(b) The state and federal categorical allocations for the following:

(i) Pupil transportation. Allocations for pupil transportation include allocations for the following accounts:

4199 Transportation - operations; and  
4499 Transportation - depreciation.

(ii) Special education. Allocations for special education include allocations for the following accounts:

4121 Special education; and  
6124 Special education supplemental.

(iii) Education of highly capable students. Allocations for education of highly capable students include allocations identified by account 4174 Highly capable.

(iv) Compensatory education. Allocations for compensatory education include allocations identified by the following accounts:

3100 Barrier reduction;  
4155 Learning assistance;  
4165 Transitional bilingual;  
4163 Promoting academic success;  
4166 Student achievement;  
6151 Disadvantaged;  
6153 Migrant;  
6164 Limited English proficiency;  
6264 Bilingual (direct);  
6267 Indian education - JOM;  
6268 Indian education - ED; and  
6367 Indian education - JOM.

(v) Food services. Allocations for food services include allocations identified by the following accounts:

4198 School food services (state);  
6198 School food services (federal); and  
6998 USDA commodities.

(vi) Statewide block grant programs. Allocations for statewide block grant programs include allocations identified by the following accounts:

~~((4175 Flexible education; and))~~  
6176 Targeted assistance.

(c) General federal programs. Allocations for general federal programs identified by the following accounts:

5200 General purpose direct federal grants - unassigned;  
6100 Special purpose - OSPI - unassigned;  
6121 Special education - Medicaid reimbursement;  
6138 Secondary vocational education;  
6146 Skills center;  
6152 School improvement;  
6154 Reading first;  
~~((6177 Eisenhower professional development;))~~  
6200 Direct special purpose grants; and  
6300 Federal grants through other agencies - unassigned;

~~((and))~~

6310 Medicaid administrative match; and  
6352 School improvement.

(2) Increase the result obtained in subsection (1) of this section by the percentage increase per full-time equivalent student in the state basic education appropriation between the prior school year and the current school year as stated in the state Operating Appropriations Act divided by 0.55.

(3) Revenue accounts referenced in this section are defined in the accounting manual for public school districts in the state of Washington(~~(, revised 2002)~~).

(4) The dollar amount of revenues for state and federal categorical allocations identified in this section shall come from the following sources:

(a) The following state and federal categorical allocations are taken from the Report 1197 Column A (Annual Allotment Due):

3100 Barrier reduction;  
4121 Special education;  
4155 Learning assistance;  
4163 Promoting academic success;

4165 Transitional bilingual;  
4166 Student achievement;  
4174 Highly capable;

~~((4175 Flexible education (2002-03 school year and thereafter);))~~

4198 School food services (state);  
4199 Transportation - operations;  
4499 Transportation - depreciation;  
6121 Special education - Medicaid reimbursements;  
6124 Special education - supplemental;  
6138 Secondary vocational education;  
6146 Skills center;  
6151 Disadvantaged;  
6152 School improvement;  
6153 Migrant;  
6154 Reading first;  
6164 Limited English proficiency;  
6176 Targeted assistance;

~~((6177 Eisenhower professional development;))~~ and  
6198 School food services (federal).

(b) For the 2004 calendar year, the following state and federal allocations are taken from the F-195 budget including budget extensions.

For the 2005 calendar year and thereafter, the following federal allocations shall be taken from the school district's second prior year F-196 annual financial report:

5200 General purpose direct federal grants - unassigned;  
6100 Special purpose - OSPI - unassigned;  
6200 Direct special purpose grants;  
6264 Bilingual (direct);  
6267 Indian education - JOM;  
6268 Indian education - ED;  
6300 Federal grants through other agencies - unassigned;  
6310 Medicaid administrative match;  
6352 School improvement;  
6367 Indian education - JOM; and  
6998 USDA commodities.

(5) Effective for levy authority and local effort assistance calculations for the 2005 calendar year and thereafter:

(a) District revenues determined in subsection (4) of this section shall be reduced for revenues received as a fiscal agent. School districts shall report fiscal agent revenues pursuant to instructions provided by the superintendent of public instruction.

(b) The amount determined in subsection (4)(b) of this section, after adjustment for fiscal agent moneys, shall be inflated for one year using the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the Bureau of Economic Analysis of the Federal Department of Commerce.

(6) State and federal moneys generated by a school district's students and redirected by the superintendent of public

instruction to an educational service district at the request of the school district shall be included in the district's levy base.

(7) State basic education moneys generated by a school district's students and allocated directly to a technical college shall be included in the district's levy base.

**WSR 06-13-061**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed June 16, 2006, 11:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-09-056.

Title of Rule and Other Identifying Information: WAC 392-121-465 Formula for and distribution of state money for the state incentive grants for increased enrollment in vocational skills centers program.

Hearing Location(s): Old Capitol Building, 600 South Washington, Olympia, WA 98504-7200, on July 25, 2006, at 9:30 a.m.

Date of Intended Adoption: August 22, 2006.

Submit Written Comments to: Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, e-mail [cbrodie@ospi.wednet.edu](mailto:cbrodie@ospi.wednet.edu), fax (360) 753-4201, by July 24, 2006.

Assistance for Persons with Disabilities: Contact Sheila Emery by July 20, 2006, TTY (360) 664-3631 or (360) 725-6271.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: An amendment is needed due to language added in the 2006 supplemental budget regarding incentive grants to encourage school districts to increase enrollment in vocational skills centers. The added language states: Funds provided in this subsection shall first be expended to provide incentive grants to school districts increasing skills center enrollment during the school year. If funds are available after making these allocations, funds may be distributed for: (i) Increasing enrollment including allowing up to an additional .2 full time equivalent student enrollment at skills centers; (ii) increasing enrollment and capacity of summer vocational programs at the skills centers.

Reasons Supporting Proposal: These rules are required by the 2006 State Operating Appropriation Act.

Statutory Authority for Adoption: RCW 28A.150.290.

Statute Being Implemented: Chapter 28A.150 RCW.

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

Name of Proponent: Office of superintendent of public instruction, governmental.

Name of Agency Personnel Responsible for Drafting: Kim Thompson, Office of Superintendent of Public Instruction; Implementation: Calvin W. Brodie, Office of Superintendent of Public Instruction; and Enforcement: Jennifer Priddy, Office of Superintendent of Public Instruction.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is not applicable to nongovernmental agencies.

A cost-benefit analysis is not required under RCW 34.05.328. This rule is not applicable to nongovernmental agencies.

June 1, 2006

Marty Daybell

for Dr. Terry Bergeson

State Superintendent

AMENDATORY SECTION (Amending WSR 05-19-138, filed 9/21/05, effective 10/22/05)

**WAC 392-121-465 Formula for and distribution of state moneys for the state incentive grants for increased enrollment in vocational skills centers program.** The purpose of this section is to establish policies and procedures for the calculation and distribution of state incentive moneys to school districts increasing their enrollments in vocational skills centers.

(1) As used in this section, the term "average annual full-time equivalent students" or AAFTE shall be defined as that term is defined in WAC 392-121-133(1).

(2) Enrollment used in this calculation shall be the AAFTE reported in the form and by the deadline required by the superintendent of public instruction.

(3) A district's state incentive grants for increased enrollment in vocational skills centers shall be calculated as follows:

(a) Determine the increase in the vocational skill center AAFTE of the resident district from the base year of 2004-05 to the current year;

(b) Multiply the number of students obtained in (a) of this subsection by the per pupil allocation established and subject to the limitations in the State Operating Appropriations Act in effect at the time the apportionment is due; and

(c) The product is the district's annual incentive payment.

(4) As provided in the State Operating Appropriations Act in effect at the time apportionment is due, money appropriated but not spent in subsection (3) of this section shall be distributed to skills centers for increased capacity of summer vocational programs. The allocation methodology shall be based upon the skills center full-time equivalent reported enrollment from the prior October 1.

(5) The superintendent of public instruction shall apportion to districts for the state incentive grants for increased enrollment in vocational skills centers the amount calculated per district in this section in June of each year commencing June 2006.

**WSR 06-13-074**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed June 20, 2006, 8:22 a.m.]

The department of licensing hereby withdraws proposed rule WAC 308-19-130 filed with your office on May 23, 2006, as part of WSR 06-11-135.

If you have any questions or need further information, please contact Sherri Lonsbery at (360) 664-6624.

Sherri Lonsbery  
 Licensing Manager  
 Bail Bond Program  
 Public Protection Services

**WSR 06-13-076**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**

[Filed June 20, 2006, 8:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-03-053.

Title of Rule and Other Identifying Information: Amending sections WAC 230-40-821 Accounting systems—House-banked card rooms and 230-40-823 Financial statements required—House-banked card rooms.

Hearing Location(s): Red Lion Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, (509) 663-0711, on August 11, 2006, at 9:30 a.m.

Date of Intended Adoption: August 11, 2006.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504, e-mail Susana@wsgc.wa.gov, fax (360) 486-3625, by August 1, 2006.

Assistance for Persons with Disabilities: Contact Shirley Corbett by August 1, 2006, TTY (360) 486-3637 or (360) 486-3447.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: **Financial statements for house-banked card rooms:** The proposed changes are to make it clear to house-banked card room applicants and licensees that: (1) Their accounting system must be maintained in accordance with generally accepted accounting principles ("GAAP"), which is the industry standard for accounting; (2) their accounting system must include all income and expenses for the business entity; and (3) they must have their accounting system in place prior to licensure.

Provides clarification that house-banked card rooms must include receipts from all house-banked and nonhouse-banked card games offered by the licensee when determining the type of financial statement they should submit to the commission. For the convenience of our licensees, information has been included in the rules about submission requirements, such as adding a definition so licensees know exactly what documents they must submit, i.e., balance sheet, income statement, statement of cash flows, etc. This will ensure the consistency of information submitted by all house-banked card rooms. The current rule requires licensees to use an

independent, certified public accountant. The rules do not define what "independent" means. Therefore, a definition has been added to the rule.

Statutory Authority for Adoption: RCW 9.46.070.

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

Name of Proponent: Washington state gambling commission, governmental.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation and Enforcement: Rick Day, Director, Lacey, (360) 486-3446.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared pursuant to RCW 19.85.025, and/or the proposed rule change clarifies language of rules without changing the effect.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state gambling commission is not an agency that is statutorily required to prepare a cost-benefit analysis under RCW 34.05.328.

June 19, 2006

Susan Arland  
 Rules Coordinator

AMENDATORY SECTION (Amending Order 424, filed 9/18/03, effective 1/1/04)

**WAC 230-40-821 ((General accounting records—House banking.)) Accounting system—House-banked card rooms.** Every licensee authorized to offer house-banked card games shall keep and maintain a complete set of records, which have been approved by commission staff prior to licensure. Such records shall include all ~~((details of activities related to the conduct of the licensed activity))~~ receipts and disbursements of the licensee, including, but not limited to, those related to gambling activities. The following requirements shall apply:

**Revenue and expenses.**

(1) Each licensee shall maintain legible, accurate and complete records of all transactions relating to the revenues and costs of the gaming operation. These records shall be maintained in a format to ensure consistency, comparability, and effective disclosure of financial information.

**~~((General accounting))~~ Records accounting system.**

(2) ~~((General))~~ The accounting ((records)) system shall be ((maintained on)) a double entry system of accounting with transactions recorded on an accrual basis and in conformity with generally accepted accounting principles, to include detailed, supporting, subsidiary records, sufficient to meet the requirements below.

**Recordkeeping.**

(3) The detailed, supporting and subsidiary records shall include, but not necessarily be limited to:

(a) Records of all patrons' checks initially accepted, deposited, and returned as "uncollected," and ultimately written off as "uncollectible";

(b) Statistical game records to reflect drop and win amounts for each table, for each game, and for at least each period for which the drop boxes are removed, which shall be at the minimum, the end of each gaming day;

(c) Records of investments in property, including, but not limited to, equipment used directly in connection with the gaming operation;

(d) Records of amounts payable by the gaming operation;

(e) Records which identify the purchase, receipt, and destruction of all cards and gaming chips used in wagering; and

(f) Records of services provided for the operation of gaming activities.

#### Copies.

(4) Whenever duplicate or triplicate copies are required of a form, record or document:

(a) The original, duplicate, and triplicate copies shall be color-coded;

(b) If under these standards, forms, records, and documents are required to be inserted in a locked dispenser, the last copy shall remain in a continuous unbroken form in the dispenser; and

(c) If under these standards, forms or serial numbers of forms are required to be accounted for or copies of forms are required to be compared for agreement and exceptions noted, such exceptions shall be reported immediately to the commission for investigation.

#### Storing documents.

(5) All forms, records, documents and stored data required to be prepared, maintained and controlled shall:

(a) Have the title of the form, record, document, or stored data (such as "fill slip," "request for fill," "credit slip," "request for credit," "reconciliation," etc.), imprinted or pre-printed thereon or therein; and

(b) All records shall be maintained for a period of not less than three years. At least the past six months of gambling records must be available for inspection on premises.

#### Employee records.

(6) Licensees shall maintain a records system that ensures all applicable employees have met licensing requirements. The system shall be maintained on the premises and include the following:

(a) Employee names;

(b) Gambling license numbers;

(c) Gambling license expiration dates; and

(d) Photocopies of all current employees' licenses.

#### Record of employees who have not yet received a license.

(7) If an employee license has not yet been issued, the licensee shall maintain a copy of the following:

(a) Temporary employment authorization;

(b) Documentation that the required payment (license or transfer fee) has been made; and

(c) Proof that the employee has adhered to the ten-day waiting period, if applicable.

#### Notification - new license not received.

(8) The licensed card room operator shall ensure commission staff is notified if an employee license has not been received within sixty days of employment.

AMENDATORY SECTION (Amending Order 426, filed 3/1/04, effective 4/1/04)

**WAC 230-40-823 Financial ~~((audits and reviews)) statements required—((House banking)) House-banked card rooms.~~** Each licensee ~~((operating))~~ authorized to offer house-banked card games shall prepare financial statements covering all financial activities of the licensee's establishment for each business year. The following definitions and requirements shall apply:

(1) The following definitions shall apply to this section:

(a) "Financial statements" shall include at least the following: Balance sheet, statement of income, statement of retained earnings or changes in equity, statement of cash flows, and all required notes or disclosures. All financial statements must be in accordance with the United States generally accepted accounting principles.

(b) "Card room gross receipts" shall include receipts from all house-banked and nonhouse-banked card games offered by the house-banked card room.

(c) "Independent" means there is no relationship that may influence a certified public accountant's impartiality and objectivity in rendering services.

#### **Audited financial statements - gross receipts over three million dollars.**

~~((+))~~ (2) Each licensee with ((house-banked card game)) card room gross receipts in excess of three million dollars for the business year shall engage an independent, certified public ((accountant)) accounting firm licensed by the Washington state board of accountancy who shall audit the licensee's financial statements in accordance with generally accepted auditing standards.

#### **Reviewed financial statements - gross receipts of one to three million dollars.**

~~((2))~~ (3) Each licensee with ((house-banked card game)) card room gross receipts of one to three million dollars for the business year shall engage an independent, certified public ((accountant)) accounting firm licensed by the Washington state board of accountancy who shall review the financial statements in accordance with the statements on standards for accounting and review services or audit the financial statements in accordance with generally accepted auditing standards.

#### **Compiled financial statements - gross receipts of less than one million dollars.**

~~((3))~~ (4) Each licensee with ((house-banked card game)) card room gross receipts of less than one million dollars for the business year shall engage an independent, certified public ((accountant)) accounting firm licensed by the Washington state board of accountancy who shall compile the financial statements in accordance with the statements on standards for accounting and review services in accordance

with generally accepted accounting principles, including all required ~~((footnotes))~~ notes or disclosures on an accrual basis of accounting.

#### Financial statement presentation.

~~((4))~~ (5) The financial statements must be presented in the following manner:

(a) Financial statements shall be submitted on a comparative basis: Provided, That the first year may be submitted for the current business year only; and

(b) Gross revenues from each licensed activity should be reported by activity and separate and apart from all other revenues.

#### Consolidated financial statements.

~~((5))~~ (6) Consolidated financial statements may be filed by commonly owned or operated establishments. These statements must include consolidated schedules presenting separate financial statements for each licensed card room location.

#### Change in business year.

~~((6))~~ (7) If a licensee changes its business year, they shall notify the director within thirty days. The licensee shall submit financial statements for the period covering the end of the previous business year to the end of the new business year.

#### Filing with the commission.

~~((7))~~ (8) A copy of the report and the financial statements shall be submitted to the director within one hundred twenty days following the end of the licensee's business year. The director may authorize a sixty-day extension if a licensee submits a written request explaining the need for the extension.

#### ~~(Effective date.~~

~~(8) This rule will be effective for business years ending on or after July 1, 2004.)~~

**WSR 06-13-077**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**

[Filed June 20, 2006, 8:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-108.

Title of Rule and Other Identifying Information: New sections WAC 230-11-001 "Licensees," "licensee," "organizations," and "organization" defined, 230-11-005 Display the raffle license, 230-11-010 Number tickets consecutively, 230-11-012 Licensees may conduct a joint raffle, 230-11-015 Provide rules to participants, 230-11-020 Record information on ticket stub, 230-11-025 Bundling and selling tickets at a discount, 230-11-030 Restrictions on ticket sales, 230-11-035 Incentives for selling tickets, 230-11-040 Place ticket stubs in receptacle for drawing, 230-11-045 Draw winning

tickets randomly, 230-11-050 Using alternative drawing formats, 230-11-055 Authorized alternative drawing formats, 230-11-060 Using a second element of chance in an alternative drawing format raffles, 230-11-065 Own prizes for raffles before drawing date, 230-11-070 Defining "members-only" raffles, 230-11-075 Limit number of guests for members-only raffles, 230-11-080 Post rules of play for members-only raffles, 230-11-085 Modified and discounted pricing plans for tickets for members-only raffles, 230-11-090 Authorized alternative drawing formats for members-only raffles, 230-11-095 Record-keeping requirements for Class A through D licensees and unlicensed raffles, 230-11-100 Record-keeping requirements for Class E and F licensees and raffles using alternative drawing formats, and 230-11-105 Retain and store raffle records.

Hearing Location(s): Red Lion Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, (509) 663-0711, on August 11, 2006, at 9:30 a.m.

Date of Intended Adoption: August 11, 2006.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504, e-mail Susana@wsgc.wa.gov, fax (360) 486-3625, by August 1, 2006.

Assistance for Persons with Disabilities: Contact Shirley Corbett by August 1, 2006, TTY (360) 486-3637 or (360) 486-3447.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The gambling commission is rewriting its rules manual using plain English techniques. The rules manual has been divided into sections and is being rewritten a section at a time. Following are rules relating to all raffles. These rules are written in plain English and now numbered as chapter 230-11 WAC.

Statutory Authority for Adoption: RCW 9.46.070.

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

Name of Proponent: Washington state gambling commission, governmental.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation: Rick Day, Director, Lacey, (360) 486-3446; and Enforcement: Neal Nunamaker, Deputy Director, Lacey, (360) 486-3452.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared pursuant to RCW 19.85.025, and/or the proposed rule change clarifies language of rules without changing the effect.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state gambling commission is not an agency that is statutorily required to prepare a cost-benefit analysis under RCW 34.05.328.

June 19, 2006

Susan Arland

Rules Coordinator

## Chapter 230-11 WAC

## RAFFLES

## CONDUCTING A RAFFLE

NEW SECTION

**WAC 230-11-001 "Licensees," "licensee," "organizations," and "organization" defined.** (1) In this chapter, "licensee" and "licensees" means those charitable or non-profit organizations which we require to be licensed to conduct raffles.

(2) "Organization" and "organizations" means all bona fide charitable or nonprofit organizations conducting unlicensed raffles authorized by chapter 9.46 RCW, including those authorized by RCW 9.46.0315 and 9.46.0321.

NEW SECTION

**WAC 230-11-005 Display the raffle license.** Licensees conducting a raffle must prominently display the raffle license or a copy of the license at the site and time of the drawing.

NEW SECTION

**WAC 230-11-010 Number tickets consecutively.** All raffle tickets must:

- (1) Be consecutively numbered; or
- (2) Be printed with letters or symbols which do not repeat within the population of all tickets sold for a particular raffle.

NEW SECTION

**WAC 230-11-012 Licensees may conduct a joint raffle.** Raffle licensees may jointly conduct a raffle if:

- (1) Licensees maintain in writing the method by which the income, expenditures for prizes, and all other expenses, received and expended in connection with the raffle will be divided among them; and
- (2) One licensee sets up a separate bank account into which all of the proceeds from the raffle are deposited and from which all of the expenses in connection with the raffle, including but not limited to, all payments for prizes, are made; and
- (3) Participating licensees keep records which clearly disclose the amount of money received or each licensee expends in connection with the raffle and the purpose(s) for which the money was spent; and
- (4) Licensees count all gross receipts that each participating licensee received toward their gross receipts limit.

## SELLING TICKETS

NEW SECTION

**WAC 230-11-015 Provide rules to participants.** At the time of purchase, organizations must inform all participants by either printing on the participant's portion of the

ticket or otherwise providing to each participant, in writing, the following:

- (1) All rules by which prizes may be won in the raffle; and
- (2) The cost of each ticket; and
- (3) All prizes available, whether cash or merchandise; and
- (4) Date, time, and location of drawing; and
- (5) Whether a participant is required to be present at the raffle drawing in order to be eligible to win a prize; and
- (6) Name of the organization conducting the raffle.

NEW SECTION**WAC 230-11-020 Record information on ticket stub.**

If an organization sells raffle tickets to the general public or conducts raffles that do not require the winner to be present at the drawing, the organization must include a stub or other detachable section bearing a number, letter, or symbol matching the number, letter, or symbol on the ticket or object representing the player's ticket. The organization's portion must include the participant's name, complete address, telephone number, and other information necessary to notify the winner.

NEW SECTION

**WAC 230-11-025 Bundling and selling tickets at a discount.** (1) Licensees may put tickets together in a bundle and sell them at a discount if they:

- (a) Create the discount plan before selling any raffle tickets; and
- (b) Do not change the discount plan during the raffle; and
- (c) Make single nondiscounted tickets available to all participants; and
- (d) Use only one discount plan for each raffle; and
- (2) Booklets of bundled discounted tickets must contain the number of tickets named in the discount plan; and
- (3) Licensees must not remove tickets from a booklet to sell them individually; and
- (4) Each booklet of bundled tickets must have the following information printed on the cover:
  - (a) A description of the discount plan; and
  - (b) The number of tickets in the booklet; and
  - (c) The total cost of the booklet; and
  - (d) A consecutive number; and
  - (5) Licensees must establish controls and accounting procedures necessary to determine gross gambling receipts from ticket sales.

NEW SECTION

**WAC 230-11-030 Restrictions on ticket sales.** (1) Only members of the organization or volunteers under the supervision of a member may sell tickets; and

- (2) Organizations must sell tickets for a particular raffle for the same price unless offering an authorized discount plan; and
- (3) Organizations must not:
  - (a) Sell raffle tickets via the internet; or



- (b) Require anyone to purchase more than one raffle ticket; or
- (c) Give away raffle tickets; or
- (d) Give an opportunity to participate in a raffle drawing to a person who has not purchased a ticket.

NEW SECTION

**WAC 230-11-035 Incentives for selling tickets.** (1) Organizations must not pay members or volunteers for selling tickets or managing or operating a raffle, unless the person is a full-time or part-time employee of the organization with duties other than selling tickets or managing or operating raffles.

(2) Licensees may provide members or volunteers with noncash incentives for selling tickets if the licensee:

- (a) Bases the incentives on the number of tickets sold; and
- (b) Gives incentives that do not exceed five percent of the gross gambling receipts of the raffle; and
- (c) Maintains a record of the name, address, and telephone number of all persons receiving incentives.

**DRAWING TICKETS**NEW SECTION

**WAC 230-11-040 Place ticket stubs in receptacle for drawing.** Each person who sells a raffle ticket must give the organization all ticket stubs or other detachable sections of all tickets sold. The organization must place each stub or other detachable section of each ticket sold into a receptacle from which the organization will draw the winning tickets unless they use one of the authorized alternative drawing formats.

NEW SECTION

**WAC 230-11-045 Draw winning tickets randomly.** A "drawing" means a random selection process for determining winners in a raffle. To be random, each ticket in the drawing must have an equal and fair chance of being drawn as a winner. Organizations must design the ticket drawing receptacle so that each ticket has an equal opportunity to be drawn.

NEW SECTION

**WAC 230-11-050 Using alternative drawing formats.** Licensees may use alternative drawing formats that randomly determine winners if licensees:

- (1) Fully disclose to each player the random selection process used in the alternative drawing format before selling tickets; and
- (2) Maintain a copy of the disclosure with the permanent raffle records; and
- (3) Use controls and accounting procedures that:
  - (a) Provide the ability to audit gross gambling receipts from ticket sales; and
  - (b) Have sufficient controls to prevent manipulation of the random selection process; and
  - (c) Document the random selection process.

NEW SECTION

**WAC 230-11-055 Authorized alternative drawing formats.** Licensees may use the following types of alternative drawing formats or similar random selection processes:

*Mock races.*

(1) The licensee sells participants consecutively numbered tickets that identify a specific corresponding numbered mock animal(s), ball(s), or other similar object(s) that can use natural elements to move the objects (water, gravity, wind) in a race. All objects must be identical in weight, size, and shape, to have an equal opportunity to win. The licensee must release all objects simultaneously at a start line. The first numbered object to cross the finish line wins.

*Poker runs.*

(2) The licensee sells participants consecutively numbered tickets or poker tally sheets to participants. Participants travel a predetermined course with predetermined drawing stations (typically five drawing stations). At each drawing station, participants draw one playing card for each ticket purchased. Station attendants must verify the card drawn and record the card value on the poker ticket tally sheet. After all participants have completed the course, the participant with the best recorded poker hand wins.

*Ball drops.*

(3) The licensee sells participants consecutively numbered tickets that identify a specific corresponding numbered ball. All balls must be equal in size, weight, and shape, to have an equal opportunity to win. The licensee suspends all purchased numbered balls in the air and simultaneously releases them over a target zone. The ball, closest or first, to hit the predetermined target wins.

*Animal plops.*

(4) The licensee sells participants consecutively numbered tickets that identify a specific corresponding square on a numbered grid. The licensee releases the animal into the grid area until the animal has completed its plop. The numbered square containing the plop wins.

*Multiple stage drawings.*

(5) The licensee sells participants consecutively numbered tickets. The licensee uses multiple drawing phases to eliminate participants until the licensee declares the remaining ticket holder(s) the winner(s). The licensee may use second element of chance plans as long as the plans meet the criteria set out in WAC 230-11-060.

*Bucket raffles.*

(6) The licensee sells participants consecutively numbered tickets. Participants place their tickets into any number of separate buckets or other receptacles for separate prizes. We consider the multiple drawings one single raffle. If licensees use different tickets for each receptacle, we consider each drawing an individual raffle.

*Calendar raffles.*

(7) The licensee sells participants consecutively numbered calendars with removable stubs. The licensee places all sold calendar stubs into the drawing receptacle. On predetermined dates identified on the calendar, the licensee conducts drawings. The licensee places all winning stubs back into the drawing receptacle for future drawings.

NEW SECTION

**WAC 230-11-060 Using a second element of chance in alternative drawing format raffles.** Licensees may use second elements of chance in alternative drawing format raffles to:

- (1) Determine the final prize winner. For example: Ten finalists are drawn and each finalist chooses a key. The finalist with the key that starts the vehicle wins; or
- (2) Determine which prize is awarded among a group of prizes. For example: Each winner selects one of three keys and each wins the contents of the safe which the key unlocks; or
- (3) Increase the prize award. For example: The winning ticket matches a predetermined sequence of numbers and wins an additional prize.

**PRIZES**NEW SECTION

**WAC 230-11-065 Own prizes for raffles before drawing date.** (1) Organizations must own the prizes offered to winners before the date of the drawing. However, if the winner has an option to receive a cash prize instead of the merchandise, the organization may enter into a contract to purchase the merchandise prize after the winner chooses his or her option. The organization must have the funds to make the purchase on account before the date of the drawing.

(2) At the time and date of any raffle drawing, the organization must have on deposit an unencumbered amount of money that is equal to or greater than all cash prizes being offered in the raffle. The organization must have these funds deposited in the gambling receipts account, if required, or in a recognized Washington state depository authorized to receive funds. The organization must not reduce the balance of funds available from this account below the required amount before awarding the prize(s).

(3) Raffle prizes must:

- (a) Be available at the time and place of the drawing; and
- (b) If cash, be United States currency or an equivalent amount of negotiable instruments; and
- (c) For licensees, not exceed forty thousand dollars per prize or eighty thousand dollars in total raffle prizes in a license year. The commissioners may vote to permit licensees to exceed these limits on specific occasions if the licensees show good cause in writing.

**CONDUCTING A MEMBERS-ONLY RAFFLE**NEW SECTION

**WAC 230-11-070 Defining "members-only" raffles.** A "members-only raffle" means a raffle where the organization sells tickets only to full and regular members and a limited number of guests. All aspects of the raffle must take place during the same event at the same location. Winners must be determined from among those members and guests that have purchased tickets.

NEW SECTION

**WAC 230-11-075 Limit number of guests for members-only raffles.** The total number of guests participating in a raffle must not exceed twenty-five percent of the total attendance of the meeting. The organization must maintain records to show compliance with this requirement.

NEW SECTION

**WAC 230-11-080 Post rules of play for members-only raffles.** Organizations must post a sign at each point where they sell tickets to provide participants with all rules of play or print the required disclosures on the raffle ticket.

NEW SECTION

**WAC 230-11-085 Modified and discounted pricing plans for tickets for members-only raffles.** (1) Licensees may use modified ticket pricing plans at members-only raffles when gross revenues do not exceed five thousand five hundred dollars. An example of a modified pricing plan is a penny raffle. A penny raffle is a raffle where licensees sell five hundred consecutively numbered tickets. Participants randomly choose tickets and pay the consecutive number of the ticket multiplied by a predetermined cost, for instance, one penny.

(2) In discounted pricing plans, licensees may sell tickets to enter a raffle for different values, not to exceed ten dollars for a single ticket, if the licensee:

(a) Tells the players the pricing plan before selling them a ticket to participate. The licensee must tell the player the total number of tickets in the population available and the number of tickets at each price level; and

(b) Allows participants to randomly select their ticket from the population of remaining tickets and pay the amount printed on the ticket they select; and

(c) Establishes records for an adequate audit trail to determine gross gambling receipts; and

(d) Holds no more than two such drawings during a meeting or event; and

(e) Sells multiple tickets to enter one or more drawings as a package and the total price of the package must not exceed twenty-five dollars.

(3) Licensees may include tickets to enter a raffle as a part of a package that includes dues, entertainment, or other fund-raising activities if:

(a) The licensee discloses the value of each component of the package to the purchaser; and

(b) The value of each individual raffle ticket does not exceed twenty-five dollars.

(4) The licensee must not include tickets to enter raffles or to participate in any gambling activities with applications for membership or as part of membership fees.

(5) Licensees may sell tickets for a discounted price based on the number of tickets a player purchases if:

(a) The amount of the discount is set before any raffle tickets are sold; and

(b) Participants are allowed to purchase a single ticket; and

(c) There is only one discount plan for each raffle; and

(d) The cost of a single ticket, without a discount, does not exceed ten dollars; and

(e) The total cost of a discount package does not exceed twenty-five dollars; and

(f) The cost of a single ticket is printed on each ticket (for example, one dollar each); and

(g) The discounted tickets are identified by a unique ticket audit numbering system; and

(h) The licensee establishes an audit system that includes internal controls and procedures to determine gross gambling receipts from the sale of tickets using a modified pricing plan.

#### NEW SECTION

**WAC 230-11-090 Authorized alternative drawing formats for members-only raffles.** Licensees may use alternative drawing formats set forth in WAC 230-11-055 for members-only raffles as long as the licensee meets all requirements set out in that rule. Licensees also may use the following alternative drawing formats or similar random selection processes for members-only raffles:

##### *Mock animal races.*

(1) The licensee sells participants consecutively numbered tickets to wager on a specific mock animal in a field of mock animal racers, typically five to ten racers. The mock animals race in individual lanes divided into equal spaces or squares; for example, bingo boards are sometimes used as race lanes. Animals move forward based on the numbers rolled on dice or balls drawn from a set of bingo balls. The first mock animal to cross the finish line is the winner. All winning ticket holders split the prize pool or the licensee may hold a drawing of winning tickets to determine a single winner.

##### *Video races.*

(2) The licensee sells participants consecutively numbered tickets/race forms to wager on the outcome of an unknown videotaped race, typically horse races. The previously taped races must be obtained from an outside source and participants must have no knowledge of the specific race outcome before conducting the video race drawing. Participants wager on the specific racers, identified by numbers, or a specific race lane. All participants holding a winning race number ticket or winning lane number ticket are the winners. All winning ticket holders split the prize pool or the licensee may hold a drawing of winning tickets to determine a single winner.

##### *Paddle wheel raffles.*

(3) The licensee sells participants numbered paddles or numbered tickets that correspond to numbered spaces on a balanced, spinning wheel. The licensee spins the wheel at least one full revolution. The ticket that matches the number that the wheel stops on is the winning ticket.

##### *Card deck raffle.*

(4) The licensee sells participants a single playing card or similar object. The card is then torn or cut in half and one half is placed in the drawing receptacle. The participant holds the other half until the drawing takes place. The holder of the matching half to that drawn is the winner.

## RECORDKEEPING FOR RAFFLES

#### NEW SECTION

**WAC 230-11-095 Recordkeeping requirements for Class A through D licensees and unlicensed raffles.** Class A through D licensed raffles and unlicensed raffles under the authority of RCW 9.46.0315 or 9.46.0321 must keep a record by month of the following:

- (1) Gross receipts; and
- (2) Prizes paid; and
- (3) Net income; and
- (4) Documentation of expenses; and
- (5) Documentation of how the proceeds were used.

#### NEW SECTION

**WAC 230-11-100 Recordkeeping requirements for Class E and F licensees and raffles using alternative drawing formats.** Licensees conducting Class E or Class F raffles or conducting raffles using alternative drawing formats must prepare a detailed record for each raffle they conduct. Licensees must:

- (1) Record all data required in the standard format we provide; and
- (2) Maintain the following:
  - (a) Validated deposit receipts for each deposit of raffle proceeds; and
  - (b) All winning tickets; and
  - (c) Name, address, and telephone number of all winners of a prize with a fair market value of more than fifty dollars; and
  - (d) All ticket stubs for raffles that participants are not required to be present at the drawing; and
  - (e) All unsold tickets for individual raffles for which gross gambling receipts exceed five thousand dollars; and
  - (f) Invoices and other documentation recording the purchase or receipt of prizes; and
  - (g) Invoices and other documentation recording the purchase of tickets and other expenses of the raffle; and
- (3) Complete all records no later than thirty days following the drawing.

#### NEW SECTION

**WAC 230-11-105 Retain and store raffle records.** (1) Records for unlicensed raffles must be kept for one year following the date of the raffle drawing.

(2) Records for licensed raffles must be kept for three years from the end of the licensees' fiscal year in which the raffle was completed.

(3) Organizations must keep all records at the main administrative or business office of all organizations that are located in Washington and have the records available for our review or audit.

(4) Organizations that do not have an administrative or business office must have and designate a records custodian that resides in Washington.

(5) We may allow an organization to maintain records outside the state of Washington if the organization submits a

written request. We may withdraw this permission at any time.

**WSR 06-13-079**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed June 20, 2006, 9:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-23-139.

Title of Rule and Other Identifying Information: Chapter 296-59 WAC, Safety standards for ski area facilities and operations and chapter 296-52 WAC, Safety standards for possession, handling, and use of explosives.

The department is intending to adopt language recommended by the National Ski Area Association, in conjunction with the Washington Avalanche Control Council, that will increase fuse length burn time from seventy to ninety seconds and to eliminate the relighting of fuses based on a fatality in the industry.

Currently the use of explosives for avalanche control only applies to ski operations. The scope will be changed to apply to all avalanche control operations using explosives in the state of Washington. The department is proposing moving the avalanche control language from chapter 296-59 WAC, Safety standards for ski area facilities and operations into chapter 296-52 WAC, Safety standards for possession, handling, and use of explosives.

Hearing Location(s): Department of Labor and Industries, Room S119, 7273 Linderson Way S.W., Tumwater, WA, on July 25, 2006, at 1:00 p.m.

Date of Intended Adoption: September 5, 2006.

Submit Written Comments to: Beverly Clark, Project Manager, Department of Labor and Industries, P.O. Box 44620, Olympia, WA 98507-4620, e-mail clah235@lni.wa.gov, fax (360) 902-5516, by July 31, 2006.

Assistance for Persons with Disabilities: Contact Kim Johnson by July 18, 2006, at rhok235@lni.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule making is to increase fuse length burn time from seventy to ninety seconds and to eliminate the relighting of fuses. Currently the use of explosives for avalanche control only applies to ski operations. The scope will be changed to apply to all avalanche control operations using explosives in the state of Washington. This proposal will place avalanche control requirements from chapter 296-59 WAC into chapter 296-52 WAC, Safety standards for possession, handling, and use of explosives. There are no anticipated effects.

Reasons Supporting Proposal:

**AMENDED SECTIONS:**

**WAC 296-52-60015 Coverage.**

- Added language to this section relating to what this chapter covers.

**WAC 296-52-60020 Exemptions.**

- Removed some language and reserved subsection (1)(g).

**WAC 296-52-60130 Definitions.**

- Added and updated definitions.

**WAC 296-52-61040 Reasons why applicants may be disqualified.**

- Added language to this section relating to blaster's license.

**WAC 296-52-64005 Responsibility to obtain a blaster's license.**

- Added language to this section relating to aerial blasting.
- Clarified language to this section relating to law enforcement.

**WAC 296-52-64030 List A qualifications.**

- Added language to this section relating to aerial blasting.

**WAC 296-52-66050 Moving, altering, or destroying a licensed magazine.**

- Clarified language to this section relating to owners of magazines.

**WAC 296-52-67090 Initiation systems.**

- Clarified language in this section relating to blast areas.

**WAC 296-52-68025 Transportation of workers.**

- Added language to this section relating to seat belts.

**WAC 296-52-70045 Type 4 magazines: Blasting agent, low explosive, or nonmass detonating detonators storage facilities.**

- Changed the title of this section to read nonmass detonating rather than electric.

**WAC 296-59-005 Incorporation of other standards.**

- Deleted language relating to the transportation, storage and use of commercial explosives.

**WAC 296-59-007 Definitions.**

- Removed language relating to explosives.

**WAC 296-59-015 General requirements.**

- Added language relating to warning signs for avalanche work in ski areas.

**NEW SECTIONS:**

**WAC 296-52-66053 Altering or destroying a licensed magazine.**

- This section requires that a licensee must notify the department when a magazine is altered or destroyed.

**WAC 296-52-66057 Transfer, sale or lease of a magazine or mobile storage site.**

- This section requires that the owner of a magazine or mobile storage site notify the department when the magazine or mobile storage site is leased, sold or transferred.

**WAC 296-52-800 Avalanche control.**

- The requirements in this section are currently located in WAC 296-59-100.
- Language was added to encompass all avalanche control operations using explosives in the state of Washington.

**WAC 296-52-802 Acceptable warning signs for typical avalanche control devices (duds).**

- The requirements in this section are currently located in WAC 296-59-102.
- Housekeeping changes were made to the language.

**WAC 296-52-803 Storage, makeup, and use of explosives for avalanche control blasting.**

- The requirements in this section are currently located in WAC 296-59-103.
- Language relating to shock tube systems was added.
- An increase in the fuse length from seventy to ninety seconds was added.

**WAC 296-52-805 Hand charge makeup methods.**

- The requirements in this section are currently located in WAC 296-59-105.
- Housekeeping changes were made to the language.

**WAC 296-52-807 Avalanche control blasting.**

- The requirements in this section are currently located in WAC 296-59-107.
- The language was changed to prohibit the relighting of a fuse.

**WAC 296-52-809 Retrieving misfires or duds.**

- The requirements in this section are currently located in WAC 296-59-109.
- The amount of time that must pass before a hand charge dud can be approached was changed to make it consistent with NSAA guidelines.

**REPEALED SECTIONS:****WAC 296-52-66055 Transfer or lease of a magazine or mobile storage site.**

- Requirements in this section were repealed.

**WAC 296-59-100 Avalanche control.**

- Requirements in this section were moved to chapter 296-52 WAC, Safety standards for possession, handling, and use of explosives.

**WAC 296-59-102 Acceptable warning signs for typical avalanche control explosive device(s) duds.**

- Requirements in this section were moved to chapter 296-52 WAC, Safety standards for possession, handling, and use of explosives.

**WAC 296-59-103 Storage, makeup, and use of explosives for avalanche control blasting.**

- Requirements in this section were moved to chapter 296-52 WAC, Safety standards for possession, handling, and use of explosives.

**WAC 296-59-105 Hand charge makeup methods.**

- Requirements in this section were moved to chapter 296-52 WAC, Safety standards for possession, handling, and use of explosives.

**WAC 296-59-107 Avalanche control blasting.**

- Requirements in this section were moved to chapter 296-52 WAC, Safety standards for possession, handling, and use of explosives.

**WAC 296-59-109 Retrieving misfires or duds.**

- Requirements in this section were moved to chapter 296-52 WAC, Safety standards for possession, handling, and use of explosives.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

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

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Steve Cant, Tumwater, (360) 902-5495.

No small business economic impact statement has been prepared under chapter 19.85 RCW. According to RCW 19.85.030 (1)(a), a small business economic impact statement (SBEIS) is required only when a rule will "impose more than a minor cost on businesses in an industry." An analysis of the rule reveals that it will not impose more than minor costs on businesses. Therefore, no SBEIS is required.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Trista Zugel, P.O. Box 44321, Olympia, WA 98504, phone (360) 902-5122, fax (360) 902-4249, e-mail zugy235@lni.wa.gov.

June 20, 2006

Gary Weeks

Director

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

**WAC 296-52-60015 Coverage.** This chapter applies to:

- Any person, partnership, company, corporation, government agency, or other entity
- All aspects of explosives, blasting agents, and pyrotechnics including:
  - Manufacture
  - Sale
  - Possession
  - Purchase
  - Use
  - Storage
  - Transportation
- Avalanche control
- Display fireworks.

**Note:** Class A and B display fireworks are partially exempt from the requirements of this chapter (see WAC 296-52-60020 (5)).

AMENDATORY SECTION (Amending WSR 03-06-073, filed 3/4/03, effective 8/1/03)

**WAC 296-52-60020 Exemptions.** (1) **The following are exempt from this chapter:**

(a) Explosives or blasting agents transported by railroad, water, highway, or air under the jurisdiction of the Federal Department of Transportation (DOT), the Washington state utilities and transportation commission, and the Washington state patrol.

(b) Laboratories of schools, colleges, and similar institutions if confined to the purpose of instruction or research and if the quantity does not exceed one pound.

(c) Explosives in the forms prescribed by the official United States Pharmacopoeia.

(d) The transportation, storage, and use of explosives or blasting agents in the normal and emergency operations of:

- The United States agencies and departments including the regular United States military departments on military reservations

- Arsenal, navy yards, depots, or other establishments owned by, operated by, or on behalf of, the United States

- The duly authorized militia of any state

- The emergency operations of any state department or agency, any police, or any municipality or county

(e) A hazardous devices technician when they are carrying out:

- Normal and emergency operations

- Handling evidence

- Operating and maintaining a specially designed emergency response vehicle that carries no more than ten pounds of explosive materials

- When conducting training and whose employer possesses the minimum safety equipment prescribed by the Federal Bureau of Investigation (FBI) for hazardous devices work

**Note:** A hazardous devices technician is a person who is a graduate of the FBI Hazardous Devices School and who is employed by a state, county, or municipality.

(f) The importation, sale, possession, and use of fireworks, signaling devices, flares, fuses, and torpedoes.

~~(g) ((The transportation, storage, and use of explosives or blasting agents in the normal and emergency avalanche control procedures used by trained and licensed ski area operator personnel. However, the storage, transportation, and use of explosive and blasting agents for such use must meet the requirements in chapter 296-59 WAC, Safety standards for ski operations.~~

**Note:** The purpose of this chapter is to protect the public by enabling ski area operators to exercise appropriate avalanche control measures. The legislature finds that avalanche control is of vital importance to safety in ski areas and that the provisions of the Washington State Explosives Act contain restrictions, which do not reflect special needs for the use of explosives as a means of clearing an area of serious avalanche risks. This act recognizes these needs while providing for a system of regulations designed to make sure that the use of explosives for avalanche control conforms to fundamental safety requirements.))

Reserved.

(h) Any violation under this chapter if any existing ordinance of any city, municipality, or county is more stringent.

(2) **Noncommercial military explosives.** Storage, handling, and use of noncommercial military explosives are exempt from this chapter while they are under the control of the United States government or military authorities.

(3) **Import, sale, possession, or use of:**

- Consumer fireworks

- Signaling devices

- Flares

- Fuses

- Torpedoes

(4) **Consumer fireworks.** Fireworks classified as Division 1.4 explosives by U.S. DOT and regulated through the State fireworks law (chapter 70.77 RCW) and the fireworks administrative code (chapter 212-17 WAC) by the Washington state fire marshal.

**Note:** Consumer fireworks are classified as fireworks UN0336 and UN0337 by U.S. DOT (49 CFR 72.101).

(5) **Partial exemption—Division 1.1, 1.2, or 1.3 display fireworks.** Display fireworks are fireworks classified as Division 1.1, 1.2, or 1.3 explosives by US DOT. Users of Division 1.1, 1.2, or 1.3 display fireworks must comply with all storage or storage related requirements (for example, licensing, construction, and use) of this chapter.

**Note:** Display fireworks are classified as fireworks UN0333, UN0334, or UN0335 by U.S. DOT (49 CFR 172.101).

(6) **Conditional exemption small arms explosive materials.** Public consumers possessing and using:

- Black powder, under five pounds

- Smokeless powder, under fifty pounds

- Small arms ammunition

- Small arms ammunition primers

– Unless these materials are possessed or used illegally or for a purpose inconsistent with small arms use.

AMENDATORY SECTION (Amending WSR 05-08-110, filed 4/5/05, effective 6/1/05)

**WAC 296-52-60130 Definitions. Aerial blaster in charge means a person who:**

- Is fully qualified, by means of training and experience in explosives use

- Is adequately trained, experienced, and capable of recognizing hazardous conditions throughout the blast area

- Is in charge of:

- The blast process

- All aspects of explosives and blasting agent storage, handling, and use as recommended by the manufacturer and as required by this chapter

- Is in a position of authority:

- To take prompt corrective action in all areas of the blast operation

- Over all other blasters at the blast sight

- Has a minimum of five missions under the supervision of a licensed aerial blaster in charge

- Successfully completes a written exam for aerial blaster in charge.

**Alien** means any person who is not a citizen or national of the United States.

**American Table of Distances** means the American Table of Distances for Storage of Explosives as revised and approved by Institute of the Makers of Explosives (IME).

**Approved storage facility** means a facility for the storage of explosive materials which is in compliance with the following chapter:

- Storage licensing (WAC 296-52-660)
- Storage of explosive materials (WAC 296-52-690)
- Magazine construction (WAC 296-52-700).

**ATF** means the Bureau of Alcohol, Tobacco, Firearms and Explosives.

**Attend** means the physical presence of an authorized person who stays in view of the explosives.

**Attended, as attending explosives,** means the physical presence of an authorized person within the field of vision of explosives. The said attendant shall be awake, alert, and not engage in activities which may divert their attention so that in case of an emergency the attendant can get to the explosives quickly and without interference, except for brief periods of necessary absence, during which absence simple theft of explosives is not ordinarily possible.

**Avalanche** means the sliding or falling of a large amount of snow down a steep slope which has a destructive force due to its mass.

**Avalanche control pack** means a specially designed and constructed pack for carrying explosives.

**Avalanche control route** means a route or specific path which is used by an authorized person in order to control the occurrence of avalanches.

**Avalancher** means a device like a cannon which is used for avalanche control blasting. It has a rotating base calibrated for pointing and the barrel is mounted on an elevating mechanism. It uses a compressed gas to propel a projectile containing an explosive charge and detonating means. The gas source is connected to the gun by high pressure hose with in-line control valves and pressure gauges ahead of the trigger mechanism.

**Authorized, approved, or approval** means authorized, approved, or approval by:

- The department
- Any other approving agency
- An individual as specified in this chapter.

**Authorized agent** means a person delegated by a licensed purchaser, who possesses a basic knowledge of explosives handling safety, to order and receive explosives on the purchaser's behalf.

**Authorized agent list** means a current list of agents the purchaser has authorized to order or receive explosives on their behalf.

**Authorized person** means a person approved or assigned by an employer, owner, or licensee to perform a specific type of duty or be at a specific location at the job site.

#### **Barricades**

• **Barricade** means effectively screening a building containing explosives by means of a natural or artificial barrier from a magazine, another building, a railway, or highway.

• **Artificial barricade** means a barricade of such height that a straight line from the top of any sidewall of the building

containing explosives to the eave line of any magazine or other building or to a point twelve feet above the center of a railway or highway shall pass through such barrier, an artificial mound or properly revetted wall of earth with a minimum thickness of three feet.

• **Natural barricade** means any natural hill, mound, wall, or barrier composed of earth, rock, or other solid material at least three feet thick.

**Blast area** means the area of a blast that is effected by:

- Flying rock missiles
- Gases
- Concussion.

**Blast pattern** means the plan of the drill holes laid out and a display of the burden distance, spacing distance, and their relationship to each other.

**Blast site** means the area where explosive material is handled during loading and fifty feet in all directions from loaded blast holes or holes to be loaded.

**Blaster** means a person trained and experienced in the use of explosives and licensed by the department.

**Blaster in charge** means a licensed blaster who is:

• Fully qualified, by means of training and experience in explosives use

• Adequately trained, experienced, and capable of recognizing hazardous conditions throughout the blast area

• In charge of:

- The blast process
- All aspects of explosives and blasting agent storage, handling, and use as recommended by the manufacturer and as required by this chapter

• In a position of authority:

– To take prompt corrective action in all areas of the blast operation

– Over all other blasters at the blast area

**Blaster's license** means an individual license issued by the department under the provisions of chapter 296-52 WAC.

**Blasting agent** means any material or mixture consisting of a fuel and oxidizer:

- That is intended for blasting
- Not otherwise defined as an explosive
- If the finished product, as mixed for use or shipment, cannot be detonated by means of a number 8 test blasting cap when unconfined

– A number 8 test blasting cap is one containing two grams of a mixture of eighty percent mercury fulminate and twenty percent potassium chlorate, or a blasting cap of equivalent strength. An equivalent strength cap comprises 0.40-0.45 grams of PETN base charge pressed in an aluminum shell with bottom thickness not to exceed 0.03 of an inch, to a specific gravity of not less than 1.4 g/cc., and primed with standard weights of primer depending on the manufacturer

**Blasting cap or cap** when used in connection with the subject of explosives shall mean detonator.

**Blockholing** means the breaking of boulders by firing a charge of explosives that has been loaded in a drill hole.

**Buildings that are not inhabited** means a building(s) which has no one in it while explosives are being made up in an adjacent explosives makeup room or while explosives are being held in an adjacent day box or hand charge storage facility.

**Competent person** means a person who:

- Is capable of identifying existing hazardous and the forecasting of hazards of working conditions which might be unsanitary or dangerous to personnel or property
- Has authorization to take prompt corrective action to eliminate such hazards.

**Consumer fireworks** means:

- Any small firework device:
  - Designed to produce visible effects by combustion
  - That must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission (Title 16 CFR, Parts 1500 and 1507),
- A small device designed to produce audible effects which include, but are not limited to:
  - Whistling devices
  - Ground devices containing 50 mg or less of explosive materials
  - Aerial devices containing 130 mg or less of explosive materials

**Note:** Fused set pieces containing components, which, together, exceed 50 mg of salute powder are not included.

**Conveyance** means any unit used for transporting explosives or blasting agents, including, but not limited to:

- Trucks
- Trailers
- Rail cars
- Barges
- Vessels.

**Day box** means a box which:

- Is a temporary storage facility for storage of explosive materials
- Is not approved for unattended storage of explosives
- May be used at the worksite during working hours to store explosive materials, provided the day box is:
  - Constructed as required (WAC 296-52-70065, Explosives day box)
  - Marked with the word "explosives"
  - Used in a manner that safely separates detonators from other explosives
  - Guarded at all times against theft

**Dealer** means any person who purchases explosives or blasting agents for the sole purpose of resale and not for use or consumption.

**Detonating cord** means a round flexible cord containing a center core of high explosive and used to initiate other explosives.

**Detonator** means any device containing any initiating or primary explosive that is used for initiating detonation and includes, but is not limited to:

- Electric and electronic detonators of instantaneous and delay types
- Detonators for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous delay detonators which use detonating cord, shock tube, or any other replacement for electric leg wires.

**Discharge hose** means a hose with an electrical resistance high enough to limit the flow of stray electric currents to safe levels, but not high enough to prevent drainage of static electric charges to the ground. Hose not more than 2

megohms resistance over its entire length and of not less than 5,000 ohms per foot meets the requirement.

**Display fireworks** means large fireworks:

- Designed primarily to produce visible or audible effects by combustion, deflagration, or detonation, and include, but are not limited to:
  - Salutes containing more than 2 grains (130 mg) of explosive materials
  - Aerial shells containing more than 40 grams of pyrotechnic compositions
  - Other display pieces, which exceed the limits of explosive materials for classification as "consumer fireworks"
  - Fused set pieces containing components, which together exceed 50 mg of salute powder

**Dud or misfire** means an explosive charge with a detonating means which does not explode when detonation is attempted.

**Electric detonator** means a blasting detonator designed for and capable of detonation by means of electric current.

**Electric blasting circuitry** consists of these items:

- **Bus wire.** An expendable wire used in parallel or series, or in parallel circuits, which are connected to the leg wires of electric detonators.
- **Connecting wire.** An insulated expendable wire used between electric detonators and the leading wires or between the bus wire and the leading wires.
- **Leading wire.** An insulated wire used between the electric power source and the electric detonator circuit.
- **Permanent blasting wire.** A permanently mounted insulated wire used between the electric power source and the electric detonator circuit.

**Electric delay detonators** means detonators designed to detonate at a predetermined time after energy is applied to the ignition system.

**Electronic detonator** means a detonator that utilizes stored electrical energy as a means of powering an electronic timing delay element/module that provides initiation energy for firing the base charge.

**Emulsion** means an explosive material containing:

- Substantial amounts of oxidizer dissolved in water droplets, surrounded by an immiscible fuel
- Droplets of an immiscible fuel surrounded by water containing substantial amounts of oxidizer.

**Explosives** means:

- Any chemical compound or mechanical mixture:
  - Commonly intended or used for the purpose of producing an explosion
  - That contains any oxidizing and combustible units or other ingredients in proportions, quantities or packing that an ignition by fire, friction, concussion, percussion, or detonation of any part of the compound or mixture may cause sudden generation of highly heated gases resulting in gaseous pressures capable of producing destructive effects on contiguous objects or of destroying life or limb
- All material classified as Division 1.1, 1.2, 1.3, 1.4, 1.5, or 1.6 explosives by U.S. DOT
- For the purposes of public consumer use, the following are not considered explosives unless they are possessed or used for a purpose inconsistent with small arms use or other legal purposes:



- Small arms ammunition
- Small arms ammunition primers
- Smokeless powder, not exceeding fifty pounds
- Black powder, not exceeding five pounds

**Explosive actuated power devices** means any tool or special mechanized device, which is activated by explosives and does not include propellant actuated power devices.

**Explosives classifications.** Explosives classifications include, but are not limited to:

- Division 1.1 and Division 1.2 explosives (possess mass explosion or detonating hazard):
  - Dynamite
  - Nitroglycerin
  - Picric acid
  - Lead azide
  - Fulminate of mercury
  - Black powder (exceeding 5 pounds)
  - Detonators (in quantities of 1,001 or more)
  - Detonating primers
- Division 1.3 explosives (possess a minor blast hazard, a minor projection hazard, or a flammable hazard):
  - Propellant explosives
  - Smokeless powder (exceeding fifty pounds)
- Division 1.4 explosives:
  - Explosives that present a minor explosion hazard
  - Includes detonators that will not mass detonate in quantities of 1,000 or less
- Division 1.5 explosives:
  - Explosives with a mass explosion hazard but are so insensitive that there is little probability of initiation
  - ANFO and most other blasting agents are in this division
- Division 1.6 explosives:
  - Explosives that are extremely insensitive and do not have a mass explosion hazard

**Explosives exemption.** The exemption for small arms ammunition, small arms ammunition primers, smokeless powder, not exceeding fifty pounds, and black powder, not exceeding five pounds:

- Applies to public consumer use only
- Does not apply to the employer employee relationship covered under the Washington Industrial Safety and Health Act.

**Explosives international markings.**

- The department will accept U.S. DOT and/or ATF international identification markings on explosives and/or explosives containers or packaging
  - This exception is under the authority of RCW 70.74.020(3) and in lieu of Washington state designated markings (as defined by RCW 70.74.010(4) (Division 1.1, 1.2, and 1.3) and required by RCW 70.74.300).

**Explosives manufacturing building** means any building or structure, except magazines:

- Containing explosives where the manufacture of explosives, or any processing involving explosives, is conducted
  - Where explosives are used as a component part or ingredient in the manufacture of any article or device.

**Explosives manufacturing plant** means all lands with buildings used:

- In connection with the manufacturing or processing of explosives
  - For any process involving explosives
  - For the storage of explosives
  - To manufacture any article or device where explosives are used as a component part or ingredient in the article or device.

**Fireworks** means any composition or device:

- Designed to produce a visible or an audible effect by combustion, deflagration, or detonation
- Which meets the definition of "consumer fireworks" or "display fireworks."

**Forbidden or not acceptable explosives** means explosives which are forbidden or not acceptable for transportation by common carriers by rail freight, rail express, highway, or water in accordance with the regulations of the Federal Department of Transportation (DOT).

**Fuel** means a substance, which may react with oxygen to produce combustion.

**Fuse (safety).** See "safety fuse."

**Fuse igniter** means a special pyrotechnic device intended to be used to ignite safety fuses.

**Fuse lighters** means special devices used for the purpose of igniting safety fuses.

**Hand charge** means an explosive charge with a cap and fuse assembly inserted in place.

**Handler** means any individual who handles explosives or blasting agents for the purpose of transporting, moving, or assisting a licensed blaster in loading, firing, blasting, or disposal.

**Note:** This does not include employees of a licensed manufacturer engaged in manufacturing process, drivers of common carriers, or contract haulers.

**Hand loader** means any person who engages in the non-commercial assembly of small arms ammunition for personal use; specifically, any person who installs new primers, powder, and projectiles into cartridge cases.

**Highway** means roads, which are regularly and openly traveled by the general public and includes public streets, alleys, roads, or privately financed, constructed, or maintained roads.

**Improvised device** means a device, which is:

- Fabricated with explosives
- Fabricated with destructive, lethal, noxious, pyrotechnic, or incendiary chemicals, and designed, or has the capacity to disfigure, destroy, distract, and harass.

**Inhabited building** means:

- A building which is regularly occupied, in whole or in part, as a habitat for human beings
  - Any church, schoolhouse, railroad station, store, or other building where people assemble.

**Note:** This does not mean any building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives.

**Low explosives** means explosive materials, which can be caused to deflagrate when, confined. This includes:

- Black powder, safety fuses, igniters, igniter cords, fuse lighters, and display fireworks defined as Division 1.2 or Division 1.3 explosives by U.S. DOT (49 CFR Part 173).

**Note:** This does not apply to bulk salutes.

**Magazine** means any building, structure, or container approved for storage of explosive materials.

**Note:** This does not apply to an explosive manufacturing building.

**Manufacturer** means any person engaged in the business of manufacturing explosive materials for purposes of sale or distribution or for his or her own use.

**EXEMPTIONS:** The following exemptions are restricted to materials and components, which are not classified (by U.S. DOT) as explosives until after they are mixed. With this restriction, the definition of manufacturer *does not* include:

- Inserting a detonator into a cast booster or a stick of high explosive product to make a primer for loading into a blast hole
- The act of mixing on the blast site, either by hand or by mechanical apparatus, binary components, ammonium nitrate, fuel oil, and/or emulsion products to create explosives for immediate down blast hole delivery.

**Misfire** means the complete or partial failure of an explosive charge to explode as planned.

**Mudcap** (also known as bulldozing and dobbing) means covering the required number of cartridges that have been placed on top of a boulder with a three or four-inch layer of mud, which is free from rocks or other material that could cause a missile hazard.

**Nonelectric delay detonator** means a detonator with an integral delay element in conjunction with and capable of being detonated by a:

- Detonation impulse
- Signal from miniaturized detonating cord
- Shock tube.

**Oxidizer** means a substance that yields oxygen readily to stimulate the combustion of organic matter or other fuel.

**Permanent magazines** means magazines that:

- Are fastened to a foundation
- Do not exceed permanent magazine capacity limits (RCW 70.74.040)
- Are approved and licensed
- Are left unattended.

**Person** means any individual, firm, partnership, corporation, company, association, person or joint stock association or trustee, receiver, assignee, or personal representative of that entity.

**Person responsible**, for an explosives magazine, means:

- The person legally responsible for a magazine that actually uses the magazine
- The person is responsible for the proper storage, protection, and removal of explosives, and may be the owner lessee, or authorized operator.

**Portable (field) magazines** means magazines that are:

- Designed to be unattended
- Not permanently fastened to a foundation
- Constructed or secured to make sure they cannot be lifted, carried, or removed easily by unauthorized persons
- Limited to the capacity of explosives required for efficient blasting operation
- Approved and licensed.

**Possess** means the physical possession of explosives in one's hand, vehicle, magazine, or building.

**Primary blasting** means the blasting operation that dislodged the original rock formation from its natural location.

**Primer** means a unit, package, cartridge, or container of explosives inserted into or attached to a detonator or detonating cord to initiate other explosives or blasting agents.

**Propellant actuated power device** means any tool, special mechanized device, or gas generator system, which is actuated by a propellant and releases and directs work through a propellant charge.

**Public utility transmission systems** means:

- Any publicly owned systems regulated by:
  - The utilities and transportation commission
  - Municipalities
  - Other public regulatory agencies, which include:
    - Power transmission lines over 10 kV, telephone cables, or microwave transmission systems
    - Buried or exposed pipelines carrying water, natural gas, petroleum, or crude oil or refined products and chemicals

**Purchaser** means any person who buys, accepts, or receives explosives or blasting agents.

**Pyrotechnics**, commonly referred to as fireworks, means any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects.

**Qualified person** means a person who has successfully demonstrated the ability to solve or resolve problems relating to explosives, explosives work, or explosives projects by:

- Possession of a recognized degree or certificate
- Professional standing
- Extensive knowledge, training, and experience.

**Railroad** means any type of railroad equipment that carries passengers for hire.

**Safety fuse (for firing detonators)** means a flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate.

**Secondary blasting** means using explosives, mudcapping, or blockholing to reduce oversize material to the dimension required for handling.

**Shock tube** means a small diameter plastic tube:

- Used for initiating detonators
- That contains a limited amount of reactive material so energy, transmitted through the tube by means of a detonation wave, is guided through and confined within the walls of the tube.

**Small arms ammunition** means any shotgun, rifle, pistol, or revolver cartridge, and cartridges for propellant actuated power devices and industrial guns.

**Note:** This does not mean military type ammunition containing explosive bursting incendiary, tracer, spotting, or pyrotechnic projectiles.

**Small arms ammunition primers** means small percussion sensitive explosive charges encased in a detonator or capsule used to ignite propellant power or percussion detonators used in muzzle loaders.

**Smokeless powder** means solid chemicals or solid chemical mixtures that function by rapid combustion.

**Special industrial explosive devices** means explosive actuated power devices and propellant-actuated power devices.

**Special industrial explosives materials** means shaped materials and sheet forms and various other extrusions, pellets, and packages of high explosives, which include:

- Dynamite
- Trinitrotoluene (TNT)
- Pentaerythritol tetranitrate (PETN)
- Hexahydro-1, 3, 5-trinitro-s-triazine (RDX)
- Other similar compounds used for high-energy-rate forming, expanding, and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

**Springing** means the creation of a pocket in the bottom of a drill hole by the use of a moderate quantity of explosives so that larger quantities of explosives may be inserted.

**Sprung hole** means a drilled hole that has been enlarged by a moderate quantity of explosives to allow for larger quantities of explosives to be inserted into the drill hole.

**Stemming** means a suitable inert incombustible material or device used to confine or separate explosives in a drill hole or cover explosives in mudcapping.

**Trailer** means semi-trailers or full trailers, as defined by U.S. DOT, which are:

- Built for explosives
- Loaded with explosives
- Operated in accordance with U.S. DOT regulations.

**U.S. DOT** means the United States Department of Transportation.

**Vehicle** means any car, truck, tractor, semi-trailer, full trailer, or other conveyance used for the transportation of freight.

**Water-gels or emulsion explosives.** These explosives:

- Comprise a wide variety of materials used for blasting.
- Two broad classes of water-gels are those which:
- Are sensitized by material classed as an explosive, such as TNT or smokeless powder
  - Contain no ingredient classified as an explosive which are sensitized with metals, such as aluminum, or other fuels
  - Contain substantial proportions of water and high proportions of ammonium nitrate, some ammonium nitrate is in the solution in the water, and may be mixed at an explosives plant, or the blast site immediately before delivery into the drill hole.

AMENDATORY SECTION (Amending WSR 03-10-037, filed 4/30/03, effective 5/24/03)

**WAC 296-52-61040 Reasons why applicants may be disqualified.** (1) Licenses will not be issued for the manufacture, retail sale((;)) or purchase((; storage, or use of)) explosives to any applicant((;)) who is any of the following:

- ((Who)) Does not provide proof of a valid explosive license or permit issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)
  - Under twenty-one years of age
  - Whose license is suspended or revoked, except as provided in this section
  - Convicted in any court of a crime punishable by imprisonment for a term exceeding one year
  - Legally determined at the time of application to be:
    - Mentally ill
    - Insane

- Committed to a mental institution
- Incompetent due to any mental disability or disease at the time of application.

**Note:** The department will not reissue a license until competency has been legally restored.

- Physically ill or disabled, and cannot use explosives safely. Disqualifying disabilities may include, but are not limited to:

- Blindness
- Deafness
- Epileptic or diabetic seizures or coma.

**Note:** The department will not reissue a license until the applicant's physical ability is verified by a qualified physician through the appeal process (WAC 296-52-60065, Violation appeals).

- Who is an alien, unless:
  - They are lawfully admitted for permanent residence
  - They are in lawful nonimmigrant status
- Who has been dishonorably discharged from the United States armed forces
- Who has renounced their citizenship from the United States.

(2) A user (blaster) license will not be issued if the applicant is denied a receiver or employee possessor designation by ATF.

AMENDATORY SECTION (Amending WSR 05-08-110, filed 4/5/05, effective 6/1/05)

**WAC 296-52-64005 Responsibility to obtain a blaster's license.** No one may conduct a blasting operation without a valid blaster's license issued by the department.

**Note:** A blaster's license is not required for a "hand loader."

**Blaster license classifications table.** The following information shows classification for blasting licenses.

- **Classification list assignment.** Classification list assignment is determined by the use of single or multiple series charges; and the knowledge, training, and experience required to perform the type of blasting competently and safely.

- **Multiple list applications.** When an applicant wants to apply for multiple classifications and the classifications desired are from two or more classification table lists:

- All classifications must be requested on the application
- Qualifying documentation for all classifications being applied for must be included in the applicant's resume (WAC 296-52-64050, Applicant information). Training and experience may fulfill qualification requirements in multiple classifications.

- **Request classifications not lists.** Applicants must request specific classifications (not list designations) on their blaster application. Licenses are not issued or endorsed for Classification Table lists A, B, or C.

- **License additions.** To add a classification to an existing license, see WAC 296-52-64085, Changes to a blaster's license classification.

License Classifications Table					
LIST A		LIST B		LIST C	
AB	Aerial Blasting	DE	Demolition	BT	Bomb Technician*
AG	Agriculture	SB	Surface Blasting*	UL	Unlimited*
AV	Avalanche Control	UB	Underground Blasting		
ED	Explosives Disposal*	UW	Underwater Blasting		
FO	Forestry*				
LE	Law Enforcement*				
IO	Industrial Ordnance				
SE	Seismographic				
TS	Transmission Systems				
WD	Well Drilling				

\* Detailed classification information.

• **Aerial blasting.** Will require experience and passing aerial blasting test.

• **Bomb technician.** Disposal of bombs, illegal fire-works and explosive devices.

• **Explosives disposal.** Disposal of explosive materials by licensed blasters.

• **Forestry.** Includes logging, trail building, and tree top-ping.

• **Law enforcement.** Diversionary devices, explosive detection K-9 dog handlers, crowd control devices (stingers) ~~((and))~~ requires taking a handlers test. Tactical entry (breaching) requires taking the tactical entry test.

• **Surface blasting.** Includes construction, quarries, and surface mining.

• **Unlimited.** Includes all classifications except under-ground blasting and law enforcement.

**AMENDATORY SECTION** (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

**WAC 296-52-64030 List A qualifications.** To be considered for a blaster's license, limited to one or more List A classifications, an applicant must have a minimum of forty hours documented training accrued during the previous six years.

The training must include a minimum of one of these three requirements:

• Eight hours basic blaster safety classroom training and thirty-two hours classification specific field training experience under a qualified blaster

• Sixteen hours basic blaster safety classroom training and twenty-four hours classification specific field training experience under a qualified blaster

• Twelve months classification specific field training experience.

Aerial blasting classification shall require:

• Standard avalanche control blaster's license

• Experience requirement of five missions under the supervision of a licensed aerial blaster

• Successful completion of a written exam.

**Note:** Additional personnel on board with a standard avalanche control blaster's license may log each mission toward the aerial blasting endorsement experience requirement.

**AMENDATORY SECTION** (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

**WAC 296-52-66050 Moving, altering, or destroying a licensed magazine.** ~~((Follow these requirements to move, alter, or destroy a licensed magazine:))~~ (1) When a magazine is moved~~((, altered, or destroyed, the licensee must))~~ the owner of the magazine must notify the department with:

(a) ~~((Notify the department))~~ The license number of the magazine

(b) ~~((Provide the license number of the magazine~~

~~((e) Identify the specific alterations made to the maga-zine))~~ The new location of the magazine

Reserved

(2) A magazine may be moved on a job site within a rea-sonable distance from the original location stated on the application without notifying the department, provided the:

(a) New location complies with the requirements of this chapter and the Washington State Explosives Act

(b) Magazine can be quickly located for an inspection.

**NEW SECTION**

**WAC 296-52-66053 Altering or destroying a licensed magazine.** (1) When a magazine is altered, the licensee must notify the department with:

• The license number of the magazine.

• The specific alterations made to the magazine.

(2) When a magazine is destroyed, the licensee must notify the department with the license number of the maga-zine.

**NEW SECTION**

**WAC 296-52-66057 Transfer, sale or lease of a mag-azine or mobile storage site.** (1) When a magazine or mobile storage site is leased, the owner of the magazine or mobile storage site must notify the department with:

(a) The magazine license number or site license number

(b) The name of the individual or company leasing the magazine or mobile storage site

(2) When a magazine or mobile storage site is transferred or sold from one entity to another, the previous owner/lic-ensee shall notify the department with:

- (a) The magazine license number or site license number
- (b) The date of the sale or transfer
- (c) The name of the individual or company to whom the magazine or mobile storage site was sold or transferred to
- (d) Who will be licensing the magazine or mobile storage site
- (e) The name of the contact person and phone number.
- (3) A new owner/licensee of a magazine or mobile storage site:
  - (a) Is responsible for the safe operation of the magazine or mobile storage site
  - (b) They must also:
    - Submit a magazine storage application to the department
    - Pay the license fee for a minimum of one year
    - Obtain a storage license prior to storing explosive materials in the magazine or at the mobile storage site

**AMENDATORY SECTION** (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

**WAC 296-52-67090 Initiation systems. (1) General initiation rules.**

- (a) **Training and supervision.**
  - (i) The blaster in charge must provide adequate on-the-job training and supervision in the safe use of initiation systems.
  - (ii) All members of the blasting crew must be instructed, by the blaster in charge, in the safe use of the initiation system to be used and its system components.
- (b) **Manufacturer recommendations.** All initiation systems and system components must be used in accordance with manufacturer recommendations and instructions.
- (c) **Vehicle use precautions.**
  - (i) Explosives bulk trucks or other vehicles operated on a blast site cannot tread on:
    - (A) Tubing
    - (B) Connectors
  - OR**
  - (C) Any surface delay component
  - (ii) If a vehicle must pass over loaded blast holes. Precautions must be made to consolidate tubing, connectors, or any surface delay component at the collar of the hole to prevent vehicle contact.
- (d) **Connecting the firing line.** Firing lines cannot be connected to the blast initiating device until all personnel are:
  - (i) Accounted for
  - (ii) Removed from the blast danger area
- OR**
- Are in a blast shelter or other location that provides equivalent protection
- (e) **Visual inspection.** The blaster in charge must visually inspect the initiation system to make sure it is assembled according to the manufacturer's recommendations, before firing the shot.
- (f) **Explosives not used:**
  - (i) Unused detonators or short capped fuses cannot be placed in holes that may be used for blasting.
  - (ii) Unused detonators must be removed from the work area and disposed of or stored in a licensed magazine.

(ii) Loose cartridges of explosives, detonators, primers, and capped fuses that are not used by the end of the work shift must be returned to and locked in their magazines.

(2) **Nonelectric initiation systems.**

(a) **Shock tube lines.** When a nonelectric shock tube initiation system is used:

- (i) Spools of shock tube lines cannot be spooled from trucks or equipment.
  - (ii) The shock tube line must:
    - (A) Be free of knots and tight kinks
    - (B) Be free of cuts or abrasions that could expose the core to moisture
    - (C) Not be stretched
    - (D) Be neat and orderly
- (ii) Tie ins must be kept neat and clean.
- (iv) Unused lead line must be sealed to prevent moisture and dirt from entering the tube.
- (v) Care must be taken to avoid hitting the tube with a shovel when the shock tube is being covered.
- (vi) The end of the detonator must be pointed toward the front of the shot to minimize the chance of shrapnel flying to the rear of the blast where the shock tube will be lit.

(b) **Surface connector blocks.** Nonelectrical tubes must:

- (i) Be secured properly in surface connector blocks.
- (ii) Never exceed the rated capacity of tubes in surface connector blocks.
- (c) **Splicing line.** A knot must be tied in the tubes to take the strain off of the splice.

(d) **Detonator cord.** If a detonator cord is used for surface tie in:

- (i) All lines must be kept taut.
- (ii) Connections to nonelectrical units must be at ninety degree angles.
- (e) **Equipment and personnel.**
  - (i) Equipment cannot roll over shock tubes.
  - (ii) All unnecessary equipment and personnel must be removed from the blast area during loading.

(3) **Electric initiating systems.**

(a) **Survey of extraneous currents.** A survey to evaluate extraneous currents must be conducted:

- (i) By the blaster in charge before adopting any system of electrical firing.
- (ii) To eliminate all currents before holes are loaded.

(b) **Detonator compatibility, style, function, and manufacture.** In any single blast using electric detonators, all detonators must be:

- (i) Compatible with each other.
- (ii) Of the same style or function.
- (iii) From the same manufacturer.

(c) **Wire capacity and gauge.**

- (i) Connecting wires and lead wires must:
  - (A) Be insulated single solid wires with sufficient current carrying capacity
  - (B) Not be less than twenty gauge (American wire gauge) solid core insulated wire
- (ii) Firing line or lead wires must:
  - (A) Be made of solid single wires with sufficient current carrying capacity

(B) Not be less than fourteen gauge (American wire gauge) solid core insulated wire

**Note:** Bus wires, depends on the size of the blast, fourteen gauge (American wire gauge) copper is recommended.

(d) **Lead wires.**

(i) **Shunting.** You must shunt the ends of lead wires that will be connected to a firing device by twisting them together before they are connected to leg or connecting wires.

(ii) **Control.** The blaster in charge must keep control of shunted lead wires until loading is completed and the leg wires are attached.

(iii) **Attachment.** Lead wires must be attached by the blaster in charge when it is time to fire the shot.

(e) **Detonator leg wires.** Electric detonator leg wires must:

(i) Be kept shunted (short circuited) until they are connected into the circuit for firing.

(ii) Not be separated (except for testing) until all holes are loaded and the loader is ready to connect the leg wires to the connecting or lead wires.

(f) **Circuits.**

(i) Blasting circuits or power circuits must be used in electric blasting and according to the electric detonator manufacturer's recommendations.

(ii) Care must be taken to make sure an adequate quantity of delivered current is available according to the manufacturer's recommendations, when firing a circuit of electric detonators.

(iii) A power circuit used for firing electric detonators cannot be grounded.

(iv) The firing switch must be designed so the firing lines to the detonator circuit automatically short circuit when the switch is in the "off" position.

(v) The firing switch must be locked in the "open" or "off" position at all times, except when firing from a power circuit.

(g) **Firing line insulation.** The insulation on all firing lines must be adequate and in good condition when firing electrically.

(h) **Testing.**

(i) The firing line must be checked at the terminals with an approved testing device before being connected to the blasting machine or other power sources.

(ii) The circuit, including all detonators, must be tested with an approved testing device before being connected to the firing line.

(i) **Switch keys.** The blaster in charge is the only person who is allowed to have firing switch keys in their possession.

(j) **Blasting machines.** A nonelectric system must be used if these requirements cannot be satisfied:

(i) Blasting machines must be in good condition.

(ii) The efficiency of the blasting machine must be tested periodically to make sure it delivers power at its rated capacity.

(iii) **Responsible person.**

- The blaster in charge must be in charge of blasting machines

- The blaster in charge must connect the lead wires to the blasting machine and must fire the shot

(iv) **Connections.**

- When firing with blasting machines, connections must be made according to the manufacturer of the electric detonator's recommendations

- All connections must be made from the drill hole back to the source of the firing current

- Lead wires must remain shunted and not connected to the blasting machine or other source of current until the charge is ready to fire

- The number of electric detonators connected to a blasting machine cannot exceed the blasting machine's rated capacity

(v) **Series circuit.** In primary blasting, a series circuit cannot contain more detonators than the manufacturer's recommended limits for electric detonators.

(vi) **Circuit testing.** A blaster in charge must use blasting testers specifically designed to test circuits to charged holes.

(vii) **Blasting near power lines.** Whenever lead or blasting wires could be thrown over live overhead powerlines, communication lines, utility services, or other services or structures by the force of an explosion, care must be taken to make sure:

(A) The total length of wires are short enough so they will not hit the lines

(B) The wires are securely anchored to the ground

(C) The owners or operators of the utilities blasting in the blast area are notified

(viii) **Disconnecting lead wires.** After firing an electric blast from a blasting machine, lead wires must be immediately disconnected from the machine and short-circuited.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

**WAC 296-52-68025 Transportation of workers.** Only ~~((the driver and two additional people are))~~ authorized personnel properly trained in the safe handling of explosives will be allowed in vehicles transporting explosives, provided seat belts are available for all occupants. ~~((Explosives cannot be carried when additional workers are being transported.))~~

AMENDATORY SECTION (Amending WSR 05-08-110, filed 4/5/05, effective 6/1/05)

**WAC 296-52-70010 Building construction for Type 1 magazines.** All building-type storage facilities must:

- Be constructed of masonry, wood, metal, or a combination of these materials

- Have no openings except for entrances and ventilation

- Have the ground around the facility slope away for drainage

(1) **Wall construction.**

(a) **Masonry wall construction.** Masonry wall construction must:

- Consist of brick, concrete, tile, cement block, or cinder block

- Be at least eight inches thick

(b) **Hollow masonry construction.** Hollow masonry construction must:

- Have all hollow spaces filled with well tamped coarse dry sand

**OR**

- Have weak concrete (a mixture of one part cement to eight parts sand with enough water to dampen the mixture) while tamping in place

**AND**

- Have interior walls covered with a nonsparking material

**(c) Fabricated metal wall construction.**

- Metal wall construction must be securely fastened to a metal framework and consist of one of the following types of metal:

- Sectional sheets of steel (at least number 14 gauge)

**OR**

- Aluminum (at least number 14 gauge)

- Metal wall construction must:

- Be lined with brick, solid cement blocks, and hardwood at least four inches thick or material of equivalent strength

- Have a minimum of six-inch sand fill between interior and exterior walls

- Have interior walls constructed of or covered with a nonsparking material

**(d) Wood frame wall construction.**

- Exterior wood walls must be covered with iron or aluminum at least number 26 gauge

- Inner walls, made of nonsparking materials must be constructed with a space:

- A minimum of six inches between the outer and inner walls

**AND**

- Filled with coarse dry sand or weak concrete

**(2) Floors.** Floors must be:

(a) Constructed of a nonsparking material.

(b) Strong enough to hold the weight of the maximum quantity to be stored.

**(3) Foundation.**

- Foundations must be constructed of brick, concrete, cement block, stone, or wood posts

- If piers or posts are used instead of a continuous foundation, the space under the building must be enclosed with metal

**(4) Roof.**

(a) Roofs must be covered with no less than number 26 gauge iron or aluminum fastened to a 7/8-inch sheathing, except for buildings with fabricated metal roofs.

(b) If it is possible for a bullet to be fired directly through the roof at such an angle that it would strike a point below the top of the inner walls, storage facilities must be protected by one of the following two methods:

- A sand tray must be:

- Located at the top of the inner wall covering the entire ceiling area, except the area necessary for ventilation.

- Lined with a layer of building paper.

- Filled with at least four inches of coarse dry sand.

- A fabricated metal roof must be constructed of 3/16-inch plate steel lined with four inches of hardwood or material of equivalent strength. For each additional 1/16-inch of

plate steel, the hardwood or material of equivalent strength lining may be decreased one inch.

**(5) Doors and hinges.**

(a) All doors must be constructed of 1/4-inch plate steel and lined with ~~((two))~~ three inches of hardwood or material of equivalent strength.

(b) Hinges and hasps must be installed so they cannot be removed when the doors are closed and locked by:

- Welding

- Riveting

**OR**

- Bolting nuts on the inside of the door

**(6) Locks.**

(a) Each door must be equipped with:

- Two mortise locks

- Two padlocks fastened in separate hasps and staples

- A combination of a mortise lock and a padlock

- A mortise lock that requires two keys to open

**OR**

- A three-point lock

(b) Padlocks must:

- Have a minimum of five tumblers

- Have a case hardened shackle at least 3/8 inches in diameter

- Be protected with a minimum of 1/4-inch steel hoods, constructed to prevent sawing or lever action on the locks, hasps, and staples

**Note:** These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be operated from the outside.

**(7) Ventilation.**

- A two-inch air space must be left around ceilings and the perimeter of floors, except in doorways

- Foundation ventilators must be at least four inches by six inches

- Vents in the foundation, roof, or gables must be screened and offset

**(8) Exposed metal.**

- Sparking metal construction cannot be exposed below the tops of walls in storage facilities

- All nails must be blind nailed, countersunk, or nonsparking.

**AMENDATORY SECTION** (Amending WSR 05-08-110, filed 4/5/05, effective 6/1/05)

**WAC 296-52-70045 Type 4 magazines: Blasting agent, low explosive, or ~~((electric))~~ nonmass detonating detonators storage facilities.** A Type 4 storage facility must:

- Be a building, an igloo, an army-type structure, a tunnel, a dugout, a box, a trailer, semi-trailer, or other mobile facility

- Be fire resistant, weather resistant, and theft resistant

- Have the ground around the facility slope away for drainage

- Have the wheels removed or effectively immobilized by kingpin locking devices or other methods approved by the department, when an unattended vehicular magazine is used.

**Note:** Test results show that electric detonators are not affected by sympathetic detonation. Therefore, a Type 4 storage facility

meets the necessary requirements for storage of electric detonators.

**PART H  
AVALANCHE CONTROL**

NEW SECTION

**WAC 296-52-800 Avalanche control.** (1) General.

(a) During periods of high avalanche danger, slopes, trails, roads and highways in avalanche paths shall not be opened for use until trained personnel have evaluated conditions and determined whether avalanche control work is necessary.

(b) When avalanche control work is deemed necessary, slopes, trails, roads and highways in the potential avalanche path shall not be opened until the work is completed.

(c) An avalanche shall not be purposely released until the avalanche path and potential runout zone are clear of personnel and vehicles.

(d) Avalanche guards, signs, and/or barricades shall be positioned at normal entrances to the avalanche path if there is any chance that personnel and vehicles will enter the danger zone during intentional release activities.

(e) During very unstable snow conditions, release of one avalanche may trigger sympathetic releases over a wide area. Avalanche workers shall consider such possibility and clear the appropriate areas of personnel and vehicles.

(2) Personnel and equipment.

(a) The avalanche control crew shall be adequately trained and physically capable for tasks which can be anticipated in their individual job assignments.

(b) No person shall accept or be given a job assignment which is beyond the individual's physical ability or training.

(c) On-slope assignments which include potential exposure to avalanche hazards shall only be conducted by fully qualified and fully equipped control crew members.

(d) The control crew may be split up into smaller groups (teams) to work on multiple areas simultaneously provided that each team consists of at least two qualified members.

(e) Each avalanche control crew or team shall have one or more designated rescue coordinators as is deemed necessary to maintain communications. Compliance with this requirement may be achieved by designating control crew teams to serve as each others' rescue coordinator provided that the teams are reasonably proximate to each other and do in fact maintain frequent communications.

(f) Each avalanche control crew member shall be equipped for continuous two-way communications to the avalanche crew coordinators.

(g) The avalanche crew or teams shall not be assigned to on-slope areas where they cannot maintain communications with their designated coordinator. This requirement may be met by the use of a relay person; however, if any team completely loses communications, they shall return directly to base via the safest route available.

(h) Each person on an avalanche control team shall be equipped with a shovel and an electronic transceiver before commencing on-slope control work. The transceiver shall be in the transmit position whenever personnel are performing on-slope job assignments.

(3) Avalanche rescue plan. All employers with avalanche control personnel shall have a written avalanche rescue plan. The plan shall require:

(a) All rescue personnel who will be assigned to on-slope activities shall:

- (i) Be competent skiers;
- (ii) Have a current first-aid card;
- (iii) Be thoroughly trained in the rescue plan details;

(b) A specific list of required equipment for rescue crew personnel including:

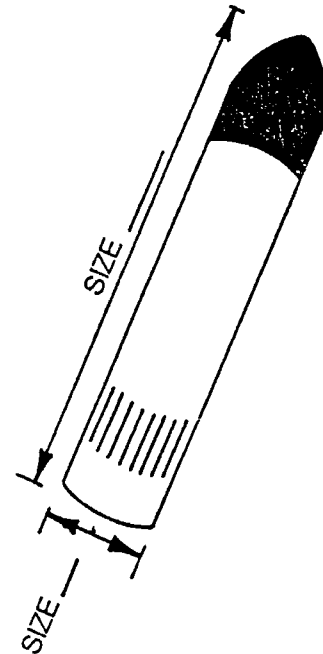
- (i) Probes;
- (ii) Belaying rope;
- (iii) Shovels;
- (iv) Two-way communication radios;
- (v) Electronic transceivers;
- (c) A list of rescue equipment locations;
- (d) Specific rescue procedures to be followed.

NEW SECTION

**WAC 296-52-802 Acceptable warning signs for typical avalanche control devices (duds).**

DANGER  
EXPLOSIVES ON THE MOUNTAIN

Unexploded warheads, projectiles, or hand charges used in avalanche control may be found in target areas or in avalanche runout zones.



UNEXPLODED WARHEADS  
WARHEAD MAY BE DISTORTED  
FROM IMPACT.



If you find an unexploded (dud) charge, do the following:

1. Do not disturb or touch!
2. Mark the location within 5 to 10 feet.
3. Immediately report the location.

NEW SECTION

**WAC 296-52-803 Storage, makeup, and use of explosives for avalanche control blasting.** (1) General.

(a) The storage, handling, and use of explosives and blasting agents used in avalanche control practices shall comply with this chapter and chapter 70.74 RCW.

(b) The minimum requirements published in chapter 296-52 WAC, Part H, shall be applicable to the storage, handling, and use of explosives and blasting agents in the endeavor of avalanche control.

(2) Management responsibility.

(a) Explosives and blasting agents shall not be stored in any regularly occupied areas or buildings except in compliance with this chapter.

(b) Explosives and blasting agents shall not be assembled or combined to form armed charges in any regularly occupied area or building except in compliance with this chapter.

(3) Personnel.

(a) Only fully qualified and licensed blasters shall be permitted to assemble or arm explosives components.

(b) Training shall include avalanche blasting experience so that the problems encountered in cold weather blasting are known factors.

(c) All training activities shall be conducted under the attended supervision of a fully qualified and licensed blaster.

(4) General requirements.

(a) Initiating systems for hand-placed or hand-thrown charges.

(i) The ignition system on single-unit hand-thrown charges shall consist of a nonelectric fuse cap and approved initiation system.

(ii) Multiple units combined to form a single hand-placed charge may use the above system, an approved detonating cord system or shock tube system. No other ignition system shall be permissible without specific approval by the department.

(iii) When using a shock tube system, after all charges are in place, connected to the shock tube trunk line and ready for initiation, the shock tube initiation tool shall be attached for firing.

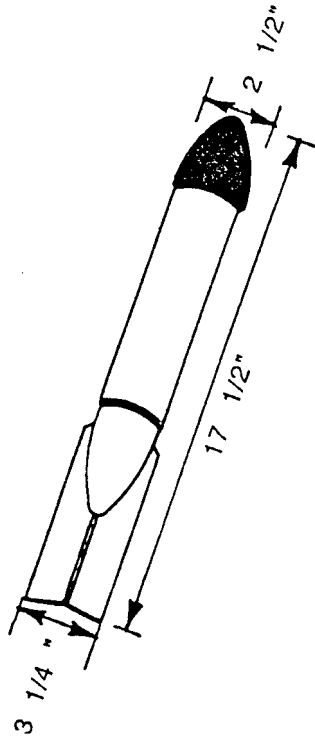
(b) Multiple charge blasts.

(i) Detonating cord or shock tube system shall be used in lieu of blasting wire to connect multiple charge blasts.

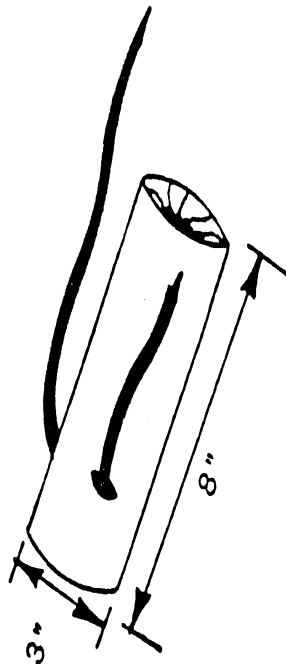
(ii) When using detonating cord systems, after all charges are placed, connected to the detonating cord, and the charges are ready to be ignited, a safety fuse and cap shall be attached to the detonating cord. A fuse igniter may then be attached to ignite the safety fuse.

(c) Blasting caps shall be no larger than No. 8 except when recommended by the explosives manufacturer for a particular explosive used within a specific application.

(d) Electric blasting caps are not permitted.



AVALANCHER PROJECTILE  
RED OPAQUE BODY,  
RED TRANSLUCENT FINS.



DYNAMITE HANDCHARGE  
BROWN COLOR WRAPPING,  
WILL USUALLY HAVE FUSE.

(e) Safety fuse and shock tube.

(i) Only the highest quality safety fuse with excellent water resistance and flexibility shall be used.

(ii) Shock tube systems may be used in place of fuse cap and safety fuse systems.

(f) Fuse length.

(i) Safety fuse length shall be selected to permit the control team adequate escapement time from the blast area under all reasonable contingencies (falls, release of bindings, etc.)

(ii) In no instance shall a fuse length with less than ninety seconds burn time be permitted.

(iii) The burn time of each roll of safety fuse shall be checked prior to use.

(iv) Checked rolls shall be marked with the tested burn time.

(v) It is recommended that all hand charges be prepared for ignition with either one safety fuse and igniter or a double safety fuse and igniters.

**Note:** Standard safety fuse burns at a rate of forty to fifty-five seconds at two thousand five hundred meters elevation. This rate equates to approximately twenty-four inches fuse length for ninety second hand charge fuses at normal avalanche control elevations, but fuse burn rate should be checked before each use.

(5) Explosives.

(a) Explosives chosen shall have a safe shelf life of at least one operating season in the storage facilities in which it will be stored.

(b) Explosives chosen shall have excellent water and freezing resistance.

(c) Industrial primers (or boosters) that consist mainly of TNT or gelatin are the recommended explosives.

(6) Transporting explosives and hand charges.

(a) Hand charges or explosives components shall be transported in approved type avalanche control packs, in United States Department of Transportation-approved shipping containers or in licensed magazines.

(b) Criteria for avalanche control packs.

(i) The pack shall be constructed of water resistant material.

(ii) Packs shall be constructed with sufficient individual compartments to separate hand charges or explosives components from tools or other equipment or supplies which may be carried in the pack.

(iii) Each compartment used for hand charges or explosives components shall have an independent closure means.

(iv) If fuse igniters will be permitted to be carried on the avalanche control pack, a separate compartment with individual closure means shall be attached to the outside of the exterior of the pack.

(c) Use of avalanche control packs.

(i) Packs shall be inspected daily, prior to loading, for holes or faulty compartment closures. Defective packs shall not be used until adequately repaired.

(ii) Tools or other materials shall not be placed in any compartment which contains hand charges or explosives components.

(iii) Fuse igniters shall never be placed anywhere inside the pack when the pack contains hand charges or other explosives components.

(iv) Fuse igniters may be carried in a separate compartment attached to the outside of the pack exterior but preferably in a compartment attached to the front of the carrying harness. Another acceptable alternative is to carry the igniters in a jacket pocket completely separate from the pack.

(v) Hand charges or explosives components shall not be stored or left unattended in avalanche control packs. Unused hand charges shall be promptly disassembled at the end of individual control routes and all components returned to approved storage.

(vi) Individual control team members shall not carry more than thirty-five pounds of hand charges in avalanche control packs.

(vii) A hand charge or cap and fuse assembly which has a fuse igniter attached shall never be placed in an avalanche control pack for any reason.

(d) Whenever explosives or explosives components are transported in or on any vehicle powered by an internal combustion engine, provisions shall be made to ensure that said explosives or containers cannot come into contact with the hot exhaust system.

(e) Hand charges or explosives components shall not be transported in spark-producing metal containers.

(f) Hand charges shall not be transported on public roads and highways when such roads or highways are open to the public. Explosives components shall only be transported on public roads or highways in compliance with United States Department of Transportation regulations.

#### NEW SECTION

##### **WAC 296-52-805 Hand charge makeup methods.**

General. The department shall recognize two permissible methods concerning hand charges for avalanche control blasting. The descriptions and requirements for each method are contained in this section.

**Note:** A well-designed and constructed hand charge makeup room can enhance the correct assembly of explosive components and reduce the incidences of misfires from incorrect makeup or moisture.

(1) Method I. Makeup at the blast site.

(a) The ignition system shall consist of a nonelectrical blasting cap and highest quality water resistant safety fuse, or detonating cord, assembled as recommended by the manufacturer.

(b) Detonating cord (i.e., primacord) shall be used to connect separated multiple-charge blasts.

(c) No other ignition system shall be permissible on hand-placed or hand-thrown avalanche control charges unless variance is granted by the department.

(d) Caps shall be installed on correct length fuses prior to being transported out onto control routes.

(e) Caps shall only be crimped with a crimper tool approved for that purpose.

(f) Assembling caps and fuses shall be done in a warm, dry, well-lighted environment. The location used for assembly shall not have flammable fuels, flammable gases, or explosives present where accidental detonation of the caps could create a secondary ignition or detonation hazard.

(g) Each cap shall be protected by a styrofoam shield or the equivalent before being placed in an avalanche control pack for transportation.

(h) A fuse igniter shall never be attached to a fuse until the fuse and cap assembly is installed in the hand charge at the blast site and the control crew is fully prepared to ignite the charge.

(i) All 1.1 explosives shall be attended as defined in this chapter at all times when the explosive is out of the Type 1 or 2 storage magazine.

(j) Disbursement of explosive charges from the Type 1 or 2 storage magazine into avalanche control packs shall be done outside the storage magazine. Records shall be maintained for all explosives disbursed.

(k) Caps, cap and fuse assemblies, armed hand charges, or fuse igniters shall not be carried into or stored in a Type 1 or 2 magazine which contains 1.1 explosives.

(2) Method II. Hand charge makeup room. This method is different from method I primarily in that the fuse and cap assembly is installed in the explosive charge while inside a special makeup room. The assembly procedure shall be as follows:

(a) Install caps on correct length fuses with an approved crimper tool before explosives are brought into the makeup room.

(b) The cap and fuse assemblies shall not be combined with explosives to form hand charges until just before the intended time of distribution.

(c) Only nonsparking skewers shall be used to punch holes in an explosives cartridge.

(d) The fuse shall be laced or taped in position after inserting the cap in the charge.

(e) Each hand charge shall be placed in an explosives box or avalanche control pack immediately after assembly is completed.

(f) No spark-producing metal tools shall be used to open explosives containers.

(g) Fuse igniters shall never be attached to a fuse or a hand charge until the hand charge is at the blast site and the control crew is fully prepared to ignite the charge.

(3) Makeup room requirements, procedures.

(a) Construction requirements.

(i) Makeup rooms located in accordance with the American Standard Quantity and Distance Tables for storage shall not require construction of reinforced concrete walls, floors, and doors. All other requirements of this chapter shall be applicable for such facilities.

(ii) Floors and walls. The floor and walls shall be constructed of reinforced concrete not less than eight inches thick. The rebar shall be not less than one-half inch diameter and shall be spaced on twelve-inch vertical and horizontal centers. The rebar shall be bent at a ninety degree angle and extend a minimum of twenty-four inches into the adjoining floor or wall to secure each floor and wall joint.

(iii) Roof. The roof is not limited to specific materials but shall provide both weather protection and standard snow loading protection for the region.

(iv) Access door(s).

(A) If a hinged door mounting is utilized, the hinge shall be mounted on the inside so that the door opens into the

makeup room. In the fully closed position, in position to be locked, the door shall be a minimum of two inches larger than the access opening on all sides.

(B) If a flush door mounting is utilized, the door shall be mounted with a two-inch decreasing taper on all sides of both the door and the concrete access opening to form a wedge seal.

(C) If a sliding door mounting is utilized, the mounting apparatus shall be on the inside of the makeup room and the door shall be a minimum of two inches larger than the access opening when the door is fully closed.

(D) Makeup room door may be either:

(I) Constructed to the same structural integrity and mounting requirements of (A) through (C) of this subsection; or

(II) Constructed of plywood not less than two inches thick and overlaid on the outside with a steel plate not less than one-eighth inch thick.

(III) If a door which complies with (II) of this subsection is used, a berm or barricade shall be installed within six feet of the door. The berm or barricade shall extend at least as high as the top of the door and shall be a minimum of two feet wider than the door on both sides of the door.

(E) For security purposes, one steel padlock having at least five tumblers and a case hardened shackle of at least three-eighths inch diameter is sufficient for locking purposes. Hinges and hasps shall be attached so that they cannot be removed from the outside when in the closed position and with the lock in place.

(v) Interior finish. The inside of all makeup rooms shall be finished and equipped to the following minimum requirements:

(A) Construction shall be fire resistant and nonsparking up to the top of the walls. Nails or screws shall be counter-sunk, blind nailed, or covered.

(B) Lighting shall be by N.E.C. explosion-proof rated fixtures and all wiring shall be in sealed conduit.

(C) Control switches shall be outside the makeup room.

(D) No electrical outlet boxes are permissible inside the room.

(b) Restrictions.

(i) Smoking, matches, open flames, or flame- or spark-producing devices shall not be permitted inside the makeup room.

(ii) Flammable liquids or flammable compressed gases shall not be stored in the makeup room.

(iii) Signs limiting entry to authorized personnel shall be posted on the door(s).

(iv) A sign stating the occupancy rules shall be posted inside the makeup room where it is clearly legible upon entering the room. The sign shall post the following rules:

(A) Occupancy shall be restricted to specifically authorized personnel;

(B) Smoking, matches, flame- or spark-producing devices, tools or equipment shall not be permitted in the room at any time when explosives or explosive components are present; and

(C) Flammable fuels or compressed gases shall not be permitted inside the room nor stored within fifty feet of the room.

(v) Heating units shall be limited to:

(A) Forced air systems with the heating unit located outside the room.

(B) Steam systems of 15 psig or less.

(C) Hot water systems of 130°F or less.

(D) The radiant heating coils and piping for steam or hot water systems shall be protected so that explosives cannot come into contact with them.

(E) Heating ducts shall be installed so that the hot air does not discharge directly on explosives.

(F) The heating system used in a makeup room shall have controls which prevent the ambient room temperature from exceeding 130°F.

(vi) The makeup room shall be equipped with a portable fire extinguisher of at least 2A-20BC rating.

**Note:** For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(vii) Ventilation.

(A) The makeup room shall be equipped with a ventilation system capable of maintaining a minimum rate of three air exchanges per hour during all times when explosives are present in the room.

(B) Fans and controls shall be located outside the makeup room and shall be of a type approved for this service.

(C) The lighting circuit control shall also activate the ventilation fan and the ventilation fan shall be operated whenever personnel are in the room.

(D) Exhaust ventilation shall be arranged to discharge into outside air, not into an enclosed structure.

(viii) The floor or exterior walls may be constructed with duct openings for heating and ventilation purposes provided that:

(A) Each duct opening is not greater in volume than seventy-two square inches;

(B) The combined number of duct openings shall not exceed three;

(C) Duct openings shall be located within twelve inches of the floor or ceiling;

(D) The exhaust duct opening shall not be located on the wall above the makeup workbench.

(c) Practices and procedures.

(i) When explosives are present in the makeup room, entry into the makeup room shall be restricted to trained and authorized personnel.

(ii) The access door(s) to the makeup room shall be kept locked or bolted from the inside while employees are assembling explosives.

(iii) The entire makeup room shall be kept clean, orderly, and free of burnable rubbish.

(iv) Brooms and other cleaning utensils shall not have any spark-producing metal parts if used when explosives are present.

(v) Sweepings and empty explosives containers shall be disposed of as recommended by the explosives supplier.

(vi) Repair activities which utilize spark-producing tools shall not be conducted on any part of the makeup room while explosives are present.

(d) Storage of explosives.

(i) A makeup room shall not be used for the unattended storage of 1.1 explosives.

(ii) A makeup room which meets all requirements of this chapter may contain a Type 3 storage facility, for one thousand or less blasting caps.

(iii) A Type 3 storage facility shall be constructed according to the requirements in WAC 296-52-70030 through 296-52-70040.

(A) A Type 3 storage facility shall be fire resistant and theft resistant. It does not need to be bullet resistant and weather resistant if the locked makeup room provides protection from weather and bullet penetration.

(B) Sides, bottoms, and covers shall be constructed of not less than number twelve gauge metal and lined with a nonsparking material.

(C) Hinges and hasps shall be attached so that they cannot be removed from the outside.

(D) One steel padlock having at least five tumblers and a case-hardened shackle of at least three-eighths inch diameter is sufficient for locking purposes. The lock and hasp is not required to be equipped with a steel hood.

(e) Location.

(i) The makeup room shall be located in accordance with the American Quantity and Distance Separation Tables as adopted in chapter 70.74 RCW, Washington State Explosives Act and this chapter except under conditions as indicated in this section.

(ii) Where locating the makeup room in accordance with the quantity and distance separation table is impractical because of bad weather accessibility, rough terrain, or space availability:

(A) Upon application the department will issue a variance enabling location of the makeup room, by mutual agreement, at the safest possible location within the limitation of the individual base area.

(B) The safest possible location will be the location most isolated from assembly areas and buildings that are inhabited with application of additional protection measures such as:

(I) Berming.

(II) Locating natural obstructions or buildings that are not inhabited between the makeup room and assembly areas and buildings that are inhabited.

(III) Limitations on the total quantity of explosives in the makeup room at any one time.

(ii) Makeup rooms designed to hold the boxes of explosives awaiting makeup and the makeup explosives in avalanche control packs awaiting distribution may be located using the total quantity of explosives allowed at the makeup table at any one time as the referenced quantity of explosives provided.

(A) The makeup room is located in accordance with the American Quantity and Distance Separation Tables as adopted in chapter 70.74 RCW, Washington State Explosives Act and this chapter for the referenced quantity of explosives at the makeup table.

(I) This separation shall apply only to human proximity to the makeup room and only at such time as there are explosives in the makeup room.

(II) When the makeup room does not contain explosives the separation tables shall not apply.

(B) The concrete walls of the room are designed to withstand the explosion of the total amount of the referenced explosives.

(I) The concrete walls must be constructed in accordance with specifications designed and certified by a licensed engineer; or

(II) The concrete walls must be constructed to the specifications of Department of the Army TM5-1300 "Structures to Resist the Effects of Accidental Explosions" designed to produce walls which will withstand explosion of the referenced quantity explosives.

(C) The boxes of explosives awaiting makeup and the madeup explosives in avalanche control packs awaiting distribution are located behind separate concrete debris barrier walls which will ensure that detonation of these explosives will not occur if the explosives at the makeup table detonate.

(I) The concrete debris barrier wall must be constructed in accordance with specifications designed and certified by a licensed engineer; or

(II) The concrete debris barrier wall must be constructed to the specifications of Department of the Army TM5-1300 "Structures to Resist the Effects of Accidental Explosions" to produce a barrier which will not allow detonation of the explosives awaiting makeup and distribution should the referenced quantity of explosives detonate.

(III) Access from the makeup table to the area behind the concrete debris barrier walls shall not be doored. The concrete debris barrier walls will be designed so that the access way from the makeup table to the area behind the concrete debris barrier wall will deflect debris from an explosive blast by inherent design.

(D) The roof shall be designed so that the resistance to an interior explosive blast will be negligible.

(iv) A full containment makeup room may be located anywhere and must meet the following requirements:

(A) The makeup room must be constructed in accordance with a licensed explosive engineer's approved design.

(B) The total amount of explosives in the room at any time must not exceed the design limit of the room.

(C) The makeup room cannot be used for storage.

#### NEW SECTION

**WAC 296-52-807 Avalanche control blasting.** (1) The employer shall ensure that all members of avalanche control blasting crews are competent ski mountaineers in good physical and mental condition.

(2) Each avalanche control blasting crew or team shall consist of a qualified and licensed blaster and at least one trained assistant.

(3) Untrained personnel may accompany blasting crews for training purposes but shall not participate in actual firing of charges until trained and authorized.

(4) The blaster in charge of each crew or team shall be responsible for all phases of preparation and placement of charges.

(5) Avalanche control blasting should be conducted during daylight hours whenever possible.

(6) Escape route.

(a) The avalanche control crew or team shall preplan the escape route before igniting any charge.

(b) The escape route shall be as safe and foolproof as possible and shall culminate behind a terrain barrier or at least one hundred feet from the blast site by the time of detonation.

(7) Hand-thrown charges.

(a) A blaster shall only work with one charge at a time.

(b) Before attaching the igniter, the blaster must:

(i) Be at the start of the escape route;

(ii) Check the runout zone for personnel;

(iii) Check the blast area for personnel.

(c) After the blaster attaches and activates the igniter:

(i) The blaster shall check to see that the fuse is ignited;

(ii) If the fuse did not ignite, no attempt shall be made to relight it. The blaster shall immediately remove the fuse cap from the charge to sidarm it. The fuse cap shall be treated as a misfire and be put in an appropriately safe place separate from all other explosive components. It shall not be approached for at least thirty minutes, after which time it shall be properly disposed of. The practice of double fusing hand charges shall be allowed;

(iii) As soon as the fuse is ignited, the blaster shall promptly throw the charge into the target area;

(iv) All personnel shall proceed immediately along the escape route as soon as an ignited charge is thrown.

(d) Where hand-thrown charges will slide down the hill on hard frozen snow or ice surface, charges shall be belayed with light cord.

(8) Hand charges thrown from ski lifts or trams.

(a) The number of charges thrown from ski lifts or trams shall be kept to a minimum.

(b) The lift operating crew shall be informed of the blasting plans.

(c) The lift crew shall stand by for emergency procedures such as transfer of lift onto auxiliary power, evacuation, etc.

(d) The lift crew and the blaster in charge shall be in direct radio contact at all times during the blasting operations.

(e) Only the avalanche control blasting crew and the essential lift operating personnel shall be on a lift or tram during blasting operations.

(f) The avalanche control blasting crew shall be traveling up slope when a charge is thrown.

(g) A charge shall always be thrown down slope and to the side, away from towers, haulropes and other equipment or facilities.

(h) The minimum distance from the blast target to the closest point of the lift shall be sixty feet.

(i) Hand charges shall not exceed 4.5 pounds of TNT equivalent.

(j) Fuses shall be timed and cut to such length that all personnel on the lift will have moved a minimum of three hundred feet from the blast target by the time of detonation.

(k) Precautions shall be taken to avoid tossing charges into any of the lift equipment, moving chairs, cables, towers, etc.

(9) Aerial avalanche control blasting.

(a) Blasting from aircraft shall require a written program approved by the Federal Aviation Administration and the

director, or designee of the department of labor and industries.

(b) A written program shall include the following:

(i) Written procedures to be followed including provisions for safety in the avalanche runout zone and emergency rescue plans.

(ii) Hand charge makeup and handling procedures.

(iii) The type of explosives to be used.

(iv) The qualifications of all avalanche control personnel involved in aerial blasting must meet the requirements of WAC 296-52-64030.

(v) The specific locations where aircraft blasting is to take place.

(c) An aerial avalanche control team shall be established consisting of (at minimum) a pilot, a blaster in charge and an observer/controller.

(d) Blasting from an aircraft shall require the blaster in charge to be a licensed avalanche blaster with an endorsement for aerial blasting. The blaster in charge will be on board during each aerial blasting mission.

**Note:** Blasting from aircraft should only be used when it is determined that conventional methods are not the safest means to mitigate the existing avalanche hazard.

(10) Avalancher requirements.

(a) Management shall develop a written training program and ensure that every person who will be authorized to work on an avalancher firing team is thoroughly trained. Training shall include:

(i) All operating instructions;

(ii) Safety precautions;

(iii) Emergency procedures;

(iv) Securing requirements for the equipment.

(b) Each employer shall have a list of authorized operators listed on a posted operator's list.

(c) Only trained and authorized personnel shall be permitted to point and fire an avalancher with explosive rounds.

(d) During firing of explosive loaded rounds, the firing team shall consist of two qualified operators and not more than one adequately trained helper.

(e) Operators must have a current state blasting license.

(f) Each operator shall individually check the elevation, pointing and pressure settings of the gun before each shot is fired.

(g) Operators shall attempt to determine and record whether or not each round which is fired actually explodes on contact.

(h) The approximate location of all known duds shall be recorded.

(i) Initial shooting coordinates for each avalancher mount shall be made during periods of good visibility.

(j) Testing shall include test firing in various wind conditions.

(k) The correct coordinates for the various conditions encountered shall be carefully recorded.

(l) When spotter personnel are used in the target area, shooting shall be conducted with nonexplosive projectiles.

(m) Firing of explosive avalancher rounds shall only be conducted when personnel are not in the target area.

(n) The avalancher apparatus shall be stored in a non-functional condition when not in use. This shall be accomplished by:

(i) Locking out the firing mechanism or gas source in accordance with the lockout requirements of this chapter; or

(ii) Disassembly of functional components rendering the gun inoperable and separate storage of components removed; or

(iii) Removal of the entire gun to secure storage.

(o) With established avalancher mounts, each autumn when reinstalling guns, the following procedures shall be accomplished before the gun is considered operable:

(i) All components shall be carefully inspected by qualified personnel;

(ii) After assembly and installation, the gun shall first be test fired using a nonexplosive projectile;

(iii) The established firing coordinates shall be checked by test firing.

(11) Cornice control requirements.

(a) Cornice buildup hazards shall be evaluated regularly by qualified personnel, particularly after heavy snowfall periods which are accompanied by high wind or other snow transport weather conditions.

(b) Cornice hazards shall be controlled whenever the buildup appears to offer potential hazard to areas accessible by personnel.

(c) The control team shall establish the tension breakline of the cornice roof as accurately as conditions permit before starting any other control work on the cornice.

(d) The tension breakline shall be marked when necessary.

(e) Small lightly packed cornices may be kicked off with a ski, ski pole, or shovel by an unbelayed control team member if the ridgeline can be clearly established and all work can be done from the safe side of the ridgeline.

(f) When working along an anticipated cornice breakline, control team members shall retreat back from the breakline to change work positions rather than traverse along the breakline.

(g) The following factors shall be given careful consideration before commencing control activities on any relatively larger cornice:

(i) The older and larger a cornice becomes, the more densely it compacts. Densely packed cornices release into larger blocks offering a higher level of danger to an extended runout zone. The control team leader shall therefore take highest level of precautions to assure that the runout zone is clear of personnel;

(ii) Larger size cornices result in increased suspended weight and leverage which may cause the breakline release fracture to occur behind the actual ridgeline. The actual ridgeline may also be obscured by the simple mass of larger cornices. Control team members shall stay off the cornice roof and must be protected by a secure belay when working near the suspected breakline;

(iii) All large cornices shall be released by explosives. Explosives shall be transported, made up and fired in accordance with the following requirements:

(A) The ignition system for single hand charge blasts shall be safety fuse and cap.

(B) Detonating cord or shock tube shall be used to connect multiple charge blasts.

(C) When detonating cord is used, one end shall be securely anchored where premature cornice collapse will not disturb the anchor. The fuse and cap shall be attached to the free end of the detonating cord after all charges are connected to the detonating cord.

(D) Safety fuse length shall be sufficient to permit adequate escapement time for all personnel from the area influenced by the blast. Safety fuse shall be not less than three feet long, approximately two minutes and twenty seconds, in all instances.

(h) Cornice control work on large cornices shall be conducted during daylight hours and preferably during favorable weather conditions. As a minimum, clear visibility shall exist across the full length of any cornice which the control team is attempting to release.

(12) Belaying practices.

(a) Belay rope shall be standard 11 mm mountaineering rope or the equivalent.

(i) Belay rope shall be inspected at not less than thirty-day intervals and maintained in excellent condition.

(ii) Defective belay rope shall not be used for belaying purposes.

(b) Adequate trees or other suitable natural belay anchors shall be used in preference to a human belay anchor when such natural anchors are available.

(c) The belay anchor position shall be as near to ninety degrees from the tension breakline as the terrain conditions will permit.

(d) With either a natural belay anchor or human belay anchor, the belay line shall be tended to keep slack out of the line.

(e) When either the belayed person or belay anchor needs to change position, the belayed person shall retreat back from the cornice to a safe position until the belay anchor is reestablished.

(f) When a human belay anchor is used:

(i) The belay anchor person shall establish the anchor position as far back away from the cornice as conditions permit;

(ii) The anchor person shall remain in a seated position with their legs pointed toward the belayed person until such time as the belayed person has retreated back from the cornice to a position considered to be safe.

#### NEW SECTION

##### **WAC 296-52-809 Retrieving misfires or duds. (1)**

The following requirements shall apply to all kinds of avalanche control blasting:

(a) Each person who ignites a charge or propels a charged projectile with any kind of apparatus shall note whether or not the charge actually detonates.

(b) A conscientious effort shall be made to promptly retrieve any misfire or dud.

(i) If conditions make it impractical or dangerous to promptly retrieve a dud, a search shall be conducted as soon as conditions permit.

(ii) Any area which contains a dud shall be closed to entry to all personnel except the search team until such time as the area has been searched and pronounced safe by the designated search leader.

(c) When searching for a dud on an uncontrolled avalanche slope (a slope which has not released), the procedures used shall be consistent with good mountaineering practices.

(d) A hand charge misfire shall not be approached for at least thirty minutes.

(e) A hand charge or avalancher dud may be blown up with a secondary charge where they are found or may be disarmed at that location by fully trained and qualified personnel.

(f) Military warhead duds shall not be moved. They shall be blown up where they are found by secondary charges except that trained military personnel may disarm and transport such duds when approved by the governmental branch having jurisdiction.

(2) Records.

(a) Accurate records shall be maintained for every explosive device which does not detonate.

(b) Dud records shall include the following information:

(i) The suspected location;

(ii) A description of the dud;

(iii) The date the dud was lost;

(iv) The date the dud was found and disposed of.

(3) Dud frequency.

(a) Dud frequency should be maintained below one dud for every five hundred detonating attempts.

(b) All employers who do not maintain a dud frequency below one dud per five hundred detonation attempts shall investigate all aspects of the blasting program and take prompt corrective actions as indicated.

(4) Dud warning signs.

(a) Requirements for warning signs. Ski area operations which use any form of explosive device for avalanche control shall display warning, information placards and/or signs as found in this chapter, Part H.

(b) Signs shall be posted at readily visible locations and in such a manner as to give both employees and the public ample opportunity to be informed of the potential existence of dud avalanche charges. Locations may include but are not limited to:

(i) Ticket sales and lift loading areas;

(ii) Food and beverage service facilities;

(iii) Restrooms and locker rooms;

(iv) Safety bulletin boards;

(v) Along general access routes.

(c) Signs shall be distinctive in appearance from the surrounding background where they are posted.

(d) Signs shall be maintained in legible condition.

(e) Signs shall include the following information:

(i) The word "WARNING" or "DANGER" at the top of the sign in the largest lettering on the sign;

(ii) The words "EXPLOSIVES ON THE MOUNTAIN";

(iii) A colored pictorial illustration which also provides information on dimensions of each type of explosive device used in the area;

(iv) The sign wording shall conclude with specific instructions to be followed by anyone who locates an unexploded explosive device.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-52-66055      Transfer or lease of a magazine or mobile storage site.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

#### **WAC 296-59-005 Incorporation of other standards.**

(1) Lifts and tows shall be designed, installed, operated, and maintained in accordance with American National Standard Institute (ANSI) B77.1-1982, Standards for Passenger Tramways—Aerial Tramways and Lifts, Surface Lifts, and Tows—Safety Requirements.

(2) Future revised editions of ANSI B77.1-1982 may be used for new installations or major modifications of existing installations, as recommended or approved by the equipment manufacturer or a qualified design engineer, except that, where specific provisions exist, variances shall be requested from the department.

(3) ~~((Commercial explosives shall be transported, stored, and used in compliance with chapter 296-52 WAC, Safety standards for the possession and handling of explosives, and chapter 70.74 RCW, Washington State Explosives Act, except that avalanche control blasting shall comply with the special provisions of this chapter.))~~ Reserved.

(4) The use of military type weapons for avalanche control shall comply with all requirements of the United States government and/or the military branch having jurisdiction. Compliance shall include qualification of employees, security requirements, and storage and handling of ammunition.

(5) The employer shall develop and maintain a chemical hazard communication program as required by WAC 296-800-170, which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

(6) When employees perform activities such as construction work or logging, the WAC chapter governing the specific activity shall apply, e.g., chapter 296-155 or 296-54 WAC, et seq.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

**WAC 296-59-007 Definitions.** ~~((+))~~ "Act" means the Washington Industrial Safety and Health Act of 1973, RCW 49.17.010 et seq.

~~((2))~~ "Aerial work platform" means any form of work platform, work chair, or workbasket designed to lift or carry workmen to an elevated work position.

~~((3))~~ "ANSI" means the American National Standards Institute.

~~((4))~~ "Approved" means approved by the director of the department of labor and industries except where this code requires approval by another specific body or jurisdiction authority.

~~((5))~~ "ASME" means the American Society of Mechanical Engineers.

~~((6) "Attended," as attending explosives, means the physical presence of an authorized person within the field of vision of explosives. The said attendant shall be awake, alert, and not engaged in activities which may divert their attention so that in case of an emergency the attendant can get to the explosives quickly and without interference, except for brief periods of necessary absence, during which absence simple theft of explosives is not ordinarily possible.~~

~~(7))~~ "Authorized person" means a person approved or assigned by the employer to perform specific duties or to be at specific restricted locations.

~~((8))~~ "Avalanche" means the sliding or falling of a large amount of snow down a steep slope which has a destructive force due to its mass.

~~((9) "Avalanche control pack" means a specially designed and constructed pack for carrying explosives.~~

~~(10) "Avalanche control route" means a route or specific path which is used by authorized persons in order to control the occurrence of avalanches.~~

~~(11) "Avalancher" means a device like a cannon which is used for avalanche control blasting. It has a rotating base calibrated for pointing and the barrel is mounted on an elevating mechanism. It uses a compressed gas to propel a projectile containing an explosive charge and detonating means. The gas source is connected to the gun by high pressure hose with in-line control valves and pressure gauges ahead of the trigger mechanism.~~

~~((12))~~ "Belay" means to provide an anchor for a safety line when a person is working in a position exposed to falling or sliding, the mountaineering term.

~~((13) "Blaster's license" means an individual license issued by the department under the provisions of chapter 296-52 WAC.~~

~~(14) "Blasting cap" or "cap" when used in connection with the subject of explosives shall mean detonator.~~

~~(15) "Buildings that are not inhabited" means a building(s) which has no one in it while explosives are being made up in an adjacent explosives makeup room or while explosives are being held in an adjacent day box or hand charge storage facility.~~

~~((16))~~ "Designated" means appointed or authorized by the highest management authority available at the site.

~~((17))~~ "Department" means the department of labor and industries, division of industrial safety and health, unless the context clearly indicates otherwise.

~~((18))~~ "Director" means the director of the department of labor and industries or his/her designated representative.

~~((19) "Dud" or "misfire" means an explosive charge with a detonating means which does not explode when detonation is attempted.~~

~~(20) "Fuse igniter" means a special pyrotechnic device intended to be used to ignite safety fuses.~~

~~(21) "Handcharge" means an explosive charge with a cap and fuse assembly inserted in place.~~



~~((22))~~) "Hazard" means that condition, potential or inherent, which might cause injury, death, or occupational disease.

~~((23))~~) "Lift certificate to operate" means an operating certificate issued by the Washington state parks and recreation commission pursuant to chapter 70.88 RCW subsequent to annual inspections as required by chapter 352-44 WAC.

~~((24))~~) "N.E.C." means the National Electric Code, as published by either the National Fire Protection Association or ANSI.

~~((25))~~) "Occupied building" means a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other building where people are accustomed to assemble.

~~((26))~~) "Qualified" means one who, by possession of a recognized degree, certificate, license, or professional standing, has successfully demonstrated the personal ability to solve or resolve problems relating to the subject matter, the work, or the project.

~~((27))~~) "RCW" means the Revised Code of Washington, legislative law.

~~((28))~~) "ROPS" means rollover protective structure.

~~((29))~~) "S.A.E." means the society of automotive engineers.

~~((30))~~) "Safety factor" means the ratio of ultimate breaking strength of any member or piece of material or equipment to the actual working stress or safe load when in use.

~~((31))~~) "Shall" indicates a mandatory requirement.

~~((32))~~) "Should" indicates a recommended practice.

~~((33))~~) "WAC" means the Washington Administrative Code.

~~((34))~~) "WISHA" means Washington industrial safety and health administration.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

**WAC 296-59-015 General requirements.** (1) The use of any machinery, tool, material, or equipment which is not in compliance with any applicable requirement of this chapter is prohibited. Such machine, tool, material, or equipment shall either be identified as unsafe by tagging or locking the controls to render them inoperable or shall be physically removed from its place of operation.

(2) The employer shall permit only those employees qualified by training or experience to operate equipment and machinery.

(3) Employees shall use safeguards provided for their protection.

(4) Loose or ragged clothing, scarfs, or ties shall not be worn while working around moving machinery.

(5) Workers should not be assigned or permitted to occupy work locations directly under other workers. When such practice is unavoidable, all parties shall be made aware of the potential hazard and adequate protective measures shall be taken. When adequate protective measures are not available, one party shall be moved to eliminate the potential exposure.

(6) Employees shall report to their employers the existence of any unsafe equipment or method, or any other hazard which, to their knowledge, is unsafe. Where such unsafe equipment or method or other hazard exists in violation of this chapter it shall be corrected.

(7) Housekeeping.

(a) All places of employment shall be kept clean to the extent that the nature of the work allows.

(b) The floor of every workroom shall be maintained so far as practicable in a dry condition. Where wet processes are used, drainage shall be maintained. Where necessary or appropriate, waterproof footgear shall be worn.

(c) To facilitate cleaning, every floor, working place, and passageway shall be kept free from protruding nails, splinters, loose boards, unnecessary holes and openings or other tripping hazards.

(d) Cleaning and sweeping shall be done in such a manner as to minimize the contamination of the air with dust and so far as is practical, shall be done outside of working hours.

(8) Requirements for warning signs. Ski area operations which use any form of explosive device for avalanche control shall display warning, information placards and/or signs as found in chapter 296-52 WAC, Part G.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-59-100	Avalanche control.
WAC 296-59-102	Acceptable warning signs for typical avalanche control explosive device(s) duds.
WAC 296-59-103	Storage, makeup, and use of explosives for avalanche control blasting.
WAC 296-59-105	Handcharge makeup methods.
WAC 296-59-107	Avalanche control blasting.
WAC 296-59-109	Retrieving misfires or duds.

**WSR 06-13-085**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed June 20, 2006, 9:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-17-104.

Title of Rule and Other Identifying Information: Chapter 296-870 WAC, Powered platforms.

Hearing Location(s): Department of Labor and Industries, Rooms S117 and S118, 7273 Linderson Way S.W., Tumwater, WA, on August 1, 2006, at 1:30 p.m.

Date of Intended Adoption: September 6, 2006.

Submit Written Comments to: Jim Hughes, Project Manager, P.O. Box 44620, Olympia, WA 98507-4620, e-mail HUGW235@LNI.WA.GOV, fax (360) 902-5619, by noon, August 11, 2006.

Assistance for Persons with Disabilities: Contact Kimberly Johnson by noon, July 25, 2006, at (360) 902-5008, TTY (360) 902-4645.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: CR-101 Preproposal as filed for rules pertaining to elevating work platforms and powered platforms as WSR 05-17-104 as part of the department's long term goal to rewrite our safety and health rules.

Elevating work platforms rules were filed in a separate CR-102, WSR 06-09-069.

This CR-102 filing will create new chapter 296-870 WAC for powered platforms rules. Relevant sections of chapter 296-24 WAC, Part J-3, Powered platforms will be repealed with the elevating work platforms rules.

The rule makings will have the same effective date.

Reasons Supporting Proposal: The new rules will be easier for employers and employees to use and understand.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 149.17.050 [49.17.050], and 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

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

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, Washington, (360) 902-5530; Implementation and Enforcement: Stephen M. Cant, Tumwater, Washington, (360) 902-5495.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.030 (1)(a) requires a small business economic impact statement (SBEIS) only when a rule will "impose more than a minor cost on businesses in an industry." An analysis of the proposed rule reveals that in addition to not imposing new costs on businesses, these revisions will make DOSH rules easier for employers and employees to understand and use, and thus save time and resources. Therefore, no SBEIS is required.

A cost-benefit analysis is not required under RCW 34.05.328. There are no costs to assess within these proposed rules. Therefore, no cost benefit analysis is required.

June 20, 2006

Gary Weeks

Director

## Chapter 296-870 WAC

### POWERED PLATFORMS

#### NEW SECTION

**WAC 296-870-100 Scope.** This chapter covers permanent powered platform installations dedicated to interior or exterior building maintenance of a specific structure or group of structures.

Building maintenance includes, but is not limited to, tasks such as window cleaning, caulking, metal polishing, and reglazing.

**Exemption:** This chapter does not apply to suspended scaffolds covered by a separate chapter, Scaffolds, chapter 296-874 WAC.

#### **Definition:**

A powered platform **installation** consists of all the equipment and the parts of the building involved with using the powered platform for building maintenance.

#### NEW SECTION

#### **WAC 296-870-200 Section contents.**

##### **Your responsibility:**

To meet these requirements when using powered platforms.

WAC 296-870-20005

Building owner certifications.

WAC 296-870-20010

Personnel requirements.

WAC 296-870-20015

Platform and hoist load limits.

WAC 296-870-20020

Obstructions and slipping hazards.

WAC 296-870-20025

Wind and adverse weather.

WAC 296-870-20030

Corrosive substances.

WAC 296-870-20035

Heat-producing processes.

WAC 296-870-20040

Fall protection.

WAC 296-870-20045

Communications.

#### NEW SECTION

#### **WAC 296-870-20005 Building owner certifications.**

##### **You must:**

- Obtain written certification from the building owner of any building with a powered platform installation that was completed or had major modification done after July 23, 1990, that the building and equipment meets the requirements of new installations-buildings, WAC 296-870-600 and new installations-equipment, WAC 296-870-700 of this chapter.

**Note:** The building owner needs to base the certification on:

- The field test of the installation done before it is first placed into service or following any major modification to an existing installation;

**AND**

- All other relevant available information, including but not limited to:

– Test data

– Equipment specifications

– Verification by a registered professional engineer.

##### **You must:**

- Obtain written certification from the building owner that the installation:

– Has been inspected, tested, and maintained as required by inspection, testing, and maintenance, WAC 296-870-300 of this chapter;

**AND**

– All fall protection anchorages meet the requirements of Appendix C—Personal fall arrest system, WAC 296-24-88050, found in the General safety and health standards, chapter 296-24 WAC.

#### NEW SECTION

##### **WAC 296-870-20010 Personnel requirements.**

###### **You must:**

• Prohibit employees from using the installation until the building owner has provided the required written certifications.

• Make sure working platforms are operated only by persons proficient in the operation, safe use and inspection of the particular working platform.

**References:**

- Building owner certification requirements are found in Building owner certifications, WAC 296-870-20005.
- Training requirements for persons using platforms are found in Existing installations, WAC 296-870-400.

#### NEW SECTION

##### **WAC 296-870-20015 Platform and hoist load limits.**

###### **You must:**

• Make sure the load on the working platform does not exceed the rated load stated on the platform load rating plate.

• Make sure hoists are not subjected to a load greater than one hundred twenty-five percent of their rated load.

#### NEW SECTION

##### **WAC 296-870-20020 Obstructions and slipping hazards.**

###### **You must:**

• Prohibit the accumulation of tools, materials and debris on the platform that are not related to the work in progress.

• Make sure stabilizer ties are:

– Located to allow movement along the full length of the platform without interference;

**AND**

– Long enough not to become entangled in rollers, hoists, or other machinery.

• Prohibit employees from working on platforms covered with snow, ice, or other slippery material.

**Exemption:** Employees may be on platforms as necessary to remove the slipping hazard.

#### NEW SECTION

##### **WAC 296-870-20025 Wind and adverse weather.**

###### **You must:**

• Prohibit using powered platforms in:  
– Winds exceeding twenty-five miles per hour (40.2 km/hr);

**OR**

– Any other severe adverse weather conditions.

**Exemption:** Employees may use the platform during severe adverse weather conditions only to move it from an operating to a storage position.

###### **You must:**

• Have an anemometer mounted on the platform of an exterior installation to provide on-site wind velocities before and during use of the platform.

**Note:**

- Determine wind speed using the best available information, including on-site anemometer readings and local weather forecasts.

- The anemometer may be a portable or hand held unit which is temporarily mounted during platform use.

#### NEW SECTION

##### **WAC 296-870-20030 Corrosive substances.**

###### **You must:**

• Protect the platform, wire ropes, and lifelines from damage due to acids or other corrosive substances by using the precautions recommended by any of the following:

– Corrosive substance producer or supplier

– Platform manufacturer

– Other equivalent information source.

• Wash down platform members which have been exposed to acids or other corrosive substances with a neutralizing solution as recommended by the corrosive substance producer or supplier.

#### NEW SECTION

##### **WAC 296-870-20035 Heat-producing processes.**

###### **You must:**

• Protect the platform members, wire ropes, and lifelines when using a heat-producing process.

• Make sure wire ropes and lifelines which have been contacted by a heat-producing process are considered to be permanently damaged and not used.

#### NEW SECTION

##### **WAC 296-870-20040 Fall protection.**

###### **You must:**

• Protect employees on working platforms with a personal fall arrest system that meets the requirements of Appendix C—Personal fall arrest system, WAC 296-24-88050, found in the General safety and health standards, chapter 296-24 WAC.

#### NEW SECTION

##### **WAC 296-870-20045 Communications.**

###### **You must:**

• Make sure the voice communication system between the equipment operators and persons stationed within the building is operable and manned whenever the platform is being used.

NEW SECTION

**WAC 296-870-300 Section contents.**

**Your responsibility:**

To make sure powered platforms are inspected, tested, and maintained to keep them in safe operating condition.

WAC 296-870-30005

Maintenance.

WAC 296-870-30010

Initial installation and after major modification inspection and testing.

WAC 296-870-30015

Before use inspections and tests.

WAC 296-870-30020

Periodic inspections and tests.

WAC 296-870-30025

Reshacking and resocketing wire ropes.

WAC 296-870-30030

Disabling safety or electrical protective devices.

NEW SECTION

**WAC 296-870-30005 Maintenance.**

**You must:**

• Make sure all parts of the equipment that affect safe operation are maintained in proper working order so they are able to perform their intended functions. This includes, but is not limited to, all of the following:

– Roof systems including roof track systems, tie-downs, or similar equipment

– Building face guiding members including T-rails, indented mullions, or equivalent guides located in the face of a building

– Brackets for cable stabilizers.

• Take out of service any equipment that is not in proper working order.

• Make sure the following parts are kept clean:

– Control or power contacts and relays;

**AND**

– All other parts whose proper function would be affected by dirt or other contaminants.

NEW SECTION

**WAC 296-870-30010 Initial installation and after major modification inspection and testing.**

**You must:**

• Make sure a completed powered platform installation has been inspected and tested by the building owner:

– Before it was first placed into service;

**AND**

– Before it was returned to service after major modification was done.

• Make sure the inspection and tests determined that:

– All parts of the installation met the applicable requirements of this chapter;

**AND**

– All safety and operating equipment functioned as required.

NEW SECTION

**WAC 296-870-30015 Before use inspections and tests.**

**You must:**

• Complete the inspections and tests contained in Table 1, Before Use Inspections and Tests, before allowing persons to use the platform.

**Table 1  
Before Use Inspections and Tests**

<b>What:</b>	<b>When:</b>	<b>Inspection and test requirements:</b>
Working platforms and their components	<ul style="list-style-type: none"> <li>• Before every use <b>and</b></li> <li>• After each occurrence which might affect the platform's structural integrity</li> </ul>	Inspect for visible defects
Suspension wire ropes	<ul style="list-style-type: none"> <li>• Before every use <b>and</b></li> <li>• After each occurrence which might affect the wire rope's integrity</li> </ul>	Visible inspection by a competent person for defects and gross damage
Governors and secondary brakes	Before use each day	Test before use. If testing is not feasible, visually inspect the brake to make sure it is free to operate
Hoists	Each day before lowering personnel below the top elevation of the building	Test in the lifting direction with the intended load to make sure it has sufficient capacity to raise personnel back to the boarding level

NEW SECTION

**WAC 296-870-30020 Periodic inspections and tests.**

**You must:**

• Make sure the building owner has completed and documented the periodic inspections and tests shown in Table 2.

• Make sure any documentation required by Table 2, Periodic Inspections and Tests, is readily available for your own review and that of the director or an authorized representative.

- Make sure suspension wire rope is used and maintained as specified in the wire rope manufacturer's recommended procedures.
- Remove from service a wire rope that has any of the following:
  - Broken wires exceeding three wires in one strand or six wires in one rope lay
  - Distortion of rope structure such as would result from crushing or kinking
  - Evidence of heat damage
  - Evidence of rope deterioration from corrosion

- A broken wire within eighteen inches (460.8 mm) of the end attachments
- Noticeable rusting and pitting
- Evidence of core failure. This could be indicated by a lengthening of rope lay, protrusion of the rope core and a reduction in rope diameter
- More than one valley break (broken wire)
- Outer wire wear exceeds one-third of the original outer wire diameter
- Any other condition which the competent person determines has significantly affected the integrity of the rope.

**Table 2**  
**Periodic Inspections and Tests**

<b>What to inspect:</b>	<b>When to inspect:</b>	<b>Inspection and test requirements:</b>	<b>Building owner documentation:</b>
Related building supporting structures	Intervals not exceeding twelve months	Inspection by a competent person	Keep a certification record of each inspection and test that includes all of the following: <ul style="list-style-type: none"> <li>– Date of the inspection</li> <li>– Signature of the person who performed the inspection</li> <li>– Number, or other identifier, of the building support structure and equipment which was inspected</li> </ul>
All parts of the equipment including control systems	Intervals specified by the manufacturer or supplier, but not to exceed twelve months	Inspection and test, where necessary, by a competent person to determine: <ul style="list-style-type: none"> <li>– They are in safe operating condition</li> <li><b>and</b></li> <li>– Parts subject to wear, such as wire ropes, bearings, gears, and governors have not worn to such an extent as to affect the safe operation of the installation</li> </ul>	
Working platform	<ul style="list-style-type: none"> <li>• Every thirty days</li> <li><b>or</b></li> <li>• Before each work cycle if the work cycle is more than thirty days</li> </ul>	Maintenance inspection and test by a competent person following procedures recommended by the manufacturer	Keep a certification record of each inspection and test that includes all of the following: <ul style="list-style-type: none"> <li>– Date of the inspection and test</li> <li>– Signature of the person who performed the inspection and test</li> <li>– An identifier for the platform installation which was inspected</li> </ul>

What to inspect:	When to inspect:	Inspection and test requirements:	Building owner documentation:
Governors and secondary brakes	Intervals specified by the manufacturer or supplier, but not to exceed twelve months	Inspection and test by a competent person. Results need to confirm: <ul style="list-style-type: none"> <li>– The initiating device for the secondary braking system operates at the proper overspeed</li> <li><b>and</b></li> <li>– The secondary brake is functioning properly</li> </ul> If any hoisting machine or initiating device for the secondary brake system is removed from the equipment for testing, reinspect all reinstalled and directly related components before returning the equipment installation to service	
Suspension wire ropes	<ul style="list-style-type: none"> <li>• Once a month for ropes in service</li> <li><b>and</b></li> <li>• Before they are returned to service for ropes that have been out of service for thirty days or more</li> </ul>	A thorough inspection by a competent person	Keep a certification record of each monthly inspection that includes all of the following: <ul style="list-style-type: none"> <li>– Date of the inspection</li> <li>– Signature of the person who performed the inspection</li> <li>– Number, or other identifier, of the wire rope which was inspected</li> </ul>

NEW SECTION

**WAC 296-870-30025 Reshacking and resocketing wire ropes.**

**You must:**

- Make sure the nondrum ends of hoisting wire ropes are reshacked or, if the rope uses poured socket fastenings, resocketed at intervals not exceeding twenty four months.
- Make sure enough rope is cut from the end of the rope during reshacking or resocketing to remove any damaged or fatigued portions.
- Make sure resocketed ropes meet the requirements of Suspension wire ropes and rope connections, WAC 296-870-70085.
- Make sure limit switches affected by resocketed ropes are reset if necessary.

NEW SECTION

**WAC 296-870-30030 Disabling safety or electrical protective devices.**

**You must:**

- Make sure no person renders any required safety devices or electrical protective devices inoperative unless necessary for tests, inspections, or maintenance.

- Restore any disabled devices to normal operating condition immediately after the test, inspection or maintenance is completed.

NEW SECTION

**WAC 296-870-400 Section contents.**

**Your responsibility:**

- To train employees who operate or inspect powered platforms.
- WAC 296-870-40005 General training.
  - WAC 296-870-40010 Emergency action plan.
  - WAC 296-870-40015 Certification.

NEW SECTION

**WAC 296-870-40005 General training.**

**You must:**

- Make sure employees are trained by a competent person.
- Train employees who operate powered platforms in all of the following:

- Recognizing safety hazards and the preventative measures to control or minimize hazards that are associated with:
  - Using powered platforms, including those that apply to the specific platform they will be operating;

AND

- Their individual work tasks.
- Emergency action plan procedures
- Work procedures for operating, safely using and inspecting powered platforms.
  - Provide written work procedures for operating, safely using, and inspecting working platforms to be used in employee training.

**Note:** Visual presentations, such as graphics and pictures, may be used instead of written work procedures if it improves employee understanding. The powered platform system components manufacturers' operating manuals can serve as the basis for these work procedures.

#### NEW SECTION

##### **WAC 296-870-40010 Emergency action plan.**

###### **You must:**

- Make sure a written emergency action plan is developed and implemented for each kind of working platform operation that contains at least both of the following:
    - An explanation of the emergency procedures to be followed in the event of any of the following situations:
      - Power failure
      - Equipment failure
      - Other emergencies which may be encountered.
    - That employees are informed about the building emergency escape routes, procedures and alarm systems.
      - Review with each employee those parts of the plan they need to know to protect themselves in the event of an emergency:
        - Upon initial assignment;
- AND
- Whenever the plan is changed.

#### NEW SECTION

##### **WAC 296-870-40015 Certification.**

###### **You must:**

- Certify in writing that employees have been trained in operating and inspecting a working platform.
  - Make sure training certifications are:
    - Prepared when the employee has completed training;
- AND
- Contain all of the following:
    - Name of the person trained
    - Signature of the person who conducted the training
    - Date training was completed.
  - Make sure the training certification is:
    - Maintained while the employee works for you;
- AND
- Kept readily available for review by the director or an authorized representative.

#### NEW SECTION

##### **WAC 296-870-500 Section contents.**

###### **IMPORTANT:**

This section applies to permanent powered platform installations that meet **all** of the following:

- The installation was completed between August 27, 1971, and July 24, 1990
- There has been no major modification to the installation after July 23, 1990
- The working platforms use electric-powered, winding drum type hoisting machines.

**Note:**

- Platforms operated by other types of power and using other types of hoisting machines are allowed if they:
  - Have adequate protective devices for the type of power used;

AND

- Provide reasonable safety for persons using or exposed to the equipment
- Other types of hoisting machines include, but are not limited to, machines such as traction drum hoisting machines, air powered machines, hydraulic powered machines, and internal combustion machines.

###### **Definition:**

An **existing installation** is a permanent powered platform installation that:

- Was completed before July 23, 1990;

AND

- Has had no major modification done after July 23, 1990.

###### **Your responsibility:**

To make sure powered platform installations completed between August 27, 1971, and July 24, 1990, meet these building and equipment requirements.

WAC 296-870-50005

Design, construction, and installation.

WAC 296-870-50010

Fall protection.

WAC 296-870-50015

Electrical.

#### NEW SECTION

##### **WAC 296-870-50005 Design, construction, and installation.**

###### **You must:**

- Make sure powered platforms designated as Type F meet all the requirements in Part II of ANSI A120.1-1970, American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance.

###### **Definition:**

A **Type F powered platform** has both of the following characteristics:

- The working platform is suspended by at least four wire ropes and designed so that failure of any one wire rope will not substantially alter the normal position of the working platform
  - Only one layer of hoisting rope is permitted on the winding drums.

###### **You must:**

- Make sure powered platforms designated as Type T meet all the requirements in Part III of ANSI A120.1-1970

American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance except for section 28, Safety belts and lifelines.

**Definition:**

A **Type T powered platform** has a working platform that is suspended by at least two wire ropes. The platform will not fall to the ground if a wire rope fails, but the working platform's normal position would be upset.

NEW SECTION

**WAC 296-870-50010 Fall protection.**

**You must:**

- Make sure both Type F and Type T powered platforms meet the requirements of Appendix C—Personal fall arrest system, WAC 296-24-88050, found in the General safety and health standards, chapter 296-24 WAC.
- Make sure working platforms have permanent guardrails that meet all of the following requirements:
  - Guardrails on the building side (front) of the platform have a top rail that is not less than thirty-eight inches and not more than forty-five inches high.
  - Guardrails on the other three sides have a top rail that is not less than forty-five inches high.
  - Top rails are able to withstand a force of at least two hundred pounds
  - Guardrails have a midrail around the entire platform between the top rail and the toeboard.

**Reference:** Ramps and walkways that are four feet (1.2 m) or more above a lower level need to have a guardrail system. These requirements are found in Working Surfaces, Guarding Floors and Wall Openings, Ladders, Part J-1, in the General safety and health standards, chapter 296-24 WAC.

NEW SECTION

**WAC 296-870-50015 Electrical.**

**You must:**

- Make sure electrical wiring and equipment meets the requirements of the National Electric Code, NFPA 70-1987, ANSI C1-1987, except as modified by ANSI A120.1-1970 American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance.
  - Make sure runway conductor systems are:
    - Designed for use in exterior locations;
- AND**
- Located to prevent contact with water or accumulated snow.
  - Make sure conductors, collectors, and disconnecting means meet the requirements for cranes and hoists in Article 610 of the National Electrical Code, NFPA 70-1987, ANSI C1-1987.
  - Make sure the power conductors are paralleled by a grounded conductor that meets both of the following:
    - It cannot be opened by the disconnecting means;
- AND**
- The system is designed to not pose a hazard to persons in the area.

NEW SECTION

**WAC 296-870-600 Section contents.**

**IMPORTANT:**

This section applies to permanent powered platform installations that meet **either** of the following:

- Were completed after July 23, 1990;

**OR**

- Have had major modifications done to an existing installation after July 23, 1990.

**Definition:**

A **new installation** is a permanent powered platform installation that was completed, or an existing installation that has had major modifications done, after July 23, 1990.

**Note:** If affected parts of the building meet the requirements of the edition of American National Standard Institute/American Society of Mechanical Engineers ANSI/ASME A120.1, Safety Requirements for Powered Platforms for Building Maintenance, that was in effect when the powered platform installation was completed, they will be considered to meet the requirements of this section.

**Your responsibility:**

To make sure new powered platform installations meet these building requirements.

WAC 296-870-60005

Design.

WAC 296-870-60010

Stabilization systems.

WAC 296-870-60015

Intermittent stabilization system.

WAC 296-870-60020

Button guide stabilization system.

WAC 296-870-60025

Stabilization system using angulated roping and building face rollers.

WAC 296-870-60030

Cable stabilization.

WAC 296-870-60035

Electrical.

WAC 296-870-60040

Guarding roofs and other elevated areas.

WAC 296-870-60045

Moving equipment.

WAC 296-870-60050

Repair and maintenance.

WAC 296-870-60055

Communications.

NEW SECTION

**WAC 296-870-60005 Design.**

**You must:**

- Make sure structural supports, tie-downs, tie-in guides, anchoring devices and any affected parts of the building included in the installation are designed by, or under the direction of, a registered professional engineer experienced in such design.
  - Make sure affected parts of the building are capable of sustaining all the loads imposed by the equipment.
  - Make sure exterior installations are capable of withstanding prevailing climatic conditions.



- Make sure the affected parts of the building allow employees to use the equipment without being exposed to a hazardous condition.

**NEW SECTION****WAC 296-870-60010 Stabilization systems.****You must:**

- Make sure the exterior of each building is provided with at least one of the following stabilization systems:
  - Continuous tie-in guides
  - Intermittent stabilization system
  - Button guide stabilization system
  - System using angulated roping and building face rollers
  - System equivalent to a continuous tie-in guide system

- Exemption:**
- Tie-in guides may be eliminated for not more than seventy-five feet (22.9 m) of the uppermost elevation of the building if:
    - Using tie-in guides there is not feasible due to building design;
- AND**
- Angulated roping is used that provides a stabilizing force of at least ten pounds (44.4 n) under all conditions of loading.

**You must:**

- Make sure embedded tie-down anchors, fasteners, and affected structures are corrosion-resistant.

**NEW SECTION****WAC 296-870-60015 Intermittent stabilization system.**

- Note:** This system may be used with a continuous tie-in guide system on the same building as long as the requirements for each system are met.

**You must:**

- Make sure an intermittent stabilization system:
    - Keeps the equipment in constant contact with the building;
- AND**
- Prevents sudden horizontal movement of the platform.
  - Make sure building anchors are located vertically so that:
    - The distance between anchors is not more than three floors or fifty feet (15.3 m), whichever is less;
- AND**
- Attaching the suspension ropes to the stabilizer ties will not cause the platform to move horizontally across the face of the building.
  - Make sure the anchors are positioned horizontally on the building face so as to be symmetrical about the platform suspension ropes.
    - Make sure building anchors:
      - Are easily seen by employees;
- AND**
- Allow a stabilizer tie attachment for each of the platform suspension ropes at each vertical interval.
  - Make sure building anchors that extend beyond the face of the building have no sharp edges or points.

- Make sure building anchors do not interfere with the handling or operation of cables, suspension wire ropes and lifelines that may be in contact with the building face.

- Make sure the building anchors and components can sustain, without failure, at least four times the maximum anticipated load applied or transmitted to them.

- Make sure the building anchors and stabilizer ties can sustain the anticipated horizontal and vertical loads from winds specified for roof storage design which may act on the platform and wire ropes if the platform is stranded on the building face.

- Make sure the minimum design wind load for each anchor is three hundred pounds (1334 n) if two anchors share the wind load.

- Make sure one building anchor and stabilizer tie can sustain the wind load if either:

- The building anchors have different spacing than the suspension wire rope;

**OR**

- The building requires different suspension spacings on one platform.

**NEW SECTION****WAC 296-870-60020 Button guide stabilization system.****You must:**

- Make sure the guide buttons are:
  - Coordinated with the platform guide tracks and other platform-mounted equipment;

**AND**

- Located on the building so they properly engage the guide tracks mounted on the platform.

- Make sure two guide buttons engage each guide track at all times except for the initial engagement.

- Make sure guide buttons that extend beyond the face of the building have no sharp edges or points.

- Make sure guide buttons do not interfere with the handling or operation of cables, suspension wire ropes and lifelines that may be in contact with the building face.

- Make sure guide buttons, connections, and seals are either:

- Able to sustain, without damage, at least the weight of the platform;

**OR**

- Are prevented by the guide tracks or guide track connectors from having the weight of the platform and its attachments transmitted to them.

**NEW SECTION****WAC 296-870-60025 Stabilization system using angulated roping and building face rollers.****You must:**

- Make sure a stabilization system using angulated roping and building face rollers does all of the following:

- Keeps the equipment in continuous contact with the building face

- Prevents sudden horizontal movement of the platform

- Maintains a stabilizing force of at least ten pounds (44.4 n) against the face of the building.

- Make sure the suspended portion of the equipment is not used more than one hundred thirty feet (39.6 m) above a safe surface or ground level.

NEW SECTION**WAC 296-870-60030 Cable stabilization.****You must:**

- Make sure hanging lifelines and all other cables not in tension are stabilized after the initial two hundred feet (61 m) of vertical travel of the working platform and every two hundred feet (61 m) thereafter.
- Make sure hanging cables which are in constant tension, other than suspended wire ropes, are stabilized after an initial six hundred feet (183 m) of vertical travel of the working platform and at intervals of six hundred feet (183 m) or less thereafter.

NEW SECTION**WAC 296-870-60035 Electrical.****You must:**

- Make sure, when full load is applied to the equipment power circuit, that the building electrical wiring does not allow more than a five percent voltage drop from the building service vault voltage at any power circuit outlet used by the powered platform installation.
- Make sure the equipment power circuit is provided with a disconnect switch that is all of the following:
  - Able to be locked in either the "off" or "on" position
  - Conveniently located with respect to the primary operating area of the equipment to allow equipment operators access to the switch
  - Locked in the "on" position when the equipment is being used.
- Make sure the powered platform equipment power supply is an independent electrical circuit that remains separate from all other equipment within or on the building.

**Exemption:** The equipment power circuit may be connected to the electrical circuit supplying power to hand tools used in conjunction with the equipment.

**Note:** If the building is provided with an emergency power system, the equipment power circuit may also be connected to the emergency power system.

**Reference:** Unless otherwise specified in this section, building electrical installations have to meet the requirements of Electrical, Part L, in the General safety and health standards, chapter 296-24 WAC.

NEW SECTION**WAC 296-870-60040 Guarding roofs and other elevated areas.****You must:**

- Make sure employees working on a roof or other elevated working area four feet (1.2 m) or more above an adjacent safe surface are protected by a perimeter guarding system.

**Reference:** Requirements for the perimeter guarding system are found in Guarding floor and wall openings and holes, WAC 296-24-750, found in the General safety and health standards, chapter 296-24 WAC.

**You must:**

- Make sure the inboard face of the perimeter guard is:
  - Not more than six inches (152 mm) inboard of the inside face of a barrier such as the parapet wall or roof edge curb;

**AND**

- Not more than eighteen inches (457 mm) from the face of the building.

- Make sure an elevated track system that is designed to be traversed by carriage-supported equipment and located four feet (1.2 m) or more above an adjacent safe surface is either:

- Provided with a walkway and guardrail system;

**OR**

- Has a working platform that can be lowered, as part of normal operations, to the lower safe surface.

- Make sure personnel have a safe way to access and to egress from the lower safe surface.

NEW SECTION**WAC 296-870-60045 Moving equipment.****You must:**

- Make sure all carriages and carriage-supported equipment can be traversed to a safe area for storage and maintenance.
- Make sure operational areas for trackless type equipment have structural stops, such as curbs, to prevent equipment from traveling outside its intended travel area.

NEW SECTION**WAC 296-870-60050 Repair and maintenance.****You must:**

- Make sure repair or major maintenance of parts of the building that provide primary support for suspended equipment does not affect the ability of the building to meet the requirements of this chapter.

NEW SECTION**WAC 296-870-60055 Communications.****You must:**

- Make sure an effective two-way voice communication system is provided between the equipment operators and persons stationed within the building.

NEW SECTION**WAC 296-870-700 Section contents.****IMPORTANT:**

This section applies to permanent powered platform installations that meet either of the following:

- Were completed after July 23, 1990;

**OR**

- Have had major modifications done to an existing installation after July 23, 1990.

**Definition:**

A **new installation** is a permanent powered platform installation that was completed, or an existing installation that has had major modifications done, after July 23, 1990.

**Note:** If the powered platform equipment meets the requirements of the edition of American National Standard Institute/American Society of Mechanical Engineers ANSI/ASME A120.1, Safety Requirements for Powered Platforms for Building Maintenance, that was in effect when the powered platform installation was completed, it will be considered to meet the requirements of this section.

**Your responsibility:**

To make sure equipment used with new powered platform installations meets these requirements.

WAC 296-870-70005

Design and construction.

WAC 296-870-70010

Carriages.

WAC 296-870-70015

Carriage strength and stability.

WAC 296-870-70020

Carriage traversing.

WAC 296-870-70025

Transportable outriggers.

WAC 296-870-70030

Davits.

WAC 296-870-70035

Hoisting machines.

WAC 296-870-70040

Suspended equipment strength and stability.

WAC 296-870-70045

Suspended equipment guardrail system.

WAC 296-870-70050

Suspended working platforms and manned platforms used on supported equipment.

WAC 296-870-70055

Working platform fall protection.

WAC 296-870-70060

Two- and four-point suspended working platforms.

WAC 296-870-70065

Ground-rigged working platforms.

WAC 296-870-70070

Intermittently stabilized working platforms.

WAC 296-870-70075

Button guide stabilized working platforms.

WAC 296-870-70080

Supported equipment.

WAC 296-870-70085

Suspension wire ropes and rope connections.

WAC 296-870-70090

Control circuits, power circuits and electrical protective devices.

**NEW SECTION****WAC 296-870-70005 Design and construction.****IMPORTANT:**

This section applies to equipment which is part of a powered platform installation, such as platforms, stabilizing components, carriages, outriggers, davits, hoisting machines, wire ropes and electrical components.

**You must:**

- Make sure equipment installations are designed by, or under the direction of, a registered professional engineer experienced in such design.

- Make sure the design uses a minimum live load of two hundred fifty pounds (113.6 kg) for each occupant of a suspended or supported platform.

- Make sure equipment exposed to wind when not in service is designed to withstand loads generated by winds of at least one hundred miles per hour (44.7 m/s) at thirty feet (9.2 m) above grade.

- Make sure equipment exposed to wind when in service is designed to withstand loads generated by winds of at least fifty miles per hour (22.4 m/s) for all elevations.

- Make sure elevated building maintenance equipment is suspended by one of the following:

- A carriage

- Outriggers

- Davits

- An equivalent method.

- Make sure bolted connections are self-locking or otherwise secured to prevent loosening by vibration.

**NEW SECTION****WAC 296-870-70010 Carriages.****You must:**

- Make sure each carriage work station is identified by location markings or position indicators.

- Make sure means are provided to lock out the power supply for the carriage.

- Make sure safe access to and egress from the carriage is provided from a safe surface.

- Make sure any carriage access gate is either:

- Self-closing and self-latching;

**OR**

- Provided with an interlock.

- Make sure any operating area on the carriage is protected by a guardrail system.

**Reference:** Guardrail system requirements are found in Suspended equipment guardrail system, WAC 296-870-70045.

**NEW SECTION****WAC 296-870-70015 Carriage strength and stability.****You must:**

- Make sure roof carriage system stability is obtained by using gravity, attachment to a structural support, or a combination of gravity and structural attachment.

- Never use a material that can flow as a counterweight to achieve stability.

- Make sure the stability factor against overturning for horizontal traversing of the carriage, including wind and impact effects, is not less than two.

- Make sure carriages and their anchorages can resist accidental over-tensioning of the wire ropes suspending the platform. Include in the calculation the effect of one and one-half times the stall load of the hoist.

- Make sure all parts of the powered platform installation can withstand, without damage, the forces resulting from a

load equal to the stall load of the hoist and one-half of the wind load.

- Make sure roof carriages which develop the required stability against overturning by using tie-down devices secured to the building have an interlock which will prevent vertical platform movement unless the tie-down is engaged.

#### NEW SECTION

##### **WAC 296-870-70020 Carriage traversing.**

###### **You must:**

- Make sure carriages used to suspend powered platforms meet all of the following:
    - The horizontal movement of the carriage is controlled to permit it to be moved safely and to allow accurate positioning of the platform for vertical travel or storage
    - Structural stops and curbs are provided to prevent traversing of the carriage beyond its designed limits of travel
    - Powered carriages are limited to a maximum traversing speed of fifty feet per minute (0.3 m/s)
    - Manually propelled carriages on a smooth level surface require a horizontal force of not more than one hundred pounds (444.8 n) per person to initiate a traversing movement.
  - Make sure traversing controls for a powered carriage meet all of the following:
    - Controls are continuous pressure weatherproof type
    - Multiple controls, if provided, only permit operation from one control station at a time
    - An emergency stop device that interrupts power to the carriage drive motors is provided on each end of the carriage.
  - Make sure the operating controls of suspended equipment is connected so that traversing the carriage is not possible until:
    - The suspended portion of the equipment is at the uppermost designed position for traversing and free of contact with the face of the building or building guides;
- AND**
- All protective devices and interlocks are in the proper position to allow traversing of the carriage.
  - Make sure unintentional traversing of the carriage is prevented by providing one of the following:
    - An automatically applied braking or locking system, or the equivalent, for power-traversed or power-assisted carriages
    - A manual or automatic braking or locking system, or the equivalent, for manually propelled carriages.

#### NEW SECTION

##### **WAC 296-870-70025 Transportable outriggers.**

###### **You must:**

- Make sure transportable outriggers are only used when all of the following are met:
  - They are used with self-powered, ground-rigged working platforms
  - The point of suspension is not higher than three hundred feet (91.5 m) above a safe surface
  - A tie-in guide stabilization system is provided.

- Make sure each outrigger is secured with a tie down to a verified anchorage on the building and meets all of the following:

- The outrigger is tied down during the entire time it is used
- The outrigger is tied back with a rope equivalent in strength to the suspension rope
- The tie-back rope is installed parallel to the centerline of the outrigger
- The anchorage has a design stability factor against overturning or upsetting of the outrigger of not less than four.
- Make sure access to and egress from the working platform is from and to a safe surface below the point of suspension.
- Make sure each outrigger has a design stability factor to prevent rollover in the event of an accidental lateral load on the outrigger of not less than seventy percent of the rated load of the hoist.
- Make sure each outrigger is designed to support an ultimate load of not less than four times the rated load of the hoist.
- Make sure each outrigger is located so that the suspension wire ropes for two point suspended working platforms are parallel.

#### NEW SECTION

##### **WAC 296-870-70030 Davits.**

###### **You must:**

- Make sure all davit installations are designed and installed to have a stability factor against overturning of not less than four.
  - Make sure access to and egress from the working platform of roof rigged davit systems:
    - Is from a safe surface;
- AND**
- Does not require persons to climb over a building parapet or guardrail.
  - Make sure the working platform of a roof rigged davit system has wheels, casters, or a carriage for traversing horizontally.
  - Make sure ground rigged davit systems meet all of the following:
    - The point of suspension is not higher than three hundred feet (91.5 m) above a safe surface
    - A tie-in guide stabilization system is provided
    - Access to and egress from the working platform is from a safe surface below the point of suspension.
  - Make sure a rotating davit of a ground rigged davit system requires a horizontal force of forty pounds (177.9 n) or less per person to initiate a rotating movement.
  - Make sure a transportable davit or part of a davit weighing more than eighty pounds (36 kg) has means provided for its transport that keep the center of gravity of the davit at or below thirty-six inches (914 mm) above the safe surface during transport.
  - Make sure a transportable davit is provided with a pivoting socket or base that allows the davit to be removed or inserted:

- At a position of not more than thirty-five degrees above the horizontal;

**AND**

- With the complete davit inboard of the building face.
  - Make sure means are provided to lock a transportable davit to its socket or base before it is used to suspend the platform.

#### NEW SECTION

##### **WAC 296-870-70035 Hoisting machines.**

###### **You must:**

- Make sure suspended or supported equipment is raised or lowered only by a hoisting machine.
  - Make sure each hoisting machine is all of the following:
    - Powered only by air, electric, or hydraulic sources
    - Capable of raising or lowering one hundred twenty-five percent of the rated load of the hoist
    - Able to arrest any overspeed descent of the load.
  - Make sure the stall load of any hoist motor is not more than three times its rated load.
  - Make sure any component of a hoisting machine that needs to be lubricated for protection or proper functioning has means provided to apply the lubricant.
    - Make sure winding drums, traction drums and sheaves, and directional sheaves used in conjunction with hoisting machines are compatible with, and sized for, the wire rope used.
    - Make sure each winding drum:
      - Has a positive means to attach the wire rope to the drum;
- AND**
- The attachment can develop at least four times the rated load of the hoist.
  - Make sure each hoisting machine is provided with a primary brake that is all of the following:
    - Capable of stopping and holding not less than one hundred twenty-five percent of the lifting capacity of the hoist
    - Directly connected to the drive train of the hoisting machine without using belts, chains, clutches, or set screw type devices
    - Automatically set when power to the prime mover is interrupted.
  - Make sure each hoisting machine is provided with at least one independent secondary brake that is all of the following:
    - Capable of stopping and holding not less than one hundred twenty-five percent of the lifting capacity of the hoist
    - An automatic emergency type of brake that, if actuated during each stopping cycle, does not engage before the hoist is stopped by the primary brake
    - Able to stop and hold the platform within a vertical distance of twenty-four inches (609.6 mm) after the brake is actuated.

**Reference:** Moving parts of a hoisting machine need to be enclosed or guarded as required by another chapter, Machine safety, chapter 296-806 WAC.

#### NEW SECTION

##### **WAC 296-870-70040 Suspended equipment strength and stability.**

###### **You must:**

- Make sure each suspended unit component is:
  - Capable of supporting, without failure, at least four times the maximum intended live load applied or transmitted to it;

**AND**

- Constructed of materials that will withstand the anticipated weather conditions.

**Exemption:** The strength requirement does not apply to suspension ropes and guardrail systems.

###### **You must:**

- Make sure each suspended unit has a load rating plate that:

- Is conspicuously located;

**AND**

- States the suspended unit weight and rated load.
- Make sure suspended units that do not have the suspension points at the end of the unit:

- Are continuously stable for any position or use of the live load;

**AND**

- Maintain at least a one and one-half to one stability factor against unit upset.

- Make sure each suspended unit has guide rollers, guide shoes, or building face rollers that compensate for variations in building dimensions and for minor horizontal out-of-level variations of the suspended unit.

- Make sure the working platform of each suspended unit is secured to the building facade by at least one of the following methods:

- Continuous engagement to building anchors

- Intermittent engagement to building anchors

- Button guide engagement

- Angulated roping and building face rollers

- A system equivalent to continuous engagement to building anchors.

#### NEW SECTION

##### **WAC 296-870-70045 Suspended equipment guardrail system.**

###### **You must:**

- Make sure each working platform of a suspended unit has a guardrail system on all sides that consists of a top guardrail, midrail, and a toeboard.

- Make sure the top guardrail is:

- At least thirty-eight inches (950 mm) high;

**AND**

- Able to withstand at least a two hundred pound (890 n) force in any downward or outward direction.

- Make sure the midrail is able to withstand at least a seventy-five pound (333 n) force in any downward or outward direction.

- Make sure material encloses the area:

- Between the top guardrail and the toeboard on the ends and outboard side of the platform;

**AND**

– Between the midrail and the toeboard on the inboard side of the platform.

- Make sure the material surrounding the platform is:

– Able to withstand a load of one hundred pounds (45.4 kg) applied horizontally over any area of one square foot (.09 m<sup>2</sup>);

**AND**

– Has openings small enough to not allow passage of life lines and potential falling objects.

- Make sure toeboards are all of the following:

– Capable of withstanding, without failure, a force of at least fifty pounds (222 n) applied at any point in a downward or horizontal direction

– At least four inches (9 cm) from their top edge to the level of the platform floor

– Securely fastened in place at the outermost edge of the platform

– Installed so there is not more than a one-half inch (1.3 cm) gap between the bottom of the toeboard and the platform floor

– Solid or with openings not more than one inch (2.5 cm) in the greatest dimension.

NEW SECTION**WAC 296-870-70050 Suspended working platforms and manned platforms used on supported equipment.****You must:**

- Make sure the width of the working platform is:

– At least twenty-four inches (610 mm);

**AND**

– Allows a minimum of a twelve-inch (305 mm) wide passage at or past any obstruction on the platform.

- Make sure the platform has slip-resistant flooring.

- Make sure any opening in the platform is either:

– Small enough to prevent passage of life lines, cables, and other potential falling objects;

**OR**

– Protected by material under the opening which prevents the passage of life lines, cables, and potential falling objects.

• Make sure means are provided to store any cable suspended from above the platform to keep it from accumulating on the floor of the platform.

• Make sure means are provided to secure all tools, water tanks, and other accessories to keep them from moving or accumulating on the floor of the platform.

• Make sure flammable liquids are not carried on the working platform.

• Make sure a type B-C portable fire extinguisher is provided and securely attached on all working platforms.

• Make sure operating controls for vertical travel of the platform are:

– Continuous-pressure type;

**AND**

– Located on the platform.

• Make sure the maximum rated speed of the platform is limited to:

– Fifty feet per minute (0.3 ms) for single speed hoists;

**AND**

– Seventy-five feet per minute (0.4 ms) for multispeed hoists.

• Make sure access to and egress from a working platform, except for those that land directly on a safe surface, is provided by stairs, ladders, platforms or runways.

• Make sure access gates are self-closing and self-latching.

**Reference:** Requirements for stairs, ladders, platforms and runways are found in other chapters:

– Working Surfaces, Guarding Floors and Wall Openings, Ladders, Part J-1 in the General safety and health standards, chapter 296-24 WAC

– Scaffolds, chapter 296-874 WAC

– Ladders, portable, chapter 296-876 WAC.

**You must:**

• Make sure a suspended platform's suspension system restricts the platform inboard to outboard roll around its longitudinal axis to not more than fifteen degrees from the horizontal when moving the live load from the inboard to the outboard side of the platform.

**Note:** The roll limitation does not apply to supported equipment.

NEW SECTION**WAC 296-870-70055 Working platform fall protection.****You must:**

• Make sure a secondary wire rope suspension system which prevents the platform from falling if the primary means of support fails is provided on:

– Working platforms that contain overhead structures which restrict emergency egress;

**AND**

– Single-point suspended working platforms.

• Make sure each person on the working platform is provided with a fall arrest system that:

– Meets the requirements of Appendix C—Personal fall arrest system, WAC 296-24-88050, found in the General safety and health standards, chapter 296-24 WAC;

**AND**

– Uses a horizontal lifeline or direct connection anchorage on platforms that contain overhead structures which restrict emergency egress.

• Make sure platforms suspended by two or more wire ropes are provided with vertical lifelines if failure of one wire rope or suspension attachment will cause the platform to upset.

**Note:** Vertical lifelines are not required for the fall arrest system if a secondary wire rope suspension is used and each person is attached to a horizontal lifeline anchored to the platform.

NEW SECTION**WAC 296-870-70060 Two- and four-point suspended working platforms.****IMPORTANT:**

In addition to these requirements, you also need to meet the requirements of both of the following sections in this chapter:

- Suspended working platforms and manned platforms used on supported equipment, WAC 296-870-70050
- Working platform fall protection, WAC 296-870-70055.

**You must:**

- Make sure an emergency electric operating device is provided on roof powered platforms that:

- Can be used if either the normal operating device located on the platform or the cable connected to the platform fails;

**AND**

- Is mounted in a secured compartment near the hoisting machine.

- Make sure the secured compartment containing the emergency electric operating device:

- Is labeled with instructions for using the emergency electric operating device;

**AND**

- Has means for opening the compartment mounted in:

- A break-glass receptacle near the emergency electric operating device;

**OR**

- An equivalent secure and accessible location.

NEW SECTION**WAC 296-870-70065 Ground-rigged working platforms.****IMPORTANT:**

In addition to these requirements, you also need to meet the requirements of both of the following sections in this chapter:

- Suspended working platforms and manned platforms used on supported equipment, WAC 296-870-70050
- Working platform fall protection, WAC 296-870-70055.

**You must:**

- Make sure, after each day's use, ground-rigged working platforms are:

- Disconnected from the power supply within the building;

**AND**

- Disengaged from its suspension points or secured and stored at grade.

NEW SECTION**WAC 296-870-70070 Intermittently stabilized working platforms.****IMPORTANT:**

In addition to these requirements, you also need to meet the requirements of both of the following sections in this chapter:

- Suspended working platforms and manned platforms used on supported equipment, WAC 296-870-70050;
- Working platform fall protection, WAC 296-870-70055.

**You must:**

- Make sure each stabilizer tie is equipped with a "quick connect - quick disconnect" device for attachment to the building anchor that:

- Cannot be accidentally disengaged;

**AND**

- Is resistant to adverse environmental conditions.

- Make sure the platform has a stopping device that will interrupt the hoist power supply in the event the platform contacts a stabilizer tie during its ascent.

- Make sure intermittently stabilized platforms use stabilizer ties that:

- Allow the specific attachment length needed to obtain the predetermined angulation of the suspended wire rope;

**AND**

- Maintain the specific attachment length at all building anchor locations.

- Make sure stabilizer ties can be attached and removed without horizontal movement of the platform.

- Make sure platform-mounted equipment and suspension wire ropes:

- Will not be damaged by the loads from the stabilizer tie or its building anchor;

**AND**

- Are able to withstand a load that is at least twice the ultimate strength of the stabilizer tie.

- Make sure building face rollers are placed so they do not contact exterior anchors used on the building face.

- Make sure the platform maintains continuous contact with the building face while ascending and descending.

NEW SECTION**WAC 296-870-70075 Button guide stabilized working platforms.****IMPORTANT:**

In addition to these requirements, you also need to meet the requirements of both of the following sections in this chapter:

- Suspended working platforms and manned platforms used on supported equipment, WAC 296-870-70050;
- Working platform fall protection, WAC 296-870-70055.

**You must:**

- Make sure two guide tracks are mounted on the platform and provide continuous contact with the building face.

- Make sure each guide track on the platform meets all of the following:

- Engages a minimum of two guide buttons during any vertical travel of the platform after the initial button engagement

- Is sufficiently maneuverable by platform occupants to permit easy engagement of the guide buttons

- Can be easily moved into and out of its storage position on the platform.

- Make sure each guide track on the platform of a roof-rigged system has a storage position on the platform.

- Make sure load carrying components of the button guide stabilization system which transmit the load into the platform are either:

- Able to support the weight of the platform;

**OR**

– Are prevented by the guide track connectors or platform attachments from having the weight of the platform transmitted to the platform attachments.

#### NEW SECTION

##### **WAC 296-870-70080 Supported equipment.**

###### **IMPORTANT:**

Manned platforms used on supported equipment need to meet all the requirements, except the inboard to outboard roll limitation, of suspended working platforms and manned platforms used on supported equipment, WAC 296-870-60050.

###### **You must:**

• Make sure supported equipment uses means other than friction to maintain a vertical position relative to the face of the building.

• Make sure cog wheels or equivalent means are incorporated to provide climbing traction between the supported equipment and the building guides.

• Make sure additional guide wheels or shoes are incorporated as necessary to keep the drive wheels continuously in positive engagement with the building guides.

• Make sure that, at the point where the drive wheels enter the building guides, proper alignment is maintained using launch guide mullions that are:

– Indexed to the building guides;

###### **AND**

– Retained in alignment with the building guides.

#### NEW SECTION

##### **WAC 296-870-70085 Suspension wire ropes and rope connections.**

###### **You must:**

• Make sure each specific installation uses suspension wire ropes and connections or combination cable and connections meeting the specifications recommended by the hoisting machine manufacturer.

• Make sure connections are capable of developing at least eighty percent of the rated breaking strength of the wire rope.

• Make sure each suspension rope has a design factor of at least ten.

###### **Definition:**

The design factor is the ratio of the rated strength of the suspension wire rope to the rated working load. It is calculated using the following formula:

$$F = (S \times N)/W$$

Where:

F = Design factor

S = Manufacturer's rated strength of one suspension rope

N = Number of suspension ropes under load

W = Rated working load on all ropes at any point of travel.

###### **Example:**

A working platform is suspended by 4 wire ropes (N), each having a rated strength (S) of three thousand pounds. The rated working load of the platform (W) is one thousand pounds.

Calculate the design factor (F) as follows:

$$F = (S \times N)/W = (3000 \times 4)/1000 = 12000/1000 = 12$$

###### **You must:**

• Make sure the minimum grade of suspension wire rope used is improved plow steel or equivalent.

• Make sure suspension wire ropes are sized to conform with the required design factor, but never less than 5/16 inch (7.94 mm) in diameter.

• Make sure there is not more than one reverse bend in six wire rope lays.

• Make sure a suspension wire rope that is to be used at a specific location, and will remain at that location, has a corrosion-resistant tag that:

– Is securely attached to one of the wire rope fastenings;

###### **AND**

– Bears the following wire rope information:

■ Diameter in inches or millimeters (mm)

■ Construction classification

■ Whether nonpreformed or preformed

■ Grade of material

■ Manufacturer's rated strength

■ Manufacturer's name

■ Month and year the ropes were installed

■ Name of the person or company which installed the ropes.

ropes.

• Make sure a new tag is installed at each wire rope renewal.

• Make sure when resocketing the wire rope either:

– The original tag is stamped with the date of resocketing;

###### **OR**

– The original tag is retained and a supplemental tag added that shows:

■ The date of resocketing;

###### **AND**

■ The name of the person or company that resocketed the rope.

• Make sure winding drum type hoists contain at least three wraps of the suspension wire rope on the drum when the suspended unit has reached the lowest possible point of its vertical travel.

• Make sure traction drum and sheave type hoists use wire rope long enough to reach the lowest possible point of vertical travel of the suspended unit, and an additional length of the wire rope of at least four feet (1.2 m).

• Make sure suspension wire rope is never lengthened or repaired.

• Make sure babbitted fastenings are never used with suspension wire rope.

#### NEW SECTION

##### **WAC 296-870-70090 Control circuits, power circuits and electrical protective devices.**

**Reference:** Unless otherwise specified in this chapter, make sure electrical wiring and equipment meet the requirements of Electrical, Part L in the General safety and health standards, chapter 296-24 WAC.

###### **You must:**

• Make sure electrical runway conductor systems are:

– Designed for use in exterior locations;



**AND**

– Located so they do not come in contact with accumulated snow or water.

- Make sure cables are protected against damage resulting from over-tensioning or other causes.

- Make sure the control system requires the operator to follow predetermined procedures to operate suspended or supported equipment.

- Make sure the control system has:

- Devices included to protect the equipment against electrical overloads, three-phase reversal and phase failure;

**AND**

- A separate method that is independent of the direction control circuit to break the power circuit in case of an emergency or malfunction.

- Make sure installations where the carriage does not have a stability factor of at least four against overturning have electrical contacts provided and connected so that the operating devices for suspended or supported equipment will only function when the carriage is located and mechanically retained at an established operating point.

- Make sure the hoisting or suspension system has overload protection to prevent the equipment from operating in the "up" direction with a load greater than one hundred twenty-five percent of the rated load of the platform.

- Make sure an automatic detector is provided for each suspension point that will do both of the following if a suspension wire rope becomes slack:

- Interrupt power to all hoisting motors for travel in the "down" direction;

**AND**

- Apply the primary brakes.

**Note:** A continuous-pressure rigging-bypass switch designed for use during rigging is permitted. It can only be used during rigging.

**You must:**

- Make sure upper and lower directional switches are provided that are designed to prevent the travel of suspended units beyond safe upward and downward levels.

- Make sure remote controlled, roof-powered manned platforms have an emergency stop switch located adjacent to each control station on the platform.

- Make sure cables which are in constant tension have overload devices which will prevent the tension in the cable from interfering with:

- The device that limits the hoist from lifting a load greater than one hundred twenty-five percent of the rated load of the platform;

**AND**

- The platform roll limiting device required by WAC 296-870-70050, Suspended working platforms and manned platforms used on supported equipment.

**NEW SECTION****WAC 296-870-800 Definitions.**

**Anemometer.** An instrument for measuring wind velocity.

**Angulated roping.** A suspension method where the upper point of suspension is inboard from the attachments on

the suspended unit, thus causing the suspended unit to bear against the face of the building.

**Building face rollers.** A specialized form of guide roller designed to ride on the face of the building wall to prevent the platform from abrading the face of the building and to assist in stabilizing the platform.

**Building maintenance.** Operations such as window cleaning, caulking, metal polishing, reglazing, and general maintenance on building surfaces.

**Cable.** A conductor, or group of conductors, enclosed in a weatherproof sheath, that may be used to:

- Supply electrical power or control current for equipment;

**OR**

- Provide voice communication circuits.

**Carriage.** A wheeled vehicle used for the horizontal movement and support of other equipment.

**Certification.** A written, signed, and dated statement confirming the performance of a requirement.

**Combination cable.** A cable having both steel structural members capable of supporting the platform, and copper or other electrical conductors insulated from each other and the structural members by nonconductive barriers.

**Competent person.** Someone who:

- Is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees;

**AND**

- Has the authority to take prompt corrective measures to eliminate them.

**Continuous pressure.** Operation of a control by requiring constant manual actuation for the control to function.

**Control.** A system or mechanism used to regulate or guide the operation of equipment.

**Davit.** A device, used singly or in pairs, for suspending a powered platform from work, storage and rigging locations on the building being serviced. Unlike outriggers, a davit reacts its operating load into a single roof socket or carriage attachment.

**Design factor.** The ratio of the rated strength of the suspension wire rope to the rated working load. It is calculated using the following formula:

$$F = (S \times N) / W$$

Where:

F = Design factor

S = Manufacturer's rated strength of one suspension rope

N = Number of suspension ropes under load

W = Rated working load on all ropes at any point of travel.

**Equivalent.** Alternative design, material or method to protect against a hazard. You have to demonstrate it provides an equal or greater degree of safety for employees than the method, material or design specified in the rule.

**Existing installation.** A permanent powered platform installation that:

- Was completed before July 23, 1990;

**AND**

- Has had no major modification done after July 23, 1990.

**Ground rigging.** A method of suspending a working platform starting from a safe surface to a point of suspension above the safe surface.

**Ground rigged davit.** A davit which cannot be used to raise a suspended working platform above the building face being serviced.

**Guide button.** A building face anchor designed to engage a guide track mounted on a platform.

**Guide roller.** A rotating cylindrical member that provides continuous engagement between the suspended or supported equipment and the building guides. It may operate separately or as part of a guide assembly.

**Guide shoe.** A device that is similar to a guide roller but is designed to provide a sliding contact between the shoe and the building guides.

**Hoisting machine.** A device intended to raise and lower a suspended or supported unit.

**Installation.** A powered platform installation consists of all the equipment and the parts of the building involved with using the powered platform for building maintenance.

**Interlock.** A device designed to ensure that operations or motions occur in proper sequence.

**Intermittent stabilization.** A method of platform stabilization in which the angulated suspension wire ropes are secured to regularly spaced building anchors.

**Lanyard.** A flexible line of rope, wire rope or strap which is used to secure the body harness to a deceleration device, lifeline or anchorage.

**Lifeline.** A component consisting of a flexible line that connects to an anchorage at one end to hang vertically (vertical lifeline), or that connects to anchorages at both ends to stretch horizontally (horizontal lifeline). It serves as a means for connecting other components of a personal fall arrest system to the anchorage.

**Live load.** The total static weight of workers, tools, parts, and supplies that the equipment is designed to support.

**New installation.** A permanent powered platform installation that was completed, or an existing installation that has had major modifications done, after July 23, 1990.

**Operating control.** A mechanism regulating or guiding the operation of equipment that makes sure the equipment operates in a specific mode.

**Operating device.** A push button, lever, or other manual device used to actuate a control.

**Outrigger.** A device, used singly or in pairs, for suspending a working platform from work, storage, and rigging locations on the building being serviced. Unlike davits, an outrigger reacts its operating moment load as at least two opposing vertical components acting into two or more distinct roof points and/or attachments.

**Poured socket.** A method of providing wire rope termination in which the ends of the rope are held in a tapered socket by means of poured spelter or resins.

**Primary brake.** A brake designed to be applied automatically whenever power to the prime mover is interrupted or discontinued.

**Prime mover.** The source of mechanical power for a machine.

**Rated load.** The manufacturer's specified maximum load.

**Rated strength.** The strength of wire rope, as designated by its manufacturer or vendor, based on standard testing procedures or acceptable engineering design practices.

**Rated working load.** The combined static weight of workers, materials, and suspended or supported equipment.

**Registered professional engineer.** A person who has been duly and currently registered and licensed by an authority within the United States or its territories to practice the profession of engineering.

**Roof-powered platform.** A powered platform having the raising and lowering mechanism located on the roof.

**Roof-rigged davit.** A davit used to raise the suspended working platform above the building face being serviced. This type of davit can also be used to raise a suspended working platform which has been ground rigged.

**Rope.** The equipment, such as wire rope, that is used to suspend a component of an equipment installation.

**Safe surface.** A horizontal surface that provides reasonable assurance that personnel occupying the surface will be protected from falls. This protection can be provided by location, a fall protection system, or other equivalent method.

**Secondary brake.** A brake designed to arrest the descent of the suspended or supported equipment in the event of an overspeed condition.

**Stability factor.** The ratio of the stabilizing moment to the overturning moment.

**Stabilizer tie.** A flexible line connecting the building anchor and the suspension wire rope supporting the platform.

**Supported equipment.** Building maintenance equipment that is held in or moved to its working position by means of attachment directly to the building or extensions of the building being maintained.

**Suspended equipment.** Building maintenance equipment that is suspended and raised or lowered to its working position by means of ropes or combination cables attached to some anchorage above the equipment.

**Tie-in guides.** The portion of a building that provides continuous positive engagement between the building and a suspended or supported unit during its vertical travel on the face of the building.

**Transportable outriggers.** Outriggers designed to be moved from one work location to another.

**Type F powered platform.** A powered platform that has both of the following characteristics:

- The working platform is suspended by at least four wire ropes and designed so that failure of any one wire rope will not substantially alter the normal position of the working platform

- Only one layer of hoisting rope is permitted on the winding drums.

**Type T powered platform.** A powered platform installation that has a working platform suspended by at least two wire ropes. The platform will not fall to the ground if a wire rope fails, but the working platform's normal position would be upset.

**Weatherproof.** Constructed or protected so that exposure to the weather will not interfere with successful operation.

**Winding drum hoist.** A type of hoisting machine that accumulates the suspension wire rope on the hoisting drum.

**Working platform.** The suspended or supported equipment intended to provide access to the face of the building and manned by persons engaged in building maintenance.

**Wrap.** One complete turn of the suspension wire rope around the surface of a hoist drum.

**WSR 06-13-086**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed June 20, 2006, 10:51 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-08-051.

Title of Rule and Other Identifying Information: WAC 220-52-019 Geoduck clams—Gear and unlawful acts.

Hearing Location(s): Best Western Cotton Tree Inn and Convention Center, 2300 Market Street, Mount Vernon, WA, on August 4-5, 2006, begins 8:00 a.m. on August 4, 2006.

Date of Intended Adoption: August 4, 2006.

Submit Written Comments to: Rules Coordinator, 600 Capitol Way, Olympia, WA 98501-1091, e-mail jacobesj@dfw.wa.gov, fax (360) 902-2155, by July 28, 2006.

Assistance for Persons with Disabilities: Contact Nancy Burkhardt by July 21, 2006, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Sets maximum depth for geoduck harvest at seventy feet below mean lower low water (0.0 feet).

Reasons Supporting Proposal: Standardize depth restriction. Current rule of seventy feet below any tide height [height] is unclear as to legal harvest depth.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

Name of Proponent: Department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: There is no reporting or record-keeping requirement.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative

Costs: No compliance costs. Dive boats currently have fathometers that show water depth.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? Actual tidal depth in most of Puget Sound can be as low as -4.5 feet (extreme low water), although it is unlikely that tide depth at geoduck tracts will ever exceed -3.5 feet. This rule will prevent harvest of geoducks in the -70.0 to -73.5 depth range, and a loss of geoducks taken from those depths, assuming the tract extends into waters greater than seventy feet deep. Since the slope contour of each geoduck tract determines what percentage of the tract lies in this range, there is no method of determining what percentage of geoducks will become unavailable, if any, as a result of this rule. Additionally, since the harvest contract stipulates the maximum poundage of geoducks that may be removed, that harvest ceiling is more than likely to have been taken before it becomes necessary to attempt harvest beyond -70.0 feet.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

- a. Cost per employee;
- b. Cost per hour of labor; or
- c. Cost per one hundred dollars of sales. No cost of compliance.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: There are no costs.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: Industry has been briefed on this rule proposal, which is being coordinated with the department of natural resources (DNR), as DNR leases out the subtidal geoduck tracts.

8. A List of Industries That Will Be Required to Comply with the Rule: Geoduck dive industry.

A copy of the statement may be obtained by contacting Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091 [98501-1091], phone (360) 902-2930, fax (360) 902-2155, e-mail jacobesj@dfw.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. These rule proposals do not affect hydraulics.

June 20, 2006

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 03-81, filed 4/25/03, effective 5/26/03)

**WAC 220-52-019 Geoduck clams—Gear and unlawful acts.** (1) It is unlawful to take, fish for or possess geoduck clams taken for commercial purposes from any of the beds of navigable waters of the state of Washington except as provided in RCW 75.24.100 and rules of the director.

(2)(a) Only a manually operated water jet, the nozzle of which shall not exceed 5/8 inch inside diameter may be used to commercially harvest geoduck clams. Use of any other gear requires a permit from the director.

(b) It is unlawful in the commercial harvest of geoducks for through-hull fittings for water discharge hoses connected to the harvest gear to be below the surface of the water. Any through-hull fitting connected to the harvest gear which is above the surface of the water must be visible at all times.

(3) It is unlawful to take or fish for geoduck clams taken for commercial purposes between one-half hour before official sunset or 7:00 p.m. whichever is earlier and 7:00 a.m. No geoduck harvest vessel may be on a geoduck tract or harvest area after 7:30 p.m. or before 6:30 a.m. It is unlawful to take or fish for geoduck clams on Sundays or on state holidays as defined by the office of financial management. It is unlawful to possess geoduck clams taken in violation of this section.

(4) It is unlawful to harvest geoduck clams with any instrument that penetrates the skin, neck or body of the geoduck.

(5) It is unlawful to possess only the siphon or neck portion of a geoduck clam aboard a geoduck harvest vessel, except when a geoduck is incidentally damaged during harvest and must be reported under a department of natural resources harvest agreement.

(6) It is unlawful to retain any food fish or shellfish other than geoduck clams during geoduck harvesting operations, except for horse clams (*Tresus capax* and *Tresus nuttallii*) when horse clam harvest is provided for under a department of natural resources harvest agreement.

(7) It is unlawful for more than two divers from any one geoduck harvest vessel to be in the water at any one time.

(8) The following documents must be on board the geoduck harvesting vessel at all times during geoduck operations:

(a) A copy of the department of natural resources geoduck harvesting agreement for the tract or area where harvesting is occurring;

(b) A map of the geoduck tract or harvest area and complete tract or harvest area boundary identification documents or photographs issued by the department of natural resources for the tract or harvest area;

(c) A geoduck diver license for each diver on board the harvest vessel or in the water; and

(d) A geoduck fishery license as described in WAC 220-52-01901.

(9) It is unlawful to process geoducks on board any harvest vessel.

(10) It is unlawful to take or fish for geoduck clams for commercial purposes outside the tract or harvest area designated in the department of natural resources geoduck harvesting agreement required by subsection (8)(a) of this section. It is unlawful to possess geoduck clams taken in violation of this subsection.

(11) It is unlawful to harvest geoduck clams in areas deeper than seventy feet below ~~((the water surface at any tide height))~~ mean lower low water (0.0 ft.).

(12) Holders of geoduck fishery licenses shall comply with all applicable commercial diving safety regulations adopted by the Federal Occupational Safety and Health Administration established under the Federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq. Some of those regulations appear at 29 C.F.R. Part 1910, Subpart T.

**WSR 06-13-089**

**PROPOSED RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed June 20, 2006, 1:06 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-10-044.

Title of Rule and Other Identifying Information: WAC 388-450-0045 How do we count income from employment and training programs?

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane. A map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6097), on July 25, 2006, at 10:00 a.m.

Date of Intended Adoption: No earlier than July 26, 2006.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail [fernaax@dshs.wa.gov](mailto:fernaax@dshs.wa.gov), fax (360) 664-6185, by 5:00 p.m., July 25, 2006.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by July 21, 2006, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at [schilse@dshs.wa.gov](mailto:schilse@dshs.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To update treatment of income from the VISTA income to meet federal requirements for the food stamp program and comply with RCW 74.04.510.

Reasons Supporting Proposal: The United States Department of Agriculture, Food and Nutrition Service has issued guidance that the department must count payments/stipends from programs under the Domestic Volunteer Services Act of 1973, Titles I and II, as amended.

Payments under these titles including VISTA and Americorps VISTA must be counted as earned income if the VISTA participant did not receive food stamp benefits at the time they entered the service program. We exclude payments under these titles as income if the person already received Washington Basic Food program benefits at the time they join the service program.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090.

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.04.510, 74.08.090.

Rule is necessary because of federal law, 7 C.F.R. 273.9.

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, 1009 College S.E., Lacey, WA 98504, (360) 725-4616.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed rules do not have an economic impact on small businesses. The proposed amendments only affect DSHS clients by establishing eligibility rules incorporating federal requirements for how

VISTA income is treated for the food stamp program administered as the Washington Basic Food program. The rule impacts whether or [not] VISTA income is used to determine a person's eligibility for Basic Food benefits.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to . . . rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." These rules incorporate federal requirements for how the department counts VISTA income for the Washington Basic Food program consistent with Title 74 RCW and Title 7 C.F.R. Part 273.

June 20, 2006

Andy Fernando, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-03-071, filed 1/15/03, effective 3/1/03)

**WAC 388-450-0045 How do we count income from employment and training programs?** This section applies to cash assistance, Basic Food, and medical programs for families, children, and pregnant women.

(1) We treat payments issued under the Workforce Investment Act (WIA) as follows:

(a) For cash assistance and medical programs for families, children, and pregnant women, we exclude all payments.

(b) For Basic Food:

(i) We exclude OJT earnings for children who are eighteen years of age or younger and under parental control as described in WAC 388-408-0035.

(ii) We count OJT earnings as earned income for people who are:

(A) Age nineteen and older; or

(B) Age eighteen or younger and not under parental control.

(iii) We exclude all other payments.

(2) We exclude **all** payments issued under the National and Community Service Trust Act of 1993. This includes payments made through the AmeriCorps (~~and AmeriCorps VISTA~~) program(s).

(3) We treat payments issued under Title I of the Domestic Volunteer Act of 1973, such as VISTA, AmeriCorps Vista, university year for action, and urban crime prevention program as follows:

(a) For cash assistance and medical programs for families, children, and pregnant women, we exclude all payments.

(b) For Basic Food, we count most payments as earned income. We exclude the payments if you (~~got~~):

(i) Received Basic Food or cash assistance at the time you joined the Title I program; or

(ii) (~~You~~) Were participating in the Title I program and (~~got~~) received an income disregard at the time of conversion to the Food Stamp Act of 1977. We (~~will~~) continue to exclude the payments (~~you get~~) even if you do not get Basic Food every month.

(4) We exclude **all** payments issued under Title II of the Domestic Volunteer Act of 1973. These include:

(a) Retired senior volunteer program (RSVP);

(b) Foster grandparents program; and

(c) Senior companion program.

(5) We count training allowances from vocational and rehabilitative programs as earned income when:

(a) The program is recognized by federal, state, or local governments; and

(b) The allowance is not a reimbursement.

(6) When GAU clients receive training allowances we allow:

(a) The earned income incentive and work expense deduction specified under WAC 388-450-0175, when applicable; and

(b) The actual cost of uniforms or special clothing required for the course as a deduction, if enrolled in a remedial education or vocational training course.

(7) We exclude support service payments received by or made on behalf of WorkFirst participants.

**WSR 06-13-090**

**PROPOSED RULES  
OFFICE OF THE  
CODE REVISER**

[Filed June 20, 2006, 1:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-10-023.

Title of Rule and Other Identifying Information: Amending WAC 1-06-090 Copying.

Hearing Location(s): Office of the Code Reviser, 415 15th Avenue S.W., Pritchard Building, Room LL6, Olympia, WA 98504, on July 28, 2006, at 2:00 p.m.

Date of Intended Adoption: August 4, 2006.

Submit Written Comments to: Kerry Radcliff, P.O. Box 40551, Olympia, WA 98504-0551, e-mail Radcliff.Kerry@leg.wa.gov, fax (360) 786-1529, by July 27, 2006.

Assistance for Persons with Disabilities: Contact Kerry Radcliff, Rules Coordinator, by July 21, 2006, TTY (800) 833-6388 or (800) 833-6384 (voice).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amending WAC 1-06-090 to clarify current copying fees, electronic distribution costs and faxing policy associated with public records, as defined in WAC 1-06-020.

Reasons Supporting Proposal: To clarify and set fees in regards to the copying and electronic distribution of public records. These public records are defined in WAC 1-06-020. Fees will include the per page charge for providing paper copies of public records maintained either on paper or electronically; the fee for providing a CD ROM of electronically maintained material; and the fee for formatting a 2-column, publication master copy of electronically maintained information. The amendment to WAC 1-06-090 would also set in rule the office of the code reviser's faxing policy, which is a maximum of ten pages.

Statutory Authority for Adoption: RCW 42.17.250 and 42.17.300.

Statute Being Implemented: RCW 42.17.250 and 42.17.300.

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

Name of Proponent: Office of the code reviser, governmental.

Name of Agency Personnel Responsible for Drafting: RayeJean Saar, P.O. Box 40551, Olympia, WA 98504-0551, (360) 786-6777; Implementation and Enforcement: Office of the Code Reviser, P.O. Box 40551, Olympia, WA 98504-0551, (360) 786-6777.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The office of the code reviser has determined that the rule is not subject to the Regulatory Fairness Act because the rule is for the purpose of clarifying fees.

A cost-benefit analysis is not required under RCW 34.05.328. The office of the code reviser is not a listed agency in RCW 34.05.328 (5)(a)(i).

June 20, 2006

K. Kyle Thiessen  
Code Reviser

AMENDATORY SECTION (Amending Order 19, filed 7/11/78)

**WAC 1-06-090 Copying of public records.** No fee shall be charged for the inspection of public records. The ~~((agency shall))~~ office of the code reviser may charge a fee of ~~((twenty-five))~~:

- Thirty-five cents per page of copy for providing paper copies of public records ((and for use of the agency's copy equipment. This charge is)) maintained on paper or electronically;

- Two dollars per CD ROM for copies of electronically maintained public records;

- Two dollars per page and fifteen dollars per hour charge for double column, publication master copies of electronically maintained public records.

The office of the code reviser may fax documents, but there is a ten-page maximum. There is no charge for this service.

These charges are the amounts necessary to reimburse the agency for its actual costs incident to such copying.

### WSR 06-13-093

#### PROPOSED RULES

#### UTILITIES AND TRANSPORTATION COMMISSION

[Docket A-060357—Filed June 20, 2006, 2:45 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-07-099.

Title of Rule and Other Identifying Information: Chapter 480-07 WAC, Procedural rules, relating to delegation of certain commission decisions and the finality of initial orders.

Hearing Location(s): Commission Hearing Room, Second Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, on July 28, 2006, at 10:30 a.m.

Date of Intended Adoption: July 28, 2006.

Submit Written Comments to: Carole Washburn, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, e-mail records@wutc.wa.gov, fax (360) 586-1150, by July 19, 2006. Please include "Docket UT-060357" in your comments.

Assistance for Persons with Disabilities: Contact Mary De Young by July 26, 2006, TTY (360) 586-8203 or (360) 664-1133.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The legislature authorized the commission to delegate certain functions by rule or order, and directed the commission to promulgate rules to identify a notice process to enable persons affected by a proposal to ensure that commissioners personally considered the matter, chapter 246, Laws of 2006.

The changes to the law allow the commission to delegate routine decisions, while maintaining oversight by the commissioners. The changes allow the commission to respond to routine requests more quickly and make better use of the commissioners' time.

The proposed rules would adopt language that would delegate authority to the executive secretary to decide certain matters, adopt WAC 480-07-307 relating to probable cause decisions, and amend WAC 480-07-825 by adding language relating to initial order finality.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 80.01.040, 80.04.160, and chapter 246, Laws of 2006.

Statute Being Implemented: Chapter 246, Laws of 2006.

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

Name of Proponent: Washington utilities and transportation commission, governmental.

Name of Agency Personnel Responsible for Drafting: C. Robert Wallis, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1142; Implementation and Enforcement: Carole Washburn, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules will not result in or impose an increase in costs. Because there will not be any increase in costs resulting from the proposed rule changes, a small business economic impact statement is not required under RCW 19.85.030(1).

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rules are not significant legislative rules of the sort referenced in RCW 34.05.328(5).

June 20, 2006

Carole J. Washburn  
Executive Secretary

#### NEW SECTION

**WAC 480-07-307 Probable cause determinations.** An administrative law judge will review the information or evi-

dence supporting a proposed complaint or penalty assessment and determine whether probable cause exists to issue the complaint or assess penalties. If the judge determines that the information would support the proposed penalties or sustain the complaint, if proved at hearing and if not rebutted or explained, the judge will sign the complaint or penalty assessment on behalf of the commission. The existence of a finding of probable cause may not in any later stage of the proceeding be considered as support for the proposed penalties or the complaint.

AMENDATORY SECTION (Amending General Order R-510, Docket No. A-010648, filed 11/24/03, effective 1/1/04)

**WAC 480-07-825 Initial orders—Petitions for administrative review.** (1) **When a petition for administrative review is appropriate.** A party who wishes to challenge any finding of fact, conclusion of law, remedy, or result proposed by an initial order may file a petition for administrative review. A party also may file a petition for administrative review to challenge the reasons stated in support of any result reached in an initial order. The commission will accept only one petition for administrative review from any party.

(2) **Timing of petition.** Any party to an adjudicative proceeding may file and serve a petition for administrative review within twenty days after the initial order is served. The commission may extend the time on a showing of good cause.

(3) **Contents; length.** Petitions for administrative review must clearly identify the nature of each challenge to the initial order, the evidence, law, rule or other authority that the petitioner relies upon to support the challenge, and state the remedy that the petitioner seeks. Petitions for review of initial orders must be specific. The petitioner must separately state and number every contention. A petition that challenges a finding of fact must cite the pertinent page or part of the record or must otherwise state the evidence it relies on to support its petition, and should include a recommended finding of fact. A petition that challenges a conclusion of law must cite the appropriate statute, rule, or case involved and should include a recommended conclusion of law. A petition that challenges the summary or discussion portion of an initial order must include a statement showing the legal or factual justification for the challenge, and a statement of how the asserted defect affects the findings of fact, the conclusions of law, and the ultimate decision. Petitions for administrative review must not exceed sixty pages, without prior permission from the commission.

(4) **Answers.**

(a) **Who may answer.** Any party to the adjudication may answer another party's petition for administrative review.

(b) **Filing and service.** An answer to a petition for administrative review must be filed and served within ten days after the petition is filed. The commission may designate a different time for filing answers to petitions.

(c) **Challenge to order in answer.** A party who did not file a petition for administrative review of an initial order may challenge the order or portions of the order in its answer to the petition of another party.

(5) **Reply.**

(a) **By right.** A party has the right to reply to new challenges to the order that are raised under subsection (c) of this section.

(b) **By leave of commission.** A party otherwise has no right to reply to an answer, but may petition for leave to reply, citing new matters raised in the answer and stating why those matters were not reasonably anticipated and why a reply is necessary. The petitioner may attach a reply to the petition for leave to accept the reply.

(c) **Timing.** A reply under (a) of this subsection, or a petition for leave to reply under (b) of this subsection, must be filed no later than five days after service of the answer. The commission may extend the time upon a showing of good cause.

(6) **Oral argument.** The commission may hear oral argument on a petition for administrative review at a time and place the commission designates by notice to all parties to the proceeding. A party who desires to present oral argument may request argument, stating why oral argument is necessary to assist the commission in making its decision and why written presentations will be insufficient.

(7) **Initial order finality.**

(a) The initial order of an administrative law judge will become a final order of the commission unless, within the time for filing petitions for administrative review:

(i) A party petitions for administrative review, or receives an extension of time to file a petition for administrative review and files within the extended period; or

(ii) The commission serves a notice to the parties of its intention to review the initial order.

(b) Parties who seek finality of an initial order before the end of the petition period may waive the right to seek administrative review. If all parties waive review, the order will become final on the day the commission declines to exercise administrative review or when the time for exercising review ends. If the commission exercises administrative review, all parties may state objections and responses as permitted in subsection (8) of this section.

(c) An initial order that becomes final by operation of law does not reflect a decision by the commissioners and has no precedential value. Such orders may be cited as ALJ orders, but their persuasiveness depends on the quality of the decision rather than the mere fact they are technically final.

(8) Designation for review. The commission may designate an initial order for administrative review by serving on the parties a notice of its intention to review the order. The notice will identify the docket number and the title of the proceeding, a time period within which the parties may state objections to the initial order, and a time to respond to others. The notice may invite the parties to address specific issues relating to the initial order.

(9) **Final order.** The commission may by final order adopt, modify, or reject an initial order after ((reviewing)) considering the ((initial order and any petitions for review, answers, replies, briefs, and oral arguments,)) pleadings and the record. Alternatively, the commission may remand the matter for further proceedings with instructions to the presiding officer.

**(10) Judicial review.** The statutory time for filing a petition for judicial review commences when the commission serves its final order, when an initial order becomes final under RCW 80.01.060(3) and subsection (7) of this section, or when a petition for reconsideration is deemed denied as a matter of law, as provided in RCW 34.05.470. However, if a party timely files a petition for reconsideration of the final order, and complies with the commission's procedural rules governing reconsideration, the time for filing a petition for judicial review does not commence until the date on which the agency serves an order disposing of the petition for reconsideration, or the date on which the petition is deemed denied as a matter of law, as provided in RCW 34.05.470.

#### NEW SECTION

**WAC 480-07-903 Delegation of authority to the executive secretary. (1) General provisions.**

(a) The working title of the secretary position authorized in RCW 80.01.030 is "executive secretary."

(b) The commission delegates authority to the executive secretary as set out in this section and WAC 480-07-904 and 480-07-905, pursuant to RCW 80.01.030 and subject to oversight and direction by a majority of the commissioners.

(c) The commission may also delegate functions to the executive secretary by order.

(d) When the executive secretary is absent or otherwise unavailable to perform authorized duties, the commission authorizes the executive secretary's designee to perform the duties on behalf of the executive secretary.

**(2) General delegation of authority.** The commission authorizes the executive secretary to supervise the general administrative functions of the agency, including without limitation the following specific tasks.

(a) **Filings, correspondence and documents.** The executive secretary will sign commission documents to be filed with the code reviser, courts, or other agencies or governmental entities. The executive secretary will sign other official commission correspondence and filings that the commissioners do not sign. The executive secretary will sign all permits and other official commission documents.

(b) **Appointing authority.** The executive secretary is the "appointing authority" for the commission and has authority over appointment, separation, and discipline of commission employees. This authority includes, but is not limited to, appointments, terminations, reductions in force, dismissals, suspensions, and demotions pursuant to WAC 356-30-007 and 356-34-011

(c) **Grievance procedure.** The commission authorizes the executive secretary to hear bargaining unit employee grievances and enter a final agency decision. The commission reserves the right to hear individual grievances or to select another designee to hear grievances on a case-by-case basis.

(d) **Rejection of defective filings.** The executive secretary will sign orders or letters rejecting tariffs, contracts, applications, or other filings that do not comply with statutory requirements or commission rules regarding effective dates, required supporting documents, or other standards for a complete filing.

(3) **Authority to resolve delegated matters.** Matters delegated to the executive secretary by rule are specified in this section and in WAC 480-07-904 and 480-07-905. The executive secretary may exercise discretion to defer any delegated matter to the commissioners for decision.

**(4) Authority to sign discretionary orders implementing commission decisions.**

(a) **Commissioner direction.** A majority of the commissioners may direct the executive secretary to sign an order or decision implementing a decision made by a majority of the commissioners.

(b) **Commissioner unavailability.** When a majority of the commissioners are unavailable to sign and enter decisions and orders of the commission, the executive secretary is authorized to do so without express direction only when:

(i) A majority of the commissioners has previously reached a decision on the merits of the particular matter; and

(ii) In the executive secretary's judgment, in consultation with any available commissioner, entry of the order cannot be deferred pending commissioner availability.

(5) **Commission review.** Commission review of decisions delegated under RCW 80.01.030 is *de novo*.

#### NEW SECTION

**WAC 480-07-904 Delegation of authority to the executive secretary to decide certain matters. (1)** The commission delegates the following matters to the executive secretary for decision. The executive secretary's decision shall take effect immediately on entry of an order or on a later date specified in the order, without prior notice. Upon request, the commission will review the matter under subsection (3) of this section at a commission open meeting.

(a) Applications for funding highway-railroad grade crossing improvements under the grade crossing protection fund for applications under WAC 480-62-405 (1)(a).

(b) Petitions for approval of changes to existing highway-railroad grade crossings, including installation or modification of signals; reconstruction of the crossing; or implementation of changes in design or construction.

(c) Applications by water companies for removal from regulation or for the commission to exercise regulation under RCW 80.04.010.

(d) Applications for approval of:

(i) Fully negotiated telecommunications interconnection agreements; and

(ii) Adoptions of existing interconnection agreements.

(e) Applications for less than statutory notice approval of transportation company fuel surcharges and requests for rate increases limited to passing through costs that are authorized for pass-through, such as tipping fees.

(f) Requests for a commission order establishing that a securities filing complies with RCW 80.08.040.

(g) Requests for assignment of telephone number resources.

(h) Petitions for mitigation of penalties when the petitioner does not request a hearing, or when commission staff supports the request for mitigation.

(i) Requests for approval of service area agreements.



(j) Requests for extensions of time to make filings under deadlines set by rule or order, not including deadlines established in an adjudication.

(2) **Notice.** The commission will post on its internet web site for at least fourteen days a listing of all matters decided pursuant to subsection (1)(a) of this section, showing the docket number, date of entry of decision, and company name. The commission will regularly publish electronic notice of listings to persons requesting such notice.

(3) **Opportunity for review.** Any affected person may ask the commission to review any matter delegated under subsection (1) of this section. A person seeking review must file his or her request for commission consideration no later than the fourteenth day after the date of the posting. The commission will provide a form for this purpose on the commission's web site. The commission will schedule a request for review promptly for consideration and will notify the affected company, and any person requesting review, of the time and place of the open meeting at which review will be taken.

#### NEW SECTION

**WAC 480-07-905 Delegation of authority to executive secretary to enter *ex parte* orders.** The commission authorizes the executive secretary to enter the following *ex parte* orders in the name of the commission in nonadjudicative matters. Notice of the order will be published, and responses must follow the procedure outlined, in WAC 480-07-904 (2) and (3).

(1) **Motor freight carriers, chapter 480-14 WAC, (excluding household goods carriers).**

(a) Orders and permits authorizing intrastate transportation of general commodities, materials transported by armored car, or hazardous materials if the applicant satisfies the requirements of chapter 480-14 WAC.

(b) Orders and permits authorizing or reflecting change of carrier name and business structure if the carrier satisfies the requirements of chapter 480-14 WAC.

(c) Orders and permits reinstating previously held authority if the carrier meets the requirements of chapter 480-14 WAC.

(d) Orders suspending and/or canceling a permit if the carrier fails to show that it has the required level of insurance in effect for its operations. The order will inform the carrier:

(i) That the permit may be reinstated prior to cancellation if the carrier corrects conditions leading to suspension; and

(ii) That the carrier may contest the suspension and/or cancellation by requesting an adjudication or brief adjudication.

(e) Orders permanently canceling previously suspended permit authority if the carrier fails to correct conditions leading to suspension, and fails to request an adjudication or brief adjudication.

(f) Orders permanently canceling permit authority or dismissing an application by request of carrier or applicant.

(g) Orders dismissing an application after notice to the applicant of failure to meet the requirements of chapter 480-14 WAC.

(2) **Household goods carriers, chapter 480-15 WAC.**

(a) Permit authority granted by a commission order authorizing permanent, provisional or temporary intrastate transportation of household goods.

(b) Orders and permits authorizing permanent intrastate transportation of household goods if the applicant satisfies the requirements of chapter 480-15 WAC.

(c) Orders and permits authorizing or reflecting change of a carrier's permit name, corporate name, trade name, or addition of a trade name.

(d) Orders authorizing voluntary suspension of permit authority if the carrier satisfies the requirements of chapter 480-15 WAC.

(e) Orders reinstating voluntarily suspended permit authority if the carrier satisfies the requirements of chapter 480-15 WAC.

(f) Orders permanently canceling permit authority or dismissing application by request of carrier or applicant.

(g) Orders suspending and/or canceling a permit if the carrier fails to maintain evidence of required cargo and/or liability insurance coverage. Such orders will inform the carrier that a permit may be reinstated if the carrier corrects conditions leading to suspension and that the carrier may contest the suspension and/or cancellation by requesting an adjudicative or brief adjudicative proceeding.

(h) Orders vacating suspension of a permit if the commission receives the insurance filing during the suspension period and orders of abeyance if the carrier requests a hearing or brief adjudicative proceeding.

(i) Orders canceling previously suspended permit authority if the carrier fails to correct conditions leading to suspension, and fails to request a hearing or brief adjudicative proceeding, during the suspension period.

(j) Orders reinstating previously canceled permit authority if the carrier satisfies the requirements of chapter 480-15 WAC.

(k) Orders rejecting applications for temporary authority if WAC 480-15-285 applies.

(3) **Solid waste collection companies—Specialized, chapters 81.77 RCW and 480-70 WAC.**

(a) Orders and permits authorizing intrastate solid waste collection services involving unprotested applications in territory not served by any existing carrier.

(b) Orders and permits authorizing change of carrier's corporate name, trade name, or addition of a trade name.

(c) Orders and permits approving unprotested applications to transfer or lease certificate.

(d) Orders suspending a permit if the carrier fails to maintain evidence of the required liability insurance coverage. The order will inform the carrier that the permit may be reinstated if the carrier corrects the conditions leading to suspension and that the carrier may contest the suspension by requesting an adjudication or brief adjudicative proceeding.

(e) Orders vacating suspension of permit if the commission receives the carrier's insurance filing during the suspension period and orders of abeyance if the carrier requests an adjudication or brief adjudicative proceeding.

(f) Orders canceling previously suspended permit authority if the carrier fails to correct conditions leading to

suspension, and fails to request a hearing or brief adjudicative proceeding, during the suspension period.

(g) Orders reinstating a permit canceled for cause if the conditions for reinstatement in chapter 480-70 WAC and in the order of cancellation are met.

(h) Orders dismissing application or canceling permit authority by request of applicant or carrier.

**(4) Solid waste collection companies—Traditional, chapters 81.77 RCW and 480-70 WAC.**

(a) Orders and permits authorizing intrastate solid waste collection services involving unprotested applications in territory not served by an existing carrier.

(b) Orders and permits authorizing change of carrier's name, trade name or addition of a trade name.

**(5) Private, nonprofit transportation providers, chapter 480-31 WAC.**

(a) Orders and permits authorizing intrastate transportation of persons with special needs.

(b) Orders and permits authorizing sale, assignment, lease, acquisition or transfer.

(c) Orders suspending a permit if the carrier fails to maintain evidence on file that it has the required level of insurance in effect for its operations. The order must inform the carrier that the permit may be reinstated if the carrier corrects the conditions leading to suspension and that the carrier may contest the suspension by requesting a hearing or brief adjudicative proceeding.

(d) Orders vacating suspension of a permit if the commission receives an insurance filing during the suspension period and orders of abeyance if the carrier requests a hearing or brief adjudicative proceeding.

**(6) Charter and excursion busses.**

(a) Orders authorizing intrastate transportation of passengers by charter or excursion.

(b) Orders suspending permit if the carrier fails to show that it has the required level of insurance in effect for its operations. The order will inform the carrier that the permit may be reinstated if the carrier corrects the conditions leading to suspension and that the carrier may contest the suspension by requesting a hearing or brief adjudicative proceeding.

(c) Orders vacating suspension of permit if the commission receives an insurance filing during the suspension period or orders of abeyance if the carrier requests a hearing or brief adjudicative proceeding.

(d) Orders canceling previously suspended permit authority if the carrier fails to correct conditions leading to suspension and fails to request a hearing or brief adjudicative proceeding during the suspension period.

(e) Orders canceling permit authority or dismissing an application by request of the carrier or applicant.

(f) Orders dismissing application after due notice to applicant for failure to meet the requirements of chapter 480-40 WAC.

(g) Orders authorizing lease, assignment, or transfer of permit authority.

**(7) Auto transportation companies, chapter 81.68 RCW.**

(a) Orders and permits authorizing intrastate, intercity transportation of passengers involving unprotested applica-

tions to serve routes not served by any existing carrier and that do not fall within the boundaries of a transit district.

(b) Orders and permits involving name changes, including trade names.

**(8) Commercial ferries, chapter 480-51 WAC.**

(a) Orders suspending a certificate if the carrier fails to maintain the required insurance coverage. The order will inform the carrier that the certificate may be reinstated if the carrier corrects the conditions leading to suspension and that the carrier may contest suspension by requesting a brief adjudication or an adjudication.

(b) Orders vacating suspension of a certificate if the carrier corrects conditions leading to suspension and orders of abeyance if the respondent requests a brief adjudication or an adjudication.

(c) Orders canceling a previously suspended certificate if the carrier fails to correct conditions leading to suspension and fails to timely request an adjudication or brief adjudication.

**(9) Temporary transportation authority.** The commission delegates to the executive secretary decisions in applications for temporary motor carrier or solid waste authority. The decision takes effect immediately on entry of an order without prior notice of delegation. An applicant whose application is denied, in whole or in part, may obtain review by requesting an adjudication within twenty days following entry of the order. Commission review of delegated decisions under this provision will be *de novo*.

**WSR 06-13-094**

**PROPOSED RULES**

**DEPARTMENT OF**

**RETIREMENT SYSTEMS**

[Filed June 21, 2006, 8:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-07-136.

Title of Rule and Other Identifying Information: WAC 415-108-575 How is the compensation adjustment for elected officials computed?

Hearing Location(s): Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on July 25, 2006, at 9:00 a.m.

Date of Intended Adoption: July 26, 2006.

Submit Written Comments to: Leslie L. Saeger, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail [leslies@drs.wa.gov](mailto:leslies@drs.wa.gov), fax (360) 753-3166, by 5:00 p.m. on July 25, 2006.

Assistance for Persons with Disabilities: Contact Leslie L. Saeger, Rules Coordinator, by July 17, 2006, TDD (360) 664-7291, TTY (360) 586-5450, phone (360) 664-7291.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 415-108-575 pertains to the compensation threshold for elected officials who wish to retire from PERS and continue serving in their elective positions (RCW 41.40.023). This amendment

provides the 2006 threshold and a short explanation of its application, which is absent in the current rule.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.40.023.

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

Name of Proponent: Department of retirement systems, governmental.

Name of Agency Personnel Responsible for Drafting: Leslie Saeger, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Dave Nelsen, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules have no effect on businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The department of retirement systems is not one of the named departments in RCW 34.05.328.

June 20, 2006

Leslie Saeger  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 05-12-109, filed 5/27/05, effective 6/27/05)

**WAC 415-108-575 ((How is the compensation adjustment for elected officials computed?)) May I retire from PERS while holding an elective position? (((1) This section provides the department's inflation adjustment under RCW 41.40.023 (3)(b) regarding elected officials.**

**(2) The department uses the criteria in RCW 41.26.240 in making annual inflation adjustments to the fifteen thousand dollar compensation threshold stated in RCW 41.40.023 (3)(b).**

**(3) The department adjusts the compensation threshold on April 1st of each year.<sup>2</sup>**

**(4) The department makes this information available upon request. For further information, please contact the department. Please see WAC 415-06-100 for contact information.**

Footnotes to section:

<sup>1</sup> The department uses this LEOFF statute because the statute explains how to use the Consumer Price Index for Seattle in making these annual adjustments.

<sup>2</sup> In 2001, the threshold was \$19,263. In 2002, the threshold was \$19,948. In 2003, the threshold was \$20,595. The 2004 threshold, effective April 2005, is \$20,919.)

(1) If you are holding an elective position and accruing PERS service credit for your service in that position, you may retire from PERS and continue to work in your elective position provided:

(a) You are eligible to retire under RCW 41.40.180, 41.40.630, or 41.40.820;

(b) You submit a written statement to the department, waiving the right to earn PERS service credit for any future period of service in an elective position; and

(c) Your compensation in the elective position is fifteen thousand dollars or less per year, adjusted annually for inflation by the director. See subsection (2) of this section.

(2) The compensation threshold in subsection (1)(c) of this section is adjusted on April 1 of each year, based on the average consumer price index for Seattle for the previous calendar year. Effective April 2006, the threshold is \$21,551. You may contact the department for the threshold in effect for previous or subsequent years.

## WSR 06-13-095

### PROPOSED RULES

### DEPARTMENT OF RETIREMENT SYSTEMS

[Filed June 21, 2006, 8:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-12-020.

Title of Rule and Other Identifying Information: New section WAC 415-02-177 May I purchase additional service credit?

Hearing Location(s): Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on July 25, 2006, at 9:00 a.m.

Date of Intended Adoption: July 26, 2006.

Submit Written Comments to: Leslie L. Saeger, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail [leslies@drs.wa.gov](mailto:leslies@drs.wa.gov), fax (360) 753-3166, by 5:00 p.m. on July 25, 2006.

Assistance for Persons with Disabilities: Contact Leslie L. Saeger, Rules Coordinator, by July 17, 2006, TDD (360) 664-7291, TTY (360) 586-5450, phone (360) 664-7291.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule implements 2005 and 2006 legislation giving LEOFF, PERS, PSERS, SERS, TRS and WSPRS members an opportunity to purchase up to sixty months of additional service credit at the time of retirement.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: Chapter 214, Laws of 2006 and RCW 41.26.432.

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

Name of Proponent: Department of retirement systems, governmental.

Name of Agency Personnel Responsible for Drafting: Leslie Saeger, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Dave Nelsen, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules have no effect on businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The department of retirement systems is not one of the named departments in RCW 34.05.328.

June 20, 2006  
Leslie Saeger  
Rules Coordinator

NEW SECTION

**WAC 415-02-177 May I purchase additional service credit? (1) What is the option for purchasing additional service credit?** The following statutes provide an option for eligible members to purchase additional service credit that provides a guaranteed, lifetime increase to their monthly retirement allowance:

- (a) Section 5, chapter 214, Laws of 2006 for LEOFF Plan 1 members;
- (b) RCW 41.26.432 for LEOFF Plan 2 members;
- (c) Section 1, chapter 214, Laws of 2006 for PERS Plan 1, 2, and 3 members;
- (d) Section 4, chapter 214, Laws of 2006 for PSERS Plan 2 members;
- (e) Section 3, chapter 214, Laws of 2006 for SERS Plan 2 and 3 members;
- (f) Section 2, chapter 214, Laws of 2006 for TRS Plan 1, 2, and 3 members; and
- (g) Section 6, chapter 214, Laws of 2006 for WSPRS Plan 1 or 2 members.

**(2) Am I eligible to purchase additional service credit?**

(a) You may purchase additional service credit if you are eligible to retire from one or more of the following plans and you take your benefit as a monthly allowance rather than a lump sum payment:

- (i) LEOFF Plan 1 or 2 under RCW 41.26.090 or 41.26.430;
- (ii) PERS Plan 1, 2 or 3 under RCW 41.40.180, 41.40.630, or 41.40.820;
- (iii) PSERS Plan 2 under RCW 41.37.210;

$$\begin{aligned}
 \text{Amount of increase} &= 2\% \times \text{additional service credit years} \times \text{AFC} \times \text{early retirement factor} \\
 &= 2\% \times 5 \text{ years} \times \$4000 \times .7300000 \\
 &= \$292
 \end{aligned}$$

**TRS Plan 3 example 2:** Jane is a member of TRS Plan 3. She applies for retirement, effective the first month after her 62nd birthday. Her AFC is \$4000 per month. If she purchases sixty months of additional service credit, her monthly

$$\begin{aligned}
 \text{Amount of increase} &= 1\% \times \text{additional service credit years} \times \text{AFC} \times \text{early retirement factor} \\
 &= 1\% \times 5 \text{ years} \times \$4000 \times .7300000 \\
 &= \$146
 \end{aligned}$$

**LEOFF Plan 2 example 3:** Jim is a member of LEOFF Plan 2. He applies for retirement, effective the first month after his 53rd birthday. His FAS is \$4000 per month. If he purchases sixty months of additional service credit, his

$$\begin{aligned}
 \text{Amount of increase} &= 2\% \times \text{additional service credit years} \times \text{FAS} \\
 &= 2\% \times 5 \text{ years} \times \$4000 \\
 &= \$400
 \end{aligned}$$

(iv) SERS Plan 2 or 3 under RCW 41.35.420 or 41.35.-680;

(v) TRS Plan 1, 2, or 3 under RCW 41.32.480, 41.32.-765, or 41.32.875; or

(vi) WSPRS Plan 1 or 2 under RCW 43.43.250.

(b) If you retire as a result of a disability, you may purchase additional service credit if you meet the requirements in (a) of this section.

**(3) How much additional service credit may I purchase?** If you are eligible, you may purchase from one to sixty months of additional service credit in whole month increments.

**(4) May I use the additional purchased service credit to qualify for retirement, or to qualify for the three percent reduction instead of the actuarial reduction for early retirement?** No. You may not use the purchased service credit to qualify for retirement or to qualify for a three percent reduction factor instead of an actuarial reduction for early retirement.

**(5) When must I apply to purchase additional service credit?** You must submit your request to purchase additional service credit to the department at the same time you submit your application for retirement.

**(6) How much will my monthly retirement allowance increase if I purchase additional service credit?** The increase in your monthly retirement allowance will be calculated using the benefit formula for your system and plan, with a reduction for early retirement, if applicable. If your monthly allowance will be reduced for early retirement, the same early reduction factor will be used to calculate the increase due to the additional service credit.

**PERS Plan 2 example 1:** John is a member of PERS Plan 2. He applies for retirement, effective the first month after his 62nd birthday. His AFC is \$4000 per month. If he purchases sixty months of additional service credit, his monthly retirement allowance will increase by \$292 per month, calculated as follows:

$$\begin{aligned}
 \text{Additional service credit: } &60 \text{ months} \div 12 = 5 \text{ years} \\
 \text{Early retirement factor: } &.7300000
 \end{aligned}$$

retirement allowance will increase by \$146 per month, calculated as follows:

$$\begin{aligned}
 \text{Additional service credit: } &60 \text{ months} \div 12 = 5 \text{ years} \\
 \text{Early retirement factor: } &.7300000
 \end{aligned}$$

monthly retirement allowance will increase by \$400 per month, calculated as follows:

$$\text{Additional service credit: } 60 \text{ months} \div 12 = 5 \text{ years}$$

**(7) How is the cost of the additional purchased service credit calculated?** The cost to purchase additional service credit is calculated by dividing the amount of the increase in subsection (6) of this section by the age-based annuity factor in WAC 415-02-340.

$$\begin{aligned} \text{Cost} &= \text{Amount of increase} \div \text{age-based annuity factor} \\ &= \$292 \div .0067036 \\ &= \$43,558.68 \end{aligned}$$

**(8) How and when do I pay for the additional service credit?**

(a) Payment may be made with an eligible rollover, a direct rollover or a trustee-to-trustee transfer. You may also use after-tax dollars, such as those from a personal savings account; however, IRS regulations limit the amount of after-tax dollars you can use for this type of purchase.

(b) Payment must be made in full ninety days after the bill issue date.

**(9) If I choose a benefit option with a survivor feature, will my survivor beneficiary's monthly allowance reflect the additional purchased service credit?** Yes. Depending upon the rules for your retirement system and plan and the benefit option you choose at retirement, your survivor beneficiary's monthly allowance will be a percentage of the gross monthly retirement allowance you were receiving at the time of your death. If you choose a benefit option with a survivor feature and your survivor beneficiary dies before you, your monthly retirement allowance will increase to the amount it would have been had you not selected a survivor option.

**(10) Will I receive a cost of living adjustment (COLA) on the portion of my allowance that is based on the additional purchased service credit?**

(a) For all systems and plans except PERS Plan 1 and TRS Plan 1, your COLA will be based on your gross monthly retirement allowance, including the increase due to the purchased service credit.

(b) If you retired from PERS Plan 1 or TRS Plan 1 and you did not elect the COLA option, you will not receive a COLA on the additional purchased service credit amount.

**(11) If I purchase additional service credit and then return to work, how will my retirement allowance be affected?** If you return to work and your retirement allowance is suspended, the portion of your retirement allowance attributable to service credit purchased under this section will also be suspended. When your retirement allowance resumes, the portion attributable to service credit purchased under this section will also resume.

**(12) If I retire and purchase less than sixty months of additional service credit, may I purchase more at a later time?** If you retire and purchase less than sixty months of additional service credit, you may not purchase additional months of service credit from the same plan unless you return to membership and rehire from the same system and plan. You must meet the eligibility requirements provided in subsection (2) of this section at the time you rehire. You may not purchase more than a total of sixty months of service credit regardless of how many times you rehire from the same system and plan.

**Example.** In subsection (6) of this section, Example 1, it was determined that John's retirement allowance would increase by \$292 per month. The cost to purchase the five years of additional service credit would be \$43,558.68, calculated as follows:

**(13) May I purchase service credit from more than one retirement plan?**

(a) If you are a dual member under chapter 415-113 WAC, Portability of public employment benefits, and combine service credit to retire from two retirement plans, you may purchase up to sixty months of additional service credit from each plan.

(b) If you retire from more than one plan, but are not a dual member under chapter 415-113 WAC, you may purchase up to sixty months of additional service credit from each plan in which you meet the eligibility requirements in subsection (2) of this section.

**(14) Will the money I paid to purchase the additional service credit be distributed to my beneficiary or estate if I die?**

(a) If you have a survivor beneficiary at the time of your death, your survivor beneficiary will receive a monthly allowance according to subsection (9) of this section.

(b) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement (including the money you paid for additional service credit):

(i) **Plan 1 members:** The balance will be distributed according to RCW 41.26.160 and 41.26.161 (LEOFF), 41.40.188 (PERS), 41.32.530 (TRS), or WAC 415-103-215 (WSPRS).

(ii) **Plan 2 members and PSERS:** The balance will be distributed according to RCW 41.26.460 (LEOFF), 41.40.660 (PERS), 41.35.220 (SERS), 41.37.170 (PSERS), 41.32.785 or 41.32.790 (TRS), or 43.43.271 (WSPRS).

(iii) **Plan 3 members:** The balance will be retained by the Plan 3 trust fund. Money paid for additional service credit is posted directly to the Plan 3 trust fund to cover the increased cost of defined benefits, and is not distributable.

### WSR 06-13-099

#### PROPOSED RULES

#### DEPARTMENT OF REVENUE

[Filed June 21, 2006, 9:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-09-099.

Title of Rule and Other Identifying Information: WAC 458-20-273 Renewable energy system cost recovery.

Hearing Location(s): Capital Plaza Building, 4th Floor, L&P Conference Room, 1025 Union Avenue S.E., Olympia, WA 98504, on July 27, 2006, at 9:30 a.m.

Date of Intended Adoption: July 31, 2006.

Submit Written Comments to: Mark E. Bohe, P.O. Box 47453, Olympia, WA 98504-7453, e-mail markbohe@dor.wa.gov, fax (360) 570-5543, by July 27, 2006.

Assistance for Persons with Disabilities: Contact Sandy Davis at (360) 725-7499, no later than ten days before the hearing date. Deaf and hard of hearing individuals may call 1-800-451-7985 (TTY users).

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The department is proposing a new rule to effectuate new legislation promoting the use and manufacture of alternative renewable energy systems in the state of Washington through the development of a customers' cost recovery incentive payments program with a corresponding credit to participating light and power businesses. Specifically, a credit of up to \$2,000 annually will be paid to customers for measured electric generation from qualified solar, wind and anaerobic digester energy systems. The light and power businesses pay the incentive payments to their qualifying customers and then receive a credit equal to the amount of payments made on their public utility tax. The amount of payments one light and power business may make is limited by the higher of \$25,000 or 0.25% of the business' prior year's taxable power sales due under RCW 82.16.020 (1)(b). Participation by the light and power businesses in this program is discretionary.

**Reasons Supporting Proposal:** To explain the renewable energy system cost recovery program provided in RCW 82.16.110, 82.16.120, 82.16.130, and 82.16.140.

**Statutory Authority for Adoption:** RCW 82.32.300 and 82.01.060.

**Statute Being Implemented:** RCW 82.16.110, 82.16.120, 82.16.130, and 82.16.140.

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

**Name of Proponent:** Department of revenue, governmental.

**Name of Agency Personnel Responsible for Drafting:** Mark E. Bohe, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6133; **Implementation:** Alan R. Lynn, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6125; and **Enforcement:** Janis P. Bianchi, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6147.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impose any new performance requirement or administrative burden on any small business not already required by statute.

A cost-benefit analysis is not required under RCW 34.05.328. This is not a significant legislative rule as defined in RCW 34.05.328.

June 21, 2006

Alan R. Lynn

Rules Coordinator

Solar energy systems, wind generators, and certain types of anaerobic digesters which process manure from cattle into biogas and dried manure using microorganisms in a closed oxygen-free container. Any individual, business, or local government that purchases and uses such a system may apply for an incentive payment from the light and power business that serves their property. The light and power business then gets a credit on its public utility tax for the amount it pays to customers as incentive payments. A light and power or gas distribution business will not qualify for an incentive payment. This program applies to measured customers' renewable energy system kilowatt-hours generated between July 1, 2005, and June 30, 2014.

The purpose of the law creating this incentive payment program is to develop a market for renewable energy systems and to promote the manufacture of these systems in Washington state. To facilitate this purpose, these regulations are written to facilitate prospective customers of renewable energy systems in the purchase and use of their systems, in conjunction with the incentive payment program.

**(1) What is my first step as a possible customer of a renewable energy system?** First, contact the light and power business serving your property to confirm it is participating in this incentive payment program. Participation by light and power businesses is discretionary. Further, ask your light and power business for a copy of its procedural requirements and application for participating in this incentive payment program. Only your light and power business has the authority to determine whether your incentive payment will be authorized or denied.

**(2) How do I certify my renewable energy system?** After contacting your light and power business, you must apply for a system certification to the department of revenue. The department of revenue will consult with the climate and rural energy development center at Washington State University's energy extension regarding your certification request. The certification form can be downloaded from the department of revenue's web site located at: [dor.wa.gov](http://dor.wa.gov), or may be obtained by calling the department at: 1-800-647-7706. The certification form requires certain verifiable information, including the following:

(a) Your name, address, and the address of the renewable energy system;

(b) Your department of revenue tax registration number, which will automatically be assigned to individuals when they submit their application and is a business' present UBI number (do not use your Social Security number or your federal employer's identification number);

(c) Your statement that your renewable energy system generating electricity is located on your own real property and that your property is also served by a participating light and power business;

(d) Your statement that the electricity you produce on your own renewable energy system does not include electricity generated by a light and power business or a gas distribution business;

(e) You must also state that your renewable energy electric generation system uses:

- Any solar inverter or modules manufactured in Washington state;

## NEW SECTION

**WAC 458-20-273 Renewable energy system cost recovery.** The customer investment cost recovery incentive payment ("incentive payment") covers the purchase and use of renewable energy systems that produce electricity, such as:

- A wind generator powered by blades manufactured in Washington state;
- A solar inverter manufactured in Washington state;
- A solar module manufactured in Washington state;
- Solar or wind equipment manufactured outside Washington state; or
- An anaerobic digester which processes manure from cattle into biogas and dried manure using microorganisms in a closed oxygen-free container.

(f) You must also state that your own generated electricity can be transformed or transmitted for entry into or operation in parallel with electric transmission and distribution systems;

(g) The date that your local jurisdiction issued its final electrical permit on your renewable energy system;

(h) Your statement that you understand that this information is provided to the department of revenue in determining whether the light and power business correctly calculates its credit allowed for customer incentive payments and that your statements are true, complete, and correct to the best of your knowledge and belief under penalty of perjury; and

(i) If you have just purchased a property with a certified renewable energy system, you must reapply for certification as the new owner.

**(3) How long will it take before I receive notification of whether the department of revenue, in consultation with the climate and rural energy development center at Washington State University's energy extension, has approved the request for my system's certification?** The department of revenue will notify you in writing within thirty days whether your request for system certification qualifies for the incentive payment program. Certification is merely an administrative and preliminary step, however, and ultimately it is the application procedure with the light and power business that serves your property which will determine whether your incentive payment is authorized or denied.

**(4) After the department of revenue approves my system's certification, how do I apply for my incentive payment?** The next step is to apply for your incentive payment from the light and power business that serves the property you own, on which the renewable energy system is located. You must annually apply by August 1st of each calendar year. The department of revenue will create an application form for use by customers when applying for the incentive payment with their light and power business. However, individual light and power businesses may create their own forms or use the department's form in conjunction with their additional addendums. Further, your light and power business has the authority to verify and make separate determinations on the matters covered in your earlier certification with the department of revenue. If your light and power business finds the certification process made an error in determining whether your renewable energy system's generated electricity can be transformed or transmitted for entry into or operation in parallel with electricity transmission and distribution systems, then the determination by the light and power business shall be controlling and it has the authority to decertify your system.

**There is a special transition rule for the first annual period from July 1, 2005, through June 30, 2006. For only the first year of the incentive program, recognizing that each utility will establish its own procedures and requirements for metering the output of customers' renewable energy systems, the department will accept kWh production readings taken from the inverter or from an owner installed utility meter. The owner must report the reading of the meter from July 1, 2005 (or make a good-faith estimation if no reading exists) and the reading on June 30, 2006. You must also report the array size in DC watts. This information will be used to validate reported watt hours for the first year. Your participating light and power business is not required to perform independent reading or monitoring of your system's electric generation during the first year. Further, for the first year only, the power and light business serving your property shall have one hundred twenty days to notify you whether your incentive payment is authorized or denied and shall process your annual payment, if any, by December 31, 2006.**

Some of the verifiable information you must provide includes:

- Your name, address, and the address of the renewable energy system;

- Your department of revenue tax registration number, which will automatically be assigned to individuals when they submit their certification request described above and is a business' present UBI number (do not use your Social Security number or your federal employer's identification number);

- The date of the letter from the department of revenue certifying that your renewable energy system is eligible for incentive payments;

- Your statement that your system has been operable throughout the year and that your light and power business will be allowed reasonable access to read your electric production meter for your system in order to calculate the kilowatt-hours generated by your renewable energy system during the prior fiscal year beginning July 1st and ending on June 30th; and

- Your statement that you understand that this information is provided to the department of revenue in determining whether the light and power business correctly calculates its credit allowed for customer incentive payments and that your statements are true, complete, and correct to the best of your knowledge and belief under penalty of perjury.

The light and power business serving your property has the authority to request other information it believes is necessary in making its determinations under the incentive payment program.

**(5) What are the possible procedures your light and power business may follow in setting up your incentive payments?** Recommended procedures you should follow when requesting your light and power businesses to set up your incentive payments are as follows:

- First, since participation under this incentive program is voluntary for light and power businesses, contact the light and power business serving your property and ask whether it is participating and what application procedures you must follow.

- If your light and power business is participating in the incentive program, then you submit an application to your light and power business.
  - You submit to your light and power business proof that your renewable energy system is certified by the department of revenue for the incentive payment program.
  - You submit to the light and power business a copy of the approved certification and letter from the department of revenue. You should submit this information to the light and power business before August 1st in order to receive payment for any production that occurred prior to July 1st.
  - If your light and power business approves your application, then it will require a signed agreement that it will provide to you.
  - You or your electrical contractor obtain an electrical permit and install the system.
  - Once installation is complete your renewable energy system must pass a final electrical inspection from the local code official.
  - Your local light and power business will send a utility serviceman to inspect your system and install the electric production meter.
  - Your production meter is read by the light and power business at least annually and it processes your annual incentive payment.
  - Your light and power business notifies you within sixty days whether your incentive payment is authorized or denied.
  - Your light and power business calculates annual production payments based on the meter reading or readings made prior to the accounting date of July 1st.
  - Your incentive payment check (or credit to your account) is sent to you by your light and power business on or before December 15th.
- (6) What is the formal agreement between me and my power and light business?** The formal agreement between you and the power and light business serving your property governs the relationship between you and your light and power business. This document may contain:
- The necessary safety requirements;
  - Allow the light and power business the contractual right to review your substantiation documents for four years, upon five working days' notice;

- Allow the light and power business the contractual right to assess against you, with interest, for any overpayment of incentive payments made to you;
- Delineate any extra metering costs for an electric production meter to be installed on your property;
- A statement allowing the department of revenue to send proof of your system's certification electronically to your light and power business, which will include your department of revenue taxpayer's identification number; and
- Other information required by the light and power business to effectuate and properly process your incentive payment.

**(7) How long will it take before I receive notification as to whether the light and power business that serves my property has approved my incentive payment?** The light and power business that serves your property has sixty days to notify you in writing as to whether your request for an incentive payment is authorized or denied.

**(8) How is my incentive payment calculated?** Your incentive payment is calculated using a formula. First the incentive payment may be paid at fifteen cents per "economic development kilowatt-hour." An economic kilowatt-hour is the actual kilowatt-hour measurement of your generated electricity multiplied by the appropriate economic development factor. The economic development factors, which you multiply to the base rate of fifteen cents per actual kilowatt hours that your renewable energy system produces, are:

- Two and four tenths (2.4) if your system generates electricity using only solar modules manufactured in Washington;
- One and two tenths (1.2) if your solar or wind system uses an inverter manufactured in Washington;
- One (1.0) if your wind system uses only blades manufactured in Washington, or if your system is an anaerobic digester, or if your solar system is other than described above; and
- Eight tenths (0.8) if your system is a wind generator with blades not manufactured in Washington.

The following table describes the application of the economic development factors. The actual incentive payment you receive must be computed using your renewable energy system's actual measured electric kilowatt-hours generated.

**Annual Investment Cost Recovery Incentive Payment Calculation Table**

<b>Customer-generated power Applicable rates</b>	<b>Base rate (0.15) multiplied by applicable factor equals incen- tive payment rate</b>	<b>Kilowatt-hours generated</b>	<b>Incentive payment amount equals incentive payment rate multiplied by kilowatt-hours generated</b>
Solar modules manufactured in Washington state <b>Factor: 2.4</b> (two and four-tenths)	\$0.36		
Solar or wind generating equipment with an inverter manufactured in Washington state <b>Factor: 1.2</b> (one and two-tenths)	\$0.18		



**Annual Investment Cost Recovery Incentive Payment Calculation Table**

<b>Customer-generated power Applicable rates</b>	<b>Base rate (0.15) multiplied by applicable factor equals incen- tive payment rate</b>	<b>Kilowatt-hours generated</b>	<b>Incentive payment amount equals incentive payment rate multiplied by kilowatt-hours generated</b>
Anaerobic digester or other solar equipment or wind generator equipped with blades manufactured in Washington state <b>Factor: 1.0 (one)</b>	\$0.15		
All other electricity produced by wind <b>Factor: 0.8 (eight-tenths)</b>	\$0.12		

(9) **Are the factors for systems cumulative?** The factors are cumulative. For example, if your system is solar and has both solar modules and an inverter manufactured in Washington state, you would compute your economic development hours by using the factor three and six tenths (3.6) (computed 2.4 plus 1.2). Therefore you would multiply the fifteen cent base rate per actual kilowatt-hour generated by your system by three and six tenths (3.6) to get your incentive payment rate.

(10) **What is the definition of the phrase: Manufactured in Washington state?** The department of revenue defines manufacturing in WAC 458-20-136. Of particular interest is WAC 458-20-136(7), which defines when assembly constitutes manufacturing. The department of revenue, in consultation with the climate and rural energy development center at Washington State University's energy extension, will apply this rule on manufacturing when analyzing your request for certification. Further, the climate and rural development center at Washington State University's energy extension may establish guidelines and standards for technologies that are identified as Washington manufactured and therefore most beneficial to the state's environment.

For systems installed after the date these rules are adopted, your manufacturer must supply you with a statement delineating your system's level of manufacture in the state of Washington. This manufacturer's statement must be specific as to what processes were carried out in Washington state to qualify the system for one or more of the multiplying factors discussed in subsection (8) of this section. The manufacturer's statement must be under penalty of perjury and specifically state that the manufacturer understands that the department of revenue will use the statement in deciding whether customer incentive payments and corresponding tax credits are allowed under the renewable energy system cost recovery incentive payment program. You must retain this documentation for five years after the receipt of your last incentive payment from your light and power business.

(11) **What are the limitations on the incentive payments?** No individual, business, or local governmental entity is eligible for incentive payments in excess of two thousand dollars per year. However, as an example, if a customer installs a system on his or her home and then further installs two other separate systems on two separate business properties with different UBI numbers, then the customer is

allowed the full two thousand dollar annual limit of the incentive payments for each property owned by an individual and each of the two separate businesses. In this example there are three qualifying systems on three separate properties owned by three separate entities allowing the full two thousand dollar limit on all three properties. If, however, the two business properties belong to only one business operating under one UBI number, then there are only allowed incentive payments up to the two thousand dollar annual limit for his or her home and for the one business. This is true even if the business operates from more than one location with qualifying renewable energy systems at each location because the two thousand dollar annual limit is allowed once to each individual and each business. Thus, in this case the individual and his or her one business are each only allowed one full two thousand dollar annual limit on their qualifying properties.

The issuing of incentive payments by participating light and power businesses is limited by the greater of:

(a) Twenty-five one hundredths of one percent (0.25%) of the light and power business' prior year's taxable sales under Washington state's law; or

(b) Twenty-five thousand dollars (\$25,000.00).

Based on this public utility tax credit limitation, your and all other qualifying customers' incentive payments may be proportionally reduced.

The light and power business must measure the actual kilowatt-hours of your renewable energy system's generated electricity using an electric production meter. If your renewable energy system is a hybrid system of combined solar and wind, it will be classified as a solely wind system for purposes of the incentive payment program, unless the solar and wind productions are separately metered. Systems that are interconnected to gas, diesel, ethanol, natural gas or other similarly fueled generators do not qualify for the incentive payment program. If a customer has an older system not manufactured in Washington and a separate new system manufactured in Washington on the same property, both systems will be classified as not made in Washington, unless the old and new systems' production are separately metered.

(12) **Does the light and power business serving my property have to participate in the incentive payment program?** No, each light and power business will have the discretion to decide whether to be part of the incentive payment program.

(13) **If I install a qualified renewable energy system on the apartment building where I am a tenant, can I submit for incentive payments?** No, you must own the property which is served by your renewable energy system. Even if your renewable energy system meets all requirements, except that it is installed on a building where you have a leasehold interest, it will not qualify for incentive payments.

(14) **May an individual, business, or local governmental entity involved in the light and power business or in the gas distribution business apply for incentive payments?** No, the law excludes both light and power businesses and gas distribution businesses from participating in the incentive payment program.

(15) **Must I retain all my records, which substantiate my claim of eligibility for incentive payments?** Yes, you and all other customers applying for and receiving incentive payments must retain the records substantiating your right to receive the incentive payments and the correct amount for five years. The light and power business that made the payment or the department of revenue may examine the records upon five working days' notice. If the records show that you received an overpayment, the light and power business may assess you for the amount of the overpayment. Conversely, if an underpayment has occurred, the light and power business may authorize a further payment to cover the prior deficiency. Interest will be added to overpayments of incentive payments to you and other customers. The amount of interest you would owe on an overpayment to you by your light and power business is calculated in the same manner that the department of revenue assesses interest upon delinquent taxes under RCW 82.32.050.

(16) **Is there also a public utility tax credit associated with the incentive payments?** Yes, the tax credit is for the benefit of the participating light and power business. Your light and power company is allowed a credit on its Washington state public utility taxes equal to the actual amount paid out as incentive payments to its customers under this law. The maximum amount of this credit is limited (see subsection (11) of this section).

(17) **Does the department of revenue consider the incentive payment I receive taxable income?** No, the department of revenue characterized the payment you receive, paid by your light and power company, as a subsidy or rebate for the purchase or installation of an energy conservation measure. Therefore, the department does not characterize the incentive payment as income under Washington state's law.

(18) **How is my incentive payment from the light and power business handled if the incentive is paid in the form of a credit against my power bill?** If your light and power business chooses this method, your incentive payment will be shown on your customer billing statement as a credit offsetting the amount you owe to the light and power business. The incentive payment is not a discount. Thus, the light and power business will only be allowed to claim a public utility tax credit for the incentive payments actually made, and is not also allowed a discount deduction.

(19) **Is the federal government eligible to participate in the incentive payment program?** No, only individuals, businesses, and local governments whose properties and

renewable energy systems are located in the state of Washington are eligible to participate in the incentive payment program.

(20) **Are individuals, businesses and local governments that are not interconnected to the electric transmission and distribution system and who are not customers of a light and power business eligible for the incentive payment program?** No, only qualifying renewable energy systems located on interconnected properties belonging to customers of a light and power business are eligible for participation in the incentive payment program.

(21) **Does the law require that light and power businesses serving eighty percent of the total customer load in the state adopt uniform standards for interconnection to the electric distribution system and if so, how does that affect me as a customer?** Yes, the law does require that light and power businesses serving eighty percent of the total customer load in the state adopt uniform standards for interconnection to the electric distribution system. However, the renewable energy tax credit implementation advisory committee, consisting of the department of revenue, department of community, trade, and economic development, utilities and transportation commission, and the climate and rural energy development center at Washington State University's energy extension, has made a determination that for purposes of this incentive payment program, that the customer load requirement has been met. This decision, once made, is binding for the incentive payment program until its expiration, including any possible extensions. Thus, this requirement has no effect on any customer, when deciding whether to participate in this incentive payment program.

**WSR 06-13-100**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
[Filed June 21, 2006, 10:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-10-088.

Title of Rule and Other Identifying Information: WAC 232-12-068 Nontoxic shot requirements.

Hearing Location(s): Room 109, Natural Resources Building, 1111 Washington Street, Olympia, WA, on July 25, 2006, at 1:00 p.m.

Date of Intended Adoption: July 25, 2006.

Submit Written Comments to: Rules Coordinator, 600 Capitol Way, Olympia, WA 98501-1091, e-mail jacobesj@dfw.wa.gov, fax (360) 902-2155, by July 24, 2006.

Assistance for Persons with Disabilities: Contact Debbie Rick by July 17, 2006, TTY (360) 902-2207 or (360) 902-2222.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Update nontoxic shot allowed for waterfowl hunting.

Reasons Supporting Proposal: Protect waterfowl from lead poisoning.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

Name of Proponent: Department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Dave Brittell, 1111 Washington Street, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. These rule proposals do not affect hydraulics.

June 21, 2006

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 05-174, filed 8/15/05, effective 9/15/05)

**WAC 232-12-068 Nontoxic shot requirements.** It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for waterfowl, coot, or snipe. Nontoxic shot includes (~~steel shot, bismuth-tin shot (97 parts bismuth: 3 parts tin with <1 percent residual lead), tungsten-iron shot (2 types - 40 parts tungsten: 60 parts iron with <1 percent residual lead, and 22 parts tungsten: 78 parts iron with <1 percent residual lead), tungsten-polymer shot (95.5 parts tungsten: 4.5 parts nylon 6 or 11 with <1 percent residual lead), tungsten matrix shot (95.9 parts tungsten: 4.1 parts polymer with <1 percent residual lead), tungsten iron nickel tin shot (65% tungsten: 10.4% iron: 2.8% nickel: 21.8% tin, with <1 percent residual lead), tungsten nickel iron shot (20-70% tungsten: 10-40% nickel: 10-70% iron with <1 percent residual lead), tungsten-tin bismuth shot (49-71% tungsten, 29-51% tin, 0.5-6.5% bismuth with <1 percent residual lead), and tungsten-bronze shot (51.1% tungsten, 44.4% copper, 3.9% tin, 0.6% iron with <1 percent residual lead):~~) the following approved types:

<u>Approved Nontoxic Shot Type*</u>	<u>Percent Composition by Weight</u>
<u>bismuth-tin</u>	<u>97 bismuth, 3 tin</u>
<u>iron (steel)</u>	<u>iron and carbon</u>
<u>iron-tungsten</u>	<u>any proportion of tungsten, &gt;=1 iron</u>
<u>iron-tungsten-nickel</u>	<u>&gt;=1 iron, any proportion of tungsten, up to 40. nickel</u>
<u>tungsten-bronze</u>	<u>51.1 tungsten, 44.4 copper, 3.9 tin, 0.6 iron; and 60 tungsten, 35.1 copper, 3.9 tin, 1 iron</u>
<u>tungsten-iron-copper-nickel</u>	<u>40-76 tungsten, 37 iron, 9-16 copper, 5-7 nickel</u>

<u>Approved Nontoxic Shot Type*</u>	<u>Percent Composition by Weight</u>
<u>tungsten-matrix</u>	<u>95.9 tungsten, 4.1 polymer</u>
<u>tungsten-polymer</u>	<u>95.5 tungsten, 4.5 nylon 6 or 11</u>
<u>tungsten-tin-iron</u>	<u>any proportions of tungsten and tin, &gt;=1 iron</u>
<u>tungsten-tin-bismuth</u>	<u>any proportions of tungsten, tin, and bismuth</u>
<u>tungsten-tin-iron-nickel</u>	<u>65 tungsten, 21.8 tin, 10.4 iron, 2.8 nickel</u>
<u>*Coatings of copper, nickel, tin, zinc, zinc chloride, and zinc chrome on approved nontoxic shot types also are approved.</u>	

The director may adopt additional nontoxic shot types consistent with federal regulations.

It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot in the following areas:

- Bridgeport Bar segment of the Well's Wildlife Area
  - Cowlitz Wildlife Area
  - Lake Terrell Wildlife Area (including Tennant Lake and other segments)
  - Shillapoo Wildlife Area
  - Skagit Wildlife Area (all segments)
  - Snoqualmie Wildlife Area (all segments)
  - Sunnyside Wildlife Area
  - The Driscoll Island, Hegdahl, and Kline Parcel segments of the Sinlahekin Wildlife Area
  - Vancouver Lake Wildlife Area
- It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for game birds or game animals in the following areas:
- Chehalis River pheasant release site
  - Dungeness Recreation Area
  - Hunter Farms pheasant release site
  - Raymond Airport pheasant release site
  - Two Rivers and Wallula Units of the U.S. Fish and Wildlife Service's McNary National Wildlife Refuge
  - All Whidbey Island pheasant release sites

**WSR 06-13-101**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed June 21, 2006, 10:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-10-088.

Title of Rule and Other Identifying Information: WAC 232-28-354 2006 Elk special permits.

Hearing Location(s): Best Western Cotton Tree Inn and Convention Center, 2300 Market Street, Mount Vernon, WA 98273, (360) 428-5678, on August 4-5, 2006, at 8:00 a.m.

Date of Intended Adoption: August 4, 2006.

Submit Written Comments to: Attn: Wildlife Program Commission Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Wildthing@dfw.wa.gov, fax (360) 902-2162, by Monday, July 10, 2006.

Assistance for Persons with Disabilities: Contact Nancy Burkhart by August 1, 2006, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The amendment aligns the special permit dates in Elk Area 3068 consistent with discussions between the department and the Yakama Nation. Maintain special permit elk hunting season opportunities for 2006. Adjust special hunting season elk permits for 2006 in response to elk population changes. Provides for recreational harvest of elk.

Reasons Supporting Proposal: Maintain elk special permit hunt dates that reflect both the values of state hunters and tribal hunters in the Klickitat Meadows Elk Area 3068. Provides recreational elk hunting opportunity and protects elk from overharvest.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

Name of Proponent: Washington fish and wildlife commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce

Bjork, Natural Resources Building, Olympia, (360) 902-2932.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

Evan Jacoby  
Rules Coordinator

AMENDATORY SECTION (Amending Order 06-92, filed 5/8/06, effective 6/8/06)

**WAC 232-28-354 2006 Elk special permits.**

**Special Elk Permit Hunting Seasons  
(Open to Permit Holders Only)**

Hunters must purchase an elk hunting license prior to purchase of a permit application. Hunters may only apply for permits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for Eastern or Western Washington archery, muzzleloader, or modern firearm permit hunts. Applicants must have purchased the proper tag for these hunts. The elk tag prefixes required to apply for each hunt are shown in the following table. Hunters drawn for a special permit hunt must comply with weapon restrictions and dates listed for the hunt.

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
<b>Modern Firearm Bull Permit Hunts (Only modern firearm elk tag holders may apply.)</b>					
Prescott A	Oct. 23 - Nov. 5	Any bull	EF	GMU 149	2
Blue Creek A	Oct. 23 - Nov. 5	Any bull	EF	GMU 154	2
Watershed	Oct. 28 - Nov. 5	3 pt. min. or Antlerless	EA, EF, EM	GMU 157	40
Dayton A	Oct. 23 - Nov. 5	Any bull	EF	GMU 162	12
Tucannon A	Oct. 23 - Nov. 5	Any bull	EF	Elk Area 1014	2
Wenaha A	Oct. 23 - Nov. 5	Any bull	EF	GMU 169	14
Mountain View A	Oct. 23 - Nov. 5	Any bull	EF	GMU 172	4
Couse A	Oct. 23 - Nov. 5	Any bull	EF	GMU 181	1
Mission A	Oct. 23 - Nov. 5	Any bull	EF	GMU 251	2
Colockum A	Oct. 23 - Nov. 5	Any bull	EF	GMUs 328, 329	7
Teanaway A	Dec. 23 - Jan. 5, 2007	Any bull	EF	GMU 335	24
Peaches Ridge A	Oct. 23 - Nov. 5	Any bull	EF	GMUs 336, 346	132
Little Naches A	Oct. 1-10	Any bull	EF	GMU 346	15
Observatory A	Oct. 23 - Nov. 5	Any bull	EF	GMUs 340, 342	76
Goose Prairie A	Oct. 23 - Nov. 5	Any bull	EF	GMUs 352, 356	88
Bethel A	Oct. 23 - Nov. 5	Any bull	EF	GMU 360	50
Rimrock A	Oct. 23 - Nov. 5	Any bull	EF	GMU 364	118
Cowiche A	Oct. 23 - Nov. 5	Any bull	EF	GMU 368	24
Klickitat Meadows A	Oct. 23 - Nov. 5	Any bull	EF	Elk Area 3068	1
Green River	Oct. 28 - Nov. 3	Any bull	WF	GMU 485	3
Margaret A	Nov. 4-12	Any bull	WF	GMU 524	23
Toutle A	Nov. 4-12	Any bull	WF	GMU 556	91
Clearwater	Oct. 1-10	Any bull	WA, WF, WM	GMU 615	2
Matheny	Oct. 1-10	Any bull	WA, WF, WM	GMU 618	3
Olympic A	Nov. 1-9	Any bull	WF	GMU 621, EXCEPT for Elk Area 6071	21

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
Skokomish A	Nov. 1-9	Any bull	WF	GMU 636	9
Wynoochee	Oct. 1-10	Any bull	WA, WF, WM	GMU 648	1
White River A	Nov. 4-12	Any bull	WF	GMU 653	23
<b>Modern Firearm Elk Permit Hunts (Only modern firearm elk tag holders may apply.)</b>					
Aladdin A	Oct. 28 - Nov. 5	Any elk	EF	GMU 111	15
Selkirk A	Oct. 28 - Nov. 5	Any elk	EF	GMU 113	20
49 Degrees North	Oct. 28 - Nov. 5	Any elk	EF	GMU 117	30
Blue Creek B	Oct. 28 - Nov. 5	Antlerless	EF	GMUs 149, 154	100
Prescott B	Oct. 28 - Nov. 5	Antlerless	EF	GMU 149	75
Dayton B	Oct. 28 - Nov. 5	Antlerless	EF	GMU 163 and Elk Area 1011	200
Dayton C	Oct. 28 - Nov. 5	Antlerless	EF	GMU 149 and Elk Area 1012	100
Peola A	Oct. 28 - Nov. 5	Antlerless	EF	GMU 178	50
Couse B	Aug. 27 - Sept. 7	Antlerless	EF	GMU 181	25
Couse C	Oct. 1-10	Antlerless	EF	GMU 181	25
Mountain View B	Oct. 28 - Nov. 5	Antlerless	EF	Elk Area 1013	60
Lick Creek A	Oct. 28 - Nov. 5	Antlerless	EF	GMU 175	25
Malaga A	Aug. 12-31	Antlerless	EF	Elk Area 2032	30
Malaga B	Sept. 8-30	Any elk	EF	Elk Area 2032	10
Malaga C	Sept. 15-25	Antlerless	EF	Elk Area 2032	70
Malaga D	Nov. 6 - Dec. 31	Antlerless	EF	Elk Area 2032	120
Malaga E	Nov. 6 - Dec. 18	Any elk	EF	Elk Area 2032	10
Malaga F	Dec. 19 - Feb. 28, 2007	Any elk	EF	Elk Area 2032	15
Peshastin A	Aug. 15-31	Antlerless	EF	Elk Area 2033	20
Peshastin B	Sept. 15 - Oct. 1	Antlerless	EF	Elk Area 2033	20
Peshastin C	Sept. 22-30	Any elk	EF	Elk Area 2033	5
Peshastin D	Nov. 30 - Feb. 28, 2007	Antlerless	EF	Elk Area 2033	30
Peshastin E	Dec. 15 - Feb. 28, 2007	Any elk	EF	Elk Area 2033	10
West Bar A	Oct. 28 - Nov. 1	Antlerless	EF	GMU 330	5
West Bar B	Nov. 2-5	Antlerless	EF	GMU 330	5
Teanaway B	Dec. 23 - Jan. 30, 2007	Antlerless	EF	GMU 335	100
Taneum A	Nov. 1-5	Antlerless	EF	GMU 336	10
Manastash A	Nov. 1-5	Antlerless	EF	GMU 340	250
Umtanum A	Nov. 1-5	Antlerless	EF	GMU 342	250
Cleman	Dec. 1-15	Antlerless	EF	Elk Area 3944	50
Little Naches B	Nov. 1-5	Antlerless	EF	GMU 346	150
Nile A	Nov. 1-5	Antlerless	EF	GMU 352	50
Bumping B	Nov. 1-5	Antlerless	EF	GMU 356	100
Bethel B	Nov. 1-5	Antlerless	EF	GMU 360	100
Rimrock B	Nov. 1-5	Antlerless	EF	GMU 364	150
Cowiche B	Nov. 1-5	Antlerless	EF	GMU 368	150
Klickitat Meadows B	Nov. 1-5	Spike bull or antlerless	EF	Elk Area 3068	9
Alkali A	Oct. 21 - Nov. 5	Any elk	EF	GMU 371	25
Willapa Hills A	Nov. 4-12	Antlerless	WF	GMU 506	35
Winston A	Nov. 4-12	Antlerless	WF	GMU 520	12
Margaret B	Nov. 13-17	Antlerless	WF	GMU 524	30
Ryderwood A	Nov. 4-12	Antlerless	WF	GMU 530	32
Coweeman A	Nov. 4-12	Antlerless	WF	GMU 550	15
Toutle B	Nov. 13-17	Antlerless	WF	GMU 556	50
Toledo G	Nov. 4-12	Antlerless	WF	Elk Area 5029	20
Green Mtn C	Nov. 4-12	Antlerless	WF	Elk Area 5051	10
Carlton	Oct. 1-10	Any bull	WF	Elk Area 5057	5
West Goat Rocks	Oct. 1-10	Any bull	WF	Elk Area 5058	5
Mt. Adams	Oct. 1-10	Any bull	WF	Elk Area 5059	5
Wildwood A	Jan. 16-30, 2007	Antlerless	WF	Elk Area 5061	15

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
Lewis River A	Nov. 4-12	Antlerless	WF	GMU 560	80
Siouxon A	Nov. 4-12	Antlerless	WF	GMU 572	40
Raymond A	Nov. 5-10	3 pt. min. or antlerless	WF	Elk Area 6010	20
Raymond B	Dec. 16-31	Antlerless	WF	Elk Area 6010	30
Raymond C	Jan. 1-30, 2007	Antlerless	WF	Elk Area 6010	15
Raymond D	Feb. 1-28, 2007	Antlerless	WF	Elk Area 6010	15
Chehalis Valley A	Oct. 1-31	Antlerless	WF	Elk Area 6066	10
Chehalis Valley B	Nov. 5-10	Antlerless	WF	Elk Area 6066	10
North Minot A	Oct. 20-31	Antlerless	WF	Elk Area 6067	60
Deschutes	Jan. 15-23, 2007	Antlerless	WF	GMU 666	10
North River	Nov. 8-13	Antlerless	WF	GMU 658	10
Williams Creek	Nov. 8-13	Antlerless	WF	GMU 673	50
Tri Valley A	Dec. 1 - Jan. 30, 2007	Antlerless	WF	Elk Area 6012	10
North Shore A	Nov. 5-9	Antlerless	WF	Elk Area 6068	5
<b>Muzzleloader Bull Permit Hunts (Only muzzleloader elk tag holders may apply.)</b>					
Note: Fire closures may limit access during early October seasons.					
Prescott C	Oct. 1-10	Any bull	EM	GMU 149	1
Blue Creek C	Oct. 1-10	Any bull	EM	GMU 154	1
Dayton D	Oct. 1-10	Any bull	EM	GMU 162	3
Tucannon B	Oct. 1-10	Any bull	EM	Elk Area 1014	1
Wenaha B	Oct. 1-10	Any bull	EM	GMU 169	2
Mountain View C	Oct. 1-10	Any bull	EM	GMU 172	1
Couse D	Oct. 1-10	Any bull	EM	GMU 181	1
Mission B	Oct. 1-10	Any bull	EM	GMU 251	1
Colockum B	Oct. 1-10	Any bull	EM	GMUs 328, 329	1
Teanaway C	Dec. 9-22	Any elk	EM	GMU 335	7
Peaches Ridge B	Oct. 1-10	Any bull	EM	GMUs 336, 346	19
Observatory B	Oct. 1-10	Any bull	EM	GMUs 340, 342	23
Goose Prairie B	Oct. 1-10	Any bull	EM	GMUs 352, 356	14
Bethel C	Oct. 1-10	Any bull	EM	GMU 360	9
Rimrock C	Oct. 1-10	Any bull	EM	GMU 364	16
Cowiche C	Oct. 1-10	Any bull	EM	GMU 368	11
Klickitat Meadows C	Oct. 1-10	Any bull	EM	Elk Area 3068	1
Margaret C	Oct. 7-13	Any bull	WM	GMU 524	5
Toutle C	Oct. 7-13	Any bull	WM	GMU 556	17
Olympic B	Oct. 4-10	Any bull	WM	GMU 621, EXCEPT for Elk Area 6071	3
Skokomish B	Oct. 4-10	Any bull	WM	GMU 636	1
White River B	Oct. 1-10	Any bull	WM	GMU 653	3
<b>Muzzleloader Permit Hunts (Only muzzleloader elk tag holders may apply.)</b>					
Aladdin B	Oct. 7-13	Any elk	EM	GMU 111	10
Selkirk B	Oct. 7-13	Any elk	EM	GMU 113	10
49 Degrees North	Oct. 7-13	Any elk	EM	GMU 117	10
Blue Creek D	Dec. 9 - Jan. 30, 2007	Antlerless	EM	GMUs 149, 154	60
Mountain View D	Oct. 1-10	Antlerless	EM	Elk Area 1013	25
Lick Creek B	Oct. 1-10	Antlerless	EM	GMU 175	25
Couse E	Dec. 1-31	Antlerless	EM	GMU 181	50
Couse F	Jan. 1 - 30, 2007	Antlerless	EM	GMU 181	50
Malaga G	Oct. 1-21	Antlerless	EM	Elk Area 2032	100
Malaga H	Oct. 1-21	Any elk	EM	Elk Area 2032	15
West Bar C	Oct. 1-10	Antlerless	EM	GMU 330	5
Taneum B	Oct. 7-13	Antlerless	EM	GMU 336	25
Manastash B	Oct. 7-13	Antlerless	EM	GMU 340	25
Umtanum B	Oct. 7-13	Antlerless	EM	GMU 342	250
Nile B	Oct. 7-13	Antlerless	EM	GMU 352	40

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
Bumping B	Oct. 7-13	Antlerless	EM	GMU 356	90
Bethel D	Oct. 7-13	Antlerless	EM	GMU 360	40
Cowiche D	Oct. 7-13	Antlerless	EM	GMU 368	225
Klickitat Meadows D	Oct. 7-13	Spike bull or antlerless	EM	Elk Area 3068	4
Alkali B	Oct. 1-15	Any elk	EM	GMU 371	15
Stella A	Nov. 24 - Dec. 15	Antlerless	WM	GMU 504	75
Stella B	Jan. 1-16, 2007	Antlerless	WM	GMU 504	50
Toledo A	Dec. 7-20	Antlerless	WM	Elk Area 5029	30
Mossyrock A	Jan. 1-16, 2007	Antlerless	WM	Elk Area 5052	20
Randle A	Jan. 1-16, 2007	Antlerless	WM	Elk Area 5053	15
Boistfort A	Jan. 1-16, 2007	Antlerless	WM	Elk Area 5054	40
Willapa Hills B	Nov. 22 - Dec. 15	Antlerless	WM	GMU 506	15
Green Mt. A	Jan. 1-16, 2007	Antlerless	WM	Elk Area 5051	30
Wildwood B	Jan. 1-15, 2007	Antlerless	WM	Elk Area 5061	15
Winston B	Nov. 22 - Dec. 15	Antlerless	WM	GMU 520	3
Margaret D	Nov. 22 - Dec. 15	Antlerless	WM	GMU 524	15
Ryderwood B	Oct. 7-13	Antlerless	WM	GMU 530	8
Coweeman B	Nov. 22 - Dec. 15	Antlerless	WM	GMU 550	5
Toutle D	Nov. 22 - Dec. 15	Antlerless	WM	GMU 556	15
Lewis River B	Oct. 7-13	Antlerless	WM	GMU 560	25
Siouxon B	Oct. 7-13	Antlerless	WM	GMU 572	10
Yale	Nov. 22 - Dec. 15	3 pt. min. or antlerless	WM	GMU 554	75
Twin Satsop A	Jan. 5-15, 2007	Antlerless	WM	Elk Area 6061	10
Mashel A	Jan. 1-15, 2007	Antlerless	WM	Elk Area 6054	25
North River	Nov. 26 - Dec. 15	Antlerless	WM	GMU 658	20
North Minot B	Oct. 1-7	Antlerless	WM	Elk Area 6067	60
Raymond E	Oct. 1-31	Antlerless	WM	Elk Area 6010	30
Chehalis Valley C	Jan. 1-30, 2007	Antlerless	WM	Elk Area 6066	15
Capitol Peak A	Nov. 19 - Dec. 15	Antlerless	WM	GMU 663	10
Capitol Peak B	Dec. 16-31	Antlerless	WM	GMU 663	10
Tri Valley B	Dec. 1 - Jan. 30, 2007	Antlerless	WM	Elk Area 6012	30
<b>Archery Permit Hunts (Only archery elk tag holders may apply.)</b>					
Note: Fire closures may limit access during September seasons.					
Prescott D	Sept. 8-21	Any bull	EA	GMU 149	1
Blue Creek E	Sept. 8-21	Any bull	EA	GMU 154	1
Dayton E	Sept. 8-21	Any bull	EA	GMU 162	4
Tucannon C	Sept. 8-21	Any bull	EA	Elk Area 1014	1
Wenaha C	Sept. 8-21	Any bull	EA	GMU 169	3
Mountain View E	Sept. 8-21	Any bull	EA	GMU 172	2
Couse G	Sept. 8-21	Any bull	EA	GMU 181	1
Colockum C	Sept. 8-21	Any bull	EA	GMUs 328, 329	8
Teaway E	Nov. 20 - Dec. 8	Any bull	EA	GMU 335	29
Peaches Ridge C	Sept. 8-21	Any bull	EA	GMUs 336, 346	108
Observatory C	Sept. 8-21	Any elk	EA	GMUs 340, 342	88
Goose Prairie C	Sept. 8-21	Any bull	EA	GMUs 352, 356	147
Bethel E	Sept. 8-21	Any bull	EA	GMU 360	47
Rimrock D	Sept. 8-21	Any bull	EA	GMU 364	118
Cowiche E	Sept. 8-21	Any bull	EA	GMU 368	22
Klickitat Meadows E	<del>(Sept. 8-21)</del> Oct. 11-22	Any bull	EA	Elk Area 3068	1
Klickitat Meadows F	<del>(Sept. 8-21)</del> Oct. 11-22	Spike bull or antlerless	EA	Elk Area 3068	9
Malaga I	Sept. 1-7	Antlerless	EA	Elk Area 2032	50
Peshastin G	Sept. 1-14	Any elk	EA	Elk Area 2033	30
Margaret E	Sept. 15-30	Any bull	WA	GMU 524	8
Toutle E	Sept. 15-30	Any bull	WA	GMU 556	47

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
Olympic C	Sept. 8-21	Any bull	WA	GMU 621, EXCEPT for Elk Area 6071	6
Skokomish C	Sept. 8-21	Any bull	WA	GMU 636	5
White River C	Sept. 8-21	Any bull	WA	GMU 653	19
<b>Advanced Hunter Education (AHE) Master Hunter Special Elk Permit Hunts: Only AHE master hunters may apply; antlerless only hunts will not affect accumulated points; and any weapon may be used.</b>					
Peshastin F	Aug. 18-31	Any elk	Any elk tag	Elk Area 2033	5
Mossyrock B	Jan. 17-30, 2007	Antlerless	Any elk tag	Elk Area 5052	20
Randle B	Jan. 17-30, 2007	Antlerless	Any elk tag	Elk Area 5053	15
Quinault Ridge	Oct. 1-10	3 pt. min. or antlerless	Any elk tag	GMU 638	5
Green Mt. B	Jan. 17-30, 2007	Antlerless	Any elk tag	Elk Area 5051	20
Merwin A	Nov. 24 - Dec. 15	Antlerless	Any elk tag	Elk Area 5060	10
Merwin B	Jan. 17-30, 2007	Antlerless	Any elk tag	Elk Area 5060	10
<b>Advanced Hunter Education (AHE) Master Hunter, Second Elk Tag Hunts: Only AHE master hunters may apply; these hunts will not affect accumulated points; a second tag may be purchased by successful applicants as needed; and any weapon may be used. The second elk license and tag type must be the same tag type as the first one.</b>					
Peola B	Aug. 11 - Sept. 7	Antlerless	Any elk tag	Designated areas in GMU 178	15 <sup>HM</sup>
Peola C	Dec. 9 - Jan. 31, 2007	Antlerless	Any elk tag	Designated areas in GMU 178	15 <sup>HM</sup>
Malaga J	Jan. 1 - Mar. 31, 2007	Antlerless	Any elk tag	Elk Area 2032	30 <sup>HM</sup>
Fairview A	Feb. 1-28, 2007	Antlerless	Any elk tag	Elk Area 3911	20 <sup>HM</sup>
Rattlesnake Hills	Aug. 1 - Feb. 28, 2007	Antlerless	Any elk tag	Designated areas in GMU 372	20 <sup>HM</sup>
Corral Canyon A	Aug. 1 - Sept. 14	Spike bull or antlerless	Any elk tag	Elk Area 3721	10
Corral Canyon B	Sept. 15 - Oct. 15	Spike bull or antlerless	Any elk tag	Elk Area 3721	10
Corral Canyon C	Nov. 15 - March 31, 2007	Spike bull or antlerless	Any elk tag	Elk Area 3721	20
Corral Canyon D	July 1-31	Any bull except spike bull only July 1-31	Any elk tag	Elk Area 3721	10 <sup>HM</sup>
Blackrock A	Aug. 1 - March 31, 2007	Any elk	Any elk tag	Elk Area 3722	3 <sup>HM</sup>
Blackrock B	Aug. 1 - March 31, 2007	Antlerless	Any elk tag	Elk Area 3722	5 <sup>HM</sup>
Toledo B	Dec. 21-31	Antlerless	Any elk tag	Elk Area 5029	20
Toledo C	Aug. 1-7	Antlerless	Any archery elk tag	Elk Area 5029	5
Toledo D	Aug. 8-14	Antlerless	Any archery elk tag	Elk Area 5029	5
Toledo E	Aug. 15-21	Antlerless	Any archery elk tag	Elk Area 5029	5
Toledo F	Aug. 22-28	Antlerless	Any archery elk tag	Elk Area 5029	5
Boistford B	Aug. 1-7	Antlerless	Any archery elk tag	Elk Area 5054	5
Boistford C	Aug. 8-14	Antlerless	Any archery elk tag	Elk Area 5054	5
Boistford D	Aug. 15-21	Antlerless	Any archery elk tag	Elk Area 5054	5
Boistford E	Aug. 22-28	Antlerless	Any archery elk tag	Elk Area 5054	5
JBH A*	Nov. 13-17	Antlerless	Any elk tag	Elk Area 5090	5
JBH B*	Dec. 11-15	Antlerless	Any elk tag	Elk Area 5090	5
JBH C*	Dec. 16 - Feb. 28, 2007	Antlerless	Any elk tag	Elk Area 5090	20 <sup>HM</sup>
Trout Lake A**	Sept. 1-7	Antlerless	Any elk tag	Elk Area 5062	5
Trout Lake B**	Oct. 1-7	Antlerless	Any elk tag	Elk Area 5062	5
Trout Lake C**	Nov. 20-30	Antlerless	Any elk tag	Elk Area 5062	5
Trout Lake D**	Dec. 1-14	Antlerless	Any elk tag	Elk Area 5062	5
Trout Lake E**	Jan. 15-30, 2007	Antlerless	Any elk tag	Elk Area 5062	5
North River B	Dec. 16 - Feb. 28, 2007	Antlerless	Any elk tag	Designated areas in GMU 658	10 <sup>HM</sup>



Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
Chehalis Valley D	Aug. 1 - Feb. 28, 2007	Antlerless	Any elk tag	Designated areas in Elk Area 6066	20 <sup>HM</sup>
Raymond F	Dec. 1 - Feb. 28, 2007	Antlerless	Any elk tag	Elk Area 6010	10 <sup>HM</sup>
Hannaford C	Aug. 1 - Feb. 28, 2007	Antlerless	Any elk tag	Designated areas in Elk Area 6069	5 <sup>HM</sup>
Dungeness A	Sept. 1-30	Antlerless	Any elk tag	Elk Area 6071	6
Dungeness B	Oct. 1-31	Antlerless	Any elk tag	Elk Area 6071	6
Dungeness C	Nov. 1-30	Antlerless	Any elk tag	Elk Area 6071	6
Dungeness D	Dec. 1-31	Antlerless	Any elk tag	Elk Area 6071	6
Dungeness E	Sept. 1-30	Any bull	Any elk tag	Elk Area 6071	2
Dungeness F	Oct. 1-31	Spike only	Any elk tag	Elk Area 6071	2
Dungeness G	Nov. 1-30	Any bull	Any elk tag	Elk Area 6071	2
Dungeness H	Dec. 1-31	Spike only	Any elk tag	Elk Area 6071	2
Dungeness I	Jan. 1-30, 2007	Any bull	Any elk tag	Elk Area 6071	2
Dungeness J	Feb. 1-28, 2007	Spike only	Any elk tag	Elk Area 6071	2
<b>Youth - Special Elk Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)</b>					
Blackrock C	Aug. 1 - Mar. 31, 2007	Spike or antlerless	Any elk tag	Elk Area 3722	20 <sup>HM</sup>
Fairview B	Aug. 1 - Feb. 28, 2007	Antlerless	Any elk tag	Elk Area 3911	10 <sup>HM</sup>
Dungeness K	Sept. 1 - Feb. 28, 2007	Any elk	Any elk tag	Elk Area 6071	2
Sol Duck Valley	Aug. 1 - Mar. 31, 2007	Antlerless	Any elk tag	Elk Area 6072	10
Clearwater Valley	Aug. 1 - Mar. 31, 2007	Antlerless	Any elk tag	Elk Area 6073	5
<b>Persons of Disability Only - Special Elk Permit Hunts</b>					
Observatory D	Oct. 23 - Nov. 5	Any elk	EF or EM	GMUs 340, 342	7
Little Naches C	Oct. 1-10	Any elk	EF, EM, EA	GMU 346	5
Little Naches D	Nov. 1-5	Antlerless	EF, EM, EA	GMU 346	8
Alkali C	Oct. 21 - Nov. 5	Any elk	EF	GMU 371	4
Blackrock D	Aug. 1 - Mar. 31, 2007	Antlerless	Any elk tag	Elk Area 3722	2 <sup>HM</sup>
Fairview C	Aug. 1 - Feb. 28, 2007	Antlerless	Any elk tag	Elk Area 3911	10 <sup>HM</sup>
Mudflow A	Nov. 6-12	Antlerless	Any elk tag	Elk Area 5099	5
Mudflow B	Nov. 20-26	Antlerless	Any elk tag	Elk Area 5099	5
Centralia Mine A	Oct. 23-24	Antlerless	Any elk tag	Elk Area 6011	2
Centralia Mine B	Oct. 30-31	Antlerless	Any elk tag	Elk Area 6011	2
North Shore B	Oct. 1-31	Antlerless	Any elk tag	Elk Area 6068	5
North Shore C	Dec. 16-31	Antlerless	Any elk tag	Elk Area 6068	5
North Shore D	Jan. 1-30, 2007	Antlerless	Any elk tag	Elk Area 6068	5
North Shore E	Feb. 1-28, 2007	Antlerless	Any elk tag	Elk Area 6068	5
Chehalis Valley E	Dec. 16-31	Antlerless	Any elk tag	Elk Area 6066	15
Hannaford A	Jan. 1-15, 2007	Antlerless	Any elk tag	Elk Area 6069	5
<b>Hunters 65 or Older Only - Special Elk Permit Hunts</b>					
Hannaford B	Jan. 16-30, 2007	Antlerless	Any elk tag	Elk Area 6069	5

\*Muzzleloaders only; scopes allowed in JBH hunt.

\*\*May only hunt on privately owned lands. Must use only archery or legal shotgun (10 or 12 gauge; slugs only).

<sup>HM</sup>This is a damage hunt administered by a WDFW designated hunt master. Successful applicants will be contacted on an as-needed basis to help with specific sites of elk damage on designated landowner's property. Not all successful applicants will be contacted in any given year depending on elk damage activity for that year.

<b>Hunter Education Instructor Incentive Permits</b>
<ul style="list-style-type: none"> <li>- Special elk permits will be allocated through a random drawing to those hunter education instructors that qualify.</li> <li>- Permit hunters must use archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons.</li> <li>- Qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing.</li> <li>- Instructors who are drawn, accept a permit, and are able to participate in the hunt, will not be eligible for these incentive permits for a period of ten years thereafter.</li> <li>- Permittees may purchase a second license for use with the permit hunt only.</li> </ul>

Hunter Education Instructor Incentive Permits				
Area	Dates	Restrictions	GMUs	Permits
Region 3	All general season and permit seasons established for GMUs included with the permit	Any elk	GMUs 335-368	2
Region 5		Any elk	All 500 series GMUs except GMU 522	1
Region 6		Any elk	GMUs 654, 660, 672, 673, 681	1

**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 06-13-102  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**  
[Filed June 21, 2006, 10:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-10-088.

Title of Rule and Other Identifying Information: Adopt WAC 232-28-430 2006-07 Migratory waterfowl seasons and regulations and repeal WAC 232-28-429 2005-06 Migratory waterfowl seasons and regulations.

Hearing Location(s): Best Western Cotton Tree Inn and Convention Center, 2300 Market Street, Mount Vernon, WA 98273, (360) 428-5678, on August 4-5, 2006, at 8:00 a.m.

Date of Intended Adoption: August 4, 2006.

Submit Written Comments to: Attn: Wildlife Program Commission Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Wildthing@dfw.wa.gov, fax (360) 902-2162, by Monday, July 10, 2006.

Assistance for Persons with Disabilities: Contact Nancy Burkhardt by August 1, 2006, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The new WAC specifies legal season dates, bag limits, and open areas to hunt waterfowl, coot, and snipe for the 2006-07 hunting season. WAC 232-28-430 replaces WAC 232-28-429.

Reasons Supporting Proposal: Waterfowl seasons and regulations are developed based on cooperative management programs among states of the Pacific Flyway and the United States Fish and Wildlife Service, considering population status and other biological parameters. The rule establishes waterfowl seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the waterfowl resources of Washington.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

Name of Proponent: Washington fish and wildlife commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Natural Resources Building, Olympia, (360) 902-2932.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

Evan Jacoby  
Rules Coordinator

NEW SECTION

**WAC 232-28-430 2005-06 Migratory waterfowl seasons and regulations.**

**DUCKS**

**Statewide**

Oct. 14-18, 2006 and Oct. 21, 2006 - Jan. 28, 2007.

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 23-24, 2006.

Daily bag limit: 7 ducks, to include not more than 2 hen mallard, 1 pintail, 3 scaup, 1 canvasback, 2 redhead, 1 harlequin, 4 scoter, and 4 long-tailed duck.

Possession limit: 14 ducks, to include not more than 4 hen mallard, 2 pintail, 6 scaup, 2 canvasback, 4 redhead, 1 harlequin, 8 scoter, and 8 long-tailed duck.

Season limit: 1 harlequin

**WRITTEN AUTHORIZATION REQUIRED TO HUNT SEA DUCKS.** All persons hunting sea ducks (harlequin, scoter, long-tailed duck) in Western Washington are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2005-06 authorization and returned the harvest report prior to the deadline will be mailed a 2006-07 authorization in early October. Hunters who did not possess a 2005-06 authorization must fill out an application (available at Washington department of fish and wildlife, Olympia and regional offices). Application forms must be delivered to a department office no later than September 25 or postmarked on or before September 25 in order for applicants to be mailed a 2006-07 authorization before the season starts. No applications will be accepted after October 31, 2006. Immediately after taking a sea duck into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By February 15, 2007, hunters must return the

harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2007-08 sea duck season.

#### **COOT (Mudhen)**

Same areas, dates (including youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 25 coots.

Possession limit: 25 coots.

#### **COMMON SNIPE**

Same areas, dates (except youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 8 snipe.

Possession limit: 16 snipe.

#### **GEESE (except Brant)**

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 23-24, 2006, statewide except Western Washington Goose Management Areas 2A and 2B.

Daily bag limit: 4 Canada geese.

Possession limit: 8 Canada geese.

#### **Western Washington Goose Seasons**

##### **Goose Management Area 1**

Island, Skagit, Snohomish counties.

Oct. 14, 2006 - Jan. 7, 2007 for snow, Ross', or blue geese.

Oct. 14-26, 2006 and Nov. 4, 2006 - Jan. 28, 2007 for other geese (except Brant).

Daily bag limit: 4 geese.

Possession limit: 8 geese.

#### **WRITTEN AUTHORIZATION REQUIRED TO HUNT SNOW GEESE.**

All persons hunting snow geese in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2005-06 authorization and returned the harvest report prior to the deadline will be mailed a 2006-07 authorization in early October. Hunters who did not possess a 2005-06 authorization must fill out an application (available at Washington department of fish and wildlife, Olympia and regional offices). Application forms must be delivered to a department office no later than September 25 or postmarked on or before September 25 in order for applicants to be mailed a 2006-07 authorization before the season starts. No applications will be accepted after October 31, 2006. Immediately after taking a snow goose into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By February 15, 2007, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2007-08 snow goose season.

It is unlawful to discharge a firearm for the purpose of hunting waterfowl within 100 feet of any paved road on Fir Island in Skagit County, from December 10, 2006 through January 7, 2007. While hunting snow geese on Fir Island, if a hunter is convicted of 1) trespass, 2) shooting within 100 feet of a public highway, 3) discharging a firearm for the purpose of hunting waterfowl within 100 feet of any paved road on Fir Island in Skagit County, from December 10, 2006 through January 7, 2007, or 4) exceeding the daily bag limit for snow geese, written authorization will be invalidated for the remainder of the 2006-07 snow goose season and an authorization will not be issued for the 2007-08 snow goose season.

#### **QUALITY HUNTING AREAS IN GOOSE MANAGEMENT AREA 1**

Hunters possessing written authorization to hunt snow geese in Goose Management Area 1 can apply for a special authorization to access private lands around Fir Island enrolled in a new quality snow goose hunting program. Hunters must apply for special authorization to hunt on these special areas by September 29, 2006, using the department's internet application system. A random drawing will select hunters for participation, and special hunt authorizations will be mailed prior to the season. Up to 3 individuals possessing snow goose authorizations can hunt with the successful applicant on each hunt day. Successful applicants must check in with the WDFW hunt coordinator at least 24 hours prior to hunting and all hunters must hunt over decoys. Special authorizations are not valid for commercial uses. Authorizations are valid for one week (only on Wednesday and Saturday) and only on private lands specified by the WDFW hunt coordinator. Hunters will be assigned at random to private farms participating in the program.

#### **Goose Management Area 2A**

Cowlitz and Wahkiakum counties, and that part of Clark County north of the Washougal River.

Open in all areas except Ridgefield NWR from 1/2 hour after the start of official hunting hours for migratory game birds to 4:00 p.m., Saturdays, Sundays, and Wednesdays only, Nov. 11-26, 2006 and Dec. 6, 2006 - Jan. 28, 2007, except closed Dec. 24, 2006. Ridgefield NWR open from 1/2 hour after the start of official hunting hours for migratory game birds to 4:00 p.m. Tuesdays, Thursdays, and Saturdays only, Nov. 14-25, 2006 and Dec. 7, 2006 - Jan. 20, 2007, except closed Nov. 23, 2006.

#### **Goose Management Area 2B**

Pacific County.

Open from 1/2 hour after the start of official hunting hours for migratory game birds to 4:00 p.m., Saturdays and Wednesdays only, Oct. 14, 2006 - Jan. 13, 2007.

Bag limits for Goose Management Areas 2A and 2B:

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose, 1 Aleutian goose, and 2 cackling geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose, 2 Aleutian geese, and 4 cackling geese.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a culmen (bill) length of 40-50 mm. A cackling

goose is defined as a goose with a culmen (bill) length of 32 mm or less.

**Special Provisions for Goose Management Areas 2A and 2B:**

The Canada goose season for Goose Management Areas 2A and 2B will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 80 geese. The fish and wildlife commission has authorized the director to implement emergency area closures in accordance with the following quotas: A total of 80 dusky, to be distributed 15 for Zone 1 (Ridgefield NWR); 25 for Zone 2 (Cowlitz County south of the Kalama River); 20 for Zone 3 (Clark County except Ridgefield NWR); 10 for Zone 4 (Cowlitz County north of the Kalama River and Wahkiakum County); and 10 for Zone 5 (Pacific County). Quotas may be shifted to other zones during the season to optimize use of the statewide quota and minimize depredation.

Hunting is only permitted by written authorization from the Washington department of fish and wildlife. Hunters who maintained a valid 2005-06 written authorization will be mailed a 2006-07 authorization card prior to the 2006-07 season. New hunters and those who did not maintain a valid 2005-06 authorization must review goose identification training materials and score a minimum of 80% on a goose identification test to receive written authorization. Hunters who fail a test must wait 28 days before retesting, and will not be issued a reciprocal authorization until that time. Information on training materials and testing dates/locations is available at the Olympia and regional offices.

With written authorization, hunters will receive a harvest report. Hunters must carry the authorization card and harvest report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, cackling, or other subspecies) into possession, hunters must record in ink the information required on the harvest report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site, before 6:00 p.m. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the harvest report, written authorization will be invalidated and the hunter will not be able to hunt Canada geese in Goose Management Areas 2A and 2B for the remainder of the season and the special late Canada goose season. It is unlawful to fail to comply with all provisions listed above for Goose Management Areas 2A and 2B.

**Special Late Canada Goose Season for Goose Management Area 2A:**

Open to Washington department of fish and wildlife advanced hunter education (AHE) program graduates and youth hunters (15 years of age or under, who are accompanied by an AHE hunter) possessing a valid 2006-07 southwest Washington Canada goose hunting authorization, in areas with goose damage in Goose Management Area 2A on the following days, from 7:00 a.m. to 4:00 p.m.:

Saturdays and Wednesdays only, Feb. 3 - Mar. 10, 2007.

Daily bag limit: 4 Canada geese, to include not more than 1 dusky Canada goose, 1 Aleutian goose, and 2 cackling geese.

Possession limit: 8 Canada geese, to include not more than 1 dusky Canada goose, 1 Aleutian goose, and 4 cackling geese.  
Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose (as shown in the Munsell color chart 10 YR, 5 or less) with a culmen (bill) length of 40-50 mm. A cackling goose is defined as a goose with a culmen (bill) length of 32 mm or less.

Hunters qualifying for the season will be placed on a list for participation in this hunt. Washington department of fish and wildlife will assist landowners with contacting qualified hunters to participate in damage control hunts on specific lands incurring goose damage. Participation in this hunt will depend on the level of damage experienced by landowners. The special late Canada goose season will be closed by emergency action if the harvest of dusky Canada geese exceeds 85 for the regular and late seasons. All provisions listed above for Goose Management Area 2A regarding written authorization, harvest reporting, and checking requirements also apply to the special late season; except hunters must confirm their participation at least 24 hours in advance by calling the goose hunting hotline (listed on hunting authorization), and hunters must check out by 5:00 p.m. on each hunt day regardless of success. It is unlawful to fail to comply with all provisions listed above for the special late season in Goose Management Area 2A.

**Goose Management Area 3**

Includes all parts of Western Washington not included in Goose Management Areas 1, 2A, and 2B.

Oct. 14-26, 2006 and Nov. 4, 2006 - Jan. 28, 2007.

Daily bag limit: 4 geese.

Possession limit: 8 geese.

**Eastern Washington Goose Seasons**

**Goose Management Area 4**

Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties.

Oct. 14-16, 2006, and Saturdays, Sundays, and Wednesdays only during Oct. 21, 2006 - Jan. 21, 2007; Nov. 10, 23, and 24, 2006; Dec. 25, 26, 28, and 29, 2006; January 15, 2006; and every day Jan. 22-28, 2007.

**Goose Management Area 5**

Includes all parts of Eastern Washington not included in Goose Management Area 4.

Oct. 14-16, 2006, every day from Oct. 21, 2006 - Jan. 28, 2007.

Bag limits for all Eastern Washington Goose Management Areas:

Daily bag limit: 4 geese.

Possession limit: 8 geese.

**BRANT**

Open in Skagit County only on the following dates:

Jan. 20, 21, 24, 27, 28, 2007.

If the 2006-07 preseason brant population in Skagit County is below 6,000 (as determined by the early January survey), the brant season in Skagit County will be canceled.

Open in Pacific County only on the following dates:

Jan. 13, 14, 17, 20, 21, 2007.

**WRITTEN AUTHORIZATION REQUIRED:**

All hunters participating in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2005-06 authorization and reported harvest prior to the deadline will be mailed a 2006-07 authorization in November. Hunters who did not possess a 2005-06 authorization must fill out an application (available at Washington department of fish and wildlife regional offices). Application forms must be delivered to a department office no later than 5:00 p.m. on November 8, or postmarked on or before November 8, after which applicants will be mailed a 2006-07 authorization. Late applications will not be accepted. Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By February 15, 2007, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2007-08 brant season.

Bag limits for Skagit and Pacific counties:

Daily bag limit: 2 brant.

Possession limit: 4 brant.

**SWANS**

Season closed statewide.

**FALCONRY SEASONS**

**DUCKS, COOTS, AND SNIPE (Falconry)**

(Bag limits include geese and mourning doves.)

Oct. 14-18, 2006 and Oct. 21, 2006 - Jan. 28, 2007 statewide.

Daily bag limit: 3, straight or mixed bag with geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese and mourning doves during established seasons.

**GEESE (Falconry)**

(Bag limits include ducks, coot, snipe, and mourning doves.)

Goose Management Area 1: Oct. 14, 2006 - Jan. 7, 2007.

Goose Management Area 2A: Saturdays, Sundays, and Wednesdays only, Nov. 11-26, 2006 and Dec. 6, 2006 - Jan. 28, 2007, except closed Dec. 24, 2006.

Goose Management Area 2B: Wednesdays and Saturdays only, Oct. 14, 2006 - Jan. 13, 2007.

Goose Management Areas 3, 4, and 5: Oct. 14-16, 2006 and Nov. 4, 2006 - Jan. 28, 2007.

Daily bag limit for all areas: 3 geese (except brant), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

Possession limit for all areas: 6 geese (except brant), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 232-28-429

2005-06 Migratory waterfowl seasons and regulations

**WSR 06-13-103**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
[Filed June 21, 2006, 10:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-10-088.

Title of Rule and Other Identifying Information: WAC 232-12-134 Report required of licensed trappers, 232-28-285 2006-2007 Pilot cougar hunting seasons with the aid of dogs, and 232-28-515 Trapping seasons and regulations.

Hearing Location(s): Best Western Cotton Tree Inn and Convention Center, 2300 Market Street, Mount Vernon, WA 98273, (360) 428-5678, on August 4-5, 2006, at 8:00 a.m.

Date of Intended Adoption: August 4, 2006.

Submit Written Comments to: Attn: Wildlife Program Commission Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Wildthing@dfw.wa.gov, fax (360) 902-2162, by Monday, July 10, 2006.

Assistance for Persons with Disabilities: Contact Nancy Burkhart by August 1, 2006, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 232-12-134 Report required of licensed trappers: Currently, licensed trappers are required to report their trapping activity and those that fail to report by April 10 each year may not buy a trapping license for one year. The recommended change is to drop the one-year waiting period and require noncompliant trappers to pay a penalty via an infraction, plus report their trapping activity prior to being allowed to purchase a trapping license. The recommendation also includes making the licensed trapper responsible for ensuring the department receives their trapper report of catch form.

WAC 232-28-285 2006-2007 Pilot cougar hunting seasons with the aid of dogs: Continues pilot cougar seasons in Chelan, Okanogan, Ferry, Stevens, and Pend Oreille counties for the 2006-2007 winter season. Under the rule, an anticipated one hundred two cougars will be harvested within four hunt zones. Notable changes from the 2005-2006 pilot cougar seasons are clarifying the definition of "accompany" and "pursuit" to address dogs leashed near a treed cougar.

WAC 232-28-515 Trapping seasons and regulations: Currently, licensed trappers are required to report their trap-

ping activity and those that fail to report by April 10 each year may not buy a trapping license for one year. The recommended change is to drop the one-year waiting period and instead require noncompliant trappers to pay an infraction penalty before purchasing a trapping license. To accomplish this, WAC 232-28-515 Trapping seasons and regulations will refer to WAC 232-12-134 Report required of licensed trappers.

Reasons Supporting Proposal: WAC 232-12-134 Report required of licensed trappers: To make noncompliance for reporting trapping activity more consistent with WAC 232-28-299 Mandatory report of hunting activity.

WAC 232-28-285 2006-2007 Pilot cougar hunting seasons with the aid of dogs: Enhance public safety and provide a more effective cougar management program.

WAC 232-28-515 Trapping seasons and regulations: To make noncompliance for reporting trapping activity consistent with WAC 232-28-299 Mandatory report of hunting activity.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

Name of Proponent: Washington fish and wildlife commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Natural Resources Building, Olympia, (360) 902-2932.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

Evan Jacoby  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 06-67, filed 4/11/06, effective 5/12/06)

**WAC 232-12-134 Report required of licensed trappers.** ~~(It is unlawful for any licensed trapper to fail to submit to the department, a trapper's report of catch postmarked on or before April 10. The report must be submitted regardless of success. Trappers who fail to submit an accurate trapper's report of catch must wait a year before purchasing another trapping license. It is the responsibility of each licensed trapper to obtain and submit a trapper's report of catch.~~

~~Violation of this section is an infraction, punishable under RCW 77.15.160.)~~

(1) All trappers purchasing a trapping license must report their trapping activity, regardless of trapping success or whether they trapped or not.

(a) Trappers must report trapping activity by April 10.

(b) Reports must be made using the department's designated Trapper's Report of Catch form or internet trapper reporting system.

(c) If a trapper chooses to report using the Trapper's Report of Catch form, it is the responsibility of the licensed trapper to obtain a form and ensure the form is received by Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091.

(d) Any trapper not reporting by April 10 will be in non-compliance of reporting requirements.

(e) False reports will be considered the same as noncompliance.

(f) Failure to report trapping activity is an infraction, punishable under RCW 77.15.160.

(g) Noncompliant trappers who have paid their penalty under subsection (f) must report their trapping activity prior to being issued a trapping license.

**AMENDATORY SECTION** (Amending Order 05-174, filed 8/15/05, effective 9/15/05)

**WAC 232-28-285 ((2005-2006)) 2006-2007 Pilot cougar hunting seasons with the aid of dogs.** As used in this section and in the context of pilot cougar hunting seasons, the following definitions apply:

"Accompany" means the dog handler and permit hunter must be in the physical presence of each other ~~((at the time))~~ when dogs are ((released from a leash or unrestrained)) in pursuit.

"Pursue" or "pursuit" means dogs ~~((that))~~ are: (1) not on a leash or restrained, ((are)) or (2) starting a cougar track, or (3) in the act of tracking a cougar, or (4) at a treed cougar. Transporting dogs in a motorized vehicle or walking a dog on a leash is not ~~((a))~~ pursuit.

"Dog owner" means a person that owns and hunts with dogs that are capable of detecting, tracking and treeing a cougar.

"Quota" means the targeted harvest goal. The actual harvest level may exceed the quota.

"Kill permit" allows a hunter to pursue or kill cougar.

"Pursuit permit" allows a hunter to pursue cougar.

(1) The pilot cougar-hunting season will allow use of dogs to hunt cougar. The hunts will consist of pursuit-or-kill seasons and pursuit-only seasons, and are allowed only in Chelan, Okanogan, Ferry, Stevens, and Pend Oreille counties.

(2) Pursuit-or-kill seasons:

Cougar may be pursued or killed with the aid of dogs from December 1, ~~((2005))~~ 2006, until the female zone quota has been killed, the total zone quota has been killed, or March 31, ~~((2006))~~ 2007, whichever occurs first; EXCEPT GMUs 101 and 204 where cougar may be pursued or killed from January 1, ~~((2006))~~ 2007, until the female zone quota has been killed, the total zone quota has been killed, or March 31, ~~((2006))~~ 2007, whichever occurs first.

(3) Pursuit-only seasons:

(a) If a zone quota is killed prior to March 31, ~~((2006))~~ 2007, cougar may be pursued with dogs in all or portions of that zone until March 31, ~~((2006))~~ 2007. Hunters may only pursue cougars in designated pursuit only areas identified on their kill or pursuit-only permit. Hunters may not kill cougar during pursuit-only seasons.

(b) Hunters selected for the pursuit-or-kill season (accompanied by up to three of their identified handlers) may participate in a pursuit-only season. Permit hunters that harvest a cougar under a kill permit may continue to pursue cougars until March 31. If a zone quota is killed, the department will also issue pursuit-only permit to hunters drawn at random from the unselected pool of applicants. The director will identify the number of pursuit-only hunters selected.

(4) Hunt areas and kill quotas:

Cougar seasons will be based on a quota system, where permit hunters using dogs may hunt and kill cougar until the

allotted numbers of cougar have been killed from each hunt zone or March 31, ((2006)) 2007, whichever occurs first.

(a) Kill quotas start September 1 and will include all cougar killed during seasons with and without the aid of dogs, including cougar seasons under this section, cougar seasons without the aid of dogs authorized under WAC 232-28-272, depredation permits, landowner kill permits, and WDFW depredation authority.

(b) Individual problem cougar will continue to be killed on an as-needed basis utilizing depredation permits, landowner kill permits, and WDFW depredation authority even if these kills result in exceeding a zone quota.

CMU	Hunt Choice	Hunt Zone	Area Description	<del>(DRAFT)</del> QUOTA	
				Total	Female
East Cascades North	9001	Okanogan	Those portions of GMUs 203, 209, 215, 218, 233, 224, 231, 239, and 242 within Okanogan County	28	11
	9002	Chelan	Those portions of GMUs 243, 244, 245, 246, 247, 249, 250, and 251 within Chelan County	10	4
Northeastern	9003	Ferry-Okanogan	GMUs 101, 204	26	10
	9004	Stevens-Pend Oreille	Those portions of GMUs 105, 108, 111, 113, 117, 121 within Stevens and Pend Oreille counties	38	15

(5) Quota hotline:

Permit hunters participating in a pursuit-or-kill season must call the toll free cougar quota hotline within twenty-four hours prior to each day hunting cougar to determine if the zone quota has been killed and the zone is closed. Hunters who hunt more than one consecutive day must call the quota hotline once daily to determine if the zone quota is killed. Hunters who harvest a cougar with the aid of dogs must notify the department within twenty-four 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, with proof of sex naturally attached, 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.

(6) Kill or pursuit-only permit eligibility:

(a) To apply for a kill or pursuit-only permit under this section, individuals must sign an affidavit provided by the department, certifying under penalty of false swearing under RCW 9A.72.040 that they are a dog owner. The affidavit must be mailed to WDFW by the date and time identified by the director. Individuals not registered as a dog owner will not be issued a permit.

(b) To apply for a kill or pursuit-only permit under this section, individuals must purchase a cougar permit application and submit the application in compliance with WAC 232-28-291 by a date and time identified by the director.

(c) To be eligible for a permit, the participant must be a Washington resident who at the time of application for a permit possesses a valid big game license with cougar as a species option. The permit holder must use dogs while participating in a cougar hunt under this section.

(d) A permit will not be issued to any person who has been convicted of unlawful use of dogs under RCW 77.15.245 within the five-year period prior to December 1, 2004. Any person issued a permit and who is subsequently convicted of any wildlife offense while participating in a pursuit-or-kill or pursuit-only season, or who violates any condition of the permit, will have the permit revoked and will be ineligible to participate in the remainder of the three-year pilot program.

(7) Permit issuance procedure:

(a) The number of kill permits for a pursuit-or-kill season with the aid of dogs may be established by the director, but will not exceed two times the total cougar quota for each hunt zone.

(b) The department will issue kill or pursuit-only permits to the persons whose applications are drawn at random. Individuals selected will be notified by telephone or mail. Individuals selected must return the signed affidavit to the department's wildlife program in Olympia within fifteen days of being notified. Failure to return the completed affidavit to the department will result in forfeit of the permit. Kill and pursuit-only permits may not be sold or reassigned.

(c) If a female zone quota or total zone quota is not killed in a hunt zone by January 15 (or sooner as identified by the director), then the department will issue kill permits to addi-

tional hunters. Hunters will be drawn at random from the unselected pool of applicants and must be a resident of one of the five counties.

(8) Qualifications for participation and requirements:

In addition to the provisions applicable to all cougar hunters:

(a) Successful applicants must complete a training program prior to participating in a pursuit-or-kill season or pursuit-only season with the aid of dogs.

(b) Participants must have their permit issued by the department in their possession while hunting cougar.

(c) Individuals selected for a kill permit may kill and possess two cougar per permit and only the permittee may kill the cougar(s). However, a kill permit holder may not kill a second cougar in a hunt zone until January 15 (or sooner as identified by the director).

(d) Individuals selected for a cougar kill or pursuit-only permit may use dog handlers. However, no more than three handlers may accompany the permittee while hunting or pursuing cougar. Dog handlers may not pursue cougar when the permit hunter is not present at the time the dogs are released from a leash or unrestrained. Dog handlers must have a dog handler identification card, issued by the department, in their possession while participating in a pursuit-or-kill season or pursuit-only season.

(e) Dog handlers must be a Washington resident and possess a valid hunting license.

(f) It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

(g) Participants must have a vehicle placard issued by the department. The vehicle placard must be placed in the permittee's and dog handler's vehicles and be visible from outside the vehicles at all times while hunting or pursuing cougar.

(h) Kill and pursuit-only permit hunters are required to maintain and return to the department a pilot cougar hunting season logbook. At the end of each day hunting cougar, the permit hunters must record their hunting activities, including that of their dog handlers, in their logbook. If requested by department staff, permit hunters must provide the logbook for inspection. Logbooks must be mailed to the department at WDFW-Pilot Cougar Hunt, 600 Capitol Way North, Olympia, WA 98501-1091 by April 10, ~~((2006))~~ 2007. A violation of this requirement under this subsection is punishable as an infraction under RCW 77.15.160.

(9) The permit belongs to the state of Washington. The permit holder may be required to return to or turn over to the department the permit when, in the judgment of the department, the permit holder violates any conditions of the permit, violates trespass laws while acting under this permit, or violates any other criminal law or hunting regulation of the state while acting under this permit. If the permit holder is required to return to or turn over to the department the permit, the permit holder may request an appeal of that action in accordance with chapter 34.05 RCW. Appeal request shall be filed in writing and returned within twenty days of the date of action and be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

AMENDATORY SECTION (Amending Order 06-92, filed 5/8/06, effective 6/8/06)

**WAC 232-28-515 Trapping seasons and regulations.**  
Trapping Regulations

To be issued your first Washington State trapping license an individual must pass the Washington State trapper education exam.

~~((A trapping license will only be issued to a trapper that has returned the mandatory trapper report of catch postmarked on or before April 10 of the previous year. A trapper that fails to submit a report of catch must wait one year before purchasing another trapping license. False reports will be considered the same as failure to return the catch report.))~~

It is unlawful to: Trap for wild animals before October 1, and after March 15, in western Washington, except that owners of, or persons legally controlling a property (or their designee) may trap unclassified wild animals that are causing damage or depredating on said property.

It is unlawful to: Place traps or establish drowning wires and weights prior to 7:00 a.m. on the opening date of the trapping season. All opening and closing season dates are inclusive.

Trapping Seasons:

General Western Washington Trapping Seasons (Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, Whatcom counties):

SPECIES	OPENING DATE	CLOSING DATE
Bobcat	November 18, 2006 November 17, 2007 November 15, 2008	February 28, 2007, 2008, and 2009
Beaver, River Otter, Red Fox, Weasel, Marten, Mink, Muskrat, and Raccoon	November 1, 2006, 2007, and 2008	March 31, 2007, 2008, and 2009

Exceptions to General Western Washington Trapping Seasons:

Game Management Unit 522 (Loo-wit) (Cowlitz and Skamania counties) is closed to all trapping.

Island County

The red fox season is closed.

Lewis County

Green River drainage, above and including Miners Creek drainage, is closed to all trapping except for bobcat and coyote.

Skagit and Whatcom counties

Ross Lake National Recreation Area is closed to all trapping. Red fox season is closed, except within the boundaries of Mount Baker-Snoqualmie and Okanogan National Forests.



Skamania County

The following areas are closed to all trapping, except for bobcat and coyote: Muddy River drainage, above and including Bean Creek drainage; Pine Creek drainage above USFS Road 83; and Green River drainage, above and including Miners Creek drainage.

General Eastern Washington Trapping Seasons (Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima counties):

SPECIES	OPENING DATE	CLOSING DATE
Bobcat	November 18, 2006 November 17, 2007 November 15, 2008	February 28, 2007, 2008, and 2009
Badger, Beaver, Mink, Muskrat, Raccoon, Red Fox, Weasel, Marten, River Otter (Season Bag Limit is 6 River Otter in Eastern Washington)	November 1, 2006, 2007, and 2008	March 31, 2007, 2008, and 2009

Exceptions to General Eastern Washington Trapping Seasons:

River otter trapping season is closed in all Eastern Washington counties, except that it is open in Chelan, Ferry, Klickitat, Kittitas, Okanogan, Pend Oreille, Spokane, Stevens, and Yakima counties, as well as in the Snake and Walla Walla River drainages.

Chelan County

Beaver season is closed in Swakane and Mud Creek drainages.

Columbia County

Trapping is not allowed on the Umatilla Tribes Rainwater Wildlife Area in Columbia County, as per their management plan.

Kittitas County

Beaver season is closed in the following drainages: North fork of Tarpiscan Creek and Umtanum Creek.

Urban Trapping Areas: Special Regulations and Trap Restrictions

The following described areas are closed to the taking of classified furbearing animals, and coyote, opossum, nutria, and skunk, by the use of body-gripping or kill traps **except** by permit under WAC 232-12-141.

Thurston County, within the established city limits (including county islands) of Lacey, Olympia, and Tumwater.

Within Snohomish, King, and Pierce counties: Beginning at the confluence of Snohomish River and Puget Sound; east up Snohomish River to Interstate 5 (I-5); south on I-5 to Interstate 405 (I-405); south on I-405 to I-5; south on I-5 to Pio-

neer Way; east on Pioneer Way to Waller Road; south on Waller Road to SR 512; west on SR 512 to Highway 7; south on Highway 7 and Highway 507 to Pierce County line; north on Pierce County line to Puget Sound; north along coast to mouth of Snohomish River and point of beginning.

License trappers must comply with reporting requirements in WAC 232-12-134.

**WSR 06-13-104**

**PROPOSED RULES**

**DEPARTMENT OF ECOLOGY**

[Order 06-04—Filed June 21, 2006, 10:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR [06-09-051 on] April 14, 2006.

Title of Rule and Other Identifying Information: Chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington. This rule making would be directed toward correcting deficiencies noted by EPA in their formal disapproval (March 22, 2006) of Washington's 2003 revisions to the state surface water quality standards (chapter 173-201A WAC).

Hearing Location(s): Olympia, Department of Ecology Auditorium, 300 Desmond Drive, Lacey, WA 98504, on August 7, 2006, workshop starts at 6:00 p.m., hearing immediately following; Longview, Lower Columbia College, Student Building, 1600 Maple Street, Longview, WA 98632, on August 8, 2006, workshop starts at 6:00 p.m., hearing immediately following; Bellingham, Whatcom County Courthouse, 311 Grand Avenue, Bellingham, WA 98225, on August 9, 2006, workshops start at 6:00 p.m., hearing immediately following; Wenatchee, Douglas County PUD, 1151 Valley Mall Parkway, East Wenatchee, WA 98802-4497, on August 14, 2006, workshops start at 6:00 p.m., hearing immediately following; and in the Tri-Cities, Benton County PUD, 2727 West Tenth Avenue, Kennewick, WA 99336, on August 15, 2006, workshops start at 6:00 p.m., hearing immediately following.

Date of Intended Adoption: October 31, 2006.

Submit Written Comments to: Sabrina Payne, Water Quality Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, e-mail SPAY461@ecy.wa.gov, fax (360) 407-6426, received by September 5, 2006.

Assistance for Persons with Disabilities: Contact Sabrina Payne by August 1, 2006, TTY (800) 833-6388, or (360) 407-6157.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposed corrective rule would:

- Change the designated uses for many rivers from "spawning and noncore rearing" to "core summer salmonid habitat" and change rule text to support the basis for these changes. This change will result in many rivers going from a seven-day average temperature of 17.5°C to a seven-day average daily maximum of 16°C and the dissolved oxygen criteria will go from 8.0 mg/l to 9.5 mg/l.

- Change a small number of rivers to the "char spawning and rearing" designated use type and change rule text to support the basis for these changes. This change will result in some rivers going to a seven-day average daily maximum of 12°C from the old daily seven-day average of 16°C or 17.5°C.
- Add spawning locations and timing windows where explicit spawning/incubation temperature criteria would apply for salmonids. These changes will apply a seven-day average daily maximum criterion of 13°C to protect spawning and incubation of salmon and trout (9°C for the spawning of bull trout).
- Correct miscellaneous minor (typographic) errors introduced during the 2003 rule making.

Statutory Authority for Adoption: RCW 90.48.035.

Statute Being Implemented: Chapter 90.48 RCW.

Rule is necessary because of federal law, 40 FRI 131.20.

Name of Proponent: Department of ecology.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Melissa Gildersleeve, Department of Ecology Headquarters, (360) 407-6461.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

The Washington state department of ecology (ecology) is proposing revised aquatic life use designations applicable to waters of the state. This report provides an analysis of the potential incremental impacts on small businesses.

**1. Regulatory Background:** The Clean Water Act (CWA) directs states, with oversight by the Environmental Protection Agency (EPA), to adopt water quality standards (WQS) to protect the public health and welfare, enhance the quality of water, and serve the purposes of the CWA. Under section 303, states are required to hold public hearings once every three years for the purpose of reviewing applicable WQS and, as appropriate, modifying and adopting standards. The results of this triennial review must be submitted to EPA, and EPA must approve or disapprove any new or revised standards. Section 303(c) also directs the EPA administrator to promulgate WQS to supersede state standards that have been disapproved or in cases where the administrator determines that a new or revised standard is needed to meet CWA requirements.

On July 28, 2003, the state of Washington submitted revisions to its WQS to EPA for review pursuant to CWA section 303 (c)(2)(A). Certain of these revisions identified specific numeric temperature and dissolved oxygen (DO) criteria to protect critical life stages of salmonids, including criteria for salmonid rearing and spawning. On January 12, 2004, EPA approved some of the revised standards submitted by Washington, including provisions on recreational uses and bacteria criteria, freshwater water supply uses, nutrient criteria for lakes, radioactive substances, toxics and aesthetics, variance procedures, site-specific criteria, and use attainability analysis. However, EPA did not take action on a number of other provisions, including specific aquatic life use designations and their associated temperature criteria, because it needed additional time to complete an internal evaluation.

After reviewing the available fish distribution data, EPA Region 10 disapproved:

- The narrative spawning criteria of 13°C and 9°C for protection of salmonid and char spawning, respectively, because ecology did not specify when or where the criteria are needed and certain waters that ecology designated for:
  - o Noncore rearing with a 17.5°C temperature criterion because they should be designated for core summer salmonid habitat with a temperature criterion of 16°C.
  - o Noncore rearing with a temperature criterion of 17.5°C or core rearing with a 16°C temperature criterion because they should be designated for char habitat with a 12°C temperature criterion.
  - o Rearing and migration only with a 17.5°C temperature criterion because they should be designated salmonid spawning, rearing, and migration with a 17.5°C temperature criterion.

Thus, ecology is proposing to correct the inadequacies of its 2003 WQS revision identified by EPA Region 10. As a result of these designated use changes, more stringent DO criteria will also apply. Specifically, the minimum DO criterion would increase from 8.0 mg/L to 9.5 mg/L for waters designated for noncore rearing under the 2003 WQS revision that should be designated for either char or core summer salmonid habitat, and from 6.5 mg/L to 8.0 mg/L for waters designated for salmonid rearing and migration only under the 2003 WQS revision that should be designated for salmonid spawning, rearing, and migration.

**2. Purpose of the Analysis:** The Washington Administrative Procedure Act [Regulatory Fairness Act] (chapter 19.85 RCW) requires that, before adopting a rule under chapter 34.05 RCW, state agencies prepare a small business economic impact statement to determine whether the proposed rule will have a disproportionate impact on the state's small businesses because of the size of those businesses. Among other requirements, the impact statement must compare the cost of compliance for small business with the cost of compliance for the 10% of businesses that are the largest businesses required to comply with the proposed rules.

In 2003, ecology adopted revisions to the state's WQS (chapter 173-201A WAC) pursuant to state statutory authority under the Water Pollution Control Act (chapter 90.48 RCW), and the CWA as described above. However, EPA determined that the proposed use designations and associated temperature criteria for certain waters do not meet the requirements of the CWA because they do not provide adequate protection of core summer salmonid habitat, salmonid spawning, rearing, and migration, and char habitat. Therefore, ecology is proposing the minimum provisions that will meet EPA's approval: Locations of state waters designated for salmonid spawning, rearing, and migration, core summer salmonid habitat, spawning, and char use that will be subject to specific temperature and DO criteria.

The purpose of this report is to provide information on the potential incremental impacts to small businesses that may be associated with proposed provisions. The analysis reflects impacts that are above and beyond those associated with the 2003 WQS revision, and is based on existing sources

of temperature and DO impairment, and publicly available data and information.

**3. Proposed Criteria and Designated Uses:** This analysis encompasses only those waters for which the 2006 pro-

posal includes a more stringent criterion than contained in the 2003 standards revision. **Exhibit 1** provides a summary of these areas of discrepancy.

**Exhibit 1. Comparison of 2003 WQS Revision and the 2006 Proposed Rule**

2003 WQS Revision			Proposed Rule		
Designated Use	Temperature Criteria <sup>1</sup>	DO Criteria <sup>2</sup>	Designated Use	Temperature Criteria <sup>1</sup>	DO Criteria <sup>2</sup>
Char	12°C	9.5 mg/L	Char	12°C	9.5 mg/L
Salmonid Spawning, Core Rearing, and Migration	16°C	9.5 mg/L	Core Summer Salmonid Habitat	16°C	9.5 mg/L
Salmonid Spawning, Noncore Rearing, and Migration	17.5°C	8.0 mg/L	Salmonid Spawning, Rearing, and Migration	17.5°C	8.0 mg/L
Rearing and Migration Only	17.5°C	6.5 mg/L	Rearing and Migration Only	17.5°C	6.5 mg/L
Spawning (narrative)	13°C	NA	Spawning (location and date specified)	13°C	NA

NA = not applicable.

1. Criteria specified as 7-DADM temperatures.
2. Criteria specified as 1-day minimum DO concentrations.
2. Spawning criteria are to be specified where ecology determines that temperature criteria established for a water body would likely not result in protection of spawning and incubation.

**4. Potentially Affected Sources:** The proposed rule does not include any specific requirements for businesses. However, the proposal establishes revised criteria for temperature and DO for several waters in the state, and businesses that discharge to these waters may be affected directly or indirectly by these provisions.

**Point Source Facilities:** Exhibit 2 shows the individual NPDES-permitted facilities located within a 2,000-foot buffer of the affected stream segments. State geographic information system (GIS) files for NPDES permit holders do not include exact location information for the outfall of the discharge. A 2,000-foot buffer may over- or under-estimate facilities discharging to affected stream segments.

The exhibit does not include general permitted facilities. Data for these facilities are extremely limited, and flows from such facilities are usually negligible. In addition, few general permits currently contain requirements to monitor for temperature, DO, BOD, or nutrients, and none of them currently contain numeric effluent limits. Thus, there are no data available to evaluate the impact that the revised 2006 standards would have on general facilities. Note that, ecology is beginning to require additional monitoring in a number of general permits. If such monitoring shows that the discharger has the potential to cause or contribute to an exceedance of the proposed criteria, the permits could be changed to include temperature or DO limits, or a general permitted facility may be given an individual permit with requirements for temperature or DO in the context of a TMDL.

**Exhibit 2. Summary of Potentially Affected Facilities<sup>1</sup>**

Standard Industrial Classification		Number of Facilities	
		Majors	Minors
<b>Agriculture, Forestry, and Fishing</b>			
161	Vegetables and Melons	-	1
921	Fish Hatcheries and Preserves	-	10
<b>Construction</b>			
1794	Excavation Work	-	1
<b>Manufacturing</b>			
2411	Logging	-	2
2491	Wood Preserving	-	2
<b>Transportation and Public Utilities</b>			
4212	Local Trucking Without Storage	-	1
4952	Sewerage Services (POTWs)	5	25
<b>Services</b>			
8711	Engineering Services	-	1
<b>Public Administration</b>			
9711	National Security	-	1
9999	Nonclassifiable Establishments	-	1
Total		5	45

Source: Based on Washington state GIS files of NPDES facilities and affected waters.

<sup>1</sup> = None.

1. Does not include general permits.

Ecology prepared an analysis of the potential costs of the rule (ecology, 2006) which showed that the costs point source dischargers may incur reflect land application of all or a portion of the effluent. However, there is some uncertainty regarding the actual controls the point source dischargers would pursue for compliance [with] the proposed temperature and DO criteria. Note that costs for cooling towers based on estimates in EPA's technical development document for its 316(b) Rule (EPA, 2002) are similar to those for land application. Thus, the cost estimates for the sample facilities reflect a range of technologies (ecology, 2006).

**Nonpoint Sources:** Exhibit 3 summarizes the number of stream miles affected by the revised temperature and DO criteria, and the associated uses of adjacent land. Note, most of the waters affected by the changes in temperature criteria are also affected by the changes in DO criteria; only those

waters designated for rearing and migration under the 2003 WQS revision that are now designated for salmonid spawning, rearing, and migration are affected by a change in DO criteria and not also a change in temperature criteria.

**Exhibit 3. Summary of Land Adjacent to Waters Affected by Revised Criteria (miles)**

Land Cover	Temperature Criteria			Dissolved Oxygen Criteria		
	Char <sup>1</sup>	Core Summer Salmonid <sup>2</sup>	Spawning <sup>3</sup>	Char <sup>4</sup>	Core Summer Salmonid <sup>2</sup>	Salmonid SRM <sup>5</sup>
<b>Forest Land</b>						
Deciduous Forest	42	1,081	547	0	1,393	0.01
Evergreen Forest	894	2,168	1,357	3.2	2,791	0.5
Mixed Forest	27	1,006	574	0.1	1,326	0.01
<b>Agriculture</b>						
Fallow Crops	0	6	3	0	7.2	0.01
Row Crops	0	8	14	0	14	1.7
Small Grains	0	80	35	0	129	0.01
Pasture/Hay	1	259	149	0.1	853	0.4
Orchards/Vineyards/Other	0	13	36	0	20	0.8
<b>Urban</b>						
Commercial/Industrial/ Transportation	1	23	30	0.01	42	0.2
High Intensity Residential	0	0	0	0	0.1	0
Low Intensity Residential	0	58	69	0.04	94	0.8
Urban/Recreational Grasses	0	1	1	0	1.9	0
<b>Other Potentially Plantable Land</b>						
Grasslands/Herbaceous	28	84	66	0.2	105	0.1
Shrubland	28	239	182	0.2	273	1.1
Transitional	31	135	50	0.8	150	0
<b>Unplantable Land</b>						
Bare Rock/Sand/Clay	22	6	47	0.01	33	0.1
Emergent Herbaceous Wetlands	0	1	5	0	5.6	0
Open Water	47	148	689	0.2	958	3.0
Quarries/Strip Mines/Gravel Pits	0	0	1	0	0.4	0
Woody Wetlands	5	83	81	0.02	127	0
<b>Total</b>	<b>1,126</b>	<b>5,383</b>	<b>3,933</b>	<b>4.9</b>	<b>8,325</b>	<b>8.6</b>

Note: Totals may not add due to rounding.

Source: USGS (1999a), reflecting data from 1986 to 1996. Note that, the reliability of the land cover data is greatest at the state or multi-state level (see USGS, 1999b).

1. Waters that ecology designated for either noncore or core rearing in the 2003 WQS revision that should be designated for char habitat.
2. Waters that ecology designated for noncore rearing in the 2003 WQS revision that should be designated for core summer salmonid habitat.
3. Waters for which the salmonid spawning criterion applies at specific locations and times of the year.

4. Waters that ecology designated for noncore rearing in the 2003 revision that should be designated for char habitat.

5. Waters that ecology designated for rearing and migration only in the 2003 revision that should be designated for salmonid spawning, rearing, and migration.

The TMDLs ecology developed to meet existing temperature standards indicate that increased effective shade is most likely the most effective means of reducing stream temperatures, and the primary measure suggested for nonpoint source control is riparian buffers (ecology, 2006). Thus, riparian buffers are also likely to be the primary nonpoint source measure implemented for compliance with the temperature stan-

dards of the proposed rule. In addition, riparian buffers also provide filtration and serve other functions that reduce nutrient loadings to water. Reduced loadings of nutrients and sediment (including organic matter) will result in reduced BOD, which will in turn lead to higher instream DO concentrations. Lower stream temperatures also contribute to higher DO levels, since oxygen is more soluble in lower temperature water.

**Forestry:** Approximately 73% of the land cover adjacent to affected waters is forest land. Washington regulates forestry activities on state and private lands through the Washington Forest Practices Act (chapter 76.09 RCW) and the associated forest practices rules (Title 222 WAC). The Washington forest practices board (the authority empowered to enforce forest practices rules) designed and adopted the forest practice rules, in part, to meet the requirements of the CWA and state WQS. The rules contain an array of best management practices (BMPs), including forest buffer requirements, to protect water quality, provide fish and wildlife habitat, protect capital improvements, and ensure that harvested areas are reforested. Thus, no additional practices would be required as a result of the proposed standards.

**Agriculture:** Agricultural and other plantable land make up the next largest land cover category (about 14% of the total). Riparian buffers may be needed on all agricultural and plantable land adjacent to affected waters to achieve the proposed standards. Note, however, that existing regulations in some counties require new agricultural operations to keep or plant riparian buffers (ecology, 2003), and thus, some of these costs are attributable to baseline regulations.

**Urban Development:** Urban development accounts for approximately 2% of the land cover adjacent to affected waters. Business related storm water may affect water quality. Storm water management is related primarily to land use. The regulation of land use is governed by the State Environmental Policy Act (SEPA), the Shoreline Management Act (SMA), and the Growth Management Act (GMA), as well as local ordinances prohibiting development in floodplains. Current storm water practices represent the best available methods for managing urban storm water. Therefore, it is not likely that businesses will be required to implement any substantive changes to currently accepted storm water practices. However, riparian buffers may be needed to shade streams that run through urban areas to help reduce instream temperatures.

**Hydromodifications:** State data indicate that there are one hundred forty-six dams within five hundred feet of affected waters (ecology, 2006). Fourteen of these dams are federally owned; the remainder are state or privately owned. Dam modifications (e.g., reductions in storage capacity, relocating outlet) may be needed for those dams located upstream of affected waters to comply with the proposed standards. However, sufficient monitoring data are not available to assess the impact that each of these dams may have on downstream stream temperatures or DO concentrations. Given the lack of available data and the factors that influence which control actions should be implemented, it is not possible to estimate incremental control costs for dams associated with the proposed rule, although it is likely that controls necessary to meet the 2003 WQS revisions (i.e., baseline standards)

would also result in compliance with the 2006 proposed standards (ecology, 2006).

**Water Withdrawals:** The potential impact of the proposed rule on existing water rights is likely to be limited (ecology, 2006). The state can purchase existing water rights from willing owners in order to enhance instream flows. In these instances, the water right owner makes the exchange voluntarily, which implies that the benefits for the owner equal or exceed the cost of giving up the water right.

**5. Overview of Impact Analysis:** A small business economic impact analysis is a distributional analysis. Distributional analyses provide information about the economic impacts of a selected option (who gains and who loses, and by how much), and how those impacts might differ throughout the affected area. Distributional analyses include economic impact analysis, and a variety of equity analyses; equity analyses evaluate the impacts on particular subpopulations, such as small businesses. U.S. EPA (2000) describes various methods of distributional analysis.

Washington administrative procedures (RCW 19.85-040) specify a particular comparison of business impacts — cost of compliance for small businesses to the cost of compliance for the 10% of businesses that are the largest businesses required to comply with the proposed rules using one or more of the following as a basis for comparison: Cost per employee; cost per labor hour; cost per one hundred dollars of sales.

An economic impact analysis, such as the small business impact analysis, involves evaluation of the private or "out-of-pocket" costs of the regulation. The private or out-of-pocket costs for new pollution control measures will most likely equal the social or opportunity costs of these actions. However, not all private costs represent social costs (a real resource allocation that has an opportunity cost). For example, a transfer payment such as a tax is a private cost that is not a social cost. A tax merely transfers money from one entity to another, but does not represent an opportunity cost of real resources such as the labor and materials used to implement treatment controls. Similarly, there are social costs that do not have corresponding out-of-pocket expenses and, therefore, are not included in private cost estimates. For example, buffer costs that are offset by funding from a cost-sharing program do not represent incremental expenses to the farmer, and are not included in evaluating impacts on small farm businesses.

Thus, in addition to the incremental control costs estimated in the cost-benefit analysis for the potentially affected source sectors (ecology, 2006), any private costs (e.g., taxes) that these entities experience are relevant in an impact analysis. The rule does not subject businesses to any new taxes or fees. However, since private entities can deduct the cost of pollution control equipment from income as a cost of business, private compliance costs may be lower than the estimated social costs.<sup>1</sup> For agricultural producers, there may also be reductions in property taxes paid on land used for buffers rather than production (ecology, 2003). To the extent that such assessed property value reductions occur, the result is a shift in tax burden to other property owners.

Another key difference between social and private costs is the effect of state and federal grant and loan programs that

reduce the private or out-of-pocket costs for conservation measures such as riparian buffers or pollution control equipment. These programs typically offer financial and technical assistance in the form of grants or low-interest loans to install or implement structural or managerial practices to reduce pollution. For example, ecology provides grants and low-interest loans to certain public and private entities through the Centennial Clean Water Fund, State Water Pollution Control Revolving Loan Fund, and Section 319 Nonpoint Source Fund (ecology, 2005). Under this program, for instance, a local sewer district could use a low interest loan to pay capital costs for a treatment plant upgrade, with the effect of reducing debt repayment costs, and therefore, costs that could be passed through to local small businesses.

**6. Industrial Sector Impacts:** Analysis of the potential costs of the proposed rule (ecology, 2006) indicates that minor industrial facilities may require incremental controls. However, only one out of twenty minor industrial facilities with individual NPDES permits located on waters affected by the proposed rule is considered a small business (i.e., an entity that is owned and operated independently from all other businesses, and has fifty or fewer employees): Brooks Manufacturing (WA0030805). This facility is in the sample ecology evaluated in the cost-benefit analysis (ecology, 2006).

Reporting and record-keeping requirements for these facilities would not likely increase beyond what is already required for holders of individual NPDES permits. The permit for Brooks Manufacturing indicates that the facility may only discharge storm water. In addition, the permit does not mention temperature, DO, BOD, nitrogen, or phosphorus, which suggests that the facility is not likely to incur control costs. Therefore, there are not likely to be disproportionate impacts on small industrial dischargers.

It is also unlikely that the proposed rule will result in an impact on general permitted facilities. Currently, general permits do not include temperature or DO limits. However, if general permitted facilities receive individual permits with requirements for temperature or DO in the future, the potential compliance cost could be disproportionate in terms of

cost per employee or cost per \$100 of sales compared to compliance costs for the largest affected businesses.

**7. Municipal Sector Impacts:** Analysis of the potential cost of the proposed rule (ecology, 2006) indicates that municipal wastewater facilities may incur control costs associated with the proposed rule. Municipal facilities are not small businesses, however, they could pass their control costs onto consumers (e.g., households and indirect commercial and industrial dischargers) through rate increases. Although it is not possible to predict which dischargers to each facility would be affected and by how much, potential rate increases could represent a disproportionate cost per employee or cost per \$100 of sales for small businesses compared to the largest businesses.

**8. Agricultural Sector Impacts:** The cost to farmers of installing riparian buffers that may be necessary for compliance with the proposed rule is equal to the installation cost minus any cost share plus any reduction in net revenues minus any land rental payments (i.e., government payments for taking land out of production). Several programs provide grants or low-interest loans for agricultural BMPs including riparian buffers. In some cases agricultural operators may be able to receive grants for a majority of installation costs for forest buffers (75%, 87.5%, or 90% of costs, depending on the program and the farmer's circumstances), in addition to receiving incentive and maintenance payments (under CREP). In other cases, operators may be able to receive low-interest loans.

State and federal agencies also encourage pollution control efforts by providing technical and financial assistance to producers to implement structural and practice BMPs. To the degree that agricultural BMPs are voluntary, with implementation efforts focused on technical assistance and financial incentives, the potential for impacts on both large and small agricultural producers is minimal.

Thus, the unit costs of implementing riparian buffers described in the analysis of the proposed rule (ecology, 2006) may be less for farmers. **Exhibit 4** summarizes unit costs for various cost shares.

**Exhibit 4. Summary of Costs to Farmers for Planting Riparian Buffers Under 75%, 25%, and 10% Cost Share (2005\$)**

Component	75% Cost Share	25% Cost Share	10% Cost Share
Total Upfront Costs (\$/acre)	\$1,363	\$1,363	\$1,363
Upfront Costs less Cost Share (\$/acre)	\$341	\$1,022	\$1,226
Annualized Upfront Costs (\$/acre/yr) <sup>1</sup>	\$32	\$96	\$116

Detail may not sum to totals because of independent rounding.

1. Represents total upfront costs annualized using a private interest rate of 7% (based on interest rates for conventional mortgages for 1998-2004 from FRB (2005)) and a twenty-year loan term.

In the case that farmers install riparian buffers along all lands adjacent to affected waters under less than full funding (e.g., a 75% cost share), actual impacts will vary with farm size, location, riparian acreage, and type of foregone production, if any. Data for the specific farms that may ultimately

be affected by the rule are not available. However, average farm data and "model" farm assumptions can be used to evaluate the potential for disproportionate impacts on small farms.

Washington administrative procedures (RCW 19.85.-020) define a small business as one with fewer than fifty employees. According to the 2002 Census of Agriculture (USDA, 2004), the average number of employees per farm was fifty or fewer for all farms with less than \$1 million in sales, while farms with more than \$1 million in sales had ninety-nine employees on average in 2002. The largest 10% of farms in Washington included those with \$250,000 or

more in sales. Thus, small farms are those with less than \$1 million in sales, on average, in 2002, and the 10% of businesses that are the largest farms that may be required to comply with the proposed rule are those with \$250,000 or more in sales (i.e., there is some overlap in these two categories).

**Exhibit 5** summarizes the potential impact in terms of private costs per one hundred dollars of sales, and private costs per employee, for small agricultural producers and the largest 10% of agricultural producers in Washington. The estimates reflect the assumption that the amount of land that would be planted in riparian buffers is proportional to the

farm size. Specifically, the estimates reflect a square-shaped "model" farm (i.e., with four boundaries, where length is equal to width) with a stream that is parallel to one of the boundaries. For example, the average size for small business farms is three hundred forty-seven acres, or 15.1 million square feet (sf). A square-shaped model farm would be 3,886 feet on a side. Assuming that a stream runs through the farm parallel to one boundary and the farmer plants a one hundred-foot-wide buffer on both sides (ecology, 2006), a total of 777,000 sf (3,886 x 200), or eighteen acres, would be planted to buffers.

**Exhibit 5. Potential Impacts on Farms Under 75%, 25%, and 10% Cost Share and No Land Rental Payments**

Item	Small business farms	Largest 10% of all farms
Number of farms	35,006	3,702
Average farm size (acres)	347	2,088
Average # workers per farm (with hired labor) <sup>1</sup>	13	48
Average sales (\$ per farm)	\$60,623	\$1,222,305
Estimated number of acres planted in buffers <sup>2</sup>	18	44
Net cash farm income less government payments (average \$ per acre)	\$25	\$143
<b>75% cost share</b>		
Cost/acre/year for buffer implementation <sup>3</sup>	\$32	\$32
Cost/acre/year (implementation plus opportunity cost) <sup>4</sup>	\$57	\$175
Total cost/farm to plant buffers	\$1,014	\$7,684
<b>Cost per \$100 of sales</b>	<b>\$1.67</b>	<b>\$0.63</b>
<b>Cost per employee</b>	<b>\$75</b>	<b>\$160</b>
<b>25% cost share</b>		
Cost/acre/year for buffer implementation (25% cost share) <sup>3</sup>	\$96	\$96
Cost/acre/year (implementation plus opportunity cost; 25% cost share) <sup>4</sup>	\$121	\$240
Total cost/farm to plant buffers	\$2,161	\$10,500
<b>Cost per \$100 of sales</b>	<b>\$3.56</b>	<b>\$0.86</b>
<b>Cost per employee</b>	<b>\$161</b>	<b>\$219</b>
<b>10% cost share</b>		
Cost/acre/year for buffer implementation <sup>3</sup>	\$116	\$116
Cost/acre/year (implementation plus opportunity cost) <sup>4</sup>	\$140	\$259
Total cost/farm to plant buffers	\$2,505	\$11,345
<b>Cost per \$100 of sales</b>	<b>\$4.13</b>	<b>\$0.93</b>
<b>Cost per employee</b>	<b>\$186</b>	<b>\$237</b>

Source: USDA, 2004 (number of farms, average farm size, average number of workers per farm, average sales, net cash farm income less government payments per acre).

1. Reflects only those farms with hired labor.
2. Number of acres planted in buffers is for a hypothetical, average-sized farm that is square-shaped and has a single stream running parallel to one boundary, both sides of which would be planted to one hundred-foot-wide buffers.

3. Unit cost less cost share annualized using a private interest rate of 7% (based on interest rates for conventional mortgages for 1998-2004 from FRB (2005)) and a twenty-year loan term.

4. Opportunity cost is based on net cash farm income per acre less government payments (e.g., conservation payments, land rental). Does not reflect potential annual grants for the "model farm" for land rental (to offset opportunity costs) or

maintenance, or upfront incentives; these types of payments are available from cost-share programs that encourage buffer implementation, such as CREP.

As the exhibit indicates, this hypothetical example for a small business farm and a farm among the largest 10% of farms in the state indicates that pretax costs per \$100 of sales would be higher for the model small business farm. The ratio of costs per \$100 of sales ranges from about 2.7 (\$1.67/\$0.63) under the 75% cost share assumption, to about 4.5 (\$4.13/\$0.93) under the 10% cost share assumption. While the example indicates a higher cost per employee for the average of the largest farms, the more appropriate measure of impact on the affected businesses is the cost per sales measure.

Based on this hypothetical example, there is a potential for disproportionate impacts on small agricultural operators. However, any impacts on small business farms could be reduced through one or more of the following actions:

- Increasing cost-share funding to small business farms (note that EQIP already provides for limited-resource farmers to receive cost-share grants that amount to a higher percentage of BMP costs).
- Giving higher priority for small business farms in the process of awarding grant or loan funds.
- Improving loan terms for small business farms (e.g., lower interest rates, longer terms).

**9. Urban Sector Impacts:** Some riparian buffers may be needed on urban land (ecology, 2006). To the extent that buffers are paid for by local governments or the state (i.e., because they are located on public land), there would not be disproportionate impacts on small businesses since the cost to plant buffers would be paid for by tax revenues and spread over many entities.

To the extent that buffers are needed on privately owned land, such as land owned by a land developer leasing or selling property to residential or commercial customers, disproportionate impacts on small businesses are possible but unlikely. Land developers themselves would likely pass on any costs to the final lessee or buyer of the land, and net costs may be zero or negative due to the amenity value of riparian buffers (e.g., Palone and Todd (1998) suggest that riparian buffers improve the value of remaining lots such that the total value of developed land may increase). Although the final lessee or buyer of developed land could be a small business, the decision to lease or buy land is voluntary, and if the market for land is relatively competitive, then the choice of a small business to lease or purchase land that is more expensive due to the existence of a riparian buffer suggests that the marginal benefits for that business equal or exceed the marginal costs attributable to the buffer.

**10. Hydromodifications:** There is potential for impacts on businesses that own dams or as a result of costs passed through to small businesses served by dams that may need controls (e.g., hydroelectric power). However, without information to determine which dams may need controls as a result of the proposed rule or the nature of the controls needed, it is not possible to determine whether any impacts would disproportionately affect small businesses compared to the largest businesses. It is also likely that controls neces-

sary to meet the 2003 WQS revisions (i.e., baseline standards) would also result in compliance with the 2006 proposed standards (ecology, 2006), such that there is no incremental impact of the proposed rule.

**11. Cost Minimization Measures:** Ecology is adopting these rules because the EPA disapproved a portion of the 2003 WQS. This rule addresses only those provisions EPA disapproved, through specific use changes on certain water bodies in the state. The following is a list of methods used to reduce costs to small business from 2003 WQS revisions. These methods also pertain to this corrective rule:

- WAC 173-201A-020: The revised definition of AKART (All Known, Available, and Reasonable methods of prevention, control, and Treatment) has been broadened to include stormwater management manuals.
- WAC 173-201A-200 (1)(c) and (d): Ecology designed the revised temperature and DO criteria to avoid unnecessary impact on human economic activities and to allow for reasonable implementation.
- WAC 173-201A-260: This section contains provisions for applying criteria in general, including allowing the natural condition of a water body to be an alternative criterion, and numeric criteria do not apply to human-created waters for the removal or containment of pollution, such as private farm ponds that did not incorporate natural water bodies.
- WAC 173-201A-320 (6)(c): Allows nonpoint source programs and general permits to use adaptive management, avoid overuse of control measures, and phase in requirements over time.
- WAC 173-201A-450: A water quality offset occurs where a project proponent implements or finances the implementation of controls for point or nonpoint sources otherwise under the control of other entities to reduce the levels of pollution for the expressed purpose of creating sufficient assimilative capacity to allow new or expanded discharges. The goal of water quality offsets is to reduce the pollution levels of a waterbody sufficiently enough that a proponent's actions are not causing or further contributing to a violation of the requirements of this chapter and result in a net environmental benefit.
- WAC 173-201A-510(5): Some dams cannot meet WQS. This allows ecology to issue a water quality certification for relicensing of the dam through a compliance schedule, rather than disapproving the certification.

In addition, existing programs partially offset some of the impacts on landowners. In the case of agriculture, CREP provides lease payments for some agricultural land set aside into buffers. EPA also allows states substantial discretion in applying controls for nonpoint source pollution such that hardship situations can be readily avoided in implementation actions.

**12. Involvement in Rule Development:** Ecology has tried to make businesses an active participant in the development of the original 2003 rule revisions to the surface WQS and to this corrective rule. Outreach has included working



extensively with our water quality partnership which includes key associations and also making individual calls to these key associations explaining the EPA disapproval and ecology's actions to issue a corrective rule. Efforts will continue to include business representation on technical and policy workgroups, presentations at trade and association meetings, special face-to-face issues with individual business sectors concerned about specific parts of the rule, multiple public hearings, and notification of the proposal and opportunities to participate to a mailing list of over 6,000 interested and affected persons.

<sup>1</sup> This is true for industrial producers as well as farms, as farms can generally include expenses for conservation practices that are consistent with a farm plan or USDA area conservation plan (Durst and Monke, 2001). Farm households that file individual tax forms (i.e., as sole proprietors) can also deduct losses from the farm operation (including approved conservation expenses) from nonfarm income for the purpose of calculating taxes owed (Durst, 2005).

A copy of the statement may be obtained by contacting Sabrina Payne, 300 Desmond Drive, Lacey, WA 98504, phone (360) 407-6157, fax (360) 407-6426, e-mail SPAY461@ecy.wa.gov.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Sabrina Payne, 300 Desmond Drive, Lacey, WA 98504, phone (360) 407-6157, fax (360) 407-6426, e-mail SPAY461@ecy.wa.gov.

June 19, 2006  
 Polly Zehm  
 Deputy Director

**AMENDATORY SECTION** (Amending Order 02-14, filed 7/1/03, effective 8/1/03)

**WAC 173-201A-200 Fresh water designated uses and criteria.** The following uses are designated for protection in fresh surface waters of the state. Use designations for water bodies are listed in WAC 173-201A-600 and 173-201A-602.

(1) **Aquatic life uses.** Aquatic life uses are designated ~~((using the following categories of key species))~~ based on the presence of, or the intent to provide protection for, the key uses identified in (a) of this subsection. It is required that all indigenous fish and nonfish aquatic species be protected in waters of the state in addition to the key species described below.

(a) The categories for aquatic life uses are:

(i) ~~Char~~ ~~((For the protection of spawning and early tributary rearing (e.g., first year juveniles) of native char (bull trout and Dolly Varden), and other associated aquatic life.~~

~~(ii) Salmon and trout spawning, core rearing, and migration. For the protection of spawning, core rearing, and migration of salmon and trout, and other associated aquatic life.~~

~~(iii) Salmon and trout spawning, nonecore rearing, and migration. For the protection of spawning, nonecore rearing, and migration of salmon and trout, and other associated aquatic life.~~

~~(iv) Salmon and trout rearing and migration only. For the protection of rearing and migration of salmon and trout, and other associated aquatic life.)~~ **spawning and rearing.** The key identifying characteristics of this use are spawning

or early juvenile rearing by native char (bull trout and Dolly Varden), or use by other aquatic species similarly dependent on such cold water. Other common characteristic aquatic life uses for waters in this category include summer foraging and migration of native char; and spawning, rearing, and migration by other salmonid species.

(ii) Core summer salmonid habitat. The key identifying characteristics of this use are summer (June 15 - September 15) salmonid spawning or emergence, or adult holding; use as important summer rearing habitat by one or more salmonids; or foraging by adult and subadult native char. Other common characteristic aquatic life uses for waters in this category include spawning outside of the summer season, rearing, and migration by salmonids.

(iii) Salmonid spawning, rearing, and migration. The key identifying characteristic of this use is salmon or trout spawning and emergence that only occurs outside of the summer season (September 16 - June 14). Other common characteristic aquatic life uses for waters in this category include rearing and migration by salmonids.

(iv) Salmonid rearing and migration only. The key identifying characteristic of this use is use only for rearing or migration by salmonids (not used for spawning).

(v) **Non-anadromous interior redband trout.** For the protection of waters where the only trout species is a non-anadromous form of self-reproducing interior redband trout (*O. mykiss*), and other associated aquatic life.

(vi) **Indigenous warm water species.** For the protection of waters where the dominant species under natural conditions would be temperature tolerant indigenous nonsalmonid species. Examples include dace, redband shiner, chisel-mouth, sucker, and northern pikeminnow.

(b) **General criteria.** General criteria that apply to all aquatic life fresh water uses are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (i) Toxic, radioactive, and deleterious materials; and
- (ii) Aesthetic values.

(c) **Aquatic life temperature criteria.** Except where noted, water temperature is measured by the 7-day average of the daily maximum temperatures (7-DADMax). Table 200 (1)(c) lists the temperature criteria for each of the aquatic life use categories.

**Table 200 (1)(c)  
 Aquatic Life Temperature Criteria in Fresh Water**

Category	Highest 7-DADMax
<u>Char Spawning</u>	<u>9°C (48.2°F)</u>
<u>Char Spawning and Rearing</u>	12°C (53.6°F)
<u>Salmon and Trout Spawning</u>	<u>13°C (55.4°F)</u>
<del>((Salmon and Trout Spawning, Core Rearing, and Migration))</del> <u>Core Summer Salmonid Habitat</u>	16°C (60.8°F)
<del>((Salmon and Trout))</del> <u>Salmonid Spawning, ((Nonecore)) Rearing, and Migration</u>	17.5°C (63.5°F)
<del>((Salmon and Trout))</del> <u>Salmonid Rearing and Migration Only</u>	17.5°C (63.5°F)

Category	Highest 7-DADMax
Non-anadromous Interior Red-band Trout	18°C (64.4°F)
Indigenous Warm Water Species	20°C (68°F)

(i) When a water body's temperature is warmer than the criteria in Table 200 (1)(c) (or within 0.3°C (0.54°F) of the criteria) and that condition is due to natural conditions, then human actions considered cumulatively may not cause the 7-DADMax temperature of that water body to increase more than 0.3°C (0.54°F).

(ii) When the ~~((natural))~~ background condition of the water is cooler than the criteria in Table 200 (1)(c), the allowable rate of warming up to, but not exceeding, the numeric criteria from human actions is restricted as follows:

(A) Incremental temperature increases resulting from individual point source activities must not, at any time, exceed ~~(( $28/(T+5)$ ))~~  $28/(T+7)$  as measured at the edge of a mixing zone boundary (where "T" represents the background temperature as measured at a point or points unaffected by the discharge and representative of the highest ambient water temperature in the vicinity of the discharge); and

(B) Incremental temperature increases resulting from the combined effect of all nonpoint source activities in the water body must not, at any time, exceed 2.8°C (5.04°F).

(iii) Temperatures are not to exceed the criteria at a probability frequency of more than once every ten years on average.

(iv) Spawning and incubation protection. ~~((Where the department determines the temperature criteria established for a water body would likely not result in protective spawning and incubation temperatures, the following criteria apply:))~~ The department has identified waterbodies, or portions thereof, which require special protection for spawning and incubation in ecology publication 06-10-038 (also available on ecology's web site at [www.ecy.wa.gov](http://www.ecy.wa.gov)). This publication indicates where and when the following criteria are to be applied to protect the reproduction of native char, salmon, and trout:

- Maximum 7-DADMax temperatures of 9°C (48.2°F) at the initiation of spawning and at fry emergence for char; and
- Maximum 7-DADMax temperatures of 13°C (55.4°F) at the initiation of spawning for salmon and at fry emergence for salmon and trout.

The two criteria above are protective of incubation as long as human actions do not significantly disrupt the normal patterns of fall cooling and spring warming that provide significantly colder temperatures over the majority of the incubation period. ~~((The department will maintain a list of waters where the single summer maximum criterion is not sufficient to protect spawning and incubation.))~~

(v) For lakes, human actions considered cumulatively may not increase the 7-DADMax temperature more than 0.3°C (0.54°F) above natural conditions.

(vi) Temperature measurements should be taken to represent the dominant aquatic habitat of the monitoring site. This typically means samples should:

(A) Be taken from well mixed portions of rivers and streams; and

(B) Not be taken from shallow stagnant backwater areas, within isolated thermal refuges, at the surface, or at the water's edge.

(vii) The department will incorporate the following guidelines on preventing acute lethality and barriers to migration of salmonids into determinations of compliance with the narrative requirements for use protection established in this chapter (e.g., WAC 173-201A-310(1), 173-201A-400(4), and 173-201A-410 (1)(c)). The following site-level considerations do not, however, override the temperature criteria established for waters in subsection (1)(c) of this section or WAC 173-201A-602:

(A) Moderately acclimated (16-20°C, or 60.8-68°F) adult and juvenile salmonids will generally be protected from acute lethality by discrete human actions maintaining the 7-DADMax temperature at or below 22°C (71.6°F) and the 1-day maximum (1-DMax) temperature at or below 23°C (73.4°F).

(B) Lethality to developing fish embryos can be expected to occur at a 1-DMax temperature greater than 17.5°C (63.5°F).

(C) To protect aquatic organisms, discharge plume temperatures must be maintained such that fish could not be entrained (based on plume time of travel) for more than two seconds at temperatures above 33°C (91.4°F) to avoid creating areas that will cause near instantaneous lethality.

(D) Barriers to adult salmonid migration are assumed to exist any time the 1-DMax temperature is greater than 22°C (71.6°F) and the adjacent downstream water temperatures are 3°C (5.4°F) or more cooler.

(viii) Nothing in this chapter shall be interpreted to prohibit the establishment of effluent limitations for the control of the thermal component of any discharge in accordance with 33 U.S.C. 1326 (commonly known as section 316 of the Clean Water Act).

(d) **Aquatic life dissolved oxygen (D.O.) criteria.** The D.O. criteria are measured in milligrams per liter (mg/L). Table 200 (1)(d) lists the 1-day minimum D.O. for each of the aquatic life use categories.

**Table 200 (1)(d)  
Aquatic Life Dissolved Oxygen Criteria in Fresh Water**

Category	Lowest 1-Day Minimum
Char <u>Spawning and Rearing</u>	9.5 mg/L
<del>((Salmon and Trout Spawning, Core Rearing, and Migration))</del> <u>Core Summer Salmonid Habitat</u>	9.5 mg/L
<del>((Salmon and Trout))</del> <u>Salmonid Spawning, <del>((Noneore))</del> Rearing, and Migration</u>	8.0 mg/L
<del>((Salmon and Trout))</del> <u>Salmonid Rearing and Migration Only</u>	6.5 mg/L
Non-anadromous Interior Red-band Trout	8.0 mg/L
Indigenous Warm Water Species	6.5 mg/L

(i) When a water body's D.O. is lower than the criteria in Table 200 (1)(d) (or within 0.2 mg/L of the criteria) and that condition is due to natural conditions, then human actions considered cumulatively may not cause the D.O. of that water body to decrease more than 0.2 mg/L.

(ii) For lakes, human actions considered cumulatively may not decrease the dissolved oxygen concentration more than 0.2 mg/L below natural conditions.

(iii) Concentrations of D.O. are not to fall below the criteria in the table at a probability frequency of more than once every ten years on average.

(iv) D.O. measurements should be taken to represent the dominant aquatic habitat of the monitoring site. This typically means samples should:

(A) Be taken from well mixed portions of rivers and streams; and

(B) Not be taken from shallow stagnant backwater areas, within isolated thermal refuges, at the surface, or at the water's edge.

(e) **Aquatic life turbidity criteria.** Turbidity is measured in "nephelometric turbidity units" or "NTUs." Table 200 (1)(e) lists the maximum turbidity criteria for each of the aquatic life use categories.

**Table 200 (1)(e)  
Aquatic Life Turbidity Criteria in Fresh Water**

Category	NTUs
Char <u>Spawning and Rearing</u>	Turbidity shall not exceed: • 5 NTU over background when the background is 50 NTU or less; or • A 10 percent increase in turbidity when the background turbidity is more than 50 NTU.
<del>((Salmon and Trout Spawning, Core Rearing, and Migration))</del> <u>Core Summer Salmonid Habitat</u>	Same as above.
<del>((Salmon and Trout))</del> <u>Salmonid Spawning, ((Non-core)) Rearing, and Migration</u>	Same as above.
<del>((Salmon and Trout))</del> <u>Salmonid Rearing and Migration Only</u>	Turbidity shall not exceed: • 10 NTU over background when the background is 50 NTU or less; or • A 20 percent increase in turbidity when the background turbidity is more than 50 NTU.
Non-anadromous Interior Redband Trout	Turbidity shall not exceed: • 5 NTU over background when the background is 50 NTU or less; or

Category	NTUs
	• A 10 percent increase in turbidity when the background turbidity is more than 50 NTU.
Indigenous Warm Water Species	Turbidity shall not exceed: • 10 NTU over background when the background is 50 NTU or less; or • A 20 percent increase in turbidity when the background turbidity is more than 50 NTU.

(i) The turbidity criteria established under WAC 173-201A-200 (1)(e) shall be modified, without specific written authorization from the department, to allow a temporary area of mixing during and immediately after necessary in-water construction activities that result in the disturbance of in-place sediments. This temporary area of mixing is subject to the constraints of WAC 173-201A-400 (4) and (6) and can occur only after the activity has received all other necessary local and state permits and approvals, and after the implementation of appropriate best management practices to avoid or minimize disturbance of in-place sediments and exceedances of the turbidity criteria. A temporary area of mixing shall be as follows:

(A) For waters up to 10 cfs flow at the time of construction, the point of compliance shall be one hundred feet downstream from the activity causing the turbidity exceedance.

(B) For waters above 10 cfs up to 100 cfs flow at the time of construction, the point of compliance shall be two hundred feet downstream of the activity causing the turbidity exceedance.

(C) For waters above 100 cfs flow at the time of construction, the point of compliance shall be three hundred feet downstream of the activity causing the turbidity exceedance.

(D) For projects working within or along lakes, ponds, wetlands, estuaries, marine waters or other nonflowing waters, the point of compliance shall be at a radius of one hundred fifty feet from the activity causing the turbidity exceedance.

(f) **Aquatic life total dissolved gas (TDG) criteria.** TDG is measured in percent saturation. Table 200 (1)(f) lists the maximum TDG criteria for each of the aquatic life use categories.

**Table 200 (1)(f)  
Aquatic Life Total Dissolved Gas Criteria in Fresh Water**

Category	Percent Saturation
Char <u>Spawning and Rearing</u>	Total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.

Category	Percent Saturation
<del>((Salmon and Trout Spawning, Core Rearing, and Migration))</del> <u>Core Summer Salmonid Habitat</u>	Same as above.
<del>((Salmon and Trout))</del> <u>Salmonid Spawning, ((Non-core)) Rearing, and Migration</u>	Same as above.
<del>((Salmon and Trout))</del> <u>Salmonid Rearing and Migration Only</u>	Same as above.
Non-anadromous Interior Redband Trout	Same as above.
Indigenous Warm Water Species	Same as above.

(i) The water quality criteria established in this chapter for TDG shall not apply when the stream flow exceeds the seven-day, ten-year frequency flood.

(ii) The TDG criteria may be adjusted to aid fish passage over hydroelectric dams when consistent with a department approved gas abatement plan. This plan must be accompanied by fisheries management and physical and biological monitoring plans. The elevated TDG levels are intended to allow increased fish passage without causing more harm to fish populations than caused by turbine fish passage. The following special fish passage exemptions for the Snake and Columbia rivers apply when spilling water at dams is necessary to aid fish passage:

- TDG must not exceed an average of one hundred fifteen percent as measured in the forebays of the next downstream dams and must not exceed an average of one hundred twenty percent as measured in the tailraces of each dam (these averages are measured as an average of the twelve highest consecutive hourly readings in any one day, relative to atmospheric pressure); and

- A maximum TDG one hour average of one hundred twenty-five percent must not be exceeded during spillage for fish passage.

(g) **Aquatic life pH criteria.** Measurement of pH is expressed as the negative logarithm of the hydrogen ion concentration. Table 200 (1)(g) lists the pH levels for each of the aquatic life use categories.

**Table 200 (1) (g)  
Aquatic Life pH Criteria in Fresh Water**

Use Category	pH Units
Char <u>Spawning and Rearing</u>	pH shall be within the range of 6.5 to 8.5, with a human-caused variation within the above range of less than 0.2 units.

Use Category	pH Units
<del>((Salmon and Trout Spawning, Core Rearing, and Migration))</del> <u>Core Summer Salmonid Habitat</u>	Same as above.
<del>((Salmon and Trout))</del> <u>Salmonid Spawning, ((Non-core)) Rearing, and Migration</u>	pH shall be within the range of 6.5 to 8.5 with a human-caused variation within the above range of less than 0.5 units.
<del>((Salmon and Trout))</del> <u>Salmonid Rearing and Migration Only</u>	Same as above.
Non-anadromous Interior Redband Trout	Same as above.
Indigenous Warm Water Species	Same as above.

(2) **Recreational uses.** The recreational uses are extraordinary primary contact recreation, primary contact recreation, and secondary contact recreation.

(a) **General criteria.** General criteria that apply to fresh water recreational uses are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (i) Toxic, radioactive, and deleterious materials; and
- (ii) Aesthetic values.

(b) **Water contact recreation bacteria criteria.** Table 200 (2)(b) lists the bacteria criteria to protect water contact recreation in fresh waters.

**Table 200 (2)(b)  
Water Contact Recreation Bacteria Criteria in Fresh Water**

Category	Bacteria Indicator
Extraordinary Primary Contact Recreation	Fecal coliform organism levels must not exceed a geometric mean value of 50 colonies/100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained for calculating the geometric mean value exceeding 100 colonies/100 mL.
Primary Contact Recreation	Fecal coliform organism levels must not exceed a geometric mean value of 100 colonies /100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained for calculating the geometric mean value exceeding 200 colonies /100 mL.

Category	Bacteria Indicator
Secondary Contact Recreation	Fecal coliform organism levels must not exceed a geometric mean value of 200 colonies/100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained for calculating the geometric mean value exceeding 400 colonies /100 mL.

(i) When averaging bacteria sample data for comparison to the geometric mean criteria, it is preferable to average by season and include five or more data collection events within each period. Averaging of data collected beyond a thirty-day period, or beyond a specific discharge event under investigation, is not permitted when such averaging would skew the data set so as to mask noncompliance periods. The period of averaging should not exceed twelve months, and should have sample collection dates well distributed throughout the reporting period.

(ii) When determining compliance with the bacteria criteria in or around small sensitive areas, such as swimming beaches, it is recommended that multiple samples are taken throughout the area during each visit. Such multiple samples should be arithmetically averaged together (to reduce concerns with low bias when the data is later used in calculating a geometric mean) to reduce sample variability and to create a single representative data point.

(iii) As determined necessary by the department, more stringent bacteria criteria may be established for rivers and streams that cause, or significantly contribute to, the decertification or conditional certification of commercial or recreational shellfish harvest areas, even when the preassigned bacteria criteria for the river or stream are being met.

(iv) Where information suggests that sample results are due primarily to sources other than warm-blooded animals (e.g., wood waste), alternative indicator criteria may be established on a site-specific basis by the department.

(3) **Water supply uses.** The water supply uses are domestic, agricultural, industrial, and stock watering.

**General criteria.** General criteria that apply to the water supply uses are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (a) Toxic, radioactive, and deleterious materials; and
- (b) Aesthetic values.

(4) **Miscellaneous uses.** The miscellaneous fresh water uses are wildlife habitat, harvesting, commerce and navigation, boating, and aesthetics.

**General criteria.** General criteria that apply to miscellaneous fresh water uses are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (a) Toxic, radioactive, and deleterious materials; and
- (b) Aesthetic values.

AMENDATORY SECTION (Amending Order 02-14, filed 7/1/03, effective 8/1/03)

**WAC 173-201A-210 Marine water designated uses and criteria.** The following uses are designated for protection in marine surface waters of the state of Washington. Use

designations for specific water bodies are listed in WAC 173-201A-612.

(1) **Aquatic life uses.** Aquatic life uses are designated using the following general categories. It is required that all indigenous fish and nonfish aquatic species be protected in waters of the state.

(a) **The categories for aquatic life uses are:**

(i) **Extraordinary quality** salmonid and other fish migration, rearing, and spawning; clam, oyster, and mussel rearing and spawning; crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing and spawning.

(ii) **Excellent quality** salmonid and other fish migration, rearing, and spawning; clam, oyster, and mussel rearing and spawning; crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing and spawning.

(iii) **Good quality** salmonid migration and rearing; other fish migration, rearing, and spawning; clam, oyster, and mussel rearing and spawning; crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing and spawning.

(iv) **Fair quality** salmonid and other fish migration.

(b) **General criteria.** General criteria that apply to aquatic life marine water uses are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (i) Toxic, radioactive, and deleterious materials; and
- (ii) Aesthetic values.

(c) **Aquatic life temperature criteria.** Except where noted, temperature is measured as a 1-day maximum temperature (1-DMax). Table 210 (1)(c) lists the temperature criteria for each of the aquatic life use categories.

**Table 210 (1)(c)  
Aquatic Life Temperature Criteria in Marine Water**

Category	Highest 1-DMax
<i>Extraordinary quality</i>	13°C (55.4°F)
<i>Excellent quality</i>	16°C (60.8°F)
<i>Good quality</i>	19°C (66.2°F)
<i>Fair quality</i>	22°C (71.6°F)

(i) When a water body's temperature is warmer than the criteria in Table 210 (1)(c) (or within 0.3°C (0.54°F) of the criteria) and that condition is due to natural conditions, then human actions considered cumulatively may not cause the 7-DADMax temperature of that water body to increase more than 0.3°C (0.54°F).

(ii) When the natural condition of the water is cooler than the criteria in Table 210 (1)(c), the allowable rate of warming up to, but not exceeding, the numeric criteria from human actions is restricted as follows:

(A) Incremental temperature increases resulting from individual point source activities must not, at any time, exceed 12/(T-2) as measured at the edge of a mixing zone boundary (where "T" represents the background temperature as measured at a point or points unaffected by the discharge and representative of the highest ambient water temperature in the vicinity of the discharge); and

(B) Incremental temperature increases resulting from the combined effect of all nonpoint source activities in the water body must not, at any time, exceed 2.8°C (5.04°F).

(iii) Temperatures are not to exceed the criteria at a probability frequency of more than once every ten years on average.

(iv) Temperature measurements should be taken to represent the dominant aquatic habitat of the monitoring site. This typically means samples should not be taken from shallow stagnant backwater areas, within isolated thermal refuges, at the surface, or at the water's edge.

(v) The department will incorporate the following guidelines on preventing acute lethality and barriers to migration of salmonids into determinations of compliance with the narrative requirements for use protection established in this chapter (e.g., WAC 173-201A-310(1), 173-201A-400(4), and 173-201A-410 (1)(c)). The following site-level considerations do not, however, override the temperature criteria established for waters in subsection (1)(c) of this subsection or WAC 173-201A-612:

(A) Moderately acclimated (16-20°C, or 60.8-68°F) adult and juvenile salmonids will generally be protected from acute lethality by discrete human actions maintaining the 7-DADMax temperature at or below 22°C (71.6°F) and the 1-DMax temperature at or below 23°C (73.4°F).

(B) Lethality to developing fish embryos can be expected to occur at a 1-DMax temperature greater than 17.5°C (63.5°F).

(C) To protect aquatic organisms, discharge plume temperatures must be maintained such that fish could not be entrained (based on plume time of travel) for more than two seconds at temperatures above 33°C (91.4°F) to avoid creating areas that will cause near instantaneous lethality.

(D) Barriers to adult salmonid migration are assumed to exist any time the 1-DMax temperature is greater than 22°C (71.6°F) and the adjacent downstream water temperatures are 3°C (5.4°F) or more cooler.

(vi) Nothing in this chapter shall be interpreted to prohibit the establishment of effluent limitations for the control of the thermal component of any discharge in accordance with 33 U.S.C. 1326 (commonly known as section 316 of the Clean Water Act).

(d) **Aquatic life dissolved oxygen (D.O.) criteria.** Except where noted, D.O. concentrations are measured as a 1-day minimum in milligrams per liter. Table 210 (1)(d) lists the D.O. criteria for each of the aquatic life use categories.

**Table 210 (1)(d)**

**Aquatic Life Dissolved Oxygen Criteria in Marine Water**

Category	Lowest 1-Day Minimum
<i>Extraordinary quality</i>	7.0 mg/L
<i>Excellent quality</i>	6.0 mg/L
<i>Good quality</i>	5.0 mg/L
<i>Fair quality</i>	4.0 mg/L

(i) When a water body's D.O. is lower than the criteria in Table 210 (1)(d) (or within 0.2 mg/L of the criteria) and that condition is due to natural conditions, then human actions considered cumulatively may not cause the D.O. of that water body to decrease more than 0.2 mg/L.

(ii) Concentrations of D.O. are not to fall below the criteria in the table at a probability frequency of more than once every ten years on average.

(iii) D.O. measurements should be taken to represent the dominant aquatic habitat of the monitoring site. This typically means samples should not be taken from shallow stagnant backwater areas, within isolated thermal refuges, at the surface, or at the water's edge.

(e) **Aquatic life turbidity criteria.** Turbidity is measured in "nephelometric turbidity units" or "NTUs." Table 210 (1)(e) lists the one-day maximum turbidity allowed as a result of human actions for each of the aquatic life use categories.

**Table 210 (1) (e)**

**Aquatic Life Turbidity Criteria in Marine Water**

Category	NTUs
<i>Extraordinary quality</i>	Turbidity must not exceed: <ul style="list-style-type: none"> <li>• 5 NTU over background when the background is 50 NTU or less; or</li> <li>• A 10 percent increase in turbidity when the background turbidity is more than 50 NTU.</li> </ul>
<i>Excellent quality</i>	Same as above.
<i>Good quality</i>	Turbidity must not exceed: <ul style="list-style-type: none"> <li>• 10 NTU over background when the background is 50 NTU or less; or</li> <li>• A 20 percent increase in turbidity when the background turbidity is more than 50 NTU.</li> </ul>
<i>Fair quality</i>	Same as above.

(i) The turbidity criteria established under WAC 173-201A-210 (1)(e) shall be modified, without specific written authorization from the department, to allow a temporary area of mixing during and immediately after necessary in-water construction activities that result in the disturbance of in-place sediments. This temporary area of mixing is subject to the constraints of WAC 173-201A-400 (4) and (6) and can occur only after the activity has received all other necessary local and state permits and approvals, and after the implementation of appropriate best management practices to avoid or minimize disturbance of in-place sediments and exceedances of the turbidity criteria. A temporary area of mixing shall be as follows:

(A) For waters up to 10 cfs flow at the time of construction, the point of compliance shall be one hundred feet downstream from the activity causing the turbidity exceedance.

(B) For waters above 10 cfs up to 100 cfs flow at the time of construction, the point of compliance shall be two hundred feet downstream of the activity causing the turbidity exceedance.

(C) For waters above 100 cfs flow at the time of construction, the point of compliance shall be three hundred feet downstream of the activity causing the turbidity exceedance.

(D) For projects working within or along lakes, ponds, wetlands, estuaries, marine waters or other nonflowing waters, the point of compliance shall be at a radius of one

hundred fifty feet from the activity causing the turbidity exceedance.

(f) **Aquatic life pH criteria.** Measurement of pH is expressed as the negative logarithm of the hydrogen ion concentration. Table 210 (1)(f) lists the pH levels allowed as a result of human actions for each of the aquatic life use categories.

**Table 210 (1)(f)  
Aquatic Life pH Criteria in Marine Water**

Use Category	pH Units
<i>Extraordinary quality</i>	pH must be within the range of 7.0 to 8.5 with a human-caused variation within the above range of less than 0.2 units.
<i>Excellent quality</i>	pH must be within the range of 7.0 to 8.5 with a human-caused variation within the above range of less than 0.5 units.
<i>Good quality</i>	Same as above.
<i>Fair quality</i>	pH must be within the range of 6.5 to 9.0 with a human-caused variation within the above range of less than 0.5 units.

(2) **Shellfish harvesting.**

(a) General criteria. General criteria that apply to shellfish harvesting uses for marine water are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (i) Toxic, radioactive, and deleterious materials; and
- (ii) Aesthetic values.

(b) **Shellfish harvesting bacteria criteria.** To protect shellfish harvesting, fecal coliform organism levels must not exceed a geometric mean value of 14 colonies/100 mL, and not have more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained for calculating the geometric mean value exceeding 43 colonies/100 mL.

(i) Shellfish growing areas approved for unconditional harvest by the state department of health are fully supporting the shellfish harvest goals of this chapter, even when comparison with the criteria contained in this chapter suggest otherwise.

(ii) When averaging bacteria sample data for comparison to the geometric mean criteria, it is preferable to average by season and include five or more data collection events within each period. Averaging of data collected beyond a thirty-day period, or beyond a specific discharge event under investigation, is not permitted when such averaging would skew the data set so as to mask noncompliance periods. The period of averaging should not exceed twelve months, and should have sample collection dates well distributed throughout the reporting period.

(iii) When determining compliance with the bacteria criteria in or around small sensitive areas, it is recommended that multiple samples are taken throughout the area during each visit. Such multiple samples should be arithmetically averaged together (to reduce concerns with low bias when the

data is later used in calculating a geometric mean) to reduce sample variability and to create a single representative data point.

(iv) As determined necessary by the department, more stringent bacteria criteria may be established for waters that cause, or significantly contribute to, the decertification or conditional certification of commercial or recreational shellfish harvest areas, even when the preassigned bacteria criteria for the water is being met.

(v) Where information suggests that sample results are due primarily to sources other than warm-blooded animals (e.g., wood waste), alternative indicator criteria may be established on a site-specific basis by the department.

(3) **Recreational uses.** The recreational uses are primary contact recreation and secondary contact recreation.

(a) **General criteria.** General criteria that apply to water contact uses for marine water are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (i) Toxic, radioactive, and deleterious materials; and
- (ii) Aesthetic values.

(b) **Water contact recreation bacteria criteria.** Table 210 (3)(b) lists the bacteria criteria to protect water contact recreation in marine water.

**Table 210 (3)(b)  
Water Contact Recreation Bacteria Criteria in Marine Water**

Category	Bacteria Indicator
Primary Contact Recreation	Fecal coliform organism levels must not exceed a geometric mean value of 14 colonies/100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained for calculating the geometric mean value exceeding ((4+)) 43 colonies/100 mL.
Secondary Contact Recreation	Enterococci organism levels must not exceed a geometric mean value of 70 colonies/100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained for calculating the geometric mean value exceeding 208 colonies/100 mL.

(i) When averaging bacteria sample data for comparison to the geometric mean criteria, it is preferable to average by season and include five or more data collection events within each period. Averaging of data collected beyond a thirty-day period, or beyond a specific discharge event under investigation, is not permitted when such averaging would skew the data set so as to mask noncompliance periods. The period of averaging should not exceed twelve months, and should have sample collection dates well distributed throughout the reporting period.

(ii) When determining compliance with the bacteria criteria in or around small sensitive areas, such as swimming beaches, it is recommended that multiple samples are taken throughout the area during each visit. Such multiple samples should be arithmetically averaged together (to reduce con-

cerns with low bias when the data is later used in calculating a geometric mean) to reduce sample variability and to create a single representative data point.

(iii) As determined necessary by the department, more stringent bacteria criteria may be established for waters that cause, or significantly contribute to, the decertification or conditional certification of commercial or recreational shellfish harvest areas, even when the preassigned bacteria criteria for the water is being met.

(iv) Where information suggests that sample results are due primarily to sources other than warm-blooded animals (e.g., wood waste), alternative indicator criteria may be established on a site-specific basis by the department.

(4) **Miscellaneous uses.** The miscellaneous marine water uses are wildlife habitat, harvesting, commerce and navigation, boating, and aesthetics.

**General criteria.** General criteria that apply in miscellaneous marine water uses are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (a) Toxic, radioactive, and deleterious materials; and
- (b) Aesthetic values.

AMENDATORY SECTION (Amending Order 02-14, filed 7/1/03, effective 8/1/03)

**WAC 173-201A-230 Establishing lake nutrient criteria.** (1) The following table shall be used to aid in establishing nutrient criteria:

(Table 230(1)) The ecoregional and trophic-state action values for establishing nutrient criteria:

<b>Coast Range, Puget Lowlands, and Northern Rockies Ecoregions:</b>			
<b>Trophic State</b>	<b>If Ambient TP (µg/l) Range of Lake is:</b>		<b>Then criteria should be set at:</b>
Ultra-oligotrophic	0-4		4 or less
Oligotrophic	>4-10		10 or less
Lower mesotrophic	>10-20		20 or less
	<u>Action value</u>		
	>20	...	lake specific study may be initiated.
<b>Cascades Ecoregion:</b>			
<b>Trophic State</b>	<b>If Ambient TP (µg/l) Range of Lake is:</b>		<b>Then criteria should be set at:</b>
Ultra-oligotrophic	0-4		4 or less
Oligotrophic	>4-10		10 or less
	<u>Action value</u>		
	>10	...	lake specific study may be initiated.
<b>Columbia Basin Ecoregion:</b>			
<b>Trophic State</b>	<b>If Ambient TP (µg/l) Range of Lake is:</b>		<b>Then criteria should be set at:</b>
Ultra-oligotrophic	0-4		4 or less
Oligotrophic	>4-10		10 or less
Lower mesotrophic	>10-20		20 or less
Upper mesotrophic	>20-35		35 or less
	<u>Action value</u>		
	>35	...	lake specific study may be initiated.

Lakes in the Willamette, East Cascade Foothills, or Blue Mountain ecoregions do not have recommended values and

need to have lake-specific studies in order to receive criteria as described in subsection (3) of this section.

(2) The following actions are recommended if ambient monitoring of a lake shows the epilimnetic total phosphorus concentration, as shown in Table 1 of this section, is below the action value for an ecoregion:

(a) Determine trophic status from existing or newly gathered data. The recommended minimum sampling to determine trophic status is calculated as the mean of four or more samples collected from the epilimnion between June through September in one or more consecutive years. Sampling must be spread throughout the season.

(b) Propose criteria at or below the upper limit of the trophic state; or

(c) Conduct lake-specific study to determine and propose to adopt appropriate criteria as described in ~~((+))~~ subsection (3) of this ((subsection)) section.

(3) The following actions are recommended if ambient monitoring of a lake shows total phosphorus to exceed the action value for an ecoregion shown in Table 1 of this section or where recommended ecoregional action values do not exist:

(a) Conduct a lake-specific study to evaluate the characteristic uses of the lake. A lake-specific study may vary depending on the source or threat of impairment. Phytoplankton blooms, toxic phytoplankton, or excessive aquatic plants, are examples of various sources of impairment. The following are examples of quantitative measures that a study may describe: Total phosphorus, total nitrogen, chlorophyll-a, dissolved oxygen in the hypolimnion if thermally stratified, pH, hardness, or other measures of existing conditions and potential changes in any one of these parameters.

(b) Determine appropriate total phosphorus concentrations or other nutrient criteria to protect characteristic lake uses. If the existing total phosphorus concentration is protective of characteristic lake uses, then set criteria at existing total phosphorus concentration. If the existing total phosphorus concentration is not protective of the existing characteristic lake uses, then set criteria at a protective concentration. Proposals to adopt appropriate total phosphorus criteria to protect characteristic uses must be developed by considering technical information and stakeholder input as part of a public involvement process equivalent to the Administrative Procedure Act (chapter 34.05 RCW).

(c) Determine if the proposed total phosphorus criteria necessary to protect characteristic uses is achievable. If the recommended criterion is not achievable and if the characteristic use the criterion is intended to protect is not an existing use, then a higher criterion may be proposed in conformance with 40 CFR part 131.10.

(4) The department will consider proposed lake-specific nutrient criteria during any water quality standards rule making that follows development of a proposal. Adoption by rule formally establishes the criteria for that lake.

(5) Prioritization and investigation of lakes by the department will be initiated by listing problem lakes in a watershed needs assessment, and scheduled as part of the water quality program's watershed approach to pollution control. This prioritization will apply to lakes identified as warranting a criteria based on the results of a lake-specific study,



to lakes warranting a lake-specific study for establishing criteria, and to lakes requiring restoration and pollution control measures due to exceedance of an established criterion. The adoption of nutrient criteria are generally not intended to apply to lakes or ponds with a surface area smaller than five acres; or to ponds wholly contained on private property owned and surrounded by a single landowner; and nutrients do not drain or leach from these lakes or private ponds to the detriment of other property owners or other water bodies; and do not impact designated uses in the lake. However, if the landowner proposes criteria the department may consider adoption.

(6) The department may not need to set a lake-specific criteria or further investigate a lake if existing water quality conditions are naturally poorer (higher TP) than the action value and uses have not been lost or degraded, per WAC 173-201A-260(1).

**AMENDATORY SECTION** (Amending Order 02-14, filed 7/1/03, effective 8/1/03)

**WAC 173-201A-240 Toxic substances.** (1) Toxic substances shall not be introduced above natural background levels in waters of the state which have the potential either sin-

gularly or cumulatively to adversely affect characteristic water uses, cause acute or chronic toxicity to the most sensitive biota dependent upon those waters, or adversely affect public health, as determined by the department.

(2) The department shall employ or require chemical testing, acute and chronic toxicity testing, and biological assessments, as appropriate, to evaluate compliance with subsection (1) of this section and to ensure that aquatic communities and the existing and characteristic beneficial uses of waters are being fully protected.

(3) The following criteria, found in Table 240(3), shall be applied to all surface waters of the state of Washington for the protection of aquatic life. The department may revise the following criteria on a statewide or water body-specific basis as needed to protect aquatic life occurring in waters of the state and to increase the technical accuracy of the criteria being applied. The department shall formally adopt any appropriate revised criteria as part of this chapter in accordance with the provisions established in chapter 34.05 RCW, the Administrative Procedure Act. The department shall ensure there are early opportunities for public review and comment on proposals to develop revised criteria. Values are µg/L for all substances except Ammonia and Chloride which are mg/L:

Table 240(3)  
Toxics Substances Criteria

Substance	Freshwater		Marine Water	
	Acute	Chronic	Acute	Chronic
Aldrin/Dieldrin e	2.5a	0.0019b	0.71a	0.0019b
Ammonia (un-ionized NH <sub>3</sub> ) hh	f,c	g,d	0.233h,c	0.035h,d
Arsenic dd	360.0c	190.0d	69.0c,ll	36.0d,cc,ll
Cadmium dd	i,c	j,d	42.0c	9.3d
Chlordane	2.4a	0.0043b	0.09a	0.004b
Chloride (Dissolved) k	860.0h,c	230.0h,d	-	-
Chlorine (Total Residual)	19.0c	11.0d	13.0c	7.5d
Chlorpyrifos	0.083c	0.041d	0.011c	0.0056d
Chromium (Hex) dd	15.0c,l,ii	10.0d,jj	1,100.0c,l,ll	50.0d,ll
Chromium (Tri) gg	m,c	n,d	-	-
Copper dd	o,c	p,d	4.8c,ll	3.1d,ll
Cyanide ee	22.0c	5.2d	1.0c,mm	d,mm
DDT (and metabolites)	1.1a	0.001b	0.13a	0.001b
Dieldrin/Aldrin e	2.5a	0.0019b	0.71a	0.0019b
Endosulfan	0.22a	0.056b	0.034a	0.0087b
Endrin	0.18a	0.0023b	0.037a	0.0023b
Heptachlor	0.52a	0.0038b	0.053a	0.0036b
Hexachlorocyclohexane (Lindane)	2.0a	0.08b	0.16a	-
Lead dd	q,c	r,d	210.0c,ll	8.1d,ll
Mercury s	2.1c,kk,dd	0.012d,ff	1.8c,ll,dd	0.025d,ff
Nickel dd	t,c	u,d	74.0c,ll	8.2d,ll
Parathion	0.065c	0.013d	-	-
Pentachlorophenol (PCP)	w,c	v,d	13.0c	7.9d

Substance	Freshwater		Marine Water	
	Acute	Chronic	Acute	Chronic
Polychlorinated				
Biphenyls (PCBs)	2.0b	0.014b	10.0b	0.030b
Selenium	20.0c,ff	5.0d,ff	290c,ll,dd	71.0d, x,ll,dd
Silver dd	y,a	-	1.9a,ll	-
Toxaphene	0.73c,z	0.0002d	0.21c,z	0.0002d
Zinc dd	aa,c	bb,d	90.0c,ll	81.0d,ll

Notes to Table 240(3):

- a. An instantaneous concentration not to be exceeded at any time.
- b. A 24-hour average not to be exceeded.
- c. A 1-hour average concentration not to be exceeded more than once every three years on the average.
- d. A 4-day average concentration not to be exceeded more than once every three years on the average.
- e. Aldrin is metabolically converted to Dieldrin. Therefore, the sum of the Aldrin and Dieldrin concentrations are compared with the Dieldrin criteria.
- f. Shall not exceed the numerical value in total ammonia nitrogen (mg N/L) given by:

For salmonids present:

$$\frac{0.275}{1 + 10^{7.204-pH}} + \frac{39.0}{1 + 10^{(pH-7.205) pH-7.204}}$$

For salmonids absent:

$$\frac{0.411}{1 + 10^{7.204-pH}} + \frac{58.4}{1 + 10^{(pH-7.20) pH-7.204}}$$

- g. Shall not exceed the numerical concentration calculated as follows:  
 Unionized ammonia concentration for waters where salmonid habitat is an existing or designated use:

$$0.80 \div (FT)(FPH)(RATIO)$$

- where:
- RATIO = 13.5; 7.7 ≤ pH ≤ 9
  - RATIO =  $(20.25 \times 10^{(7.7-pH)}) \div (1 + 10^{(7.4-pH)})$ ; 6.5 ≤ pH ≤ 7.7
  - FT = 1.4; 15 ≤ T ≤ 30
  - FT =  $10^{[0.03(20-T)]}$ ; 0 ≤ T ≤ 15
  - FPH = 1; 8 ≤ pH ≤ 9
  - FPH =  $(1 + 10^{(7.4-pH)}) \div 1.25$ ; ((6)) 6.5 ≤ pH ≤ 8.0

Total ammonia concentrations for waters where salmonid habitat is not an existing or designated use and other fish early life stages are absent:

$$((\text{Chronic criterion}) = \frac{0.0557}{1 + 10^{7.688-pH}} + \frac{2.487}{1 + 10^{pH-7.688}}) \quad (1.45 \times 10^{0.028(25-A)})$$

$$\text{Chronic Criterion} = \left( \frac{0.0577}{1 + 10^{7.688-pH}} + \frac{2.487}{1 + 10^{pH-7.688}} \right) \times (1.45 \times 10^{0.028(25-A)})$$

where: A = the greater of either T (temperature in degrees Celsius) or 7.

Applied as a thirty-day average concentration of total ammonia nitrogen (in mg N/L) not to be exceeded more than once every three years on average. The highest four-day average within the thirty-day period should not exceed 2.5 times the chronic criterion.

Total ammonia concentration for waters where salmonid habitat is not an existing or designated use and other fish early life stages are present:

$$((\text{Chronic criterion} = \frac{0.0557}{1 + 10^{7.688 - \text{pH}}} + \frac{2.487}{1 + 10^{\text{pH} - 7.688}})) \quad (\text{B})$$

$$\text{Chronic Criterion} = \left( \frac{0.0577}{1 + 10^{7.688 - \text{pH}}} + \frac{2.487}{1 + 10^{\text{pH} - 7.688}} \right) \times \text{B}$$

where: B = the lower of either 2.85, or  $1.45 \times 10^{0.028 \times (25 - T)}$ . T = temperature in degrees Celsius.

Applied as a thirty-day average concentration of total ammonia nitrogen (in mg N/L) not to be exceeded more than once every three years on the average. The highest four-day average within the thirty-day period should not exceed 2.5 times the chronic criterion.

- h. Measured in milligrams per liter rather than micrograms per liter.
- i.  $\leq (0.944)(e^{(1.128[\ln(\text{hardness})] - 3.828)})$  at hardness = 100. Conversion factor (CF) of 0.944 is hardness dependent. CF is calculated for other hardnesses as follows:  $\text{CF} = 1.136672 - [(\ln \text{ hardness})(0.041838)]$ .
- j.  $\leq (0.909)(e^{(0.7852[\ln(\text{hardness})] - 3.490)})$  at hardness = 100. Conversion factor (CF) of 0.909 is hardness dependent. CF is calculated for other hardnesses as follows:  $\text{CF} = 1.101672 - [(\ln \text{ hardness})(0.041838)]$ .
- k. Criterion based on dissolved chloride in association with sodium. This criterion probably will not be adequately protective when the chloride is associated with potassium, calcium, or magnesium, rather than sodium.
- l. Salinity dependent effects. At low salinity the 1-hour average may not be sufficiently protective.
- m.  $\leq (0.316)e^{(0.8190[\ln(\text{hardness})] + 3.688)}$
- n.  $\leq (0.860)e^{(0.8190[\ln(\text{hardness})] + 1.561)}$
- o.  $\leq (0.960)(e^{(0.9422[\ln(\text{hardness})] - 1.464)})$
- p.  $\leq (0.960)(e^{(0.8545[\ln(\text{hardness})] - 1.465)})$
- q.  $\leq (0.791)(e^{(1.273[\ln(\text{hardness})] - 1.460)})$  at hardness = 100. Conversion factor (CF) of 0.791 is hardness dependent. CF is calculated for other hardnesses as follows:  $\text{CF} = 1.46203 - [(\ln \text{ hardness})(0.145712)]$ .
- r.  $\leq (0.791)(e^{(1.273[\ln(\text{hardness})] - 4.705)})$  at hardness = 100. Conversion factor (CF) of 0.791 is hardness dependent. CF is calculated for other hardnesses as follows:  $\text{CF} = 1.46203 - [(\ln \text{ hardness})(0.145712)]$ .
- s. If the four-day average chronic concentration is exceeded more than once in a three-year period, the edible portion of the consumed species should be analyzed. Said edible tissue concentrations shall not be allowed to exceed 1.0 mg/kg of methylmercury.
- t.  $\leq (0.998)(e^{(0.8460[\ln(\text{hardness})] + 3.3612)})$
- u.  $\leq (0.997)(e^{(0.8460[\ln(\text{hardness})] + 1.1645)})$
- v.  $\leq e^{(1.005(\text{pH}) - 5.290)}$
- w.  $\leq e^{(1.005(\text{pH}) - 4.830)}$
- x. The status of the fish community should be monitored whenever the concentration of selenium exceeds 5.0 ug/l in salt water.
- y.  $\leq (0.85)(e^{(1.72[\ln(\text{hardness})] - 6.52)})$

- z. Channel Catfish may be more acutely sensitive.
- aa.  $\leq (0.978)(e^{(0.8473[\ln(\text{hardness})] + 0.8604)})$
- bb.  $\leq (0.986)(e^{(0.8473[\ln(\text{hardness})] + 0.7614)})$
- cc. Nonlethal effects (growth, C-14 uptake, and chlorophyll production) to diatoms (*Thalassiosira aestivalis* and *Skeletonema costatum*) which are common to Washington's waters have been noted at levels below the established criteria. The importance of these effects to the diatom populations and the aquatic system is sufficiently in question to persuade the state to adopt the USEPA National Criteria value (36 µg/L) as the state threshold criteria, however, wherever practical the ambient concentrations should not be allowed to exceed a chronic marine concentration of 21 µg/L.
- dd. These ambient criteria in the table are for the dissolved fraction. The cyanide criteria are based on the weak acid dissociable method. The metals criteria may not be used to calculate total recoverable effluent limits unless the seasonal partitioning of the dissolved to total metals in the ambient water are known. When this information is absent, these metals criteria shall be applied as total recoverable values, determined by back-calculation, using the conversion factors incorporated in the criterion equations. Metals criteria may be adjusted on a site-specific basis when data are made available to the department clearly demonstrating the effective use of the water effects ratio approach established by USEPA, as generally guided by the procedures in USEPA Water Quality Standards Handbook, December 1983, as supplemented or replaced by USEPA or ecology. Information which is used to develop effluent limits based on applying metals partitioning studies or the water effects ratio approach shall be identified in the permit fact sheet developed pursuant to WAC 173-220-060 or 173-226-110, as appropriate, and shall be made available for the public comment period required pursuant to WAC 173-220-050 or 173-226-130(3), as appropriate. Ecology has developed supplemental guidance for conducting water effect ratio studies.
- ee. The criteria for cyanide is based on the weak acid dissociable method in the 17th Ed. Standard Methods for the Examination of Water and Wastewater, 4500-CN I, and as revised (see footnote dd, above).
- ff. These criteria are based on the total-recoverable fraction of the metal.

- gg. Where methods to measure trivalent chromium are unavailable, these criteria are to be represented by total-recoverable chromium.
- hh. The listed fresh water criteria are based on unionized or total ammonia concentrations, while those for marine water are based on total ammonia concentrations. Tables for the conversion of total ammonia to un-ionized ammonia for freshwater can be found in the USEPA's Quality Criteria for Water, 1986. Criteria concentrations based on total ammonia for marine water can be found in USEPA Ambient Water Quality Criteria for Ammonia (Saltwater)-1989, EPA440/5-88-004, April 1989.
- ii. The conversion factor used to calculate the dissolved metal concentration was 0.982.
- jj. The conversion factor used to calculate the dissolved metal concentration was 0.962.
- kk. The conversion factor used to calculate the dissolved metal concentration was 0.85.
- ll. Marine conversion factors (CF) which were used for calculating dissolved metals concentrations are given below. Conversion factors are applicable to both acute and chronic criteria for all metals except mercury. The CF for mercury was applied to the acute criterion only and is not applicable to the chronic criterion. Conversion factors are already incorporated into the criteria in the table. Dissolved criterion = criterion x CF

Metal	CF
Arsenic	1.000
Cadmium	0.994
Chromium (VI)	0.993
Copper	0.83
Lead	0.951
Mercury	0.85
Nickel	0.990
Selenium	0.998
Silver	0.85
Zinc	0.946

mm. The cyanide criteria are: 2.8µg/l chronic and 9.1µg/l acute and are applicable only to waters which are east of a line from Point Roberts to Lawrence Point, to Green Point to Deception Pass; and south from Deception Pass and of a line from Partridge Point to Point Wilson. The chronic criterion applicable to the remainder of the marine waters is 1 µg/L.

(4) USEPA Quality Criteria for Water, 1986, as revised, shall be used in the use and interpretation of the values listed in subsection (3) of this section.

(5) Concentrations of toxic, and other substances with toxic propensities not listed in subsection (3) of this section shall be determined in consideration of USEPA Quality Criteria for Water, 1986, and as revised, and other relevant information as appropriate. Human health-based water quality criteria used by the state are contained in 40 CFR 131.36 (known as the National Toxics Rule).

(6) Risk-based criteria for carcinogenic substances shall be selected such that the upper-bound excess cancer risk is less than or equal to one in one million.

**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 02-14, filed 7/1/03, effective 8/1/03)

**WAC 173-201A-410 Short-term modifications.** The criteria and special conditions established in WAC 173-201A-200 through 173-201A-260, 173-201A-320, 173-201A-602 and 173-201A-612 may be modified for a specific water body on a short-term basis (e.g., actual periods of non-attainment would generally be limited to hours or days rather than weeks or months) when necessary to accommodate essential activities, respond to emergencies, or to otherwise protect the public interest, even though such activities may result in a temporary reduction of water quality conditions.

(1) A short-term modification will:

(a) Be authorized in writing by the department, and conditioned, timed, and restricted in a manner that will minimize degradation of water quality, existing uses, and designated uses;

(b) Be valid for the duration of the activity requiring modification of the criteria and special conditions in WAC 173-201A-200 through 173-201A-260, 173-201A-602 or 173-201A-612, as determined by the department;

(c) Allow degradation of water quality if the degradation does not significantly interfere with or become injurious to existing or designated water uses or cause long-term harm to the environment; and

(d) In no way lessen or remove the proponent's obligations and liabilities under other federal, state, and local rules and regulations.

(2) The department may authorize a longer duration where the activity is part of an ongoing or long-term operation and maintenance plan, integrated pest or noxious weed management plan, water body or watershed management plan, or restoration plan. Such a plan must be developed through a public involvement process consistent with the Administrative Procedure Act (chapter 34.05 RCW) and be in compliance with SEPA, chapter 43.21C RCW, in which case the standards may be modified for the duration of the plan, or for five years, whichever is less. Such long-term plans may be renewed by the department after providing for another opportunity for public and intergovernmental involvement and review.

(3) The department may allow a major watershed restoration activity that will provide greater benefits to the health of the aquatic system in the long-term (examples include removing dams or reconnecting meander channels) that, in the short term, may cause significant impacts to existing or designated uses as a result of the activities to restore the water body and environmental conditions. Authorization will be given in accordance with subsection (2) of this section.

(4) A short-term modification may be issued in writing by the director or his/her designee to an individual or entity proposing the aquatic application of pesticides, including but not limited to those used for control of federally or state listed

noxious and invasive species, and excess populations of native aquatic plants, mosquitoes, burrowing shrimp, and fish, subject to the following terms and conditions:

(a) A request for a short-term modification shall be made to the department on forms supplied by the department. Such request shall be made at least thirty days prior to initiation of the proposed activity, and after the project proponent has complied with the requirements of the State Environmental Policy Act (SEPA);

(b) Appropriate public notice as determined and prescribed by the director or his/her designee shall be given, identifying the pesticide, applicator, location where the pesticide will be applied, proposed timing and method of application, and any water use restrictions specified in USEPA label provisions;

(c) The pesticide application shall be made at times so as to:

(i) Minimize public water use restrictions during weekends; and

(ii) Avoid public water use restrictions during the opening week of fishing season, Memorial Day weekend, Independence Day weekend, and Labor Day weekend;

(d) Any additional conditions as may be prescribed by the director or his/her designee.

(5) A short-term modification may be issued for the control or eradication of noxious weeds identified as such in accordance with the state noxious weed control law, chapter 17.10 RCW, and Control of spartina and purple loosestrife, chapter 17.26 RCW. Short-term modifications for noxious weed control shall be included in a water quality permit issued in accordance with RCW 90.48.445, and the following requirements:

(a) The department may issue water quality permits for noxious weed control to the Washington state department of agriculture (WSDA) for the purposes of coordinating and conducting noxious weed control activities consistent with WSDA's responsibilities under chapters 17.10 and 17.26 RCW. Coordination may include noxious weed control activities identified in a WSDA integrated noxious weed management plan and conducted by individual landowners or land managers.

(b) The department may also issue water quality permits to individual landowners or land managers for noxious weed control activities where such activities are not covered by a WSDA integrated noxious weed management plan.

AMENDATORY SECTION (Amending Order 02-14, filed 7/1/03, effective 8/1/03)

**WAC 173-201A-600 Use designations—Fresh waters.** (1) All surface waters of the state not named in Table 602 are to be protected for the designated uses of: ~~((Salmon and trout))~~ **Salmonid spawning, ((noncore)) rearing, and migration; primary contact recreation; domestic, industrial, and agricultural water supply; stock watering; wildlife habitat; harvesting; commerce and navigation; boating; and aesthetic values.**

(a) Additionally, the following waters are also to be protected for the designated uses of ~~((salmon and trout spawning, core rearing, and migration))~~: **Core summer**

**salmonid habitat; and extraordinary primary contact recreation:**

(i) All surface waters lying within national parks, national forests, and/or wilderness areas;

(ii) All lakes and all feeder streams to lakes (reservoirs with a mean detention time greater than fifteen days are to be treated as a lake for use designation);

(iii) All surface waters that are tributaries to waters designated ~~((salmon and trout spawning, core rearing, and migration))~~ **core summer salmonid habitat; or extraordinary primary contact recreation; and**

(iv) All fresh surface waters that are tributaries to extraordinary quality marine waters (WAC 173-201A-610 through 173-201A-612).

(2) The water quality standards for surface waters for the state of Washington do not apply to segments of waters listed in Table 602 that are on Indian reservations.

**Table 600 (Key to Table 602)**

Abbreviation	General Description
<b>Aquatic Life Uses:</b>	(see WAC 173-201A-200(1))
Char <u>Spawning/Rearing</u>	( <del>Char.</del> For the protection of spawning and early tributary-rearing (e.g., first year juveniles) of native char (bull trout and Dolly Varden), and other associated aquatic life- <del>)</del> <b>Char spawning and rearing.</b> The key identifying characteristics of this use are spawning or early juvenile rearing by native char (bull trout and Dolly Varden), or use by other aquatic species similarly dependent on such cold water. Other common characteristic aquatic life uses for waters in this category include summer foraging and migration of native char; and spawning, rearing, and migration by other salmonid species.
Core <del>((Salmon/Trout))</del> <u>Summer Habitat</u>	( <del>Salmon and trout spawning, core rearing, and migration.</del> For the protection of spawning, core rearing, and migration of salmon and trout, and other associated aquatic life- <del>)</del> <b>Core summer salmonid habitat.</b> The key identifying characteristics of this use are summer (June 15 - September 15) salmonid spawning or emergence, or adult holding; use as important summer

Table 600 (Key to Table 602)

Abbreviation	General Description
	<u>rearing habitat by one or more salmonids; or foraging by adult and subadult native char. Other common characteristic aquatic life uses for waters in this category include spawning outside of the summer season, rearing, and migration by salmonids.</u>
<del>((Noneore Salmon/Trout)) Spawning/Rearing</del>	<del>((Salmon and trout spawning, noneore rearing, and migration. For the protection of spawning, noneore rearing, and migration of salmon and trout, and other associated aquatic life.)) <b>Salmonid spawning, rearing, and migration.</b> The key identifying characteristic of this use is <u>salmon or trout spawning and emergence that only occurs outside of the summer season (September 16 - June 14).</u> Other common characteristic aquatic life uses for waters in this category include <u>rearing and migration by salmonids.</u></del>
<del>((Salmon/Trout)) Rearing/Migration Only</del>	<del>((Salmon and trout rearing and migration only. For the protection of rearing and migration of salmon and trout, and other associated aquatic life.)) <b>Salmonid rearing and migration only.</b> The key identifying characteristic of this use is <u>use only for rearing or migration by salmonids (not used for spawning).</u></del>
Redband Trout	<b>Non-anadromous interior redband trout.</b> For the protection of waters where the only trout species is a non-anadromous form of self-reproducing interior redband trout ( <i>O. mykiss</i> ), and other associated aquatic life.

Table 600 (Key to Table 602)

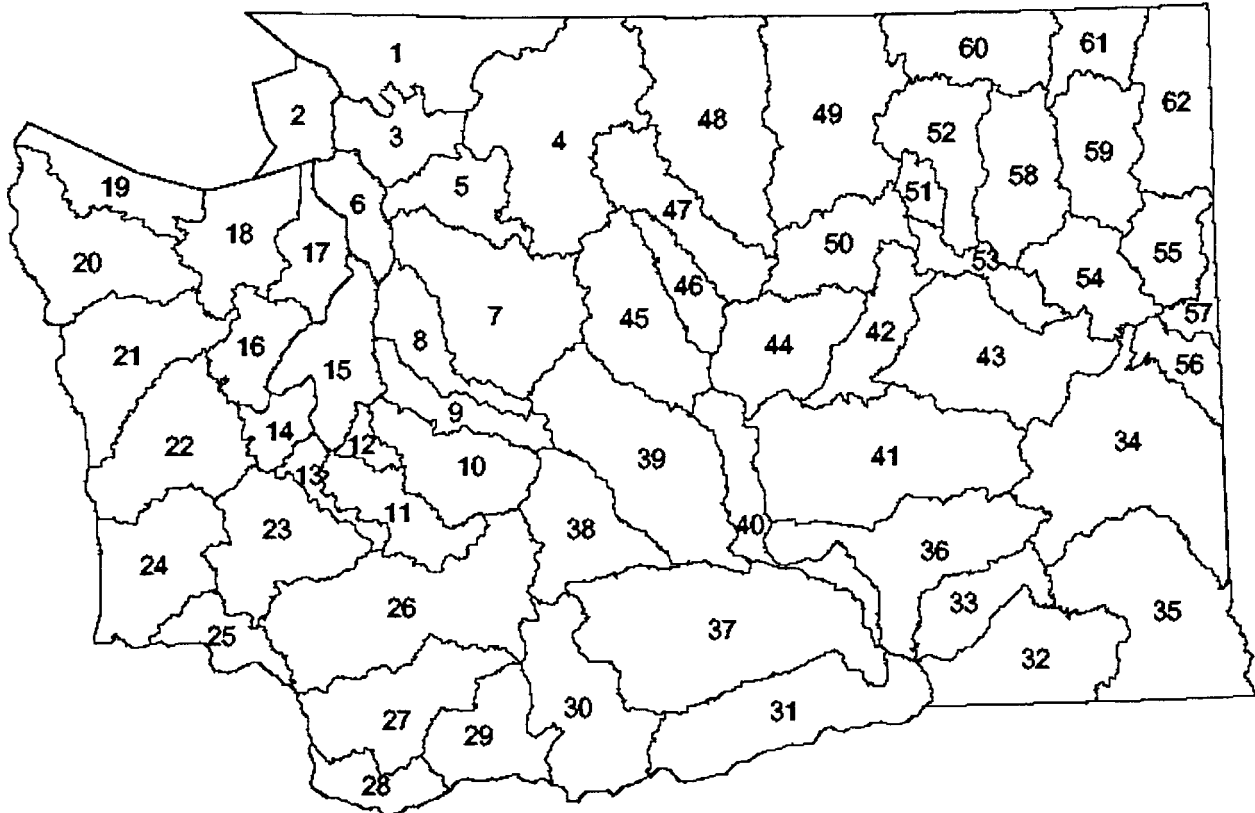
Abbreviation	General Description
Warm Water Species	<b>Indigenous warm water species.</b> For the protection of waters where the dominant species under natural conditions would be temperature tolerant indigenous nonsalmonid species. Examples include dace, redband shiner, chisel-mouth, sucker, and northern pikeminnow.
<b>Recreational Uses:</b> (see WAC 173-201A-200(2))	
Extraordinary Primary Cont.	Extraordinary quality primary contact waters. Waters providing extraordinary protection against waterborne disease or that serve as tributaries to extraordinary quality shellfish harvesting areas.
Primary Cont.	Primary contact recreation.
Secondary Cont.	Secondary contact recreation.
<b>Water Supply Uses:</b> (see WAC 173-201A-200(3))	
Domestic Water	Domestic water supply.
Industrial Water	Industrial water supply.
Agricultural Water	Agricultural water supply.
Stock Water	Stock watering.
<b>Miscellaneous Uses:</b> (see WAC 173-201A-200(4))	
Wildlife Habitat	Wildlife habitat.
Harvesting	Fish harvesting.
Commerce/Navigation	Commerce and navigation.
Boating	Boating.
Aesthetics	Aesthetic values.

AMENDATORY SECTION (Amending Order 02-14, filed 7/1/03, effective 8/1/03)

**WAC 173-201A-602 Table 602—Use designations for fresh waters by water resource inventory area (WRIA).** (1) Table 602 lists uses for fresh waters. The Columbia River is listed first, followed by other water bodies listed by WRIA. Only the uses with the most stringent criteria are listed. The criteria notes in Table 602 take precedence over the criteria in WAC 173-201A-200 for same parameter.

(2) Table 602 is necessary to determine and fully comply with the requirements of this chapter. If you are viewing a paper copy of the rule from the office of the code reviser or are using their web site, Table 602 may be missing (it will instead say "place illustration here"). In this situation, you may view Table 602 at the department of ecology's web site at [www.ecy.wa.gov](http://www.ecy.wa.gov), or request a paper copy of the rule with Table 602 from the department of ecology or the office of the code reviser.

Illustration 1: Water Resources Inventory Area Map



Key:			
1. Nooksack	21. Queets/Quinault	41. Lower Crab	61. Upper Lake Roosevelt
2. San Juan	22. Lower Chehalis	42. Grand Coulee	62. Pend Oreille
3. Lower Skagit/Samish	23. Upper Chehalis	43. Upper Crab/Wilson	
4. Upper Skagit	24. Willapa	44. Moses Coulee	
5. Stillaguamish	25. Grays/Elochoman	45. Wenatchee	
6. Island	26. Cowlitz	46. Entiat	
7. Snohomish	27. Lewis	47. Chelan	
8. Cedar/Sammamish	28. Salmon/Washougal	48. Methow	
9. Duwamish/Green	29. Wind/White Salmon	49. Okanogan	
10. Puyallup/White	30. Klickitat	50. Foster	
11. Nisqually	31. Rock/Glade	51. Nespelem	
12. Chambers/Clover	32. Walla Walla	52. Sanpoil	
13. Deschutes	33. Lower Snake	53. Lower Lake Roosevelt	
14. Kennedy/Goldsborough	34. Palouse	54. Lower Spokane	
15. Kitsap	35. Middle Snake	55. Little Spokane	
16. Skokomish/Dosewallips	36. Esquatzel Coulee	56. Hangman	
17. Quilcene/Snow	37. Lower Yakima	57. Middle Spokane	
18. Elwha/Dungeness	38. Naches	58. Middle Lake Roosevelt	
19. Lyre/Hoko	39. Upper Yakima	59. Colville	
20. Soleduck/Hoh	40. Alkaki/Squilchuck	60. Kettle	

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TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses				Recreational Uses			Water Supply Uses				Misc. Uses						
		Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
<b>COLUMBIA RIVER</b>																			
	Columbia River from mouth to the Washington-Oregon border (river mile 309.3). <sup>1</sup>		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Columbia River from Washington-Oregon border (river mile 309.3) to Grand Coulee Dam (river mile 596.6). <sup>2,3</sup>		✓				✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Columbia River from Grand Coulee Dam (river mile 596.6) to Canadian border (river mile 745.0).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Notes for Columbia River:</b>																			
1. Temperature shall not exceed a 1-day maximum (1-DMax) of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed 0.3°C due to any single source or 1.1°C due to all such activities combined. Dissolved oxygen shall exceed 90 percent of saturation. Special condition - special fish passage exemption as described in WAC 173-201A-200 (1)(f).																			
2. From Washington-Oregon border (river mile 309.3) to Priest Rapids Dam (river mile 397.1). Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed t = 34/(T + 9).																			
3. From Washington-Oregon border (river mile 309.3) to Grand Coulee Dam (river mile 596.6). Special condition - special fish passage exemption as described in WAC 173-201A-200 (1)(f).																			
<b>WRIA 1 - Nooksack</b>																			
	Chilliwack River and Little Chilliwack River: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Nooksack River and North Fork Nooksack River from mouth to Maple Creek (river mile 49.7).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Nooksack River, North Fork, from Maple Creek (river mile 49.7) to unnamed creek at longitude - 122.0508 and latitude 48.9222 (near Boulder Creek).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Nooksack River, North Fork, and all tributaries above unnamed creek at longitude - 122.0508 and latitude 48.9222 (near Boulder Creek).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Nooksack River, Middle Fork, and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓

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TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreational Uses			Water Supply Uses					Misc. Uses				
		Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Nooksack River, South Fork, from mouth to Skookum Creek (river mile 14.3).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Nooksack River, South Fork, from Skookum Creek (river mile 14.3) to Fobes Creek.		✓				✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Nooksack River, South Fork, and all tributaries above the junction with Fobes Creek.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Silesia Creek and all tributaries south of Canadian border.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Skookum Creek and all tributaries.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Sumas River from Canadian border (river mile 12) to headwaters (river mile 23).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>WRIA 2 San Juan</b>																			
There are no specific waterbody entries for this WRIA.																			
<b>WRIA 3 Lower Skagit-Samish</b>																			
	Nookachamps Creek, East Fork, and unnamed creek at longitude -122.1657 and latitude 48.4103: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Skagit River from mouth to Skiyou Slough-lower end (river mile 25.6).			✓					✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
	Skagit River and tributaries from Skiyou Slough-lower end, (river mile 25.6) to the boundary of WRIA 3 and 4, except the other waters listed for this WRIA. <sup>1</sup>		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Walker Creek and unnamed creek at longitude -122.1639 and latitude 48.3813: All waters (including tributaries) above the junction.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Notes for WRIA 3:</b>																			
1. Skagit River (Gorge by-pass reach) from Gorge Dam (river mile 96.6) to Gorge Powerhouse (river mile 94.2). Temperature shall not exceed a 1-DMax of 21°C due to human activities. When natural conditions exceed a 1-DMax of 21°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C, nor shall such temperature increases, at any time, exceed $t = 34/(T + 9)$ .																			
<b>WRIA 4 Upper Skagit</b>																			
	Bacon Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Baker Lake and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Bear Creek and the unnamed outlet creek of Blue Lake: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓

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TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses				Recreational Uses			Water Supply Uses				Misc. Uses						
	Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Big Beaver Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Big Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Buck Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Cascade River and Boulder Creek: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Circle Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Clear Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Diobsud Creek and the unnamed tributary at longitude -121.4414 and latitude 48.5850: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Dutch Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Goodell Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Hozomeen Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Illabot Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Jordan Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Lightning Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Little Beaver Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Murphy Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Rocky Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Ruby Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Sauk River and Falls Creek: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Silver Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Skagit River and tributaries, except the other waters listed for this WRIA. <sup>1</sup>		✓																
Stetattle Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Straight Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Suitttle River all tributaries above Harriet Creek.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Sulfur Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Tenas Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓

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TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses			Recreational Uses			Water Supply Uses						Misc. Uses					
	Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Thunder Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
White Chuck River and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Notes for WRIA 4:</b>																		
1. Skagit River (Gorge by-pass reach) from Gorge Dam (river mile 96.6) to Gorge Powerhouse (river mile 94.2). Temperature shall not exceed a 1-DMax of 21°C due to human action. When natural conditions exceed a 1-DMax of 21°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C, nor shall such temperature increases, at any time, exceed $t = 34/(T + 9)$ .																		
<b>WRIA 5 Stillaguamish</b>																		
Brooks Creek and the unnamed tributary at longitude -121.9031 and latitude 48.2967: All waters (including tributaries) above the junction.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
Canyon Creek's unnamed tributaries at longitude -121.9635 and latitude 48.1461.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Canyon Creek, North Fork, and South Fork Canyon Creek: All waters (including tributaries) above the junction.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Crane Creek and the unnamed tributary at longitude -122.1030 and latitude 48.3315: All waters (including tributaries) above the junction.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
Crane Creek's unnamed tributaries at longitude -122.0988 and latitude 48.3332.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
Cub Creek and the unnamed tributary at longitude -121.9376 and latitude 48.1655: All waters (including tributaries) above the junction.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Deer Creek and the unnamed tributary at longitude -121.9565 and latitude 48.3195: All waters (including tributaries) above the junction.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
Dicks Creek and unnamed outlet of Myrtle Lake at longitude -121.8129 and 48.3187: All waters (including tributaries) above the junction.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Jim Creek and Little Jim Creek: All waters (including tributaries) above the junction.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Pilchuck Creek and Bear Creek: All waters (including tributaries) above the junction.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
Pilchuck Creek's unnamed tributaries at longitude -122.1305 and latitude 48.3104.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
Stillaguamish River from mouth to north and south forks (river mile 17.8).		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
Stillaguamish River, North Fork, from mouth to Boulder River.		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓

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		Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Stillaguamish River, North Fork, and Boulder River: All waters (including tributaries) from the junction up to Squire Creek, except those waters in or above the Mt. Baker Snoqualmie National Forest.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Stillaguamish River, North Fork, and Boulder River: All tributaries from the junction up to Squire Creek that are in or above the Mt. Baker Snoqualmie National Forest.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Stillaguamish River, North Fork, from Squire Creek (river mile 31.2) to headwaters, including all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Stillaguamish River, South Fork, from mouth to Canyon Creek (river mile 33.7).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
	Stillaguamish River, South Fork, from Canyon Creek (river mile 33.7) to the unnamed tributary at longitude -121.8797 and latitude 48.0921 (near Cranberry Creek).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Stillaguamish River, South Fork, and the unnamed tributary at longitude -121.8797 and latitude 48.0921 (near Cranberry Creek) : All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>WRIA 6 Island</b>																			
There are no specific waterbody entries for this WRIA.																			
<b>WRIA 7 Snohomish</b>																			
	Beckler River and Rapid River: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Cripple Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Foss River, West Fork, and East Fork Foss River: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Kelly Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Miller River, East Fork, and West Fork Miller River: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	North Fork Creek and unnamed creek at longitude -121.8231 and latitude 47.7409: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓

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TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses				Recreational Uses			Water Supply Uses				Misc. Uses						
		Char	Core Salmon/TROUT	Non-Core Salmon/TROUT	Salmon/TROUT Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Pilehuck River from city of Snohomish Waterworks Dam (river mile 26.8) to Boulder Creek.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
	Pilehuck River and Boulder Creek: All waters (including tributaries) above the junction.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Pratt River and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Skykomish River from mouth to May Creek (above Gold Bar at river mile 41.2).		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
	Skykomish River above May Creek (above Gold Bar at river mile 41.2).		✓									✓	✓	✓	✓	✓	✓	✓	✓
	Skykomish River, North Fork, and Salmon Creek: All waters (including tributaries) above the junction.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Snohomish River from mouth and east of longitude 122°13'40"W upstream to latitude 47°56'30"N (southern tip of Ebey Island at river mile 8.1). <sup>1</sup>			✓					✓			✓	✓	✓	✓	✓	✓	✓	✓
	Snohomish River upstream from latitude 47°56'30"N (southern tip of Ebey Island river mile 8.1) to confluence with Skykomish and Snoqualmie River (river mile 20.5).			✓					✓			✓	✓	✓	✓	✓	✓	✓	✓
	Snoqualmie River and tributaries from mouth to west boundary of Twin Falls State Park on south fork (river mile 9.1).			✓					✓			✓	✓	✓	✓	✓	✓	✓	✓
	Snoqualmie River, South Fork, from west boundary of Twin Falls State Park (river mile 9.1) to headwaters.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
	Snoqualmie River, North Fork, from mouth to Sunday Creek.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
	Snoqualmie River, North Fork, and Sunday Creek: All waters (including tributaries) above the junction.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Snoqualmie River, Middle Fork, from mouth to Dingsford Creek.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
	Snoqualmie River, Middle Fork, and Dingsford Creek: All waters (including tributaries) above the junction.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Snoqualmie River's Middle Fork's unnamed tributaries at longitude -121.5629 and latitude 47.5389.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Sultan River from mouth to Chaplain Creek (river mile 5.9).			✓								✓	✓	✓	✓	✓	✓	✓	✓
	Sultan River and tributaries from Chaplain Creek (river mile 5.9) to headwaters. <sup>2</sup>		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓

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		Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Taylor River and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tolt River, North Fork, and unnamed creek at longitude -121.7775 and latitude 47.7183: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tolt River, South Fork, and tributaries from mouth to west boundary of Sec. 31-T26N-R9E (river mile 6.9).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tolt River, South Fork, and tributaries from west boundary of Sec. 31-T26N-R9E (river mile 6.9) to headwaters, except for the waters specifically listed in this table: South Fork Tolt River and South Fork Tolt River's unnamed tributaries. <sup>3</sup>		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tolt River, South Fork, and unnamed creek at longitude -121.7392 and latitude 47.6925: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tolt River's South Fork's unnamed tributaries at longitude -121.7856 and latitude 47.6889.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Trout Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tye River and Deception Creek: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	<b>Notes for WRIA 7:</b>																		
	1. Fecal coliform organism levels shall both not exceed a geometric mean value of 200 colonies/100 mL and not have more than 10 percent of the samples obtained for calculating the mean value exceeding 400 colonies/100 mL.																		
	2. No waste discharge will be permitted above city of Everett Diversion Dam (river mile 9.4).																		
	3. No waste discharge will be permitted for the South Fork Tolt River and tributaries from west boundary of Sec. 31-T26N-R9E (river mile 6.9) to headwaters.																		
	<b>WRIA 8 Cedar-Sammamish</b>																		
	Cedar River from Lake Washington to the Maplewood Bridge (river mile 4.1).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
	Cedar River and tributaries from the Maplewood Bridge (river mile 4.1) to Landsburg Dam (river mile 21.6).							✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Cedar River and tributaries from Landsburg Dam (river mile 21.6) to Chester Morse Lake. <sup>1</sup>		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓

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TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses				Recreational Uses			Water Supply Uses				Misc. Uses						
	Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Cedar River at Chester Morse Lake and all tributaries. <sup>2</sup>	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Holder Creek and the unnamed tributary at longitude -121.9496 and latitude 47.4581: All waters (including tributaries) above the junction.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Issaquah Creek.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Lake Washington Ship Canal from Government Locks (river mile 1.0) to Lake Washington (river mile 8.6). <sup>3</sup>		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Notes for WRIA 8:</b>																		
1. No waste discharge will be permitted.																		
2. No waste discharge will be permitted.																		
3. Salinity shall not exceed one part per thousand (1.0 ppt) at any point or depth along a line that transects the ship canal at the University Bridge (river mile 6.1).																		
<b>WRIA 9 Duwamish-Green</b>																		
Duwamish River from mouth south of a line bearing 254° true from the NW corner of berth 3, terminal No. 37 to the Black River (river mile 11.0) (Duwamish River continues as the Green River above the Black River).		✓							✓		✓	✓	✓	✓	✓	✓	✓	✓
Green River from Black River (river mile 11.0 and point where Duwamish River continues as the Green River) to west boundary of Sec. 27-T2IN-R6E (west boundary of Flaming Geyser State Park at river mile 42.3).			✓					✓			✓	✓	✓	✓	✓	✓	✓	✓
Green River from west boundary of Sec. 27-T2IN-R6E (west boundary of Flaming Geyser State Park, river mile 42.3) to west boundary of Sec. 13-T2IN-R7E (river mile 59.1).		✓									✓	✓	✓	✓	✓	✓	✓	✓
Green River and tributaries from west boundary of Sec. 13-T2IN-R7E (river mile 59.1) to headwaters, except for the waters specifically listed in this table: Green River and Sunday Creek, and Smay Creek. <sup>1</sup>							✓				✓	✓	✓	✓	✓	✓	✓	✓
Green River and Sunday Creek: All waters (including tributaries) above the junction. <sup>1</sup>	✓										✓	✓	✓	✓	✓	✓	✓	✓
Smay Creek and West Fork Smay Creek: All waters (including tributaries) above the junction. <sup>1</sup>	✓										✓	✓	✓	✓	✓	✓	✓	✓

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		Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics	
<b>Notes for WRIA 9:</b>																				
1. No waste discharge will be permitted for the Green River and tributaries (King County) from west boundary of Sec. 13-T21N-R7E (river mile 59.1) to headwaters.																				
<b>WRIA 10 Puyallup-White</b>																				
Carbon River and Evans Creek: All waters (including tributaries) above the junction, except those waters in or above the Snoqualmie National Forest or Mt. Rainier National Park.		✓																		
Carbon River and Evans Creek: All waters (including tributaries) above the junction that are in or above the Snoqualmie National Forest or Mt. Rainier National Park.		✓																		
Clearwater River and Milky Creek: All waters (including tributaries) above the junction.		✓																		
Mowich River and all tributaries.		✓																		
Puyallup River from mouth to river mile 1.0.																				
Puyallup River from river mile 1.0 to Kings Creek (river mile 31.6).																				
Puyallup River from Kings Creek (river mile 31.6) to Deer Creek.																				
Puyallup River and Deer Creek: All waters (including tributaries) above the junction.		✓																		
Puyallup River's unnamed tributaries at longitude -121.9903 and latitude 46.8790 (upstream of Niesson Creek).		✓																		
South Prairie Creek and all tributaries above the Kepka Fishing Pond, except those waters in or above the Snoqualmie National Forest.		✓																		
South Prairie Creek and all tributaries above the Kepka Fishing Pond that are in or above the Snoqualmie National Forest.		✓																		
Voight Creek and Bear Creek: All waters (including tributaries) above the junction, except those waters in or above the Snoqualmie National Forest or Mt. Rainier National Park.		✓																		
Voight Creek and Bear Creek: All waters (including tributaries) above the junction that are in or above the Snoqualmie National Forest or Mt. Rainier National Park.		✓																		
White River from Mud Mountain Dam (river mile 27.1) to Huckleberry Creek.		✓																		

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		Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	White River and Huckleberry Creek: All waters (including tributaries) above the junction.	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	White River, West Fork, and Viola Creek: All waters (including tributaries) above the junction.	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Wilkeson Creek and Gale Creek: All waters (including tributaries) above the junction, except those waters in or above the Snoqualmie National Forest.	✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Wilkeson Creek and Gale Creek: All waters (including tributaries) above the junction that are in or above the Snoqualmie National Forest.	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>WRIA 11 Nisqually</b>																			
	Big Creek and all tributaries.	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Copper Creek and all tributaries.	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	East Creek and all tributaries.	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Little Nisqually River and all tributaries.	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Mashel River and Little Mashel River: All waters (including tributaries) above the junction.	✓					✓		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
	Mineral Creek and all tributaries.	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Nisqually River from mouth to Alder Dam (river mile 44.2).			✓							✓	✓	✓	✓	✓	✓	✓	✓	✓
	Nisqually River from Alder Dam (river mile 44.2) to Tahoma Creek.		✓							✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Nisqually River and Tahoma Creek: All waters (including tributaries) above the junction.	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>WRIA 12 Chambers-Clover</b>																			
	Clover Creek from outlet of Lake Spanaway to inlet of Lake Steilacoom.			✓							✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>WRIA 13 Deschutes</b>																			
	Deschutes River from mouth to boundary of Snoqualmie National Forest (river mile 48.2).			✓							✓	✓	✓	✓	✓	✓	✓	✓	✓

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		Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating
	Deschutes River from boundary of Snoqualmie National Forest (river mile 48.2) to headwaters.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
	<b>WRIA 14 Kennedy-Goldsborough</b>																	
	There are no specific waterbody entries for this WRIA.																	
	<b>WRIA 15 Kitsap</b>																	
	Union River and tributaries from Bremerton Waterworks Dam (river mile 6.9) to headwaters.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
	<b>Notes for WRIA 15:</b>																	
	1. No waste discharge will be permitted.																	
	<b>WRIA 16 Skokomish-Dosewallips</b>																	
	Brown Creek and the unnamed tributary at longitude -123.2857 and latitude 47.4264:	✓																
	All waters (including tributaries) above the junction.		✓															
	Dosewallips River and tributaries.			✓														
	Duckabush River and tributaries.				✓													
	Hamma Hamma River and tributaries.					✓												
	Lebar Creek and the unnamed tributary at longitude -123.3087 and latitude 47.4416: All waters (including tributaries) above the junction.	✓																
	Rock Creek and the unnamed tributary at longitude -123.3496 and latitude 47.3894: All waters (including tributaries) above the junction.	✓																
	Skokomish River and tributaries, except for the waters specifically listed in this table: Brown Creek, Lebar Creek, Rock Creek, North Fork Skokomish River, South Fork Skokomish River, and Vance Creek.		✓															
	Skokomish River, North Fork, and all tributaries above Lake Cushman Upper Dam.	✓																
	Skokomish River, South Fork, and Cedar Creek: All waters (including tributaries) above the junction.	✓																
	Vance Creek and Cabin Creek all waters above the junction.	✓																

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		Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
<b>WRIA 17 Quilcene-Snow</b>																			
Big Quilcene River and tributaries.																			
<b>WRIA 18 Elwha-Dungeness</b>																			
Boulder Creek and Deep Creek: All waters (including tributaries) above the junction.																			
Cat Creek and the unnamed tributary at longitude -123.6423 and latitude 47.9461: All waters (including tributaries) above the junction.																			
Dungeness River from mouth to Canyon Creek (river mile 10.8).																			
Dungeness River and tributaries from Canyon Creek (river mile 10.8) to Gray Wolf River.																			
Dungeness River and Gray Wolf River: All waters (including tributaries) above the junction.																			
Elwha River and tributaries from mouth to Godkin Creek, except for the waters specifically listed in this table: Boulder Creek, Cat Creek, Goldie River, Griff Creek, Hayes River, Hughes Creek, Lillian River, Little River, Long Creek, Lost River, and Wolf Creek.																			
Elwha River and Godkin Creek: All waters (including tributaries) above the junction.																			
Goldie River and all tributaries.																			
Griff Creek and the unnamed tributary at longitude -123.5440 and latitude 48.0135: All waters (including tributaries) above the junction.																			
Hayes River and all tributaries.																			
Hughes Creek and the unnamed tributary at longitude -123.6322 and latitude 48.0298: All waters (including tributaries) above the junction.																			
Lillian River and all tributaries.																			
Little River and South Branch Little River: All waters (including tributaries) above the junction.																			
Long Creek and all tributaries.																			

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		Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Lost River and all tributaries.	✓								✓									
	Wolf Creek and the unnamed tributary at longitude -123.5374 and latitude 47.9654: All waters (including tributaries) above the junction.	✓																	
	<b>WRIA 19 Lyre-Hoko</b>																		
	There are no specific waterbody entries for this WRIA.																		
	<b>WRIA 20 Soleduc</b>																		
	Dickey River.		✓							✓									
	Hoh River and tributaries from mouth to Mineral Creek, except for the waters specifically listed in this table: Mount Tom Creek and South Fork Hoh River.		✓																
	Hoh River and all tributaries above Mineral Creek.	✓																	
	Hoh River, South Fork, and the unnamed tributary at longitude -123.9420 and latitude 47.7916: All waters (including tributaries) above the junction.	✓																	
	Mount Tom Creek and the unnamed tributary at longitude -123.8389 and latitude 47.8259: All waters (including tributaries) above the junction.	✓																	
	Quillayute River.		✓																
	Soleduc River and tributaries from mouth to Canyon Creek.		✓																
	Soleduc River and all tributaries above Canyon Creek.	✓																	
	<b>WRIA 21 Queets-Quinault</b>																		
	Clearwater Creek and the unnamed tributary at longitude -124.0361 and latitude 47.7270: All waters (including tributaries) above the junction.	✓																	
	Graves Creek and Litchy Creek: All waters (including tributaries) above the junction.	✓																	
	Kunamakst Creek and the unnamed tributary at longitude -124.0771 and latitude 47.7285: All waters (including tributaries) above the junction.	✓																	
	Matheny Creek and the unnamed tributary at longitude -123.9538 and latitude 47.5592: All waters (including tributaries) above the junction.	✓																	

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	Queets River and tributaries from mouth to the unnamed tributary at longitude - 123.7864 and latitude 47.6951, except for the waters specifically listed in this table: Middle Fork Salmon River, Matheny Creek, Sams River, and Tshletshy Creek.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Queets River and the unnamed tributary at longitude -123.7864 and latitude 47.6951: All waters (including tributaries) above the junction.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Quinault River and tributaries from mouth to the unnamed tributary at longitude - 123.5450 and latitude 47.5960 except for all waters above the junction of Graves Creek and Litchy Creek.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Quinault River and the unnamed tributary at longitude -123.5450 and latitude 47.5960: All waters (including tributaries) above the junction.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Quinault River, North Fork, and Rusler Creek: All waters (including tributaries) above the junction.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Salmon River, Middle Fork, and the unnamed tributary at longitude -123.9899 and latitude 47.5208: All waters (including tributaries) above the junction.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Sams River and the unnamed tributary at longitude -123.8941 and latitude 47.6059: All waters (including tributaries) above the junction.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Sollocks River and the unnamed tributary at longitude -124.0133 and latitude 47.6937: All waters (including tributaries) above the junction.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Stequaleho Creek and the unnamed tributary at longitude - 124.0426 and latitude 47.6620: All waters (including tributaries) above the junction.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tshletshy Creek and the unnamed tributary at longitude -123.8668 and latitude 47.6585: All waters (including tributaries) above the junction.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>WRIA 22 Lower Chelalis</b>																			
	Baker Creek and the unnamed tributary at longitude -123.4142 and latitude 47.3301: All waters (including tributaries) above the junction.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Big Creek and Middle Fork Big Creek: All waters (including tributaries) above the junction.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓

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	Canyon River and the unnamed tributary at longitude -123.4936 and latitude 47.3473: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Chehalis River from upper boundary of Grays Harbor at Cosmopolis (river mile 3.1, longitude 123°45'45"W) to Scammon Creek (river mile 65.8).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
	Chester Creek and the unnamed tributary at longitude -123.7841 and latitude 47.4196: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Decker Creek.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Goforth Creek and the unnamed tributary at longitude -123.7323 and latitude 47.3560: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Hoquiam River (continues as west fork above east fork) from mouth to river mile 9.3 (Dekay Road Bridge) (upper limit of tidal influence).				✓							✓	✓	✓	✓	✓	✓	✓	✓
	Humtulpis River and tributaries from mouth to Olympic National Forest boundary on east fork (river mile 12.8) and west fork (river mile 40.4) (main stem continues as west fork).		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
	Humtulpis River, East Fork, from Olympic National Forest boundary (river mile 12.8) to the unnamed tributary at longitude -123.7163 and latitude 47.3821.		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
	Humtulpis River, East Fork, and the unnamed tributary at longitude -123.7163 and latitude 47.3821: All waters (including tributaries) above the junction.	✓										✓	✓	✓	✓	✓	✓	✓	✓
	Humtulpis River, West Fork, from Olympic National Forest boundary (river mile 40.4) to Petes Creek.		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
	Humtulpis River, West Fork, and Petes Creek: All waters (including tributaries) above the junction.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
	Satsop River from mouth to west fork (river mile 6.4).		✓									✓	✓	✓	✓	✓	✓	✓	✓
	Satsop River, West Fork, from mouth to Robertson Creek.		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
	Satsop River, West Fork, and Robertson Creek: All waters (including tributaries) above the junction.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓

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Satsop River, Middle Fork, from mouth to the unnamed tributary at longitude -123.4451 and latitude 47.3340.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Satsop River, Middle Fork, and the unnamed tributary at longitude -123.4451 and latitude 47.3340: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Satsop River, East Fork.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Wishkah River from mouth to river mile 6 (SW 1/4 SW 1/4 NE 1/4 Sec. 21-T18N-R9W).				✓					✓		✓	✓	✓	✓	✓	✓	✓	✓
Wishkah River from river mile 6 (SW 1/4 SW 1/4 NE 1/4 Sec. 21-T18N-R9W) to west fork (river mile 17.7).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Wishkah River from west fork of Wishkah River (river mile 17.7) to south boundary of Sec. 33-T21N-R8W (river mile 32.0).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Wishkah River and tributaries from south boundary of Sec. 33-T21N-R8W (river mile 32.0) to headwaters. <sup>1</sup>		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Wynoochee River from mouth to Olympic National Forest boundary (river mile 45.9).			✓					✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Wynoochee River from Olympic National Forest boundary (river mile 45.9) to Wynoochee Dam.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Wynoochee River and all tributaries above Wynoochee Dam.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Notes for WRIA 22:</b>																		
1. No waste discharge will be permitted.																		
<b>WRIA 23 Upper Chehalis</b>																		
Chehalis River from upper boundary of Grays Harbor at Cosmopolis (river mile 3.1, longitude 123°45'45"W) to Scammon Creek (river mile 65.8).		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
Chehalis River from Scammon Creek (river mile 65.8) to Newaukum River (river mile 75.2). <sup>1</sup>		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
Chehalis River from Newaukum River (river mile 75.2) to Rock Creek (river mile 106.7).		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓

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TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreational Uses			Water Supply Uses					Misc. Uses				
		Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Chehalis River from Rock Creek (river mile 106.7) to headwaters, except for the waters specifically listed in this table: Thrash Creek and West and East Forks of the Chehalis River.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
	Chehalis River, South Fork, from mouth to the unnamed tributary at longitude -123.4127 and latitude 49.179.			✓				✓				✓	✓	✓	✓	✓	✓	✓	✓
	Chehalis River, South Fork, and the unnamed tributary at longitude -123.4127 and latitude 49.179: All waters (including tributaries) above the junction.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
	Chehalis River, West Fork, and East Fork Chehalis River: All waters (including tributaries) above the junction.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
	Cloquallum Creek.		✓					✓				✓	✓	✓	✓	✓	✓	✓	✓
	Eight Creek and the unnamed tributary at longitude -123.4127 and latitude 46.6211: All waters (including tributaries) above the junction.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
	Hanaford Creek from mouth to east boundary of Sec. 25-T15N-R2W (river mile 4.1). <sup>2</sup>			✓				✓				✓	✓	✓	✓	✓	✓	✓	✓
	Hanaford Creek and all tributaries from east boundary of Sec. 25-T15N-R2W (river mile 4.1) to the unnamed tributary at longitude -122.6812 and latitude 46.7295.		✓					✓				✓	✓	✓	✓	✓	✓	✓	✓
	Hanaford Creek and the unnamed tributary at longitude -122.6812 and latitude 46.7295: All waters (including tributaries) above the junction.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
	Kearney Creek and the unnamed tributary at longitude -122.5683 and latitude 46.6256: All waters (including tributaries) above the junction.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
	Laramie Creek and the unnamed tributary at longitude -122.5901 and latitude 46.7901: All waters (including tributaries) above the junction.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
	Newaukum River.			✓					✓			✓	✓	✓	✓	✓	✓	✓	✓
	Newaukum River, North Fork, and the unnamed tributary at longitude -122.6677 and latitude 46.6793: All waters (including tributaries) above the junction.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
	Newaukum River, South Fork, and Frase Creek: All waters (including tributaries) above the junction.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓

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TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses				Recreational Uses			Water Supply Uses				Misc. Uses						
		Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Pheeny Creek and the unnamed tributary at longitude -122.6276 and latitude 46.7836: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Rock Creek and the unnamed tributary at longitude -123.3782 and latitude 46.5279: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Seven Creek and the unnamed tributary at longitude -123.3723 and latitude 46.6192: All waters (including tributaries) above the junction.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
	Skookumchuck River from Bloody Run Creek (river mile 21.4) to Hospital Creek.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Skookumchuck River and Hospital Creek: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Skookumchuck Reservoir's unnamed southern tributaries at longitude -122.6728 and latitude 46.7671.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Stillman Creek and Little Mill Creek: All waters (including tributaries) above the junction.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
	Thrash Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Wildcat Creek.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
	<b>Notes for WRIA 23:</b>																		
	1. Dissolved oxygen shall exceed 5.0 mg/L from June 1 to September 15. For the remainder of the year, the dissolved oxygen shall meet standard criteria.																		
	2. Dissolved oxygen shall exceed 6.5 mg/L.																		
	<b>WRIA 24 Willapa</b>																		
	Naselle River from Naselle "Falls" (cascade at river mile 18.6) to headwaters.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
	Willapa River upstream of a line bearing 70° true through Mailboat Slough light (river mile 1.8).		✓									✓	✓	✓	✓	✓	✓	✓	✓
	<b>WRIA 25 Grays-Elokoman</b>																		
	Elochoman River.		✓									✓	✓	✓	✓	✓	✓	✓	✓
	Grays River from Grays River Falls (river mile 15.8) to headwaters.		✓									✓	✓	✓	✓	✓	✓	✓	✓

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TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses				Recreational Uses			Water Supply Uses				Misc. Uses						
	Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
<b>WRIA 26 Cowlitz</b>																		
Cispus River.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Coweeman River from mouth to Mulholland Creek (river mile 18.4).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Coweeman River from Mulholland Creek (river mile 18.4) to headwaters.							✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Cowlitz River from mouth to base of Riffe Lake Dam (river mile 52.0).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Cowlitz River from base of Riffe Lake Dam (river mile 52.0) to headwaters.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Green River.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Toutle River, North Fork, from Green River to headwaters.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Toutle River, South Fork.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>WRIA 27 Lewis</b>																		
Alec Creek and all tributaries.	✓																	
Big Creek and all tributaries.	✓																	
Chickoon Creek and all tributaries.	✓																	
Clear Creek and all tributaries.	✓																	
Curly Creek and all tributaries.	✓																	
Cussed Hollow Creek and all tributaries.	✓																	
Kalama River from lower Kalama River Falls (river mile 10.4) to headwaters.		✓																
Lewis River and Pass Creek: All waters (including tributaries) above the junction.	✓																	
Lewis River's unnamed tributaries at longitude -121.9174 and latitude 46.1122.	✓																	
Lewis River, East Fork, from Multon Falls (river mile 24.6) to headwaters.		✓																
Little Creek and all tributaries.	✓																	
Muddy River and Clearwater Creek: All waters (including tributaries) above the junction.	✓																	
Panamaker Creek and all tributaries.	✓																	
Pin Creek and all tributaries.	✓																	

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TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreational Uses			Water Supply Uses				Misc. Uses					
		Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Pine Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Quartz Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Rush Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Spencer Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Steamboat Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tillicum Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	<b>WRIA 28 Salmon-Washougal</b>																		
	Burnt Bridge Creek.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
	Salmon Creek.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
	<b>WRIA 29 Wind-White Salmon</b>																		
	Buck Creek and all tributaries.	✓								✓									
	Gilmer Creek and all tributaries.	✓									✓								
	Gotchen Creek and all tributaries, except those waters in or above the Gifford Pinchot National Forest.	✓									✓								
	Gotchen Creek and all tributaries that are in or above the Gifford Pinchot National Forest.	✓																	
	Green Canyon Creek and all tributaries.	✓									✓								
	Morrison Creek and all tributaries.	✓									✓								
	Rattlesnake Creek and the unnamed tributary at longitude -121.4081 and latitude 45.8512; All waters (including tributaries) above the junction.	✓																	
	Trout Lake Creek and all tributaries below Trout Lake.	✓																	
	Trout Lake Creek and all tributaries at and above Trout Lake.	✓																	
	White Salmon River's unnamed tributaries at longitude -121.4991 and latitude 46.0055, except those waters in or above the Gifford Pinchot National Forest.	✓																	
	White Salmon River's unnamed tributaries at longitude -121.4991 and latitude 46.0055 that are in or above the Gifford Pinchot National Forest.	✓																	

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TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses				Recreational Uses			Water Supply Uses			Misc. Uses							
	Char	Core Salmon/Trot	Non-Core Salmon/Trot	Salmon/Trot Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
White Salmon River and Cascade Creek: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>WRIA 30 Klickitat</b>																		
Clearwater Creek and Trappers Creek: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Cougar Creek and Big Muddy Creek: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Diamond Creek and Catlin Creek: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Diamond Fork's unnamed tributaries at longitude -121.1562 and latitude 46.4205.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Diamond Fork's unnamed tributaries at longitude -121.1590 and latitude 46.4355 (outlet of Maiden Springs).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Fish Lake Stream and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Frasier Creek and Outlet Creek: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Klickitat River from Little Klickitat River (river mile 19.8) to Diamond Fork.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Klickitat River and all tributaries above the junction with Diamond Fork.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Little Muddy Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
McCreedy Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>WRIA 31 Rock-Glade</b>																		
There are no specific waterbody entries for this WRIA.																		
<b>WRIA 32 Walla Walla</b>																		
Blue Creek and the unnamed tributary at longitude -118.0956 and latitude 46.0579: All waters (including tributaries) above the junction.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
Mill Creek from mouth to 13th Street Bridge in Walla Walla (river mile 6.4). <sup>1</sup>				✓					✓		✓	✓	✓	✓	✓	✓	✓	✓
Mill Creek from 13th Street Bridge in Walla Walla (river mile 6.4) to Walla Walla Waterworks Dam (river mile 11.5).		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓

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TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses				Recreational Uses			Water Supply Uses				Misc. Uses						
	Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Mill Creek and Railroad Canyon: All waters (including tributaries) above the junction up to city of Walla Walla Waterworks Dam (river mile 21.6).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Mill Creek and tributaries from city of Walla Walla Waterworks Dam (river mile 21.6) to headwaters (including upstream and downstream of where Mill Creek flows into Oregon). <sup>2</sup>	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Rodgers Gulch and the unnamed tributary at longitude -117.8667 and latitude 46.2705: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Touchet River, North Fork, from Dayton water intake structure (river mile 3.0) to Gates Gulch.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Touchet River, North Fork, and Gates Gulch: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Touchet River, South Fork, and the unnamed tributary at longitude -117.9397 and latitude 46.2307: All waters (including tributaries) above the junction, except those waters in or above the Umatilla National Forest.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
Touchet River, South Fork, and the unnamed tributary at longitude -117.9397 and latitude 46.2307: All waters (including tributaries) above the junction that are in or above the Umatilla National Forest.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
Walla Walla River from mouth to Lowden (Dry Creek at river mile 27.2).				✓					✓		✓	✓	✓	✓	✓	✓	✓	✓
Walla Walla River from Lowden (Dry Creek at river mile 27.2) to Oregon border (river mile 40). <sup>3</sup>			✓								✓	✓	✓	✓	✓	✓	✓	✓
Wolf Creek and the unnamed tributary at longitude -117.9013 and latitude 46.2511: All waters (including tributaries) above the junction.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓

**Notes for WRIA 32:**

1. Dissolved oxygen concentration shall exceed 5.0 mg/L.
2. No waste discharge will be permitted for Mill Creek and tributaries from city of Walla Walla Waterworks Dam (river mile 21.6) to headwaters.

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TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses				Recreational Uses			Water Supply Uses				Misc. Uses						
		Char	Core Salmon/TROUT	Non-Core Salmon/TROUT	Salmon/TROUT Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
<p>3. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed t = 34/(T + 9).</p>																			
<b>WRIA 33 Lower Snake</b>																			
Snake River from mouth to Washington-Idaho-Oregon border (river mile 176.1). <sup>1</sup>																			
<b>Notes for WRIA 33:</b>																			
1. Below Clearwater River (river mile 139.3). Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed t = 34/(T + 9). Special condition - special fish passage exemption as described in WAC 173-201A-200 (1) (f).																			
<b>WRIA 34 Palouse</b>																			
Palouse River from mouth to south fork (Colfax, river mile 89.6).																			
Palouse River from south fork (Colfax, river mile 89.6) to Idaho border (river mile 123.4). <sup>1</sup>																			
<b>Notes on WRIA 34:</b>																			
1. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed t = 34/(T + 9).																			
<b>WRIA 35 Middle Snake</b>																			
All streams flowing into Oregon from North Fork Wenaha River east to Fairview Creek.																			
Asotin River, North Fork, and all tributaries above Lick Creek, except those waters in or above the Umatilla National Forest.																			
Asotin River, North Fork, and all tributaries above Lick Creek that are in or above the Umatilla National Forest.																			

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TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreational Uses			Water Supply Uses				Misc. Uses					
	Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Charley Creek and the unnamed tributary at longitude -117.3216 and latitude 46.2851: All waters (including tributaries) above the junction, except those waters in or above the Umatilla National Forest.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Charley Creek and the unnamed tributary at longitude -117.3216 and latitude 46.2851: All waters (including tributaries) above the junction that are in or above the Umatilla National Forest.	✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Crooked Creek and First Creek: All waters (including tributaries) above the junction.	✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Cummings Creek and all tributaries, except those waters in or above the Umatilla National Forest.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Cummings Creek and all tributaries that are in or above the Umatilla National Forest.	✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Grande Ronde River from mouth to Oregon border (river mile 37). <sup>1</sup>	✓		✓						✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Grub Canyon and all tributaries.	✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hixon Canyon and all tributaries.	✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Little Tucannon River and all tributaries.	✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Menatchee Creek and West Fork Menatchee Creek: All waters (including tributaries) above the junction.	✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Pataha Creek and Dry Pataha Creek: All waters (including tributaries) above the junction, except those waters in or above the Umatilla National Forest.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Pataha Creek and Dry Pataha Creek: All waters (including tributaries) above the junction that are in or above the Umatilla National Forest.	✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Snake River from mouth to Washington-Idaho-Oregon border (river mile 176.1). <sup>2</sup>			✓							✓	✓	✓	✓	✓	✓	✓	✓	✓
Tucannon River from Umatilla National Forest boundary (river mile 38.1) to Panjab Creek.		✓							✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Tucannon River and Panjab Creek: All waters (including tributaries) above the junction.	✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Tucannon River's unnamed tributaries at above longitude -117.7756, latitude 46.3877 and longitude -117.7449, latitude 46.3769.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓

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TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreational Uses			Water Supply Uses				Misc. Uses					
	Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Tumalum Creek and the unnamed tributary at longitude -117.6488 and latitude 46.3594: All waters (including tributaries) above the junction, except those waters in or above the Umatilla National Forest.	✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Tumalum Creek and the unnamed tributary at longitude -117.6488 and latitude 46.3594: All waters (including tributaries) above the junction that are in or above the Umatilla National Forest.	✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Willow Creek and the unnamed tributary at longitude -117.8314 and latitude 46.4182: All waters (including tributaries) above the junction.	✓							✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Notes for WRIA 35:</b>																		
1. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed t = 34/(T + 9).																		
2. The following two notes apply:																		
(a) Below Clearwater River (river mile 139.3). Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed t = 34/(T + 9). Special condition - special fish passage exemption as described in WAC 173-201A-200 (1) (f).																		
(b) Above Clearwater River (river mile 139.3). Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increases will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed 0.3°C due to any single source or 1.1°C due to all such activities combined.																		
<b>WRIA 36 Esquatzel Coulee</b>																		
There are no specific waterbody entries for this WRIA.																		
<b>WRIA 37 Lower Yakima</b>																		
Ahtanum Creek North Fork's unnamed tributaries at longitude -120.8857 and latitude 46.5465.	✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Ahtanum Creek North Fork's unnamed tributaries at longitude -120.9851 and latitude 46.5395.	✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Ahtanum Creek, North Fork, and Middle Fork Ahtanum Creek: All waters (including tributaries) above the junction.	✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

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TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses			Recreational Uses			Water Supply Uses				Misc. Uses							
		Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Ahianum Creek, South Fork, and all tributaries.	✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Carpenter Gulch and all tributaries.	✓						✓											
	Foundation Creek and all tributaries.	✓						✓											
	Nasty Creek and all tributaries.	✓						✓											
	Sulphur Creek.																		
	Yakima River from mouth to Cle Elum River (river mile 185.6). <sup>1</sup>		✓																
	<b>Notes for WRIA 37:</b>																		
	1. Temperature shall not exceed a 1-DMax of 21.0°C due to human activities. When natural conditions exceed a 1-DMax of 21.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed t = 34/(T + 9).																		
	<b>WRIA 38 Naches</b>																		
	American River and all tributaries.	✓																	
	Barton Creek and all tributaries.	✓																	
	Bumping Lake's unnamed tributaries at longitude -121.3095 and latitude 46.8464.	✓																	
	Bumping River's unnamed tributaries at longitude -121.2067 and latitude 46.9317 (outlet of Flat Iron Lake).	✓																	
	Bumping River's unnamed tributaries at longitude -121.2766 and latitude 46.8852.	✓																	
	Bumping River below Cougar Creek.		✓																
	Bumping River and Cougar Creek: All waters (including tributaries) above the junction.	✓																	
	Cedar Creek and all tributaries.	✓																	
	Crow Creek and all tributaries.	✓																	
	Deep Creek and all tributaries.	✓																	
	Goat Creek and all tributaries.	✓																	
	Granite Creek and all tributaries.	✓																	
	Indian Creek and all tributaries.	✓																	

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TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses				Recreational Uses			Water Supply Uses				Misc. Uses						
	Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Little Naches River and Bear Creek: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Little Naches River, South Fork, and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Naches River from Snoqualmie National Forest boundary (river mile 35.7) to headwaters.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Pileup Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Quartz Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Rattlesnake Creek and all tributaries above Three Creeks.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Sand Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Sunrise Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Tieton River.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Tieton River, North Fork, and Clear Creek: All waters (including tributaries) above the junction at Clear Lake.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Tieton River, South Fork, and Short and Dirty Creek: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>WRIA 39 Upper Yakima</b>																		
Big Boulder Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Cle Elum River from mouth to Fortune Creek.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Cle Elum River and Fortune Creek: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Cooper River and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Little Kachess Lake and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Paris Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Teanaway River, North Fork, and all tributaries above Stafford Creek.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Wapatus River and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Yakima River from mouth to Cle Elum River (river mile 185.6). <sup>1</sup>		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓

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TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses				Recreational Uses			Water Supply Uses			Misc. Uses							
	Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Yakima River and tributaries from Cle Elum River (river mile 185.6) to Stampede Creek except for the waters specifically listed in this table: Big Boulder Creek, Cle Elum River, Cooper River, Little Kachess Lake, Paris Creek and Wapatus River.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Yakima River and all tributaries above Stampede Creek.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Notes for WRIA 39:</b>																		
1. Temperature shall not exceed a 1-DMax of 21.0°C due to human activities. When natural conditions exceed a 1-DMax of 21.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed t = 34/(T + 9).																		
<b>WRIA 40 Alkaki-Squilchuck</b>																		
There are no specific waterbody entries for this WRIA.																		
<b>WRIA 41 Lower Crab</b>																		
Crab Creek and tributaries.																		
<b>WRIA 42 Grand Coulee</b>																		
Crab Creek and tributaries.																		
<b>WRIA 43 Upper Crab-Wilson</b>																		
Crab Creek and tributaries.																		
<b>WRIA 44 Moses Coulee</b>																		
There are no specific waterbody entries for this WRIA.																		
<b>WRIA 45 Wenatchee</b>																		
Chikamin Creek and all tributaries.																		
Chiwaukum Creek and South Fork Chiwaukum Creek: All waters (including tributaries) above the junction.																		
Chiwawa River from mouth to unnamed creek at longitude -120.8409 and latitude 48.0595 (near Phelps Creek).																		

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TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreational Uses			Water Supply Uses				Misc. Uses					
		Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Chiwawa River and all tributaries above unnamed creek at longitude -120.8409 and latitude 48.0595 (near Phelps Creek).	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Dry Creek and Chumstick Creek: All waters (including tributaries) above the junction, except those waters in or above the Wenatchee National Forest.	✓						✓											
	Dry Creek and Chumstick Creek: All waters (including tributaries) above the junction that are in or above the Wenatchee National Forest.	✓					✓												
	Eagle Creek and the unnamed tributary at longitude -120.5165 and latitude 47.6544: All waters (including tributaries) above the junction, except those waters in or above the Wenatchee National Forest.	✓					✓												
	Eagle Creek and the unnamed tributary at longitude -120.5165 and latitude 47.6544: All waters (including tributaries) above the junction that are in or above the Wenatchee National Forest.	✓					✓												
	Icicle Creek and all tributaries above unnamed creek at longitude -120.9547 and latitude 47.6206 (near French Creek).	✓																	
	Little Giant Creek and all tributaries.	✓																	
	Rock Creek and all tributaries.	✓																	
	Second Creek and the unnamed tributary at longitude -120.5935 and latitude 47.7384: All waters (including tributaries) above the junction.	✓																	
	Van Creek and the unnamed tributary at longitude -120.5373 and latitude 47.6722: All waters (including tributaries) above the junction.	✓																	
	Wenatchee River from Wenatchee National Forest boundary (river mile 27.1) to Chiwawa River.		✓																
	Wenatchee River and all tributaries upstream of Chiwawa River.	✓																	
<b>WRIA 46 Entiat</b>																			
	Brennegan Creek and the unnamed tributary at longitude -120.4185 and latitude 47.9098: All waters (including tributaries) above the junction.	✓																	
	Entiat River from Wenatchee National Forest boundary (river mile 20.5) to Silver Creek.		✓																

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TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses				Recreational Uses			Water Supply Uses				Misc. Uses						
	Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Entiat River and Silver Creek: All waters (including tributaries) above the junction.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Entiat River's unnamed tributaries at longitude -120.4998 and latitude 47.9107.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Entiat River's unnamed tributaries at longitude -120.5179 and latitude 47.9174.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Gene Creek and Potato Creek: All waters above the junction.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Gray Canyon, North Fork, and South Fork Gray Canyon: All waters (including tributaries) above the junction.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Hornet Creek and all tributaries.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Lake Creek and all tributaries.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Mad River and all tributaries above Young Creek.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Mud Creek and Switchback Canyon: All waters (including tributaries) above the junction.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Preston Creek and South Fork Preston Creek: All waters (including tributaries) above the junction.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Stormy Creek and the unnamed tributary at longitude -120.3865 and latitude 47.8387: All waters (including tributaries) above the junction.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Tillicum Creek and Indian Creek: All waters (including tributaries) above the junction.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Tommy Creek and all tributaries.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
<b>WRIA 47 Chelan</b>																		
Shehekin River.		✓					✓				✓	✓	✓	✓	✓	✓	✓	✓
<b>WRIA 48 Methow</b>																		
Beaver Creek and South Fork Beaver Creek: All waters (including tributaries) above the junction.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Big Hidden Lake and all tributaries, and the outlet stream that flows into the East Fork Pasayten River.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Boulder Creek and Pebble Creek: All waters (including tributaries) above the junction.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Buttermilk Creek and all tributaries.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓

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TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreational Uses			Water Supply Uses				Misc. Uses					
	Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Cedar Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Chewuch River.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Eagle Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Early Winters Creek and Varden Creek: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Eureka Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Goat Creek and Cougar Creek: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Gold Creek and all tributaries, except those waters in or above the Okanogan National Forest.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Gold Creek and all tributaries that are in or above the Okanogan National Forest.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Lake Creek and all tributaries above Black Lake.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Libby Creek and Hornel Draw: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Lost River Gorge and all tributaries above Sunset Creek.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Methow River from mouth to Chewuch River (river mile 50.1).			✓							✓	✓	✓	✓	✓	✓	✓	✓	✓
Methow River from Chewuch River (river mile 50.1) to junction of West Fork Methow River and South Fork Trout Creek.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Methow River, West Fork, and South Fork Trout Creek: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Pipestone Canyon Creek and all tributaries below Campbell Lake.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Pipestone Canyon Creek and all tributaries above Campbell Lake, Campbell Lake, and all tributaries to Campbell Lake.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Rattlesnake Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Robinson Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Smith Canyon Creek and Elderberry Canyon: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Twisp River from mouth to War Creek.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓

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TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses				Recreational Uses			Water Supply Uses				Misc. Uses						
		Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Twisp River and War Creek: All waters (including tributaries) above the junction.	✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Wolf Creek and North Fork Wolf Creek: All waters (including tributaries) above the junction.	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	<b>WRIA 49 Okanogan</b> Okanogan River.		✓						✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	<b>WRIA 50 Foster</b> There are no specific waterbody entries for this WRIA.																		
	<b>WRIA 51 Nespelen</b> There are no specific waterbody entries for this WRIA.																		
	<b>WRIA 52 Sanpoil</b> There are no specific waterbody entries for this WRIA.																		
	<b>WRIA 53 Lower Lake Roosevelt</b> There are no specific waterbody entries for this WRIA.																		
	<b>WRIA 54 Lower Spokane</b> Spokane River from mouth to Long Lake Dam (river mile 33.9). <sup>1</sup> Spokane River from Long Lake Dam (river mile 33.9) to Nine Mile Bridge (river mile 58.0). <sup>2</sup> Spokane River from Nine Mile Bridge (river mile 58.0) to the Idaho border (river mile 96.5). <sup>3</sup>		✓							✓		✓	✓	✓	✓	✓	✓	✓	✓
	<b>Notes for WRIA 54:</b> 1. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed t = 34/(T + 9). 2. a. The average euphotic zone concentration of total phosphorus (as P) shall not exceed 25 µg/L during the period of June 1 to October 31.																		

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TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses				Recreational Uses			Water Supply Uses				Misc. Uses						
		Char	Core Salmon/TROUT	Non-Core Salmon/TROUT	Salmon/TROUT Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
<p>b. Temperature shall not exceed a 1-DMax of 20.0°C, due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed <math>t = 34/(T + 9)</math>.</p> <p>3. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time exceed <math>t = 34/(T + 9)</math>.</p>																			
<b>WRIA 55 Little Spokane</b>																			
There are no specific waterbody entries for this WRIA.																			
<b>WRIA 56 Hangman</b>																			
There are no specific waterbody entries for this WRIA.																			
<b>WRIA 57 Middle Spokane</b>																			
Lake Creek and all tributaries.		✓																	
Spokane River from Nine Mile Bridge (river mile 58.0) to the Idaho border (river mile 96.5). <sup>1</sup>			✓						✓										
<b>Notes on WRIA 57:</b>																			
<p>1. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time exceed <math>t = 34/(T + 9)</math>.</p>																			
<b>WRIA 58 Middle Lake Roosevelt</b>																			
There are no specific waterbody entries for this WRIA.																			
<b>WRIA 59 Colville</b>																			
Colville River.			✓																
<b>WRIA 60 Kettle</b>																			
There are no specific waterbody entries for this WRIA.																			

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TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses			Recreational Uses			Water Supply Uses			Misc. Uses									
		Char	Core Salmon/Trout	Non-Core Salmon/Trout	Salmon/Trout Rearing	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics	
<b>WRIA 61 Upper Lake Roosevelt</b>		There are no specific waterbody entries for this WRIA.																		
<b>WRIA 62 Pend Oreille</b>		All streams flowing into Idaho from Kalispell Creek (at longitude -117.0339 and latitude 48.5865) to the Canadian border.																		
Calispell Creek (including tributaries) from Small Creek to Calispell Lake.		✓						✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
Calispell Lake and all tributaries.		✓						✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
Le Clerc Creek, East Branch, and West Branch Le Clerc Creek: All waters (including tributaries) above the junction, except those waters in or above the Colville National Forest.		✓							✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Le Clerc Creek, East Branch, and West Branch Le Clerc Creek: All waters (including tributaries) above the junction that are in or above the Colville National Forest.		✓										✓	✓	✓	✓	✓	✓	✓	✓	✓
Harvey Creek and Paupac Creek: All waters (including tributaries) above the junction.		✓										✓	✓	✓	✓	✓	✓	✓	✓	✓
Pass Creek and all tributaries.		✓										✓	✓	✓	✓	✓	✓	✓	✓	✓
Pend Oreille River from Canadian border (river mile 16.0) to Idaho border (river mile 87.7). <sup>1</sup>			✓																	
Small Creek and all tributaries, except those waters in or above the Kaniksu National Forest.		✓																		
Small Creek and all tributaries that are in or above the Kaniksu National Forest.		✓																		
South Salmo River and all tributaries.		✓																		
Sullivan Creek and Gypsy Creek: All waters (including tributaries) above the junction.		✓																		
<b>Notes for WRIA 62:</b>		1. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t = 34/(T + 9)$ .																		

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TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses						Recreation Uses			Water Supply Uses				Misc. Uses				
	Char Spawning /Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
<b>COLUMBIA RIVER</b>																		
Columbia River from mouth to the Washington-Oregon border (river mile 309.3). <sup>1</sup>			✓					✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Columbia River from Washington-Oregon border (river mile 309.3) to Grand Coulee Dam (river mile 596.6). <sup>2,3</sup>			✓				✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Columbia River from Grand Coulee Dam (river mile 596.6) to Canadian border (river mile 745.0).	✓								✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Notes for Columbia River:</b>																		
1. Temperature shall not exceed a 1-day maximum (1-DMax) of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed 0.3°C due to any single source or 1.1°C due to all such activities combined. Dissolved oxygen shall exceed 90 percent of saturation. Special condition - special fish passage exemption as described in WAC 173-201A-200 (1)(f).																		
2. From Washington-Oregon border (river mile 309.3) to Priest Rapids Dam (river mile 397.1). Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed t = 34/(T + 9).																		
3. From Washington-Oregon border (river mile 309.3) to Grand Coulee Dam (river mile 596.6). Special condition - special fish passage exemption as described in WAC 173-201A-200 (1)(f).																		
<b>WRIA 1 - Nooksack</b>																		
Bertrand Creek from mouth to Canadian border	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Breckenridge Creek and tributaries	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Chilliwack River and Little Chilliwack River: All waters (including tributaries) above the junction.	✓								✓		✓	✓	✓	✓	✓	✓	✓	✓
Chuckanut Creek from mouth to headwaters									✓		✓	✓	✓	✓	✓	✓	✓	✓
Colony Creek and tributaries from mouth to headwaters									✓		✓	✓	✓	✓	✓	✓	✓	✓
Dakota Creek and tributaries									✓		✓	✓	✓	✓	✓	✓	✓	✓
Dale Creek									✓		✓	✓	✓	✓	✓	✓	✓	✓
Deer Creek (tributary to Barrett Lake) and tributaries									✓		✓	✓	✓	✓	✓	✓	✓	✓
Depot Creek and tributaries	✓								✓		✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Fishtrap Creek from mouth to Canadian border	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Hutchinson Creek and tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Johnson Creek, unnamed tributary just north of Pangborn Road watershed		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Nooksack River mainstem from mouth to Anderson Creek.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Nooksack River and tributaries [except where otherwise designated Char] from and including Anderson Creek (latitude 48.8675 longitude -122.3210) to junction with South Fork.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Nooksack River, North Fork, and all tributaries, upstream to the junction with Maple creek (RM 49.7).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Nooksack River, North Fork, and all tributaries above and including Maple Creek (RM 49.7) and tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Nooksack River, Middle Fork, and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Nooksack River, South Fork, from mouth to Skookum Creek (river mile 14.3).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Nooksack River, South Fork, from Skookum Creek (river mile 14.3) to Fobes Creek.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Nooksack River, South Fork, and all tributaries above the junction at Fobes Creek.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Padden Creek and tributaries from mouth to headwaters		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
Pepin Creek from mouth to Canadian border		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
Saar Creek from latitude 48.9490 longitude -122.2252 to headwaters		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
Silesia Creek and all tributaries south of Canadian border.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Skookum Creek and all tributaries.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Squaw Creek		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
Squalicum Creek, unnamed tributary from latitude 48.7862 longitude -122.4864 to headwaters		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
Stickney Creek (Slough) and Kamm Ditch from confluence with mainstem Nooksack River to headwaters.		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Sumas River from Canadian border (river mile 12) to headwaters (river mile 23) except where designated otherwise.			✓				✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tennile Creek below Barrett Lake		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tomyhoi Creek and tributaries from Canadian border to headwaters.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Whatcom Creek and tributaries from mouth to outlet of Lake Whatcom.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>WRIA 2 San Juan</b>																			
There are no specific waterbody entries for this WRIA.																			
<b>WRIA 3 Lower Skagit-Samish</b>																			
	Fisher Creek and tributaries.	✓	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Hansen Creek and tributaries.	✓	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Nookachamps Creek and tributaries (except where designated char).	✓	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Nookachamps Creek, East Fork, and unnamed creek at latitude 48.4103 longitude -122.1657: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Samish River and tributaries above latitude 48.5472 longitude -122.3378 (Sect 18 T36 R4E).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Skagit River mainstem from mouth to Skiyou Slough-lower end (river mile 25.6).	✓	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Skagit River, all tributaries to the mainstem from the mouth to Skiyou Slough-lower end (river mile 25.6); except where designated otherwise.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Skagit River and tributaries from Skiyou Slough-lower end, (river mile 25.6) to the boundary of WRIA 3 and 4, except the other waters listed for this WRIA. <sup>1</sup>	✓	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Walker Creek and unnamed creek at latitude 48.3813 longitude -122.1639: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Notes for WRIA 3:</b>																			
1. Skagit River (Gorge by-pass reach) from Gorge Dam (river mile 96.6) to Gorge Powerhouse (river mile 94.2). Temperature shall not exceed a 1-DMax of 21°C due to human activities. When natural conditions exceed a 1-DMax of 21°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C, nor shall such temperature increases, at any time, exceed t = 34/(T + 9).																			
<b>WRIA 4 Upper Skagit</b>																			

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Bacon Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Baker Lake and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Bear Creek and the unnamed outlet creek of Blue Lake: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Big Beaver Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Big Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Buck Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Cascade River and Boulder Creek: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Circle Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Clear Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Diobsud Creek and the unnamed tributary at longitude -121.4414 and latitude 48.5850: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Goodell Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Hozomeen Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Illabot Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Jordan Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Lightning Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Little Beaver Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Murphy Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Newhalem Creek, and all tributaries	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Rocky Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Ruby Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Sauk River and Dutch Creek: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Silver Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Skagit River and tributaries, except where listed otherwise for this WRIA. <sup>1</sup>	✓	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses						
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics	
	Stetattle Creek and all tributaries.	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	Straight Creek and all tributaries.	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	Suiattle River all tributaries above Harriet Creek.	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	Sulfur Creek and all tributaries.	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	Tenas Creek and all tributaries.	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	Thunder Creek and all tributaries.	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	White Chuck River and all tributaries.	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
<b>Notes for WRIA 4:</b>																				
1. Skagit River (Gorge by-pass reach) from Gorge Dam (river mile 96.6) to Gorge Powerhouse (river mile 94.2). Temperature shall not exceed a 1-DMax of 21°C due to human action. When natural conditions exceed a 1-DMax of 21°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C, nor shall such temperature increases, at any time, exceed $t = 34/(T + 9)$ .																				
<b>WRIA 5 Stillaguamish</b>																				
	Brooks Creek and the unnamed tributary at latitude 48.2967 longitude -121.9031:	✓								✓										✓
	All waters (including tributaries) above the junction.																			✓
	Canyon Creek above unnamed tributary at latitude 48.1242 longitude -121.8894 (Sect. 34 T31N R7E) to headwaters (including tributaries).	✓								✓										✓
	Canyon Creek's unnamed tributaries at latitude 48.1459 longitude -121.9648.	✓								✓										✓
	Unnamed tributaries at latitude 48.1461 longitude -122.9649 located upstream of unnamed tributary at river mile 3 of Canyon Creek	✓								✓										✓
	Crane Creek and unnamed tributary at latitude 48.3330 longitude -121.1000: All waters (including tributaries) above the junction.	✓								✓										✓
	Crane Creek's unnamed tributaries at latitude 48.3315 longitude -121.1030: All waters (including tributaries) above the junction.	✓								✓										✓
	Cub Creek and the unnamed tributary at latitude 48.1655 longitude -121.9376: All waters (including tributaries) above the junction.	✓								✓										✓
	Deer Creek (on N.F. Stillaguamish) and the unnamed tributary at longitude -121.9565 and latitude 48.3195: All waters (including tributaries) above the junction.	✓								✓										✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Dicks Creek and unnamed outlet of Myrtle Lake at latitude 48.3187 longitude -121.8129: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Jim Creek and Little Jim Creek: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Jorgenson Slough (Church Creek) from latitude 48.2347 longitude -121.3530 between West Pass and Hat Slough: All waters (including tributaries) above the junction.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Lake Cavanaugh and all tributaries above outlet at latitude 48.3127 longitude -121.9802.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Pilchuck Creek and Bear Creek: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Pilchuck Creek's unnamed tributaries at latitude 48.3104 longitude -122.1305: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Pilchuck Creek from latitude 48.2395 longitude -122.2015 (above 268 <sup>th</sup> St) to headwaters including tributaries(except where designated Char)		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Unnamed tributary to Portage Creek at latitude 48.1837 longitude -122.2314: All waters (including tributaries) above the junction		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Stillaguamish River from mouth to junction of north and south forks (river mile 17.8).			✓					✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Stillaguamish River, North Fork, from mouth to Boulder River (including tributaries) except where designated Char.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Stillaguamish River, North Fork, and Boulder River: All waters (including tributaries) from the junction up to Squire Creek, downstream of the Mt. Baker Snoqualmie National Forest.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Stillaguamish River, North Fork, and Boulder River: All waters (including tributaries) from the junction up to Squire Creek that are in or above the Mt. Baker Snoqualmie National Forest.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Stillaguamish River, North Fork, from Squire Creek (river mile 31.2) to headwaters, including all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Stillaguamish River, South Fork, from mouth to Canyon Creek (river mile 33.7).																		
	Stillaguamish River, South Fork, from Canyon Creek (river mile 33.7) to the unnamed tributary at latitude 48.0921 longitude -121.8797 (near Cranberry Creek).																		
	Stillaguamish River, South Fork, and the unnamed tributary at latitude 48.0921 longitude -121.8797 (near Cranberry Creek): All waters (including tributaries) above the junction.																		
<b>WRIA 6 Island</b>																			
There are no specific waterbody entries for this WRIA.																			
<b>WRIA 7 Snohomish</b>																			
	Cherry Creek and tributaries from mouth to headwaters.																		
	Cripple Creek and all tributaries.																		
	Kelly Creek and tributaries.																		
	Miller River, East Fork, and West Fork Miller River: All waters (including tributaries) above the junction.																		
	North Fork Creek and unnamed creek at latitude 47.7409 longitude -121.8231 (Sect. 18 T26N R8E): All waters (including tributaries) above the junction.																		
	Pilchuck River from mouth to Boulder Creek.																		
	Pilchuck River and Boulder Creek: All waters (including tributaries) above the junction.																		
	Pratt River and all tributaries.																		
	Skykomish River and tributaries from mouth to May Creek (above Gold Bar at river mile 41.2).																		
	Skykomish River and May Creek (above Gold Bar at river mile 41.2): All waters (including tributaries) above junction (Except where designated Char).																		
	Skykomish River, North Fork, beginning below Salmon Creek at latitude 47.8790 longitude -121.4594 to headwaters (including tributaries).																		
	Skykomish River, South Fork, and Beckler River: All waters (including																		



TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
tributaries) above the junction.																		
Snohomish River from mouth and east of longitude 122°13'40"W upstream to latitude 47°56'30"N (southern tip of Ebey Island at river mile 8.1). <sup>1</sup>							✓					✓	✓	✓	✓	✓	✓	✓
Snohomish River from latitude 47°56'30"N (southern tip of Ebey Island at river mile 8.1) to below Pilchuck Creek at latitude 47.9045 longitude -122.0917.			✓									✓	✓	✓	✓	✓	✓	✓
Snohomish River from below Pilchuck Creek (latitude 47.9045 longitude -122.0917) to confluence with Skykomish and Snoqualmie River (river mile 20.5).		✓										✓	✓	✓	✓	✓	✓	✓
Snoqualmie River from mouth to junction with Harris Creek (latitude 47.7686 longitude -121.9605; Sect.5 T25N R6E)			✓									✓	✓	✓	✓	✓	✓	✓
Snoqualmie River and tributaries from and including Harris Creek (latitude 47.7686 longitude -121.9605; Sect.5 T25N R6E) to west boundary of Twin Falls State Park on south fork (river mile 9.1).		✓						✓				✓	✓	✓	✓	✓	✓	✓
Snoqualmie River, South Fork, from west boundary of Twin Falls State Park (river mile 9.1) to headwaters (including tributaries).		✓										✓	✓	✓	✓	✓	✓	✓
Snoqualmie River, North Fork, from mouth to Sunday Creek.												✓	✓	✓	✓	✓	✓	✓
Snoqualmie River, North Fork, and Sunday Creek: All waters (including tributaries) above the junction.	✓											✓	✓	✓	✓	✓	✓	✓
Snoqualmie River, Middle Fork, from mouth to Dingford Creek (Except where designated char).		✓										✓	✓	✓	✓	✓	✓	✓
Snoqualmie River, Middle Fork, and Dingford Creek: All waters (including tributaries) above the junction.												✓	✓	✓	✓	✓	✓	✓
Snoqualmie River's Middle Fork's unnamed tributaries at latitude 47.5389 longitude -121.5629 (Sect. 29 T24N R10E).	✓											✓	✓	✓	✓	✓	✓	✓
Sultan River and tributaries from mouth to Chaplain Creek (river mile 5.9).		✓										✓	✓	✓	✓	✓	✓	✓
Sultan River and tributaries from Chaplain Creek (river mile 5.9) to headwaters. <sup>2</sup>		✓										✓	✓	✓	✓	✓	✓	✓
Taylor River and all tributaries.	✓											✓	✓	✓	✓	✓	✓	✓
Tolt River, North Fork, and unnamed creek at latitude 47.7183 longitude -121.7775: All waters (including tributaries) above the junction.	✓											✓	✓	✓	✓	✓	✓	✓

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Tolt River, South Fork, and tributaries from mouth to west boundary of Sec. 31-T26N-R9E (river mile 6.9).						✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tolt River, South Fork, and tributaries from west boundary of Sec. 31-T26N-R9E (river mile 6.9) to headwaters, except for the waters specifically listed in this table: South Fork Tolt River and South Fork Tolt River's unnamed tributaries. <sup>3</sup>	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tolt River, South Fork, and unnamed creek at latitude 47.6925 longitude - 121.7392: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tolt River's South Fork's unnamed tributaries at latitude 47.6889 longitude - 121.7856 (Sect.33 T26N R8E).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Trout Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	<b>Notes for WRIA 7:</b>																		
	1. Fecal coliform organism levels shall both not exceed a geometric mean value of 200 colonies/100 mL and not have more than 10 percent of the samples obtained for calculating the mean value exceeding 400 colonies/100 mL.																		
	2. No waste discharge will be permitted above city of Everett Diversion Dam (river mile 9.4).																		
	3. No waste discharge will be permitted for the South Fork Tolt River and tributaries from west boundary of Sec. 31-T26N-R9E (river mile 6.9) to headwaters.																		
	<b>WRIA 8 Cedar-Sammamish</b>																		
	Cedar River from Lake Washington to the Maplewood Bridge (river mile 4.1).	✓								✓		✓	✓	✓	✓	✓	✓	✓	✓
	Cedar River and tributaries from the Maplewood Bridge (river mile 4.1) to Landsburg Dam (river mile 21.6).	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
	Cedar River and tributaries from Landsburg Dam (river mile 21.6) to Chester Morse Lake. <sup>1</sup>	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
	Cedar River at Chester Morse Lake Cedar Falls Dam: All waters (including tributaries) to headwaters. <sup>2</sup>	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
	Holder Creek and the unnamed tributary at latitude 47.4581 longitude - 121.9496: All waters (including tributaries) above the junction.	✓								✓		✓	✓	✓	✓	✓	✓	✓	✓
	Issaquah Creek from Lake Sammamish to headwaters (including tributaries) except where designated Char.	✓								✓		✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Lake Washington Ship Canal from Government Locks (river mile 1.0) to Lake Washington (river mile 8.6). <sup>3,4</sup>	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	
<b>Notes for WRIA 8:</b>																			
1. No waste discharge will be permitted.																			
2. No waste discharge will be permitted.																			
3. Salinity shall not exceed one part per thousand (1.0 ppt) at any point or depth along a line that transects the ship canal at the University Bridge (river mile 6.1).																			
4. This waterbody is to be treated as a Lakes for purposes of applying this chapter.																			
<b>WRIA 9 Duwamish-Green</b>																			
	Duwamish River from mouth south of a line bearing 254° true from the NW corner of berth 3, terminal No. 37 to the Black River (river mile 11.0) (Duwamish River continues as the Green River above the Black River).			✓					✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
	Green River from and including the Black River (river mile 11.0 and point where Duwamish River continues as the Green River) to latitude 47.3699 longitude -122.246 (Sect. 25 T22N R4E) above junction with unnamed tributary.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Green river from above junction with unnamed tributary at latitude 47.3699 longitude -122.2461 (Sect. 25 T22N R4E) (east of the West Valley highway) to west boundary of Flaming Geyser State Park (including all tributaries)	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
	Green River from W. Boundary of Flaming Geyser State Park to headwaters (including tributaries) except where designated Char, Core, and Ex. Primary: Green River and Sunday Creek: All waters (including tributaries) above the junction. <sup>1</sup>		✓				✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Smay Creek and West Fork Smay Creek: All waters (including tributaries) above the junction. <sup>1</sup>	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Notes for WRIA 9:</b>																			
1. No waste discharge will be permitted for the Green River and tributaries (King County) from west boundary of Sec. 13-T21N-R7E (river mile 59.1) to headwaters.																			
<b>WRIA 10 Puyallup-White</b>																			

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Carbon River and tributaries above latitude 46.9998 longitude -121.0794, downstream of the Snoqualmie National Forest or Mt. Rainier National Park.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Carbon River and tributaries above latitude 46.9998 longitude -121.9794 that are in or above the Snoqualmie National Forest or Mt. Rainier National Park.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Clarks Creek upstream of tribal reservation.		✓																
Clear Creek and tributaries upstream of tribal reservation.		✓																
Clearwater River and Milky Creek: All waters (including tributaries) above the junction.	✓						✓											
Greenwater River from junction with White River to headwaters (including all tributaries).	✓						✓											
Puyallup River from mouth to river mile 1.0.									✓									
Puyallup River from river mile 1.0 to junction with White River.	✓																	
Puyallup River and tributaries from junction with White River to Mowich River (Except where designated char).	✓																	
Puyallup River at and including Mowich River: All waters (including tributaries) above the junction.	✓																	
South Prairie Creek and all tributaries above the Kepka Fishing Pond, except those waters in or above the Snoqualmie National Forest.	✓							✓										
South Prairie Creek and all tributaries above the Kepka Fishing Pond that are in or above the Snoqualmie National Forest.	✓																	
Swan Creek upstream of tribal reservation.																		
Voight Creek and Bear Creek: All waters (including tributaries) above the junction, that are downstream of the Snoqualmie National Forest or Mt. Rainier National Park.	✓																	
Voight Creek and Bear Creek: All waters (including tributaries) above the junction that are in or above the Snoqualmie National Forest or Mt. Rainier National Park.	✓																	
White River from mouth to latitude 47.2438 longitude -122.2422 (Sect. 1 T20N				✓														

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
R4E).																		
White River from latitude 47.2438 longitude -122.2422 (Sect. 1 T20N R4E) to Mud Mountain dam (including tributaries).		✓						✓				✓	✓	✓	✓	✓	✓	✓
White River from Mud Mountain Dam (river mile 27.1) to West Fork White River at (latitude 47.3699 longitude -121.6197) except where designated Char.		✓										✓	✓	✓	✓	✓	✓	✓
White River from and including West Fork White River: All waters (including tributaries) above the junction.	✓						✓					✓	✓	✓	✓	✓	✓	✓
Wilkeson Creek and Gale Creek: All waters (including tributaries) above the junction, except those waters in or above the Snoqualmie National Forest.	✓							✓				✓	✓	✓	✓	✓	✓	✓
Wilkeson Creek and Gale Creek: All waters (including tributaries) above the junction that are in or above the Snoqualmie National Forest.	✓											✓	✓	✓	✓	✓	✓	✓
<b>WRIA 11 Nisqually</b>																		
Big Creek and all tributaries.	✓						✓					✓	✓	✓	✓	✓	✓	✓
Copper Creek and all tributaries.	✓						✓					✓	✓	✓	✓	✓	✓	✓
East Creek and all tributaries.	✓						✓					✓	✓	✓	✓	✓	✓	✓
Horn Creek and tributaries												✓	✓	✓	✓	✓	✓	✓
Little Nisqually River and all tributaries.	✓						✓					✓	✓	✓	✓	✓	✓	✓
Mashel River and Little Mashel River: All waters (including tributaries) above the junction.	✓											✓	✓	✓	✓	✓	✓	✓
Mineral Creek and all tributaries.	✓						✓					✓	✓	✓	✓	✓	✓	✓
Muck Creek and tributaries												✓	✓	✓	✓	✓	✓	✓
Murray Creek and tributaries												✓	✓	✓	✓	✓	✓	✓
Nisqually River mainstem from mouth to Alder Dam (river mile 44.2).		✓										✓	✓	✓	✓	✓	✓	✓
Nisqually River from Alder Dam (river mile 44.2) to Tahoma Creek (including tributaries) except where designated Char.		✓										✓	✓	✓	✓	✓	✓	✓
Nisqually River and Tahoma Creek: All waters (including tributaries) above the junction.	✓						✓					✓	✓	✓	✓	✓	✓	✓

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		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Rocky Slough from latitude 46.8882 longitude -122.4339 to latitude 46.9109 longitude -122.4012.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tanwax Creek and tributaries downstream of lakes		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>WRIA 12 Chambers-Clover</b>																			
	Clover Creek from outlet of Lake Spanaway to inlet of Lake Steilacoom.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>WRIA 13 Deschutes</b>																			
	Deschutes River from mouth to and including tributary to Offutt Lake.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Deschutes River, and tributaries, upstream of the tributary to Offutt Lake (all waters in or above the national forest boundary).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Deschutes River, and tributaries, upstream of the tributary to Offutt Lake (all waters below the national forest boundary).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>WRIA 14 Kennedy-Goldsborough</b>																			
	Campbell Creek and tributaries	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Coffee Creek and tributaries	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Cranberry Creek and tributaries	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Deer Creek and tributaries	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Goldsborough Creek and tributaries	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Hiawata Creek and tributaries			✓															
	Jarrell Creek and tributaries			✓															
	John's Creek and tributaries	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Jones Creek and tributaries			✓							✓	✓	✓	✓	✓	✓	✓	✓	✓
	Malaney Creek (at Spencer Lake)	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	McLane Creek and tributaries	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Mill Creek and tributaries	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Perry Creek and tributaries	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Shelton Creek and tributaries	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓

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		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Uncle Johns Creek and tributaries	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Unnamed stream (latitude 47.2237 longitude -122.9135) at Peale Passage inlet on west side of Hartstene Island.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>WRIA 15 Kitsap</b>																			
	Anderson Creek and tributaries	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Barker Creek and tributaries from Dyes Inlet to Island Lake	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Blackjack Creek and tributaries downstream of Square Lake	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Chico Creek and tributaries above junction with Kitsap Creek (tributaries to Chico Bay in Dyes Inlet).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Clear Creek from Dyes Inlet to headwaters (including tributaries)	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Gamble Creek and tributaries (latitude 47.8116 longitude -122.5797).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Gorst Creek and tributaries	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Martha John Creek and tributaries (latitude 47.8252 longitude -122.5632).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Ross Creek and tributaries	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Strawberry Creek and tributaries (latitude 47.6458 longitude -122.6933)	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Union River and tributaries from Bremerton Waterworks Dam (river mile 6.9) to headwaters. <sup>1</sup>	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Unnamed tributary to Sinclair Inlet between Gorst and Anderson Creeks (latitude 47.5270 longitude -122.6932).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Unnamed tributary to Sinclair Inlet (latitude 47.5471 longitude -122.6123) east of Blackjack Creek			✓				✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Unnamed tributary west of Port Gamble Bay at latitude 47.8195 longitude -122.5848.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Notes for WRIA 15:</b>																			
1. No waste discharge will be permitted.																			
<b>WRIA 16 Skokomish-Dosewallips</b>																			

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		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Dosewallips River and tributaries.						✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Duckabush River and tributaries.		✓				✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Hamma Hamma River and tributaries.		✓				✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Rock Creek and unnamed tributary at latitude 47.3894 longitude -123.3496: All waters (including tributaries) above the junction.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Skokomish River and tributaries, except where designated char.		✓				✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Skokomish River, North Fork, from latitude 47.4160 longitude -123.2233 (below Cushman Upper Dam) to headwaters (including tributaries).	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Skokomish River, South Fork, and Brown Creek: All waters (including tributaries) above the junction.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Vance Creek and Cabin Creek all waters above the junction.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	<b>WRIA 17 Quilcene-Snow</b>		✓				✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Big Quilcene River and tributaries.										✓	✓	✓	✓	✓	✓	✓	✓	✓
	<b>WRIA 18 Elwha-Dungeness</b>																		
	Boulder Creek and Deep Creek: All waters (including tributaries) above the junction.	✓								✓									
	Dungeness River mainstem from mouth to Canyon Creek (river mile 10.8).		✓																
	Dungeness River, tributaries to mainstem, above and between confluence with Matriotti Creek to Canyon Creek (river mile 10.8).			✓						✓									
	Dungeness River and Canyon Creek: All waters (including tributaries) above the junction.	✓																	
	Elwha River and tributaries from mouth to Cat Creek, except where designated Char.		✓																
	Elwha River and Cat Creek: All waters (including tributaries) above the junction.	✓																	
	Ennis Creek and White Creek (and all tributaries) from the junction with the Strait of Juan De Fuca to the Olympic National Park Boundary.		✓																
	Ennis Creek and tributaries lying above the Olympic National Park Boundary.		✓																



TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Griff Creek and the unnamed tributary at latitude 48.0135 longitude -123.5440 (Sect. 11 T29N R7W): All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Hughes Creek and the unnamed tributary at latitude 48.0298 longitude -123.6322 (Sect. 6 T29N R7W): All waters (including tributaries) above the junction.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Little River and all tributaries.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Matriotti Creek		✓				✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Wolf Creek and the unnamed tributary at latitude 47.9654 longitude -123.5374 (Sect. 35 T29N R7W): All waters (including tributaries) above the junction.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	<b>WRIA 19 Lyre-Hoko</b>	There are no specific waterbody entries for this WRIA.																	
	<b>WRIA 20 Soleduc</b>	Dickey River and tributaries.																	
	Hoh River and tributaries from mouth to South Fork Hoh River.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Hoh River and South Fork Hoh River: All waters above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Quillayute River.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Soleduc River and tributaries from mouth to Canyon Creek.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Soleduc River and all tributaries above Canyon Creek.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	<b>WRIA 21 Queets-Quinault</b>	Clearwater River and the unnamed tributary at latitude 47.7270 longitude -124.0361 (Sect.26 T26N R11W): All waters (including tributaries) above the junction.																	
	Kunamakst Creek and the unnamed tributary at latitude 47.7285 longitude -124.0771 (Sect.26 T26N R11W): All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Matheny Creek and the unnamed tributary at latitude 47.5592 longitude -123.9538: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Queets River and tributaries from mouth to Tshletsy Creek.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Queets River and tributaries above the junction with Tshletshy Creek.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Quinalt River and tributaries from mouth to the junction with the North Fork Quinalt River.		✓				✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Quinalt River and North Fork Quinalt: All waters (including tributaries) above the junction.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Salmon River, Middle Fork, and the unnamed tributary at latitude 47.5208 longitude -123.9899: All waters (including tributaries) above the junction.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Sams River and the unnamed tributary at latitude 47.6059 longitude -123.8941: All waters (including tributaries) above the junction.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Sollecks River and the unnamed tributary at latitude 47.6937 longitude -124.0133: All waters (including tributaries) above the junction.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Stequaleho Creek and the unnamed tributary at latitude 47.6620 longitude -124.0426: All waters (including tributaries) above the junction.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tshletshy Creek and the unnamed tributary at latitude 47.6585 longitude -123.8668: All waters (including tributaries) above the junction.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	<b>WRIA 22 Lower Chehalis</b>																		
	Andrews Creek and tributaries above junction with West Fork.	✓								✓									
	Baker Creek and the unnamed tributary at latitude 47.3301 longitude -123.4142: All waters (including tributaries) above the junction.	✓								✓									
	Big Creek and Middle Fork Big Creek: All waters (including tributaries) above the junction.	✓								✓									
	Canyon River and the unnamed tributary at latitude 47.3473 longitude -123.4936: All waters (including tributaries) above the junction.	✓								✓									
	Chehalis River from upper boundary of Grays Harbor at Cosmopolis (river mile 3.1, longitude 123°45'45"W) to latitude 46.6004 and longitude -123.1472 (Section 23 T13N R43W on main stem and to latitude 46.6013 and longitude -123.1253 on South Fork.			✓															
	Chester Creek and the unnamed tributary at latitude 47.4196 longitude -123.7841: All waters (including tributaries) above the junction.	✓								✓									

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Cloquallum Creek.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Decker Creek.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Delezene Creek and tributaries above latitude 46.9413 longitude -123.3893.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Elk River, West Branch and tributaries above latitude 46.8111 longitude -123.9774.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Goforth Creek and the unnamed tributary at latitude 47.3560 longitude -123.7323: All waters (including tributaries) above the junction.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Hoquiam River, East Fork and tributaries above latitude 47.0524 longitude -123.8428 (above Lytle Creek).		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Hoquiam River and tributaries above latitude 47.0571 longitude -123.9287 (above river mile 9.3 - Dekay Road Bridge) (upper limit of tidal influence).		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Hoquiam River, Middle Fork and tributaries above latitude 47.0418 longitude -123.9052.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Hoquiam River mainstem (continues as west fork above east fork) from mouth to river mile 9.3 - Dekay Road Bridge) (upper limit of tidal influence).				✓					✓		✓	✓	✓	✓	✓	✓	✓	✓
Humtulpis River and tributaries from mouth to latitude 47.0810 longitude -124.0655 (Section 4 T18N R11W).			✓							✓	✓	✓	✓	✓	✓	✓	✓	✓
Humtulpis River and tributaries from latitude 47.0810 longitude -124.0655 (Section 4 T18N R11W) to Olympic National Forest boundary (except where designated Char).		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Humtulpis River and tributaries from Olympic National Forest boundary to headwaters (except where designated Char).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Humtulpis River, East Fork, and the unnamed tributary at latitude 47.3821 longitude -123.7163: All waters (including tributaries) above the junction.			✓							✓	✓	✓	✓	✓	✓	✓	✓	✓
Humtulpis River, West Fork, and Petes Creek: All waters (including tributaries) above the junction.			✓				✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Johns River and North Fork Johns River: All waters above the junction.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Little Hoquiam River, North Fork and tributaries above latitude 47.0001 longitude -123.9269.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Little Hoquiam River and tributaries above latitude 46.9934 longitude -123.9364.																		
	Mox Chehalis Creek and tributaries above and latitude 46.9680 longitude -123.3083.																		
	Newskah Creek and tributaries above latitude 46.9163 longitude -123.8235 (Section 32 T16N R9W).																		
	Satsop River and tributaries from latitude 46.9854 longitude -123.4887 (Section 6 T17N R6W) to headwaters, except where designated Char.																		
	Satsop River, West Fork, and Robertson Creek: All waters (including tributaries) above the junction.																		
	Satsop River, Middle Fork, and the unnamed tributary at latitude 47.3340 longitude -123.4451: All waters (including tributaries) above the junction.																		
	Wildcat Creek and tributaries above junction with Cloquallum Creek.																		
	Wishkah River, East Fork and tributaries above latitude 47.0801 longitude -123.7560.																		
	Wishkah River from mouth to river mile 6 (SW 1/4 SW 1/4 NE 1/4 Sec. 21-T18N-R9W).																		
	Wishkah River from river mile 6 (SW 1/4 SW 1/4 NE 1/4 Sec. 21-T18N-R9W) to latitude 47.1089 longitude -123.7908.																		
	Wishkah River from river and tributaries from latitude 47.1089 longitude -123.7908 to junction with West Fork.																		
	Wishkah River and tributaries from and including West Fork to headwaters. <sup>1</sup>																		
	Wynoochee River and tributaries from latitude 46.9709 longitude -123.6252 to (near railroad crossing) mouth to Olympic National Forest boundary (river mile 45.9).																		
	Wynoochee River and tributaries from Olympic National Forest boundary (river mile 45.9) to Wynoochee Dam.																		
	Wynoochee River and all tributaries above Wynoochee Dam.																		

**Notes for WRIA 22:**

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
1. No waste discharge will be permitted from south boundary of Sec. 33-T21N-R8W (river mile 32.0) to headwaters.																			
<b>WRIA 23 Upper Chehalis</b>																			
Bunker Creek and tributaries.																			
Cedar Creek and tributaries above latitude 46.8760 longitude -123.2714 (near intersection with Highway 12).																			
Chehalis River, South Fork (including tributaries) above latitude 46.6014 longitude -123.1253 (near junction with State Route 6), except where specifically designated Char.																			
Chehalis River (including tributaries) above latitude 46.6004 longitude -123.1473 (Section 23 T13N R43W, except where specifically designated Char.																			
Chehalis River mainstem from upper boundary of Grays Harbor at Cosmopolis (river mile 3.1, longitude 123°45'45"W) to latitude 46.6004 longitude -123.1473 (Section 23 T13N R43W on main stem and to latitude 46.6014 longitude -123.1253 on South Fork.																			
Chehalis River, South Fork, and the unnamed tributary at latitude 49.179 longitude -123.4127 (Sect. 10 T10N R4W): All waters (including tributaries) above the junction.																			
Chehalis River, West Fork, and East Fork Chehalis River: All waters (including tributaries) above the junction.																			
Coffee Creek and tributaries.																			
Eight Creek and the unnamed tributary at latitude 46.6211 longitude -123.4127: All waters (including tributaries) above the junction.																			
Fall Creek and the unnamed tributary at Sect. 22 T15N R1E: All waters (including tributaries) above their junction.																			
Garrard Creek, South Fork, and tributaries above latitude 46.8013 longitude -123.3060.																			
Hanaford Creek and all tributaries from east boundary of Sec. 25-T15N-R2W (river mile 4.1) to the unnamed tributary at latitude 46.7295 longitude -122.6812 except where designated Char.																			

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning /Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Hanaford Creek and all tributaries from mouth to east boundary of Sec. 25-T15N-R2W (river mile 4.1) <sup>2</sup> .			✓							✓	✓	✓	✓	✓	✓	✓	✓	✓
Hanaford Creek and the unnamed tributary at latitude 46.7295 longitude -122.6812 (Sect. 4 T14N R1E): All waters (including tributaries) above the junction.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Kearney Creek and the unnamed tributary at latitude 46.6256 longitude -122.5683: All waters (including tributaries) above the junction.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Laramie Creek and the unnamed tributary at latitude 46.7901 longitude -122.5901: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Lincoln Creek, North Fork and tributaries above latitude 46.7370 longitude -123.7370 and (Section 36 T15N R5W).	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Lincoln Creek, South Fork and tributaries above latitude 46.7253 longitude -123.2306 (Section 6 T14N R4W).		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Mima Creek and tributaries above latitude 46.8588 longitude -123.0856.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Newaukum River and tributaries (except where designated Char).		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Newaukum River, North Fork, and the unnamed tributary at latitude 46.6793 longitude -122.6677: All waters (including tributaries) above the junction.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Newaukum River, South Fork, and Frase Creek: All waters (including tributaries) above the junction.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Phoeny Creek and the unnamed tributary at latitude 46.7836 longitude -122.6276 (Sect. 13 T15N R1E): All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Porter Creek and Jamaica Day Creek: All waters above the junction.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Rock Creek (upstream of Callow): All waters above confluence with Chehalis River (Section 15, T16N, R5W), except where designated otherwise in this table.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Rock Creek (upstream of Pe Ell) and the unnamed tributary at latitude 46.5279 longitude -123.3782 (Sect. 11 T12N R6W): All waters (including tributaries) above the junction.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Scatter Creek and tributaries from latitude 46.8025 longitude -123.0863 (near mouth) to headwaters.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Seven Creek and the unnamed tributary at latitude 46.6192 longitude -123.3723: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Skookumchuck River and tributaries from junction with Hanaford Creek to headwaters (except where designated char).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Skookumchuck River mainstem from mouth to Hanaford Creek.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Skookumchuck River and Hospital Creek: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Stearns Creek's, unnamed (GIS Ripple Creek) tributary at latitude 46.5711 longitude -122.9692 (Section 30 T13N R2W).		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
	Stearns Creek's, unnamed tributary to West Fork at latitude 46.5824 longitude -123.0222 (Section 26 T13N R3W).		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
	Stillman Creek and Little Mill Creek (Sect. 23 T12N R4W): All waters (including tributaries) above the junction.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
	Thrash Creek and all tributaries.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
	Waddel Creek and tributaries.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
<b>Notes for WRIA 23:</b>																			
1. Dissolved oxygen shall exceed 5.0 mg/L from June 1 to September 15. For the remainder of the year, the dissolved oxygen shall meet standard criteria.																			
2. Dissolved oxygen shall exceed 6.5 mg/L.																			
<b>WRIA 24 Willapa</b>																			
	Bear River, unnamed south flowing tributary at latitude 46.3342 longitude -123.9394 (Section 20 T10N R10W).	✓										✓	✓	✓	✓	✓	✓	✓	✓
	Bear River and tributaries above latitude 46.3284 longitude -123.3284 (Section 28 T10N R10W) to headwaters.		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
	Canon River and tributaries above latitude 46.5879 longitude -123.8672 (Section 25 T13N R10W).		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
	Lower Salmon Creek and tributaries.		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
	Middle Nemah River and tributaries above latitude 46.4873 longitude -123.8855		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	(Section 35 T12N R10W).																		
	Mill Creek and tributaries above latitude 46.6448 longitude -123.6251 (Section 1 T13N R8W).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Naselle River from O'Conner Creek to headwaters (including tributaries).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	North Nemah River and tributaries above latitude 46.5172 longitude -123.8665 (Section 14 T12N R10W).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	North River and Fall River: All waters above the junction (Section 25 T15N R7W).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Pioneer Creek and tributaries above latitude 46.8149 longitude -123.5502 (Section 4 T15N R7W).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Salmon Creek and tributaries above latitude 46.8904 longitude -123.6829 (Section 9 T16N R8W).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Smith Creek and tributaries above latitude 46.7554 longitude -123.8424 (Section 30 T15N R9W).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	South Naselle River above latitude 46.3499 longitude -123.8093 (Section 16 T10N R9W).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	South Nemah River above latitude 46.4406 longitude -123.8630 (Section 13 T11N R10W).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Stringer Creek and tributaries (Section 25 T13N R8W).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Willapa River South Fork and tributaries above latitude 46.6479 longitude -123.7267 (Section 6 T13N R8W).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Willapa River and Oxbow Creek: All waters upstream of the junction (Section 25 T13N R8W).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Williams Creek and tributaries above latitude 46.5284 longitude -123.8668 (Section 14 T12N R10W).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>WRIA 25 Grays-Elochoman</b>																			
	Abernathy Creek and Cameron Creek: All waters above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Coal Creek and Tributaries above and latitude 46.1839 longitude -123.0338 (just	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓



TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	below Harmony Creek).																		
	Elochoman River and tributaries from mouth to latitude 46.2289 longitude - 123.3597 (Section 30 T9N R6W).			✓				✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Elochoman River and tributaries from latitude 46.2289 longitude -123.3597 (Section 30 T9N R6W) to headwaters.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Germany Creek from latitude 46.1946 longitude -123.1259 (near mouth) to headwaters.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Grays River from latitude 46.3454 longitude -123.6099 to headwaters.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Hull Creek and tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Mill Creek and Tributaries above latitude 46.1906 longitude -123.1802 (near mouth).	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Skomokawa Creek and Wilson Creek: All waters above the junction.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	<b>WRIA 26 Cowlitz</b>																		
	Cispus River and tributaries.	✓						✓											
	Coweeman River and tributaries from mouth to latitude 46.1405 longitude - 122.8532 (Section 31 T8N R1W).			✓					✓										
	Coweeman River and tributaries from latitude 46.1405 longitude -122.8532 Section 31 T8N R1W) to Mulholland Creek (river mile 18.4).	✓																	
	Coweeman River and tributaries from Mulholland Creek (river mile 18.4) to headwaters.	✓																	
	Cowlitz River and tributaries from mouth to latitude 46.2622 longitude -122.9001 (Section 14 T9N R2W).			✓					✓										
	Cowlitz River from latitude 46.2622 longitude -122.9001 (Section 14 T9N R2W) base of Riffe Lake Dam (river mile 52.0).	✓																	
	Cowlitz River, and tributaries from base of Riffe Lake Dam (river mile 52.0) to headwaters.	✓																	
	Green River and tributaries.	✓																	
	Toutle River and tributaries from mouth to Green River on North Fork.	✓																	

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Toutle River, North Fork, and tributaries from Green River to headwaters.																		
	Toutle River, South Fork, and tributaries.																		
	<b>WRIA 27 Lewis</b>																		
	Alec Creek and all tributaries.																		
	Big Creek and all tributaries.																		
	Chickoon Creek and all tributaries.																		
	Clear Creek and all tributaries.																		
	Clearwater Creek and unnamed creek: All waters (including tributaries) above the junction (Sect. 15 T8N R6E – below junction of Smith and Muddy Creeks).																		
	Curly Creek and all tributaries.																		
	Cussed Hollow Creek and all tributaries.																		
	Kalama River east of Interstate 5 to Kalama River Falls (river mile 10.4) (including tributaries).																		
	Kalama River from lower Kalama River Falls (river mile 10.4) to headwaters (including tributaries).																		
	Lewis River from Houghton Creek (including tributaries) to Lake Merwin.																		
	Lewis River and Pass Creek: All waters (including tributaries) above the junction.																		
	Lewis River's unnamed tributaries at latitude 46.1122 longitude -121.9174 (Sect. 11 T7N R7E).																		
	Lewis River, East Fork, from and including Mason Creek to Multon Falls (river mile 24.6) including tributaries.																		
	Lewis River, East Fork, and tributaries from Multon Falls (river mile 24.6) to headwaters.																		
	Little Creek and all tributaries.																		
	Panamaker Creek and all tributaries.																		
	Pin Creek and all tributaries.																		
	Pine Creek and all tributaries.																		

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Quartz Creek and all tributaries.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Rush Creek and all tributaries.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Spencer Creek and all tributaries.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Steamboat Creek and all tributaries.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tillicum Creek and all tributaries.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	<b>WRIA 28 Salmon-Washougal</b>																		
	Burnt Bridge Creek.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Duncan Creek and unnamed tributary just east of Duncan Creek: All waters north of highway 14..		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Green Leaf Creek and Hamilton Creek: All waters above the junction.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Hardy Creek and tributaries above lake inlet.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Lawton Creek and tributaries above latitude 45.5708 longitude -122.2576 (Section 13).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Salmon Creek from latitude 45.7176 longitude -122.6958 (below junction with Cougar Creek) and tributaries.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Washougal River from latitude 45.5883 longitude -122.3711 (Section 7 T1N R4E) (including tributaries).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Woodward Creek and tributaries north of highway 14.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	<b>WRIA 29 Wind-White Salmon</b>																		
	Bear Creek (tributary to White Salmon River) below National Forest Boundary			✓				✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Buck Creek and all tributaries (Two Buck Creeks drain to the White Salmon River, the mouth of this creek is found in Section 21 T7NR10E).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Carson Creek.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Catherine Creek and tributaries.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Cave Creek below National Forest Boundary			✓				✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Gilmer Creek and all tributaries, except as noted otherwise.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Gilmer Creek's unnamed tributary in Sections 29 and 32 T5N R11E.			✓							✓	✓	✓	✓	✓	✓	✓	✓	✓
Gotchen Creek and all tributaries, except those waters in or above the Gifford Pinchot National Forest.	✓						✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Gotchen Creek and all tributaries that are in or above the Gifford Pinchot National Forest.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Green Canyon Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Jewett Creek and tributaries.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Killowatt Canyon Creek below National Forest Boundary			✓				✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Little White Salmon River and tributaries downstream of National Forest boundary.		✓					✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Little White Salmon River and tributaries in or above National Forest boundary.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Major Creek and tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Morrison Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Rattlesnake Creek and the unnamed tributary at latitude 45.8512 longitude - 121.4081; All waters (including tributaries) above the junction.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Rock Creek and tributaries downstream of Gifford Pinchot National Forest boundaries..	✓						✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Spring Creek below National Forest Boundary			✓							✓	✓	✓	✓	✓	✓	✓	✓	✓
Trout Lake Creek and all tributaries below Trout Lake.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Trout Lake Creek and all tributaries at and above Trout Lake.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
White Salmon River (including all natural tributaries) occurring downstream of National Forest boundary, not otherwise designated Char.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
White Salmon River (including all natural tributaries) occurring in or upstream of National Forest boundary, not otherwise designated Char.							✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
White Salmon River drainage's unnamed tributaries that terminate in Section 13 T6NR10E (latitude 46.0055 longitude 121.4991); all portions occurring downstream of the Gifford Pinchot National Forest boundary.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
White Salmon River drainage's unnamed tributaries that terminate in Section 13	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	T6NR10E (latitude 46.0055 longitude 121.4991); all portions occurring upstream of the Gifford Pinchot National Forest boundary.																		
	White Salmon River and Cascade Creek: All waters (including tributaries) above the junction.	✓						✓											
	Wind River and tributaries downstream of Gifford Pinchot National Forest boundaries.		✓																
	Wind River and tributaries in or upstream of Gifford Pinchot National Forest.	✓																	
	<b>WRIA 30 Klickitat</b>																		
	Clearwater Creek and Trappers Creek: All waters (including tributaries) above the junction.	✓																	
	Cougar Creek and Big Muddy Creek: All waters (including tributaries) above the junction.	✓																	
	Diamond Creek and Caitin Creek: All waters (including tributaries) above the junction.	✓																	
	Diamond Fork's unnamed tributaries at latitude 46.4205 longitude -121.1562.	✓																	
	Diamond Fork's unnamed tributaries at latitude 46.4355 longitude -121.1590 (outlet of Maiden Springs).	✓																	
	Fish Lake Stream and all tributaries.	✓																	
	Frasier Creek and Outlet Creek: All waters (including tributaries) above the junction.	✓																	
	Klickitat River mainstem from mouth to Little Klickitat River (river mile 19.8).		✓																
	Klickitat River from Little Klickitat River (river mile 19.8) to Diamond Fork.			✓															
	Klickitat River and all tributaries above the junction with Diamond Fork.	✓																	
	Little Klickitat River and all tributaries above the junction with Cozy Nook Creek.																		
	Little Muddy Creek and all tributaries.	✓																	
	McCreedy Creek and all tributaries.	✓																	
	<b>WRIA 31 Rock-Glade</b>																		

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Squaw Creek and unnamed tributary at and latitude 45.8758 longitude -120.4324 (Section 33 T5N R19E): all waters above junction.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Rock Creek and Quartz Creek: all waters above junction.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>WRIA 32 Walla Walla</b>																			
	Blue Creek and tributaries above latitude 46.0581 and longitude 118.0971	✓																	
	Coppei Creek, North and South Forks (including tributaries).		✓																
	Dry Creek and tributaries above junction with unnamed creek at latitude 46.1197 longitude -118.1378 (Seaman Rd).		✓					✓											
	Mill Creek from mouth to 13th Street Bridge in Walla Walla (river mile 6.4). <sup>1</sup>																		
	Mill Creek from 13th Street Bridge in Walla Walla (river mile 6.4) to latitude 46.0862 longitude -118.2395 in north channel and latitude 46.0800 longitude -118.2541 in south channel.							✓											
	Mill Creek from latitude 46.0862 longitude -118.2395 in north channel and latitude 46.0800 longitude -118.2541 in south channel to headwaters (including tributaries) except where otherwise designated Char.		✓																
	Mill Creek and Railroad Canyon: All waters (including tributaries) above the junction up to city of Walla Walla Waterworks Dam (river mile 21.6).	✓																	
	Mill Creek and tributaries from city of Walla Walla Waterworks Dam (river mile 21.6) to headwaters (including upstream and downstream of where Mill Creek flows into Oregon). <sup>2</sup>	✓																	
	Touchet River above latitude 46.3172 longitude -118.0000 (Sect. 30 T10N R38E) (including tributaries) not otherwise designated Char.		✓																
	Touchet River, North Fork, and Wolf Creek: All waters (including tributaries) above the junction.	✓																	
	Touchet River, South Fork, and the unnamed tributary at latitude 46.2307 longitude -117.9397: All waters (including tributaries) above the junction, except those waters in or above the Umatilla National Forest.	✓																	
	Touchet River, South Fork, and the unnamed tributary at latitude 46.2307 longitude -117.9397: All waters (including tributaries) above the junction that are	✓																	

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		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	in or above the Umatilla National Forest.																		
	Walla Walla River from mouth to Lowden (Dry Creek at river mile 27.2).				✓				✓			✓	✓	✓	✓	✓	✓	✓	✓
	Walla Walla River from Lowden (Dry Creek at river mile 27.2) to Oregon border (river mile 40). <sup>3</sup>			✓						✓		✓	✓	✓	✓	✓	✓	✓	✓
	Whiskey Creek, and unnamed tributary system at and latitude 46.2176 longitude - 118.0667 (Section 33 T9N R38E), all waters above junction.									✓		✓	✓	✓	✓	✓	✓	✓	✓
<b>Notes for WRIA 32:</b>																			
1. Dissolved oxygen concentration shall exceed 5.0 mg/L.																			
2. No waste discharge will be permitted for Mill Creek and tributaries from city of Walla Walla Waterworks Dam (river mile 21.6) to headwaters.																			
3. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed t = 34/(T + 9).																			
<b>WRIA 33 Lower Snake</b>																			
	Snake River from mouth to Washington-Idaho-Oregon border (river mile 176.1). <sup>1</sup>				✓							✓	✓	✓	✓	✓	✓	✓	✓
<b>Notes for WRIA 33:</b>																			
1. Below Clearwater River (river mile 139.3). Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed t = 34/(T + 9). Special condition - special fish passage exemption as described in WAC 173-201A-200 (1) (f).																			
<b>WRIA 34 Palouse</b>																			
	Palouse River from Palouse Falls to south fork (Colfax, river mile 89.6).				✓							✓	✓	✓	✓	✓	✓	✓	✓
	Palouse River mainstem from mouth to Palouse Falls			✓								✓	✓	✓	✓	✓	✓	✓	✓
	Palouse River from south fork (Colfax, river mile 89.6) to Idaho border (river mile 123.4). <sup>1</sup>			✓								✓	✓	✓	✓	✓	✓	✓	✓
<b>Notes on WRIA 34:</b>																			
1. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed t = 34/(T + 9).																			

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses						Recreation Uses			Water Supply Uses				Misc. Uses				
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
<b>WRIA 35 Middle Snake</b>																		
<b>All streams flowing into Oregon from North Fork Wenaha River east to, and including, Fairview Creek.</b>	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Asotin River from and including Charley Creek to headwaters (including tributaries) not otherwise designated Char.		✓					✓				✓	✓	✓	✓	✓	✓	✓	✓
Asotin River, North Fork, and all tributaries above Lick Creek, except those waters in or above the Umatilla National Forest.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
Asotin River, North Fork, and all tributaries above Lick Creek that are in or above the Umatilla National Forest.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Charley Creek and the unnamed tributary at latitude 46.2851 longitude -117.3216; All waters (including tributaries) above the junction, except those waters in or above the Umatilla National Forest.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
Charley Creek and the unnamed tributary at latitude 46.2851 longitude -117.3216; All waters (including tributaries) above the junction that are in or above the Umatilla National Forest.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Cottonwood Creek and the unnamed tributary at latitude 46.0678 longitude -117.3015 (Section 21 T7N R44E) all waters above the junction.		✓					✓				✓	✓	✓	✓	✓	✓	✓	✓
Crooked Creek (including tributaries) from Oregon Border to headwaters.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Cummings Creek and all tributaries, except those waters in or above the Umatilla National Forest.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
Cummings Creek and all tributaries that are in or above the Umatilla National Forest.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
George Creek, above and including Coombs Canyon (including tributaries).	✓										✓	✓	✓	✓	✓	✓	✓	✓
George Creek and the unnamed tributary at latitude 46.2292 longitude -117.1874 (Section 29 T9N R45E), all waters above junction not otherwise designated Char.		✓					✓				✓	✓	✓	✓	✓	✓	✓	✓
Grande Ronde River from mouth to Oregon border (river mile 37). <sup>1</sup>			✓					✓			✓	✓	✓	✓	✓	✓	✓	✓
Grouse Creek and tributaries from Oregon border.		✓					✓				✓	✓	✓	✓	✓	✓	✓	✓
Grub Canyon and all tributaries.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓



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		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Hixon Canyon and all tributaries.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Little Tucannon River and all tributaries.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Menatchee Creek and West Fork Menatchee Creek: All waters (including tributaries) above the junction.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Pataha Creek and Dry Pataha Creek: All waters (including tributaries) above the junction, except those waters in or above the Umatilla National Forest.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Pataha Creek and Dry Pataha Creek: All waters (including tributaries) above the junction that are in or above the Umatilla National Forest.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Snake River from mouth to Washington-Idaho-Oregon border (river mile 176.1). <sup>2</sup>			✓															
	Tennile Creek, all waters above junction with unnamed creek at latitude 46.2156 longitude -117.0386 (Section 33 T9N R46E).		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tucannon River and tributaries from latitude 46.4592 longitude -117.8461 (Section 6, T11N R40E) to Panjab Creek (except where designated char).		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tucannon River mainstem from between Little Tucannon River and Panjab Creek.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tucannon River and Panjab Creek: All waters (including tributaries) above the junction.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tucannon River's unnamed tributaries in Sect. 1 T10N R40E and in Sect. 35 T11N R40E (South of Marengo): all waters above their forks.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tumalum Creek and the unnamed tributary at latitude 46.3594 longitude -117.6488: All waters (including tributaries) above the junction, except those waters in or above the Umatilla National Forest.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tumalum Creek and the unnamed tributary at latitude 46.3594 longitude -117.6488: All waters (including tributaries) above the junction that are in or above the Umatilla National Forest.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Willow Creek and the unnamed tributary at latitude 46.4182 longitude -117.8314: All waters (including tributaries) above the junction.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓

**Notes for WRIA 35:**

1. Temperature shall not exceed a 1-DMMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMMax of 20.0°C, no temperature

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed t = 34/(T + 9). 2. The following two notes apply: (a) Below Clearwater River (river mile 139.3). Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed t = 34/(T + 9). Special condition - special fish passage exemption as described in WAC 173-201A-200 (1) (f). (b) Above Clearwater River (river mile 139.3). Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increases will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed 0.3°C due to any single source or 1.1°C due to all such activities combined.																		
<b>WRIA 36 Esquatzel Coulee</b>																		
There are no specific waterbody entries for this WRIA.																		
<b>WRIA 37 Lower Yakima</b>																		
Ahtanum Creek North Fork's unnamed tributaries at latitude 46.5465 longitude - 120.8857.																		
Ahtanum Creek North Fork's unnamed tributaries at latitude 46.5395 longitude - 120.9851.																		
Ahtanum Creek, between junction with South Fork and junction of North and Middle Forks (including tributaries) except where designated Char																		
Ahtanum Creek, North Fork, and Middle Fork Ahtanum Creek: All waters (including tributaries) above the junction.																		
Ahtanum Creek, South Fork, and all tributaries.																		
Carpenter Gulch and all tributaries.																		
Foundation Creek and all tributaries.																		
Nasty Creek and all tributaries.																		
Sulphur Creek.																		
Yakima River from mouth to Cle Elum River (river mile 185.6) except where specifically designated otherwise in Table 602. <sup>1</sup>																		
<b>Notes for WRIA 37:</b>																		

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
1. Temperature shall not exceed a 1-DMax of 21.0°C due to human activities. When natural conditions exceed a 1-DMax of 21.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t = 34/(T + 9)$ .																		
<b>WRIA 38 Naches</b>																		
American River and all tributaries.																		
Barton Creek and all tributaries.																		
Bumping Lake's unnamed tributaries at latitude 46.8850 longitude -121.2779.																		
Bumping River's unnamed tributaries at latitude 46.9317 longitude -121.2067 (outlet of Flat Iron Lake).																		
Bumping River and tributaries downstream of the upper end of Bumping Lake (except where designated char).																		
Bumping River (and tributaries) upstream of Bumping Lake.																		
Cedar Creek and all tributaries.																		
Clear Creek and tributaries (including Clear Lake).																		
Crow Creek and all tributaries.																		
Deep Creek and all tributaries.																		
Goat Creek and all tributaries.																		
Granite Creek and all tributaries.																		
Indian Creek and all tributaries.																		
Little Naches River and Bear Creek: All waters (including tributaries) above the junction.																		
Little Naches River, South Fork and all tributaries.																		
Naches River and tributaries from latitude 46.7640 longitude -120.8286 (just upstream of Cougar Canyon) to Snoqualmie National Forest boundary (river mile 35.7) (except where designated Char).																		
Naches River from Snoqualmie National Forest boundary (river mile 35.7) to headwaters (except where designated Char).																		

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Pileup Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Quartz Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Rattlesnake Creek: All waters above the junction with North Fork Rattlesnake Creek.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Rattlesnake Creek, North Fork, all waters above latitude 46.8107 longitude 121.0694 (from and including the unnamed tributary just above junction with mainstem).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Sand Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Sunrise Creek (latitude 46.9042 longitude -121.2431) and all tributaries	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tieton River and tributaries (except where otherwise designated).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tieton River, North Fork (including tributaries) above the junction at Clear Lake.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Tieton River, South Fork, and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	<b>WRIA 39 Upper Yakima</b>																		
	Cle Elum River from mouth to latitude 47.3805 longitude -121.0983 (above Little Salmon la Sac Creek).		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
	Cle Elum River and all tributaries from junction with unnamed tributary at and latitude 47.3805 longitude -121.0983 to headwaters.	✓								✓		✓	✓	✓	✓	✓	✓	✓	✓
	Indian Creek and tributaries downstream of Wenatchee National Forest boundary below.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
	Indian Creek and tributaries in or above National Forest boundary.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
	Jack Creek and tributaries downstream of Wenatchee National Forest boundary below.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Jack Creek and tributaries in or above National Forest boundary.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Little Kachess Lake (narrowest point dividing Kachess Lake from Little Kachess Lake) and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Manastash Creek: All waters above the Junction of the North and South Forks that are downstream of the Wenatchee National Forest boundary.									✓		✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Manastash Creek: All waters above the Junction of the North and South Forks that are in or above the Wenatchee National Forest.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Manastash Creek mainstem from mouth to junction of North and South Forks.		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
Manastash Creek, tributaries to mainstem, between the mouth and the junction of North and South Forks.			✓					✓			✓	✓	✓	✓	✓	✓	✓	✓
Swauk Creek mainstem from mouth to junction with First Creek.		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
Swauk Creek from junction with First Creek to Wenatchee National Forest (including tributaries).		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
Taneum Creek, tributaries to mainstem, from mouth to Wenatchee National Forest boundary.			✓				✓				✓	✓	✓	✓	✓	✓	✓	✓
Taneum Creek mainstem from mouth to Wenatchee National Forest boundary.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Teanaway River mainstem from mouth to West Fork Teanaway River.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
Teanaway River, tributaries to mainstem, from mouth to West Fork Teanaway River.			✓					✓			✓	✓	✓	✓	✓	✓	✓	✓
Teanaway River, West Fork, and tributaries downstream of the Wenatchee National Forest.		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
Teanaway River, West Fork, and tributaries upstream of the Wenatchee National Forest.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
Teanaway River, North Fork, and tributaries from junction with West Fork to Jungle Creek that are downstream of the Wenatchee National Forest boundary (except where designated otherwise).		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
Teanaway River, North Fork, and tributaries from junction with West Fork to Jungle Creek that are in or above the Wenatchee National Forest boundary (except where designated otherwise).			✓				✓				✓	✓	✓	✓	✓	✓	✓	✓
Teanaway River, North Fork, and all tributaries above and including Jungle Creek.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
Yakima River mainstem from mouth to Cle Elum River (river mile 185.6) except where specifically designated otherwise in Table 602. <sup>1</sup>			✓					✓			✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Yakima River and tributaries from Cle Elum River (river mile 185.6) to headwaters (except where designated otherwise).	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Yakima River and tributaries above the unnamed tributary (latitude 47.2927 longitude -121.2971) entering the Yakima River in Sect.25 T21NR12E.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	<b>Notes for WRIA 39:</b>																		
	1. Temperature shall not exceed a 1-DMax of 21.0°C due to human activities. When natural conditions exceed a 1-DMax of 21.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed t = 34/(T + 9).																		
	<b>WRIA 40 Alkaki-Squilchuck</b>																		
	There are no specific water body entries for this WRIA.																		
	<b>WRIA 41 Lower Crab</b>																		
	Crab Creek and tributaries.																		
	<b>WRIA 42 Grand Coulee</b>																		
	Crab Creek and tributaries.																		
	<b>WRIA 43 Upper Crab-Wilson</b>																		
	Crab Creek and tributaries.																		
	<b>WRIA 44 Moses Coulee</b>																		
	There are no specific waterbody entries for this WRIA.																		
	<b>WRIA 45 Wenatchee</b>																		
	Chiwaukum Creek from junction with Skinney Creek to headwaters (including tributaries).	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Chiwawa River from mouth to Chickamin Creek (including tributaries).		✓				✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Chiwawa River (and all tributaries) above and including Chickamin Creek.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Chumstick Creek and tributaries downstream of the National Forest boundary (not otherwise designated char).		✓							✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Chumstick Creek and tributaries in or above the National Forest boundary (not otherwise designated char).		✓				✓				✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Dry Creek and Chumstick Creek: All waters (including tributaries) above the junction, except those waters in or above the Wenatchee National Forest.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Dry Creek and Chumstick Creek: All waters (including tributaries) above the junction that are in or above the Wenatchee National Forest.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Eagle Creek and the unnamed tributary at latitude 47.6544 longitude -120.5165: All waters (including tributaries) above the junction, except those waters in or above the Wenatchee National Forest.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Eagle Creek and the unnamed tributary at latitude 47.6544 longitude -120.5165: All waters (including tributaries) above the junction that are in or above the Wenatchee National Forest.	✓					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
	Icicle Creek (including tributaries) from mouth to confluence National Forest Boundary.	✓	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Icicle Creek (including tributaries) from National Forest boundary to confluence with Jack Creek.	✓	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Icicle Creek above and including Jack Creek (including all tributaries).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Ingalls Creek (including tributaries).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Mission Creek from latitude 47.5583 longitude -120.5745 to headwaters (including tributaries) downstream of the National Forest boundary.		✓							✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Mission Creek from latitude 47.5583 longitude -120.5745 to headwaters (including tributaries) in or above the National Forest boundary.		✓							✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Peshastin Creek from National Forest Boundary to headwaters (including tributaries) except where designated char.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
	Peshastin Creek from junction with Mill Creek to National Forest Boundary (including tributaries).		✓							✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Second Creek and the unnamed tributary at latitude 47.7384 longitude -120.5935: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Van Creek and the unnamed tributary at latitude 47.6722 longitude -120.5373: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Wenatchee River mainstem between Peshastin Creek and the boundary of the	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Wenatchee National Forest (river mile 27.1).																		
	Wenatchee River from Wenatchee National Forest boundary (river mile 27.1) to Chiwawa River (including tributaries) except where designated otherwise.		✓																
	Wenatchee River and all tributaries upstream of Minnow Creek (above Chiwawa River junction).	✓																	
<b>WRIA 46 Entiat</b>																			
	Brennegan Creek and the unnamed tributary at and latitude 47.9098 longitude - 120.4185: All waters (including tributaries) above the junction.	✓																	
	Entiat River and tributaries occurring below the National Forest boundary from and including the Mad River to Wenatchee National Forest boundary on the mainstem Entiat River (river mile 20.5).		✓																
	Entiat River and all tributaries above the unnamed creek at and latitude 47.9135 longitude -120.4942 (below Fox Creek).	✓																	
	Entiat River's unnamed tributaries upstream of latitude 47.9106 longitude - 121.5010 (below Fox Creek).	✓																	
	Gray Canyon, North Fork, and South Fork Gray Canyon: All waters (including tributaries) above the junction.	✓																	
	Hornet Creek and all tributaries.	✓																	
	Mad River and all tributaries above latitude 47.8015 longitude -120.4920 (below Young Creek).	✓																	
	Mud Creek and Switchback Canyon: All waters (including tributaries) above the junction.	✓																	
	Potato Creek and Gene Creek: All waters above the junction.	✓																	
	Preston Creek and South Fork Preston Creek: All waters (including tributaries) above the junction.	✓																	
	Stormy Creek and the unnamed tributary at latitude 47.8387 longitude -120.3865: All waters (including tributaries) above the junction.	✓																	
	Tillicum Creek and Indian Creek: All waters (including tributaries) above the	✓																	



TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
junction.	✓						✓			✓	✓	✓	✓	✓				
<b>WRIA 47 Chelan</b>																		
Stehekin River.										✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>WRIA 48 Methow</b>																		
Bear Creek from mouth to headwaters (including tributaries) in or above the National Forest boundary.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Bear Creek from mouth to headwaters (including tributaries) downstream of the National Forest boundary.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
Beaver Creek and South Fork Beaver Creek: All waters (including tributaries) above the junction.	✓										✓	✓	✓	✓	✓	✓	✓	✓
Big Hidden Lake and all tributaries, and the outlet stream that flows into the East Fork Pasayten River.	✓										✓	✓	✓	✓	✓	✓	✓	✓
Boulder Creek and Pebble Creek: All waters (including tributaries) above the junction.	✓										✓	✓	✓	✓	✓	✓	✓	✓
Buttermilk Creek and all tributaries.	✓										✓	✓	✓	✓	✓	✓	✓	✓
Chewuch River and tributaries from mouth to headwaters (except where designated otherwise).	✓										✓	✓	✓	✓	✓	✓	✓	✓
Chewuch River and tributaries above Buck Creek at Section 30, T38, R22E..	✓										✓	✓	✓	✓	✓	✓	✓	✓
Eagle Creek and all tributaries.	✓										✓	✓	✓	✓	✓	✓	✓	✓
Early Winters Creek (including tributaries) from mouth to headwaters.	✓										✓	✓	✓	✓	✓	✓	✓	✓
Eureka Creek and all tributaries.	✓										✓	✓	✓	✓	✓	✓	✓	✓
Goat Creek above the junction with Roundup Creek to headwaters (including tributaries).	✓										✓	✓	✓	✓	✓	✓	✓	✓
Gold Creek and all tributaries, except those waters in or above the Okanogan National Forest.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
Gold Creek and all tributaries that are in or above the Okanogan National Forest.	✓										✓	✓	✓	✓	✓	✓	✓	✓
Lake Creek and all tributaries.	✓										✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses						Recreation Uses			Water Supply Uses				Misc. Uses				
		Char Spawning /Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Libby Creek and Hornel Draw: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Little Bridge Creek and tributaries	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
	Lost River Gorge and all tributaries upstream of junction with Sunset Creek.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
	Methow River from mouth to junction with Twisp River.			✓								✓	✓	✓	✓	✓	✓	✓	✓
	Methow River from junction with Twisp River to Chewuch River (river mile 50.1).		✓							✓		✓	✓	✓	✓	✓	✓	✓	✓
	Methow River and tributaries from Chewuch River (river mile 50.1) to headwaters (except where designated char.		✓									✓	✓	✓	✓	✓	✓	✓	✓
	Methow River, West Fork, (including tributaries) from and including Robinson Creek and its tributaries to headwaters (except unnamed tributary above mouth at latitude 48.6594 longitude -120.5382.	✓								✓		✓	✓	✓	✓	✓	✓	✓	✓
	Pipestone Canyon Creek and all tributaries below Campbell Lake.	✓										✓	✓	✓	✓	✓	✓	✓	✓
	Pipestone Canyon Creek and all tributaries above Campbell Lake, Campbell Lake, and all tributaries to Campbell Lake.	✓										✓	✓	✓	✓	✓	✓	✓	✓
	Smith Canyon Creek and Elderberry Canyon: All waters (including tributaries) above the junction.	✓										✓	✓	✓	✓	✓	✓	✓	✓
	Twisp River from mouth to War Creek.		✓									✓	✓	✓	✓	✓	✓	✓	✓
	Twisp River and War Creek: All waters (including tributaries) above the junction.	✓										✓	✓	✓	✓	✓	✓	✓	✓
	Wolf Creek from and including unnamed tributary at latitude 48.4849 longitude -120.3180 to headwaters (including tributaries).	✓										✓	✓	✓	✓	✓	✓	✓	✓
	<b>WRIA 49 Okanogan</b>																		
	Okanogan River.			✓								✓	✓	✓	✓	✓	✓	✓	✓
	<b>WRIA 50 Foster</b>																		
	There are no specific waterbody entries for this WRIA.																		
	<b>WRIA 51 Nespelem</b>																		
	There are no specific waterbody entries for this WRIA.																		

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses				Recreation Uses			Water Supply Uses				Misc. Uses						
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
<b>WRIA 52 Sanpoil</b>																			
There are no specific waterbody entries for this WRIA.																			
<b>WRIA 53 Lower Lake Roosevelt</b>																			
There are no specific waterbody entries for this WRIA.																			
<b>WRIA 54 Lower Spokane</b>																			
Spokane River from mouth to Long Lake Dam (river mile 33.9). <sup>1</sup>																			
Spokane River from Long Lake Dam (river mile 33.9) to Nine Mile Bridge (river mile 58.0). <sup>2</sup>																			
Spokane River from Nine Mile Bridge (river mile 58.0) to the Idaho border (river mile 96.5). <sup>3</sup>																			
<b>Notes for WRIA 54:</b>																			
1. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t = 34/(T + 9)$ .																			
2. a. The average euphotic zone concentration of total phosphorus (as P) shall not exceed 25µg/L during the period of June 1 to October 31. b. Temperature shall not exceed a 1-DMax of 20.0°C, due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t = 34/(T + 9)$ .																			
3. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time exceed $t = 34/(T + 9)$ .																			
<b>WRIA 55 Little Spokane</b>																			
There are no specific waterbody entries for this WRIA.																			
<b>WRIA 56 Hangman</b>																			
There are no specific waterbody entries for this WRIA.																			
<b>WRIA 57 Middle Spokane</b>																			
Lake Creek and all tributaries.																			

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
		Char Spawning /Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Spokane River from Nine Mile Bridge (river mile 58.0) to the Idaho border (river mile 96.5). <sup>1</sup>		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	
	<b>Notes on WRIA 57:</b>																		
	1. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time exceed t=34/(T+9).																		
	<b>WRIA 58 Middle Lake Roosevelt</b>																		
	There are no specific waterbody entries for this WRIA.																		
	<b>WRIA 59 Colville</b>																		
	Colville River.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	
	<b>WRIA 60 Kettle</b>																		
	There are no specific waterbody entries for this WRIA.																		
	<b>WRIA 61 Upper Lake Roosevelt</b>																		
	There are no specific waterbody entries for this WRIA.																		
	<b>WRIA 62 Pend Oreille</b>																		
	All streams flowing into Idaho from Bath Creek (latitude 48.5865 longitude 117.0351) to the Canadian border.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	
	Calispell Creek (including tributaries) from Small Creek to Calispell Lake.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	
	Calispell Lake and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	
	Cedar Creek from latitude 48.7500 longitude -117.4349 (including tributaries) to headwaters: all waters that are in the Colville National Forest.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	
	Cedar Creek from latitude 48.7500 longitude -117.4349 to (including tributaries) to headwaters: all waters that are outside the Colville National Forest.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	
	Cedar Creek from mouth to latitude 48.7500 longitude -117.4349 (including tributaries) in or above Colville National Forest boundary.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	
	Cedar Creek from mouth to latitude 48.7500 longitude -117.4349 (including tributaries) downstream of the Colville National Forest.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Harvey Creek and Paupac Creek: All waters (including tributaries) above the junction.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Indian Creek from mouth to headwaters.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Le Clerc Creek, East Branch, and West Branch Le Clerc Creek: All waters (including tributaries) above the junction, except those waters in or above the Colville National Forest.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Le Clerc Creek, East Branch, and West Branch Le Clerc Creek: All waters (including tributaries) above the junction that are in or above the Colville National Forest.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Le Clerc Creek from mouth to junction with West Branch le Clerc Creek (including tributaries).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Mill Creek from mouth to headwaters (including tributaries).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Pend Oreille River from Canadian border (river mile 16.0) to Idaho border (river mile 87.7). <sup>1</sup>			✓					✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Slate Creek from mouth to headwaters (including tributaries).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Small Creek and all tributaries, except those waters in or above the National Forest.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Small Creek and all tributaries that are in or above the National Forest.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
South Salmo River and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Sullivan Creek above junction with Harvey Creek (including tributaries) to headwaters.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Tacoma Creek, South Fork, upstream of Tacoma Creek and downstream of the Colville National Forest boundary (including tributaries).	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Tacoma Creek, South Fork, and tributaries upstream of the Colville National Forest boundary (including tributaries).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓

**Notes for WRIA 62:**

1. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed t

<p><b>TABLE 602</b> Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</p>	Aquatic Life Uses		Char Spawning/Rearing
			Core Summer Habitat
			Spawning/Rearing
			Rearing/Migration Only
			Redband Trout
			Warm Water Species
	Recreation Uses		Ex Primary Cont
			Primary Cont
			Secondary Cont
	Water Supply Uses		Domestic Water
			Industrial Water
			Agricultural Water
			Stock Water
	Misc. Uses		Wildlife Habitat
			Harvesting
			Commerce/Navigation
			Boating
			Aesthetics
	= 34/(T + 9).		

**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 06-13-106**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed June 21, 2006, 10:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-10-088.

Title of Rule and Other Identifying Information: WAC 232-28-337 Deer and elk areas.

Hearing Location(s): Best Western Cotton Tree Inn and Convention Center, 2300 Market Street, Mount Vernon, WA 98273, (360) 428-5678, on August 4-5, 2006, at 8:00 a.m.

Date of Intended Adoption: August 4, 2006.

Submit Written Comments to: Attn: Wildlife Program Commission Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Wildthning@dfw.wa.gov, fax (360) 902-2162, by Monday, July 10, 2006.

Assistance for Persons with Disabilities: Contact Nancy Burkhart by August 1, 2006, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed language corrects the boundary language of some deer and elk areas and eliminates an unnecessary elk area. Adjustment of the boundary language will help staff deal with wildlife damage problems and clarify boundary language for hunters.

Reasons Supporting Proposal: The proposed language corrects errors in boundaries and eliminates an area that is no longer being used to address elk damage.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

Name of Proponent: Washington fish and wildlife commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Natural Resources Building, Olympia, (360) 902-2932.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

Evan Jacoby  
Rules Coordinator

AMENDATORY SECTION (Amending Order 06-92, filed 5/8/06, effective 6/8/06)

**WAC 232-28-337 Deer and elk area descriptions.**

**ELK AREAS**

**Elk Area No. 1010 (Columbia County):** GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

**Elk Area No. 1011 (Columbia County):** That part of GMU 162 east of the North Touchet Road, excluding National Forest land.

**Elk Area No. 1012 (Columbia County):** That part of GMU 162 west of the North Touchet Road, excluding National Forest land and the Rainwater Wildlife Area.

**Elk Area No. 1013 (Asotin County):** GMU 172, excluding National Forest lands.

**Elk Area No. 1014 (Columbia-Garfield counties):** That part of GMU 166 Tucannon west of the Tucannon River and USFS Trail No. 3110 (Jelly Spr.-Diamond Pk. Trail).

**Elk Area No. 2032 Malaga (Kittitas and Chelan counties):** Beginning at the mouth of Davies Canyon on the Columbia River; west along Davies Canyon to the cliffs above (north of) the North Fork Tarpiscan Creek; west and north along the cliffs to the Bonneville Power Line; southwest along the power line to the North Fork Tarpiscan Road in Section 9, Township 20N, Range 21E; north and west along North Fork Tarpiscan Road to Colockum Pass Road (Section 9, Township 20N, Range 21E); south and west on Colockum Pass Road to section line between Sections 8 & 9; north along the section line between Sections 8 and 9 as well as Sections 4 & 5 (T20N, R21E) & Sections 32 & 33 (T21N, R21E) to Moses Carr Road; west and north on Moses Carr Road to Jump Off Road; south and west on Jump Off Road to Shaller Road; north and west on Shaller Road to Upper Basin Loop Road; north and west on Upper Basin Loop Road to Wheeler Ridge Road; north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); north on Basin Loop Road to Wenatchee Heights Road; west on Wenatchee Heights Road to Squilchuck Road; south on Squilchuck Road to Beehive Road (USFS Rd 9712); northwest on Beehive Road to USFS Rd 7100 near Beehive Reservoir; north and west on USFS Rd 7100 to Peavine Canyon Road (USFS Rd 7101); north and east on Peavine Canyon Road to Number Two Canyon Road; north on Number Two Canyon Road to Crawford Street in Wenatchee; east on Crawford Street to the Columbia River; south and east along the Columbia River to Davies Canyon and point of beginning. (Naneum Green Dot, Washington Gazetteer, Wenatchee National Forest)

**Elk Area No. 2033 Peshastin (Chelan County):** Beginning at Crawford Street and the Columbia River in Wenatchee; west on Crawford Street and Number Two Canyon Road to USFS 7101 Road (Peavine Canyon); west on USFS 7101 Road to Mission Creek Road; north on Mission Creek Road to USFS 7104 Road (Sand Creek Road); west on USFS 7104 Road (Sand Creek Road) to Camas Creek; west up Camas Creek to where Camas Creek crosses USFS 7200 Road, T22N, R18E, Section 4; north along USFS 7200 Road to U.S. Highway 97; north on U.S. Highway 97 to USFS 7300 Road (Mountain Home Road); north on the USFS 7300 Road to the Wenatchee River at Leavenworth; down the Wenatchee River and Columbia River to the point of beginning.

**Elk Area No. 2051 Tronsen (Chelan County):** All of GMU 251 except that portion described as follows: Beginning at the junction of Naneum Ridge Road (WDFW Rd 9) and Ingersol Road (WDFW Rd 1); north and east on Ingersol

Road to Colockum Road (WDFW Rd 10); east on Colockum Road and Colockum Creek to the intersection of Colockum Creek and the Columbia River; south on the Columbia River to mouth of Tarpiscan Creek; west up Tarpiscan Creek and Tarpiscan Road (WDFW Rd 14) and North Fork Road (WDFW Rd 10.10) to the intersection of North Fork Road and Colockum Road; southwest on Colockum Road to Naneum Ridge Road; west on Naneum Ridge Road to Ingersol Road and the point of beginning.

**Elk Area No. 3028 Cooke Creek (Kittitas County):** Beginning at the junction of the Naneum Ridge and Swift Creek Road in T20N, R20E, Section 16, east on the Naneum Ridge Road to the Colockum Road; south on the Colockum and Brewton roads to the power lines in T20N, R21E, Section 29; south and west on the power lines to the Coleman Creek Road; north on the Coleman Creek Road to the Swift Creek Road and point of beginning, excluding Arthur Coffin Game Reserve.

**Elk Area No. 3068 Klickitat Meadows (Yakima County):** Beginning at Darland Mountain, southeast along the main divide between the Diamond Fork drainage and the Ahtanum Creek drainage to the point due west of the headwaters of Reservation Creek (Section 18, T12N, R14E); then along a line due west to Spencer Point (as represented in the DNR 100k map); northeast from Spencer Point to US Forest Service (USFS) Trail 1136; north along USFS Trail 1136 to USFS Trail 615; east on USFS Trail 615 to Darland Mountain and the point of beginning.

**Elk Area No. 3721 Corral Canyon (Benton and Yakima counties):** That part of GMU 372 beginning at the Yakima River Bridge on SR 241 just north of Mabton; north along SR 241 to the Rattlesnake Ridge Road (mile post #19); east on Rattlesnake Ridge Road to the Hanford Reach National Monument's (HRNM) southwest corner boundary; east and south along the HRNM boundary to SR 225; south on SR 225 to the Yakima River Bridge in Benton City; west (upstream) along Yakima River to point of beginning (SR 241 Bridge).

**Elk Area No. 3722 Blackrock (Benton and Yakima counties):** That part of GMU 372 beginning at southern corner of the Yakima Training Center border on Columbia River, northwest of Priest Rapids Dam; southeast on southern shore of Columbia River (Priest Rapids Lake) to Priest Rapids Dam; east along Columbia River to the Hanford Reach National Monument's (HRNM) western boundary; south along the HRNM boundary to the Rattlesnake Ridge Road; west on Rattlesnake Ridge Road to SR 241; south on SR 241 to the Yakima River Bridge just north of Mabton; west along Yakima River to SR 823 (Harrison Road) south of town of Pomona; east along SR 823 (Harrison Road) to SR 821; southeast on SR 821 to Firing Center Road at I-82; east on Firing Center Road to main gate of Yakima Training Center; south and east along Yakima Training Center boundary to southern corner of Yakima Training Center boundary on Columbia River and point of beginning.

**Elk Area No. 3911 Fairview (Kittitas County):** Beginning at the intersection of the BPA Power Lines in T20N, R14E, Section 36 and Interstate 90; east along the power lines to

Highway 903 (Salmon La Sac Road); northwest along Highway 903 to USFS Road 4305 (Bear Creek Road); (~~west~~) east on USFS Road 4305 to Corral Creek, east along Corral Creek to West Fork Teanaway River; east along West Fork Teanaway River to North Fork Teanaway River; north along North Fork Teanaway River to Teanaway Road; southeast on Teanaway Road to Ballard Hill Road; east on Ballard Hill Rd and Swauk Prairie Road to Hwy 970; northeast on Hwy 970 to Hwy 97; south on Hwy 97 to the power lines in T20N, R17E, Section 34; east on the power lines to Naneum Creek; south on Naneum Creek approximately 1/2 mile to power lines in T19N, R19E, Section 20; east along BPA power lines to Colockum Pass Road in T19N, R20E, Section 16; south on Colockum Pass Road to BPA power lines in T18N, R20E, Section 6; east and south along power lines to Parke Creek; north on Parke Creek to Whiskey Jim Creek; east on Whiskey Jim Creek to Beacon Ridge Road; south on Beacon Ridge Road to the Vantage Highway; east along the Vantage Highway to I-90; west along I-90 to the Yakima Training Center boundary; south and west along the Yakima Training Center boundary to I-82; north on I-82 to Thrall Road; west on Thrall Road to Wilson Creek; south on Wilson Creek to Yakima River; north on Yakima River to gas pipeline crossing in T17N, R18E, Section 25; south and west on the gas pipeline to Umtanum Creek; west on Umtanum Creek to the Durr Road; north on the Durr Road to Umtanum Road; north on Umtanum Road to South Branch Canal; west on South Branch Canal to Bradshaw Road; west on Bradshaw Road to the elk fence; north and west along the elk fence to power line crossing in T19N, R16E, Section 10; west along the power line (south branch) to the Cabin Creek Road; east and north on Cabin Creek Road to Easton and I-90; east on I-90 to point of beginning.

**Elk Area No. 3912 Old Naches (Yakima County):** Starting at the elk fence and Roza Canal along the south boundary T14N, R19E, Section 8; following the elk fence to the sheep feeding site in T15N, R16E, Section 36; south on the feeding site Access Road to the Old Naches Highway; west and south on the Old Naches Highway to State Route 12 and the Naches River; down the Naches River to the Tieton River; up the Tieton River approximately 2 miles to the elk fence in T14N, R16E, Section 3; due south from the start of the elk fence to the top of the cliff; southwest along the cliff/rimrock to the irrigation canal in T14N, R16E, Section 9; southwest along the irrigation canal to the elk fence in T14N, R16E, Section 8; the elk fence to the township line between T12N, R15E and T12N, R16E; south along the township line to the South Fork Ahtanum Creek; South Fork Ahtanum Creek to Ahtanum Creek to Yakima River; up the Yakima River to Roza Canal and point of beginning.

**Elk Area No. 3944 Clemen (Yakima County):** That portion of GMU 342 beginning at the junction of Highway 410 and USFS Road 1701 (Big Bald Mountain Road); north to USFS Road 1712; east on USFS Road 1712 (Clemen Ridge Road) to the elk fence gate (T15N; R17E; Section 23 NE 1/4) at the top of Austin Spur Road; south and west along the elk fence to Highway 410 to the point of beginning.

**Elk Area No. 4041 Grandy Creek (Skagit County):** Begin at the intersection of CP 190 Road and CP 132 Road (Section



28, T36N, R5E); east along the CP 132 Road to the CP 130 Road; east and south along CP 130 Road to CP 110 Road; west, south and east along CP 110 Road to Childs Creek; south down Childs Creek to State Route 20; east on State Route 20 to Grandy Creek; south down Grandy Creek to the Skagit River; south on a line to South Skagit Hwy; west on South Skagit Hwy to State Route 9; north on State Route 9 to State Route 20; east on State Route 20 to Helmick Road; north on Helmick Road to CP 190 Road to CP 132 Road and the point of beginning. (WA Atlas & Gazetteer & Mt. Baker-Snoqualmie National Forest Map)

**Elk Area No. 4941 Skagit River (Skagit County):** Beginning at the intersection of State Route 9 and State Route 20; east on State Route 20 to Grandy Creek; south down Grandy Creek to the Skagit River; south on a line to South Skagit Highway; west on South Skagit Highway to State Route 9; north on State Route 9 to point of beginning.

**Elk Area No. 5029 Toledo (Lewis and Cowlitz counties):** Beginning at the Cowlitz River and State Highway 505 junction; east along the Cowlitz River to the Weyerhaeuser 1800 Road; south along Weyerhaeuser 1800 Road to Cedar Creek Road; east along Cedar Creek Road to Due Road; south on Due Road to Weyerhaeuser 1823 Road; south along Weyerhaeuser 1823 Road to the Weyerhaeuser 1945 Road; south along the Weyerhaeuser 1945 Road to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the North Fork Toutle River; west along the North Fork Toutle River to the Toutle River; west on the Toutle River to the Cowlitz River; North along the Cowlitz River to the junction of State Highway 505 and the point of beginning.

~~((Elk Area No. 5050 Curtis (Lewis County): Beginning at the Boistfort Road, State Highway 6 intersection; west to the Mauerman Road; west and southwest on the Mauerman Road to the Pe Ell/McDonald Road; south and east on the Pe Ell/McDonald Road to the Lost Valley Road; south and southeast on the Lost Valley Road to the Boistfort Road; east and north along the Boistfort Road to State Highway 6 and point of beginning.))~~

**Elk Area No. 5051 Green Mountain (Cowlitz County):** Beginning at the junction of the Cowlitz River and the Toutle River; east along the Toutle River to the North Fork Toutle River; east along the North Fork Toutle River to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the Weyerhaeuser 1910 Road; south along the Weyerhaeuser 1910 Road to the Weyerhaeuser 2410 Road; south along the Weyerhaeuser 2410 Road to the Weyerhaeuser 4553 Road; south along the Weyerhaeuser 4553 Road to the Weyerhaeuser 4500 Road; south along the Weyerhaeuser 4500 Road to the Weyerhaeuser 4400 Road; south along the Weyerhaeuser 4400 Road to the Weyerhaeuser 4100 Road; east along the Weyerhaeuser 4100 Road to the Weyerhaeuser 4700 Road; south along the Weyerhaeuser 4700 Road to the Weyerhaeuser 4720 Road; west along the Weyerhaeuser 4720 Road to the Weyerhaeuser 4730 Road; west along the Weyerhaeuser 4730 Road to the Weyerhaeuser 4732 Road; west along the Weyerhaeuser 4732 Road to the Weyerhaeuser 4790 Road; west along the Weyerhaeuser 4790 Road to the Weyerhaeuser 1390 Road; south along the Weyerhaeuser

1390 Road to the Weyerhaeuser 1600 Road; west along the Weyerhaeuser 1600 Road to the Weyerhaeuser Logging Railroad Tracks at Headquarters; west along the Weyerhaeuser Logging Railroad Track to Ostrander Creek; west along Ostrander Creek to the Cowlitz River; north along the Cowlitz River to the Toutle River and point of beginning.

**Elk Area No. 5052 Mossyrock (Lewis County):** Beginning at the intersection of Winston Creek Road and State Highway 12; east on State Highway 12 to the Cowlitz River; east on the Cowlitz River to Riffe Lake; southeast along the south shore of Riffe Lake to Swofford Pond outlet creek; south on Swofford Pond outlet creek to Green Mountain Road; west on Green Mountain Road to Perkins Road; west on Perkins Road to Longbell Road; south on Longbell Road to Winston Creek Road; north on Winston Creek Road to State Highway 12 and the point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

**Elk Area No. 5053 Randle (Lewis County):** Beginning at the town of Randle and the intersection of U.S. Highway 12 and State Route 131 (Forest Service 23 and 25 roads); south on State Route 131 to Forest Service 25 Road; south on Forest Service 25 Road to the Cispus River; west along the Cispus River to the Champion 300 line bridge; south and west on the Champion 300 line to the Champion Haul Road; north along the Champion Haul Road to Kosmos Road; north on Kosmos Road to U.S. Highway 12; east on U.S. Highway 12 to Randle and point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

**Elk Area No. 5054 Boistfort (Lewis County):** Beginning at the town of Vader; west along State Highway 506 to the Wildwood Road; north along the Wildwood Road to the Abernathy 500 line gate (Section 20, T11N, R3W, Willamette Meridian); northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Section 15, T12N, R4W); west along the Pe Ell/McDonald Road to the Lost Valley Road; northeast along the Lost Valley Road to the Boistfort Road; north along the Boistfort Road to the King Road; east along the King Road to the town of Winlock and State Highway 603; south along Highway 505 to Interstate 5; south along Interstate 5 to State Hwy 506; west along State Hwy 506 to the town of Vader and the point of beginning.

**Elk Area No. 5056 Grays River Valley (Wahkiakum County):** On or within 3/4 mile of agricultural land in the Grays River Valley within the following sections: T10N, R7W, Sections 8, 9, 17, 18 and T10N, R8W, Sections 13, 23, 24, 26.

**Elk Area No. 5057 Carlton (Lewis County):** That part of 513 (South Rainier) lying east of Highway 123 and north of Highway 12.

**Elk Area No. 5058 West Goat Rocks (Lewis County):** Goat Rocks Wilderness west of the Pacific Crest Trail.

**Elk Area No. 5059 Mt. Adams Wilderness (Skamania and Yakima counties):** The Mt. Adams Wilderness.

**Elk Area No. 5060 Merwin (Cowlitz County):** Begin at the State Route 503 and the Longview Fibre Road WS-8000 junction; north and west on the Longview Fibre Road WS-8000 to Day Place Road; west on Day Place Road to Dubois Road; south on Dubois Road to State Route 503; east on State Route 503 to the State Route 503 and the Longview Fibre Road WS-8000 junction and point of beginning.

**Elk Area No. 5061 Wildwood (Lewis County):** Beginning at the junction of the Pacific West Timber (PWT) 600 Road and the Wildwood Road (SE1/4 S29 T11N R3W); southwest on the 600 Road to the 800 Road (NW1/4 S36 T11N R4W); southwest on the 800 Road to the 850 Road (SW1/4 S3 T10N R4W); northwest on the 850 Road to the Weyerhaeuser 4720 Road (S20 T11N R4W); north on the Weyerhaeuser 4720 Road to the Weyerhaeuser 4700 Road (S17 T11N R4W); east on the Weyerhaeuser 4700 Road to the Weyerhaeuser 5822 Road (NW1/4 S16 T11N R4W); east on the Weyerhaeuser 5822 Road to the Weyerhaeuser 5820 Road (NW1/4 S10 T11N R4W); southeast on the Weyerhaeuser 5820 Road to the PWT 574 Road (SE1/4 S10 T11N R4W); south on the PWT 574 Road to the 570 Road (NW1/4 S14 T11N R4W); south on the 570 Road to the 500 Road (NW1/4 S14 T11N R4W); northeast on the 500 Road to the 560 Road (SW1/4 S12 T11N R4W); east on the 560 Road to the 540 Road (SE1/4 S12 T11N R4W); east and south on the 540 Road to the 500 Road (SE1/4 S18 T11N R3W); east on the PWT 500 Road to the Wildwood Road (N1/2 S20 T11N R3W); south on the Wildwood Road to the point of beginning, the PWT 600 Road junction (SE1/4 S29 T11N R3W).

**Elk Area No. 5062 Trout Lake (Klickitat County):** Those portions of GMUs 560 (Lewis River) and 578 (West Klickitat) beginning at the intersection of SR 141 and Sunnyside Road; north on Sunnyside Road to Mount Adams Recreational Area Road; north on Mount Adams Recreational Area Road to USFS Road 23; north on USFS Road 23 to DNR T-4300 Road; west on DNR T-4300 Road to Trout Lake Creek Road; south on Trout Lake Creek Road to SR 141; east and south on SR 141 to the intersection of SR 141 and Sunnyside Road to the point of beginning.

**Elk Area No. 5090 JBH (Wahkiakum County):** The mainland portion of the Julia Butler Hansen National Wildlife Refuge, as administered by the U.S. Fish and Wildlife Service as described: Beginning at the junction of State Route 4 and Steamboat Island Slough Road, northwest on Steamboat Island Slough Road to Brooks Slough Road, east on Brooks Slough Road to State Route 4, south on State Route 4 to Steamboat Slough Road and point of beginning.

**Elk Area No. 5099 Mudflow (Cowlitz County):** That part of GMU 522 (Loo-wit) that is within the boundary of the St. Helens Wildlife Area.

**Elk Area No. 6010 Mallis (Pacific County):** That part of GMUs 506, 672, and 673 within one mile either side of State Road 6 between the east end of Elk Prairie Road and the Mallis Landing Road.

**Elk Area No. 6011 Centralia Mine (Lewis County):** That portion of GMU 667 within Centralia Mine property boundary.

**Elk Area No. 6012 Tri Valley (Grays Harbor and Mason counties):** Those portions of GMUs 648 (Wynoochee) and 651 (Satsop) within one mile of Brady-Matlock Road from State Highway 12 north to the junction with Schaefer State Park Road (east Satsop Road) and all lands within one mile of Wynoochee Valley Road from State Highway 12 north to the junction with Cougar Smith Road, and all lands within one mile of Wishkah Valley Road from north Aberdeen city limit to the junction with Wishkah-East Hoquiam Road and all lands within 2 miles north of SR 12 between the Satsop River and Schouweiler and Hurd roads and then a line north from the end of Hurd Road to a point 2 miles north of SR 12.

**Elk Area No. 6054 Puyallup River (Pierce County):** That part of GMU 654 south of the Puyallup River.

**Elk Area No. 6061 Twin Satsop Farms (Mason County):** That portion of GMU 651 starting at the junction of the Deckerville Road and the Brady-Matlock Road; southwest to the junction with the West Boundary Road; north on West Boundary Road to the Deckerville Road; east on the Deckerville Road to the junction of Brady-Matlock Road and point of beginning. In addition, the area within a circle with a radius of two miles centered on the junction of State Route 108 and the Eich Road.

**Elk Area No. 6062 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; southeast on the South Bank Road to Delezene Road; south on the Delezene Road to a point one mile from the South Bank Road; southeast along a line one mile southwest of the South Bank Road to the Oakville-Brooklyn Road; east on the Oakville-Brooklyn Road to Oakville and Highway 12; northwest on Highway 12 to Wakefield Road to Elma and the point of beginning.

**Elk Area No. 6063 (Grays Harbor and Jefferson counties):** Private lands within Elk Area 6064 east of Highway 101.

**Elk Area No. 6064 Quinault Valley (Grays Harbor and Jefferson counties):** That portion of GMU 638 (Quinault) within the Quinault River watershed.

**Elk Area No. 6066 Chehalis Valley (Grays Harbor County):** That portion of GMU 660 (Minot Peak) beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on Oakville-Brooklyn Road to a point one mile west of South Bank Road; northwest along a line one mile southwest of South Bank Road to Delezene Road; north along Delezene Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to Chehalis River; west on Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 and the point of beginning.

**Elk Area No. 6067 North Minot (Grays Harbor County):** The portion of GMU 660 (Minot Peak) beginning at the junc-

tion on State Route 107 and the Melbourne A-line, on the Melbourne A-line to the Vesta F-line; south on Vesta F-line to Vesta H-line (Vesta Creek Road); south on Vesta Creek Road to the North River Road; south and east on North River Road to the Brooklyn Road; east on Brooklyn Road to the Garrard Creek Road; east and north on Garrard Creek Road to the South Bank Road; east on South Bank to South State Street (Oakville); north on South State Street to U.S. 12; northwest and west on U.S. 12 to State Route 107; south and southwest on SR 107 to the Melbourne A-line and the point of beginning.

**Elk Area No. 6068 Willapa (Grays Harbor County):** That part of GMU 658 south of SR 105 between the intersection of SR 105 and Hammond Road and the SR 105 bridge over Smith Creek; and within one mile north of SR 105 west from Hammond Road and east of the SR 105 bridge over Smith Creek.

**Elk Area No. 6069 Hanaford (Lewis and Thurston counties):** That part of GMU 667 (Skookumchuck) beginning at the intersection of Salzer Valley Road and Centralia-Alpha Road; east and north on Salzer Valley Road to Little Hanaford Road; west on Little Hanaford Road to Teitzel Road; north on Teitzel Road to Big Hanaford Road; west on Big Hanaford Road to State Route 507; north on State Route 507 to Skookumchuck Road; east on Skookumchuck Road to the first bridge over the Skookumchuck River; east along the Skookumchuck River to the Skookumchuck Road bridge; east on Skookumchuck Road to the steel tower power line; southwest along the power line to Big Hanaford Road; east and south along Big Hanaford Road to Weyerhaeuser Road E150; east on Weyerhaeuser Road E150 to Weyerhaeuser Road E247; south and west on Weyerhaeuser Road E247 to Weyerhaeuser Road E240; south on Weyerhaeuser Road E240 to North Fork Road; south on North Fork Road to Centralia-Alpha Road; west on Centralia-Alpha Road to Salzer Valley Road and the point of beginning.

**Elk Area No. 6071 Dungeness (Clallam County):** Portions of GMUs 621 (Olympic) and 624 (Coyle) beginning at the mouth of the Dungeness River; east and south along the coast of the Strait of Juan De Fuca to the mouth of Jimmycomelately Creek on Sequim Bay; south and west up Jimmycomelately Creek to Don Schmith Road; north on Don Schmith Road to Palo Alto Road; west and southwest on Palo Alto Road to US Forest Service Road 2880; southwest on US Forest Service Road 2880 to the Dungeness River; north down the Dungeness River to its mouth and the point of beginning.

**Elk Area No. 6072 Sol Duck Valley (Clallam County):** That portion of GMU 607 (Sol Duck) between the Sol Duck River and Hwy 101 from a point at the Sol Duck River bridge over Hwy 101 approximately 2 miles north of Forks to the westernmost Sol Duck River bridge over Hwy 101 at a point approximately 1 mile east of Lake Pleasant.

**Elk Area No. 6073 Clearwater Valley (Jefferson County):** That portion of GMU 615 (Clearwater) within one mile of the Clearwater Road from the Quinault Indian Reservation boundary to a point 4 miles to the north.

#### DEER AREAS

**Deer Area No. 1010 (Columbia County):** GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

**Deer Area No. 1020 Prescott (Columbia and Garfield counties):** That portion of GMU 149 between Hwy 261 and Hwy 127.

**Deer Area No. 1021 Clarkston (Asotin County):** That portion of GMU 178 beginning at the junction of the Highway 12 bridge and Alpowa Creek; east on Highway 12 to Silcott Road; south and east on Silcott Road to Highway 128; southwest on Highway 128 to McGuire Gulch Road; southeast along the bottom of McGuire Gulch to Asotin Creek; east on Asotin Creek to the Snake River; north and west on the Snake River to Alpowa Creek; southwest of Alpowa Creek to the Highway 12 bridge and the point of beginning.

**Deer Area No. 1030 Flat Creek (Stevens County):** That portion of GMU 105, beginning at the junction of Northport-Flat Creek Rd (Co. 4005) and Bull Hill Rd; north on Bull Hill Rd to USFS Rd 240; north on USFS Rd 240 to USFS Rd 230 (Belshazzar Mtn Rd); east and north on USFS Rd 230 to East Boundary of Colville National Forest at Section 24; north on Forest Boundary to Sheep Creek Rd (USFS 15, Co. 4220); west on Sheep Creek Rd to USFS Rd 170 at Kiel Springs; south on USFS Rd 170 to Lael-Flat Creek Rd (USFS 1520); south on Lael-Flat Creek Rd (USFS 1520, Co. 4181) to Northport-Flat Creek Rd; north on Northport-Flat Creek Rd to Bull Hill Rd junction and point of beginning.

**Deer Area No. 1040 Summit Lake (Stevens County):** That portion of GMU 105, beginning at the intersection of Sand Creek Rd (Co. 4017) and the Kettle River at the Rock Cut Bridge; north and east on Sand Cr Rd to Lael-Flat Cr Rd (Co. 4181, USFS Churchill Mine Rd, 1520); east on Lael-Flat Cr Rd (Churchill Mine Rd) to intersection with USFS Rd 15 near Fisher Cr; north and east on USFS Rd 15 to USFS Rd 180; north and west on USFS Rd 180 and continue west on Box Canyon-Deep Creek Rd (USFS Rd 030, Co. 4212) to the intersection of Box Canyon-Deep Creek Rd and the Kettle River; south on the Kettle River to the intersection of Sand Creek Rd and the Kettle River at the Rock Cut Bridge and the point of beginning.

**Deer Area No. 2010 Benge (Adams County):** That part of GMU 284 beginning at the town of Washtucna; north on SR 261 to Weber Road; east on Weber Road to Bengel Road; north on Bengel Road to Wellsandt Road; east on Wellsandt Road to McCall Road; east on McCall Road to Gering Road; east on Gering Road to Lakin Road; east on Lakin Road to Revere Road; south on Revere Road to Rock Creek; south along Rock Creek to the Palouse River; south and west along the Palouse River to SR 26; west on SR 26 to Washtucna and the point of beginning.

**Deer Area No. 2011 Lakeview (Grant County):** That part of GMU 272 beginning at the junction of SR 28 and First Avenue in Ephrata; west on First Avenue to Sagebrush Flats Road; west on Sagebrush Flats Road to Davis Canyon Road; north on Davis Canyon Road to E Road NW; north on E Road

NW to the Grant-Douglas county line; east along the county line to the point where the county line turns north; from this point continue due east to SR 17; south on SR 17 to SR 28 at Soap Lake; south on SR 28 to the junction with First Avenue in Ephrata and the point of beginning.

**Deer Area No. 3071 Whitcomb (Benton County):** That part of GMU ((~~372~~) 373) made up by the Whitcomb Unit of the Umatilla National Wildlife Refuge.

**Deer Area No. 3072 Paterson (Benton County):** That part of GMU ((~~372~~) 373) made up by the Paterson Unit of the Umatilla National Wildlife Refuge.

**Deer Area No. 4004 (San Juan County):** That part of GMU 410 made up of Shaw Island.

**Deer Area No. 4005 (San Juan County):** That part of GMU 410 made up of Lopez Island.

**Deer Area No. 4006 (San Juan County):** That part of GMU 410 made up of Orcas Island.

**Deer Area No. 4007 (San Juan County):** That part of GMU 410 made up of Decatur Island.

**Deer Area No. 4008 (San Juan County):** That part of GMU 410 made up of Blakely Island.

**Deer Area No. 4009 (Skagit County):** That part of GMU 410 made up of Cypress Island.

**Deer Area No. 4010 (San Juan County):** That part of GMU 410 made up of San Juan Island.

**Deer Area No. 4011 (Island County):** That part of GMU 410 made up of Camano Island.

**Deer Area No. 4012 (Island County):** That part of GMU 410 made up of Whidbey Island.

**Deer Area No. 4013 (King County):** That part of GMU 454 made up of Vashon and Maury islands.

**Deer Area No. 6014 (Pierce County):** That part of GMU 652 made up of Anderson Island.

**Deer Area No. 4926 Guemes (Skagit County):** That part of GMU 407 (North Sound) on Guemes Island.

**Deer Area No. 3088 High Prairie (Klickitat County):** That portion of GMU 388 (Grayback) that is south of SR 142.