

WSR 07-02-067
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Division of Vocational Rehabilitation)
 [Filed December 29, 2006, 8:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-19-077.

Title of Rule and Other Identifying Information: Chapter 388-890 WAC, Rehabilitation services for individuals with disabilities (independent living program—Title VII, Part B); and relevant sections of chapter 388-891 WAC, Vocational rehabilitation services for individuals with disabilities.

Proposed new sections WAC 388-891-0103 Can DVR obtain personal information about you? and 388-891-1137 What if the employment goal I choose is religious in nature?; and amending WAC 388-891-0140 Can I obtain copies of information in my case service record?, 388-891-0255 How do I request a fair hearing?, 388-891-0330 Does DVR consider academic awards and scholarships as income?, 388-891-0360 What personal resources are not counted in the decision about whether I have to help pay for services?, 388-891-0520 What is the criteria for priority category 1—Individuals with most severe disabilities?, 388-891-0530 What is the criteria for priority category 2—Individuals with severe disabilities?, 388-891-0540 What is the criteria for priority category 3—Individuals with disabilities?, 388-891-0840 What are supported employment services?, 388-891-0880 What happens if my DVR counselor and I do not find a source for extended services and/or we cannot establish natural supports during the initial 18 months of my individualized plan for employment? and 388-891-1300 Why does DVR close a case service record?; and repealing WAC 388-891-0870 Are supported employment services time-limited?, 388-890-0780 What is the independent living (IL) program?, 388-890-0785 What types of services does the IL program offer?, 388-890-0790 Who is eligible for Title VII IL program services?, 388-890-0795 What is a significant disability?, 388-890-0800 Who provides IL program services?, 388-890-0805 What are my responsibilities in the IL program?, 388-890-0810 How do I apply for IL program services?, 388-890-0815 What happens after I submit my application for IL program services?, 388-890-0820 Who decides if I am eligible for IL program services?, 388-890-0825 Where does the IL program get the information needed to decide if I am eligible?, 388-890-0830 How do I find out if I am eligible for IL program services?, 388-890-0835 What if I disagree with a decision about my eligibility for IL or a decision about IL program services?, 388-890-0840 Under what conditions can I get IL program services?, 388-890-0845 How are my IL program services planned?, 388-890-0850 What is included on a written or verbal IL plan?, 388-890-0855 Who signs and keeps a written IL plan?, 388-890-0860 How often is my IL plan reviewed?, 388-890-0870 What are IL advocacy services?, 388-890-0875 What are IL rehabilitation technology services?, 388-890-0880 What are IL communication services?, 388-890-0885 What are IL counseling services?, 388-890-0890 What are IL housing services?, 388-890-0895 Are

IL program payments for home modifications limited?, 388-890-1000 What is IL skills training?, 388-890-1005 What are IL information and referral services?, 388-890-1010 What is IL peer counseling?, 388-890-1015 What is IL mobility training?, 388-890-1020 What is IL personal assistance training?, 388-890-1025 Does the IL program pay for attendant services as part of personal assistance training?, 388-890-1030 What are IL physical rehabilitation services?, 388-890-1035 What are IL preventive services?, 388-890-1040 What are IL recreational services?, 388-890-1045 What are IL program services to family members?, 388-890-1050 What are IL therapeutic services?, 388-890-1055 What are IL transportation services?, 388-890-1060 What other services does the IL program offer?, 388-890-1065 How long can I receive independent living services?, 388-890-1070 Why does the IL program stop providing or paying for IL program services?, 388-890-1075 Am I involved in the decision to stop receiving IL program services?, 388-890-1080 How does the IL program notify me that my services are stopping?, 388-890-1085 If the IL program decides I am not eligible for IL program services, is the decision reviewed?, 388-890-1090 Does the IL program keep a record of my IL program services?, and 388-890-1095 Does the IL program keep personal information confidential?

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 February 27, 2007, at 10:00 a.m.

Date of Intended Adoption: Not earlier than February 28, 2007.

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 schilse@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m. on February 27, 2007.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by February 23, 2007, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at schilse@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules are intended to comply with the Rehabilitation Act of 1973 as amended in August, 1998 including Title I Vocational Rehabilitation Services; Title VI Employment Opportunities for Individuals with Disabilities; 34 Code of Federal Regulations Part 361 and Part 363 and RCW 74.29.020(8) for rehabilitation services for individuals with disabilities. The proposed rules are also intended to comply with 45 Code of Federal Regulations Part 160 to Part 164 for disclosure of public records and access to DSHS records; the Washington State Constitution, Article I, Section 11 prohibiting state funds to pay for religious education or training in support of an employment goal that is religious in nature.

The proposed rules are intended to support the division of vocational rehabilitation's (DVR) mission to help people with disabilities go to work. The proposed rules are also intended to inform the public about DVR's vocational rehabilitation (VR) services and the conditions under which DVR

provides them. The rule changes affect DVR customers, contractors and service providers. Major areas covered include: Independent Living Program Title VII, Part B; individualized plan for employment; comparable benefits; customer financial participation in the cost of services; supported employment; order of selection; case closure; and use of confidential information.

Major content changes include:

- Repealing WACs for the Title VII, Part B Independent Living Program. DVR has not directly provided Title VII, Part B Independent Living Services since February 2003. These services have been, and will continue to be contracted; the WACs governing these services are not relevant to the business DVR does with the contractors.
- Adding a rule to prohibit DVR from supporting education or training for an employment goal that is religious in nature.
- Amending a rule to indicate that academic awards and scholarships based on merit are not considered comparable benefits.
- Amending a rule to clarify that while academic awards and scholarships based on merit are not considered comparable benefits, they may be considered as personal resources when determining the customer's ability to pay for services.
- Amending a rule to clarify that a supported employment case can be closed before eighteen months of service when it is determined there is no reasonable expectation that a source of funding for extended services will become available and that natural supports are not available.
- Repealing a rule about the eighteen month time-limited supported employment services and including the eighteen month time-limit in another rule.
- Amending a rule by removing supported employment (type of service) as criteria for category 1—Individuals with most severe disabilities. Also, terms are added to describe serious functional losses.
- Amending a rule by removing a reference to receiving Social Security benefits as criteria for priority category 2—Individuals with severe disabilities. Also, terms are added to describe functional losses.
- Amending a rule to clarify a reason for closing a supported employment case when options for extended services or natural supports will not become available.
- Amending a rule to no longer require a customer to submit a written request to review or obtain copies from his/her case service record. Also, to require other agencies or service providers that provide personal information about a customer to inform DVR of the conditions under which DVR can share that personal information.
- Adding a new rule to:
 - o Clarify the reasons why DVR may obtain specific personal information about the customer;
 - o Allow DVR to obtain specific personal and financial information with or without the customer's consent; and

- o Clarify that information collected by DVR from service providers or other agencies will not be released to others without the customer's written consent.

Reasons Supporting Proposal: The proposed rules eliminate unnecessary rules, clarify other rules, and incorporate policies into rules where appropriate. The proposed rules increase compliance with the intent of federal and state laws and protect program funding. The proposed rules support practices that are likely to increase funding availability for services to customers, increase the number of customers served, decrease the length of time customers have to wait for services, increase the protection of customer personal information and increase customer satisfaction.

Statutory Authority for Adoption: RCW 74.29.020, 74.08.090.

Statute Being Implemented: August 1998 Amendments to the Rehabilitation Act of 1973; 34 C.F.R. Part 361 and 34 C.F.R. Part 363; chapter 74.29 RCW.

Rule is necessary because of federal law, August 1998 Amendments to the Rehabilitation Act of 1973; 34 C.F.R. Part 361 and 34 C.F.R. Part 363.

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

Name of Agency Personnel Responsible for Drafting: Michael Cunningham, Program Administrator, Division of Vocational Rehabilitation, P.O. Box 45340, Olympia, WA 98504-5340, e-mail cunnim@dshs.wa.gov, (360) 725-3621; Implementation and Enforcement: Lynnae Ruttledge, Director, Division of Vocational Rehabilitation, P.O. Box 45340, Olympia, WA 98504-5340, (360) 725-3618.

No small business economic impact statement has been prepared under chapter 19.85 RCW. DSHS/division of vocational rehabilitation has analyzed the proposed rule changes and concludes that they will impose no new or disproportionate costs on small businesses. The preparation of a comprehensive 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 Michael Cunningham, Program Administrator, Division of Vocational Rehabilitation, P.O. Box 45340, Olympia, WA 98504-4350[5340], phone (360) 725-3621, fax (360) 407-3942, e-mail cunnim@dshs.wa.gov.

December 22, 2006

Andy Fernando, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-891-0103 Can DVR obtain personal information about you? (1) In order to serve you, DVR may obtain personal information about you from service providers and cooperating agencies. This personal information helps us better understand your disabilities, barriers to employment, abilities, interests and needs for VR services and to coordinate DVR services with the services you receive from other agencies and programs.

(2) DVR may obtain financial information about you from state and federal agencies to verify benefits you receive from other agencies or programs, earnings and income from

employment or self-employment. DVR will only collect such information if the state or federal agencies have legal authority to release it to DVR. This may occur with or without your consent.

(3) If DVR collects information about you from service providers or other agencies, the information will not be released to others without your written consent.

AMENDATORY SECTION (Amending WSR 03-02-014, filed 12/20/02, effective 2/3/03)

WAC 388-891-0140 Can I obtain copies of information in my case service record? (1) You may review or obtain copies of information contained in your case service record by submitting a ~~((written))~~ request to DVR. DVR provides access to or provides copies of records upon request, except in the following circumstances:

(a) If DVR believes the medical, psychological, or other records in your case service record may be harmful to give to you, DVR only releases the records to a third party that you choose, such as your representative, parent, legal guardian or a qualified medical professional.

(b) If DVR receives personal information about you from another agency or service provider, DVR may ~~((only))~~ share the records ~~((as authorized))~~ only by, or under the conditions established by the agency or service provider that provided the information.

(c) If a representative has been appointed by a court to represent you, the information must be released to the representative.

(2) DVR provides access or gives you copies of records within ~~((ten))~~ five business days of receiving your ~~((written))~~ request. If DVR cannot fulfill your request within ~~((ten))~~ five business days, DVR will send you a written notice of the reason(s) the request cannot be met and the date you are granted access or the date the requested information will be provided.

AMENDATORY SECTION (Amending WSR 03-02-014, filed 12/20/02, effective 2/3/03)

WAC 388-891-0255 How do I request a fair hearing?

(1) To ask for a fair hearing, send a written request to the office of administrative hearings. You must include the following information in your written request:

(a) Your name, address, and telephone number;

(b) The name of the DSHS program that the fair hearing involves (such as DVR);

(c) A written statement describing the decision and the reasons you disagree; and

(d) Any other information or documents that relate to the matter.

(2) You must submit your request for a fair hearing within ~~((twenty))~~ forty-five calendar days of the date the VR counselor makes the decision with which you disagree.

(3) You may ask any DVR employee for instructions or assistance to submit a request for a fair hearing.

AMENDATORY SECTION (Amending WSR 03-02-014, filed 12/20/02, effective 2/3/03)

WAC 388-891-0330 Does DVR consider academic awards and scholarships based on merit as ~~((income))~~ comparable benefits? DVR does not consider academic awards and scholarships ((you earn)) based on merit ((are not counted as income for purposes of determining your participation in the cost of services)) as comparable benefits.

AMENDATORY SECTION (Amending WSR 03-02-014, filed 12/20/02, effective 2/3/03)

WAC 388-891-0360 What personal resources are not counted in the decision about whether I have to help pay for services? DVR does not count the following resources when deciding whether you need to help pay for DVR:

(1) The value of your primary home and furnishings;

(2) The value of items that you keep because of personal attachment, rather than because of monetary value;

(3) The value of one vehicle per household member needed for work, school, or to participate in VR services;

(4) Retirement, insurance, or trust accounts that do not pay a current benefit to you or your family;

(5) If a retirement, insurance or trust account pays a current benefit, only the monthly benefit is counted as income and the balance of the account is excluded;

(6) ~~((Awards or scholarships you earn based on merit; (7)))~~ Up to five thousand dollars of your total assets are excluded as exempt;

~~((8))~~ (7) Equipment or machinery used to produce income;

~~((9))~~ (8) Livestock used to produce income; and

~~((10))~~ (9) Disability-related items and/or services.

AMENDATORY SECTION (Amending WSR 03-02-014, filed 12/20/02, effective 2/3/03)

WAC 388-891-0520 What is the criteria for priority category 1—Individuals with most severe disabilities? DVR determines you are in priority category 1—Individuals with most severe disabilities, if you are determined eligible for vocational rehabilitation services and you meet the following criteria:

(1) ~~((You require supported employment; and/or~~

~~((2) You meet the criteria for an individual with a severe disability as defined in WAC 388-891-0530;))~~ You require two or more VR services over an extended period of time (twelve months or more); and

(2) You experience serious functional losses in four or more of the following areas in terms of an employment outcome:

(a) Mobility;

(b) Communication;

(c) Self-care;

(d) Cognition and learning (Self-direction);

(e) Interpersonal ~~((skills));~~

(f) Work tolerance; or

(g) Work skills.

AMENDATORY SECTION (Amending WSR 03-02-014, filed 12/20/02, effective 2/3/03)

WAC 388-891-0530 What is the criteria for priority category 2—Individuals with severe disabilities? DVR determines you are in priority category 2—Individuals with severe disabilities if you are determined eligible for vocational rehabilitation services and you meet the following criteria:

(1) ~~((You are receiving disability benefits under Title II or Title XVI of the Social Security Act, but do not meet the criteria for priority category 1; and/or~~

~~(2) You meet the eligibility requirements outlined in WAC 388-891-0540;))~~ You require two or more VR services over an extended period of time (twelve months or more); and~~((;))~~

(2) You experience serious functional losses in one to three of the following areas in terms of an employment outcome:

- (a) Mobility;
- (b) Communication;
- (c) Self-care;
- (d) Cognition and learning (Self-direction);
- (e) Interpersonal ~~((skills));~~
- (f) Work tolerance; or
- (g) Work skills.

AMENDATORY SECTION (Amending WSR 03-02-014, filed 12/20/02, effective 2/3/03)

WAC 388-891-0540 What is the criteria for priority category 3—Individuals with disabilities? DVR determines you are in priority category 3—Individuals with disabilities if you ~~((meet the eligibility requirements outlined in WAC 388-891-1000))~~ are determined eligible for vocational rehabilitation services, but you do not meet the criteria for priority category 1 or priority category 2.

AMENDATORY SECTION (Amending WSR 03-02-014, filed 12/20/02, effective 2/3/03)

WAC 388-891-0840 What are supported employment services? Supported employment services are:

(1) Ongoing support services as described in WAC 388-891-0845; and

(2) Vocational rehabilitation services listed in WAC 388-891-0600.

(3) These services may be provided to you:

(a) As part of your individualized plan for employment;

(b) To support and maintain you in supported employment;

(c) For a period of time not to exceed eighteen months, unless under special circumstances, you and the VR counselor jointly agree to extend the time in order to achieve the employment goals in your rehabilitation plan for employment. This eighteen month period begins on the date when the delivery of ongoing support services start to be provided under your individualized plan for employment.

AMENDATORY SECTION (Amending WSR 03-02-014, filed 12/20/02, effective 2/3/03)

WAC 388-891-0880 What ~~((happens))~~ if my ~~((DVR))~~ counselor and I ~~((do not find a source for extended services and/or we cannot establish natural supports during the initial eighteen months of my individualized plan for employment))~~ cannot secure a source of extended services or natural supports? ~~((If you and your DVR counselor do not find a source for extended services and/or cannot establish natural supports during the initial eighteen months of your individualized plan for employment, DVR must determine that you are no longer eligible for VR services))~~ If a DVR counselor determines that you require supported employment and has explored all available options for securing a source of funding for extended services or natural supports and there is no reasonable expectation that those services will become available, DVR must close your case service record.

NEW SECTION

WAC 388-891-1137 What if the employment goal I choose is religious in nature? DVR is prohibited from supporting education or training for an employment goal that is religious in nature under the Washington State Constitution, Article 1, Subsection 11.

AMENDATORY SECTION (Amending WSR 03-02-014, filed 12/20/02, effective 2/3/03)

WAC 388-891-1300 Why does DVR close a case service record? A DVR counselor closes your case service record for any of the following reasons:

(1) You achieve an employment outcome;

(2) DVR determines that you are not eligible or no longer eligible;

(3) You are no longer available to participate in services;

(4) You decline VR services;

(5) You cannot be located;

(6) You ask DVR to close your case service record; ~~((or))~~

(7) You refuse to cooperate in required or agreed upon conditions or services; or

(8) You require supported employment services and you and your VR counselor have explored all available options for securing a source of funding for extended services or natural supports and there is no reasonable expectation these services will become available.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-891-0870

Are supported employment services time-limited?

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-890-0780	What is the independent living (IL) program?	WAC 388-890-0885	What are IL counseling services?
WAC 388-890-0785	What types of services does the IL program offer?	WAC 388-890-0890	What are IL housing services?
WAC 388-890-0790	Who is eligible for Title VII IL program services?	WAC 388-890-0895	Are IL program payments for home modifications limited?
WAC 388-890-0795	What is a significant disability?	WAC 388-890-1000	What is IL skills training?
WAC 388-890-0800	Who provides IL program services?	WAC 388-890-1005	What are IL information and referral services?
WAC 388-890-0805	What are my responsibilities in the IL program?	WAC 388-890-1010	What is IL peer counseling?
WAC 388-890-0810	How do I apply for IL program services?	WAC 388-890-1015	What is IL mobility training?
WAC 388-890-0815	What happens after I submit my application for IL program services?	WAC 388-890-1020	What is IL personal assistance training?
WAC 388-890-0820	Who decides if I am eligible for IL program services?	WAC 388-890-1025	Does the IL program pay for attendant services as part of personal assistance training?
WAC 388-890-0825	Where does the IL program get the information needed to decide if I am eligible?	WAC 388-890-1030	What are IL physical rehabilitation services?
WAC 388-890-0830	How do I find out if I am eligible for IL program services?	WAC 388-890-1035	What are IL preventative services?
WAC 388-890-0835	What if I disagree with a decision about my eligibility for IL or a decision about IL program services?	WAC 388-890-1040	What are IL recreational services?
WAC 388-890-0840	Under what conditions can I get IL program services?	WAC 388-890-1045	What are IL program services to family members?
WAC 388-890-0845	How are my IL program services planned?	WAC 388-890-1050	What are IL therapeutic services?
WAC 388-890-0850	What is included on a written or verbal IL plan?	WAC 388-890-1055	What are IL transportation services?
WAC 388-890-0855	Who signs and keeps a written IL plan?	WAC 388-890-1060	What other services does the IL program offer?
WAC 388-890-0860	How often is my IL plan reviewed?	WAC 388-890-1065	How long can I receive independent living services?
WAC 388-890-0870	What are IL advocacy services?	WAC 388-890-1070	Why does the IL program stop providing or paying for IL program services?
WAC 388-890-0875	What are IL rehabilitation technology services?	WAC 388-890-1075	Am I involved in the decision to stop receiving IL program services?
WAC 388-890-0880	What are IL communication services?	WAC 388-890-1080	How does the IL program notify me that my services are stopping?
		WAC 388-890-1085	If the IL program decides I am not eligible for IL program services, is the decision reviewed?
		WAC 388-890-1090	Does the IL program keep a record of my IL program services?

WAC 388-890-1095 Does the IL program keep personal information confidential?

WSR 07-03-006

**WITHDRAWAL OF PROPOSED RULES
HORSE RACING COMMISSION**

[Filed January 4, 2007, 9:27 a.m.]

The Washington horse racing commission would like to withdraw our CR-102 preproposal statement of inquiry [proposed rules] WSR 06-24-089.

If you have any questions please contact Douglas L. Moore at (360) 459-6462 or by e-mail at dmoore@whrc.state.wa.us.

Douglas L. Moore
Management Analyst

WSR 07-03-007

**WITHDRAWAL OF PROPOSED RULES
HORSE RACING COMMISSION**

[Filed January 4, 2007, 9:04 a.m.]

The Washington horse racing commission would like to withdraw our CR-102 Proposed rule making, WSR 07-01-114.

If you have any question[s] please contact Douglas L. Moore at (360) 459-6462 or by e-mail at dmoore@whrc.state.wa.us.

Douglas L. Moore
Management Analyst

WSR 07-03-008

**WITHDRAWAL OF PROPOSED RULES
HORSE RACING COMMISSION**

[Filed January 4, 2007, 9:05 a.m.]

The Washington horse racing commission would like to withdraw our CR-102 Proposed rule making, WSR 07-01-115.

If you have any question[s] please contact Douglas L. Moore at (360) 459-6462 or by e-mail at dmoore@whrc.state.wa.us.

Douglas L. Moore
Management Analyst

WSR 07-03-009

**PROPOSED RULES
HORSE RACING COMMISSION**

[Filed January 4, 2007, 11:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-03-088.

Title of Rule and Other Identifying Information: Chapter 260-70 WAC, Controlled medication program.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, on March 8, 2007, at 9:30 a.m.

Date of Intended Adoption: March 8, 2007.

Submit Written Comments to: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail dmoore@whrc.state.wa.us, fax (360) 459-6461, by March 5, 2007.

Assistance for Persons with Disabilities: Contact Patty Sorby by March 6, 2007, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to insure the equine medication rules are consistent with the national model rules of racing and that they are also written in clear and concise language. The changes to the sections in this chapter are minor and intended to clarify rather than be substantive changes.

Reasons Supporting Proposal: Proposal complies with the national model rules of racing and the proposed amendments to this chapter are written in clear and concise language.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: Washington horse racing commission, governmental.

Name of Agency Personnel Responsible for Drafting: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

January 4, 2007
Douglas L. Moore
Management Analyst

AMENDATORY SECTION (Amending WSR 06-09-009, filed 4/10/06, effective 5/11/06)

WAC 260-70-500 Definitions applicable to chapter 260-70 WAC. (1) "Interfering substance" or "interfere" means and refers to any medication which might mask or screen the presence of prohibited drugs or prevent testing procedures from detecting a prohibited drug.

(2) "Post time" means the time set for the arrival of the horses at the starting point in a race as specified in writing and posted by the board of stewards.

AMENDATORY SECTION (Amending WSR 06-09-009, filed 4/10/06, effective 5/11/06)

WAC 260-70-510 Equine health and safety. The purpose of this chapter is to protect the integrity of horse racing,

to ensure the health and welfare of horses under the jurisdiction of the commission, and to safeguard the interests of the public and the participants in racing. ~~((With this in mind,))~~ The commission ~~((shall convene))~~ will hold an annual public meeting, ~~((open to all interested parties, for the))~~ to review ~~((of))~~ veterinarian practices, equine health and medication. ~~((Such))~~ This meeting ~~((shall))~~ will include:

- (1) An annual report from an official veterinarian.
- (2) Presentation of data regarding equine medication and treatment, including a review of the commission's quantitative medication levels and any recommendations for modifications.
- (3) Public comment regarding equine health and safety, medication and veterinarian practices.

AMENDATORY SECTION (Amending WSR 06-09-009, filed 4/10/06, effective 5/11/06)

WAC 260-70-540 Veterinarians' reports. (1) Every veterinarian who treats a racehorse at any location under the jurisdiction of the commission ~~((shall, in writing))~~ must, on a form approved by the commission, ~~((provide a))~~ report all treatment ~~((report))~~ to an official veterinarian. The report ~~((shall))~~ must include the ~~((name of the horse treated, any medication, drug or substance or procedure administered or prescribed, the name of the trainer of the horse, the date and time of treatment and any other information requested))~~ following:

- (a) The name of the horse treated;
- (b) The name of any medication, drug, or substance administered or prescribed;
- (c) The procedure administered;
- (d) The name of the trainer;
- (e) The date and time of treatment; and
- (f) Any other information required by the official veterinarian.

(2) The practicing veterinarian must sign the report ~~((shall be signed by the practicing veterinarian,))~~ and ~~((filed))~~ file the report with ~~((the))~~ an official veterinarian no later than post time of the race for which the horse is entered. If the horse is not entered to run in a race, the report must be filed with an official veterinarian within forty-eight hours of treatment.

(3) A timely and accurate treatment report may be ~~((used in the mitigation of the penalty))~~ considered by the stewards or the commission as a mitigating factor when determining the penalty for violation of these rules.

AMENDATORY SECTION (Amending WSR 06-09-009, filed 4/10/06, effective 5/11/06)

WAC 260-70-545 Prohibited practices. The following are prohibited practices:

(1) The possession or use of ~~((#))~~ any drug, substance, or medication ~~((, specified in subsection (3) of this section, on the premises of a facility under the jurisdiction of the commission, or the use of which may endanger the health and welfare of the horse or endanger the safety of the rider, or the use of which may adversely affect the integrity of racing))~~ if the use may endanger the health or welfare of the horse or

endanger the safety of the rider, or which may adversely affect the integrity of racing; or

(2) The possession or use of a drug or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for any use in human or animal, or any ~~((forbidden))~~ substance forbidden by an official veterinarian.

(3) The possession and/or use of blood doping agents, including, but not limited to, those listed below, on the premises of a facility under the jurisdiction of the commission:

- (a) Erythropoietin
- (b) Darbepoietin
- (c) Oxyglobin
- (d) Hemopure

(4) ~~((The use of))~~ Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy ~~((shall not be permitted))~~ unless the following conditions are met:

(a) Any treated horse ~~((shall not be permitted to))~~ may not race for a minimum of ten days following treatment;

(b) ~~((The use of))~~ Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines ~~((shall be limited to))~~ may only be used by licensed veterinarians ~~((licensed by the commission));~~

(c) ~~((Prior to use, a report))~~ The practicing veterinarian has ~~((been))~~ filed a report with an official veterinarian ~~((advising))~~ notifying the commission that ~~((any))~~ an Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machine is on ~~((the))~~ association grounds;

(d) All Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy treatments are reported to an official veterinarian on the prescribed form not later than ~~((the time prescribed by an official veterinarian))~~ twenty-four hours after treatment.

(5) The use of a naso gastric tube (a tube longer than six inches) for the administration of any substance within twenty-four hours prior to the post time of the race in which the horse is entered ~~((is prohibited))~~ and without the prior ~~((permission))~~ approval of an official veterinarian.

AMENDATORY SECTION (Amending WSR 06-09-009, filed 4/10/06, effective 5/11/06)

WAC 260-70-550 Medication labeling. (1) No person ~~((on association grounds)),~~ excluding licensed veterinarians, ~~((shall have in or upon association grounds, or in that person's personal property or effects or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labeled in accordance with this subsection))~~ may possess any drug, medication, chemical, foreign substance or other substance unless the product is labeled as required by this rule.

(2) ~~((Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in compliance with applicable state statutes.))~~ Only medications and drugs prescribed or dispensed by a veterinarian licensed to practice veterinary medicine in this jurisdiction may be on the grounds of a rac-

ing association during its licensed race meet or training periods. All ~~((such allowable))~~ medications must have a prescription label ~~((, which is securely))~~ attached ~~((and clearly ascribed to show))~~ with the following:

- (a) The name of the product;
- (b) The name, address and telephone number of the veterinarian prescribing or dispensing the product;
- (c) The name of each horse ~~((for whom))~~ (patient) the product is intended/prescribed;
- (d) The dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and
- (e) The name of the trainer or owner to whom the product was dispensed.

AMENDATORY SECTION (Amending WSR 06-09-009, filed 4/10/06, effective 5/11/06)

WAC 260-70-560 Treatment restrictions. (1) Except as otherwise provided by this ~~((subsection))~~ section, no person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the commission may administer a prescription or controlled medication, drug, chemical or other substance (including any medication, drug, chemical or other substance by injection) to a horse at any location under the jurisdiction of the commission.

(2) ~~((Nonveterinarians))~~ Persons not licensed as veterinarians may administer the following substances, provided that, in post race testing the substances do not exceed approved quantitative levels, and the substances do not interfere with post race testing:

- (a) A recognized ~~((noninjectable))~~ nutritional supplement or other substance, except that any such supplements or substances that have been disapproved by an official veterinarian may not be administered;
- (b) A ~~((noninjectable))~~ substance ~~((on))~~ given at the direction of or by a prescription ~~((of))~~ issued by a licensed veterinarian; or
- (c) A ~~((noninjectable))~~ nonprescription medication or substance.

(3) No person ~~((shall)), other than a licensed veterinarian, may possess a hypodermic needle, syringe or ((injectable of any kind)) device used for intravenous or intramuscular injections on ((association premises)) the grounds, unless ((otherwise)) approved by the stewards. ((At any location)) On all grounds under the jurisdiction of the commission, veterinarians may use only onetime disposable needles, and shall dispose of them in a manner approved by the ~~((stewards))~~ department of health. ~~((If a person has a medical condition which makes it necessary to have a needle and syringe at any location under the jurisdiction of the commission, that person may request permission of the stewards in writing, furnish a letter from a licensed physician explaining why it is necessary for the person to possess a needle and syringe, and must comply with any conditions and restrictions on possession of a needle and syringe established by the stewards.))~~~~

(4) A person who has a medical condition requiring the use of a hypodermic needle, syringe or other device used for intravenous or intramuscular injections must possess a valid prescription issued by a physician licensed to practice medicine and prescribe medication. Such a person must control

the storage and use of these devices and may be held accountable for any unauthorized use. Any person possessing a hypodermic needle or syringe without a valid prescription may be removed from the grounds.

~~((5))~~ Veterinarians ~~((shall))~~ may not treat or administer medication or drugs to any ~~((entered))~~ horse on a race day ~~((, and))~~ before the post time for the race the horse is entered to run, except for the administration of furosemide under the guidelines set forth in WAC 260-70-650, unless first approved by ~~((the))~~ an official veterinarian.

~~((5)) Any horse entered for racing must be present on the grounds as follows, except with the prior approval of the official veterinarian:~~

~~((a)) A first time starter must be present on the grounds two hours prior to the first post time or five hours prior to the post for the race the horse is entered for racing, whichever is earlier.~~

~~((b)) A horse that has previously started must be present on the grounds five hours prior to the post time for the race the horse is entered for racing.))~~

AMENDATORY SECTION (Amending WSR 06-09-009, filed 4/10/06, effective 5/11/06)

WAC 260-70-570 ~~((Physical inspection of horses.))~~ All horses are subject to inspection. All horses at locations under the jurisdiction of the commission ~~((shall be))~~ are subject to inspections at the discretion of the stewards or an official veterinarian.

(1) ~~((Every horse entered to participate in an official race shall be subject to an inspection by an official veterinarian.~~

~~((2))~~ The trainer of each horse or a representative of the trainer ~~((shall))~~ must present the horse for inspection as required by an official veterinarian.

~~((3))~~ (2) The assessment of a horse's racing condition ~~((shall))~~ will be based on the recommendations of the American Association of Equine Practitioners and ~~((shall))~~ may include:

- (a) Proper identification of ~~((each))~~ the horse ~~((inspected));~~
- (b) Observation of each horse in motion;
- (c) Manual palpation when indicated;
- (d) Close observation in the paddock and saddling area, during the parade to post and at the starting gate; and
- (e) Any other inspection deemed necessary by an official veterinarian.

~~((4)) Every horse shall be observed by an official veterinarian during and after the race.~~

~~((5))~~ (3) An official veterinarian ~~((shall))~~ will maintain a continuing health and racing soundness record of each horse inspected.

AMENDATORY SECTION (Amending WSR 06-09-009, filed 4/10/06, effective 5/11/06)

WAC 260-70-580 Official veterinarian's list. (1) An official veterinarian ~~((shall))~~ will maintain a list of all horses ~~((which are))~~ determined by an official veterinarian to be unfit to compete in a race due to illness, physical distress, unsoundness, infirmity or other medical condition.

(2) A horse may be removed from the veterinarian's list when ~~((in the opinion of the))~~ an official veterinarian ~~((:))~~ determines the horse is capable of competing in a race.

(a) Horses placed on the veterinarian's list will remain on the list for a minimum of ten days. (For purposes of counting days, the first day ~~((on the veterinarian's list))~~ is the day the horse is placed on the veterinarian's list.)

(b) After the tenth day, an owner or trainer may request a horse ~~((may))~~ be removed from the veterinarian's list ~~((after the tenth day))~~. Horses that must work to be removed from the veterinary list due to soreness, lameness, or certain injuries will be allowed to work no sooner than the eleventh day after being placed on the list.

(i) Works should be scheduled with ~~((the))~~ an official veterinarian twenty-four hours in advance.

(ii) Horses must work a minimum distance to be determined by ~~((the))~~ an official veterinarian in a time comparable for the track condition that day.

(iii) A blood test will be taken by an official veterinarian following the workout and medications levels may not exceed permitted post-race levels.

AMENDATORY SECTION (Amending WSR 06-09-009, filed 4/10/06, effective 5/11/06)

WAC 260-70-590 Reporting to the test barn. (1) The official winning horse and any other horse ordered by the stewards, official veterinarian or the commission ~~((shall))~~ must be taken to the test barn to have a blood and/or urine sample taken at the direction of an official veterinarian.

(2) Random or extra testing may be required by the stewards, ~~((the))~~ an official veterinarian, or the commission at any time on any horse on association grounds.

(3) ~~((Unless otherwise directed by the stewards or an official veterinarian,))~~ A horse ~~((that is))~~ selected for testing must be taken directly to the test barn, unless otherwise directed by the stewards or an official veterinarian.

(4) ~~((Access to the test barn shall be monitored and restricted. All persons who wish to enter the test barn must be currently licensed by the commission, display their commission identification badge and have a legitimate reason for being in the test barn area. No horse shall have more than three representatives in the test barn at any one time.))~~ Only persons currently licensed by the commission may enter the test barn on a race day. Licensees must have a valid reason for being in the test barn, and may be required to display their license. When accompanying a horse to the test barn no more than three licensees will be permitted to enter the test barn.

AMENDATORY SECTION (Amending WSR 06-09-009, filed 4/10/06, effective 5/11/06)

WAC 260-70-610 Storage and shipment of split samples. (1) Split samples obtained in accordance with WAC 260-70-600 (2)(b) and (c) ~~((shall))~~ will be secured and made available for further testing in accordance with the following procedures:

(a) A split sample ~~((shall))~~ must be secured in the test barn ~~((under))~~ in the same manner as the ~~((portion of the specimen))~~ primary sample acquired for shipment to a primary laboratory. The split samples will be stored until ~~((such~~

~~time as specimens))~~ the primary samples are packed and secured for shipment to the primary laboratory. Split samples ~~((shall))~~ will then be transferred to a freezer at a secure location approved by the ~~((commission))~~ executive secretary.

(b) A freezer ~~((for storage of))~~ used to store split samples ~~((shall))~~ will be ~~((equipped with a lock. The lock shall be))~~ closed and locked ~~((to prevent access to the freezer))~~ at all times except as specifically provided by these rules.

(c) A freezer for storage of split samples ~~((shall))~~ may only be opened ~~((only for depositing or removing))~~ to deposit or remove split samples, for inventory, or for checking the condition of samples.

(d) ~~((A))~~ An official veterinarian will maintain a split sample log ~~((shall be maintained by the official veterinarian))~~ that ~~((shall))~~ must be used each time a split sample freezer is opened ~~((to specify each person in attendance, the purpose for opening the freezer, identification of split samples deposited or removed, the date and time the freezer was opened, and the time the freezer was closed and to verify that the lock was secured prior to and after opening of the freezer)).~~ The log will record the following:

(i) The name of the person opening the split sample freezer;

(ii) The purpose for opening the freezer;

(iii) The split samples deposited or removed from the freezer;

(iv) The date and time the freezer was opened;

(v) The time the freezer was closed; and

(vi) A notation verifying that the lock was secured after the freezer was closed.

(e) ~~((Any evidence of a malfunction of a split sample freezer or samples that are not in a frozen condition during storage shall be documented in the log and immediately reported to an official veterinarian or a designated commission representative.))~~ If at any time it is discovered that the split sample freezer failed or samples were discovered not in a frozen condition, an official veterinarian must document this discovery on the split sample freezer log and immediately report this to the executive secretary.

(2) A trainer or owner of a horse having been notified that a written report from a primary laboratory states that a substance has been found in a specimen obtained pursuant to these rules may request that a split sample corresponding to the portion of the specimen tested by the primary laboratory be sent to another laboratory approved by the commission. The request must be made in writing and delivered to the stewards not later than forty-eight hours after the trainer of the horse receives written notice of the findings of the primary laboratory. The split sample ~~((shall))~~ must be shipped within seventy-two hours of the delivery of the request for testing to the stewards.

(3) The owner or trainer requesting testing of a split sample ~~((shall be))~~ is responsible for the cost of shipping and testing. A split sample must be removed from the split sample freezer, and packaged for shipment by an official veterinarian or designee in the presence of the owner, trainer, or designee. Failure of the owner, trainer or designee to appear at the time and place designated by ~~((the))~~ an official veterinarian to package the split sample for shipping ~~((shall))~~ will constitute a waiver of all rights to split sample testing. Prior to ship-

ment, the split sample laboratory's willingness to provide the testing requested and to send results to both the person requesting the testing and the commission, ~~((shall))~~ must be confirmed by an official veterinarian. Arrangements for payment satisfactory to the split sample laboratory ~~((shall))~~ must also be confirmed by the owner or trainer. A laboratory for the testing of a split sample must be approved by the commission. The commission ~~((shall))~~ will maintain a list of laboratories approved for testing of split samples.

(4) Prior to opening the split sample freezer, the commission ~~((shall))~~ must provide a split sample chain of custody verification form. The split sample chain of custody verification form ~~((shall))~~ must be completed and signed by the representatives of the commission and the owner, trainer or designee. A commission representative ~~((shall))~~ will keep the original and provide a copy ~~((for))~~ to the owner, trainer or designee.

The split sample chain of custody verification form ((requirements)) must include the following:

(a) The date and time the sample is removed from the split sample freezer;

(b) The sample number;

(c) The address where the split sample is to be sent;

(d) The name of the carrier and the address where the sample is to be taken for shipment;

(e) Verification of retrieval of the split sample from the freezer;

(f) Verification of each specific step of the split sample packaging in accordance with the recommended procedure;

(g) Verification of the address of the split sample laboratory on the split sample package;

(h) Verification of the condition of the split sample package immediately prior to transfer of custody to the carrier; and

(i) The date and time custody of the sample is transferred to the carrier.

~~((5) A split sample shall be removed from the split sample freezer, and packaged for shipment by an official veterinarian or designee in the presence of the owner, trainer or designee.))~~

(j) The split sample chain of custody verification form ((shall)) must be signed by both the owner's representative and ((the)) an official veterinarian or designee to confirm the packaging of the split sample.

(5) The exterior of the package ((shall)) must be secured and identified with initialed tape, evidence tape or other means to prevent tampering with the package. The owner, trainer or designee may inspect the package containing the split sample immediately prior to transfer to the delivery carrier to verify that the package is intact and has not been tampered with.

(6) The package containing the split sample ((shall)) will be transported to the location where custody is transferred to the delivery carrier charged with delivery of the package to the commission approved laboratory selected by the owner or trainer.

AMENDATORY SECTION (Amending WSR 06-09-009, filed 4/10/06, effective 5/11/06)

WAC 260-70-640 Permitted medication. Trainers using permitted medication in the care of their horses are subject to all rules governing such medications. Failure to administer permitted medication to a horse on a program of permitted medication ~~((shall be))~~ is a violation of these rules.

(1) The use of one of three approved nonsteroidal anti-inflammatory drugs (NSAIDs) ~~((shall be))~~ is permitted under the following conditions:

(a) The drug ~~((shall))~~ may not exceed the following permitted serum or plasma threshold concentrations, which are consistent with administration by a single intravenous injection at least twenty-four hours before the post time for the race in which the horse is entered:

(i) Phenylbutazone - 5 micrograms per milliliter;

(ii) Flunixin - 20 nanograms per milliliter;

(iii) Ketoprofen - 10 nanograms per milliliter.

(b) No NSAID, including the approved NSAIDs listed in this rule, may be administered within the twenty-four hours before post time for the race in which the horse is entered.

(c) The presence of more than one of the three approved NSAIDs, with the exception of phenylbutazone in a concentration below 1 microgram per milliliter of serum or plasma or any unapproved NSAID in the post-race serum or plasma sample is not permitted. The use of all but one of the approved NSAIDs ~~((shall))~~ must be discontinued at least forty-eight hours before the post time for the race in which the horse is entered.

(2) Any horse to which a NSAID has been administered ~~((shall be))~~ is subject to having a blood and/or urine sample(s) taken at the direction of an official veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s).

AMENDATORY SECTION (Amending WSR 06-09-009, filed 4/10/06, effective 5/11/06)

WAC 260-70-650 Furosemide. (1) Furosemide may be administered intravenously to a horse which is entered to compete in a race. Except under the instructions of ~~((the))~~ an official veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a urine sample, furosemide ~~((shall))~~ will be permitted only after ~~((the))~~ an official veterinarian has placed the horse on the furosemide or bleeder list.

(2) The use of furosemide ~~((shall be))~~ is permitted under the following circumstances:

(a) Furosemide ~~((shall))~~ must be administered on the grounds of the association, by a single intravenous injection, prior to post time for the race for which the horse is entered.

(b) The furosemide dosage administered ~~((shall))~~ must not exceed 500 mg nor be less than 150 mg.

(c) The trainer of the treated horse ~~((shall cause to be delivered))~~ must deliver to an official veterinarian or his/her designee no later than one hour prior to post time for the race for which the horse is entered the following information under oath on a form provided by the commission:

(i) The name of the horse, the horse's tattoo number, racetrack name, the date and time the furosemide was administered to the entered horse;

(ii) The dosage amount of furosemide administered to the entered horse; and

(iii) The printed name and signature of the attending licensed veterinarian who administered the furosemide.

(iv) The signature of the trainer or his/her representative.

(d) Failure to administer furosemide in accordance with these rules may result in the horse being scratched from the race by the stewards.

(e) Test results must show a detectable concentration of the drug in the post-race serum, plasma or urine sample.

(i) The specific gravity of post-race urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The specific gravity ~~((shall))~~ must not be below 1.010. If the specific gravity of the urine is found to be below 1.010 or if a urine sample is unavailable for testing, quantitation of furosemide in serum or plasma ~~((shall))~~ will be performed;

(ii) Quantitation of furosemide in serum or plasma ~~((shall))~~ must be performed when the specific gravity of the corresponding urine sample is not measured or if measured below 1.010. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.

AMENDATORY SECTION (Amending WSR 06-09-009, filed 4/10/06, effective 5/11/06)

WAC 260-70-660 Furosemide and bleeder lists. The official veterinarians ~~((shall))~~ will maintain a furosemide list and a bleeder list of all horses eligible to race with furosemide. The list is a statewide list that applies to all licensed associations.

(1) Furosemide list.

(a) A horse is eligible to race with furosemide if the licensed trainer and/or veterinarian determine that it would be in the horse's best interests to race with furosemide. Notification using prescribed commission forms must be given to ~~((the))~~ an official veterinarian prior to the close of entries to ensure public notification.

(b) If ~~((the))~~ an official veterinarian so orders, a horse placed on the furosemide list ~~((shall))~~ will be placed in detention in its regularly assigned stall, no later than four hours prior to the scheduled post time for any race in which it is entered to start, and with oral or written notification to the trainer may be watched by commission staff. Once placed in detention, a horse must remain in its barn or on its assigned hotwalker until it is taken to the receiving barn or to the paddock to be saddled for the race, except that the stewards may permit a horse to leave detention to engage in exercise blow-outs or warm-up heats.

(c) The confirmation of a horse eligible to race with furosemide must be certified in writing by an official veterinarian and entered on the furosemide list. Copies of the certification ~~((shall))~~ will be issued to the owner of the horse or the owner's designee upon request.

(d) Every horse eligible to race with furosemide, regardless of age, ~~((shall))~~ will be placed on the furosemide list.

(e) A horse placed on the official furosemide list must remain on that list unless the licensed trainer and/or veterinarian submit(s) a written request to remove the horse from the list. The request must be on commissioned-approved forms ~~((provided by the official veterinarian))~~ and must be submitted to ~~((the))~~ an official veterinarian no later than time of entry. After a horse has been removed from the furosemide list, the horse may not be placed back on the list for a period of sixty calendar days unless determined to be detrimental to the welfare of the horse, in consultation with an official veterinarian. If a horse is removed from the official furosemide list a second time in a three hundred sixty-five day period, the horse may not be placed back on the list for a period of ninety calendar days.

(2) Bleeder list.

(a) ~~((The))~~ An official veterinarian ~~((shall))~~ will maintain a bleeder list of all horses, which have demonstrated external evidence of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or work-out as observed by ~~((the))~~ an official veterinarian.

(b) ~~((Every confirmed bleeder))~~ Following an incident of bleeding that is confirmed to be as a result of exercise induced pulmonary hemorrhage, the horse, regardless of age, ((shall)) must be placed on the bleeder list and ~~((be))~~ is ineligible to race for the following time periods:

(i) First incident - fourteen days;

(ii) Second incident within three hundred and sixty-five day period - thirty days;

(iii) Third incident within three hundred and sixty-five day period - one hundred and eighty days;

(iv) Fourth incident within three hundred and sixty-five day period - barred from racing for life.

(c) For the purposes of counting the number of days a horse is ineligible to run, the day the horse bled externally is the first day of the ~~((recovery))~~ ineligibility period.

(d) The voluntary administration of furosemide without an external bleeding incident ~~((shall))~~ will not subject the horse to the initial period of ineligibility as defined by this policy.

(e) Every horse that is confirmed a bleeder ~~((shall))~~ will have a notation affixed to the horse's certificate of registration.

(f) A horse may be removed from the bleeder list only upon the direction of ~~((the))~~ an official veterinarian.

(3) A horse which has been placed on a furosemide or bleeder list in another jurisdiction may be placed on the furosemide list in this jurisdiction.

AMENDATORY SECTION (Amending WSR 06-09-009, filed 4/10/06, effective 5/11/06)

WAC 260-70-675 Bicarbonate testing. No bicarbonate-containing substance or alkalizing substance that effectively alters the serum or plasma pH or concentration of bicarbonates or total carbon dioxide in a horse ~~((shall))~~ may be administered to a horse within twenty-four hours of post time of the race in which the horse is entered.

~~((The))~~ An official veterinarian, the board of stewards or the executive secretary acting on behalf of the commission may at their discretion and at any time order the collection of

test samples from any horses either in the horse's stall or within the receiving or test barn to determine the serum or plasma pH or concentration of bicarbonate, total carbon dioxide, or electrolytes.

Test samples ~~((shall))~~ must not exceed 37.0 millimoles of total carbon dioxide concentration per liter of serum or plasma. A serum or plasma total carbon dioxide level exceeding this value ~~((shall constitute))~~ is a violation of this rule. Penalties ~~((shall))~~ will be assessed as a Class ~~((4))~~ B violation as provided in WAC 260-84-110~~(6)~~.

Split samples will be taken from all horses entered to run in a race when bicarbonate testing is to be done. When split samples are taken, they ~~((shall))~~ will be shipped as soon as practical to the commission-approved laboratories for total carbon dioxide split sample testing. The commission ~~((shall be))~~ is responsible for the cost of shipping and testing of split samples taken under this section.

AMENDATORY SECTION (Amending WSR 06-09-009, filed 4/10/06, effective 5/11/06)

WAC 260-70-720 Posterior digital neurectomy. (1) No person ~~((shall))~~ may bring onto the grounds of a racing association, or enter or cause to be entered in any race, or sell, offer for sale, or act as an agent in the sale of any horse on the grounds under the jurisdiction of the commission that has had a posterior digital neurectomy performed, or has had any nerve removed from the leg of such horse, except as provided in this chapter.

(2) A horse upon which a posterior digital neurectomy has been performed is eligible to race if the following conditions are met:

(a) Prior approval of an official veterinarian has been obtained before the horse was brought onto the grounds of the racing association;

(b) An official veterinarian is satisfied that the loss of sensation to the horse due to the posterior digital neurectomy will not endanger the safety of the public and the participants in racing and does not compromise the integrity of horse racing;

(c) The racing secretary is notified of the posterior digital neurectomy at the time the horse is admitted to the grounds of the racing association; and

(d) The horse's registration or eligibility certificate has been marked to indicate that a posterior digital neurectomy was performed.

AMENDATORY SECTION (Amending WSR 06-09-009, filed 4/10/06, effective 5/11/06)

WAC 260-70-730 Postmortem examination. (1) The commission may require a postmortem examination of any horse that is injured on the grounds of a racing association during its scheduled race meet and training periods, while the horse is in training or in competition and that subsequently expires or is destroyed, or any horse that expires while housed on the grounds. In proceeding with a postmortem examination the commission or its designee ~~((shall))~~ will coordinate with the trainer and/or owner to determine and address any insurance requirements.

(2) Trainers and owners ~~((shall be required to))~~ must cooperate with such action as a condition of licensure.

(3) ~~((The))~~ An official veterinarian may take possession of the horse upon death for postmortem examination. ~~((The))~~ An official veterinarian may submit blood, urine, other bodily fluid specimens or other tissue specimens collected during a postmortem examination for analysis. Upon completion of the postmortem examination, the remains may be returned to the owner or disposed of at the owner's option.

(4) The presence of a prohibited substance in a specimen collected during the postmortem examination may constitute a violation of these rules.

(5) The cost of commission-ordered postmortem examinations, testing and disposal ~~((shall))~~ will be borne by the commission.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 260-70-530

Veterinarians under authority of official veterinarian.

WSR 07-03-010 PROPOSED RULES HORSE RACING COMMISSION

[Filed January 4, 2007, 11:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-17-026.

Title of Rule and Other Identifying Information: Chapter 260-28 WAC, Ownership, trainers, and employees.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, on March 8, 2007, at 9:30 a.m.

Date of Intended Adoption: March 8, 2007.

Submit Written Comments to: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail dmoore@whrc.state.wa.us, fax (360) 459-6462 [459-6461], by March 5, 2007.

Assistance for Persons with Disabilities: Contact Patty Sorby by March 6, 2007, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed amendments is the continued effort of the agency toward regulatory reform (EO 97-02) and to write rules in clear language (EO 05-03 and 06-02), and to adopt rules consistent with the national model horse racing rules whenever possible. In addition to minor changes to existing rules substantive changes are being proposed to the following sections: WAC 260-28-010, redefining the rules and responsibilities of an authorized agent; WAC 260-28-020, clarifying the rules relating to stable names; WAC 260-28-080, redefining the rules of ownership by corporations, companies, and other organizations; WAC 260-28-100, clarified the requirements of the trainer when a new trainer is assigned; and WAC 260-28-130 and 260-28-235.

Reasons Supporting Proposal: Proposal has removed unnecessary and outdated language, rewritten rules in clear and concise language, and rules in the chapter are now consistent with national model horse racing rules.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: Washington horse racing commission, governmental.

Name of Agency Personnel Responsible for Drafting: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

January 4, 2007
Douglas L. Moore
Management Analyst

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-28-010 Authorized agent. ~~((An authorized agent is an agent appointed by document signed by the owner before a notary public and lodged with the secretary. An agent so appointed will be recognized by the commission as having authority to handle any and all matters pertaining to the stable for which he is authorized to act, and the acts of such agent shall be deemed the acts of the owner, and owner accepts responsibility for his agent's acts. The term of the license shall expire December 31st of each year, unless the agent's appointment is revoked by the owner in writing or until revoked for cause by the commission.))~~ An authorized agent is a person appointed by an owner or by a stable to act as their agent. Before an authorized agent can act on behalf of the owner or the stable, the agent must be licensed by the commission as an authorized agent. All licensed authorized agents must also file a notarized document signed by the owner or stable manager with the commission verifying their authorization to act as authorized agent along with the scope of their duties. A trainer is not required to be an authorized agent in order to represent the owner in the matter of entries, nominations, scratches, and the employment of jockeys.

AMENDATORY SECTION (Amending WSR 04-24-019, filed 11/22/04, effective 12/23/04)

WAC 260-28-020 Stable names—Registration fees and restrictions. ~~((Each stable name must be duly registered with the commission.~~

~~(1) In applying to race under a stable name the applicant must disclose the identity or identities behind a stable name. If a partnership is involved in the identity behind a stable name, the rules covering partnerships must be complied with.~~

~~(2) Changes in identities must be reported immediately to and approval obtained from the commission.~~

~~(3) No person can use his real name for racing purposes so long as he has a registered one, without permission of the board of stewards.~~

~~(4) A trainer who is a licensed owner or part owner may use a stable name as owner or part owner. However, no trainer may be licensed as trainer other than in his legal name.~~

~~(5) Any person who has been registered under a stable name may, at any time, cancel it after he has given written notice to the commission.~~

~~(6) A stable name may be changed at any time by registering a new stable name and by paying the fee as required above.~~

~~(7) A person cannot register as his stable name one which has been registered by any other person with an association conducting a recognized meeting, or the Jockey Club (N.Y.) or with another racing authority.~~

~~(8) A person may not register as his stable name one which is the real name of any owner of race horses, nor one which is the real or assumed name of any prominent person not owning race horses.~~

~~(9) A stable name shall be plainly distinguishable from that of another duly registered stable name.~~

~~(10) No stable name shall be used if in the judgment of the stewards it is being used for advertising purposes.~~

~~(11) Any combination of more than three owners will be required to race under a stable name.))~~ Licensed owners and lessees may adopt a stable name subject to the approval of the stewards.

(1) Any combination of four or more owners are required to race under a stable name.

(2) The applicant must identify all persons using the stable name. Changes must be reported immediately to the stewards.

(3) Application for a stable name must include a designation of a managing owner and an address. Receipt of any correspondence, notice or order at such address will constitute official notice to all persons involved in the ownership of such horse.

(4) All persons with an ownership interest in the stable name must comply with all rules regarding licensing of owners.

(5) A person who has registered a stable name may cancel it upon written notice to the stewards.

(6) The stewards will not approve a stable name that has been registered by any other person with any association conducting a recognized race meeting.

(7) No stable name may be used, if in the judgment of the stewards, it is being used for advertising purposes.

(8) A stable name must be clearly distinguishable from other stable names.

AMENDATORY SECTION (Amending WSR 03-07-056, filed 3/14/03, effective 4/14/03)

WAC 260-28-030 Financial responsibility. (1) ~~((No licensee shall))~~ A licensee may not willfully fail or refuse to pay money due for services, supplies, or fees connected with his or her operations as a licensee. ((No licensee shall)) A licensee may not falsely deny such an amount due or the validity of a complaint on such an amount due for the purpose of

hindering, delaying, or defrauding the person to whom the amount is due.

(2) A financial responsibility complaint against a licensee must be in writing, signed by the complainant, and accompanied by documentation of the services, supplies or fees alleged to have been provided, or by a judgment from a civil court that has been issued within two years of the date of the complaint.

(3) Any licensee failing to make restitution as a result of a complaint where the amount owed is undisputed or judgment may be subject to disciplinary action, including a license suspension.

(4) The stewards will consider for disciplinary action only those financial responsibility complaints that meet the following criteria:

(a) The complaint involves services, supplies or fees that are directly related to the licensee's Washington racetrack and training operations; and

(b) The debt or cause of action originated in Washington, or the civil court judgment was issued in Washington, within two years of the date the complaint is filed.

(5) In determining whether to act on a financial responsibility complaint, the stewards may consider the number of financial responsibility complaints made by the complainant against the same licensee within a two-year period immediately preceding the current complaint.

(6) ~~((No))~~ A licensee ~~((shall))~~ may not write, issue, make or present any check in payment for any license fee, fine, nomination or entry fee or other fees, or for any service or supplies when the licensee knows or should reasonably know that the check will be refused for payment by the bank upon which it is written, or that the account upon which the check is written does not contain sufficient funds for payment of the check, or that the check is written on a closed or nonexistent account. The fact that such a check is returned to the payee by the bank as refused is ~~((a))~~ grounds for ~~((a))~~ license suspension pending satisfactory redemption of the returned check.

AMENDATORY SECTION (Amending Order 82-05, filed 6/25/82)

WAC 260-28-050 Colors—Registration and fees. (1) Racing colors must be registered, and authority for their use ~~((sanctioned))~~ approved by a steward. ~~((Such registration shall))~~ Approval will be made annually~~((, upon issuance of an))~~ when the owner's license is approved.

(2) Colors registered with any racing commission or with the Jockey Club ~~((of New York shall be respected))~~ will be honored in Washington and only the registrant ~~((shall))~~ will be permitted to use them.

(3) No person ~~((shall))~~ may start a horse in racing colors other than those registered in his ~~((own or assumed))~~ her name ~~((, but a temporary change from the recorded))~~ or stable name. A temporary change of racing colors ~~((may))~~ must first be ~~((approved by the stewards))~~ authorized by the jockey room supervisor.

(4) Any disputes ~~((between claimants to the right of particular))~~ related to racing colors ~~((shall))~~ will be decided by the stewards.

~~((5) Any temporary change from the recorded colors of the owner must be approved by the stewards and posted by the clerk of the scales on the notice board.))~~

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-28-060 Engagements and transfer ~~((of same)).~~ (1) When a horse is claimed ~~((out of a claiming race)),~~ any nominations previously made to a stake or any breed association sponsored race for the horse~~((s engagements are included))~~ will remain valid.

(2) ~~((Subscriptions and all))~~ Nominations, entries or rights of entry ~~((are))~~ remain valid when a horse is sold ~~((with his engagements duly transferred; in duly registered partnerships when subscriptions, entries and rights of entries survive in the remaining partners; and when entries under the decedent's subscription has been made previous to the decedent's death by the transfer of the right of entry))~~ or claimed, except when the horse is transferred to a person whose license is suspended or who is otherwise disqualified to race or enter the horse, then the nomination will be void as of the date of the transfer.

(3) ~~((Subscriptions and all entries or rights of entry under them become void on the death of a subscriber, except in case of duly registered partnerships or except subject to the sanction of the stewards, when the personal representative of an estate shall in writing, request that the benefits of such accrue to the estate of the decedent subscriber for the privilege of transfer, and shall agree to assume any and all obligations incident to the original entries.))~~ The death of a nominator to a stake race will not render void any nomination, entry, or right of entry. All rights, privileges and obligations will attach to the legal heir of the decedent or the new owner of the horse.

(4) ~~((In case of any transfer of a horse with its engagements, such horse will not be eligible to start in any stakes, unless at the usual time of the running of the stakes, or prior thereto, the transfer of the horse and its engagements shall be exhibited when demanded to the racing secretary.~~

~~((5) Should))~~ If a horse ~~((be))~~ is sold ~~((with his engagements, or any part of them,))~~ or claimed the seller cannot ~~((strike))~~ withdraw the horse ~~((out of any such))~~ from any engagements.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-28-070 Ownerships to be filed with commission and racing secretary. ~~((All ownerships in a horse, except a trainer's percentage of his winnings, shall be filed with the racing secretary, before the horse shall start, as also shall every change in ownership thereafter during the meeting.))~~ Before a horse may start, all persons with an ownership interest in the horse must be disclosed to the commission and racing secretary.

(1) A trainer's entitlement to a percentage of a horse's winnings is not considered an ownership interest.

(2) If ownership changes during the race meet, the new owner must notify the commission.

AMENDATORY SECTION (Amending Order 75-1, filed 2/18/75)

WAC 260-28-080 (~~Corporate ownership and leases.~~) Ownership by corporations, companies, or other organizations. ((No license as an owner shall be granted to a corporation or to the lessee or lessees of any corporation unless such corporation shall have no more than ten stockholders or members each of whom shall be the registered and beneficial owner of stock or membership in such corporation; nor shall any corporation having more than ten such stockholders have the power to lease for racing purposes to any natural person or persons or partnership any horse owned or controlled by it. Each stockholder must file an application for an owner's license: Provided, That the commission, through its board of stewards, may waive the requirement of ten or less stockholders and permit a corporation which has up to twenty five stockholders to be licensed if all of the stockholders have sufficient local connections so that the process of checking applications is not unduly burdensome.)

All the stockholders or members of a corporation which owns or leases horses for racing purposes in the state of Washington and also all such corporations shall make and file with the commission as and when requested by it, a report or reports containing such information as the commission may specify; and upon refusal or failure to file such report or reports the commission may refuse a license to any lessee or lessees of such corporation or may revoke any such license which it may have granted.) (1) If the legal owner of any horse is a corporation, company, or other organization, each shareholder or member must be licensed.

(2) Each corporation, company, or other organization must disclose to the commission all shareholders or members of the organization.

(3) Corporations, companies, or other organizations must submit an application for a stable license.

NEW SECTION

WAC 260-28-085 Leases. A horse may be raced under a lease if a completed breed registry or other notarized lease form is attached to the certificate of registration and on file with the commission. The lessee must be licensed as the horse owner. If the legal owner of the horse is ineligible for licensing, the lessee will not be licensed.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-28-100 Change of trainers. If an owner changes trainers, he/she must notify the racing commission ((and require)) within seventy-two hours. This form must be signed by the new trainer ((to sign his name on said owner's registration)) acknowledging that he/she accepts responsibility for the horse or horses, and by the previous trainer to release any obligations in connection with the horse or horses.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-28-110 Employment of jockey to prevent riding. ((No)) An owner ((shall)) or trainer may not employ a jockey for the purpose of preventing ((him)) the jockey from riding in any race.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-28-120 Bribes and gratuities. ((No)) An owner ((shall)) or trainer may not accept, directly or indirectly, any bribe, gift or gratuity in any form which might influence the result of any race, ((or tend to do so)) or which was intended to influence the result of any race.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-28-130 May not employ ((nonlicensed)) unlicensed veterinarian((—Report of certain illnesses and treatments)). ((No owner or trainer or their representative, shall employ a veterinarian who is not licensed as such by the state board of veterinary examiners. Licensed)) Owners and trainers will only employ veterinarians who are properly licensed by the Washington state department of health and the commission. Racing associations ((shall)) will use all reasonable efforts to prevent ((nonlicensed)) unlicensed veterinarians from practicing on their ((premises)) grounds. ((Every such veterinarian who shall prescribe or use any medication or treatment which contains a drug or drugs which he has reason to believe are of such character as would affect the racing condition of a horse in a race, shall at the time of prescribing or use deliver to the trainer of the horse under treatment a written statement, setting forth the date, the name of the horse and of the owner, and the name of said drug or drugs so prescribed or used. A copy of this statement shall also be delivered to the board of stewards. Any illness with unusual symptoms shall immediately be reported by the trainer or attending veterinarian to the stewards.))

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-28-200 Trainer—Paddock duties. (1) A trainer ((shall)) must have his or her horse in the paddock at the time appointed.

(2) A trainer ((shall)) must attend his or her horse in the paddock, and ((shall)) must be present to ((supervise his saddling)) saddle the horse, unless he/she has obtained the permission of a steward to send another licensed trainer as a substitute.

AMENDATORY SECTION (Amending Order 4, filed 12/24/69)

WAC 260-28-210 Trainer—Substitute for absent trainer. If a trainer ((is to)) will be absent from the track where his or her horses are participating in races, ((he)) the trainer must first obtain a licensed trainer to substitute for him

or her during ~~((his))~~ the trainer's absence. ~~((Such a))~~ The substitute trainer must be approved by ~~((the board of stewards upon forms approved by the racing commission))~~ a steward prior to the original trainer's absence. The original trainer ~~((is))~~ remains the absolute insurer of ~~((the))~~ any horses he or she has entered. ~~((The))~~ Once a substitute trainer has been approved by a steward, the substitute trainer will then become the absolute insurer of any additional horses he or she may enter.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-28-220 Trainer—Duty to register horses with racing secretary. Each trainer ~~((shall))~~ must register with the racing secretary all the horses in his or her charge, giving the name, age, sex, breeding and ownership of each horse.

AMENDATORY SECTION (Amending WSR 06-07-067, filed 3/10/06, effective 4/10/06)

WAC 260-28-230 Trainer—Duty to register personnel—Safety equipment. A trainer ~~((shall be))~~ is required to notify the commission of the name~~((s))~~ of every person in the trainer's employ and ~~((be))~~ is responsible to ensure that all the trainer's employees are properly licensed by the commission before being allowed to work. If a trainer releases any employee from employment, the trainer ~~((shall))~~ must notify the stewards within forty-eight hours.

A trainer ~~((shall also be responsible to))~~ must ensure that all the trainer's employees wear a safety helmet and safety vest while on horseback, in compliance with WAC 260-12-180.

AMENDATORY SECTION (Amending Rules of racing, filed 5/4/66)

WAC 260-28-235 Trainer—Duty to provide employees financial relief from injury. ~~((As a proper means of financial relief from injury, the Washington horse racing commission requires as a condition to issuance of a license that the applicant file proof of compliance with one of the following coverages:~~

~~(1) That the trainer cover his employees under state industrial insurance through the Washington state department of labor and industries.~~

~~(2) Trainers obtain coverage from private insurance carrier duly licensed to do business in the state of Washington, and approved by the Washington horse racing commission.~~

~~(3) Posting of surety bond with sureties to be approved by the commission, in such amount as designated by the Washington horse racing commission.)~~ At the time of submitting a license application, all trainers must pay the industrial insurance premium assessment required by RCW 67.16.-300 and 51.16.210 for each person in their employment.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-28-240 Trainer—Restriction as to horses owned by disqualified person. A trainer ~~((shall))~~ may not have in his or her charge or under his or her supervision any horse owned, in whole or in part, by a disqualified person.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-28-280 Trainer—Reporting sickness of horse. A trainer ~~((shall see to it that a report is made promptly to the racing secretary and track veterinarian of any and all sickness of his horse or horses))~~ must immediately report any sickness or illness of any of his or her horses to an official veterinarian.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 260-28-040	Feed and supplies may be bought at open market.
WAC 260-28-090	Owner to register horses with racing secretary.
WAC 260-28-150	Registration of stable personnel.
WAC 260-28-160	Partnerships.
WAC 260-28-170	Duty to name jockey upon making entry.
WAC 260-28-180	Trainer—Insurer of condition of horse.
WAC 260-28-190	Trainer—Authority to represent owner.
WAC 260-28-250	Trainer—Bribery prohibited.
WAC 260-28-260	Trainer—Removing horses from grounds.
WAC 260-28-270	Trainer—Employing jockey to prevent riding.

WSR 07-03-011

PROPOSED RULES

HORSE RACING COMMISSION

[Filed January 4, 2007, 11:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-17-029.

Title of Rule and Other Identifying Information: WAC 260-48-540 Advance wagering.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, on March 8, 2007, at 9:30 a.m.

Date of Intended Adoption: March 8, 2007.

Submit Written Comments to: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail dmoore@whrc.state.wa.us, fax (360) 459-6461, by March 5, 2007.

Assistance for Persons with Disabilities: Contact Patty Sorby by March 6, 2007, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To repeal the advance wagering chapter.

Reasons Supporting Proposal: Allows associations to accept wagers on races when made available by the tote companies rather than restricting them to one hour to post.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: Washington horse racing commission, governmental.

Name of Agency Personnel Responsible for Drafting: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

January 4, 2007
Douglas L. Moore
Management Analyst

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 260-48-540 Advance wagering.

WSR 07-03-014
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed January 4, 2007, 4:01 p.m.]

Supplemental Notice to WSR 06-22-108.

Preproposal statement of inquiry was filed as WSR 06-07-138.

Title of Rule and Other Identifying Information: Chapter 296-17 WAC, General reporting rules, classifications, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance.

Date of Intended Adoption: January 24, 2007.

Submit Written Comments to: Ronald Moore, Program Manager, Employer Services, P.O. Box 44140, Olympia, WA 98504-4140, e-mail mooa235@lni.wa.gov, fax (360) 902-4729, by January 17, 2007.

Assistance for Persons with Disabilities: Contact Office of Information and Assistance by January 17, 2007, TTY (360) 902-5797.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule making is to extend the comment period from 5 p.m., January 5, 2007, to 5 p.m., January 17, 2007. Please see proposal filed in WSR 06-22-108, November 1, 2006.

Statutory Authority for Adoption: RCW 51.06.035 Base rates, 51.32.073 Supplemental pension, 51.08.010 Retrospective.

Statute Being Implemented: RCW 51.16.035, 51.32.-073, 51.18.010, and 51.04.020(1).

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: Bill Moomau, Tumwater, Washington, (360) 902-4774; Implementation: Ronald Moore, Tumwater, Washington, (360) 902-4748; and Enforcement: Bob Malooly, Tumwater, Washington, (360) 902-4209.

January 4, 2007
Judy Schurke
Acting Director

WSR 07-03-017
PROPOSED RULES
HORSE RACING COMMISSION

[Filed January 5, 2007, 8:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-23-055.

Title of Rule and Other Identifying Information: WAC 260-34-020 Drug and alcohol violations.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, on March 8, 2007, at 9:30 a.m.

Date of Intended Adoption: March 8, 2007.

Submit Written Comments to: Douglas Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail dmoore@whrc.state.wa.us, fax (360) 459-6461, by March 5, 2007.

Assistance for Persons with Disabilities: Contact Patty Sorby by March 6, 2007, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To amend WAC 260-34-020 to reflect clear language and to define the difference between possession and use of narcotics as opposed to the possession of narcotics with intent to deliver.

Reasons Supporting Proposal: Provides clear definitions for penalty differences for possession of narcotics for personal use and possession with intent to deliver or sell.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: Washington horse racing commission, governmental.

Name of Agency Personnel Responsible for Drafting: Douglas Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

January 5, 2007
Douglas L. Moore
Management Analyst

AMENDATORY SECTION (Amending WSR 06-07-064, filed 3/10/06, effective 4/10/06)

WAC 260-34-020 Drug and alcohol violations. No licensee or applicant, while acting in an official capacity or participating directly in horse racing, shall commit any of the following violations:

(1) Be under the influence of or affected by intoxicating liquor and/or drugs, have an alcohol concentration of 0.08 percent or higher, or have within their body any illegal controlled substance while on the grounds of any licensed race meet;

(2) Engage in the illegal sale or distribution of alcohol;

(3) Engage in the illegal sale or distribution of a controlled substance or possess an illegal controlled substance with intent to deliver;

(4) Possess an illegal controlled substance;

(5) Possess on the grounds of any licensed race meet any equipment, products or materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing an illegal controlled substance, or any equipment, products or materials of any kind, which are used or intended for use in injecting, ingesting, inhaling or otherwise introducing into the human body an illegal controlled substance; or

(6) Refuse to submit to blood, breath and/or urine testing, when notified that such testing is conducted pursuant to the conditions of WAC 260-34-030.

Failure to provide a blood, breath and/or urine sample when directed or intentional contamination of the sample by any person tested for the purpose of preventing accurate analysis of the sample, or other actions with intent to subvert the test, shall be considered a refusal to submit to a test.

"Controlled substance" or "drug" as used in this chapter means any substance listed in chapter 69.50 RCW or legend drug as defined in chapter 69.41 RCW. The presence of a controlled substance or drug in any quantity measured by the testing instrument establishes the presence of that substance for the purpose of this section. The fact that a licensee or applicant is or has been entitled to use a drug under the laws of the state of Washington shall not constitute a defense against a violation for being under the influence of or affected by intoxicating liquor and/or any drug.

WSR 07-03-018
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed January 5, 2007, 9:13 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-23-005.

Title of Rule and Other Identifying Information: WAC 220-56-175 Catch record cards.

Hearing Location(s): Comfort Inn [Inn] and Conference Center, 1620 74th Avenue S.W., Tumwater, WA, on March 9-10, 2007, begins 8:30 a.m. on March 8, 2007.

Date of Intended Adoption: April 6, 2007.

Submit Written Comments to: Rules Coordinator, 600 Capitol Way, Olympia, WA 98501-1091, e-mail preus-imp@dfw.wa.gov, fax (360) 902-2155, by March 7, 2007.

Assistance for Persons with Disabilities: Contact Nancy Burkhart by February 23, 2007, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Provides for crab harvester time frame reporting requirements and locations of reporting, as printed on the crab catch record card. The purpose is to streamline the harvest reporting process and provide greater flexibility of reporting to the individual harvesters.

Reasons Supporting Proposal: Provides increased capability to provide reliable and timely Puget Sound recreational crab catch statistics.

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: Morris W. Barker, 1111 Washington Street, Olympia, (360) 902-2826; Implementation: Lew Atkins, 1111 Washington Street, Olympia, (360) 902-2651; 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 do not regulate small businesses. These regulations only affect recreational crab fishers.

A cost-benefit analysis is not required under RCW 34.05.328. These rule proposals do not affect hydraulics.

January 5, 2007
Loreva M. Preuss
Rules Coordinator

AMENDATORY SECTION (Amending Order 06-262, filed 10/9/06, effective 11/9/06)

WAC 220-56-175 Catch record cards. It is unlawful for any person to fail to comply with the catch record requirements as provided for in this section:

(1) In order to fish for or possess for personal use any crab in Catch Record Card Area 4 east of the Bonilla-Tatoosh Line and in Catch Record Card Areas 5-13, anadromous

salmon, sturgeon, halibut, or steelhead, an angler must obtain and have in personal possession a valid appropriate catch record card as described in WAC 220-69-236 except for commercially caught salmon retained for personal use as provided for in WAC 220-20-016 and commercially caught sturgeon retained for personal use as provided for in WAC 220-20-021. Notwithstanding the provisions of this subsection, a catch record card is not required for landlocked steelhead or for salmon in waters designated as "landlocked salmon rules apply" in WAC 232-28-619.

(2) Any angler, after obtaining a catch record card shall validate the catch record card by completely, accurately, and legibly completing all personal identification information in ink on the catch record card prior to detaching the catch record card from the underlying copy of the catch record card or, for automated licenses, affixing the appropriate validation sticker to the catch record card. A catch record card remains valid so long as there are one or more unfilled spaces available for the species being fished for, except:

(a) In the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington for sturgeon a catch record card remains valid when the sturgeon portion of the catch record card is filled. A person may not retain sturgeon after the sturgeon portion of the catch record card is filled.

(b) A second or subsequent catch record card is invalid for retention of sturgeon.

(3) Immediately upon catching and possessing a salmon, steelhead, sturgeon or halibut, the angler shall enter in ink in the appropriate space the place, date of catch, species (catch type), for sturgeon, length, for halibut, vessel type and for salmon, whether or not the fish was marked.

(4) Immediately upon retaining a Dungeness crab aboard a vessel or on the shore, the fisher must enter in ink in the appropriate space the place and date of catch, fishery type and enter a tally mark for each Dungeness crab retained from each catch record card area fished. At the end of the fishing day, the fisher shall enter the total number of crab tally marks for each fishery type.

(5) Every person possessing a catch record card shall by April 30 of the year following the year printed on the card return such card to the department of fish and wildlife except as follows: Every person possessing Puget Sound crab catch record cards shall return such cards to the department of fish and wildlife no later than the required return dates printed on the catch cards or report their card information on the internet site designated on the card.

(6) Any person possessing a catch record card shall, upon demand of any law enforcement officer or authorized department employee, exhibit said card to such officer or employee for inspection.

(7) A catch record card shall not be transferred, borrowed, altered, or loaned to another person.

WSR 07-03-019
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed January 5, 2007, 11:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-18-068.

Title of Rule and Other Identifying Information: Chapter 196-27A WAC, Rules of professional conduct.

Hearing Location(s): Department of Licensing, Business and Professions Division, Conference Room #2209, 405 Black Lake Boulevard, Olympia, WA 98502, on February 28, 2007, at 1:00 p.m.

Date of Intended Adoption: March 1, 2007.

Submit Written Comments to: George Twiss, Executive Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, e-mail engineers@dol.wa.gov, fax (360) 664-2551, by February 26, 2007.

Assistance for Persons with Disabilities: Contact Kim King by February 26, 2007, TTY (360) 664-8885 or (360) 664-1564.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To address explicit acts of misconduct that pertain to the professional practice of engineers and/or land surveyors.

Reasons Supporting Proposal: To address the act of retaliation that may occur by licensees.

Statutory Authority for Adoption: RCW 18.43.035.

Statute Being Implemented: Chapter 18.43 RCW.

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

Name of Proponent: Board of registration for professional engineers and land surveyors, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: George A. Twiss, 405 Black Lake Boulevard, Olympia, WA 98502, (360) 664-1565.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no negative economic impact to small business.

A cost-benefit analysis is not required under RCW 34.05.328. See statement regarding small business economic impact statement.

January 5, 2007
George A. Twiss
Executive Director

AMENDATORY SECTION (Amending WSR 02-23-027 [06-11-120], filed 11/12/02 [5/19/06])

WAC 196-27A-030 Explicit acts of misconduct. In addition to any failure to conform with the requirements of chapter 18.43 or 18.235 RCW, or this chapter, the following acts and any act or condition listed in RCW 18.235.130, are explicitly defined as misconduct in the practice of engineering and/or land surveying.

(1) Aiding or abetting the unsupervised practice of engineering or land surveying in the state by a person or firm that is not registered in accordance with chapter 18.43 RCW, or,

aiding or abetting an unlicensed person to practice or operate a business or profession when a license is required.

(2) The practice of engineering or land surveying by a registrant when the registrant's license is retired (~~((see WAC 196-25-100(6)))~~), expired, suspended or revoked.

(3) Failing to comply with the terms and conditions of an order issued by the board.

(4) Failing to provide relevant information on plans and surveys in a clear manner consistent with prudent practice.

(5) Failing to comply with the provisions of the Survey Recording Act, chapter 58.09 RCW and the survey standards, chapter 332-130 WAC.

(6) Failing to respond to inquiries from clients, or other professionals regarding conflicts with the registrant's work, opinions or procedures, in a manner that would be expected from a prudent practitioner.

(7) Failing to correct engineering or land surveying documents or drawings known to contain substantive errors.

(8) Failing to notify a client or employer that a project could not, or would not, be completed once that assessment is made.

(9) Modifying another licensee's work without notifying that licensee, and clearly delineating the modifications and sealing and signing the modifications made; EXCEPT where the plans, maps, or documents are modified by the owner to reflect changes over time for their own purposes and are not used for submittals or bid documents.

(10) Offering or accepting money, goods or other favors as inducement to receive favorable consideration for a professional assignment, or as an inducement to approve, authorize or influence the granting of a professional assignment.

(11) Soliciting or accepting gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with clients or employers in connection with work for which the registrant is responsible.

(12) Using privileged information coming to registrants in the course of their assignments as a means of making personal profit beyond their professional compensation.

(13) Requesting, proposing, or accepting professional commissions on a contingent basis under circumstances in which the registrant's integrity may be compromised.

(14) ~~((Willfully attempting to interfere with a board investigation by falsifying records, making false statements and intimidating or influencing witnesses-))~~ Any act, statement or behavior that harasses, intimidates or retaliates against anyone who has provided information, assistance or testimony in connection with any Board inquiry, investigation, hearing or other proceeding.

(15) Willfully attempting to suborn another person to violate the law or administrative code, public policy or their code of professional ethics.

(16) Willfully making false statements or submitting fraudulent documents when reporting the completion of continuing professional development requirements.

(17) Disorderly, discriminatory or abusive behavior or statements which are significantly disruptive to the normal activities of a place of business or public view, where such behavior would give anyone witnessing the act a reasonable belief to be concerned for their safety or well-being.

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

WSR 07-03-020

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed January 5, 2007, 11:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-09-044.

Title of Rule and Other Identifying Information: Chapter 196-30 WAC, Fees for on-site wastewater treatment designers and inspectors.

Hearing Location(s): Department of Licensing, Business and Professions Division, Conference Room #2209, 405 Black Lake Boulevard, Olympia, WA 98502, on February 28, 2007, at 1:00 p.m.

Date of Intended Adoption: March 1, 2007.

Submit Written Comments to: George Twiss, Executive Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, e-mail engineers@dol.wa.gov, fax (360) 664-2551, by February 26, 2007.

Assistance for Persons with Disabilities: Contact Kim King by February 26, 2007, TTY (360) 664-8885 or (360) 664-1564.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To repeal language that concerns on-site practice permits, which ended on June 30, 2003, and repeal late penalty fees for certificate of competency holders.

Reasons Supporting Proposal: On-site practice permits no longer exist, and there is no existing language that a late penalty fee can be assessed.

Statutory Authority for Adoption: RCW 43.24.086.

Statute Being Implemented: Chapter 18.210 RCW.

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

Name of Proponent: Board of registration for professional engineers and land surveyors, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: George A. Twiss, 405 Black Lake Boulevard, Olympia, WA 98502, (360) 664-1565.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no negative economic impact to small business.

A cost-benefit analysis is not required under RCW 34.05.328. See statement regarding small business economic impact statement.

January 5, 2007

Ralph Osgood
Assistant Director

AMENDATORY SECTION (Amending WSR 99-24-022, filed 11/23/99)

WAC 196-30-020 On-site wastewater treatment designer and inspector fees. The business and professions division of the department of licensing shall assess the following fees:

Title of Fee	Amount (\$)
((Practice permit application	400.00))
((Practice permit renewal	250.00))
Designer license application	175.00
Designer license application (comity)	50.00
Designer license renewal	250.00
Designer license re-examination	100.00
Late Renewal Penalty	100.00
Certificate of competency (inspector)	
Application	175.00
Certificate of competency renewal	250.00
Certificate of competency re-examination	100.00
((Late Renewal Penalty	400.00))

AMENDATORY SECTION (Amending WSR 99-24-022, filed 11/23/99)

WAC 196-30-030 License renewals. ~~((1) Practice permits are valid for one year. They must be renewed each year by paying the required fee no later than the anniversary date of when the permit was originally issued. A valid practice permit will remain in force until the permit holder is issued a designer license, or July 1, 2003, whichever comes first. The permit holder must renew for a full year. No refunds will be made, or payments accepted, for a partial year.))~~

~~((2))~~ (1) The initial designer license and certificate of competency will expire on the licensee's or certificate holder's next birth date. However, if the licensee's or certificate holder's next birth date is within three months of the initial date of issuing the license or certificate, the original license or certificate will expire on his or her second birthday following issuance of the original license or certificate. All subsequent renewals shall be for a one-year period due on the individuals birth date. No refunds will be made, or payments accepted for a partial year.

~~((3))~~ (2) It shall be the licensee's or certificate holder's responsibility to pay the prescribed renewal fee to the department of licensing on or before the date of expiration.

~~((4))~~ (3) Licensees and certificate holders who fail to pay the prescribed renewal fee within ninety days of the license expiration date will be subject to a late penalty fee of \$100.00. However, the license or certificate is invalid the date of expiration (if not renewed) even though an additional 90 days is granted to pay the renewal fee without penalty. After ninety days, the base renewal fee plus the penalty fee must be paid before the license or certificate can be renewed to a valid status.

~~((5))~~ (4) Any designer license ~~((or certificate of competency))~~ that remains expired for more that two years would be canceled. After cancellation, a new application must be made

in accordance with chapter 18.210 RCW to obtain another license ~~((or certificate))~~.

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

AMENDATORY SECTION (Amending WSR 06-06-019, filed 2/21/06)

WAC 196-30-110 Suspended fees. Effective July 1, 2006 the following fees will have the listed portions suspended from collection until July 1, 2008.

Fee categories	Current Fees	Portion Suspended	Temporary Fees
Certificate of Competency:			
Certificate of Competency renewal	\$250	\$100	\$150
((Certificate of Competency late renewal	\$350	\$100	\$250))

WSR 07-03-032
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed January 9, 2007, 3:29 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-21-065.

Title of Rule and Other Identifying Information: WAC 220-88C-030 Eligibility to participate in the coastal pilchard fishery.

Hearing Location(s): Natural Resources Building, Room #585, 1111 Washington Street S.E., Olympia, WA, on February 27, 2007, at 1:30 p.m.

Date of Intended Adoption: On or after March 27, 2007.

Submit Written Comments to: Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail preuslmp@dfw.wa.gov, fax (360) 902-2155, by February 23, 2007.

Assistance for Persons with Disabilities: Contact Susan Yeager, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Modify continuing participation provisions in the coastal pilchard fishery to provide greater flexibility for fishers to maintain eligibility in the face of changing market conditions.

Reasons Supporting Proposal: Current rules are too rigid to allow continued fisher eligibility when markets are not buying product.

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: Morris W. Barker, 1111 Washington Street, Olympia, (360) 902-2826; Implementation: Phil Anderson, 1111 Washington Street, Olympia, (360) 902-2720; 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: This action drops the compliance requirements for landing poundage to maintain license eligibility.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None required.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: There are no costs for business for this action.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? There are no compliance requirements therefore no impacts to sales or revenues.

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:

1. Cost per employee;
 2. Cost per hour of labor; or
 3. Cost per one hundred dollars of sales.
- There are no compliance costs.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: No steps taken as there are no costs incurred.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The department will conduct a public hearing and receive public comment on the rule proposal for consideration in the rule-making process.

8. A List of Industries That Will Be Required to Comply with the Rule: Coastal sardine fishers will be affected by the rule which will reduce their burden on the requirements to maintain their license eligibility.

A copy of the statement may be obtained by contacting Lori Preuss, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail preuslmp@dfw.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. These proposals do not affect hydraulics.

January 9, 2007
Loreva M. Preuss
Rules Coordinator

AMENDATORY SECTION (Amending Order 06-59, filed 4/3/06, effective 5/4/06)

WAC 220-88C-030 Eligibility to participate in the coastal pilchard fishery. (1) Beginning in 2007, a coastal pilchard experimental fishery permit will be issued only to a natural person who:

(a) Held such a permit or held a replacement permit the previous year;

(b) ~~((Can demonstrate by valid Washington fish receiving tickets that at least forty metric tons cumulative weight of pilchard taken from Pacific Ocean waters were landed under the person's emerging commercial fishery license during the previous two calendar years;~~

~~((c))~~) Has purchased an emerging commercial fisheries license by April 1st; and

~~((d))~~) ~~((c))~~ Has an ownership interest of at least fifty percent in the vessel designated on the emerging commercial fishery license.

(2) Coastal pilchard experimental fishery permits may be revoked by the director, and future permits denied by the director, for failure to comply with conditions specified in the permits or violation of other commercial fishing rules, and shall be revoked if the emerging commercial fishery license is suspended. A coastal pilchard experimental fishery permit will not be renewed if the emerging commercial fishery license is revoked or future fishing privileges of the licensee are suspended.

(3) The director may offer replacement permits, provided that the total number of permits issued by the director, including replacement permits, shall not exceed twenty-five.

(4) A coastal pilchard replacement permit will only be issued to a natural person who:

(a) Has an ownership interest of at least fifty percent in a vessel that was designated on a Washington coastal pilchard experimental fishery permit in 2004 or 2005; and

~~((b))~~ ~~((Landed a minimum of 40 mt cumulative weight of pilchard into Washington using the designated vessel referenced in (a) of this subsection in 2004 and 2005; and~~

~~((c))~~) Has purchased an emerging commercial fisheries license by August 1, 2006.

(5) Coastal pilchard experimental fishery permits and replacement permits are only valid for the year issued and expire with the expiration of the emerging commercial fishery license.

(6) Replacement permit holders must designate a vessel in which the replacement permit holder has an ownership interest of at least fifty percent.

(7) Permit holders must designate a vessel to be used in the coastal pilchard emerging commercial fishery at least forty-eight hours before their first pilchard fishing trip of each season. Once designated, permit holders may not change vessel designation for the remainder of the season, except as provided in subsection (8) of this section in an emergency and then only if allowed by the director. The same vessel may not be designated on more than one emerging commercial fishery license and accompanying coastal pilchard experimental fishery permit.

(8) Vessel designation may be changed during the pilchard season provided that the designated vessel has not yet participated in the pilchard fishery during the current calendar year.

WSR 07-03-042
PROPOSED RULES
DEPARTMENT OF
NATURAL RESOURCES
 [Filed January 11, 2007, 9:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-23-176.

Title of Rule and Other Identifying Information: Washington department of natural resources' (DNR) rules, chapter 332-41 WAC, SEPA policies and procedures.

Hearing Location(s): Olympia Timberland Regional Library, 313 8th Avenue S.E., Olympia, WA 98501, on March 1, 2007, at 6:30 p.m.

Date of Intended Adoption: March 27, 2007.

Submit Written Comments to: Washington Department of Natural Resources, Cynthia R. Pratt, Environmental and Legal Strategies Section, AMP Division, 1111 Washington Street S.E., Olympia, WA 98504-7015, e-mail cynthia.pratt@dnr.wa.gov, fax (360) 902-1789, by March 12, 2007, 5:00 p.m.

Assistance for Persons with Disabilities: Contact Washington department of natural resources by February 27, 2007, TTY (360) 902-1156.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The changes will update the department's SEPA policies and procedures (chapter 332-41 WAC), which haven't had comprehensive updates since 1984. The proposed changes include clarifying the language, updating references to recodified rules and statutes, writing rules to help meet the governor's plain talk initiative and removing redundancies between the department of ecology's (ecology) State Environmental Policy Act (SEPA) rules (chapters 197-11 WAC and 43.21C RCW).

Reasons Supporting Proposal: Changes to the ecology's SEPA rules, chapters 43.21C RCW and 197-11 WAC for which DNR's SEPA policies and procedures rules are promulgated from, have changed since chapter 332-41 WAC was last amended. The department's SEPA policies and procedures rules have not been updated since 1992, and most of the chapter has been in effect since 1984. Since then, referenced RCWs and WACs have been recodified and changes to the public land definition have occurred. Language needs additional clarification in some parts of chapter 332-41 WAC also. DNR's SEPA policies and procedures rules (chapter 332-41 WAC) must be in compliance with the ecology's SEPA rule WACs and RCW, so those repeated sections of chapter 197-11 WAC contained in chapter 332-41 WAC were removed. In 2005, the governor instigated in initiative requiring agencies to use plain language for citizens and state employees called "plain talk." These proposed rules have tried to capture the intent of that initiative.

Statutory Authority for Adoption: Chapter 43.21C RCW; ecology's SEPA rules WAC 197-11-902(2), 197-11-904(1); and the Administrative Procedure Act, chapter 34.05 RCW.

Statute Being Implemented: Chapter 43.21C RCW, SEPA rules.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: None recommended except proposed rule changes.

Name of Proponent: Washington department of natural resources, governmental.

Name of Agency Personnel Responsible for Drafting: Cynthia R. Pratt, Environmental and Legal Strategies Section, Olympia, Washington, (360) 902-1633; Implementation: DNR staff, statewide; and Enforcement: Not applicable.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Minimal, or no impact to small businesses is expected to occur. The proposed rule changes will only make current references to other rules and statutes, clarify language, and reduce redundancy. It also implements the governor's plain talk initiative.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule changes do not fall under the definition of significant rule making.

January 8, 2007
 Bonnie Bunning
 Executive Director of
 Policy and Administration

AMENDATORY SECTION (Amending Order 432, filed 9/5/84)

WAC 332-41-010 Authority. The department of natural resources adopts these rules ((are promulgated)) under RCW 43.21C.120 (the State Environmental Policy Act) and chapter 197-11 WAC (SEPA rules).

AMENDATORY SECTION (Amending Order 432, filed 9/5/84)

WAC 332-41-020 Adoption by reference. The department of natural resources adopts the following sections or subsections of chapter 197-11 WAC by reference.

- | | |
|-------------------|---|
| WAC | |
| 197-11-040 | Definitions. |
| 197-11-050 | Lead agency. |
| 197-11-055 | Timing of the SEPA process. |
| 197-11-060 | Content of environmental review. |
| 197-11-070 | Limitations on actions during SEPA process. |
| 197-11-080 | Incomplete or unavailable information. |
| 197-11-090 | Supporting documents. |
| 197-11-100 | Information required of applicants. |
| 197-11-300 | Purpose of this part. |
| 197-11-305 | Categorical exemptions. |
| <u>197-11-310</u> | <u>Threshold determination required.</u> |
| 197-11-315 | Environmental checklist. |
| 197-11-330 | Threshold determination process. |
| 197-11-335 | Additional information. |
| 197-11-340 | Determination of nonsignificance (DNS). |
| 197-11-350 | Mitigated DNS. |
| 197-11-360 | Determination of significance (DS)/initiation of scoping. |
| 197-11-390 | Effect of threshold determination. |

197-11-400	Purpose of EIS.	197-11-736	Determination of significance (DS).
197-11-402	General requirements.	197-11-738	EIS.
197-11-405	EIS types.	197-11-740	Environment.
197-11-406	EIS timing.	197-11-742	Environmental checklist.
197-11-408	Scoping.	197-11-744	Environmental document.
197-11-410	Expanded scoping. (Optional)	197-11-746	Environmental review.
<u>197-11-420</u>	<u>EIS preparation.</u>	(197-11-748)	Environmentally sensitive area.)
197-11-425	Style and size.	197-11-750	Expanded scoping.
197-11-430	Format.	197-11-752	Impacts.
197-11-435	Cover letter or memo.	197-11-754	Incorporation by reference.
197-11-440	EIS contents.	197-11-756	Lands covered by water.
197-11-442	Contents of EIS on nonproject proposals.	197-11-758	Lead agency.
197-11-443	EIS contents when prior nonproject EIS.	197-11-760	License.
197-11-444	Elements of the environment.	197-11-762	Local agency.
197-11-448	Relationship of EIS to other considerations.	197-11-764	Major action.
		197-11-766	Mitigated DNS.
197-11-450	Cost-benefit analysis.	197-11-768	Mitigation.
197-11-455	Issuance of DEIS.	197-11-770	Natural environment.
197-11-460	Issuance of FEIS.	197-11-772	NEPA.
197-11-500	Purpose of this part.	197-11-774	Nonproject.
197-11-502	Inviting comment.	197-11-776	Phased review.
<u>197-11-504</u>	<u>Availability and cost of environmental documents.</u>	197-11-778	Preparation.
<u>197-11-510</u>	<u>Public notice.</u>	197-11-780	Private project.
197-11-535	Public hearings and meetings.	197-11-782	Probable.
197-11-545	Effect of no comment.	197-11-784	Proposal.
197-11-550	Specificity of comments.	197-11-786	Reasonable alternative.
197-11-560	FEIS response to comments.	197-11-788	Responsible official.
197-11-570	Consulted agency costs to assist lead agency.	197-11-790	SEPA.
		197-11-792	Scope.
197-11-600	When to use existing environmental documents.	197-11-793	Scoping.
		197-11-794	Significant.
197-11-610	Use of NEPA documents.	197-11-796	State agency.
197-11-620	Supplemental environmental impact statement—Procedures.	197-11-797	Threshold determination.
		197-11-799	Underlying governmental action.
197-11-625	Addenda—Procedures.	197-11-800	Categorical exemptions.
197-11-630	Adoption—Procedures.	197-11-810	Exemptions and nonexemptions applicable to specific state agencies.
197-11-635	Incorporation by reference—Procedures.	197-11-830	Department of natural resources.
197-11-640	Combining documents.	197-11-880	Emergencies.
197-11-650	Purpose of this part.	197-11-890	Petitioning DOE to change exemptions.
197-11-655	Implementation.	197-11-900	Purpose of this part.
197-11-660	Substantive authority and mitigation.	197-11-912	Procedures ((on)) of consulted agencies.
197-11-680	Appeals.	197-11-914	SEPA fees and costs.
197-11-700	Definitions.	197-11-916	Application to ongoing actions.
197-11-702	Act.	197-11-920	Agencies with environmental expertise.
197-11-704	Action.	197-11-922	Lead agency rules.
197-11-706	Addendum.	197-11-924	Determining the lead agency.
197-11-708	Adoption.	197-11-926	Lead agency for governmental proposals.
197-11-710	Affected tribe.	197-11-928	Lead agency for public and private proposals.
197-11-712	Affecting.		
197-11-714	Agency.	197-11-930	Lead agency for private projects with one agency with jurisdiction.
197-11-716	Applicant.		
197-11-718	Built environment.	197-11-932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
197-11-720	Categorical exemption.		
197-11-722	Consolidated appeal.	197-11-934	Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
197-11-724	Consulted agency.		
197-11-726	Cost-benefit analysis.	197-11-936	Lead agency for private projects requiring licenses from more than one state agency.
197-11-728	County/city.		
197-11-730	Decision maker.	197-11-938	Lead agencies for specific proposals.
<u>197-11-732</u>	<u>Department.</u>		
197-11-734	Determination of nonsignificance (DNS).		

197-11-940	Transfer of lead agency status to a state agency.
197-11-942	Agreements on lead agency status.
197-11-944	Agreements on division of lead agency duties.
197-11-946	DOE resolution of lead agency disputes.
197-11-948	Assumption of lead agency status.
197-11-960	Environmental checklist.
197-11-965	Adoption notice.
197-11-970	Determination of nonsignificance (DNS).
197-11-980	Determination of significance and scoping notice (DS).
197-11-985	Notice of assumption of lead agency status.
197-11-990	Notice of action.

AMENDATORY SECTION (Amending Order 432, filed 9/5/84)

WAC 332-41-040 Additional definitions. In addition to the definitions contained in WAC 197-11-700 through 197-11-799, the following terms shall have the listed meanings:

(1) "Assistant (~~(area)~~) region manager" means a principal assistant to (~~(an area)~~) a region manager with responsibility for either (~~(area governmental)~~) regulatory or proprietary programs.

(2) (~~(Area manager means the person responsible for the administration of a geographic field unit, as designated by the organization plan of the department.~~)

(~~3~~) "Commissioner" means the commissioner of public lands, who is the administrator of the department of natural resources as established by chapter 43.30 RCW.

(~~4~~) ~~Department means the Washington state department of natural resources.~~

(~~5~~) (3) "Division" means any one of the (~~(eleven)~~) principal units of (~~(the department's headquarters staff administering)~~) DNR that administers a program and is designated on DNR's management chart as a "division."

(~~6~~) (4) "Division manager" means the person with overall responsibility for the functioning of one of (~~(the eleven)~~) DNR's divisions.

(~~7~~) (5) "DNR" means the Washington state department of natural resources.

(6) "Environmental coordinator" means the (~~(person who coordinates)~~) DNR's designated SEPA environmental assistant division manager, and designees such as DNR SEPA center personnel, designated to help the responsible official comply with SEPA (~~(compliance)~~) procedures for (~~(the department)~~) DNR.

(~~8~~) (7) "Notice of final determination" means a DNR document that provides the status of a threshold determination and states whether a threshold determination was retained as final, modified, withdrawn, or delayed.

(8) "Proponent" means applicant, as defined in WAC 197-11-716, or a party with a proposal, as defined in WAC 197-11-784.

(9) "Public lands" means (~~(state forest lands as described in chapter 76.12 RCW, and lands belonging to or held in trust by the state of Washington as described in RCW 79.01.004))~~ lands of the state of Washington administered by DNR,

including but not limited to state lands, state forest lands, and aquatic lands as defined in chapters 79.02, 79.70 and 79.71 RCW.

(10) "Region manager" means the person responsible for the administration of a geographic field unit, as designated by the management organizational chart of DNR. They supervise assistant region managers.

(11) "SEPA center" means the DNR section responsible for printing, mailing, retaining SEPA documents, and coordination of the SEPA process. The SEPA center is located at Washington Department of Natural Resources, 1111 Washington Street S.E., Olympia, Washington 98504-7015.

(12) "State forest lands" means lands acquired under RCW 79.22.010, 79.22.020, and 79.22.040.

(13) "State-owned aquatic lands" means all tidelands, shorelands, harbor areas, the beds of navigable waters, and waterways owned by the state and administered by DNR or managed under RCW 79.105.420 by a port district and as defined in RCW 79.105.060.

AMENDATORY SECTION (Amending Order 432, filed 9/5/84)

WAC 332-41-055 (~~(Timing of the SEPA process.)~~)

Additional timing considerations. (~~(1) Distribution to planning commissions and advisory bodies. Environmental documents required to be submitted to the department of ecology under provisions of WAC 332-41-508 will also be submitted to affected planning commissions and similar advisory bodies within the respective time frames as established by these rules and chapter 197-11 WAC.~~)

(2) ~~Timing of review of proposals. Environmental reviews will be made upon receipt of a completed permit application and environmental checklist.~~

(3) ~~Additional timing considerations.~~

(a) ~~Department staff receiving a completed permit application and environmental checklist should determine whether DNR or another agency is SEPA lead agency (see WAC 197-11-050 and 197-11-922 through 197-11-940) within five working days. If DNR is not the lead agency, the staff person shall notify the environmental coordinator, who will send the completed environmental checklist, and a copy of the permit application, to the lead agency, and an explanation of the determination to the identified lead agency.~~

(b) ~~Department staff receiving a permit application will determine whether the proposal is an "action" and, if so, whether it is "categorically exempt" from SEPA. If the proposal is an action and is not exempt, the staff person will ask the applicant to complete an environmental checklist. A checklist is not needed if the department and applicant agree an EIS is required, SEPA compliance has been completed, SEPA compliance has been initiated by another agency, or a checklist is included with the application.~~

(~~e~~) (1) **How does this section relate to WAC 197-11-055?** This section integrates SEPA review into DNR's activities consistent with WAC 197-11-055, which DNR has incorporated by reference.

(2) **What are DNR's SEPA considerations prior to issuance of the threshold determination?** DNR should

conduct SEPA review consistent with the following guidelines:

(a) **When is lead agency determined?** DNR should determine whether DNR or another agency is the SEPA lead agency within five working days of receiving the nonexempt proposal. See WAC 197-11-050 and 197-11-922 through 197-11-940. If DNR is not the lead agency, DNR shall send the complete environmental checklist and a copy of the permit application or proposal to the lead agency with an explanation of why DNR identified the agency as the lead agency.

(b) **When is exempt status determined?** When DNR receives a permit application or proposal, the agency shall promptly determine whether DNR's SEPA action is "categorically exempt" or statutorily exempt from SEPA. If exempt, and WAC 197-11-305 does not remove categorical exempt status, DNR has no further obligation under SEPA.

(c) **Under what circumstances does DNR request an environmental checklist?** If DNR's action is not exempt and DNR is the lead agency, DNR shall ask the proponent to complete an environmental checklist.

(d) **When does DNR not need an environmental checklist?** A checklist is not needed if DNR and the proponent agree an EIS is required, SEPA compliance has been completed, or a NEPA document was completed and found adequate for SEPA requirements.

(e) **When will DNR start environmental review of non-DNR proposals?** DNR shall start a threshold environmental review when DNR receives an application and associated completed environmental checklist.

(f) **When will DNR start environmental review of DNR proposals?** DNR should commence the threshold environmental review of DNR proposals that do not involve a DNR permit when a completed checklist is submitted and the principal features of the proposal and its environmental impacts can be reasonably identified.

(3) **When may an applicant request preliminary SEPA review and what are the consequences?** ((If the department's)) DNR shall accept applicant requests for preliminary environmental review before requiring detailed project plans and specifications when DNR's only action is a decision on a permit that requires detailed project plans and specifications ((, the department shall provide, upon request by the applicant,)). DNR may accept other applicant requests for preliminary environmental review ((prior to submittal of detailed plans and specifications)) when DNR deems it appropriate. This preliminary review will be advisory only and not binding on the department. Final review and determination will be made only upon receipt of all essential detailed project plans and specifications ((if these are essential to a meaningful environmental analysis)). DNR shall conduct a preliminary environmental review when it receives a request for preliminary review along with the following information:

(a) Site-specific maps containing clear proposal boundaries and clear topographic details;

(b) Complete and accurate description of the proposal; and

(c) Any other information that may be required under WAC 197-11-100 and 197-11-335.

(4) **When should DNR commence internal SEPA discussions regarding DNR proposals?** If DNR initiated the

environmental action, DNR shall coordinate among appropriate staff, including the SEPA center, as necessary. SEPA discussions should be coordinated with staff as soon as a proposal starts being developed.

AMENDATORY SECTION (Amending Order 432, filed 9/5/84)

WAC 332-41-310 Threshold determination required.

~~((1))~~ A threshold determination is required for any proposal which meets the definition of action and is not categorically exempt.

~~(2)~~ The responsible official of the department shall make the threshold determination, which shall be made as close as possible to the time an agency has developed or is presented with a proposal (WAC 197-11-784).

~~(3))~~ (1) **What are the timing requirements for threshold determinations?** WAC 197-11-310 requires that a threshold determination (either of nonsignificance or significance) be made no later than ninety days after the application and supporting documentation are determined to be complete. In most cases, ~~((the time to))~~ DNR should complete a threshold determination ~~((should not exceed))~~ within fifteen days, if possible, except for Class IV ~~((special))~~ forest practices, in which case the threshold determination ~~((will))~~ shall be made within ten days of receiving a complete application, including a complete environmental checklist. Complex proposals, those where additional information is needed, and/or those accompanied by an inaccurate checklist may require additional time. Upon request by ~~((an applicant))~~ a proponent, the responsible official shall select a date for making the threshold determination and notify the ~~((applicant))~~ proponent of such date in writing.

~~((4))~~ All threshold determinations shall be documented in:

~~(a)~~ A determination of nonsignificance (DNS) (WAC 197-11-340); or

~~(b)~~ A determination of significance (DS) (WAC 197-11-360); (2) **When should DNR issue a notice of final determination?** A notice of final determination should be issued after the SEPA comment period for an initial determination of nonsignificance.

(a) This notice should document whether the determination has been:

- (i) Retained;
- (ii) Modified;
- (iii) Delayed; or
- (iv) Withdrawn.

(b) After an initial threshold determination is delayed, another notice of final determination should be issued to identify whether the proposal has been retained, modified or withdrawn.

(c) Any notice of final determination should be sent to the original mailing list for the proposal and to any additional parties that commented on the proposal.

AMENDATORY SECTION (Amending Order 432, filed 9/5/84)

WAC 332-41-350 Mitigated determination of nonsignificance (DNS). (1) ~~((An applicant))~~ **How may a propo-**

ment request an early notice of a determination of significance (DS)? When DNR is the lead agency, a proponent may ask ~~((the department))~~ DNR whether issuance of a DS is likely for a proposal. ~~((This))~~ A non-DNR request for early notice must satisfy three requirements. The request:

(a) ~~((Be written;))~~ Must be in writing;

(b) Shall follow submission of a permit application, if applicable, and environmental checklist ~~((for a nonexempt proposal for which the department is lead agency));~~ and

(c) ~~((Precede the department's actual))~~ Must be received by DNR before DNR issues an initial threshold determination for the proposal.

(2) **How should DNR respond to an early notice request?** The responsible official or designee ~~((shall))~~ should respond to ~~((the))~~ a request for early notice within ten ~~((working))~~ business days of receipt ~~((of the letter;))~~. DNR should respond to a forest practices applicant as soon as possible because RCW 76.09.050 only allows ten days to conduct a threshold evaluation. If DNR is not the proposal's proponent, the response shall meet the following requirements:

(a) ~~((Be written;))~~ The response must be in writing;

(b) The response shall state whether ~~((the department))~~ DNR is considering issuance of a DS;

(c) The response shall indicate the general or specific area(s) of concern that led ~~((the department))~~ DNR to consider a DS; and

(d) The response shall state that the applicant may change or clarify the proposal to mitigate the impacts indicated in the letter, revising the environmental checklist as necessary to reflect the changes or clarifications.

(3) ~~((The department))~~ **How should early review requests and responses to DNR proposals be processed?** If a project leader from within DNR requests early notice, it is advisable that both the request and the response be documented in writing for tracking purposes.

(4) **What is the review process for proposals pending a request for early notice?** DNR shall ~~((not))~~ continue ~~((with the threshold determination until receiving a written response from the applicant changing or clarifying the proposal or asking that the threshold determination be based on the original proposal.~~

~~((4))~~ If the applicant submits a changed or clarified proposal, along with a revised environmental checklist, the department will make its threshold determination based on the changed or clarified proposal) to conduct SEPA review on the originally submitted proposal until a proposal's proponent requests, in writing, that the proposal be changed or clarified.

(5) **What should DNR review when changes or clarifications are added to a proposal?** If a proponent submits changes or clarifications under this section, DNR shall review these changes or clarifications as part of the proposal.

(a) If ~~((the department's))~~ DNR's response to the request for early notice indicated specific mitigation measures that would remove all probable significant adverse environmental impacts, and the ~~((applicant))~~ proponent changes or clarifies the proposal to include all of those specific mitigation measures, ~~((the department))~~ DNR shall issue a determination of nonsignificance and circulate the DNS for comments as in WAC 197-11-350~~((2))~~.

(b) If ~~((the department indicated))~~ DNR indicates general or specific areas of concern, but ~~((it))~~ does not indicate specific mitigation measures that would allow it to issue a DNS, ~~((the department))~~ DNR shall determine if the changed or clarified proposal may have a probable significant environmental impact, ~~((issuing))~~ and issue a DNS or DS, as appropriate.

~~((5))~~ ~~((The department))~~ (6) **May DNR propose mitigation to reduce impacts of the proposal?** Even without a request for early notice, DNR may specify mitigation measures that would allow ~~((it))~~ DNR to issue a DNS ~~((without a request for early notice from an applicant))~~. If ~~((it does so, and the applicant))~~ a proponent changes or clarifies the proposal to include ~~((those))~~ DNR's proposed measures, ~~((the department))~~ DNR shall issue a DNS consistent with WAC 197-11-350 and circulate it for review ~~((under WAC 197-11-350(2))~~.

~~((6))~~ (7) **How may a proponent change a proposal?** When ~~((an applicant))~~ a proponent changes or clarifies the proposal, the ~~((clarifications or))~~ changes or clarifications may be ~~((included in written))~~ added as attachments to ~~((the))~~ previously submitted documents ~~((already submitted))~~. If the environmental checklist and supporting documents would be difficult to read and/or understand ~~((because of the need to read them))~~ in conjunction with the attachment(s), ~~((the department))~~ DNR may require the applicant to submit a new checklist.

~~((7))~~ ~~((The department))~~ (8) **May DNR change its own proposals?** DNR may change or clarify features of its own proposals before making the threshold determination consistent with WAC 197-11-350.

~~((8))~~ ~~((The department's written response under subsection (2) of this section))~~ (9) **What is the effect of preliminary discussions?** DNR's indication that a DS appears likely shall not be construed as a determination of significance. ~~((In addition,))~~ DNR's preliminary discussion of possible clarification ~~((of))~~ or changes ~~((to a proposal, as opposed to a written request for early notice,))~~ shall not bind ~~((the department to consider the clarification or changes in its threshold determination))~~ DNR in making a determination of nonsignificance.

~~((9))~~ When an applicant submits a changed or clarified proposal pursuant to this section, it shall be considered part of the applicant's application for a permit or other approval for all purposes, including enforcement of the permit or other approval. Unless the department's decision expressly states otherwise, when a mitigated DNS is issued for a proposal, any decision approving the proposal shall be based on the proposal as changed or clarified pursuant to this section.)

(10) **When should DNR issue a notice of final determination for a mitigated determination of nonsignificance?** DNR should issue a notice of final determination after the SEPA comment period has ended. This notice should document whether the determination has been:

(a) Retained;

(b) Modified;

(c) Delayed; or

(d) Withdrawn.

(i) If an initial threshold determination is delayed, DNR should issue another notice of final determination to identify

whether the proposal has been retained, modified or withdrawn.

(ii) DNR should send any notice of final determination to the original mailing list for the proposal and any additional parties that commented on the proposal.

NEW SECTION

WAC 332-41-421 EIS preparation under DNR direction. DNR normally requires a proponent to prepare or help prepare draft, final, and supplemental EISs at the proponent's expense. An outside consultant may be used to complete an EIS only if DNR and the proponent mutually agree upon the consultant. Any proponent or consultant preparing an EIS shall do so under DNR's direction.

AMENDATORY SECTION (Amending Order 432, filed 9/5/84)

WAC 332-41-504 Availability, distribution, and costs of environmental documents. (1) Where are SEPA documents retained? SEPA documents required by these rules shall be retained by ~~((the department))~~ DNR at the SEPA ~~((public information))~~ center, and made available in accordance with chapters 42.17 RCW and 197-11 WAC, Part V.

(2) ~~((The department shall make copies of environmental documents available in accordance with chapter 42.17 RCW, charging only those costs allowed plus mailing costs. Allowable costs for environmental documents may be indicated in the documents and made payable to the department. However, no charge shall be levied for circulation of documents to other agencies as required by these rules. If requested, the department will normally waive the charge for an environmental document provided to a public interest organization.))~~

How does DNR distribute SEPA documents? When DNR is the lead agency, DNR personnel shall distribute SEPA documents as required by chapter 197-11 WAC unless another agency is nominal co-lead with DNR. The following are acceptable methods of distribution:

(a) E-mail environmental documents including attached checklists and backup materials provided the recipient agency or interested party has made its e-mail address available to DNR;

(b) Mail environmental documents, including attached checklists and backup materials, on CDs or as hardcopies to agency mailing lists that include either general lists or lists for specific proposals or subject areas.

(3) May DNR charge for multiple copies? A requestor asking for additional hard copies of a SEPA document may be required to pay additional copying fees per WAC 197-11-504, 332-10-090 and 332-10-170, and RCW 42.17.300.

NEW SECTION

WAC 332-41-505 Notice of environmental documents. (1) What documents will be submitted to the department of ecology? As required under WAC 197-11-508 for state agencies, DNR shall submit the following environmental documents to the department of ecology for publication in the SEPA register:

(a) DNSs under WAC 197-11-340;

(b) DSs (scoping notices) under WAC 197-11-408;

(c) EISs under WAC 197-11-455, 197-11-460, and 197-11-620;

(d) Adoption Notices to the extent required by WAC 197-11-610 and 197-11-630; and

(e) Notices of action under RCW 43.21C.080 and 43.21C.087.

(2) What is the timing to submit documents to the SEPA register? DNR shall submit the environmental documents listed in subsection (1) of this section promptly and in accordance with procedures established by the department of ecology. According to WAC 197-11-340, DNR shall send the document to the department of ecology on the date of issue of the threshold determination.

AMENDATORY SECTION (Amending Order 432, filed 9/5/84)

WAC 332-41-510 Public notice requirements. (1) ~~((The department))~~ What are DNR's reasonable notice requirements? DNR shall ~~((give))~~ use reasonable methods to inform the public ((notice)) when ~~((issuing))~~ DNR issues a DNS under WAC 197-11-340((2)), a mitigated DNS under WAC ((332-41-350)) 197-11-350, a scoping notice under WAC ((332-41-360)) 197-11-360, ((or)) a draft EIS under WAC 197-11-455, a draft supplemental EIS under WAC 197-11-620, a final EIS under WAC 197-11-460, or when DNR schedules a public hearing under WAC 197-11-502, 197-11-535, and 197-11-610. DNR shall use two or more of the following reasonable methods of public notice, taking into consideration the geographic area affected by the proposal, the size and complexity of the proposal, the public notice requirements associated with DNR's non-SEPA decision (underlying governmental decision), public interest expressed in the proposal, and whether the proposal is a project or regulation:

(a) Notify persons or groups who have expressed interest in the proposal or in the type of proposal being considered, who have expressed interest in proposals located in the affected geographic area, and who DNR has identified as potentially interested parties;

(b) Publish a notice in a newspaper of general circulation in the area in which the proposal will be implemented;

(c) Post the property with appropriate signage;

(d) Post notices and environmental documents on DNR's SEPA center web site.

(2) What if there are existing notice procedures regarding DNR's governmental decisions? Whenever possible, ~~((the department))~~ DNR shall integrate the public notice required under this section ~~((WAC 197-11-340, 197-11-360, 197-11-455, 197-11-502, and 197-11-535))~~ with existing notice procedures for ~~((the department's))~~ DNR permits or approvals required for the proposal. DNR must comply with WAC 197-11-502 (Inviting comment), WAC 197-11-508 (SEPA register), and WAC 197-11-510 (Public notice).

(3) ~~((The department shall use one or more of the following reasonable methods of public notice, taking into consideration the geographic area affected by the proposal, the size and complexity of the proposal, the public notice require-~~

ments for the permit or approval required from the department, public interest expressed in the proposal, and whether the proposal is a project or regulation:

(a) ~~Notifying persons or groups who have expressed interest in the proposal, that type of proposal, or proposals in the geographic area in which the proposal will be implemented if approved;~~

(b) ~~Publication in a newspaper of general circulation in the area in which the proposal will be implemented; and/or~~

(c) ~~Posting the property.~~

(4) ~~The department may require an applicant to perform the public notice requirement at his or her expense.))~~ **How are watershed analysis public notices issued?** To receive forest practice approval, DNR allows thirty days to review and provide public input on proposed watershed prescriptions. DNR through its SEPA center must also give public notice and provide for public comments on a nonproject SEPA review of the proposed watershed analysis to assess environmental impacts as provided under RCW 43.21C.260. As directed in subsections (1) and (2) of this section for providing public notice, DNR uses two concurrent pathways to solicit public comment on watershed analysis. DNR requests public comments to be:

(a) Sent to DNR on watershed analysis prescriptions consistent with forest practice rules under WAC 222-10-035 and 222-22-080; and

(b) Sent to the SEPA center on environmental impacts consistent with SEPA.

AMENDATORY SECTION (Amending Order 607, filed 12/21/92, effective 1/21/93)

WAC 332-41-665 Policies and procedures for conditioning or denying permits or other approvals. (1) ~~((Policies—specific. The department))~~ **What are DNR's specific policies for conditioning or denying permits or approvals?** DNR adopts the following SEPA policies:

(a) Geothermal resources. ~~((The department))~~ DNR recognizes the need to protect the public from geothermal drilling effects such as the contamination of the ground water, the surface water, the possibility of a blowout, fire hazards, drilling fluids, and surface disturbance. ~~((The department))~~ DNR may, when necessary, condition the following ~~((actions))~~ aspects of a drilling operation to mitigate specific adverse environmental impacts:

- (i) Location of the well;
- (ii) Casing program;
- (iii) Makeup of drilling fluids.

(b) Surface mining. To provide that the usefulness, productivity, and scenic values of all lands and waters involved in surface mining within the state will receive the greatest practical degree of protection and restoration, the following aspects of surface mining may be conditioned:

(i) Proposed practices to protect adjacent surface resources, including but not limited to soil and water;

(ii) Specifications for surface gradient restoration to a surface suitable for the proposed subsequent use of the land after reclamation is completed, and proposed method of accomplishment;

(iii) Matter and type of revegetation or other surface treatment of disturbed areas;

(iv) Method of prevention or elimination of conditions that will create a public nuisance, endanger public safety, damage property, or ~~((be hazardous to vegetative))~~ pose a hazard to plant, animal, fish, or human life in or adjacent to the area;

(v) Method of control of contaminants and disposal of surface mining refuse;

(vi) Method of diverting surface waters around the disturbed areas;

(vii) Method of restoration of stream channels and stream banks to a condition minimizing erosion and siltation and other pollution.

(c) Upland and aquatic right of way grants. Recognizing that construction and/or reconstruction under upland and aquatic right of way grants can create adverse impacts to the elements of the environment, it is the policy of ~~((the department))~~ DNR to condition grants where necessary and where allowed by state and federal law:

(i) To protect all surface resources including but not limited to soil and water, through authorized right of way operations on public lands, and to cause on a continuing basis the rehabilitation or reestablishment ~~((on a continuing basis))~~ of the vegetative cover, soil stability and water condition appropriate to intended subsequent use of the area;

(ii) To meet air quality standards; ~~((and))~~

(iii) To protect recreational and special use areas under lease ~~((by requiring mitigating action)); and~~

(iv) To meet obligations under DNR's habitat conservation plans, any amendments to DNR's habitat conservation plans, or the Policy for Sustainable Forests adopted in 2006, and any future updates to the policy.

(d) ~~((Marine))~~ State-owned aquatic lands. In managing state-owned aquatic lands, ~~((the department))~~ DNR shall consider the natural values of state-owned aquatic land such as wildlife habitat, natural area preserves, representative ecosystems, or spawning area prior to issuing any initial lease or authorizing any change in use. ~~((The department may withhold))~~

(i) DNR may refrain from leasing lands ~~((which))~~ that it finds to have significant natural values, as described in this subsection, or may provide within any lease for the protection of such values.

(ii) DNR may condition its proposals to meet its obligations under any future aquatic habitat conservation plan, or any amendments to DNR's aquatic habitat conservation plans.

(e) Public lands leases and contracts. Under authority granted by chapters ~~((76.12, 79.01, 79.08, 79.12, 79.14, and 79.28 RCW, the department has authority to set terms and conditions in granting a lease or contract as long as such terms and conditions are not inconsistent))~~ 79.02, 79.13, 79.14, 79.15, 79.22 and 79.105 RCW, DNR may set any lease or contract terms and conditions that are consistent with state law. For public lands, ~~((the department))~~ DNR may condition or withhold a lease or contract where significant adverse environmental impacts associated with a lease proposal or contract proposal will occur. DNR may condition its proposals to meet its obligations under any current or future

habitat conservation plan, or any amendments to DNR's habitat conservation plans, or the *Policy for Sustainable Forests* adopted in 2006, and any future updates to the policy.

(f) Timber sales. Department policies for the sale of timber from public lands are found ~~((in the Forest Resource Plan, adopted July 1992))~~ under DNR's habitat conservation plans, any amendments to DNR's habitat conservation plans, or in the *Policy for Sustainable Forests* adopted in 2006 and any future updates to the policy.

(g) Forest practices. ~~((A Class IV Special forest practice approval will be conditioned when necessary to mitigate specific adverse impacts which are identified in the environmental documents prepared under SEPA. An application for a Class IV Special forest practice will be denied when the proposal would result in significant adverse impacts identified in a final or supplemental environmental impact statement prepared under SEPA, and reasonable mitigation measures are insufficient to mitigate the identified impacts and denial is consistent with chapters 43.21C and 76.09 RCW and chapter 197-11 WAC.~~

(h) Fire control:

(i) Burning permits. The department may condition or deny the issuance of a burning permit for the protection of life, property, or air quality standards.

(ii) Dumping permits. ~~The department may condition or deny the issuance of a dumping permit for the protection of forest lands from fire.)~~ SEPA policies related to the review of environmental impacts, conditioning, and disapproval of forest practices are adopted by the forest practices board and are contained in chapter 222-10 WAC. WAC 222-10-010 adopts by reference policies of SEPA as set forth in RCW 43.21C.020. WAC 222-10-050 adopts by reference the *SEPA Rules* adopted by the state of Washington department of ecology, chapter 197-11 WAC, except those rules that may not be applicable.

(2) ~~((Policies—general.))~~ **What are DNR's general policies for conditioning or denying permits or approvals?** The policies set out in subsection (1) of this section do not anticipate all situations which may result in placing conditions on a permit or denial of a proposal~~((;))~~ following environmental review. ~~((The department))~~ DNR therefore adopts the policies set forth in the State Environmental Policy Act, RCW 43.21C.020, as further basis for conditioning or denying a public or private proposal under SEPA. Those policies are to:

(a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(b) Assure for all people of Washington safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(d) Preserve important historic, cultural, and natural aspects of our national heritage;

(e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(3) ~~((Decisions to condition or deny:~~

~~(a) When the environmental document for a proposal shows it will cause adverse impacts that the proponent does not plan to mitigate the decision maker shall consider whether:~~

~~(i) The environmental document identifies mitigation measures that are reasonable and capable of being accomplished;~~

~~(ii) Other local, state, or federal requirements and enforcement would mitigate the significant adverse environmental impacts; and~~

~~(iii) Reasonable mitigation measures are sufficient to mitigate the adverse impacts.~~

~~(b) The decision maker may:~~

~~(i) Condition the approval for a proposal if mitigation measures are reasonable and capable of being accomplished and the proposal, without such mitigation measures, is inconsistent with the policies in subsections (1) and (2) of this section;~~

~~(ii) Deny the permit or approval for a proposal if reasonable mitigation measures are insufficient to mitigate significant adverse environmental impacts and the proposal is inconsistent with the policies in subsections (1) and (2) of this section.~~

~~(iii) The procedures in WAC 197-11-660 must be followed when conditioning or denying permits or other approvals.)~~ **What procedures must DNR follow to condition or deny a proposal?** DNR must follow the procedures in RCW 43.21C.060 and WAC 197-11-660 when conditioning or denying permits or other approvals under SEPA. Conditioning must be in writing and may be added only to mitigate specific adverse environmental impacts that are identified in the environmental document. To deny a proposal under SEPA, DNR must find that the proposal will result in significant adverse impacts as identified in a final EIS or final supplemental EIS, and that reasonable mitigation measures are insufficient to mitigate any identified impact.

AMENDATORY SECTION (Amending Order 432, filed 9/5/84)

WAC 332-41-833 Timber sales categories. (1) **What is DNR's authority to determine which timber sale decisions are exempt from SEPA review?** Under ~~((the provisions of))~~ WAC 197-11-830~~((7))~~ ~~((the department))~~ DNR may determine which decisions to sell timber from public lands do not have potential for significant impact on the environment. Such decisions are categorically exempt from the threshold determination and EIS requirements of SEPA under WAC 197-11-830~~((7))~~. This determination applies only to DNR's decision to sell timber harvested from public lands not requiring approval from the board of natural resources.

(2) ~~((The department determines that such decisions to sell timber from public lands do not have potential for a significant impact on the environment if they are sales appraised by the department at an amount not exceeding the amount specified in RCW 79.01.200 as the upper limit for sale under~~

terms and conditions prescribed by the department, and if such sales, other than thinning or salvage sales, do not involve harvest units larger than twenty acres.) **What is the threshold for determining that timber sale decisions are exempt from SEPA?**

(a) The following DNR timber sale decisions do not have a potential for significant impact on the environment and are categorically exempt from SEPA:

(i) Timber sales containing harvest units of less than twenty acres that DNR appraises to be less than the amount specified in RCW 79.11.130; and

(ii) Thinning or salvage timber sales of any unit size that DNR appraises to be less than the amount specified in RCW 79.11.130.

(b) These sales are small sales not requiring approval by the board of natural resources and have low volume and low acreage. ((The department)) DNR has not extended this determination to sales requiring approval by the board of natural resources because of the public values associated with public lands. However, this determination is not intended to alter ((the department's)) DNR's SEPA compliance responsibility for regulatory decisions concerning forest practice applications for state and private lands under RCW 76.09.050 and WAC 222-16-050.

AMENDATORY SECTION (Amending Order 432, filed 9/5/84)

WAC 332-41-910 Designation of responsible official. ~~((The responsible official for a specific proposal shall be a division manager or designated area manager or assistant area manager. The responsible official for the harbor line commission shall be the manager of the marine land management division.~~

~~((1) Each division manager or designee shall review the environmental checklists under the division's authority and determine if the department is the lead agency. When the department is not the lead agency, the environmental checklists shall be forwarded to the environmental coordinator for processing under procedures set forth in WAC 197-11-924.))~~

(1) Who may serve as DNR's SEPA responsible official? Since the responsible official shall carry out duties and functions for the purpose of assuring DNR's compliance with SEPA and the SEPA rules, it is important that DNR clearly designates who will be the responsible official for a proposal.

(a) DNR's responsible official will be as follows:

(i) Division manager;

(ii) Designated region manager; or

(iii) Designated assistant region manager.

(b) The responsible official for the harbor line commission shall be the division manager of the aquatic resources division.

(c) When the region manager or assistant region manager is involved with the proposal, or during emergencies, i.e., fire season, it may be necessary to assign the responsible official duties for a proposal to a region manager in another region. The division manager may also assume responsible official duties for the proposal.

(d) When potentially significant conflicting DNR interests exist involving DNR proposals that converge at the divi-

sion manager or region manager level, or the proposal involves more than one region, a superior management-level official may act as the responsible official. See subsection (4) of this section for recommended qualifications.

(2) What are the responsible official's duties? ~~((the department))~~ DNR is the lead agency, the responsible ((division manager or designee will)) official shall review the environmental checklist((s)) and make the threshold determination((s under the provisions of)) in compliance with this chapter, chapters 43.21C RCW and 197-11 WAC, and specifically, WAC 197-11-330.

(3) What other procedural requirements must be followed? ~~((division manager or designee))~~ responsible official shall carry out further SEPA compliance under WAC 197-11-340, 197-11-350, or 197-11-360, as appropriate. This includes notice and circulation requirements for threshold determinations.

(4) What are the general qualifications of a DNR responsible official? The responsible official shall not be the applicant, project leader, or the decision maker for the proposal. The official shall have general technical expertise sufficient to assess the impacts of the proposal.

(5) What if a determination of significance is issued? When an environmental impact statement is required based on the threshold determination, scoping and EIS preparation under chapter 197-11 WAC shall ((begin)) occur under direction of the responsible official.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 332-41-420	EIS preparation.
WAC 332-41-508	Notice of environmental documents.
WAC 332-41-920	Agencies with environmental expertise.

WSR 07-03-062

PROPOSED RULES

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed January 16, 2007, 2:03 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-23-070.

Title of Rule and Other Identifying Information: WAC 388-825-150 When can the department proceed to take action during my appeal? and 388-827-0140 What are my appeal rights if DDD determines that I am not eligible for DDD/SSP?

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 avail-

able at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6097, on February 27, 2007, at 10:00 a.m.

Date of Intended Adoption: Not earlier than February 28, 2007.

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 schilse@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m. on February 27, 2007.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by February 23, 2007, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at schilse@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of these amendments is to clarify a client's right to an administrative hearing and to move the language in WAC 388-827-0140(2) to 388-825-150.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 71A.12.030.

Statute Being Implemented: Title 71A RCW.

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: Steve Brink, 640 Woodland Square Loop S.E., Lacey, WA 98503-1045, P.O. Box 45310, Olympia, WA 98507-5310, e-mail brinksc@dshs.wa.gov, (360) 725-3416, fax (360) 404-0955; Implementation: Meredith Kelly, 640 Woodland Square Loop S.E., Lacey, WA 98503-1045, P.O. Box 45310, Olympia, WA 98507-5310, e-mail kellymj@dshs.wa.gov, (360) 725-3524, fax (360) 404-0955; and Enforcement: Doug Washburn, 640 Woodland Square Loop S.E., Lacey, WA 98503-1045, P.O. Box 45310, Olympia, WA 98507-5310, e-mail washbdc@dshs.wa.gov, (360) 725-3452, fax (360) 404-0955.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The division of developmental disabilities has determined that these rules do not impact small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. These rules clarify the language of an existing rule without changing the effect and are exempt from a cost-benefit analysis per RCW 34.05.328 (5)(b)(vii).

January 11, 2007

Jim Schnellman, Chief

Office of Administrative Resources

AMENDATORY SECTION (Amending WSR 05-17-135, filed 8/19/05, effective 9/19/05)

WAC 388-825-150 When can the department proceed to take action during my appeal? The department will proceed to take action during your appeal if:

(1) It is an eligibility denial and you are not currently an eligible client.

(2) Your DDD eligibility has expired, per WAC 388-823-0010 and 388-823-1040.

(3) There is no longer funding for state-only funded service.

~~(4) Your current services are terminated or transferred in order to meet the legislative intent of and comply with sections 205 and 207, chapter 371, Laws of 2002.~~

~~(5) The state-only funded service no longer exists, the Medicaid state plan has been amended, or the HCBS waiver agreement with the federal Centers for Medicare and Medicaid has been amended.~~

~~((5)) (6) The administrative law judge or review judge rules that you have caused unreasonable delay in the proceedings.~~

~~((6)) (7) You are in imminent jeopardy.~~

~~((7)) (8) Your provider is no longer qualified to provide services due to:~~

~~(a) A lack of a contract;~~

~~(b) Decertification;~~

~~(c) Revocation or suspension of a license; or~~

~~(d) Lack of required registration, certification, or licensure.~~

~~((8)) (9) The parent of a person under the age of eighteen or the legal guardian approves the department's decision.~~

~~((9)) (10) You did not file your request for an administrative hearing within the ten-day notice period, as described in chapter 388-458 WAC.~~

~~((10)) (11) You:~~

~~(a) Tell us in writing that you do not want continued benefits;~~

~~(b) Withdraw your administrative hearing request in writing; or~~

~~(c) Do not follow through with the administrative hearing process.~~

AMENDATORY SECTION (Amending WSR 04-02-015, filed 12/29/03, effective 1/29/04)

WAC 388-827-0140 What are my appeal rights if DDD determines that I am not eligible for DDD/SSP?

~~((1)) You have the right to appeal the department's denial, termination, or reduction of ~~((services)) your SSP~~. Your rights to an ~~((adjudicative proceeding)) administrative hearing~~ are contained in WAC 388-825-120 through WAC 388-825-165.~~

~~((2) Your current services will not be continued while the matter is being appealed if the service termination or transfer is for a specific group of clients in order to meet the legislative intent of and comply with sections 205 and 207, chapter 371, Laws of 2002.)~~

WSR 07-03-068

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed January 17, 2007, 8:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-23-097.

Title of Rule and Other Identifying Information: WAC 308-93-070 Application for certificate of ownership/registration.

Hearing Location(s): Department of Licensing, Conference Room 108, 1125 Washington Street S.E., Olympia, WA 98507, on February 27, 2007, at 10 a.m.

Date of Intended Adoption: March 27, 2006 [2007].

Submit Written Comments to: Dale R. Brown, P.O. Box 2957, Mailstop 48205, 1125 Washington Street S.E., Olympia, WA 98507-2957, e-mail dbrown@dol.wa.gov, fax (360) 902-7821 or 902-7822, by February 26, 2006 [2007].

Assistance for Persons with Disabilities: Contact Dale R. Brown by February 26, 2006 [2007], TTY (360) 664-8885.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Rule making is required to specify signatures that are required for vessel registration to include both in-state and out-of-state signatures of vessel owners on the registration.

Reasons Supporting Proposal: To clear up confusion as to who should sign the applications.

Statutory Authority for Adoption: RCW 88.02.070 and 88.02.100.

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

Name of Agency Personnel Responsible for Drafting: Dale R. Brown, 1125 Washington Street S.E., Olympia, WA, (360) 902-4020; Implementation and Enforcement: Toni Wilson, 1125 Washington Street S.E., Olympia, WA, (360) 902-3811.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in the industry.

A cost-benefit analysis is not required under RCW 34.05.328. The contents of the proposed rules are explicitly and specifically dictated by statute.

December 30, 2006

Glenn Ball, Administrator

Title and Registration Services

AMENDATORY SECTION (Amending WSR 06-21-025, filed 10/9/06, effective 11/9/06)

WAC 308-93-070 Application for certificate of ownership/registration. (1) When am I required to register my vessel in Washington? Current out-of-state or out-of-country registration will be recognized for a period of sixty days. On or before the sixty-first day, if Washington is to be the principal state of use, you must apply for a Washington state certificate of ownership and/or registration.

(2) What information must be supplied on an application to obtain a Washington vessel certificate of ownership and/or registration? Vessel owners applying for certificate of ownership and/or registration of a vessel must submit an application, which includes:

(a) ~~(Expiration date of the certificate of registration;~~

~~(b))~~ The name of each owner of the vessel and if the vessel is subject to security interest, the name of each ~~((secured party))~~ legal owner;

~~((e))~~ (b) The mailing address ~~((that))~~ for one of the owners ~~((regularly receives mail))~~;

~~((d))~~ (c) The mailing address of the first ~~((secured party))~~ legal owner;

~~((e))~~ (d) The Washington registration number ~~((as assigned))~~;

~~((f))~~ (e) Make and model year;

~~((g))~~ (f) Length of vessel;

~~((h))~~ (g) Type of power (gasoline, diesel, etc.);

~~((i))~~ (h) Primary use (commercial, pleasure, etc.);

~~((j))~~ (i) Primary method of propulsion (inboard, sail, etc.);

~~((k))~~ (j) Type of vessel (runabout, cabin, etc.);

~~((l))~~ (k) Primary vessel construction (fiberglass, wood, etc.);

~~((m))~~ (l) County of moorage;

~~((n))~~ (m) Hull identification number ~~((, if one has been assigned))~~;

~~((o))~~ (n) Latest purchase price and purchase year or, if the vessel was not acquired by purchase, a declaration of value and year of declaration;

~~((p))~~ (o) The signature of all ~~((of the))~~ registered owners.

For the purposes of this section, purchase price or declared value includes the vessel, vessel motor, or engine, and all other equipment and accessories, excluding a boat trailer, purchased or acquired in a single transaction;

~~((q))~~ (p) United States Coast Guard ~~((document))~~ documentation number, if applicable.

(3) If my vessel is homemade, what information must be supplied on an application for Washington certificate of ownership? In addition to the information listed above in subsection (2) of this section, upon original application for certificate of ownership and/or registration of a homemade vessel, the owner ~~((shall complete and sign a declaration of value form. The owner's signature must be notarized/certified in accordance with WAC 308-93-470))~~ must provide:

(a) Certificates of ownership to any vessels used in the construction of the homemade vessel; or

(b) Bills of sale from the previous registered owners (these must be notarized or certified);

(c) Bills of sale or invoices for materials or parts used in the construction of the homemade vessel;

(d) Declaration of Value (TD-420-737). This form is used to establish the value of the vessel;

(e) Vessel Data Form.

WSR 07-03-096

WITHDRAWAL OF PROPOSED RULES HORSE RACING COMMISSION

[Filed January 19, 2007, 9:05 a.m.]

The Washington horse racing commission (WHRC) would like to withdraw our CR-102 proposed rule making - WSR 06-24-059. A new CR-102 will be filed associated with the CR-101 on this section.

If you have any question[s] please contact Douglas L. Moore at (360) 459-6462 or by e-mail at dmoore@whrc.state.wa.us.

Douglas L. Moore
Management Analyst

WSR 07-03-098
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed January 19, 2007, 1:47 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-13-009.

Title of Rule and Other Identifying Information: This rule will implement RCW 41.26.470, which provides benefits for disabled LEOFF Plan 2 members. The department previously filed a CR-101 (WSR 04-13-009) and an emergency rule for LEOFF Plan 2 members who incur a duty-related disability. That notice advised interested persons that the department was planning to adopt rules for LEOFF Plan 2 members who incur disabilities that are not duty-related.

Hearing Location(s): Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on March 1, 2007, at 10:00 a.m.

Date of Intended Adoption: March 27, 2007.

Submit Written Comments to: Ceil Buddeke, Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA 98504-8380, e-mail ceilb@drs.wa.gov, fax (360) 664-3618, by 5:00 p.m. on February 28, 2007.

Assistance for Persons with Disabilities: Contact Ceil Buddeke by February 22, 2007, (360) 664-7307, TDD (360) 664-7291, TTY (360) 586-5450.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule is intended as a companion rule to current WAC 415-104-480, governing benefits payable to LEOFF Plan 2 members who become disabled in the line of duty. This new rule explains who is eligible to apply for nonduty disability benefits, how the application process works, how the application will be evaluated, how disability benefits are paid, how a nonduty disability benefit may affect a service retirement benefit, and how a nonduty disability retirement benefit can be impacted by subsequent medical examination, death, or return to LEOFF service.

Reasons Supporting Proposal: 2006 HB 2932 amended RCW 41.26.470 to establish a catastrophic nonduty disability allowance for LEOFF Plan 2 members. This rule explains the details of that benefit.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.26.470, as amended by 2006 HB 2932.

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: Zan Johnston, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7049; **Implementation and Enforcement:** Dave Nelsen, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7304.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not have an impact on small businesses, as defined in RCW 19.85.020 (1).

A cost-benefit analysis is not required under RCW 34.05.328. The department of retirement systems is not one of the agencies specified in RCW 34.05.328.

January 19, 2006 [2007]

Ceil Buddeke

Legal Services Manager

NEW SECTION

WAC 415-104-485 LEOFF nonduty disability benefits. This section applies to you if you are a LEOFF Plan 2 member who incurs a disability not in the line of duty. If your disability or injury was incurred in the line of duty, see WAC 415-104-480.

(1) Who is entitled to nonduty disability benefits? Any member of LEOFF Plan 2 who the department determines has:

(a) Incurred a physical or mental disability while not in the line of duty;

(b) Become totally incapacitated for continued employment in a LEOFF eligible position; and

(c) Separated from a LEOFF-eligible position due to the disability.

(2) How is "line of duty" defined? Line of duty means any action or activity occurring in conjunction with your employment or your status as a law enforcement officer or fire fighter and required or authorized by law, rule, regulations, or condition of employment or service.

(3) How do I apply for nonduty disability benefits? The department must receive:

(a) A completed three-part disability retirement application on the form provided by the department.

(i) Part 1: Disability retirement application. You, or a person with legal authority to apply on your behalf, must complete and sign the application. If you are married, your spouse must sign consenting to the retirement payment option you choose. Your signature(s) must be notarized.

(ii) Part 2: Employer's statement and report. Your employer must complete, sign and return it directly to the department.

(iii) Part 3: Medical report. You must complete Section 1. The remainder must be completed and signed by a person licensed according to Washington state law to practice medicine and surgery, osteopathic medicine and surgery, chiropractic, clinical psychology, podiatry, dentistry, or optometry;

(b) Additional information requested by the department; and

(c) Any other material you want the department to consider.

(4) **Is there a time limit for filing an application for nonduty disability benefits?** No. There is no time limit for applying for benefits. However, if you have separated from employment, your application must be based on your condition at the time of separation.

(5) **What evidence will the department use to determine whether I am entitled to benefits under this section?** The department will consider any relevant information submitted by you or your employer, or otherwise available to the department, including:

- (a) Information and determinations by the department of labor and industries (L&I) or a self-insurer;
- (b) Medical, vocational, and other information about your disability;
- (c) Your job description;
- (d) Your membership records, maintained by the department; and
- (e) Any other relevant evidence.

(6) **What would disqualify me for nonduty disability benefits?** You are not eligible for nonduty disability benefits if any of the following apply:

- (a) Your application does not provide adequate proof that you are totally incapacitated for continued employment in a LEOFF-eligible position;
- (b) Your disability is the result of your criminal conduct committed after April 21, 1997. See RCW 41.26.061.

(7) **Who decides if I meet the requirements for benefits under this section?** The LEOFF plan administrator.

(8) **May I petition a decision made by the LEOFF plan administrator?** Yes. If the LEOFF plan administrator denies your request for a disability benefit under this section, you may petition for review under chapter 415-04 WAC.

(9) **What are the nonduty disability retirement benefits?** As a nonduty disability retiree, your retirement benefit is a monthly allowance equal to:

(a) Two percent times your final average salary times your service credit years. This allowance will be actuarially reduced to reflect the difference in age at the time of disability retirement and age 53. If you qualify for alternative early retirement per RCW 41.26.430(3), your reduction will be three percent per year before age 53.

(b) If you choose a benefit option with a survivor feature as described in WAC 415-104-215, your monthly allowance will be actuarially reduced to offset the cost. The factors used to determine the amount of reduction are in WAC 415-104-380.

Example: Tom incurs a nonduty disability at age 42 after twenty years of service. His final average salary is \$5,000 per month. Tom's wife is also age 42. He chooses Benefit Option Two so that, after his death, his wife will receive a monthly allowance equal to the gross monthly allowance he was receiving. See WAC 415-104-215 (2)(b).

Tom's nonduty disability allowance is:

Nonduty disability allowance $\$5,000 \times 2\% \times 20$ years = \$2,000

Allowance after the actuarial reduction for early retirement $\$2,000 \times 0.39 = \780

Allowance after the actuarial reduction for Option Two (survivor feature) $\$780 \times .87 = \679

(10) **Are my nonduty disability benefits taxable?** The department reports disability benefits to the Internal Revenue Service as required by federal law. Based on current federal law, your benefit may be taxable. You should consult with your own tax advisor regarding all questions of federal or state income, payroll, personal property or other tax consequences regarding any payments you receive from the department.

The department does not:

- (a) Guarantee that payments are exempt from federal income tax;
- (b) Guarantee that it was correct in withholding or not withholding taxes from benefit payments to you;
- (c) Represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will occur because of its determination; or
- (d) Assume any liability for your compliance with the Internal Revenue Code.

(11) **If I previously retired for service under the alternative early retirement provisions of RCW 41.26.430(3), but I qualified for a disability retirement, can I apply for duty or nonduty disability benefits?** Yes. If you retired under the alternative early retirement provisions of RCW 41.26.430(3) on or before January 1, 2001, you can apply to retire under the disability provisions of RCW 41.26.470. Your benefit will be reduced by three percent per year before age 53 instead of actuarially reduced by the early retirement factors in WAC 415-02-320.

(12) **If I previously retired for disability but was otherwise qualified for a service retirement under the alternative early retirement provisions of RCW 41.26.430(3), can I have my benefit recalculated to reflect a three percent reduction instead of being actuarially reduced by the early retirement reduction factors in WAC 415-102-320?** Yes. If you retired on or after January 1, 2001, and met the requirements of RCW 41.26.430(3), you can have your disability benefit recalculated under those provisions.

(13) **When does a nonduty disability retirement benefit end?** The department may require comprehensive medical examinations to reevaluate your eligibility for continued disability benefits according to the provisions of RCW 41.26.470(2). Your nonduty disability benefit will cease if:

- (a) You return to work in a LEOFF-eligible position; or
- (b) Medical examination reveals that you are no longer totally incapacitated for employment in a LEOFF-eligible position and you are no longer entitled to workers' compensation benefits under Title 51 RCW.

(14) **If I retire for a nonduty disability and die, will my survivor beneficiary receive a monthly allowance?** If you choose a benefit option with a survivor feature under WAC 415-104-215(2) at the time of retirement, your survivor beneficiary will receive a monthly allowance after your death.

(15) **What happens if I return to a LEOFF-eligible position?** If you return to a LEOFF-eligible position, your monthly allowance will stop.

(16) **If I return to a LEOFF-eligible position, how will my future retirement benefit be affected?** When you

reretire, your monthly allowance will be calculated pursuant to RCW 41.26.500 and WAC 415-104-111.

WSR 07-03-099
PROPOSED RULES
DEPARTMENT OF ECOLOGY

[Order 06-06—Filed January 19, 2007, 3:47 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-10-022.

Title of Rule and Other Identifying Information: Chapter 173-308 WAC, Biosolids management, this chapter establishes requirements for sewage treatment plants and other facilities which generate, treat, or use biosolids pursuant to chapters 70.95J and 70.95 RCW. The proposed rule amendments will address the permitting process, septage management requirements, the biosolids fee structure, and incorporate policy changes. This rule making will also address formatting and other general housekeeping issues.

Hearing Location(s): Washington Department of Ecology, Headquarters Building, 300 Desmond Drive S.E., Lacey, WA, on February 27, 2007, at 6:00 p.m.; and at Big Bend Community College, 7662 Chanute Street N.E., Room 1870D, Moses Lake, WA, on March 1, 2007, at 6:00 p.m.

Date of Intended Adoption: May 23, 2007.

Submit Written Comments to: Daniel Thompson, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, e-mail dtho461@ecy.wa.gov, fax (360) 407-6102, by 5:00 p.m., March 8, 2007.

Assistance for Persons with Disabilities: Contact Michelle Payne by TTY (360) 407-6006 or phone/voice (360) 407-6109.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The anticipated revisions will impact all facilities subject to the biosolids rule, including wastewater treatment plants (WWTPs) and septage management facilities (SMFs).

In addition, this rule making will propose revisions to improve the biosolids permitting processes, address inconsistencies in septage management requirements, create a more complete and equitable program implementation fee, clarify previous rule interpretations and policy decisions, and correct inconsistencies between the biosolids rule and the biosolids general permit. Other rule changes envisioned are relatively minor and will not deviate substantially from federal rule.

Statutory Authority for Adoption: Chapters 70.95J and 70.95 RCW.

Statute Being Implemented: Chapters 70.95J and 70.95 RCW.

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

Name of Proponent: Department of ecology, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Daniel Thompson, Olympia, Washington, (360) 407-6108.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

SUMMARY: Ecology is proposing amendments to chapter 173-308 WAC. The Regulatory Fairness Act, RCW 19.85.011 requires ecology to prepare a small business economic impact statement (SBEIS) to show we have considered how the rule amendments will impact small businesses in comparison to large businesses. After evaluating the proposed amendments, ecology determines that some of the amendments will increase the costs to manage biosolids and some will decrease the costs. We also determine that the proposed amendments will have a disproportionate impact on small businesses. Therefore, we must include cost-minimizing features in the rule where it is legal and feasible to do so.

SIC CODE AFFECTED: The costs affect businesses, public utilities, and government entities that handle septage and biosolids in the Transportation and Public Utilities, Industry Group 495 SIC code.

PROPOSED RULE AMENDMENTS: *Note: A more detailed explanation of the amendments is provided in Appendix 1. This document only evaluates the proposed amendments that create a legal change for the biosolids businesses. Appendix 1 also explains which amendments create a legal change, why some amendments were not included in the research, and any changes to the amendments in response to comments received.*

Ecology is proposing the following amendments. The ones marked with an "*" reduce costs.

- Combining the previous classifications of Class I, Class II, and Class III septage into a single definition of "septage."
- Imposing a requirement that all facilities which land apply septage or treat septage for land application obtain a permit from the department.
- Imposing the same site management and access restrictions requirements for sites receiving septage whether the material is pH-stabilized or not.
- *Providing a categorical exemption from the rule for composting toilet systems whose output is transferred to a facility permitted to manage it and an exemption from the permitting and reporting requirements for owners of composting toilet systems even if they land-apply the output.
- Imposing a requirement that facilities that transport or contract for the transportation of their solids submit a *Spill Prevention & Response Plan*.
- Eliminating the options for Class A-Alternative 3 and Class A-Alternative 4.
- Imposing a requirement that biosolids sold or given away in a bag or other container meet the criteria to be classified as exceptional quality.
- Imposing a requirement that all applicable facilities submit an annual biosolids report and submit all requested information.
- Imposing a requirement for applications for coverage under a new biosolids general permit to be submitted within ninety days following the issuance of the permit but allowed for a case-by-case extension up to one hundred eighty days.

- *Providing exemptions from the reporting and permitting requirements for research projects conducted in accordance with a department-approved research plan and occurring on ten acres or less.
 - Imposing a requirement for public notice each permit cycle for facilities that land apply nonexceptional quality biosolids but limited the extent of the notice.
 - *Eliminating the need for new public notice when applying for coverage under a new general permit if notice was done previously, the facility is in compliance, the facility does not land apply nonexceptional quality biosolids, and the facility is not proposing any significant changes in biosolids management practices.
 - *Eliminating the need to do any notice if proposing an "insignificant" change either when applying for coverage under a new general permit or when proposing insignificant changes while covered under a permit.
 - *Reducing the number of newspaper notices, when required, from two to one.
 - Imposing a requirement for a significant removal of "manufactured inerts" for all biosolids and septage. Facilities will have two years to attain this standard or up to four years if they submit a plan within one year explaining how they will meet the standard within four years.
 - *Providing exemptions to the storage requirements for storage covered under another environmental permit and for "temporary/small-scale storage."
 - Imposing a requirement that biosolids stored in the field meet one of the vector attraction reduction (VAR) standards or the storer must provide the department with a plan addressing how field storage of non-VAR biosolids will not pose an undue risk to human health.
 - *Providing for the "grandfathering in" of surface impoundments meeting WAC 173-304-430 requirements but imposed WAC 173-350-330 surface impoundment requirements for new or upgraded surface impoundments.
 - Clarifying and simplifying the requirements for the importation of biosolids from facilities outside the state (includes tribal lands) by requiring an approval but not a permit if bulk material is sent to an ecology-permitted facility or bagged material is distributed and requiring a full permit if the exporter seeks to manage their own operation within the state. In all cases, fees would be assessed based upon the percent of material produced that is exported into the state.
 - Adding a requirement that preparers of biosolids or sewage sludge maintain the following records:
 - o The amount stored onsite.
 - o The amount transferred to another facility for further treatment and the name of the other treatment facility.
 - o The amount transferred for incineration and the name of the incineration facility.
 - Adding a requirement that appliers of nonexceptional quality biosolids maintain the following records:
 - o The location, by street address, if applicable, a copy of the assessor's plat map(s) with the application area(s) clearly shown or the latitude and longitude of the approximate center of each land application site, and the section, township and range of each quarter section on which biosolids are applied.
 - o The number of acres in each site on which biosolids were applied.
 - o The date biosolids were applied to each site.
 - o The annual nitrogen requirement for the crop or vegetation grown on each site.
 - o The rate, in dry tons per acre per year, at which biosolids are applied to each site.
 - o The amount, in dry tons, of biosolids applied to each site.
- DISPROPORTIONATE COSTS:** The direct cost change of the proposed rule amendments has a disproportionate impact on small businesses.
- Ecology collected data on these costs using a survey. The survey instruments are in Appendix 2. Details on the survey results are in Appendix 3. Ecology estimated the costs of the proposed rule amendments using survey results received by December 20, 2006. The survey respondents used a code to validate their survey instruments. This code does not allow ecology to distinguish between public utility districts, government entities, or private businesses. Therefore, we presented the estimated costs on a facility basis.
- The largest costs come from new equipment for removing garbage from biosolids and submitting the annual biosolids reports. In the survey, ecology asked facilities to provide the following types of costs:
- Reporting.
 - Record keeping.
 - Compliance costs.
 - Professional services.
 - Equipment.
 - Supplies.
 - Labor.
 - Staff time.
 - Increased administrative costs.
 - Lost sales or revenue.
- However, these are included in one value under each type of cost for this rule.
- Ecology has listed the costs in Table 1: Survey Results - Cost or Gain per Employee. The rows that are Green show an increase in costs. NOTE: Ecology cannot add up the dollar values because each facility will experience a different set of costs and gains.
- Proposed Amendments that Increase Costs:**
- **The cost of spills plans for facilities that transport biosolids and septage who still do not have a spills plan.** This will include at most 25% of facilities. The impact of this proposed amendment is disproportionate for those facilities that are affected. The cost per employee for small businesses is \$72 but for large businesses it is only eleven cents. Businesses that have a permit will not experience new costs. Ecology is evaluating this cost because the requirement is being shifted from the permit into the rule. The current biosolids general permit already requires facilities that transport, to submit a spill plan. The costs associated with this requirement in the permit were addressed in the *Economic Impact Analysis* conducted on the biosolids general permit in December 2004.

- **Submitting an annual biosolids report for facilities that did not have to do so in the past.** This will affect about 60% of the WWTPs and the beneficial use facility (BUFs). The impact of this proposed amendment is disproportionate for those facilities that are affected. The cost per employee for small businesses is \$526 but for large businesses it is only twenty-four cents. Businesses that have a permit will not experience new costs. The reason for this is that the department already requires all facilities to submit an annual report. The department is already allowed to require this by the current rule. All facilities have been complying with this requirement since 1999. The reason ecology is evaluating the cost is that the proposed amendments move this requirement from policy into rule.
- **Submitting the permit application within ninety days of the adoption of a general permit.** This may affect about 30% of facilities that had more time in the past. The impact of this proposed amendment is disproportionate for those facilities that are affected. The cost per employee for small businesses is \$54 but large facilities were unaffected because they already do this.
- **Some SMFs will have to obtain a permit.** This will affect 40% of the SMFs. Ecology estimates the cost per employee at \$819 for small facilities. No large facilities reported their costs.
- **Screening to remove garbage from biosolids.** Ecology changed the initial proposed rule amendment after the survey based on comments related to high costs. The language now requires "a significant removal of manufactured inerts"¹ in biosolids. We explain this change further in the *Reduced Compliance Costs* section and Appendix 1. The cost evaluation is based on facilities that have more than 5% garbage in the biosolids and assumes an impact on 20% of facilities. The impact of the *original* proposed amendment is disproportionate for those facilities that are affected. The cost per employee for small businesses is \$9,200 but for large businesses it is only \$400. The responses to the survey indicated the costs were high, so changes were made to the rule between the survey and the rule proposal which ecology expects will result in reduced costs.
- **Reducing the risk from disease vectors from field storage of biosolids that do not meet a vector attraction reduction requirement.** The impact of this proposed amendment is disproportionate for those facilities that are affected. The cost per employee for small businesses is \$63 but large facilities are not affected.
- This SBEIS does not evaluate the elimination of the two Class A alternatives because only municipal facilities were affected.
- **Management changes for unstabilized septage for three to six SMFs that land apply unstabilized septage.** Ecology received comments on this amendment during the preproposal stage that suggested very high costs. Therefore, ecology changed this proposed amendment after the cost survey was done. We explain this change further in the *Reduced Compliance Costs* section and Appendix 1. Under the proposed rule, facilities can land apply pH-stabilized septage, but the

application rate may be stricter. Thus, the cost listed below for this item is very large by comparison with the likely actual cost. The impact of the *original* proposed amendment is disproportionate for those facilities that are affected. The cost per employee for small businesses is \$500 but large facilities are unaffected.

- **Site management requirements for five to ten SMFs that land apply pH-stabilized septage and do not limit access for cattle or the public.** The impact of this proposed amendment is disproportionate for those facilities that are affected. The cost per employee for small businesses is \$49 but for large businesses it is only sixty-six cents. Businesses that have a permit will not experience new costs. The reason for this is that the current biosolids general permit already requires facilities to maintain the same site management standards for both pH-stabilized and non-pH-stabilized septage. The reason ecology is evaluating this requirement as a new cost is because it is being shifted from the permit into the rule.

Table 1: Survey Results - Cost or Gain per Employee

Rule Changes by Type	Small	Large
Spill Response Plan	-\$72.35	-\$0.11
Submit Annual Biosolids Report	-\$526.57	-\$0.24
Obtaining a Permit (SMFs)	\$818.82	NA
Timing for Submitting a Permit Application	-\$54.76	-\$0.00
Public Notice Requirements for Nonexceptional Quality Biosolids or Septage	+\$58.90	+\$3.75
Insignificant Changes	+\$22.81	+\$0.06
Exemptions for Certain Research	NA	+\$5.53
Screening Requirements ²	-\$9,211.76	-\$404.76
Deferral to Other Permits for Storage	+\$28.13	+\$1.25
Field Storage Vector Attraction Reduction	-\$63.33	NA
Sale or Give Away?	\$0.00	\$0.00
Management of Unstabilized Septage ³	-\$500.00	NA
Site Management for pH-stabilized Septage	-\$49.26	-\$0.66

Proposed Amendments that Reduced Compliance Costs: Given the disproportionate impacts above, ecology must include cost-minimizing features if it is legal and feasible to do so. RCW 19.85.030(2) lists the methods below to reduce the costs on small businesses:

- (a) Reducing, modifying, or eliminating substantive regulatory requirements.
- (b) Simplifying, reducing, or eliminating record-keeping and reporting requirements.

- (c) Reducing the frequency of inspections.
- (d) Delaying compliance timetables.
- (e) Reducing or modifying fine schedules for noncompliance.
- (f) Any other mitigation techniques.

The proposed amendments provide several features to reduce costs for individuals or facilities that do not increase health costs. We have listed the reduced costs in Table 1, above. The rows in grey show the reduced costs. This direct savings has a present value of approximately \$343,000 over a five-year permit cycle.

The proposed amendments provide exemptions that eliminate substantive requirements for some entities - RCW 19.85.030 (2)(a):

- Exemption from the rule or significant portions of the rule for composting toilet systems. Since these are not facilities, the savings is unknown.
- Exemption from the reporting and permitting requirements for research projects conducted in accordance with a department-approved research plan and occurring on ten acres or less. Ecology estimates the present value of the savings from this exemption at \$184,000 over a five-year period. Apparently, the only facilities doing this kind of work are large employers with over fifty employees. The savings per employee is \$5.50.
- Exemption to the storage requirements for storage covered under another environmental permit and for "temporary or small-scale storage." Ecology estimates the present value of the savings from this exemption at \$13,000 over a five-year period. The impact of this proposed amendment is disproportionate for those facilities that are affected. The savings per employee for small businesses is \$28 but for large businesses it is only \$1.25.

The proposed amendments provide for fewer public notices when required - RCW 19.85.030 (2)(b):

- Reducing the number of newspaper notices, when required, from two to one and eliminating the need for a new public notice when applying for coverage under a new general permit if notice was done previously and the facility is not land-applying nonexceptional quality biosolids. Ecology estimates the savings from this set of exemptions at \$113,000 once every five years. The impact of this proposed amendment is disproportionate for those facilities that are affected. The savings per employee for small businesses is \$58 but for large businesses it is only \$3.75.
- Eliminating the need to do any notice if proposing an "insignificant" change either when applying for coverage under a new general permit or when proposing insignificant changes while covered under a permit. Ecology estimates the present value of the savings from this exemption at \$32,000. The impact of this proposed amendment is disproportionate for those facilities that are affected. The savings per employee for small businesses is \$22 but for large businesses it is only \$0.06.

The proposed amendments allow grandfathering, which will allow facilities to continue their current activities, while still increasing the requirements for new activities - RCW 19.85.030 (2)(a).

- This is for surface impoundments meeting WAC 173-304-430 requirements. However, the revised WAC 173-350-330 surface impoundment requirements are imposed for new or upgraded surface impoundments. This does not provide a savings by comparison with the existing rule but simply avoids imposing a high cost for the existing facilities. The grandfathering would fit as a cost-minimizing feature under.

The proposed amendments provide opportunities to delay compliance schedules - RCW 19.85.030 (2)(d).

- Allowing for an extension of the timeline for submitting permit applications to up to one hundred eighty days. This is twice the length of time otherwise allowed. This will offset some of the additional costs estimated for submitting the permit applications within ninety days after the issuance of a general permit.
- Extending the period for which to comply with the "significant removal of manufactured inerts" by allowing facilities up to four years to comply if they submit a plan explaining how they will comply by that time. This change was made after the survey was conducted, thus the impact on the estimated costs due to this amendment cannot be determined. However, it would likely result in a significant reduction in costs because it would potentially allow a facility an additional two years to comply.

The proposed amendments provide some last minute cost reducing changes - RCW 19.85.030 (2)(f):

- Ecology eliminated the objective standard of 95% removal of garbage and shifted to a subjective standard of "significantly remove manufactured inerts." Since this was not specifically evaluated in the survey instruments, it is not possible to state the impact of this change on the estimated costs of the *originally* proposed amendment. However, it is likely that using the subjective standard rather than the objective standard will result in a reduction in the estimated costs and, therefore, a reduction in the disproportionate impacts.
- Ecology eliminated part of the constraint on unstabilized septage by allowing facilities to land apply pH-stabilized septage but with possibly more strict land application rates. Because this cost was not specifically covered in the survey instruments, it is not possible for ecology to identify the impact of this change on the estimated costs of the *originally* proposed amendment. However, it is highly likely that this change will result in a significant reduction in the estimated costs and, therefore, a significant reduction in the disproportionate impacts. Most likely, the cost of this change will be reduced to nearly \$0.00 because the change in the proposal is almost a return to the *original* rule requirements.

OUTREACH TO SMALL BUSINESS: Ecology has made an extensive effort to involve small businesses in the development of the rule and will continue to do so. Below is a brief description of some of our efforts.

- **Advisory group representation.** Before amending the rule, ecology formed an advisory group. Among the seventeen members of the advisory group, five

(29%) represented small businesses. Ecology held four meetings with the advisory group to discuss potential amendments. Following the meetings, a rough draft of the proposed rule was sent to the advisory group for review and comment. Ecology considered these comments during the development of the proposed rule. It should be noted that none of the proposed changes were strongly objected to by any of the small business representatives on the advisory group. Moreover, all of the small business representatives on the advisory group strongly supported the two most costly proposed amendments (the annual report requirement and the screening requirement).

- **Outreach through the surveys.** The surveys conducted for the development of this SBEIS and the overall cost benefit analysis were sent to fifty-four of the sixty-seven (81%) privately owned facilities regulated by the rule. Among the fifty-four recipients of the survey, forty-nine (91%) are thought to be small businesses. Thus, the recipients of the survey were disproportionately small businesses.
- **Outreach through newsletters.** Ecology published notices of the proposed rule amendments in three industry newsletters to reach small businesses and others to request their involvement in the process. The industry newsletters where the notice was published are:
 - ◆ *Biosolids Bulletin* (newsletter of the Northwest Biosolids Management Association)
 - ◆ *WORC Newsletter* (newsletter of the Washington Organics Recycling Council)
 - ◆ *Closed Loop Scoop* (newsletter from ecology that goes out to the solid waste management industry).

Ecology will also publish notices in the newsletters prior to the opening of the public comment period and after we issue the adopted rule.

Outreach through direct contact. In addition to providing notification of the public comment period on the draft rule amendments through newsletters and other means, ecology will directly contact all small businesses to notify them of the comment period and provide them with a means to access the proposed rule amendments. The notice will strongly encourage review and comment.

¹ Manufactured inerts are defined in the draft revised rule as, "...wastes such as plastic, metals, ceramics and other manufactured items that remain relatively unchanged during wastewater or biosolids treatment processes."

² The cost for the significant removal of garbage from biosolids was measured based on the "95% removal" question used in the survey.

³ The cost for the management of unstabilized septage was measured based on the "management of unstabilized septage" question used in the survey.

Due to size limitations relating to the filing of documents with the code reviser, the SBEIS does not contain the appendices that further explain ecology's analysis. Additionally, it does not contain the raw data used in this analysis, or all of ecology's analysis of this data. However, this information is being placed in the rule-making file and is available upon request.

A copy of the statement may be obtained by contacting Daniel Thompson, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6108, fax (360) 407-6102, e-mail dtho461@ecy.wa.gov.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be

obtained by contacting Daniel Thompson, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6108, fax (360) 407-6102, e-mail dtho461@ecy.wa.gov.

January 19, 2007

Polly Zehm

Deputy Director

NEW SECTION

WAC 173-308-005 Explanation for the use of the terms "sewage sludge," "biosolids applied to a lawn or home garden," and "septage." (1) Sewage sludge is the semisolid material that has settled out of a wastewater treatment system that treats domestic wastes. Biosolids are produced by treating sewage sludge to meet certain quality standards that allow it to be applied to the land for beneficial use. Septage is a class of biosolids that comes from septic tanks and similar systems receiving domestic wastes.

(a) Sewage sludge. Unless the context requires otherwise, "sewage sludge" is the term used in this chapter to refer to the residual material produced by a treatment works treating domestic sewage that does not meet the standards to be classified as biosolids or that is being disposed in a municipal solid waste landfill.

(b) Biosolids. Unless the context requires otherwise, "biosolids" is the term used in this chapter to refer to sewage sludge or septage that has been or is being treated to meet standards so that it can be applied to the land.

(c) Septage. Unless the context requires otherwise, "septage" is the term used in this chapter to refer to septage that is or will be managed as septage.

(2) The following sections apply only to biosolids or septage managed as biosolids originating from sewage sludge: WAC 173-308-150, 173-308-160, 173-308-170, 173-308-180, 173-308-200, 173-308-210, 173-308-250, and 173-308-260.

(3) WAC 173-308-270 addresses the management requirements for septage.

(4) Unless the context requires otherwise, all other sections apply to all biosolids, including septage.

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-010 Authority and purpose. (1) **Authority.** This chapter is adopted under the authority of chapters 70.95J and 70.95 RCW.

(2) Purpose.

~~((a) The purpose of this chapter is to protect human health and the environment when biosolids are applied to the land. This chapter encourages the maximum beneficial use of biosolids, and is intended to conform to all applicable federal rules adopted under the Federal Clean Water Act as it existed on February 4, 1987.~~

~~(b) This chapter establishes permitting requirements for treatment works treating domestic sewage that engage in applicable biosolids treatment or management practices, including any person, site, or facility that has been designated as a treatment works treating domestic sewage.~~

~~(c) This chapter establishes standards for the treatment, quality, and management of municipal sewage sludge and domestic septage that are directly enforceable, and that allow these materials to be classified and managed as biosolids.~~

~~(d) This chapter establishes requirements, standards, management practices, and monitoring, recordkeeping and reporting requirements that are applicable when biosolids are applied to the land and when municipal sewage sludge is disposed in a municipal solid waste landfill unit as defined in WAC 173-351-100.~~

~~(e) This chapter establishes fees for permits issued to facilities that engage in applicable biosolids management activities.~~

~~Fees under WAC 173-308-320 do not apply to persons whose activity is limited to pumping, hauling, temporarily storing, or delivering septage or biosolids to other facilities or land application sites, if:~~

~~(i) They do not engage in the treatment of the septage or biosolids;~~

~~(ii) They have not been designated as a treatment works treating domestic sewage; and~~

~~(iii) The generating and receiving facility or land application site is in compliance with the requirements of WAC 173-308-310.) The purpose of this chapter is to protect human health and the environment when biosolids are managed.~~

~~(a) This chapter encourages the maximum beneficial use of biosolids and is intended to conform to all applicable federal rules adopted under the Federal Clean Water Act as it existed on February 4, 1987.~~

~~(b) This chapter establishes permitting requirements for treatment works treating domestic sewage that engage in applicable biosolids treatment or management practices, including any person, site, or facility that has been designated as a treatment works treating domestic sewage.~~

~~(c) This chapter establishes standards for the treatment, quality, and management of sewage sludge and septage that are directly enforceable and that allow these materials to be classified and managed as biosolids.~~

~~(d) This chapter establishes requirements, standards, management practices, and monitoring, recordkeeping and reporting requirements that are applicable when biosolids are applied to the land and when sewage sludge is disposed in a municipal solid waste landfill unit as defined in chapter 173-351 WAC.~~

~~(e) This chapter establishes fees for permits issued to treatment works treating domestic sewage.~~

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-020 Applicability. ~~((1) Unless otherwise specified in this chapter, these rules apply to the following:~~

- ~~(a) A person who prepares biosolids;~~
- ~~(b) A person who stores biosolids;~~
- ~~(c) A person who applies biosolids to the land;~~
- ~~(d) Biosolids that are applied to the land;~~
- ~~(e) The land where biosolids are applied;~~

~~(f) The owner and lease holder of land where biosolids are applied;~~

~~(g) A person who disposes of municipal sewage sludge in a municipal solid waste landfill;~~

~~(h) Municipal sewage sludge that is disposed of in a municipal solid waste landfill.~~

~~(2) This chapter does not apply to the following municipal sewage sludge and biosolids management facilities and practices:~~

~~(a) The firing of municipal sewage sludge in an incinerator.~~

~~(b) The placing or disposal of municipal sewage sludge or biosolids in facilities other than municipal solid waste landfills.~~

~~(3) Except as provided in (a) and (g) of this subsection, the following solid wastes are not regulated under this chapter:~~

~~(a) Sludge generated at an industrial facility during the treatment of industrial wastewater, including sewage sludge generated during the treatment of industrial wastewater combined with domestic sewage; sludge generated at an industrial facility during the treatment of only domestic sewage is considered municipal sewage sludge subject to the requirements of this chapter.~~

~~(b) Sewage sludge determined to be hazardous in accordance with chapter 70.105 RCW or rules adopted thereunder.~~

~~(c) Sewage sludge with a concentration of polychlorinated biphenyls (PCBs) equal to or greater than 50 milligrams per kilogram of total solids (dry weight basis).~~

~~(d) Ash generated during the firing of municipal sewage sludge or biosolids in an incinerator.~~

~~(e) Grit or screenings generated during preliminary treatment of domestic sewage in a treatment works.~~

~~(f) Sludge generated during the treatment of either surface water or ground water used for drinking water.~~

~~(g) Commercial septage, industrial septage, or a mixture of domestic septage and commercial or industrial septage; on a case-by-case basis, on request of the person who applies septage to the land or at the department's discretion, the department may designate the septage in this subsection~~

~~(3)(g) as septage that is domestic in quality, and require the septage to be managed in accordance with the provisions of this chapter.) (1) These rules apply to all treatment works treating domestic sewage as defined by this chapter. In addition, these rules apply to, but are not limited to, the following:~~

~~(a) A person who prepares biosolids or sewage sludge.~~

~~(b) A person who stores biosolids or sewage sludge.~~

~~(c) A person who applies biosolids to the land.~~

~~(d) Biosolids that are applied to the land.~~

~~(e) The land where biosolids are applied.~~

~~(f) The owner and lease-holder of land where biosolids are applied.~~

~~(g) A person who disposes of sewage sludge in a municipal solid waste landfill.~~

~~(h) Sewage sludge that is disposed of in a municipal solid waste landfill.~~

~~(i) Biosolids or sewage sludge generated at an industrial facility during the treatment of only domestic sewage.~~

~~(j) A person who transfers biosolids or sewage sludge from one facility to another.~~

(k) A person who transports biosolids or sewage sludge.

(l) Mixtures of biosolids and other materials including, but not limited to, solid wastes.

(2) This chapter does not apply to the following sewage sludge and biosolids management facilities and practices:

(a) The firing of biosolids or sewage sludge in an incinerator.

(b) The placing or disposal of sewage sludge or biosolids in facilities other than municipal solid waste landfills.

(3) Except as provided in (g) of this subsection, the following solid wastes are not regulated under this chapter:

(a) Sludge generated at an industrial facility during the treatment of industrial wastewater, including sewage sludge generated during the treatment of industrial wastewater combined with domestic sewage.

(b) Sewage sludge determined to be hazardous in accordance with chapter 70.105 RCW or rules adopted thereunder.

(c) Sewage sludge with a concentration of polychlorinated biphenyls (PCBs) equal to or greater than 50 milligrams per kilogram of total solids (dry weight basis).

(d) Ash generated during the firing of sewage sludge or biosolids in an incinerator.

(e) Grit or screenings generated during preliminary treatment of domestic sewage in a treatment works.

(f) Sludge generated during the treatment of either surface water or groundwater used for drinking water.

(g) Commercial septage, industrial septage, or a mixture of domestic septage and commercial or industrial septage or other commercial or industrial materials. However, on a case-by-case basis, on request of the person who applies septage to the land or at the department's discretion, the department may designate the septage in this subsection as septage that is domestic in quality and require the septage to be managed in accordance with the provisions of this chapter.

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-030 Relationship to other laws, regulations, and ordinances. ~~((In addition to the requirements of this chapter, other laws, regulations, and ordinances may also apply to biosolids. These include but are not limited to the following:~~

~~(1) Commercial fertilizers are subject to regulation by the Washington state department of agriculture. The following statutes and rules apply to biosolids meeting the definition of a commercial fertilizer under chapter 15.54 RCW:~~

~~(a) Chapter 15.54 RCW — Fertilizers, minerals, and limes; and chapter 16-200 WAC — rules relating to fertilizers, minerals and limes, including requirements for labeling, licensing, and registration;~~

~~(b) Chapter 19.94 RCW — Weights and measures; and chapter 16-666 WAC — Weights and measures — Packaging and labeling regulations.~~

~~(2) Except as required in WAC 173-308-100, the transportation of biosolids or municipal sewage sludge is subject to regulation by the Washington state utilities and transportation commission under Title 81 RCW.~~

~~(3) Facilities required to obtain permits under WAC 173-308-310 must comply with the requirements in chapter~~

~~43.21C RCW and the State Environmental Policy Act rules adopted under chapter 197-11 WAC. Public notice and hearing requirements under the State Environmental Policy Act may be coordinated with the similar requirements of this chapter.~~

~~(4) Biosolids facilities and sites where biosolids are applied to the land must comply with other applicable federal, state and local laws including zoning and land use requirements. Enforcement of other laws and regulations is the responsibility of the agency with jurisdiction.)) In addition to the requirements of this chapter, other laws, regulations, and ordinances may also apply to biosolids or sewage sludge. These include, but are not limited to, the following:~~

~~(1) Commercial fertilizers are subject to regulation by the Washington state department of agriculture. Biosolids meeting the definition of a commercial fertilizer must comply with chapter 15.54 RCW and chapter 16-200 WAC.~~

~~(2) Except as required in WAC 173-308-100, the transportation of biosolids or sewage sludge is subject to regulation by the Washington state utilities and transportation commission under Title 81 RCW.~~

~~(3) Facilities required to obtain permits under WAC 173-308-310 must comply with the requirements in chapter 43.21C RCW and the State Environmental Policy Act (SEPA) rules adopted under chapter 197-11 WAC. Public notice and hearing requirements under SEPA may be coordinated with the similar requirements of this chapter.~~

~~(4) Biosolids facilities and sites where biosolids are applied to the land must comply with the requirements of chapter 90.48 RCW and chapters 173-200 and 173-201A WAC.~~

~~(5) Facilities and sites where biosolids are applied to the land or sewage sludge is disposed must comply with the federal biosolids rule, 40 CFR Part 503.~~

~~(6) Facilities and sites where biosolids are applied to the land must comply with other applicable federal, state and local laws, regulations, and ordinances, including zoning and land use requirements.~~

~~(7) The enforcement of other laws, regulations, and ordinances is the responsibility of the agency with jurisdiction.~~

NEW SECTION

WAC 173-308-041 Enforcement. Any violation of this chapter or any permit issued under this chapter may be subject to the enforcement provisions of applicable law including, but not limited to, chapters 70.95 and 70.95J RCW.

NEW SECTION

WAC 173-308-042 Appeals. Any person aggrieved by a decision of the department made in accordance with provisions of this chapter may appeal that decision only as provided by applicable law including, but not limited to, chapters 43.21B and 34.05 RCW.

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-050 Delegation of authority. ~~((+))~~ Upon the request of a local health ~~((department))~~ jurisdiction,

the department may delegate authority to implement and assist in the administration of appropriate portions of this chapter.

Delegation must be consistent with any applicable state-EPA agreement regarding delegation of federal biosolids program authority.

~~((2))~~ (1) **Method of delegation.**

(a) Delegation will be accomplished through an instrument of mutual consent that is acceptable to both the department and the local health ~~((department))~~ jurisdiction seeking delegation.

(b) The department may revoke part or all of a delegation of authority under this section if it finds that a local health ~~((department))~~ jurisdiction has failed to adequately carry out any portion of a delegated responsibility.

~~((c))~~ ~~As an alternative to revocation of local delegation under (b) of this subsection, the department may correct any deficiencies in a locally approved state permit element by implementing the requirements of this chapter in a separate state approved land application plan or permit. In such case the requirements of the state plan or permit will be in addition to or take precedent over local requirements.~~

~~((3))~~ (2) **Contents of delegation agreements.**

(a) At a minimum, delegation agreements must specify the authorities and responsibilities that are being delegated to a local health ~~((department))~~ jurisdiction.

(b) Other authorities and responsibilities are assumed to be retained by the department.

(c) All delegation agreements must have a termination date that is no more than five years from the date signed.

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-060 Biosolids not classified as solid waste. (1) The state of Washington recognizes biosolids as a valuable commodity.

(2) Biosolids are not solid waste and are not subject to regulation under solid waste laws.

~~((2) Municipal))~~ (3) Sewage sludge or septage that fails to meet standards for classification as biosolids is a solid waste, and may not be applied to the land.

~~((3) Municipal))~~ (4) Sewage sludge or septage that will be disposed in a landfill is a solid waste.

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-080 Definitions. Unless the department determines that the context of the rule requires otherwise, the following definitions are applicable for the purposes of this chapter.

"**Administrator**" means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

"**Aerobic digestion**" is the biochemical decomposition of organic matter in biosolids into carbon dioxide and water by microorganisms in the presence of air. Aerobic digestion does not include composting.

"**Agricultural land**" is land on which a food crop, feed crop, or fiber crop is grown. This includes range land and land used as pasture.

"**Agronomic rate**" is the ~~((whole))~~ biosolids application rate ~~((dry weight basis))~~ that will provide the amount of nitrogen required for optimum growth of vegetation ~~((that provides the amount of nitrogen necessary for the optimum growth of a targeted vegetation type, and that will not result in the violation of applicable standards or requirements for the protection of ground or surface water as established under chapter 90.48 RCW and related rules including chapters 173-200 and ((173-201)) 173-201A WAC.~~

"**Anaerobic digestion**" is the biochemical decomposition of organic matter in biosolids into methane gas and carbon dioxide by microorganisms in the absence of air. Anaerobic digestion does not include composting.

~~((Annual pollutant loading rate))~~ is the maximum amount of a pollutant that can be applied to a unit area of land during a three hundred sixty-five day period.

~~Annual whole biosolids application rate~~ is the maximum amount of biosolids (dry weight basis) that can be applied to a unit area of land during a three hundred sixty-five day period.

"**Apply biosolids or biosolids applied to the land**" means the land application of biosolids for the purpose of beneficial use.

"**Beneficial use facility**" means a receiving-only facility consisting of a site or sites where biosolids from other treatment works treating domestic sewage are applied to the land for beneficial use, which has been permitted as a treatment works treating domestic sewage in accordance with the provisions of WAC 173-308-310, and that has been designated as a beneficial use facility through the permitting process.

"**Beneficial use of biosolids**" means the application of biosolids to the land for the purposes of improving soil characteristics including tilth, fertility, and stability ~~((and enhancing))~~ to enhance the growth of vegetation consistent with protecting human health and the environment.

"**Biosolids**" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, that can be beneficially recycled and meets all applicable requirements under this chapter. Biosolids includes a material derived from biosolids, and septic tank sludge, also known as septage, that can be beneficially recycled and meets all applicable requirements under this chapter. For the purposes of this rule, semisolid products include biosolids or products derived from biosolids ranging in character from mostly liquid to fully dried solids.

"**Biosolids sold or given away in a bag or other container**" means biosolids sold or given away to the general public in a bag or other container holding less than 1 metric ton (1.1 U.S. tons).

"**Bulk biosolids**" means biosolids that are not sold or given away in a bag or other container for application to the land.

"**Ceiling concentration**" means the maximum concentration of a pollutant in any biosolids sample, beyond which level the biosolids would be classified as ~~((municipal))~~ sewage sludge not suitable for application to the land. Ceiling

concentrations are established in Table 1 of WAC 173-308-160.

"Class I biosolids management facility" is any publicly owned treatment works (POTW), as defined in 40 CFR 501.2, required to have an approved pretreatment program under 40 CFR 403.8(a) (including any POTW located in a state that has elected to assume local program responsibilities under 40 CFR 403.10(e)), and any treatment works treating domestic sewage, as defined in 40 CFR 122.2, classified as a Class I biosolids management facility by the EPA Regional Administrator, or in the case of approved state programs, the Regional Administrator in conjunction with the state director, because of the potential for its biosolids use or disposal practice to affect public health and the environment adversely.

"Clean Water Act" or **"CWA"** means the Clean Water Act or Federal Clean Water Act (FCWA) (formerly referred to as either the Federal Water Pollution Act or the Federal Water Pollution Control Act Amendments of 1972), Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, Public Law 97-117, and Public Law 100-4.

"Composting" means the ((controlled)) biological degradation of organic ((solid waste yielding a product for use as a soil conditioner)) material under controlled conditions designed to promote aerobic decomposition. This does not include the treatment of sewage sludge in a digester at a wastewater treatment plant.

"Cumulative pollutant loading rate" is the maximum amount of a pollutant that can be applied to an area of land from biosolids that exceed the pollutant concentration limits established in Table 3 of WAC 173-308-160.

"Density of microorganisms" is the number of microorganisms per unit mass of total solids (dry weight) in the biosolids.

"Department" means the Washington state department of ecology and, within the scope of its delegation, a local health ((department)) jurisdiction that has been delegated authority under WAC 173-308-050.

"Director" means the director of the department of ecology or his or her authorized representative.

"Disposal on an emergency basis" means a period up to but not exceeding one year. Generally, emergency situations requiring the use of disposal facilities will normally occur as a result of inclement weather conditions at a beneficial use site, contractual or technical difficulties in the treatment, transportation, or application of the biosolids, or as a result of short term economic or administrative barriers, any and all of which are expected to be resolved within a period of one year.

"Disposal on a long-term basis" means to adopt disposal as a preferred method of management for at least five years, or for an indefinite period of time with no expectation for pursuing other management alternatives.

"Disposal on a temporary basis" means a period of more than one but less than five years. Generally, situations requiring the temporary use of disposal facilities will normally occur as a result of deficiencies in the wastewater or biosolids treatment process, or economic, administrative, or contractual constraints which cannot be resolved in less than one year.

~~("Domestic septage" means domestic septage—Class I, Class II, or Class III as defined in this section.~~

~~**"Domestic septage—Class I"** is liquid or solid material removed from domestic septic tanks, cess pools, or similar treatment works that receive only domestic sewage, and that has had a sufficiently long residency time to be considered largely stabilized. For the purposes of managing mixed loads or batches of septage, a load or batch is considered Class I if it does not exceed twenty-five percent by volume of Class II domestic septage or twenty-five percent by volume of restaurant grease trap waste, unless otherwise approved by the regulatory authority.~~

~~**"Domestic septage—Class II"** is liquid or solid material removed from portable toilets, type III marine sanitation devices, vault toilets, pit toilets, RV holding tanks or other similar holding systems that receive only domestic sewage.~~

~~**"Domestic septage—Class III"** is liquid or solid material removed from domestic septic tanks, cess pools, or similar treatment works that receive sewage from commercial or industrial sources, but which the department has determined to be domestic in quality under WAC 173-308-020 (3)(g).~~

~~**"Domestic septage managed as biosolids originating from municipal sewage sludge"** means domestic septage managed as if it had originated from a sewage treatment process at a publicly owned treatment works.)~~

"Domestic sewage" is waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

"Dry weight basis" means calculated on the basis of having been dried at 105°C (221°F) until reaching a constant mass (i.e., essentially one hundred percent solids content).

"EPA" means the United States Environmental Protection Agency.

"Exceptional quality biosolids" means biosolids that meet the pollutant concentration limits in Table 3 of WAC 173-308-160, one of the Class A pathogen reduction requirements in ~~((one of))~~ WAC 173-308-170 ~~((2)(a) through (f))~~, and one of the vector attraction reduction requirements in ~~((one of))~~ WAC 173-308-180 ~~((2) through (7))~~.

"Facility" means a treatment works treating domestic sewage as defined in this chapter, unless the context of the rule requires otherwise. For the purposes of this chapter a facility is considered to be new if it has not been previously approved for the treatment, storage, use, or disposal of biosolids or sewage sludge.

"Feed crops" are crops produced primarily for consumption by animals.

"Fiber crops" are crops such as flax and cotton ~~((s))~~ including, but not limited to, those whose parts or by-products may be consumed by humans or used in the production or preparation of food for human consumption.

"Food crops" are crops consumed by humans. These include, but are not limited to, fruits, vegetables, grains, and tobacco.

"Forest" is an area of land that is managed for the production of timber or other forest products, or for benefits such as recreation and watershed protection, and that is or will be dominated by trees under the current system of management. For the purposes of this rule, other areas of land that are not regulated as agricultural land, public contact sites, land recla-

mation sites, or lawns or home gardens are considered ~~((for estland))~~ forest land.

"General permit((s))" ~~((for the purposes of this chapter,))~~ means a permit issued by the department in accordance with the procedures established in this chapter ~~((or in chapter 173-226 WAC)),~~ to be effective in a designated geographical area, that authorizes the application of biosolids to the land or the disposal of ~~((biosolids))~~ sewage sludge in a municipal solid waste landfill, under which multiple treatment works treating domestic sewage may apply for coverage.

"Geometric mean" means the antilogarithm of the arithmetic average of the logarithms of the sample values, or the nth root of the product of n sample values.

"Ground water" means water in a saturated zone or stratum beneath the surface of land or below a surface water body.

"Health ~~((department))~~ jurisdiction" or **"local health ~~((department))~~ jurisdiction"** means city, county, city-county, or district public health ~~((department))~~ jurisdiction as defined in chapters 70.05, 70.08, and 70.46 RCW.

"Individual permit((s))" ~~((for the purposes of this chapter,))~~ means a permit issued by the department to a single treatment works treating domestic sewage in accordance with WAC 173-308-310, which authorizes the application of biosolids to the land or the disposal of ~~((biosolids))~~ sewage sludge in a municipal solid waste landfill.

"Industrial wastewater" is wastewater generated in a commercial or industrial process.

"Land application" is the application of biosolids to the land surface by means such as spreading or spraying~~((:))~~, the injection of biosolids below the land surface~~((:))~~, or the incorporation of biosolids into the soil, for the purpose of beneficial use.

"Land with a low potential for public exposure" is land that the public uses infrequently. This includes, but is not limited to, agricultural land, forest, and a reclamation site located in an unpopulated area (e.g., a strip mine located in a rural area).

"Land with a high potential for public exposure" is land that the public uses frequently. This includes, but is not limited to, a public contact site and a reclamation site located in a populated area (e.g., a construction site located in a city).

"Local health ~~((department))~~ jurisdiction" see definition of health ~~((department))~~ jurisdiction.

"Manufactured inerts" means wastes such as plastic, metals, ceramics and other manufactured items that remain relatively unchanged during wastewater or biosolids treatment processes.

"Monthly average" is the arithmetic mean of all measurements taken during the month.

"Municipal sewage sludge" means sewage sludge generated from a publicly owned treatment works. For the purposes of this chapter, sewage sludge generated from the treatment of only domestic sewage in a privately owned or industrial treatment facility is considered municipal sewage sludge.

"Municipality" means a city, town, borough, county, parish, district, association, or other public body (including an inter-municipal agency of two or more of the foregoing entities) created by or under state law~~((:))~~, or a designated

and approved management agency under section 208 of the Clean Water Act, as amended. The definition includes a special district created under state law, such as a water district, sewer district, sanitary district, utility district, drainage district, or similar entity, or an integrated waste management facility as defined in section 201(e) of the Clean Water Act, as amended, that has as one of its principal responsibilities the treatment, transport, use, or disposal of biosolids.

"Nonexceptional quality biosolids" means biosolids that do not meet the criteria of "exceptional quality biosolids" as defined in this section.

"Other container" is either an open or closed receptacle. This includes, but is not limited to, a bucket, a box, a carton, and a vehicle or trailer with a load capacity of one metric ton (1.1 U.S. tons) or less.

"Owner" means any person with ownership interest in a site or facility, or who exercises control over a site or facility, but does not include a person who, without participating in management of the site or facility, holds indicia of ownership primarily to protect the person's security interest.

"Pasture" is land on which animals feed directly on feed crops such as legumes, grasses, grain stubble, or stover.

"Pathogenic organisms" are disease causing organisms. These include, but are not limited to, certain bacteria, protozoa, viruses, and viable helminth ova.

"Permit" means an authorization, license, or equivalent control document issued by the director to implement the requirements of this chapter. Unless the context requires differently, the use of the term in this chapter refers to both individual permits and general permits.

"Person" is an individual, association, partnership, corporation, municipality, state or federal agency, or an agent or employee thereof.

"Person who prepares biosolids" is either the person who generates biosolids during the treatment of domestic sewage in a treatment works or the person who derives a material from biosolids.

"pH" means the logarithm of the reciprocal of the hydrogen ion concentration.

"Place sewage sludge" or **"sewage sludge placed"** means to dispose of sewage sludge.

"Pollutant" is an organic substance, an inorganic substance, a combination of organic and inorganic substances, or a pathogenic organism that, after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism either directly from the environment or indirectly by ingestion through the food chain, could, on the basis of information available to the Administrator of EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction), or physical deformations in either organisms or offspring of the organisms.

"Pollutant limit" is a numerical value that describes the amount of a pollutant allowed per unit amount of biosolids (e.g., milligrams per kilogram of total solids)~~((:))~~, the amount of a pollutant that can be applied to a unit area of land (e.g., kilograms per hectare)~~((:))~~, the volume of a material that can be applied to a unit area of land (e.g., gallons per acre)~~((:))~~, or the number of pathogens or indicator organisms per unit of

biosolids. Pollutant limits are established in Tables 1 - ((4)) 3 of WAC 173-308-160, in 173-308-170, and in 173-308-270.

"Public contact site" is land with a high potential for contact by the public. This includes, but is not limited to, public parks, ball fields, cemeteries, plant nurseries, turf farms, and golf courses.

"Publicly owned treatment works" means a treatment works treating domestic sewage that is owned by a municipality, the state of Washington, or the federal government.

"Range land" is generally open, uncultivated land dominated by herbaceous or shrubby vegetation that may be used for grazing or browsing, either by wildlife or livestock.

"Receiving-only facility" means a treatment works treating domestic sewage that only receives ((municipal)) sewage sludge or biosolids from other sources for further treatment and/or application to the land, and which does not generate any biosolids from the treatment of domestic sewage.

"Reclamation site" is drastically disturbed land that is reclaimed using biosolids. This includes, but is not limited to, strip mines and construction sites.

"Residential equivalent value" means the number of residential equivalents determined for a facility under chapter 173-224 WAC or a value similarly obtained under WAC 173-308-320.

"Restrict public access" means to minimize access of nonessential personnel to land where biosolids are applied, through the use of natural or artificial barriers, signs, remote-ness, or other means.

"Saturated zone" means the zone below the water table in which all interstices are filled with water.

"Septage" or **"domestic septage"** is liquid or solid material removed from septic tanks, cess pools, portable toilets, type III marine sanitation devices, vault toilets, pit toilets, RV holding tanks, or similar systems that receive only domestic sewage.

"Septage managed as biosolids originating from sewage sludge" means septage managed as if it had originated from a sewage treatment process at a wastewater treatment facility including, but not limited to, meeting the sampling requirements in WAC 173-308-140, the monitoring requirements in WAC 173-308-150, the pollutant limits in WAC 173-308-160, the pathogen reduction requirements in WAC 173-308-170, and the vector attraction reduction requirements in this chapter.

"Septage management facility" means a person who applies septage to the land or one that treats septage for application to the land.

"Sewage sludge" is solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

"Significant change in biosolids management practices" means, but is not limited to, the following: A change

in the quality of biosolids that are applied to the land, either from class A to class B for pathogens, or from Table 3 to Table 1 of WAC 173-308-160 for pollutant limits; the addition of a new area to which biosolids will be applied((-)) which was not previously disclosed during a required public notice process; for class B biosolids only, a change from non-food crops to food crops, a change from crops where the harvestable portions do not contact the biosolids/soil mixture to crops where the harvestable portions contact(=) the biosolids/soil mixture, or a change in site classification from land with a low potential for public exposure to land with a high potential for public exposure; or any change or deletion of a requirement established in an approved land application plan or established as a condition of coverage under a permit that would result in a decrease in buffer size, site monitoring, or facility reporting requirements, which was not otherwise provided for in the permit or plan approval process.

"Significantly remove ((or reduce recognizable materials)) manufactured inerts" means to significantly remove ((recognizable debris)) manufactured inerts from biosolids or sewage sludge by means such as physical screening((-or to reduce the number of recognizable items in biosolids by means such as grinding,)) or another method to a level that, in the opinion of the department, will not result in an aesthetic nuisance or physical hazard ((when biosolids are applied to the land)).

"Site" means all areas of land, including buffer areas, which are identified in the scope of an approved site specific land application plan. A site is considered to be new or expanded when biosolids are applied to an area not approved in a site specific land application plan or that was not previously disclosed during a required public notice process.

"Specific oxygen uptake rate (SOUR)" is the mass of oxygen consumed per unit time per unit mass of total solids (dry weight basis) in the biosolids.

"State" means the state of Washington.

"Store or storage of biosolids or sewage sludge" is the placing of biosolids or sewage sludge on land on which the biosolids remain for two years or less or in surface impoundments or other containment devices in which the biosolids or sewage sludge remain for two years or less, except where a greater time period has been approved by the department. This does not include the placing of biosolids or sewage sludge on land for treatment or disposal.

"Stover" is the nongrain, above-ground part of a grain crop, often corn or sorghum.

"Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquids or sludges. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

"Surface waters of the state" means surface waters of the state as defined in WAC 173-201A-020.

"Tank" means a stationary device designed to contain an accumulation of liquid or semisolid materials and which is constructed primarily of nonearthen materials to provide structural support.

"Temporary, small-scale storage" is the storage of biosolids or sewage sludge for no more than thirty days in a tank holding no more than 10,000 gallons with a total on-site maximum volume of no more than 20,000 gallons.

"Total solids" are the materials in biosolids that remain as residue when the biosolids are dried at 103 to 105°C (217.4 to 221°F).

"Treat or treatment of biosolids" is the preparation of biosolids for final use or disposal. This includes, but is not limited to, thickening, stabilization, and dewatering of biosolids. This does not include storage of biosolids.

"Treatment works" is either a federally owned, publicly owned, or privately owned device or system used to treat (including recycle and reclaim) either domestic sewage or a combination of domestic sewage and industrial waste of a liquid nature.

"Treatment works treating domestic sewage" means a publicly owned treatment works or any other sewage sludge or wastewater treatment devices or systems, regardless of ownership, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage or sewage sludge, including land dedicated for the disposal of sewage sludge. Treatment works treating domestic sewage also includes a beneficial use facility and a septage management facility that has been permitted in accordance with the provisions of WAC 173-308-310, and a person, site, or facility designated as a treatment works treating domestic sewage in accordance with WAC 173-308-310 (1)(b). This definition does not include septic tanks or similar devices (~~(, but may include persons or vehicles that service septic systems and centralized septage facilities that are designated as a treatment works treating domestic sewage or are applicable under this definition))~~) or temporary, small-scale storage as defined in this section.

"Unstabilized solids" are organic materials in biosolids that have not been treated in either an aerobic or anaerobic treatment process.

"Vector attraction" is the primarily odorous characteristic of biosolids that attracts rodents, flies, mosquitoes, or other organisms capable of transporting infectious agents.

"Volatile solids" is the amount of the total solids in biosolids that are lost when the biosolids are combusted at 550°C (1,022°F) in the presence of excess air.

"Waters of the state" means waters of the state as defined in RCW 90.48.020.

"Wetlands" means those areas that are inundated or saturated by surface water or ground water at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-090 Requirement for a person who prepares biosolids or sewage sludge. Any person who prepares biosolids or sewage sludge must ensure that the applicable requirements in this chapter and any applicable permit

issued under this chapter are met when the biosolids are ~~((applied to the land))~~ managed.

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-100 Requirement for a person who transports biosolids or sewage sludge. (1) Any person who transports biosolids or sewage sludge must ensure that the transportation vehicle is properly cleaned prior to use of the vehicle for the transportation of food crops, feed crops, or fiber crops.

(2) **Spill prevention/response plan.** You must submit a spill prevention/response plan to the department with your permit application or at a later date, if agreed, which describes how you will attempt to prevent and how you will respond to any spillage of your biosolids or sewage sludge during transportation. The plan must include a list of contact names and numbers, an explanation of how and when they should be contacted, what their role is, and how the spill would be cleaned up. For those who contract for the transportation of their biosolids or sewage sludge, submission of your contractor's plan is sufficient if the minimal requirements are met.

(3) The transportation of biosolids is otherwise subject to regulation by the Washington state utilities and transportation commission under Title 81 RCW and WAC 173-308-030(2).

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-120 Requirement to obtain and provide information. (1) It is a violation of the provisions of this chapter for any person to falsify a certification or statement that is required by these rules or to make any required certification or statement under false pretense.

(2) Any person who applies biosolids to the land must obtain information needed to comply with the requirements of this chapter.

(3) The person who prepares biosolids must provide the person who applies biosolids to the land with notice and necessary information to comply with the requirements of this chapter, including sufficient information on the concentration and types of nutrients in the biosolids needed to determine an agronomic rate for the crop under management.

(4) When a person who prepares biosolids provides the biosolids to another person who further prepares the biosolids, the person who provides the biosolids must provide the person who receives the biosolids notice and necessary information to comply with the requirements of this chapter.

(5) The person who applies bulk biosolids to the land must provide the owner or lease holder of the land on which the bulk biosolids are applied notice and necessary information to comply with the requirements of this chapter.

(6) The person who applies bulk biosolids to the land must obtain written approval of the landowner prior to applying biosolids to the land for the first time, when the bulk biosolids do not meet the criteria to be classified as exceptional quality.

(7) All persons required to keep and maintain records under any provision of this chapter must provide access to

those records during normal business hours to a representative of the department, a local health ((department)) jurisdiction, or the United States EPA, and to the owner, lessor, lessee or other person with a legal management interest in the land on which the biosolids are applied, at the location where the records are kept.

(8) Any facility, including a beneficial use facility, must immediately notify all sources from which it receives biosolids, if at any time it becomes unsuitable for the purpose of receiving biosolids from those other sources.

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-130 ((Additional or more stringent)) Requirements for treatment works located outside of the jurisdiction of the department. ((On a case by case basis, the department may impose requirements for the beneficial use of biosolids that are in addition to or more stringent than the requirements in this chapter if the department believes that the additional or more stringent requirements are necessary to protect public health and the environment from any adverse effect of a pollutant in the biosolids.

(1) ~~In addition to other considerations, failure of a generator, applicator, or landowner to conform to any applicable requirements of this chapter may be cause to impose additional or more stringent requirements.~~

(2) ~~The department will impose any additional or more stringent requirements under WAC 173-308-130 in a permit issued to the applicable facility.)~~ When bulk biosolids or sewage sludge or biosolids in a bag or other container originating from treatment works located on tribal lands, in other states, or in other nations are exported into the state, the requirements of this section must be met.

(1) Bulk biosolids or sewage sludge from a treatment works seeking its own management program within the state must meet the following requirements:

(a) The exporting facility must apply for a permit in accordance with the requirements in WAC 173-308-310 prior to exporting biosolids or sewage sludge into the state.

(b) The exporting facility must pay a fee as determined by the criteria specified in WAC 173-308-320.

(2) Bulk biosolids or sewage sludge from a treatment works seeking to transfer its biosolids or sewage sludge to a facility within the state for management or further treatment must meet the following requirements:

(a) The exporting facility must receive written approval from the department prior to exporting biosolids or sewage sludge for the first time.

(b) There must be no sustainable objection to the approval required in (a) of this subsection from the EPA or the local health jurisdiction(s) in the county(s) where the material will be received.

(c) The biosolids or sewage sludge must be exported to a facility with a current permit issued by the department that allows it to accept biosolids or sewage sludge from other facilities.

(d) The receiving facility must maintain any applicable records and certification statements required in WAC 173-308-290 on the biosolids or sewage sludge from the export-

ing facility and provide such records to the department upon request and in its annual biosolids report.

(e) The exporting facility must pay a fee as determined by the criteria specified in WAC 173-308-320.

(3) Biosolids in a bag or other container must meet the following requirements:

(a) The exporting facility must receive written approval from the department prior to exporting biosolids for the first time.

(b) The biosolids must meet the criteria to be classified as exceptional quality.

(4) The exporting facility must be in compliance with any other federal, state, provincial, or local biosolids or sewage sludge laws, regulations, and ordinances.

(5) All other applicable requirements of this chapter must be met.

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-140 Biosolids sampling and analysis methods. (1) **Sampling.** Samples that are collected and analyzed must be representative of the biosolids that are applied to the land.

(2) **Analysis methods.**

(a) The publications listed in this subsection are incorporated by reference ((in this chapter. Methods in the publications listed below must be used to analyze samples of biosolids unless other methods are approved in writing by the department)). These publications are available for review during normal working hours at the Washington State Department of Ecology headquarters located at 300 Desmond Drive in Olympia, Washington.

~~((a) For enteric viruses use ASTM Designation: D 4994-89, "Standard Practice for Recovery of Viruses From Wastewater Sludges," 1992 Annual Book of ASTM Standards: Section 11-Water and Environmental Technology; ASTM, 1916 Race Street, Philadelphia, PA 19103-1187.~~

~~(b) For fecal coliform use part 9221-E. or part 9222-D.; "Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992, American Public Health Association, 1015 15th Street NW, Washington, DC 20005.~~

~~(c) For helminth ova use Yanko, W.A., "Occurrence of Pathogens in Distribution and Marketing Municipal Sludges," EPA 600/1-87-014, 1987. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (PB 88-154273/AS).~~

~~(d) For inorganic pollutants use, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, Second Edition (1982) with Updates I (April 1984) and II (April 1985) and Third Edition (November 1986) with Revision I (December 1987). Second Edition and Updates I and II are available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (PB 87-190-291). Third Edition and Revision I are available from Superintendent of Documents, Government Printing Office, 941 North Capitol Street NE, Washington, DC 20002 (Document Number 955-001-00000-1).~~

For the analysis of nitrogen and other nutrients the department may specify additional analytical references that are acceptable.

(e) For salmonella sp. bacteria use part 9260 D., "Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992, American Public Health Association, 1015 15th Street NW, Washington, DC 20005; or Kenner, B.A. and H.P. Clark, "Detection and enumeration of Salmonella and Pseudomonas aeruginosa," Journal of the Water Pollution Control Federation, Vol. 46, no. 9, September 1974, pp. 2163-2171. Water Environment Federation, 601 Wythe Street, Alexandria, VA 22314.

(f) For specific oxygen uptake rate (SOUR) use part 2710 B., "Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992, American Public Health Association, 1015 15th Street NW, Washington, DC 20005.

(g) For total, fixed, and volatile solids use part 2540 G., "Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992, American Public Health Association, 1015 15th Street NW, Washington, DC 20005.) (b) Unless otherwise stipulated by the department, the following methods must be used to analyze samples of biosolids or sewage sludge.

ANALYTICAL METHODS

Parameter	Analysis Method
Arsenic	SW-846 Method 6010 SW-846 Method 6020 SW-846 Method 7060 SW-846 Method 7061
Cadmium	SW-846 Method 6010 SW-846 Method 6020 SW-846 Method 7130 SW-846 Method 7131
Copper	SW-846 Method 6010 SW-846 Method 6020 SW-846 Method 7210 SW-846 Method 7211
Lead	SW-846 Method 6010 SW-846 Method 6020 SW-846 Method 7420 SW-846 Method 7421
Mercury	SW-846 Method 7470 SW-846 Method 7471
Molybdenum	SW-846 Method 6010 SW-846 Method 6020 SW-846 Method 7481
Nickel	SW-846 Method 7521 SW-846 Method 6010 SW-846 Method 6020 SW-846 Method 7520
Selenium	SW-846 Method 6010 SW-846 Method 6020

Parameter	Analysis Method
	SW-846 Method 7740 SW-846 Method 7741
Zinc	SW-846 Method 6010 SW-846 Method 6020 SW-846 Method 7950 SW-846 Method 7951
Fecal Coliform (MPN)	SM 9221 E SM 9222 D Appendix F, EPA/625/R-92/013
Salmonella Bacteria	SM 9260 D Appendix G, EPA/625/R-92/013
Helminth Ova	Appendix I, EPA/625/R-92/013
Enteric Viruses	ASTM Designation: D 4994-89 Appendix H, EPA/625/R-92/013
Total Kjeldahl Nitrogen (TKN)	SM Method 4500, N _{org} -B SM Method 4500, N _{org} -C
Nitrate (as N)	SM Method 4500, NO ₃ -N
Nitrite (as N)	SM Method 4500, NO ₂ -N
Ammonia (as N)	SM Method 4500, NH ₃ -N
Organic Nitrogen	Value calculated as TKN minus NH ₃ -N
Total Phosphorus	SM Method 4500, P
Total Solids, Fixed Solids, or Volatile Solids	SM Method 2540 G
Volatile Solids Reduction	Appendix C, EPA/625/R-92/013
Additional Volatile Solids Reduction for Anaerobically Digested Solids	Appendix D (1), EPA/625/R-92/013
Additional Volatile Solids Reduction for Aerobically Digested Solids	Appendix D (3), EPA/625/R-92/013
Specific Oxygen Uptake Rate (SOUR)	SM Method 2710 B Appendix D (2), EPA/625/R-92/013
pH	SW-846 Method 9045C
TCLP	SW-846 Method 1311
Paint Filter Test	SW-846 Method 9095A

<u>Parameter</u>	<u>Analysis Method</u>
Where: ASTM	≡ <u>"Standard Practice for Recovery of Viruses From Wastewater Sludges", Annual Book of ASTM Standards: Section 11-Water and Environmental Technology, ASTM, 1916 Race Street, Philadelphia, PA 19103-1187.</u>
EPA/625/R-92/013	≡ <u>"Environmental Regulations and Technology, Control of Pathogens and Vector Attraction in Sewage Sludge (Including Domestic Septage) Under 40 CFR Part 503", U.S. Environmental Protection Agency, Office of Research and Development, National Risk Management Research Laboratory, Center for Environmental Research Information, Cincinnati, OH 45268.</u>
SM	≡ <u>"Standard Methods for the Examination of Water and Wastewater", American Public Health Association, 1015 15th Street NW, Washington, DC 20005.</u>
SW-846	≡ <u>"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA publication SW-846. Available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.</u>

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-150 Frequency of biosolids monitoring. (1) The person who prepares biosolids is responsible for ensuring that monitoring is carried out in accordance with the requirements of this chapter and any applicable permit.

(2) The minimum frequency of monitoring (~~for~~) listed below applies to the pollutants listed in Tables 1, 2, and 3 (~~and 4~~) of WAC 173-308-160(~~;~~), the pathogen density requirements in WAC 173-308-170(~~;~~), and the vector attraction reduction requirements in WAC 173-308-180(~~, is prescribed in subsection (3) of this section;~~).

MINIMUM FREQUENCY OF MONITORING

<u>Metric tons (U.S. tons) per 365-day period</u>	<u>Frequency</u>
<u>Greater than zero but less than 290 (320)</u>	<u>once per year</u>
<u>Equal to or greater than 290 (320) but less than 1,500 (1,653)</u>	<u>once per quarter (4 times per year)</u>
<u>Equal to or greater than 1,500 (1,653) but less than 15,000 (16,535)</u>	<u>once per 60 days (6 times per year)</u>

<u>Metric tons (U.S. tons) per 365-day period</u>	<u>Frequency</u>
<u>Equal to or greater than 15,000 (16,535)</u>	<u>once per month (12 times per year)</u>

~~((1))~~ (3) The frequency of monitoring required by this section is based on the dry weight tonnage of bulk biosolids applied to the land per three hundred sixty-five-day period(~~;~~) or the dry weight tonnage of biosolids received per three hundred sixty-five-day period by a person who prepares biosolids that are sold or given away for application to the land.

~~((2))~~ (4) Treatment works treating domestic sewage that transfer biosolids or sewage sludge for further treatment to another facility are not required to monitor for pollutant concentrations, pathogen reduction, or vector attraction reduction unless specifically required to do so in a permit issued by the department.

(5) After the biosolids have been monitored for two years at the frequency in (~~subsection (3) of~~) this section, the person who prepares the biosolids may request the department to reduce the frequency of monitoring for pollutant concentrations (~~, and for the pathogen density requirements in WAC 173-308-170 (2)(e)(ii) and (iii))~~). The frequency of monitoring must not be less than once per year when biosolids are applied to the land.

~~((3))~~ **MINIMUM FREQUENCY OF MONITORING**

<u>Metric tons (U.S. tons) per 365-day period</u>	<u>Frequency</u>
<u>Greater than zero but less than 290 (320)</u>	<u>once per year</u>
<u>Equal to or greater than 290 (320) but less than 1,500 (1,653)</u>	<u>once per quarter (four times per year)</u>
<u>Equal to or greater than 1,500 (1,653) but less than 15,000 (16,535)</u>	<u>once per 60 days (six times per year)</u>
<u>Equal to or greater than 15,000 (16,535)</u>	<u>once per month (12 times per year)</u>

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-160 Biosolids pollutant limits. This section sets pollutant concentration limits, and annual and cumulative pollutant loading rate limits for biosolids that are applied to the land.

(1) **Table 1.** Table 1 of this section sets the maximum allowable concentration (ceiling limit) of pollutants in biosolids that are applied to the land. (~~Municipal~~) Sewage sludge that contains any pollutant listed in Table 1 of this section at a concentration greater than the allowable ceiling limit is not biosolids, is a solid waste, and may not be applied to the land.

(2) **Table 2.** Table 2 of this section sets the maximum quantities of pollutants that may be added to an area of land, also referred to as the cumulative pollutant loading rate. The cumulative pollutant loading rates in Table 2 apply when the concentration of any pollutant in biosolids that are applied to

the land exceeds the allowable pollutant concentration limit in Table 3 of this section.

(a) A person may not apply bulk biosolids subject to the cumulative pollutant loading rates in Table 2 of this section to a land application site, if any of those rates have been reached on the site.

(b) Before bulk biosolids subject to the cumulative pollutant loading rates in Table 2 of this section are applied to the land, the person who proposes to apply the bulk biosolids must contact the local health ~~((department))~~ jurisdiction and the department to determine whether bulk biosolids subject to the cumulative pollutant loading rates were applied to the site before the effective date of this chapter.

(i) If bulk biosolids subject to the cumulative pollutant loading rates in Table 2 of this section have been applied to the site since July 20, 1993, and the cumulative amount of each pollutant applied to the site since that date is known, in addition to any amount subtracted in (b)(iii) of this subsection, the amount previously applied must be subtracted from the cumulative pollutant loading rate for each pollutant, to determine the remaining amount of pollutant that may be applied to the site.

(ii) If bulk biosolids subject to the cumulative pollutant loading rates in Table 2 of this section have been applied to the site since July 20, 1993, and the cumulative amount of each pollutant applied to the site in the bulk biosolids since that date is not known, additional biosolids subject to the cumulative pollutant loading rates in Table 2 of this section may not be applied to the site.

(iii) If bulk biosolids were applied to the site prior to July 20, 1993, and the cumulative amount of each pollutant applied to the site prior to that date can be determined, in addition to any amount subtracted in (b)(i) of this subsection, the amount applied must be subtracted from the cumulative pollutant loading rate for each pollutant, to determine the remaining amount of pollutant that may be applied to the site.

(iv) If bulk biosolids subject to the cumulative pollutant loading rates in Table 2 of this section have not been applied to the site, the cumulative amount of each pollutant listed in Table 2 of this section may be applied to the site.

(v) Any person who applies bulk biosolids to the land, which are subject to the cumulative pollutant loading rates in Table 2 of this section, must provide written notice prior to the initial application of bulk biosolids to the land. Notice must be submitted to the department, and to any local health ~~((department))~~ jurisdiction in whose jurisdiction the biosolids will be applied. The department and the local health ~~((department))~~ jurisdiction must retain and provide access to the notice. The notice must include:

(A) The location, by street address, if applicable, a copy of the assessor's plat map(s) with the application area(s) clearly shown or the latitude and longitude of the approximate center of each land application site, and the section, township and range of each quarter section on which biosolids are applied; and

(B) The name, address, telephone number, and National Pollutant Discharge Elimination System (NPDES) or state waste discharge permit number and state biosolids permit number (if applicable) of the person who prepared the biosol-

ids and also of the person who applies (if applicable) the bulk biosolids.

(3) **Table 3.** Table 3 of this section sets a lower pollutant concentration threshold which, when achieved, relieves the person who prepares biosolids and the person who applies biosolids, from certain requirements related to recordkeeping, reporting, and labeling.

~~((4) Table 4 of this section sets annual pollutant loading rates used to derive an annual whole biosolids application rate. Table 4 is applicable only when biosolids that are sold or given away in a bag or other container for application to the land exceed any of the pollutant concentration limits in Table 3 of this section. The person who prepares the biosolids must provide information on compliance with this requirement on a label or information sheet as required under WAC 173-308-260 (1)(b)(ii) and (4)(b).))~~

TABLE 1 - CEILING CONCENTRATION LIMITS

POLLUTANT	CEILING CONCENTRATION ((#)) milligrams per kilogram (dry weight basis)
Arsenic	75
Cadmium	85
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
Selenium	100
Zinc	7500

~~((#Milligrams per kilogram - dry weight basis))~~

TABLE 2 - CUMULATIVE POLLUTANT LOADING RATES

POLLUTANT	CUMULATIVE POLLUTANT LOADING RATE ((#)) kilograms per hectare (dry weight basis)
Arsenic	41
Cadmium	39
Copper	1500
Lead	300
Mercury	17
Nickel	420
Selenium	100
Zinc	2800

~~((#Kilograms per hectare - dry weight basis))~~

TABLE 3 - POLLUTANT CONCENTRATION LIMITS

POLLUTANT	LIMIT(±) monthly average in milligrams per kilogram (dry weight basis)
Arsenic	41
Cadmium	39
Copper	1500
Lead	300
Mercury	17
Nickel	420
Selenium	100
Zinc	2800

(*Monthly average concentration in milligrams per kilogram—dry weight basis)

TABLE 4 — ANNUAL POLLUTANT LOADING RATES

POLLUTANT	ANNUAL POLLUTANT LOADING RATE*
Arsenic	2.0
Cadmium	1.9
Copper	75
Lead	15
Mercury	0.85
Nickel	21
Selenium	5.0
Zinc	140

*Kilograms per hectare per 365 day period)

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-170 Pathogen reduction. ((1)) This section contains the requirements for biosolids to be classified either Class A or Class B with respect to pathogens.

((a) The requirements in subsection (2)(a)(i) and (ii), or (b)(i) and (ii), or (c)(i), (ii), and (iii), or (d)(i), (ii) and (iii), or (e)(i) and (ii), or (f)(i) and (ii) of this section must be met for biosolids to be Class A for pathogens.

(b) The Class A pathogen requirements must be met at the same time or before the vector attraction reduction requirements in WAC 173-308-180 (2), (3), or (4).

(c) The requirements in subsection (3)(a), (b), or (c) of this section must be met for biosolids to be Class B for pathogens.

(2) Biosolids—Class A.

(a) Class A—Alternative 1.

((1)) The Class A pathogen reduction requirements must be met at the same time or before the vector attraction reduction requirements in WAC 173-308-180 (1), (2), or (3).

(1) Class A - Alternative 1: Time and Temperature.

(a) Fecal coliform or salmonella sp. bacteria density.

The density of fecal coliform in the biosolids must be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of *Salmonella* sp. bacteria in the biosolids must be less than three Most Probable Number

per four grams of total solids (dry weight basis) at the time the biosolids are used(±), at the time the biosolids are prepared for sale or give away in a bag or other container for application to the land(±), or at the time the biosolids or material derived from biosolids ((are)) is prepared to meet the requirements for exemption in WAC 173-308-200(±), and

((ii) The time and temperature requirements in (a)(i)(A), (B), (C), or (D)) one of the requirements in (b) through (e) of this subsection must be met.

((A)) (b) When the percent solids of the biosolids is seven percent or higher, the temperature of the biosolids must be 50°C (122°F) or higher(±), the time period must be twenty minutes or longer(±), and the temperature and time period must be determined using equation (1), except when small particles of biosolids are heated by either warmed gases or an immiscible liquid(±).

$$D = \frac{131,700,000}{10^{(0.1400t)}} \quad \text{Equation (1)}$$

$$D = \frac{131,700,000}{10^{0.1400t}}$$

Where(±):

D = time in days(±)

t = temperature in degrees Celsius(±)

((B)) (c) When the percent solids of the biosolids is seven percent or higher and small particles of biosolids are heated by either warmed gases or an immiscible liquid, the temperature of the biosolids must be 50°C (122°F) or higher(±), the time period must be fifteen seconds or longer(±), and the temperature and time period must be determined using equation (1)(±).

((C)) (d) When the percent solids of the biosolids is less than seven percent and the time period is at least fifteen seconds, but less than thirty minutes, the temperature and time period must be determined using equation (1)(±).

((D)) (e) When the percent solids of the biosolids is less than seven percent(±), the temperature of the biosolids is 50°C (122°F) or higher(±), and the time period is thirty minutes or longer, the temperature and time period must be determined using equation (2).

$$D = \frac{50,070,000}{10^{(0.1400t)}} \quad \text{Equation (2)}$$

$$D = \frac{50,070,000}{10^{0.1400t}}$$

Where(±):

D = time in days(±)

t = temperature in degrees Celsius(±)

((B)) (2) Class A - Alternative 2: pH, Time, Temperature, and Percent Solids.

((1)) (a) **Fecal coliform or salmonella sp. bacteria density.** The density of fecal coliform in the biosolids must be less than 1000 Most Probable Number per gram of total solids (dry weight basis)(±) or the density of *Salmonella* sp.

bacteria in the biosolids must be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the biosolids are used, at the time the biosolids are prepared for sale or give away in a bag or other container for application to the land, or at the time the biosolids or material derived from biosolids is prepared to meet the requirements for exemption in WAC 173-308-200, and the requirements in (b) of this subsection must be met.

(b) The pH of the biosolids that are used must be raised to above twelve and remain above twelve for seventy-two hours.

(i) The temperature of the biosolids must be above 52°C (126°F) for twelve hours or longer during the period that the pH of the biosolids is above twelve.

(ii) At the end of the seventy-two-hour period during which the pH of the biosolids is above twelve, the biosolids must be air dried to achieve a percent solids in the biosolids greater than fifty percent.

Class A - Alternative 3:

Processes to Further Reduce Pathogens.

(a) Fecal coliform or salmonella sp. bacteria density.

The density of fecal coliform in the biosolids must be less than 1000 Most Probable Number per gram of total solids (dry weight basis) or the density of *Salmonella* sp. bacteria in the biosolids must be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the biosolids are used, at the time the biosolids are prepared for sale or give away in a bag or other container for application to the land, or at the time the biosolids or material derived from biosolids is prepared to meet the requirements for exemption in WAC 173-308-200, and

The biosolids must be analyzed prior to pathogen treatment to determine whether the biosolids contain enteric viruses; and

(A) When the density of enteric viruses in the biosolids prior to pathogen treatment is less than one plaque-forming unit per four grams of total solids (dry weight basis), the biosolids are Class A with respect to enteric viruses until the next monitoring episode for the biosolids; or

(B) When the density of enteric viruses in the biosolids prior to pathogen treatment is equal to or greater than one plaque-forming unit per four grams of total solids (dry weight basis), the biosolids are Class A with respect to enteric viruses when the density of enteric viruses in the biosolids after pathogen treatment is less than one plaque-forming unit per four grams of total solids (dry weight basis) and when the values or ranges of values for the operating parameters for the pathogen treatment process that produces the biosolids that meets the enteric virus density requirement are documented.

(C) After the enteric virus reduction in (c)(ii)(B) of this subsection is demonstrated for the pathogen treatment process, the biosolids continue to be Class A with respect to enteric viruses when the values for the pathogen treatment process operating parameters are consistent with the values or ranges of values documented.

(iii) The biosolids must be analyzed prior to pathogen treatment to determine whether the biosolids contains viable helminth ova; and

(A) When the density of viable helminth ova in the biosolids prior to pathogen treatment is less than one per four

grams of total solids (dry weight basis), the biosolids are Class A with respect to viable helminth ova until the next monitoring episode for the biosolids; or

(B) When the density of viable helminth ova in the biosolids prior to pathogen treatment is equal to or greater than one per four grams of total solids (dry weight basis), the biosolids are Class A with respect to viable helminth ova when the density of viable helminth ova in the biosolids after pathogen treatment is less than one per four grams of total solids (dry weight basis) and when the values or ranges of values for the operating parameters for the pathogen treatment process that produces the biosolids that meets the viable helminth ova density requirement are documented.

(C) After the viable helminth ova reduction in (c)(iii)(B) of this subsection is demonstrated for the pathogen treatment process, the biosolids continue to be Class A with respect to viable helminth ova when the values for the pathogen treatment process operating parameters are consistent with the values or ranges of values documented.

Class A - Alternative 4.

(i) The density of fecal coliform in the biosolids must be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of *Salmonella* sp. bacteria in the biosolids must be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the biosolids are used; at the time the biosolids are prepared for sale or give away in a bag or other container for application to the land; or at the time the biosolids or material derived from biosolids is prepared to meet the requirements for exemption in WAC 173-308-200; and

(ii) The density of enteric viruses in the biosolids must be less than one plaque-forming unit per four grams of total solids (dry weight basis) at the time the biosolids are used; at the time the biosolids are prepared for sale or give away in a bag or other container for application to the land; or at the time the biosolids or material derived from biosolids is prepared to meet the requirements for exemption in WAC 173-308-200, unless otherwise specified by the department; and

(iii) The density of viable helminth ova in the biosolids must be less than one per four grams of total solids (dry weight basis) at the time the biosolids are used; at the time the biosolids are prepared for sale or give away in a bag or other container for application to the land; or at the time the biosolids or material derived from biosolids is prepared to meet the requirements for exemption in WAC 173-308-200, unless otherwise specified by the department.

Class A - Alternative 5.

(i) The density of fecal coliform in the biosolids must be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of *Salmonella* sp. bacteria in the biosolids must be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the biosolids are used; at the time the biosolids are prepared for sale or give away in a bag or other container for application to the land; or at the time the biosolids or material derived from biosolids is prepared to meet the requirements for exemption in WAC 173-308-200; and

(ii) The biosolids must be treated in one of the processes to further reduce pathogens described in (c)(ii)(A) through (G) of this subsection.

(A) Composting.

(I) Using either the within-vessel composting method or the static aerated pile composting method, the temperature of the biosolids must be maintained at 55°C or higher for three days.

(II) Using the windrow composting method, the temperature of the biosolids must be maintained at 55°C or higher for fifteen days or longer. During the period when the compost is maintained at 55°C or higher, there must be a minimum of five turnings of the windrow.

(B) Heat drying. Biosolids must be dried by direct or indirect contact with hot gases to reduce the moisture content of the biosolids to ten percent or less. Either the temperature of the biosolids particles must exceed 80°C or the wet bulb temperature of the gas in contact with the biosolids as the biosolids leaves the dryer must exceed 80°C.

(C) Heat treatment. Liquid biosolids must be heated to a temperature of 180°C or higher for thirty minutes.

(D) Thermophilic aerobic digestion. Liquid biosolids must be agitated with air or oxygen to maintain aerobic conditions and the mean cell residence time of the biosolids must be at least ten days at 55 to 60°C.

(E) Beta ray irradiation. Biosolids must be irradiated with beta rays from an accelerator at dosages of at least 1.0 megarad at room temperature (ca. 20°C).

(F) Gamma ray irradiation. Biosolids must be irradiated with gamma rays from certain isotopes, such as Cobalt 60 and Cesium 137, at room temperature (ca. 20°C).

(G) Pasteurization. The temperature of the biosolids must be maintained at 70°C or higher for thirty minutes or longer.

(f) Class A – Alternative 6.

(i) The density of fecal coliform in the biosolids must be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of *Salmonella* sp. bacteria in the biosolids must be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the biosolids are used; at the time the biosolids are prepared for sale or give away in a bag or other container for application to the land; or at the time the biosolids or material derived from biosolids is prepared to meet the requirements for exemption in WAC 173-308-200; and

(ii) The biosolids must be treated in a process that is equivalent to a process to further reduce pathogens. Pathogen equivalency for biosolids applied to land under jurisdiction of the state of Washington will be determined by the department or by the EPA with the approval and concurrence of the department.

(3) Biosolids – Class B.**(a) Class B – Alternative 1.**

(i) Seven samples of the biosolids must be collected at the time the biosolids are used; and

(ii) The geometric mean of the density of fecal coliform of the samples must be less than 2,000,000 Most Probable Number per gram of total solids (dry weight basis) or 2,000,000 Colony Forming Units per gram of total solids (dry weight basis).

(b) Class B – Alternative 2. The biosolids must be treated in one of the processes to significantly reduce pathogens described in (b)(i) through (v) of this subsection.

(i) Aerobic digestion. The biosolids must be agitated with air or oxygen to maintain aerobic conditions for a specific mean cell residence time at a specific temperature. Values for the mean cell residence time and temperature must be between forty days at 20°C and sixty days at 15°C.

(ii) Air drying. The biosolids must be dried on sand beds or on paved or unpaved basins. The biosolids must dry for a minimum of three months. During two of the three months, the ambient average daily temperature must be above 0°C.

(iii) Anaerobic digestion. The biosolids must be treated in the absence of air for a specific mean cell residence time at a specific temperature. Values for the mean cell residence time and temperature must be between fifteen days at 35 to 55°C and sixty days at 20°C.

(iv) Composting. Using the within-vessel, static aerated pile, or windrow composting methods, the temperature of the biosolids must be raised to 40°C or higher and remain at 40°C or higher for five days. For four hours during the five days, the temperature in the compost pile must exceed 55°C.

(v) Lime stabilization. Sufficient lime must be added to the biosolids to raise the pH of the biosolids to twelve after two hours of contact.

(e) Class B – Alternative 3.) one of the requirements in (b)(i) through (vii) of this subsection must be met.

(b) Processes to further reduce pathogens. The biosolids must be treated in one of the processes to further reduce pathogens described in this subsection.

(i) Composting.

(A) Using either the within-vessel composting method or the static aerated pile composting method, the temperature of the biosolids must be maintained at 55°C (131°F) or higher for three days.

(B) Using the windrow composting method, the temperature of the biosolids must be maintained at 55°C (131°F) or higher for fifteen days or longer. During the period when the compost is maintained at 55°C (131°F) or higher, there must be a minimum of five turnings of the windrow.

(ii) Heat drying. Biosolids must be dried by direct or indirect contact with hot gases to reduce the moisture content of the biosolids to ten percent or less and one of the following requirements must be met.

(A) The temperature of the biosolids particles must exceed 80°C (176°F).

(B) The wet bulb temperature of the gas in contact with the biosolids as the biosolids leave the dryer must exceed 80°C (176°F).

(iii) Heat treatment. Liquid biosolids must be heated to a temperature of 180°C (356°F) or higher for thirty minutes.

(iv) Thermophilic aerobic digestion. Liquid biosolids must be agitated with air or oxygen to maintain aerobic conditions and the mean cell residence time of the biosolids must be at least ten days at 55 to 60°C (131 to 140°F).

(v) Beta ray irradiation. Biosolids must be irradiated with beta rays from an accelerator at dosages of at least 1.0 megarad at room temperature (ca. 20°C (68°F)).

(vi) Gamma ray irradiation. Biosolids must be irradiated with gamma rays from certain isotopes, such as Cobalt 60 and Cesium 137, at room temperature (ca. 20°C (68°F)).

(vii) Pasteurization. The temperature of the biosolids must be maintained at 70°C (158°F) or higher for thirty minutes or longer.

(4) Class A - Alternative 4: Equivalent Process to Further Reduce Pathogens.

(a) Fecal coliform or salmonella sp. bacteria density. The density of fecal coliform in the biosolids must be less than 1000 Most Probable Number per gram of total solids (dry weight basis) or the density of salmonella sp. bacteria in the biosolids must be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the biosolids are used, at the time the biosolids are prepared for sale or give away in a bag or other container for application to the land, or at the time the biosolids or material derived from biosolids is prepared to meet the requirements for exemption in WAC 173-308-200, and the requirements in (b) of this subsection must be met.

(b) The biosolids must be treated in a process that is equivalent to a process to further reduce pathogens. Pathogen equivalency for biosolids applied to land under jurisdiction of the state of Washington will be determined by the department or by the EPA with the approval and concurrence of the department.

(5) Class B - Alternative 1: Testing. A minimum of seven samples of the biosolids must be collected at the time the biosolids are used, and the geometric mean of the density of fecal coliform of the samples must be less than 2,000,000 Most Probable Number per gram of total solids (dry weight basis) or 2,000,000 Colony Forming Units per gram of total solids (dry weight basis).

(6) Class B - Alternative 2: Process to Significantly Reduce Pathogens. The biosolids must be treated in one of the processes to significantly reduce pathogens described in (a) through (e) of this subsection.

(a) Aerobic digestion. The biosolids must be agitated with air or oxygen to maintain aerobic conditions for a specific mean cell residence time at a specific temperature. Values for the mean cell residence time and temperature must be between forty days at 20°C (68°F) and sixty days at 15°C (59°F).

(b) Air drying. The biosolids must be dried on sand beds or on paved or unpaved basins. The biosolids must dry for a minimum of three months. During two of the three months, the ambient average daily temperature must be above 0°C (32°F). During the air drying period, no additional material may be added.

(c) Anaerobic digestion. The biosolids must be treated in the absence of air for a specific mean cell residence time at a specific temperature. Values for the mean cell residence time and temperature must be between fifteen days at 35 to 55°C (95 to 131°F) and sixty days at 20°C (68°F).

(d) Composting. Using the within-vessel, static aerated pile, or windrow composting methods, the temperature of the biosolids must be raised to 40°C (104°F) or higher and remain at 40°C (104°F) or higher for five days. For four

hours during the five days, the temperature in the compost pile must exceed 55°C (131°F).

(e) Lime stabilization. Sufficient lime must be added to the biosolids to raise the pH of the biosolids to twelve after two hours of contact.

(7) Class B - Alternative 3: Equivalent Process to Significantly Reduce Pathogens. The biosolids must be treated in a process that is equivalent to a process to significantly reduce pathogens. Pathogen equivalency for biosolids applied to land under jurisdiction of the state of Washington will be determined by the department or by the EPA with the approval and concurrence of the department.

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-180 Vector attraction reduction. ~~((+))~~ When vector attraction reduction is accomplished prior to application of biosolids to the land, the requirements in one of subsections ~~((2))~~ (1) through ~~((7))~~ (6) of this section must be met.

The vector attraction reduction requirements in subsection ~~(1), (2), or (3)~~ ~~((3))~~ of this section must be met at the same time or after the Class A pathogen requirements in WAC 173-308-170.

~~((2))~~ (1) **Alternative 1: Volatile Solids Reduction.** The mass of volatile solids in the biosolids must be reduced by a minimum of thirty-eight percent ~~((see calculation procedures in "Environmental Regulations and Technology—Control of Pathogens and Vector Attraction in Sewage Sludge," EPA-625/R-92/013, 1992, U.S.EPA, Cincinnati, OH 45268-))~~.

(a) Bench-scale test for anaerobically digested solids. When the thirty-eight percent volatile solids reduction requirement in this subsection ~~((2))~~ cannot be met for anaerobically digested biosolids, vector attraction reduction can be demonstrated by digesting a portion of the previously digested biosolids anaerobically in the laboratory in a bench-scale unit for forty additional days at a temperature between 30 and 37°C (86 and 98.6°F). After the forty-day period, the vector attraction reduction requirement is met if the volatile solids in the biosolids at the beginning of that period are reduced by less than seventeen percent.

(b) Bench-scale test for aerobically digested solids. When the thirty-eight percent volatile solids reduction requirement in this subsection ~~((2))~~ cannot be met for aerobically digested biosolids, vector attraction reduction can be demonstrated by digesting a portion of the previously digested biosolids that has a percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for thirty additional days at 20°C (68°F). After the thirty-day period, the vector attraction reduction requirement is met if the volatile solids in the biosolids at the beginning of that period are reduced by less than fifteen percent.

~~((3))~~ (2) **Alternative 2: Specific Oxygen Uptake Rate (SOUR).** The specific oxygen uptake rate (SOUR) for biosolids treated in an aerobic process must be less than or equal to 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20°C (68°F).

~~((4))~~ (3) **Alternative 3: Aerobic Process.** The biosolids must be treated in an aerobic process for fourteen days or longer. During that time, the temperature of the biosolids must be higher than 40°C (104°F) and the average temperature of the biosolids must be higher than 45°C (113°F).

~~((5))~~ (4) **Alternative 4: pH Adjustment.** The pH of the biosolids must be raised to twelve or higher by alkali addition and, without the addition of more alkali, must remain at twelve or higher for two hours and then at 11.5 or higher for an additional twenty-two hours.

~~((6))~~ (5) **Alternative 5: Percent Solids for Stabilized Solids.** For biosolids that do not contain unstabilized solids generated in a primary wastewater treatment process, the percent solids must be equal to or greater than seventy-five percent based on the moisture content and total solids prior to mixing with other materials.

~~((7))~~ (6) **Alternative 6: Percent Solids for Unstabilized Solids.** For biosolids that contain unstabilized solids generated in a primary wastewater treatment process, the percent solids must be equal to or greater than ninety percent based on the moisture content and total solids prior to mixing with other materials.

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-190 Protecting waters of the state—Agronomic rate requirement. ~~(In accordance with water quality standards for ground waters of the state of Washington, chapter 173-200 WAC,)~~ (1) Biosolids must be applied to the land in a manner approved by the department(;) and at ~~((not greater than))~~ agronomic rates ~~((unless otherwise specified)), except when approved by the department for land reclamation sites in accordance with subsection (3) of this section or for research purposes when approved by the department in accordance with ((subsection (1) or (2) of this section))~~ WAC 173-308-192.

(2) Agronomic rate determinations must take into account nitrogen supplied from other sources such as manures, cover crops, and commercial fertilizers as well as biosolids.

~~((4))~~ (3) Biosolids applied to land reclamation sites may be applied in excess of agronomic rates if approved by the department in a site specific land application plan developed under WAC 173-308-310~~((6))~~ (8).

~~((2))~~ For the purposes of furthering necessary research efforts, biosolids may be applied at greater than agronomic rates to limited areas of land if approved by the department in a site specific land application plan developed under WAC 173-308-310(6). In addition to the elements required under WAC 173-308-310(6), the land application plan for a research project must also include:

~~(a) A research proposal describing the nature of the project, what may be learned, the anticipated benefits, provisions for progress reports and peer review, and interpretation of results;~~

~~(b) An explanation for the sizing of the research plot(s). Plot size must not exceed the minimum area required to support the goals of the research; and~~

~~(e) A discussion of any potential adverse impacts of application rates in excess of agronomic rates, along with potential mitigation or response to adverse effects if observed.~~

~~(3))~~ (4) The person who prepares exceptional quality biosolids that are sold or given away to another person must provide sufficient information to allow the person who receives the biosolids to determine an agronomic rate of application.

~~((4))~~ (5) The person who applies exceptional quality biosolids to the land is responsible for compliance with the agronomic rate requirement in this section.

~~((5))~~ (6) When the potential for ground water contamination due to biosolids application exists, the department may require ground water monitoring or other conditions in accordance with ~~((WAC 173-200-080))~~ the provisions of chapter 173-200 WAC. If it is determined that an enforcement criterion may be violated, an evaluation must be conducted to demonstrate compliance with the provisions of ~~((WAC 173-200-050 (3)(b)(vi)))~~ chapter 173-200 WAC.

NEW SECTION

WAC 173-308-191 Protection of endangered or threatened species. Biosolids may not be applied to the land if they are likely to adversely affect a threatened or endangered species or its critical habitat as listed under Title 232 WAC or section 4 of the Endangered Species Act.

NEW SECTION

WAC 173-308-192 Exemptions for research. For the purposes of furthering necessary research, the land application of nonexceptional quality biosolids is exempt from the agronomic rate requirements in WAC 173-308-190 or 173-308-270, the reporting requirements in WAC 173-308-295, and the permitting requirements in WAC 173-308-310 if all of the following requirements are met:

(1) The land area per individual site to which biosolids are applied must be ten acres or less.

(2) A research proposal must be submitted containing, at a minimum, the following:

(a) A description of the nature of the project, what may be learned, the anticipated benefits, provisions for progress reports, provisions for peer review, and provisions for providing a final report.

(b) A discussion of any potential adverse impacts of application rates in excess of agronomic rates, along with potential mitigation or response to adverse effects if observed.

(c) An explanation for the sizing of the research plot(s). Plot size must not exceed the minimum area required to support the goals of the research.

(3) The generator of the biosolids must report the dry tons of biosolids land applied in the research project in their annual biosolids report required under WAC 173-308-295.

(4) The department must approve, in writing, the research proposal required in subsection (2) of this section.

(5) There must be no sustainable objections to the approval required in subsection (4) of this section from the

EPA or the local health jurisdiction(s) in the county(s) where the biosolids will be managed.

(6) All other applicable requirements of this chapter must be met.

(7) All other local, state, and federal regulatory requirements must be met.

NEW SECTION

WAC 173-308-193 Management and exemptions for septage from composting toilets. (1) The residual solids from composting toilet systems that receive only domestic waste are considered to be septage.

(2) When the septage from composting toilet systems is sent to a facility permitted by the department to accept it, it is exempt from this chapter.

(3) When septage from composting toilet systems is land applied without additional treatment it must be managed in accordance with the requirements in WAC 173-308-270 and other applicable sections of this chapter.

(4) Persons who land apply septage from composting toilet systems and sites where the septage is applied are exempt from the reporting requirements in WAC 173-308-295 and the permitting requirements in WAC 173-308-310 except where a permit is required by the department.

(5) All other applicable requirements of this chapter must be met.

(6) All other local, state, and federal regulatory requirements must be met.

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-200 Exemptions based on the exceptional quality of biosolids. ((+)) The person who prepares and the person who applies biosolids that meet criteria to be classified as exceptional quality are exempt from the following requirements:

~~((a) The site management and access restrictions in WAC 173-308-210(4), 173-308-220(4), 173-308-230(4), and 173-308-240(4);~~

~~(b) The labeling requirement derived from Table 4 of WAC 173-308-160 for the annual whole biosolids application rate in WAC 173-308-260(1)(b)(ii);~~

~~(c) (1) The requirement in WAC 173-308-120(6) for obtaining prior written approval of the landowner(;~~

~~(d) The land application plan requirements of WAC 173-308-310(6), except as provided in WAC 173-308-310(6)(a)(ii) or (iii);~~

~~(e) The recordkeeping requirements in WAC 173-308-210(5)(b), 173-308-220(5)(b), 173-308-230(5)(b), and 173-308-240(6)(b);~~

~~(f) The requirements in WAC 173-308-300(2)(a) and (b) for approved plans when used as a component of intermediate or final cover in a municipal solid waste landfill).~~

(2) The site management and access restrictions in WAC 173-308-210(5) except where, on a case-by-case basis, the director ((may apply)) applies any or all ((of the site management and access)) restrictions ((exempted under WAC 173-308-200(1)(a)) after determining that the requirements are necessary to protect public health and the environment from

any adverse effect that may occur from a pollutant in the bulk biosolids.

(3) The recordkeeping and certification requirements in WAC 173-308-290(3).

(4) The requirement in WAC 173-308-300 (6)(c) for submittal of a land application plan when used as a component of intermediate or final cover at a municipal solid waste landfill.

(5) The land application plan requirements of WAC 173-308-310(8), except as provided in WAC 173-308-310 (8)(a) (ii) or (iii).

NEW SECTION

WAC 173-308-205 Significantly remove manufactured inerts. (1) Biosolids (including septage) or sewage sludge must be treated by a process such as physical screening or another method to significantly remove manufactured inerts prior to final disposition. Meeting this requirement may occur at any point in the treatment or manufacturing process.

(2) Except for facilities who have been approved for long-term disposal in accordance with WAC 173-308-300(9), all facilities must meet this requirement by July 1, 2009, or submit a plan to the department by July 1, 2008, that specifies how this standard will be met by July 1, 2011.

(3) Regardless of the date that the standard in subsection (1) of this section is met, at no time may biosolids (including septage) be land applied or sold or given away in a bag or other container unless manufactured inerts have been significantly removed or reduced.

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-210 Bulk biosolids applied to agricultural land, forest land, a public contact site, or a land reclamation site. (1) Bulk biosolids applied to agricultural land, forest land, a public contact site, or a land reclamation site must meet the requirements for a significant reduction in manufactured inerts in WAC 173-308-205.

(2) Pollutant concentrations.

(a) The concentration of a pollutant in bulk biosolids that are applied to agricultural land, forest land, a public contact site, or a land reclamation site may not exceed the allowable ceiling limit in Table 1 of WAC 173-308-160.

(b) If the concentration of a pollutant in bulk biosolids that are applied to agricultural land, forest land, a public contact site, or a land reclamation site exceeds the pollutant concentration limits in Table 3 of WAC 173-308-160, then the total cumulative loading rate for each pollutant may not exceed the limit in Table 2 of WAC 173-308-160, ~~((as required in WAC 173-308-160(1)(b)(i))) and the requirements in WAC 173-308-160(2) must be met.~~

~~((2)) (3) Pathogens.~~ Bulk biosolids that are applied to agricultural land, forest land, a public contact site, or a land reclamation site must be Class A for pathogens, or they must be Class B for pathogens and the site management and access restrictions in subsection ~~((4)(a)(i) through (x) and (b)(i) through (iii))) (5) of this section must be met.~~

~~((3))~~ **(4) Vector attraction reduction.**

~~((a))~~ Bulk biosolids that are applied to agricultural land, forest land, a public contact site, or a land reclamation site must meet one of the vector attraction reduction requirements in WAC 173-308-180 ~~((2))~~ (1) through ~~((7))~~ (6) before they are applied to the land~~((;))~~, or the requirements of ~~(a) or (b)((i) or (ii))~~ of this subsection must be met.

~~((b)(i))~~ (a) The biosolids must be injected below the surface of the land~~((;))~~ and the following requirements must be met, as applicable.

~~((A))~~ (i) No significant amount of the biosolids may be present on the land surface within one hour after the biosolids are injected~~((; and))~~.

~~((B))~~ (ii) When the biosolids are Class A for pathogens, the biosolids must be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

~~((i))~~ (b) **Incorporation.** Biosolids must be incorporated into the soil within six hours after application to the land~~((;))~~. When biosolids that are incorporated into the soil are Class A with respect to pathogens, the biosolids must be applied to the land within eight hours after being discharged from the pathogen treatment process.

~~((4))~~ **(5) Site management and access restrictions.**

(a) **Class B biosolids.** The site management and access restrictions in ~~(a)((i) through (x) and (b)(i) through (iii))~~ and ~~(b)~~ of this subsection are applicable to biosolids that are Class B for pathogens ~~((when they are applied to agricultural land))~~.

(i) Food crops, feed crops, and fiber crops must not be harvested for a minimum of thirty days after the last application of biosolids.

(ii) Food crops with harvested parts that touch the biosolids/soil mixture and are totally above the land surface must not be harvested for a minimum of fourteen months after the last application of biosolids.

(iii) Food crops with harvested parts below the surface of the land must not be harvested for a minimum of twenty months after the last application of biosolids when the biosolids remain on the land surface for four months or longer prior to incorporation into the soil.

(iv) Food crops with harvested parts below the surface of the land must not be harvested for thirty-eight months after application of biosolids when the biosolids remain on the land surface for less than four months prior to incorporation into the soil.

(v) Livestock must not be allowed to graze on the land for a minimum of thirty days after the last application of biosolids.

(vi) Turf grown on land where biosolids are applied must not be harvested for a minimum of one year after the last application of the biosolids ~~((when the harvested turf is placed on either land with a high potential for public exposure or a lawn;))~~ unless otherwise specified by the department.

(vii) Public access to land with a high potential for public exposure must be restricted for a minimum of one year after the last application of biosolids.

(viii) Public access to land with a low potential for public exposure must be restricted for a minimum of thirty days after the last application of biosolids.

~~(ix) ((Unless otherwise approved in a site specific land application plan under WAC 173-308-310 (6)(b), during the time when access is restricted, signs must be posted around the application site at all significant points of access, and otherwise around the perimeter so that they can be noticed and read by a reasonably observant person. The required content of signs is listed in WAC 173-308-275.))~~ Biosolids must not be applied to the land within one hundred feet (30.5 meters) of a well unless otherwise approved in a permit issued in accordance with the requirements of this chapter.

~~(x) During the time when access is restricted, signs must be posted around the application site at all significant points of access and at least every 1/2 mile (805 meters) around the perimeter of the site. Unless the department has approved the substitution of "no trespassing" signs for informational signs, signs must contain at least the following:~~

~~(A) The name and address or phone number of the generator and if different, the person who applies.~~

~~(B) The names, addresses, and phone numbers of the regulatory and permitting authorities.~~

~~(C) The material that is being applied (biosolids or a more detailed description).~~

~~(D) Notice that access is restricted, and if desired, the date after which access is no longer restricted.~~

~~(E) If applicable, a notice on limitations regarding the harvest of edible plants from the site.~~

It is a violation of these rules for any person to remove a sign posted in accordance with the requirements of ~~((a)(ix) or (x))~~ this subsection during the period when access is restricted.

~~((x) Biosolids must not be applied to the land within one hundred feet of a well unless otherwise approved in a permit issued in accordance with the requirements of this chapter.~~

~~(b) The site management restrictions in (b)(i) through (iii) of this subsection are applicable to biosolids that do not meet standards to be classified as exceptional quality when they are applied to agricultural land.~~

~~(i) Bulk biosolids may not be applied to land that is ten meters or less from surface waters of the state, unless otherwise specified by the department.~~

~~(ii) Bulk biosolids may not be applied to the land so that they enter a wetland or waters of the state, unless approved in a permit issued by the department or by EPA with the approval of the department.~~

~~(iii) Bulk biosolids may not be applied to the land if they are likely to adversely affect a threatened or endangered species listed under WAC 232-12-011 or 232-12-014 or its critical habitat.~~

(5) Recordkeeping.

~~(a) The person who prepares biosolids for application to agricultural land must keep the records required in WAC 173-308-290 (2) and (3).~~

~~(b) The person who applies biosolids that do not meet criteria to be classified as exceptional quality to agricultural land must keep the records required in WAC 173-308-290(4).~~

~~(6) Reporting.~~ The person who prepares biosolids for application to agricultural land must submit an annual report

in accordance with the requirements of WAC 173-308-295.))
(b) Nonexceptional quality biosolids. The following site management restrictions are applicable to nonexceptional quality biosolids when they are applied to agricultural land, forest land, a public contact site, or a land reclamation site:

(i) Bulk biosolids may not be applied to land that is thirty-three feet (10 meters) or less from surface waters of the state, unless otherwise specified by the department.

(ii) Bulk biosolids may not be applied to the land so that they enter a wetland or waters of the state, unless approved in a permit issued by the department or by EPA with the approval of the department.

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-250 Bulk biosolids applied to a lawn or home garden. (1) Bulk biosolids ~~((that are))~~ applied to a lawn or home garden must meet the ~~((criteria to be classified as exceptional quality as defined in WAC 173-308-080.~~

(2) **Recordkeeping.** The person who prepares bulk biosolids for application to a lawn or home garden must keep the records required in WAC 173-308-290 (2) and (3).

(3) **Reporting.** The person who prepares bulk biosolids for application to a lawn or home garden must submit annual reports in accordance with the requirements of WAC 173-308-295.)) requirements for a significant reduction in manufactured inerts in WAC 173-308-205.

(2) Bulk biosolids that are applied to a lawn or home garden must meet the criteria to be classified as exceptional quality.

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-260 Biosolids sold or given away in a bag or other container. ~~((1) **Pollutant concentrations.**~~

(a) The concentration of a pollutant in biosolids that are sold or given away in a bag or other container may not exceed the allowable ceiling limit in Table 1 of WAC 173-308-160.

(b) If biosolids that are sold or given away in a bag or other container exceed the pollutant concentration limits in Table 3 of WAC 173-308-160, then:

(i) The mathematical product of the concentration of each pollutant in the biosolids and the annual whole biosolids application rate for the biosolids must not cause the annual pollutant loading rate for the pollutant in Table 4 of WAC 173-308-160 to be exceeded;

The procedure for determining the annual whole biosolids application rate that complies with the requirement in (b)(i) of this subsection is specified in Appendix A of this chapter.

(ii) The annual whole biosolids application rate as calculated in (b)(i) of this subsection, or the recommended agronomic rate, whichever is less, must be included on the label or information sheet required in WAC 173-308-260(4).

(2) **Pathogens.** Biosolids that are sold or given away in a bag or other container must be Class A for pathogens.

(3) **Vector attraction.** One of the vector attraction reduction requirements in WAC 173-308-180 (2) through (7)

must be met when biosolids are sold or given away in a bag or other container for application to the land.

(4)) (1) Biosolids sold or given away in a bag or other container must meet the requirements for a significant reduction in manufactured inerts in WAC 173-308-205.

(2) Biosolids sold or given away in a bag or other container must meet the criteria to be classified as exceptional quality.

(3) **Label or information sheet required.** Any person who prepares biosolids that are sold or given away in a bag or other container in the state of Washington, must comply with the requirements of ~~((a)(i) through (vi) of))~~ this subsection when the biosolids product is prepared or derived from ~~((biosolids that do not meet exceptional quality standards))~~ nonexceptional quality biosolids.

(a) A label must be affixed to the bag or other container in which biosolids are sold or given away, or an information sheet must be provided to the person who receives biosolids that are sold or given away in a bag or other container. The label or information sheet must contain the following information:

(i) The name, address, and phone number of the person who prepared the biosolids.

(ii) A statement or information indicating that the product complies with applicable regulations for biosolids or that the product has been prepared to meet standards that make it safe for its intended use when used in accordance with the directions provided by the manufacturer.

(iii) A statement or information that encourages proper use of the product and protection of public health and the environment. This may include information on ~~((agronomic rates;))~~ product storage, hygiene, and protection of surface or ground water resources.

(iv) Agronomic rates for typical applications or guidance on how to determine the agronomic rate of application.

(v) A statement or information indicating that the product contains or is derived from biosolids.

(vi) ~~((Any additional information needed to facilitate safe use of the product.~~

(b) ~~In addition to the information required in (a)(i) through (vi) of this subsection, the information in subsection (1)(b)(ii) of this section when the pollutant limits in Table 3 of WAC 173-308-160 are exceeded.~~

(c) ~~Any person who prepares biosolids that are sold or distributed outside the jurisdiction of the state of Washington, must comply with the requirements in 40 CFR Part 503.14(e), as applicable.~~

(5) **Recordkeeping.** The person who prepares biosolids for sale or give away in a bag or other container must keep the records required in WAC 173-308-290 (2) and (5).

(6) **Reporting.** The person who prepares biosolids for sale or give away in a bag or other container must submit annual reports in accordance with the requirements of WAC 173-308-295.)) Unless registered as a fertilizer by the Washington state department of agriculture, a disclaimer stating that the product is not a commercial fertilizer and that all nutrient claims are estimates or averages and not guaranteed.

(b) Any person who prepares biosolids that are sold or distributed outside the jurisdiction of the state of Washington

must comply with the requirements in 40 CFR Part 503.14(e), as applicable.

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-270 ((Domestic septage management requirements-)) Septage applied to the land. (((1) Domestic septage may not be applied to a public contact site, a lawn, or a home garden, unless it is managed as biosolids originating from municipal sewage sludge according to this subsection (1).

When domestic septage managed as biosolids originating from municipal sewage is applied to the land, unless otherwise provided, all applicable requirements for biosolids must be met, including but not limited to requirements for pathogen and vector attraction reduction, site management and access restrictions, pollutant concentration limits, agronomic rates, obtaining and providing information, sampling and analysis, and recordkeeping and reporting.

(2) Domestic septage that is applied to the land must be treated by a process such as physical screening or grinding, or another approved method must be employed to significantly remove or reduce recognizable materials when septage is applied to the land.

(3) Pathogens.

(a) When domestic septage—class II is applied to the land, the alkaline stabilization requirement of (b) of this subsection must be met, or the Class B pathogen requirements in one of WAC 173-308-170 (3)(a) through (c) and the site management and access restrictions in subsection (5)(a)(i) through (ix) and (b)(i) through (iv) of this section must be met.

(b) When domestic septage—class I or III is applied to the land, the pH of the septage must be raised to twelve or higher by alkali addition and, without the addition of more alkali, must remain at twelve or higher for thirty minutes and the site management and access restrictions in subsection (5)(a)(i) through (ix) of this section must be met, or, when pH adjustment is not used to achieve pathogen reduction requirements, the site management and access restrictions in subsection (5)(a)(i) through (ix) and (b)(i) through (iv) of this section must be met.

(4) Vector attraction reduction. The requirements in one of (a), (b), or (c) of this subsection, must be met when domestic septage is applied to the land.

(a) The septage must be injected below the surface of the land;

(i) No significant amount of septage may be present on the land surface within one hour after the septage is injected; and

(ii) When the septage is Class A for pathogens, the septage must be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

(b) Septage must be incorporated into the soil within six hours after application to the land;

When septage that is incorporated into the soil is Class A with respect to pathogens, the septage must be applied to the

land within eight hours after being discharged from the pathogen treatment process.

(c) The pH of the septage must be raised to twelve or higher by alkali addition and, without the addition of more alkali, must remain at twelve or higher for thirty minutes.

(5) Site management and access restrictions.

(a) The site management and access restrictions in (a)(i) through (ix) of this subsection are applicable when domestic septage is applied to the land.

(i) Food crops, feed crops, and fiber crops must not be harvested for thirty days after the application of septage.

(ii) Food crops with harvested parts that touch the septage/soil mixture and are totally above the land surface must not be harvested for fourteen months after application of septage.

(iii) Food crops with harvested parts below the surface of the land must not be harvested for twenty months after application of septage when the septage remains on the land surface for four months or longer prior to incorporation into the soil.

(iv) Food crops with harvested parts below the surface of the land must not be harvested for thirty-eight months after application of septage when the septage remains on the land surface for less than four months prior to incorporation into the soil.

(v) Unless otherwise approved in a site specific land application plan under WAC 173-308-310 (6)(b), during the time when access is restricted, signs must be posted around the application site at all significant points of access, and otherwise around the perimeter so that they can be noticed and read by a reasonably observant person. The required content of signs is listed in WAC 173-308-275.

It is a violation of these rules for any person to remove a sign posted in accordance with the requirements of subsection (4)(a)(v) of this section during the period when access is restricted.

(vi) Septage must not be applied to land that is one hundred feet or less from surface waters of the state, unless otherwise specified by the department;

(vii) Septage must not be applied to the land so that it enters a wetland or waters of the state, unless approved in a permit issued by the department, or by EPA with the approval of the department;

(viii) Septage must not be applied to the land if it is likely to adversely affect a threatened or endangered species listed under WAC 232-12-011 or 232-12-014 or its critical habitat.

(ix) Septage must not be applied to the land within one hundred feet of a well unless otherwise approved in a permit issued in accordance with the requirements of this chapter.

(b) In addition to the site management and access restrictions in (a)(i) through (ix) of this subsection, the additional site management and access restrictions in (b)(i) through (iv) of this subsection apply to domestic septage if the pH adjustment requirement of subsection (3)(b) of this section is not met when septage is applied to the land.

(i) Livestock must not be allowed to graze on the land for thirty days after application of septage.

(ii) Turf grown on land where septage is applied must not be harvested for one year after application of the septage when the harvested turf is placed on either land with a high

potential for public exposure or a lawn, unless otherwise specified by the department.

(iii) Public access to land with a high potential for public exposure must be restricted for one year after the application of septage.

(iv) Public access to land with a low potential for public exposure must be restricted for thirty days after the application of septage.

(6) Except as provided in this subsection (6), septage that is applied to the land must be applied at a rate not exceeding the rate determined by equation (3):

$$AAR = \frac{N}{0.0026} \quad \text{Equation (3)}$$

Where:

AAR = Annual application rate in gallons per acre per three hundred sixty-five day period.

N = Amount of nitrogen in pounds per acre per 365-day period needed by the crop or vegetation grown on the land.

A person may not apply domestic septage to the land during a three hundred sixty-five day period if the annual application rate in this subsection (6) has been reached during that period, unless the domestic septage is managed as biosolids originating from municipal sewage sludge per subsection (1) of this section:

(7) Monitoring.

(a) Samples of domestic septage that are collected and analyzed must be representative of the material that is applied to the land.

(b) When domestic septage—class I, II, or III is applied to the land and pH adjustment is used to meet any pathogen or vector attraction reduction requirement, each container of domestic septage that is applied to the land must be monitored to determine compliance with pH requirements.

(8) **Recordkeeping.** The person who prepares septage and the person who applies septage must keep the records required in WAC 173-308-290(6).

(9) **Reporting.** Facilities that prepare septage for application to the land, and persons who apply septage to the land, which is not prepared at a treatment works treating domestic sewage must submit annual reports in accordance with the requirements of WAC 173-308-295.) This section contains the requirements for the land application of septage as defined in WAC 173-308-080. "Septage managed as biosolids originating from sewage sludge" as defined in WAC 173-308-080 must meet all of the requirements applicable to the particular classification of biosolids into which it falls.

(1) Septage applied to the land must meet the requirements for a significant reduction in manufactured inerts in WAC 173-308-205.

(2) Septage may not be applied to a public contact site, a lawn, or a home garden.

(3) Pathogen reduction and vector attraction reduction.

(a) For loads of septage that are composed of at least seventy-five percent by volume of septage that has been in a tank

for at least two years, one of the following requirements must be met:

(i) The septage must be injected below the surface of the land and no significant amount of septage may be present on the land surface within one hour after the septage is injected.

(ii) Septage must be incorporated into the soil within six hours after application to the land.

(iii) The pH of the septage must be raised to twelve or higher and must remain at twelve or higher for a minimum of thirty minutes.

(A) A minimum of two tests for pH must be conducted for each load applied to the land.

(B) The first test must occur after a pH of twelve or higher has been attained.

(C) The second test must occur no less than thirty minutes after the first test to show that a pH of twelve or higher has been retained.

(D) If the pH has dropped below twelve when the second test is conducted, the stabilization process must be restarted.

(b) For loads of septage that are composed of greater than twenty-five percent by volume of septage that has not been in a tank for at least two years, the requirements in (a)(iii) of this subsection must be met.

(4) Site management and access restrictions. All of the following site management and access restrictions are applicable when septage is applied to the land:

(a) Food crops, feed crops, and fiber crops must not be harvested for thirty days after the application of septage.

(b) Food crops with harvested parts that touch the septage/soil mixture and are totally above the land surface must not be harvested for a minimum of fourteen months after the last application of septage.

(c) Food crops with harvested parts below the surface of the land must not be harvested for a minimum of twenty months after the last application of septage when the septage remains on the land surface for four months or longer prior to incorporation into the soil.

(d) Food crops with harvested parts below the surface of the land must not be harvested for a minimum of thirty-eight months after the last application of septage when the septage remains on the land surface for less than four months prior to incorporation into the soil.

(e) Septage must not be applied to land that is one hundred feet (30.5 meters) or less from surface waters of the state, unless otherwise specified by the department.

(f) Septage must not be applied to the land so that it enters a wetland or waters of the state, unless approved in a permit issued by the department, or by EPA with the approval of the department.

(g) Septage must not be applied to the land within one hundred feet (30.5 meters) of a well unless approved in a permit issued by the department.

(h) Domestic animals must not be allowed to graze on the land for a minimum of thirty days after the last application of septage.

(i) Public access to land with a high potential for public exposure must be restricted for a minimum of one year after the last application of septage.

(j) Public access to land with a low potential for public exposure must be restricted for a minimum of thirty days after the last application of septage.

(k) During the time when access is restricted, signs must be posted around the application site at all significant points of access and at least every 1/2 mile (805 meters) around the perimeter of the site. Unless the department has approved the substitution of "no trespassing" signs for informational signs, signs must contain at least the following:

(i) The name and address or phone number of the generator and if different, the person who applies.

(ii) The names, addresses, and phone numbers of the regulatory and permitting authorities.

(iii) The material that is being applied (biosolids or a more detailed description).

(iv) Notice that access is restricted, and if desired, the date after which access is no longer restricted.

(v) If applicable, a notice on limitations regarding the harvest of edible plants from the site.

It is a violation of these rules for any person to remove a sign posted in accordance with the requirements of this subsection during the period when access is restricted.

(5) Application rates.

(a) Septage that is applied to the land must be applied at a rate not exceeding the rate determined by equation (3).

(b) At its discretion, the department may require the utilization of a different approach for calculating application rates based on the mixture ratios and site specific criteria, but at no time may the rate exceed that calculated by equation (3).

Equation (3)

$$AAR = \frac{N}{0.0026}$$

Where:

AAR = Annual application rate in gallons per acre per 365-day period.

N = Amount of nitrogen in pounds per acre per 365-day period needed by the crop or vegetation grown on the land.

(6) Spreader drive length. To determine the distance (in feet) over which a load of liquid septage should be spread to meet the application rate, use equation (4).

Equation (4)

$$\text{Drive length (in feet)} = \frac{\text{gallons in spreader} \div \text{spreader width (in feet)} \times 43,560}{AAR}$$

Where:

AAR = Annual application rate in gallons per acre per 365-day period.

(7) Monitoring.

(a) Samples of septage that are collected and analyzed must be representative of the septage that is applied to the land.

(b) When septage is applied to the land and pH adjustment as described in subsection (3)(a)(iii) of this section is used to meet the pathogen and vector attraction reduction

requirements, each container of septage that is applied to the land must be monitored to determine compliance with the pH requirements.

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-280 Requirements for facilities storing biosolids or sewage sludge. (1) Facilities storing biosolids or sewage sludge under a local, state, or federal water pollution control permit or another environmental permit are exempt from this section if the department determines that the standards in subsection (3) of this section are being met.

(2) Facilities other than those in subsection (1) of this section storing biosolids or sewage sludge must do so in accordance with the provisions of a permit issued under this chapter (, if an applicable permit has been issued).

~~((2))~~ (3) Biosolids or sewage sludge may not be stored in a manner that would be likely to result in the contamination of ground water, surface water, air, or land under current conditions or in the case of fire or flood.

~~((3))~~ (4) Facilities existing on July 1, 2007, storing liquid biosolids or sewage sludge in surface impoundments must meet the requirements (in WAC 173-304-430 and other applicable sections of chapter 173-304 WAC that apply to) for the design, construction, and operation of surface impoundments in chapter 173-304 WAC or the standards in chapter 173-350 WAC.

(5) After July 1, 2007, new facilities proposing to store biosolids or sewage sludge in surface impoundments, facilities that are proposing a new surface impoundment, and facilities that are proposing to upgrade existing surface impoundments must meet the requirements for the design, construction, and operation of surface impoundments in chapter 173-350 WAC.

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-290 Recordkeeping. ~~((1)(a))~~ Both the person who prepares biosolids or sewage sludge, the person who applies nonexceptional quality biosolids to the land, and the person who applies (bulk biosolids) septage to the land must keep certain records and certification statements (showing that applicable standards for biosolids quality, treatment, and management have been met. Records must also be kept on the amount and type biosolids applied to the land under different management scenarios or that are disposed of in a municipal solid waste landfill.

~~((b))~~ as described in this section.

(1) A responsible official as described in WAC 173-308-310((8)) (10) must sign all certification statements required under this section.

(2) Preparers of biosolids or sewage sludge. The person who prepares biosolids or sewage sludge must keep the following records ((amounts recorded as dry tons)), as applicable, and certification statement for five years:

(a) The amount ((of bulk biosolids)) applied by the preparer ((or the) preparer's agent((s)) to agricultural land((:)).

(b) The amount ~~((of bulk biosolids))~~ applied by the preparer ~~((or the))~~/preparer's agent((s)) to ~~((forestland;))~~ forest land.

(c) The amount ~~((of bulk biosolids))~~ applied by the preparer ~~((or the))~~/preparer's agent((s)) to a public contact site~~((;))~~.

(d) The amount ~~((of bulk biosolids))~~ applied by the preparer ~~((or the))~~/preparer's agent((s)) to a land reclamation site~~((;))~~.

(e) The amount ~~((of bulk biosolids))~~ applied by the preparer ~~((or the))~~/preparer's agent((s)) to a lawn or home garden~~((;))~~.

(f) The amount ~~((of biosolids that are))~~ sold or given away by the preparer in a bag or other container ~~((for application to the land;))~~.

(g) The amount ~~((of biosolids in a compost or blended biosolids product that is))~~ sold or given away by the preparer in bulk form ~~((or in a bag or other container for application to the land;))~~.

~~(h) The amount of bulk biosolids that are)) (does not include that provided to the preparer's agent).~~

(h) The amount in a compost or blended biosolids product sold or given away by the preparer ((to another person who prepares biosolids for application to the land;)).

~~(i) The amount ((of bulk biosolids that are sold or given away by the preparer to a person other than an agent of the preparer for application to the land; and~~

~~(j) The amount of biosolids that are disposed in)) sent to a municipal solid waste landfill ((on an emergency, temporary, or long-term basis.~~

~~(3) When bulk biosolids are applied to the land, the person who prepares the biosolids must develop and maintain the following information, as applicable, for five years:~~

~~(a) If the pollutant limits in Table 3 of WAC 173-308-160 were met, laboratory)) for disposal and the name of the landfill.~~

~~(j) The amount stored on-site.~~

~~(k) The amount transferred to another facility for further treatment and the name of the other treatment facility.~~

~~(l) The amount received from another facility and the name of the other facility.~~

~~(m) The amount transferred for incineration and the name of the incineration facility.~~

~~(n) Laboratory analysis data showing that ((those limits were met; or, if)) the pollutant ceiling concentrations in ((Table 1 of)) WAC 173-308-160 Table 1 were met((, laboratory)).~~

~~(o) Laboratory analysis data showing that ((those limits were met.~~

~~(b) If the Class A pathogen requirements in one of WAC 173-308-170 (2)(a) through (f) were met,)) the pollutant concentrations in WAC 173-308-160 Table 3 were met.~~

(p) Process monitoring and/or laboratory analysis data showing that ((those requirements were met, and a description of how those requirements were met; or, if the Class B pathogen standards in one of WAC 173-308-170 (3)(a), (b), or (c) were met, process monitoring and/or laboratory analysis data showing that those requirements were met, and a description of how those requirements were met.

~~(e) If the vector attraction)) the pathogen reduction requirements in ((one of WAC 173-308-180 (2) through (7) were met, process monitoring and/or laboratory analysis monitoring data showing that those requirements)) WAC 173-308-170 were met and a description of how ((those)) the requirements were met.~~

~~((d) One of the following certification statements, as applicable:~~

~~(i) If the vector attraction reduction requirements in one of WAC 173-308-180 (2) through (7) were met, the following signed certification: "I certify, under penalty of law, that the (insert Class A or Class B as appropriate) pathogen requirements in (insert one of WAC 173-308-170 (2)(a), (b), (c), (d), (e), or (f) if Class A, or insert one of WAC 173-308-170 (3)(a), (b), or (c) if Class B), and the vector attraction reduction requirement in (insert one of) (q) If the vector attraction reduction requirements in WAC 173-308-180 ((2) through (7)) have been met)) were met, process monitoring and/or laboratory analysis data and a description of how the requirements were met.~~

~~(r) Laboratory analysis data showing the nitrogen concentration.~~

CERTIFICATION STATEMENT:

"I certify, under penalty of law, that the following were met (check boxes, as applicable):

The pollutant ceiling concentration limits in WAC 173-308-160 Table 1.

The pollutant concentration limits in WAC 173-308-160 Table 3.

The Class A pathogen reduction requirements in WAC 173-308-170: (1), (2), (3), (4).

The Class B pathogen reduction requirements in WAC 173-308-170: (5), (6), (7).

The vector attraction reduction requirements in WAC 173-308-180: (1), (2), (3), (4), (5), (6).

This determination was made under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that pathogen ~~((and))~~ reduction requirements, vector attraction reduction requirements, and pollutant concentration limits have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

Signature _____ Title _____

Date _____

~~((ii) If the vector attraction reduction requirements in one of WAC 173-308-180 (2) through (7) were not met, the following signed certification: "I certify, under penalty of law, that the (insert Class A or Class B as appropriate) pathogen requirements in (insert one of WAC 173-308-170 (2)(a), (b), (c), (d), (e), or (f) if Class A, or insert one of WAC 173-308-170 (3)(a), (b), or (c) if Class B) have been met. This determination was made under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used~~

to determine that pathogen reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(4) When bulk biosolids are applied to the land, the person who applies the biosolids must develop and maintain the following information, as applicable, for five years or indefinitely as required in (e) of this subsection:

(a) If the Class B pathogen standards in one of WAC 173-308-170 (3)(a), (b), or (c) were met, a description of how the site management and access restrictions in WAC 173-308-210 (4)(a)(i) through (x), or WAC 173-308-220 (4)(a)(i) through (ix), or WAC 173-308-230 (4)(a)(i) through (ix), or WAC 173-308-240 (4)(a)(i) through (x), as applicable, were met for each site on which biosolids were applied.

The following signed certification: "I certify, under penalty of law, that the site management and access restrictions in (insert WAC 173-308-210 (4)(a)(i) through (x), or WAC 173-308-220 (4)(a)(i) through (ix), or WAC 173-308-230 (4)(a)(i) through (ix), or WAC 173-308-240 (4)(a)(i) through (x), as applicable) have been met for each site on which bulk biosolids were applied. This determination was made under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the site management and access restrictions have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."

(b) If the vector attraction reduction requirements in WAC 173-308-210 (3)(b)(i) or (ii), WAC 173-308-220 (3)(b)(i) or (ii), WAC 173-308-230 (3)(b)(i) or (ii), or WAC 173-308-240 (4)(b)(i) or (ii) were met, a description of how those requirements were met.

The following signed certification: "I certify, under penalty of law, that the vector attraction reduction requirement in (insert WAC 173-308-210 (3)(b)(i) or (ii), WAC 173-308-220 (3)(b)(i) or (ii), WAC 173-308-230 (3)(b)(i) or (ii), WAC 173-308-240 (3)(b)(i) or (ii), as applicable) has been met for each site on which biosolids were applied. This determination was made under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the vector attraction reduction and site management requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(c) If the pollutant ceiling concentration limits in Table 1 of WAC 173-308-160 were met (but the concentration limits in Table 3 were exceeded), the information in (e)(i) through (v) of this subsection must be developed and kept indefinitely.

(i) The location, by street address if applicable, a copy of the assessor's plat map(s) with the application area(s) clearly shown or the latitude and longitude of the approximate center of each land application site, and the section, township, and range of each quarter section on which biosolids were applied.

(ii) The number of hectares in each site on which bulk biosolids were applied.

(iii) The date and time bulk biosolids were applied to each site.

(iv) The cumulative amount of each pollutant (i.e., kilograms) listed in Table 2 of WAC 173-308-160 in the bulk biosolids applied to each site, including the amount(s) in WAC 173-308-160 (2)(b)(i) and (iii).

(v) The amount of biosolids (i.e., dry metric tons) applied to each site.

(d) A description of how the requirement to obtain information under WAC 173-308-160 (2)(b) was met.

(i) The following signed certification: "I certify, under penalty of law, that the requirement to obtain information under WAC 173-308-160 (2)(b) has been met for each site on which bulk biosolids were applied. This determination was made under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the requirements to obtain information have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."

(ii) If the biosolids that were applied to the land did not meet standards to be classified as exceptional quality, and the site management restrictions in WAC 173-308-210 (4)(b)(i) through (iii), or WAC 173-308-220 (4)(b)(i) through (iii), or WAC 173-308-230 (4)(b)(i) through (iii), or WAC 173-308-240 (4)(b)(i) through (iii) were met, the following signed certification:

"I certify, under penalty of law, that the site management restrictions in (insert WAC 173-308-210 (4)(b)(i) through (iii), or WAC 173-308-220 (4)(b)(i) through (iii), or WAC 173-308-230 (4)(b)(i) through (iii), or WAC 173-308-240 (4)(b)(i) through (iii), as applicable) were met for each site on which bulk biosolids were applied. This determination was made under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the site management restrictions have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."

(5) When biosolids are sold or given away in a bag or other container for application to the land, the person who prepares the biosolids must develop and maintain the following information, as applicable, for five years:

(a) If the pollutant limits in Table 3 of WAC 173-308-160 were met, laboratory analysis data showing that those limits were met; or, if the pollutant ceiling concentrations in Table 1 of WAC 173-308-160 were met, laboratory analysis data showing that those limits were met.

(b) Process monitoring and/or laboratory analysis data showing that the Class A pathogen requirements in one of WAC 173-308-170 (2)(a) through (f) were met, and a description of how those requirements were met.

(c) Process monitoring and/or laboratory analysis data showing that the vector attraction reduction requirements in one of WAC 173-308-180 (2) through (7) were met, and a description of how those requirements were met.

(d) The following certification statement:

"I certify, under penalty of law, that the Class A pathogen requirement in (insert one of WAC 173-308-170 (2)(a), (b), (c), (d), (e), or (f) if Class A), and the vector attraction reduction requirement in (insert one of WAC 173-308-180 (2) through (7)) have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that pathogen requirement and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(e) When the biosolids are subject to the requirements of WAC 173-308-160(4), the concentration in the biosolids of each pollutant listed in Table 4 of WAC 173-308-160, and the annual whole biosolids application rate that does not cause the annual pollutant loading rates in Table 4 of WAC 173-308-160 to be exceeded.

The following certification statement:

"I certify, under penalty of law, that the labeling and notification requirement in WAC 173-308-260 (1)(b)(ii) has been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the labeling and notification requirements are met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(6) When domestic septage is applied to the land, the person who applies the domestic septage must develop and maintain the following information, as applicable, for five years:

(a) The location, by street address if applicable, a copy of the assessor's plat map(s) with the application area(s) clearly shown or the latitude and longitude of the approximate center of each land application site, and the section, township and range of each quarter section on which septage is applied.

(b) The number of acres in each site on which septage is applied.

(c) The date and time septage is applied to each site.

(d) The nitrogen requirement for the crop or vegetation grown on each site during a three hundred sixty five day period.

(e) The rate, in gallons per acre per three hundred sixty five day period, at which septage is applied to each site and the total number of gallons of septage applied to each site;

(f) The source of the septage, including the name and address of the individual or business where the septage was generated, or in the case of a centralized septage treatment facility, the name of the person or business who delivered the septage, the dates of delivery, and how much septage was delivered.

(g) The class of septage as defined in WAC 173-308-080.

(h) A description of how the pathogen requirements in WAC 173-308-270 (3)(a) or (b) were met.

(i) A description of how the vector attraction reduction requirements in one of WAC 173-308-270 (4)(a), (b), or (c) were met.

(j) A description of how the applicable site management and access restriction requirements in WAC 173-308-270(5) were met.

(k) The following signed certification: "I certify, under penalty of law, that the pathogen requirements in (insert either WAC 173-308-270 (3)(a) or (b)), the vector attraction reduction requirements in (insert one of WAC 173-308-270 (4)(a), (b), or (c)), and the applicable site management and access restriction requirements in WAC 173-308-270(5) have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen and vector attraction reduction requirements and site management and access restrictions have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment.") (3) **Appliers of nonexceptional quality biosolids.** The person who applies nonexceptional quality biosolids must keep the following records, as applicable, and certification statement for five years or indefinitely where stated.

(a) The location, by street address, if applicable, a copy of the assessor's plat map(s) with the application area(s) clearly shown or the latitude and longitude of the approximate center of each land application site, and the section, township and range of each quarter section on which biosolids are applied.

(b) The number of acres in each site on which biosolids were applied.

(c) The date biosolids were applied to each site.

(d) The targeted vegetation grown on each site and its annual nitrogen requirement.

(e) The rate, in dry tons per acre per year, at which biosolids are applied to each site.

(f) The amount, in dry tons, of biosolids applied to each site.

(g) In addition, when biosolids with pollutants exceeding the WAC 173-308-160 Table 3 concentrations are applied, the following records must be kept indefinitely:

(i) The cumulative amount of each pollutant listed in WAC 173-308-160 Table 2 in the biosolids applied to each site.

(ii) A description of how the requirement to obtain information under WAC 173-308-160 (2)(b) was met.

(h) If the biosolids were Class B for pathogens, a description of how the site management and access restrictions in WAC 173-308-210 (5)(a) were met.

(i) If the vector attraction reduction requirements were not met prior to application, a description of how requirements in WAC 173-308-210 (5)(b) were met.

CERTIFICATION STATEMENT:

"I certify, under penalty of law, that the following were met (check boxes, as applicable):

The requirement to obtain information under WAC 173-308-160 (2)(b) (required if any of the pollutant concentrations exceed those in WAC 173-308-160 Table 3).

The vector attraction reduction requirement in WAC 173-308-210(4): (a) or (b) (required if the vector attraction reduction requirements were not met prior to application).

The site management and access restrictions in WAC 173-308-210(5): (a) and/or (b).

This determination was made under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the requirements to obtain information have been met, the site management and access restrictions have been met, and the vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."

Signature _____ Title _____
Date _____

(4) Preparers or appliers of septage. The person who prepares or applies septage to the land must keep the following records, as applicable, and certification statement for five years:

- (a) The total number of gallons of septage managed.
- (b) The total number of gallons of septage land applied.
- (c) The number of gallons of septage managed in any manner other than land application (e.g., transfer to another facility).
- (d) The location, by street address, if applicable, a copy of the assessor's plat map(s) with the application area(s) clearly shown or the latitude and longitude of the approximate center of each land application site, and the section, township and range of each quarter section on which septage is applied.
- (e) The number of acres in each site on which septage is applied.
- (f) The date septage is applied to each site.
- (g) The targeted vegetation grown on each site and its annual nitrogen requirement.
- (h) The rate, in gallons per acre per year, at which septage is applied to each site.
- (i) The number of gallons of septage applied to each site.
- (j) The source of the septage, including the name and address of the individual or business where the septage was generated, or, in the case of a centralized septage treatment facility, the name of the person or business who delivered the septage, the dates of delivery, and how much septage was delivered.
- (k) A description of how the pathogen and vector attraction reduction requirements in WAC 173-308-270(3) were met.
- (l) If pH stabilization was used to meet the pathogen and vector attraction reduction requirements in WAC 173-308-270 (3)(a)(iii), pH measurements for each load.
- (m) A description of how the applicable site management and access restriction requirements in WAC 173-308-270(4) were met.

CERTIFICATION STATEMENT:

"I certify, under penalty of law, that the following were met (check boxes, as applicable):

The pathogen and vector attraction reduction requirements in WAC 173-308-270(3): (a)(i), (a)(ii), or (a)(iii).

The site management and access restriction requirements in WAC 173-308-270(4).

This determination has been made under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen and vector attraction reduction requirements and site management and access restrictions have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

Signature _____ Title _____
Date _____

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-295 Annual reports. (1) ~~((Class I bio-solids management facilities, treatment works treating domestic sewage with a design flow rate equal to or greater than one million gallons per day, and those that serve 10,000 people or more, must submit to the department by March 1 of each year, the following information for the preceding calendar year:~~

~~(a) All applicable information required under WAC 173-308-290 (2), (3) and (5);~~

~~(b) The information in WAC 173-308-290 (4)(e)(i) through (v) and WAC 173-308-290 (4)(d) and (d)(i) and (ii) when ninety percent or more of any of the cumulative pollutant loading rates in Table 2 of WAC 173-308-160 have been reached.~~

~~(2) Other facilities and treatment works treating domestic sewage that are not required to submit an annual report under WAC 173-308-295(1) must submit part or all of any applicable information in WAC 173-308-290 (1)(a) and (b) as required by the department on the written request of the department, or in accordance with the requirements of an applicable permit issued by the department.~~

~~(3) All persons who apply septage to the land must submit to the department by March 1 of each year, the following information for the preceding calendar year:~~

~~(a) The number of gallons of septage applied to the land.~~

~~(b) The number of acres of land to which septage was applied.)~~ All treatment works treating domestic sewage subject to this chapter must submit to the department by March 1 of each year, an annual report on a form provided by the department.

(2) All requested information that is required under this chapter or an applicable permit must be submitted.

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-300 Disposal of municipal sewage sludge ~~((or))~~ in municipal solid waste landfill units and use of biosolids in municipal solid waste landfill ~~((units))~~ operations. (1) When biosolids are placed in a municipal solid waste landfill unit they are considered solid waste ~~((municipal))~~ sewage sludge.

(2) ~~((The use of municipal sewage sludge or biosolids that are subject to regulation under this chapter, as daily cover or as an amendment to daily cover is not a beneficial use and is considered disposal.~~

The use of biosolids as a component of landfill intermediate or final cover is considered a beneficial use if it is consistent with an approved landfill plan of operations or closure/post-closure plan.

(a) Landfills that use biosolids that do not meet standards to be classified as exceptional quality as a component of intermediate or final cover must have an approved site specific land application plan that meets the requirements of WAC 173-308-310(6) and 173-308-210, 173-308-230, or 173-308-240, as applicable.

(b) For the purposes of beneficial use on a municipal solid waste landfill unit, a site specific land application plan may recognize an approved plan of operations or closure/post-closure plan that addresses the substantive requirements of WAC 173-308-310(6) and 173-308-210, 173-308-230, or 173-308-240, as applicable.

(3) Any landfill accepting municipal sewage sludge for disposal must be in compliance with the requirements of chapter 173-351 WAC and 40 CFR Part 258.

(4) Municipal sewage sludge that is disposed in a municipal solid waste landfill must meet the liquids in landfills restrictions of WAC 173-351-200(9).

(5) Municipal sewage sludge that is disposed in a municipal solid waste landfill must not be hazardous waste as defined in chapter 173-303 WAC.

(6) Disposal on an emergency or temporary basis. Facilities wishing to dispose of municipal sewage sludge in a municipal solid waste landfill on an emergency or temporary basis must meet the conditions of (a) through (e) of this subsection and those in WAC 173-351-220(10).

(a) The person proposing to dispose of municipal sewage sludge must obtain a written determination from the local health department where the biosolids are being or would be land applied, that a potentially unhealthful circumstance exists under present conditions of management or would result from further land application of the biosolids, and that other management options are unavailable or would pose a threat to human health or the environment.

(b) Upon making the determination in (a) of this subsection, the local health department must notify the department in writing, of its findings and the basis for its determination. In its notification, the local health department must state the date on which disposal is approved to commence, any conditions, and the date after which continued disposal is prohibited.

(i) If the municipal sewage sludge is proposed to be disposed of in a municipal solid waste landfill outside the jurisdiction of the local health department in (b) of this subsection,

the person proposing to dispose of the municipal sewage sludge must obtain written approval for disposal from the health department in the receiving jurisdiction.

(ii) If the jurisdictional health department in (b)(i) of this subsection, approves disposal of the municipal sewage sludge, the person proposing the disposal must forward a copy of the jurisdictional health department's determination to the department.

(e) Any person wishing to dispose of municipal sewage sludge in a municipal solid waste landfill on a temporary basis must submit a plan for approval to the department. The plan must include the following information:

(i) The conditions that make disposal necessary.

(ii) The steps that will be taken to correct the conditions in (e)(i) of this subsection, so that disposal will not become a long-term management option.

(iii) A time table for implementing the steps to be taken in (e)(ii) of this subsection.

(7) Disposal on a long-term basis.

(a) Facilities wishing to dispose of municipal sewage sludge in a municipal solid waste landfill on a long term basis must have authorization to do so in a valid NPDES or state waste discharge permit issued under chapter 90.48 RCW, or a valid permit issued in accordance with this chapter.

(b) Any person wishing to engage in the disposal of municipal sewage sludge in a municipal solid waste landfill on a long-term basis must meet the conditions of (b)(i) and (ii) of this subsection and those in subsections (3), (4), and (5) of this section.

(i) The person proposing to dispose of municipal sewage sludge or biosolids must demonstrate to the satisfaction of the department that other options for disposal or beneficial use are economically infeasible.

(ii) The person proposing to dispose of municipal sewage sludge must provide the department with written approval for disposal from the local health department in the receiving jurisdiction.

(8) All facilities that dispose of municipal sewage sludge in a municipal solid waste landfill must submit the information in WAC 173-308-290 (2)(j), as required under WAC 173-308-295.) Any landfill accepting sewage sludge for disposal must be in compliance with the requirements of chapter 173-351 WAC and 40 CFR Part 258.

(3) Sewage sludge that is disposed in a municipal solid waste landfill must meet the liquids in landfills restrictions of chapter 173-351 WAC.

(4) Sewage sludge that is disposed in a municipal solid waste landfill must not be hazardous waste as defined in chapter 173-303 WAC or 40 CFR Part 261.

(5) **Daily cover.** The use of sewage sludge as daily cover or as an amendment to daily cover is not a beneficial use and is considered disposal.

(6) **Intermediate or final cover.** The use of biosolids as a component of landfill intermediate or final cover is considered a beneficial use if the following conditions are met:

(a) The use is consistent with an approved landfill plan of operations or closure/post-closure plan.

(b) The biosolids are used for the purposes of establishing a vegetative cover.

(c) If the biosolids do not meet the standards to be classified as exceptional quality, the department has approved a site specific land application plan that meets the requirements of WAC 173-308-310(8). For the purposes of this subsection, a site specific land application plan may recognize an approved plan of operations or closure/post-closure plan that addresses the substantive requirements of WAC 173-308-310(8).

(7) Disposal on an emergency basis.

(a) Facilities wishing to dispose of sewage sludge in a municipal solid waste landfill on an emergency basis must meet the conditions of this subsection and those in chapter 173-351 WAC.

(b) The person proposing to dispose of sewage sludge must obtain a written determination from the local health jurisdiction where the sewage sludge is proposed for disposal that a potentially unhealthful circumstance exists under present conditions of management or would result from land application, and that other management options are unavailable or would pose a threat to human health or the environment.

(c) Upon making the determination in (b) of this subsection, the local health jurisdiction must notify the department in writing of its findings and the basis for its determination. In its notification, the local health jurisdiction must state the date on which disposal is approved to commence, any conditions, and the date after which disposal is prohibited.

(8) Disposal on a temporary basis.

(a) Any person wishing to dispose of sewage sludge in a municipal solid waste landfill on a temporary basis must submit a plan for approval to the department. The plan must include the following information:

(i) The conditions that make disposal necessary.

(ii) The steps that will be taken to correct the conditions that make disposal necessary so that disposal will not become a long-term management option.

(iii) A time table for implementing the steps to be taken to correct the conditions that make disposal necessary.

(b) The person proposing to dispose must provide the department with written approval for disposal from the local health jurisdiction in the receiving jurisdiction.

(9) Disposal on a long-term basis.

(a) Any person wishing to dispose of sewage sludge in a municipal solid waste landfill on a long-term basis must have authorization to do so in a valid NPDES or state waste discharge permit issued under chapter 90.48 RCW or a permit issued under this chapter, and the person must submit for approval to the department an evaluation of the various management options that demonstrates to the satisfaction of the department that options for beneficial use are economically infeasible.

(b) The person proposing to dispose must provide the department with written approval for disposal from the local health jurisdiction in the receiving jurisdiction.

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-310 Permitting. (1) Applicable facilities—Application required.

~~((a) Except as provided in (a) of this subsection,)) All treatment works treating domestic sewage ((that engage in practices regulated under this chapter)) are applicable facilities, and must apply for ((an individual permit or for coverage under a general)) a permit for the final use or disposal of biosolids or sewage sludge except for certain composting toilet systems described in WAC 173-308-193 and certain composting facilities described in (a) of this subsection.~~

~~(a) **Permitting exemption for some composting facilities.** Facilities that compost biosolids(~~and those facilities where only septage is applied to the land or collected and treated prior to application to the land.~~) or sewage sludge do not require permitting under this chapter if all of the following conditions are met:~~

~~(i) A permit is not otherwise required in order to comply with the Federal Clean Water Act(~~(?)~~).~~

~~(ii) The department and local health ((department)) jurisdiction agree that a permit issued by the local health ((department)) jurisdiction will be adequate(~~(?)~~).~~

~~(iii) The conditions of the permit issued by the local health ((department)) jurisdiction meet or exceed the requirements of this chapter(~~(?) and~~).~~

~~(iv) The department does not otherwise find that a state-issued permit is necessary because one or more of the conditions in (b)(i) through (iv) of this subsection exists.~~

~~(b) **Designation as a treatment works treating domestic sewage.** In addition to facilities meeting the definition of a treatment works treating domestic sewage in WAC 173-308-080, the department may designate any person, site, or facility that treats, uses, transports, stores, or applies biosolids, as a treatment works treating domestic sewage, and require the owner or operator to apply for a permit if any of the following conditions are met:~~

~~(i) The department determines that a permit is necessary to protect human health or the environment from the adverse effect of a pollutant in the biosolids(~~(?)~~).~~

~~(ii) The department determines that a permit is necessary to protect human health or the environment from poor biosolids management practices(~~(?)~~).~~

~~(iii) The department determines that a permit is necessary to ensure compliance with any of the requirements in this chapter(~~(?) or~~).~~

~~(iv) Bulk biosolids or sewage sludge originating from a source or location outside the jurisdiction of the state of Washington are being applied to the land or received at any site or facility.~~

~~(c) It is a violation of this chapter for a facility to fail to submit a permit application to the department as required by these rules.~~

~~(2) **General and individual permits.** The department will issue permits for the treatment and final use or disposal of biosolids or sewage sludge.~~

~~(a) The department will issue, modify, revoke and reissue, and terminate general permits in accordance with the ((procedures in chapter 173-226 WAC)) provisions of Appendix 5.~~

~~(b) The department will accept and consider applications for coverage under a general permit, modify conditions of coverage, revoke and ((reauthorize)) reissue coverage, or ter-~~

minate coverage under a general permit in accordance with the provisions of this ~~((chapter))~~ section.

(c) The department will issue, modify, revoke and reissue, or terminate individual permits in accordance with the provisions of this ~~((chapter))~~ section.

(3) ~~((Permit selection.))~~ Requirements to apply for coverage under a general permit or to request an individual permit.

(a) After the department has issued a general permit for the final use or disposal of biosolids or sewage sludge, all applicable facilities must ~~((submit a notice of intent or))~~ apply for coverage under the general permit ~~((unless))~~ in accordance with subsection (4) of this section unless any of the following apply:

(i) The facility has a current individual permit issued under this chapter ~~((;))~~.

(ii) The department requires a facility to apply for an individual permit ~~((or))~~.

(iii) On written request of the applicant, the department has granted permission to apply for an individual permit.

(A) A facility may request an individual permit if a practice it proposes is not addressed in a general permit issued by the department.

(B) A facility may seek coverage under a general permit for any portion of its biosolids or sewage sludge management practices that are applicable under the general permit, and may also request an individual permit for any portion of its biosolids or sewage sludge management practices that are not applicable under the general permit.

(iv) The department may require any facility applying for an individual permit under (a)(iii) ~~((A) or (B))~~ of this subsection to limit its practices for the final use or disposal of biosolids or sewage sludge to those that are authorized in a general permit ~~((;))~~ and to apply for coverage under a general permit.

(b) The department may notify a facility that it is covered by a general permit, even if the facility has not submitted a permit application ~~((or notice of intent))~~ as required under ~~((this))~~ subsection ((3)) (4) of this section.

(i) A facility so notified may request an individual permit in accordance with the provisions of (a)(iii) of this subsection.

(ii) Facilities that are notified of coverage under ~~((b) or (c))~~ this subsection must submit a ~~((notice of intent or))~~ permit application as directed by the department.

(4) Timing of permit applications ((and notices of intent renewal of coverage)).

(a) ~~((Except for facilities in (c)(i) and (f) of this subsection, existing facilities that are class one biosolids management facilities, publicly owned treatment works with a design flow rate equal to or greater than one million gallons per day, and those that serve a population of 10,000 people or more must either:~~

(i) Submit an application for coverage under a general permit within ninety days after issuance of a biosolids general permit by the department; or

(ii) Submit a notice of intent within ninety days of issuance of an applicable general permit, followed by a complete permit application within one hundred eighty days of issuance of the applicable general permit.

~~((b) Except for facilities in (a), (c)(i), and (f) of this subsection, existing facilities must submit a notice of intent to be covered under a general permit within ninety days after issuance of a biosolids general permit by the department.~~

~~((c) Except for facilities in (c)(ii) and (f) of this subsection, new facilities that are class one biosolids management facilities, publicly owned treatment works with a design flow rate equal to or greater than one million gallons per day, and those that serve a population of 10,000 people or more must submit an application for coverage under a general permit or a request for an individual permit at least one hundred eighty days in advance of engaging in applicable biosolids management activities.~~

~~((d) Except for facilities in (c), (c)(ii) and (f) of this subsection, new facilities must submit a notice of intent to be covered under a general permit or a request for an individual permit at least one hundred eighty days in advance of engaging in applicable biosolids management activities.~~

~~((e)(i) Existing facilities that have not been previously permitted under this subsection that wish to request an individual permit under subsection (3)(a)(iii) of this section must do so within thirty days of issuance of a biosolids general permit by the department.~~

~~((ii) New facilities that wish to request an individual permit under subsection (3)(a)(iii) of this section must do so at least one hundred eighty days in advance of engaging in applicable biosolids management activities.~~

~~((f) Facilities that have been directed to apply for an individual permit under subsection (3)(a)(ii) of this section must submit an application for an individual permit as directed by the department, but the department will allow at least ninety days for a submittal.~~

~~((g) Facilities that are denied an individual permit must submit a notice of intent or a complete permit application for coverage under a general permit as would otherwise be required, within sixty days after being denied an individual permit unless a later date is authorized by the department.~~

~~((h) Facilities, other than those in (a) of this subsection, that have submitted a notice of intent to be covered under a general permit must submit a complete permit application as follows:~~

~~((i) Except as required under (h)(iv) of this subsection, if the facility is subject to permitting under chapter 173-216 or 173-220 WAC, a complete permit application is due on the date when an application for a state waste discharge or NPDES permit, or for renewal thereof, is due, or one hundred eighty days after issuance of the applicable general permit, whichever is later.~~

~~((ii) Except as required under (h)(iv) of this subsection, if the facility is not subject to permitting under chapter 173-216 or 173-220 WAC but is subject to permitting under chapter 173-304 WAC and local solid waste ordinances, a complete permit application is due on the date when an application for a local solid waste permit, or for renewal thereof, is due, or one hundred eighty days after issuance of the applicable general permit, whichever is later.~~

~~((iii) Other facilities that have submitted a notice of intent must submit a complete permit application as directed by the department, but the department will allow at least ninety days for a submittal.~~

(iv) The department may require facilities under (h)(i) and (ii) of this subsection to submit a complete permit application at an earlier date for the purpose of expediting the permitting process, or if the department finds that any of the conditions in subsection (1)(b)(i) through (iv) of this section are met. Facilities required to make an early submittal must do so within ninety days from the time of the first request unless a later date is authorized by the department.

(i) ~~Renewal of coverage.~~

(A) All facilities permitted under this section must submit a notice of intent to continue coverage under a general permit or for initial coverage under a general permit, or an application for an individual permit or for renewal of an individual permit, at least one hundred eighty days prior to the expiration date of their applicable permit.

Facilities that are submitting a notice of intent must submit a complete updated permit application according to the schedule in (a) through (h) of this subsection.

(B) When a facility has made timely and sufficient notice of intent or application as required in (i) of this subsection, an expiring permit remains in effect and enforceable until:

(I) The application has been denied;

(II) A replacement permit has been issued by the department; or

(III) The department has cancelled the expired permit.

(C) Unless the department specifies otherwise in a renewing general permit, or notifies a facility directly, facilities previously covered under a general permit issued in accordance with subsection (2) of this section are automatically covered under a new general permit if they reapply for coverage in accordance with (i) of this subsection; and

(I) The facility will not implement a significant change in biosolids management practices under the new permit; and

(II) The public notice requirements of subsection (11) of this section have been met and there are no sustainable objections to continuation of coverage.

(D) For facilities that are renewing coverage under a general permit, land application plans required under subsection (6) of this section that have been previously approved are automatically approved under the new general permit as long as biosolids management practices remain consistent with the approved plan.

(E) Coverage under an expired permit for permittees who fail to submit a timely and sufficient application or notice of intent shall cease on the expiration date of the permit.

~~(5) Contents of permit applications— notices of intent.~~

(a) All facilities must submit a complete and factually correct permit application in accordance with the schedule established in subsection (4) of this section, on forms or in a format specified by the department. When complete, all permit applications must contain at least the information in (a)(i) through (xi) of this subsection:

(i) The activities conducted by the applicant that require it to obtain a permit, and if applying under a general permit, the name of the permit;

(ii) Name, mailing address, and location of the facility for which the application is submitted;

(iii) The operator's name, address, telephone number, ownership status, and status as federal, state, private, public, or other entity;

(iv) Whether or not the facility or any associated facilities or land applications sites are located on Indian or federal lands;

(v) A listing of other relevant environmental permits, and all permits or construction approvals received or applied for under any of the following programs:

(A) Hazardous waste management program under the Resource Conservation and Recovery Act;

(B) Underground injection control program under the Safe Drinking Water Act;

(C) National pollutant discharge elimination system program under the Clean Water Act;

(D) Prevention of significant deterioration program under the Clean Air Act;

(E) Nonattainment program under the Clean Air Act;

(F) National emission standards for hazardous pollutants preconstruction approval under the Clean Air Act;

(G) Ocean dumping permits under the Marine Protection, Research, and Sanctuaries Act;

(H) Dredge or fill permits under section 404 of the Clean Water Act;

(vi) A map extending one mile beyond the property boundaries of the facility, showing the location and means of access to the facility, and additional maps if necessary, showing the same for any associated treatment or storage facilities.

(vii) Any biosolids monitoring data the applicant has for the last two years, including for land application sites any available soil, or surface or ground water monitoring data, with a description of the sampling locations, and for wells the approximate depth to ground water.

(viii) A description of the applicant's biosolids use and disposal practices including, where applicable, the location of any sites where the applicant transfers biosolids for treatment or disposal, as well as the name of the applicator or other contractor who applies the biosolids to land if different from the applicant;

(ix) Land application plans, as required under subsection (6) of this section;

(x) The amount of biosolids produced and the amount of biosolids applied to the land during the previous year, and estimated to be produced or applied to the land on an annual basis during the life of the permit;

(xi) Any information required to determine the appropriate standards for permitting under this chapter, and any other information the department may request and reasonably require to assess biosolids use and disposal practices, to determine whether or not to issue a permit, or to ascertain appropriate permit requirements under this chapter.

(b) A notice of intent to be covered under a general permit for biosolids recycling must contain:

(i) The name of the general permit under which coverage is being sought, and a statement declaring the applicant's intent to comply with the requirements of the permit.

(ii) The information required in (a)(i) through (iii) of this subsection, and the location and a description of any site(s) where biosolids are treated, stored, disposed, or applied, and

whether or not any permit, including a local solid waste permit has been issued for a site.

(iii) Any information specifically required for a notice of intent under the applicable general permit.

(6)) Existing facilities seeking coverage under a general permit. Existing facilities seeking coverage under a general permit must submit an application for coverage within ninety days after issuance of the applicable general permit by the department. On a case-by-case basis the department may grant an extension up to a maximum of one hundred eighty days.

(b) Existing facilities requesting an individual permit. Existing facilities that wish to request an individual permit under subsection (3)(a)(iii) of this section must do so within thirty days of issuance of an applicable general permit by the department.

(c) Facilities required or approved to apply for an individual permit. Facilities that have been directed by the department to apply for an individual permit under subsection (3)(a)(ii) of this section or approved to apply for an individual permit requested under subsection (3)(a)(iii) of this section must submit a permit application within ninety days of receiving notification.

(d) Facilities that have been denied an individual permit. Facilities that are denied an individual permit must submit an application for coverage under a general permit within sixty days after being denied an individual permit.

(e) New facilities. New facilities being proposed after July 1, 2007, must submit an application for coverage under an applicable general permit or a request for an individual permit at least one hundred eighty days prior to engaging in applicable management activities.

(5) Timing of notices of intent - continuing coverage.

(a) All facilities permitted under this section must submit a notice of intent to continue coverage under a general permit or an application for a new individual permit, at least one hundred eighty days prior to the expiration date of their applicable permit.

(b) When a facility has submitted a timely and sufficient notice of intent or application as required in this subsection, an expiring permit remains in effect and enforceable until any of the following occur:

(i) The application has been denied.

(ii) A replacement permit has been issued by the department.

(iii) The department has cancelled the expired permit.

(c) Coverage under a permit for permittees who fail to submit a timely and sufficient application or notice of intent shall cease on the expiration date of the permit.

(6) Permit application contents. All facilities must submit a complete and factually correct permit application in accordance with the schedule established in WAC 173-308-310(4) on a form or in a format specified by the department. The content requirements are listed in Appendix 1.

(7) Notices of intent contents. Facilities submitting a notice of intent to be covered under an applicable general permit must do so on a form provided by the department. The content requirements are listed in Appendix 2.

(8) Land application plans.

(a) Exemptions for exceptional quality biosolids. Land application plans are not required when exceptional quality biosolids are applied to the land, except as specified in ~~((a)(ii) or (iii) of)~~ this subsection.

(i) Any person who prepares exceptional quality biosolids for application to the land must determine and assure to the extent practicable, through recordkeeping and other means, that all applicable criteria of this chapter and any applicable permit are met when bulk exceptional quality biosolids are applied to the land.

(ii) Any person who prepares exceptional quality biosolids for application to the land and who fails to satisfy the requirements in (a)(i) of this subsection, may be required to submit a general or site specific land application plan, or both, for any or all sites where bulk exceptional quality biosolids are applied to the land, and may also be required to comply with the public notice requirements in subsection ~~((11)) (13)~~ of this section.

(iii) The department may require a site specific land application plan for any site where bulk exceptional quality biosolids are proposed to be applied if the plan is necessary to evaluate potential permit conditions or if the department finds there would be a strong benefit to the public from the preparation of a site specific land application plan.

(iv) The department may require advance notice prior to the application of bulk exceptional quality biosolids to the land. In such case the department will notify the facility in writing of the conditions requiring advance notice, the length of advance notice required, and the length of time the requirement for advance notice will remain in effect.

(b) Nonexceptional quality biosolids. Land application plans are required when ~~((bulk biosolids that do not meet criteria to be classified as exceptional))~~ nonexceptional quality biosolids are applied to the land ~~((-))~~ except when biosolids are delivered to a beneficial use facility as provided in (g) of this subsection ~~((-))~~. Facilities that propose to apply nonexceptional quality biosolids to the land ~~((that do not meet criteria to be classified as exceptional quality must either))~~ must do one or both of the following:

(i) Submit with their permit application a site specific land application plan for each site where biosolids will be applied during the life of the permit ~~((-or))~~.

(ii) Submit with their permit application a general land application plan, and at a later date prior to applying biosolids ~~((to a site)), a site specific land application plan for each site where biosolids will be applied to the land ~~((-~~~~

~~((iii) Facilities that submit a general land application plan may also submit at the same time any available site specific land application plans for approval)).~~

(c) ~~((A))~~ Any site specific land application plans must be consistent with a facility's general land application plan, if a general land application plan ~~((is required))~~ has been submitted.

(d) Site specific land application plan contents. Each site specific land application plan must provide information necessary to determine if the site is appropriate for land application of biosolids, and a description of how the site will be managed. ~~((A-a))~~ The minimum ~~((-))~~ content for site specific land application plans ~~((must address the following:~~

(i) In accordance with the provisions of WAC 173-308-160 (2)(b), whether or not it is known or can be determined that biosolids containing pollutants in excess of the values established in Table 3 of WAC 173-308-160 have ever been applied to the site, and if so:

(A) The date(s) when the biosolids were applied (if known);

(B) The amount of biosolids applied (if known);

(C) The concentrations of the pollutants in the biosolids (if known);

(D) The area(s) of the site to which the biosolids were applied (if known);

(ii) A discussion of the types of crops grown or expected to be grown, their intended end use (e.g., pasture grass for a feed crop, corn as a food crop), and the current distribution of crops on the site;

(iii) An explanation of how agronomic rates will be determined during the life of the site, along with any currently available calculations. Whenever agronomic rates are determined or conditions change (i.e., a change in crops or agronomic rates) an update of the agronomic rate calculations must be filed with the department;

(iv) Method(s) of application;

(v) Seasonal and daily timing of biosolids applications;

(vi) Any available data from soils, surface water, or ground water monitoring collected from the site within the last two years;

(vii) The name of the county and water resource inventory area where biosolids will be applied;

(viii) A description of how biosolids will be stored at the site and also addressing related off-site storage;

(ix) Site map(s) showing:

(A) The location and means of access to the facility;

(B) The number of acres in the site;

(C) Location and extent of any wetlands on the site;

(D) A topographic relief of the application site and surrounding area;

(E) Adjacent properties and uses and their zoning classification;

(F) Any seasonal surface water bodies located on the site or perennial surface water bodies within 1/4 mile of the site;

(G) The location of any wells within 1/4 mile of the site that are listed in public records or otherwise known to the applicant, whether for domestic, irrigation, or other purposes;

(H) The width of buffer zones to surface waters, property boundaries and other features requiring buffers;

(I) The presence and extent of any threatened or endangered species or related critical habitat;

(J) The location of any critical areas on site, as required to be identified under chapter 36.70A RCW in the county's growth management plan;

(K) The location and size of any areas that will be used to store biosolids.

(e) Except for facilities under (e)(vi) of this subsection, applicants including beneficial use facilities) is listed in Appendix 3.

(c) **General land application plan contents.** Applicants intending to apply ((biosolids to the land that do not meet criteria to be classified as exceptional)) nonexceptional quality ((;)) biosolids to sites for which a site specific land appli-

cation plan is not submitted as a part of the permit application, must submit for approval as a part of their permit application((;)) a general land application plan ((that at a minimum:

(i) Describes the geographical area covered by the plan, including the names of all counties and water resource inventory areas where biosolids may be applied;

(ii) Identifies site selection criteria;

(iii) Describes how sites will be managed;

(iv) Provides for not less than thirty days advance notice to the department of new or expanded land application sites, including those subject to provisional approval under subsection (17) of this section, to allow time for the department to object prior to the biosolids application; and

(v) Provides for advance public notice as required in subsection (11) of this section, and that is reasonably calculated to reach potentially interested adjacent and abutting property owners; except

(vi) A general land application plan is not required when biosolids are provided to a beneficial use facility and the requirements of (g) of this subsection are met). The minimum content for general land application plans is listed in Appendix 4.

(f) As individual sites are identified in accordance with the general land application plan in ((6))((e) of this subsection, facilities((, including beneficial use facilities applying biosolids that do not meet criteria to be classified as exceptional quality must develop and submit the information required for site specific land application plans in)) that seek to apply nonexceptional quality biosolids must develop and submit site specific land application plans in accordance with (d) of this subsection.

(g) **Exemptions when sending biosolids to a permitted beneficial use facility.** When biosolids are provided to a beneficial use facility that has been permitted as a treatment works treating domestic sewage, the person who prepares the biosolids is not required to prepare ((*) land application plans for the biosolids that will be applied to the beneficial use facility if((:

((;)) all of the following conditions are met:

(i) The beneficial use facility's permit allows it to accept biosolids from the person who prepares biosolids.

(ii) As a part of the permit application or public notice, the person who prepares the biosolids identifies the beneficial use facility(ies) to which biosolids may be provided((;)) or((; if specific beneficial use facilities cannot be identified,)) specifies the criteria by which beneficial use facilities may be selected at a future date((; and

(ii) At least thirty days in advance of delivering biosolids to the beneficial use facility the person who prepares the biosolids submits to the department a certification statement, signed in accordance with the provisions of subsection (8) of this section by the person who prepares the biosolids, stipulating the following:

(A) That the applicable site specific land application plan and other management plans approved for the beneficial use facility are appropriate to the quality of biosolids being provided by the person who prepared the biosolids;

(B) That the person who prepared the biosolids has reviewed the public notice conducted by the beneficial use

facility and the conditions in subsection (11)(d) of this section have been met, or additional public notice has been conducted in accordance with subsection (11) of this section;)) or states or indicates that it maintains the option to send its biosolids or sewage to any facility permitted by the department to accept it for management.

(h) All land application plans, including those authorized under provisional approval in accordance with subsection ((17)) (18)(a) of this section, are subject to review and final approval by the department. If a land application plan is found to be insufficient, the department may either request additional information or may impose additional requirements as a condition of approval((~~Any additional requirements imposed under (h) of this subsection are considered to be permit requirements, fully enforceable~~)) in accordance with ((the provisions of this chapter and the applicable permit)) subsection (19) of this section.

((7)) (9) **Submitting permit applications and notices of intent.** Facilities must submit copies of their permit application or notice of intent as follows:

(a) The original ((~~must be submitted~~)) notice of intent and permit application to the biosolids coordinator in the regional office of the department where the facility is located.

(b) One copy of the notice of intent and permit application to any other regional office of the department where the facility's biosolids or sewage sludge will be treated, stored, disposed, or applied to the land.

(c) One copy of the notice of intent and permit application to the biosolids coordinator at the department's headquarters office ((of the department of ecology, and one copy must be submitted to each regional office of the department of ecology where biosolids will be treated or applied to the land.

(b) ~~Unless a local health department otherwise requests as provided in (b) of this subsection, one copy must be submitted).~~

(d) One copy of the notice of intent and permit application to the local health ((department)) jurisdiction in each county where biosolids or sewage sludge will be treated, stored, disposed, or applied to the land((~~or disposed in a municipal solid waste landfill~~)).

Local health ((departments)) jurisdictions that elect not to ((participate in the implementation of this chapter may notify the department in writing)) receive copies of notices of intent or permit applications may notify in writing the facility or the department that they do not wish to receive copies ((of permit applications or land application plans)).

((8)) (10) **Signatories to permit applications((notices of intent,)) and reports((~~and other documents~~)).**

(a) **Applications.** All permit applications must be signed as follows:

(i) For a corporation. By a responsible corporate officer. For the purpose of this ((chapter)) section, a responsible corporate officer means either of the following:

(A) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation((~~or~~)).

(B) The manager of one or more manufacturing, production, or operating facilities employing more than two hundred

fifty persons or having gross annual sales or expenditures exceeding twenty-five million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(ii) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively((~~or~~)).

(iii) For a municipality, state, federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes either of the following:

(A) The chief executive officer of the agency((~~or~~)).

(B) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

(b) **Reports and other information.** All reports and other information required by permits, and other information requested by the department must be signed by a person described in (a) of this subsection, or by a duly authorized representative of that person. A person is a duly authorized representative only if the following conditions are met:

(i) The authorization is ((~~made~~)) submitted to the department in writing by a person described in (a) of this subsection((~~or~~)).

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters((~~and~~

(iii) ~~The written authorization is submitted to the department).~~

(c) **Changes to authorization.** If an authorization under (b) of this subsection is no longer accurate ((~~because a different individual or position has responsibility for the overall operation of the facility~~)), a new authorization satisfying the requirements of (b) of this subsection must be submitted to the department prior to or together with any reports((~~or~~)) or other information((~~or applications to be signed by an authorized representative~~)).

(d) **Certification.** Any person signing a document under (a) or (b) of this subsection must make the following certification, unless a different certification is applicable under another related section of this chapter:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

((9)) (11) **Public access to information.** In accordance with chapter 42.17 RCW, the department must provide, upon request, any information submitted as part of ((~~an~~)) a permit application ((for an individual permit or for

coverage under a general permit)), except as provided in (a) of this subsection.

(a) In accordance with chapters 42.17, 43.21A, 70.105, and 90.52 RCW, the department must protect any information (other than information on the quality of biosolids) contained in applications as confidential upon a showing by any person that the information, if made public, would divulge methods or processes entitled to protection as trade secrets of the person.

(b) Any information accorded confidential status, whether or not contained in any application form, must be disclosed, upon request, to the Regional Administrator of EPA.

~~((10))~~ **(12) Recordkeeping required for permit applications.** Applicants must keep records of all information used to complete permit applications and any supplemental information submitted for a period of five years, or longer, if otherwise required by this chapter, the conditions of the applicable permit, or other state or local laws((:)).

~~((11))~~ **(13) Public notice and comment period.** Public notices and comment periods must minimally meet the requirements listed in this subsection.

(a) Applying for coverage under a general permit initially, proposing a significant change, or reapplying following revocation. All facilities ((that are)) applying for coverage under a general permit initially, facilities ((applying for renewal of coverage under a general permit that)) who propose a significant change in biosolids management practices, and those ((applying for an individual permit or for renewal thereof, must issue public notice within each county where they will prepare biosolids for application to the land, and except as provided in (c) and (d) of this subsection, in each county where biosolids not meeting the criteria to be classified as exceptional quality will be applied to the land. Notice must be given as follows:

(i) The applicant must publish two notices, at intervals of at least one week, in a newspaper of general circulation in each county where biosolids are proposed to be applied to the land.

(ii) The applicant must mail a copy of the notice to any person or group that has notified the applicant in writing of an interest in the applicant's biosolids management activities.

(iii) For a period of at least thirty days, beginning not later than the last date of newspaper publication required in (a)(i) of this subsection, notice must be posted at all sites identified in the permit application where bulk biosolids that do not meet the standards to be classified as exceptional quality will be applied to the land;

(A) When newspaper notice is not required for new sites being proposed in accordance with an approved general land application plan per (c) of this subsection, the thirty day notice period in (a)(iii) of this subsection begins when the direct mail notice requirement of (a)(ii) of this subsection has been met.

(B) It is a violation of these rules for any person to remove a sign posted in accordance with the requirements of (a)(iii) of this subsection during the public notice period.

(iv) Notice must be given by any other method required by the department.

(v) At the time of the initial notice, copies of the notice and an explanation of all places where and when the notice was or will be published or posted must be submitted to:

(A) The contact person in the regional or headquarters office of the department of ecology that has lead responsibility for the permit; and

(B) The local health department in each county where biosolids will be treated, stored, applied to the land, or disposed in a municipal solid waste landfill, unless the local health department has waived receipt of notification under subsection (7)(b) of this section.

(b) Notices under (a) of this subsection must contain the information in (b)(i) through (xi) of this subsection:

(i) The name and address of the facility seeking the permit or filing a notice of intent, and a contact person;

(ii) When the local health department has accepted delegation of responsibility under WAC 173-308-050, the address of the local health department and a contact person;

(iii) The address of the regional or headquarters office of the department of ecology that has lead responsibility for the permit, and a contact person;

(iv) A brief statement of the applicant's biosolids management practices for which a permit is sought or a notice of intent is being submitted;

(v) If coverage under a general permit is being sought, the name of the general permit or the name and location of the site if notice is being given for a site specific land application plan;

(vi) The statement: "Any person wishing to comment on this application or desiring to present their views regarding this application to the department of ecology or its delegated representative must do so in writing within thirty days of the last date of newspaper publication of this notice. Comments should be addressed to (insert the name and address of the person identified in (b)(vii) of this subsection)."

(vii) The person to whom comments should be addressed is the person in (b)(vii)(A) or (B) of this subsection, whichever is appropriate;

(A) When the application or notice of intent is for coverage under a general permit or for an individual permit, the person to whom comments should be directed is the department of ecology contact in (b)(iii) of this subsection.

(B) When the proposal is for a specific land application site, the person to whom comments should be directed is the department of ecology contact in (b)(iii) of this subsection, except where responsibility has been delegated to a local health department, in which case the recipient of comments should be the local health department contact in (b)(ii) of this subsection.

(viii) A statement specifying:

(A) Whether or not the permit application contains any information about current or proposed biosolids application sites;

(B) Whether or not the permit application contains a plan specifying how future application sites will be identified;

(C) If biosolids will be provided to any other facility, including a beneficial use facility; and

(D) How the public will be notified regarding the selection of future land application sites.

(ix) The time and place of any public hearing or meeting that will be held or the procedures to request one, and other procedures by which the public may participate in the final permit decision;

(x) The means by which an interested person or organization can have their name placed on a list to be maintained by the applicant for the purpose of future notification of biosolids management activities.

On written request of the person seeking to have their name added to the list of interested parties, all facilities maintaining a list of interested persons or organizations under (b)(x) of this subsection must provide written confirmation by certified mail, return receipt requested, to each interested person or organization that their name has been placed on the list.

(xi) Any additional information considered necessary or proper.

(e) Except as provided in (d) of this subsection, public notice for a new or expanded land application site that is being proposed in accordance with an approved general land application plan must be satisfied as follows:

(i) If site specific local approval is required to be obtained through integrated project review under the State Growth Management Act and the substantive notice requirements of (b) of this subsection are met, public notice for the purposes of this rule will be satisfied by compliance with the public notice requirements of the local integrated project review process;

(ii) Public notice conducted in accordance with the State Environmental Policy Act satisfies the public notice requirements of this rule for new or expanded land application sites if the substantive requirements of (b) of this subsection are met and the site is specifically identified in an environmental checklist that is available for public review and comment;

(iii) The public notice process for new or expanded land application sites not applicable under (e)(i) or (ii) of this subsection must meet the requirements of (a)(ii) through (v) and (b) of this subsection.

(d) Facilities that will provide biosolids to a permitted beneficial use facility must conduct public notice in accordance with this subsection as follows:

(i) Public notice must be given when applying for an individual permit or for coverage under a general permit;

(ii) Other than sites that are part of a beneficial use facility, public notice must be given for all new or expanded sites where biosolids not meeting the criteria to be classified as exceptional quality will be applied to the land;

(iii) Facilities that provide biosolids to a permitted beneficial use facility are not required to carry out public notice specific to the land application of biosolids at the beneficial use facility if:

(A) Public notice given for the beneficial use facility identified the facility providing the biosolids; or

(B) Public notice given for the beneficial use facility clearly stated that biosolids would be accepted from unknown sources, including sources outside of the county in which the beneficial use facility is located, as applicable.

(e) Facilities applying for individual permits must complete the public notice requirements in this subsection at the

time they apply for a permit and at the time when a draft permit is provided for formal review by the department.

(12)) who reapply for a permit following revocation of their permit must issue public notice in the following manner:

(i) Issue one notice in a newspaper of general circulation in any county(ies) where you prepare biosolids or sewage sludge.

(ii) Issue one notice in a newspaper of general circulation in any county(ies) covered by a general land application you have submitted.

(iii) Issue one notice in a newspaper of general circulation in any county(ies) where you land apply nonexceptional quality biosolids except where this notice has been conducted by a permitted biosolids beneficial use facility.

(iv) Post notices at any site(s) where you plan to land apply nonexceptional quality biosolids except where this notice has been conducted by a permitted biosolids beneficial use facility. The site(s) must remain posted during the entire public comment period required in (a)(v) of this subsection.

(v) Provide a thirty-day public comment period following the issuance of newspaper notice and the posting of site(s).

(b) **Applying for renewal of coverage under a general permit with no application of nonexceptional quality biosolids.** All facilities applying for renewal of coverage under a general permit who have previously met the public notice requirements of (a) of this subsection and who do not land apply nonexceptional quality biosolids are not required to conduct additional public notice.

(c) **Applying for renewal of coverage under a general permit with application of nonexceptional quality biosolids.** All facilities applying for renewal of coverage under a general permit who have previously met the public notice requirements of (a) of this subsection and who land apply nonexceptional quality biosolids must conduct public notice in accordance with (a)(iii) and (v) of this subsection.

(d) **Applying for an individual permit.**

Facilities applying for individual permits must conduct public notice in accordance with (a)(i) through (v) of this subsection at the time they apply for a permit and at the time when a draft permit is provided for formal review by the department.

(e) **Notice when adding a new site in accordance with a general land application plan.** All facilities who are proposing to add a new site or expand an existing site for the land application of nonexceptional quality biosolids in accordance with an approved general land application plan and who previously met the public notice requirements of (a) of this subsection must conduct public notice at the proposed new site or expanded area of an existing site in accordance with (a)(iv) and (v) of this subsection.

(f) All facilities not captured under one of the descriptions in (a) through (e) of this subsection must conduct public notice as directed by the department.

(g) **Notice contents.** All notices issued in accordance with this subsection must contain at least the following:

(i) The name and address of the facility and the name of the contact person for the facility.

(ii) The name and address of the department of ecology person responsible for the permit.

(iii) The name and address of the local health jurisdiction person responsible for the permit.

(iv) A description of the proposal.

(A) Proposals for coverage under a general permit must cite the name of the general permit.

(B) Proposals for land application plans must contain information on the location of the proposed land application sites and, if applicable, the source(s) of biosolids that may be applied.

(C) Proposals for general land application plans must provide information on how the public will be notified when specific sites are identified.

(v) A brief statement describing the applicant's biosolids or sewage sludge management practices.

(vi) A statement describing an interested person's opportunity to comment or request a public hearing or meeting on the proposal, including the last date for comments or requests and the contact person to whom comments or requests must be directed.

(A) The period for comments and requests must be at least thirty days following the posting.

(B) Comments and requests should be directed to the responsible department of ecology contact or the responsible local health jurisdiction contact if the authority is delegated.

(C) The following is an example: "Any person wishing to comment on this proposal or wishing to request a public hearing or meeting must do so in writing within thirty days of this notice. Comments should be addressed to (insert either 'the department of ecology contact listed' or 'the local health jurisdiction contact listed')."

(vii) The statement, "If you wish to be included on an interested parties list to receive notification of activities relating to this project, please notify, in writing, the (insert facility name) contact listed. (Insert facility name) will provide written confirmation by certified mail, return receipt requested, to each interested person or organization that their name has been placed on the list."

(viii) Any additional information considered necessary or proper.

(h) **Notice to interested parties.** Notices must be sent to all persons on a facility's interested parties list at the same time or before notice is run in a newspaper or posted at a land application site.

(i) **Notices at land application sites.** Notices at land application sites must be posted at all significant site access points and at least every 1/2 mile (805 meters) around the perimeter of the site.

(j) Following the completion of public notice and comment period requirements, the facility must provide written documentation to the department certifying completion of the process in accordance with the following:

(i) When newspaper notice has been conducted, either an *Affidavit of Publication* must be submitted or a copy of the newspaper notice that shows the date of publication must be submitted.

(ii) When site posting has been conducted, a copy of the final notice posted and a brief description describing how site posting and notification was conducted.

(k) Notice must be given by any other method required by the department.

(14) Public hearings and meetings.

(a) The department may require an applicant to hold a public hearing or meeting when applying for ~~((coverage under a general permit, for an individual))~~ a permit~~((;))~~ or for any land application plan if it finds, on the basis of requests, a significant degree of public interest~~((;))~~ or if it determines that a public discussion might clarify one or more aspects important to compliance with the requirements of this chapter or an applicable permit.

(b) During the public comment period provided for in subsection ~~((+1))~~ (13) of this section, any person may request the department to require a public hearing or meeting if none has been scheduled. Any request for a public hearing or meeting must be in writing and must state the nature of the issues proposed to be raised. The department will consider all requests that are received not later than the final comment date specified in the notice required under subsection ~~((+1)(b))~~ (13) of this section.

(c) **Notice of a hearing.** If the department determines that a public hearing must be held, the applicant must give notice of a public hearing in accordance with the procedures in subsection ~~((+1)(a) and (b))~~ (13) of this section, except that posting of sites that are not specifically subject to the hearing is not required.

(i) The notice of hearing must contain the following information:

(A) The dates of previous public notices relating to the permit application~~((;))~~.

(B) The date, time, and place of the hearing~~((;))~~.

(C) A brief description of the nature and purpose of the hearing, including any rules and procedures that apply.

(ii) Copies of the notice and an explanation of all places where and when the notice was published must be submitted to:

(A) The contact person in the regional or headquarters office of the department ~~((of ecology))~~ that has lead responsibility for the permit~~((; and))~~.

(B) Any applicable local health ~~((department))~~ jurisdiction that has accepted delegation of authority ~~((under WAC 173-308-050))~~ for conducting public hearings.

(d) Public hearings required under this subsection, must be held in each county where biosolids will be treated or applied to the land, unless otherwise allowed by the department.

(e) Public hearings required under this subsection must be held no sooner than thirty days after the ~~((final notice of public hearing published in accordance with subsection (11)(a)(i) of this section;))~~ publication of the notice required in (c) of this subsection and at a time and place as can be reasonably expected to be convenient to the department and interested parties.

(f) Public hearings must be attended by a representative of the permit applicant who is authorized to respond to questions from the public and the department~~((;))~~ and by a representative of the department.

~~((+))~~ (g) **Notice of a meeting.** Requirements for notice conducted for public meetings ~~((is))~~ are the same as that required for public hearings unless otherwise allowed by the department.

~~((13))~~ (15) Record and response to comments received on an application or during a public hearing or meeting.

(a) The department will maintain a record of all written comments received during the public comment period in subsection ~~((14))~~ (13) of this section, and of all comments properly submitted in response to a public hearing required under subsection ~~((12))~~ (14) of this section.

(b) The department will prepare a response to all relevant comments received, and will briefly describe any changes that resulted (other than editorial changes) to ~~((an individual permit or to an applicant's coverage under a general))~~ a permit.

(c) The department is not obligated to consider or respond to comments or information that is received later than thirty days after the initial date of publication of public notice, or the date of a public hearing, whichever is later.

~~((14) Additional requirements. In addition to the requirements of this chapter, the department may impose additional requirements as part of the approval process for coverage under a general permit or as conditions of an individual permit if any of the conditions in subsection (1)(b)(i) through (iv) of this section are met.~~

~~(a) Any additional requirements imposed under this subsection are considered to be permit requirements, fully enforceable in accordance with the provisions of this chapter and the applicable permit.~~

~~(b) If known, any additional requirements must be disclosed at a public hearing if a public hearing is held, or if imposed subsequent to a public hearing, must become a part of the written record required under subsection (13)(b) of this section.~~

~~(15))~~ (16) Compliance schedules.

(a) A permit may specify a schedule leading to compliance with the federal Clean Water Act and these regulations. Any compliance schedule under this ~~((section))~~ subsection must require compliance as soon as possible, but not later than any applicable statutory deadline under the Clean Water Act or chapter 70.95J RCW.

(b) Interim dates. If a permit establishes a compliance schedule that exceeds one year from the date of permit issuance, the schedule must set forth interim requirements and the date for their achievement. The time between interim dates must not exceed six months.

(c) Reporting. The permit must require that no later than fourteen days after each interim date and the final date of compliance, the permittee must notify the department in writing of its compliance or noncompliance with the interim or final requirements.

~~((16))~~ (17) Fact sheet required for individual permits.

(a) The department must prepare a fact sheet for every draft individual permit for a class I biosolids management facility, for every draft individual permit requiring permit conditions developed on a case-by-case basis to implement section 405(d)(4) of the Clean Water Act, for every draft individual permit that includes a general land application plan ~~((under subsection (6)(b)(iii) of this section))~~, and for every draft individual permit that the director finds is the subject of widespread public interest or raises major issues.

(i) The fact sheet must briefly set forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit.

(ii) The director must send this fact sheet to the applicant and, on request, to any other person.

(b) Fact sheet contents. The fact sheet must include all of the following:

(i) A brief description of the type of facility or activity that is the subject of the draft permit~~((;))~~.

(ii) Any calculations or other necessary explanation of the derivation of conditions for biosolids use and sewage sludge disposal, including a citation to the applicable standards for biosolids use or sewage sludge disposal and reasons why they are applicable, or in the case of conditions developed on a case-by-case basis to implement section 405 (d)(4) of the Clean Water Act, an explanation of, and the bases for the conditions~~((; and))~~.

(iii) For permits that include a general land application plan ~~((under subsection (6)(b)(iii) of this section))~~, a brief description of how each of the required elements of the land application plan is addressed in the permit.

~~((17))~~ (18) Approval of coverage - provisional approval and final coverage.

(a) Provisional approval. Except for new beneficial use facilities as described in (a)(ii) of this subsection, facilities that are in compliance with this chapter, an applicable permit, and any plans submitted as part of a request to obtain a permit are provisionally approved to engage in the biosolids management activities proposed in their applications.

(i) Facilities with provisional approval are subject to further review and permitting requirements at a later date, and are subject at all times to all applicable conditions of this chapter, an applicable permit, and any plans submitted as part of a request to obtain a permit.

(ii) New beneficial use facilities may not obtain provisional approval.

(b) Final coverage. After reviewing ~~((an))~~ a permit application ((for an individual permit or for coverage under a general permit,)) and considering other pertinent information including any testimony received during a public hearing or meeting~~((;))~~ or written comments submitted in response to a public notice, the department may approve coverage under a general permit or issue an individual permit.

~~((a))~~ If coverage under a general permit is approved or an individual permit) If final approval is issued, the department will notify the applicant in writing~~((, conveying a final copy of the issued permit))~~ of its decision including any additional requirements or stipulations that are imposed as a condition of ~~((coverage under a general permit))~~ approval in accordance with subsection (19) of this section.

~~((b))~~ (c) Disapproval. If an application for ~~((an individual permit or for coverage under a general))~~ a permit is disapproved, the department will notify the applicant in writing, including an explanation of why ~~((coverage))~~ the application was disapproved.

~~((e))~~ On and after the effective date of this chapter, if there are no significant changes to biosolids management practices at an existing site, a facility may continue to apply biosolids to sites that were permitted by the local health department before the effective date of this chapter, in accor-

dance with the requirements of the local health department, the applicable general permit, and this chapter, unless the department objects in writing.

(i) Facilities applicable under (c) of this subsection that have submitted a notice of intent to be covered or have been notified that they are covered under a general permit, and those that have applied for coverage under a general permit, are provisionally approved for coverage under an applicable general permit to apply biosolids to existing sites as permitted by the local health department and in accordance with the requirements of the applicable general permit and this chapter.

(ii) A beneficial use facility may not obtain provisional approval for coverage under a general permit, but may obtain provisional approval for existing land application sites after being permitted as a beneficial use facility.

(d) Except for provisionally approved facilities under this subitem (d), a facility may not engage in new biosolids management practices or implement significant changes to biosolids management practices at existing sites, or apply biosolids to new or expanded sites until all applicable requirements of this section including those for public notice, and public hearings or meetings, have been satisfied.

Facilities that have submitted a notice of intent or that have been notified of coverage under a general permit, or that have applied for coverage under a general permit, are provisionally approved for coverage under an applicable general permit to apply biosolids to sites consistent with the applicable requirements of this chapter and the applicable general permit and as approved by the local health department, if the public notice requirements under subsection (11) of this section have been fulfilled, and no request for a public hearing has been made or the department has denied the request, and all comments received have been resolved to the satisfaction of the local health department;

(e) Facilities with provisional approval are subject to further review and permitting requirements at a later date, and are subject at all times to all applicable conditions of this chapter and the applicable general permit.

(f) (d) In no case may a lack of action by the department be construed as relieving an applicant of the obligation to comply with any of the provisions of this chapter or an applicable ((general)) permit, or as approving final use or disposal practices that are not consistent with the provisions of this chapter or an applicable ((general)) permit, or that pose a threat to human health or the environment.

((18)) (19) **Additional or more stringent requirements.**

(a) On a case-by-case basis, the department may impose requirements for the beneficial use of biosolids that are in addition to or more stringent than the requirements in this chapter if the department believes that the additional or more stringent requirements are necessary to protect public health or the environment from any adverse effect of a pollutant in the biosolids or to ensure compliance with this chapter.

(b) In addition to other considerations, failure of a generator, applier, or landowner to conform to any applicable requirements of this chapter may be cause to impose additional or more stringent requirements.

(c) The department will impose any additional or more stringent requirements in an individual permit issued to a facility, in general permits issued in accordance with Appendix 5 of this chapter, and in the issuance of final coverage under a general permit.

(d) Any additional and more stringent requirements imposed in accordance with this section are considered to be permit requirements, fully enforceable in accordance with the provisions of this chapter and the applicable permit.

(e) If known, any additional requirements must be disclosed at a public hearing if a public hearing is held, or if imposed subsequent to a public hearing, must become a part of the written record required under subsection (15)(b) of this section.

(20) **Prohibition.** The department may not issue a permit when the Regional Administrator of EPA has objected in writing under 40 CFR 123.44.

((19)) (21) **Duration of permits.**

(a) Permits are issued for fixed terms((;)) up to, but not exceeding, five years from the effective date of the permit.

((1)) Final coverage under a general permit may be issued for a period up to the remaining term of issuance for the permit.

(b) The term of a permit may not be extended by modification beyond five years.

((20)) (22) **Transfer of permit coverage.**

(a) Except as provided in (b) of this subsection, a permit may be transferred by the permittee to a new owner operator only if the permit has been modified or revoked and reissued to identify the new permittee and incorporate other requirements as may be necessary to assure compliance with the requirements of this chapter.

(b) Automatic transfer. Coverage under a permit is automatically transferred from the old permittee to a new permittee((;)) on the date agreed to((;)) if all of the following conditions are met:

(i) A written, signed agreement((;)) between the old and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability is submitted in accordance with ((the requirements of subsection (7) of this section)) (b)(i)(A) through (D) of this subsection at least thirty days in advance of the proposed date of transfer((; and)).

(A) The original to the biosolids coordinator in the regional office of the department where the facility is located.

(B) One copy to any other regional office of the department where the facility's biosolids or sewage sludge will be treated, stored, disposed, or applied to the land.

(C) One copy to the biosolids coordinator at the department's headquarters office.

(D) One copy to the local health jurisdiction in each county where biosolids or sewage sludge will be treated, stored, disposed, or applied to the land.

(ii) The department has not notified both permittees of any objection to the transfer, or of the intent to revoke ((cov-erage under)) the ((general)) permit.

(c) No condition or requirement of a permit or this chapter may be waived by the transfer of permit coverage from one party to another.

~~((21)) (23) Modification or revocation and reissuance of ((individual permits and modification of conditions of coverage under a general)) permits.~~

(a) When the department receives any information (for example, upon inspection of a facility, receipt of information submitted by the permittee as required in the permit, receipt of a request for modification or revocation and reissuance, or upon a review of the permit file), the department may determine whether or not one or more of the causes listed in (b) or (c) of this subsection for modification or revocation and reissuance, or both, exist.

(i) If cause for modification or revocation and reissuance, or both, exists, the department may modify or revoke and reissue ~~((an individual permit, or modify conditions of coverage or revoke and reissue coverage under a general))~~ a permit~~(;)~~ and may request an updated application if necessary.

(ii) When ~~((an individual permit or conditions for coverage under a general permit is/are))~~ a permit is modified, only the conditions subject to modification are reopened.

(iii) If ~~((an individual permit or authorization for coverage under a general))~~ a permit is revoked and reissued, the entire ~~((individual permit or consideration of coverage under a general))~~ permit is reopened and subject to revision, and the ~~((individual permit or coverage under the general))~~ permit may be reissued for a new term.

(iv) If cause does not exist under this section, the department may not modify or revoke and reissue ~~((an individual permit or conditions of coverage under a general))~~ a permit.

(b) **Causes for modification.** The following are causes for modification but not revocation and reissuance of ~~((individual permits or authorization of coverage under a general))~~ permits except when the permittee requests or agrees.

(i) Alterations. There are material and substantial alterations or additions to the permitted facility or activity that occurred after permit issuance that justify the application of permit conditions that are different from or absent in the existing permit.

(ii) Information. The department has received new information. ~~((Individual permits or authorization of coverage under a general))~~ Permit may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance.

(iii) New regulations. New regulations have been adopted or the standards or regulations on which the permit was based have been changed by adoption of amended standards or regulations or by judicial decision after the permit was issued.

(iv) Compliance schedules. The department determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is no reasonable available remedy. However, in no case may a compliance schedule be modified to extend beyond an applicable Clean Water Act statutory deadline.

(v) Land application plans. When required by a permit condition to incorporate a general land application plan for

beneficial use of biosolids, to revise a general land application plan, or to add a general land application plan.

(c) **Causes for modification or revocation and reissuance.** The following are causes to modify or, alternatively, revoke and reissue ~~((an individual permit or the conditions for coverage under a general))~~ a permit.

(i) Cause exists for termination under subsection ~~((22))~~ (24) of this section and the department determines that modification or revocation and reissuance is appropriate.

(ii) The department has received notification of a proposed transfer of the permit.

(d) **Public notice requirements.** When ~~((an individual permit or coverage under a general))~~ a permit is modified or revoked and reissued, the public notice requirements of subsection ~~((11))~~ (13) of this section, and if required the public hearing requirements of subsection ~~((12))~~ (14) of this section must be complied with for the reopened conditions or reissued permit.

~~((22))~~ (24) **Causes for termination of permits, denying permit applications, or denying expansion of an existing permit.** The following are causes for terminating ~~((an individual permit or coverage under a general))~~ a permit during its term, or for denying a permit ~~((renewal))~~ application, or for denying an expansion of an existing permit:

(a) Noncompliance by the permittee with any condition of the permit~~(;)~~.

(b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time~~(;)~~.

(c) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination~~(; or)~~.

(d) A change in any condition that requires either a temporary or a permanent reduction or elimination of any activity controlled by the permit.

~~((23) Enforcement. Any violation of this chapter or any permit issued under this chapter, may be subject to the enforcement provisions of applicable law, including chapters 70.95 and 70.95J RCW.~~

~~(24) Appeals. Any person aggrieved by a decision of the department made)~~ (e) **Failure by the permittee to pay a permit fee issued** in accordance with ~~((provisions of this chapter may appeal that decision only as provided by applicable law, including chapters 43.21B RCW and 34.05 RCW))~~ WAC 173-308-320.

(25) **Requirement to coordinate permitting with delegated local health ((departments)) jurisdictions.** When a local health ~~((department))~~ jurisdiction has received delegation to administer any portion of, or to carry out any activity required under this chapter, all facilities subject to permitting under this chapter must cooperate with the department and the local health ~~((department))~~ jurisdiction by coordinating permitting activities so as to assure an opportunity for local health ~~((department))~~ jurisdiction involvement consistent with the terms of the delegation agreement.

AMENDATORY SECTION (Amending Order 97-30, filed 2/18/98, effective 3/21/98)

WAC 173-308-320 Permit fees. (1) All facilities that are required to obtain a permit (~~(under this section)~~) must pay an annual biosolids permit fee to the department (~~(of ecology)~~).

(2) Biosolids permit fees are assessed prospectively on an annual basis and apply regardless of the date of issuance of a permit.

(3) Except for those facilities described in subsection (4)(h) of this section, biosolids permit fees are assessed and collected for fiscal years (and) for wastewater treatment facilities and for calendar years for receiving-only facilities and septage management facilities. Fees are due and payable within forty-five days after the department mails a billing statement.

~~(a) (Failure to pay a permit fee is cause for denial of coverage under a permit or revocation of existing coverage.)~~ Fees are considered delinquent if they are not received by the first invoice billing due date. ~~(Permit holders)~~

~~(i) If a fee is determined to be delinquent, the permittee will be notified by certified letter and have thirty days to bring their account up-to-date before further action is taken by the department.~~

~~((b)) (ii) Failure to pay a fee is a cause for termination of a permit in accordance with WAC 173-308-310(24).~~

~~(b) Upon request from the permittee, the department may at its discretion mail partial billing statements up to two (or more) times per year, in which case a facility is responsible only for the amount reflected on the current (and any past due) billing statement.~~

~~((e) Receiving-only facilities, centralized septage treatment facilities, and persons who apply septage to the land that determine a residential equivalent value under subsection (4)(b) or (c) of this section may submit periodic payments as provided in (c)(i), (ii), and (iii) of this subsection, based on the actual level of service, provided that they submit a letter to the department indicating their intent to do so.~~

~~(i) Facilities under (c) of this subsection must submit a quarterly payment and statement of actual service level within ten days of the end of each quarter (not later than the 10th day of March, June, September, and December of each year), except as provided in (c)(ii) or (iii) of this subsection.~~

~~(ii) Facilities under (c) of this subsection that estimate and provide a level of service less than three hundred residential equivalents per year are subject to a fee of \$0.00 per residential equivalent and are not required to submit periodic payments, but must submit a statement of actual service level at least once per year.~~

~~(iii) Facilities under (c) of this subsection that calculate an annual residential equivalent value equal to or greater than three hundred residential equivalents per year may withhold a payment for any quarter where the total amount due is less than fifty dollars, provided a statement of the actual service level is submitted and that all accounts are brought up-to-date by July 10th of each year.)~~

(4) The permit fee schedule is based on the number of residences or residential equivalents (residential equivalent value) contributing to a permittee's biosolids management system(~~and incorporates~~). All charges per residential

equivalent and any maximum fees listed in this subsection will be adjusted by the annual fiscal growth factor calculated under chapter 43.135 RCW.

(a) All facilities required or requesting to obtain a permit or approval are assigned a minimum of one residential equivalent.

(b) For facilities with NPDES permits issued under chapter 173-220 WAC or state waste discharge permits issued under chapter 173-216 WAC, the department will use residential equivalent values determined under chapter 173-224 WAC. If no residential equivalent value is determined under chapter 173-224 WAC, the number of residences connected to the system or another appropriate criteria will be used to determine the residential equivalent value.

~~((b)) (c) The residential equivalent value for receiving-only facilities other than septage management facilities in ((e)) (e) of this subsection is the sum of the ((fraction of)) residential equivalent values contributed from all sources, as determined by considering the portion of the current annual ((biosolids)) production of each originating source that is provided to the receiving facility.~~

~~((A receiving-only facility must determine an estimated)) (d) The residential equivalent value ((based on projected capacity as detailed in the permit application submitted under WAC 173-308-310 and the method described in (b) of this subsection.~~

~~(e) For centralized septage treatment facilities and persons who apply septage to the land,) for facilities located outside of the state (e.g., those on tribal lands, other states, and other nations) who export solids into the state will be based on the portion of the current annual production of the facility that is exported into the state.~~

(e) For septage management facilities, each 1,250 gallons of septage received for treatment or applied to the land is equal to one residential equivalent ((as shown in Equation (4)).

$$((REV = \frac{\text{Gallons of septage received or applied to the land}}{1,250 \text{ Gallons per Residential Equivalent}} \text{ Equation (4)})$$

~~A centralized septage treatment facility and a person who applies septage to the land must determine an estimated residential equivalent value based on projected capacity as detailed in the permit application submitted under WAC 173-308-310 and the method described in (c) of this subsection.~~

~~(d) Equation (5) below is used to calculate permit fees:~~

$$\text{Permit Fee} = (REV \times \text{Cost per RE}_{FGF}) \text{ where:} \quad \text{Equation (5)}$$

~~(i) REV = residential equivalent value.~~

~~(ii) FGF = An annual fiscal growth factor expressed as a percentage, as determined under chapter 43.135 RCW.~~

~~(iii) Cost per RE_{FGF} = cost per residential equivalent in dollars including a fiscal growth factor. The cost per RE_{FGF} is obtained by multiplying the cost per residential equivalent in the preceding year by the current year's fiscal growth factor as follows in (6):~~

$$\text{Cost per RE}_{FGF} = \text{Previous year's cost per RE} \times [1 + (FGF)] \quad \text{Equation (6)}$$

~~((For implementation of the fiscal growth factor, the base year for all biosolids permit fees will be fiscal year 1998, ending June 30, 1998. In the base year, the FGF will be zero.~~

~~(e) Unless a lower cost is specified in a permit, the cost per residential equivalent in the base year will be as follows:~~

~~(i) \$0.00 per residential equivalent for any permit for any facility with a total residential equivalent value of less than 300, including those that would otherwise fall under (e)(ii) through (v) of this subsection.~~

~~(ii) \$0.015 per residential equivalent for a permit authorizing municipalities that own or operate incinerators that fire municipal sewage sludge to dispose of municipal sewage sludge generated by their own facility in a municipal solid waste landfill or through another facility on an emergency basis.~~

~~(iii) \$.20 per residential equivalent for permits authorizing disposal in a municipal solid waste landfill, except for facilities under (e)(ii) of this subsection.~~

~~(iv) \$0.04 per residential equivalent for permits issued to receiving-only facilities as defined in WAC 173-308-080.~~

~~(v) \$0.162 per residential equivalent for permits authorizing any other type of biosolids management activity, including but not limited to the following:~~

~~(A) Direct beneficial use by a treatment works treating domestic sewage;~~

~~(B) Transfer from one facility to another facility, including delivery of biosolids to an incinerator from nonincinerating jurisdictions;~~

~~(C) Prolonged treatment or storage, including lagoon systems;~~

~~(D) Treatment or land application of septage.)) (f) Equations (5) and (6), below, are used to calculate permit fees:~~

Equation (5)

$$\text{Permit Fee} = (\text{REV} \times \text{Cost per RE}_{\text{FGF}})$$

Where:

REV = residential equivalent value.

FGF = an annual fiscal growth factor expressed as a percentage, as determined under chapter 43.135 RCW.

Cost per RE_{FGF} = cost per residential equivalent in dollars including a fiscal growth factor. The cost per RE_{FGF} is obtained by multiplying the cost per residential equivalent in the preceding year by the current year's fiscal growth factor as follows in equation (6).

Equation (6)

$$\text{Cost per RE}_{\text{FGF}} = \text{Previous year's cost per RE} \times [1 + (\text{FGF})]$$

(g) For implementation of the fiscal growth factor, the base year for all biosolids permit fees will be fiscal year 2008, ending June 30, 2008. In the base year, the FGF will be zero (0).

(h) Review fee for new facilities. New facilities proposed after July 1, 2007, will be required to pay a nonrefundable fee of \$1,800 for its residential equivalent value prior to departmental review of an application package or proposal.

Following issuance of a permit or approval, the facility will be subject to the fees described in (i) of this subsection.

(i) A cost of \$600.00 will be assigned to the first residential equivalent for all facilities. The cost per subsequent residential equivalent in the base year will be as follows:

(i) \$0.00 per residential equivalent for permits issued to municipalities that own or operate incinerators that fire sewage sludge to dispose of sewage sludge generated by their own facility in a municipal solid waste landfill or through another facility on an emergency basis.

(ii) \$0.051 per residential equivalent up to a maximum of \$3000.00 for permits issued to receiving-only facilities.

(iii) \$0.215 per residential equivalent for permits authorizing any other type of solids management activity including, but not limited to, the following:

(A) Direct beneficial use by a treatment works treating domestic sewage.

(B) Transfer from one facility to another facility, including delivery to an incinerator from nonincinerating jurisdictions.

(C) Prolonged treatment or storage including, but not limited to, lagoon systems.

(D) Treatment or land application of septage.

(E) Disposal of sewage sludge in a municipal solid waste landfill except for facilities under (i)(i) of this subsection.

(F) Exporting biosolids or sewage sludge from facilities located outside of the state.

(iv) \$0.051 per residential equivalent above 100,000.

(5) Following is a summary table showing the equations used to calculate fees for the base year.

<u>Facility Type</u>	<u>Fee Formula for Base Year</u>
<u>Septage management</u>	<u>\$600 + (gallons ÷ 1,250 x \$0.215)</u>
<u>Receiving-only (includes beneficial use facilities)</u>	<u>\$600 + (REV_{received} x \$0.051) Maximum of \$3,000</u>
<u>Out-of-state</u>	<u>\$600 + (REV_{exported} x \$0.215)</u>
<u>Incineration</u>	<u>\$600.00</u>
<u>All others (includes most wastewater treatment facilities)</u>	<u>\$600 + (REV_{<100,000} x \$0.215) + (REV_{>100,000} x \$0.051)</u>
<u>New facility review fee</u>	<u>\$1,800</u>

Where:

REV_{received} = residential equivalent values received (based on the portion of the residential equivalent values contributed from each source).

REV_{exported} = residential equivalent values exported (based on the portion of the annual production of the facility that is exported into the state).

REV_{<100,000} = residential equivalent values less than 100,000.

REV_{>100,000} = residential equivalent values greater than or equal to 100,000.

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

NEW SECTION

WAC 173-308-90001 Appendix 1—Minimum content for a permit application. (1) The activities conducted by the applicant that require it to obtain a permit, and if applying under a general permit, the name of the permit.

(2) Name, mailing address, and location of the facility for which the application is submitted.

(3) The operator's name, address, telephone number, ownership status, and status as federal, state, private, public, or other entity.

(4) Whether or not the facility or any associated facilities or land applications sites are located on tribal or federal lands.

(5) A listing of other relevant environmental permits, and all permits or construction approvals received or applied for under any of the following programs:

(a) Hazardous waste management program under the Resource Conservation and Recovery Act.

(b) Underground injection control program under the Safe Drinking Water Act.

(c) National pollutant discharge elimination system program under the Clean Water Act.

(d) Prevention of significant deterioration program under the Clean Air Act.

(e) Nonattainment program under the Clean Air Act.

(f) National emission standards for hazardous pollutants preconstruction approval under the Clean Air Act.

(g) Ocean dumping permits under the Marine Protection, Research, and Sanctuaries Act.

(h) Dredge or fill permits under section 404 of the Clean Water Act.

(6) A map extending one mile (1.6 kilometers) beyond the property boundaries of the facility, showing the location and means of access to the facility, and additional maps if necessary, showing the same for any associated treatment or storage facilities.

(7) Any biosolids monitoring data the applicant has for the last two years, including for land application sites any available soil, or surface or ground water monitoring data, with a description of the sampling locations, and for wells the approximate depth to ground water.

(8) A description of the applicant's biosolids use and disposal practices including, where applicable, the location of any sites where the applicant transfers biosolids for treatment or sewage sludge for disposal, as well as the name of the applicator or other contractor who applies the biosolids to land if different from the applicant.

(9) Land application plans, as required under WAC 173-308-310.

(10) The amount of biosolids produced and the amount of biosolids applied to the land during the previous year, and estimated to be produced or applied to the land on an annual basis during the life of the permit.

(11) Any information required to determine the appropriate standards for permitting under this chapter, and any other information the department may request and reasonably

require to assess biosolids use or sewage sludge disposal practices, to determine whether or not to issue a permit, or to ascertain appropriate permit requirements under this chapter.

NEW SECTION

WAC 173-308-90002 Appendix 2—Minimum content for a notice of intent to be covered under a general permit. (1) The name of the general permit under which coverage is being sought, and a statement declaring the applicant's intent to comply with the requirements of the permit.

(2) The activities conducted by the applicant that require it to obtain coverage.

(3) Name, mailing address, and location of the facility for which the application is submitted.

(4) The operator's name, address, telephone number, ownership status, and status as federal, state, private, public, or other entity.

(5) The location and a description of any site(s) where biosolids or sewage sludge are treated, stored, disposed, or applied, and whether or not any permit, including a local solid waste permit has been issued for a site.

(6) Any information specifically required for a notice of intent under the applicable general permit.

NEW SECTION

WAC 173-308-90003 Appendix 3—Minimum content for a site specific land application plan. (1) Whether or not it is known or can be determined that biosolids containing pollutants in excess of the values WAC 173-308-160 Table 3 have ever been applied to the site, and if so:

(a) The date(s) when the biosolids were applied (if known).

(b) The amount of biosolids applied (if known).

(c) The concentrations of the pollutants in the biosolids (if known).

(d) The area(s) of the site to which the biosolids were applied (if known).

(2) A discussion of the types of crops grown or expected to be grown, their intended end use (e.g., pasture grass for a feed crop, corn as a food crop), and the current distribution of crops on the site.

(3) An explanation of how agronomic rates will be determined during the life of the site, along with any currently available calculations. Whenever agronomic rates or the method used to determine agronomic rates change, an update of the agronomic rate calculations must be filed with the department.

(4) Method(s) of application.

(5) Seasonal and daily timing of biosolids applications.

(6) Provisions for conducting any sampling of soils, surface waters, or groundwater and any available data collected from the site within the last two years.

(7) The name of the county and water resource inventory area where biosolids will be applied.

(8) A description of how biosolids will be stored at the site that also addresses related off-site storage. If biosolids that do not meet one of the vector attraction reduction requirements in WAC 173-308-180 may be applied to the site, a management plan describing how protection of human

health will be ensured. For example, you may propose to limit storage to the time of year when potential vectors are likely to be minimized, or you may propose to provide temporary cover during storage.

(9) Map(s) for the site(s) must be submitted. Maps must be of an appropriate scale to show the detail necessary for evaluation of the proposed application areas and so that a person may reasonably be able to locate the sites and any application units within a site (preferably eight inches to the mile for detailed information with an overview map at one-half inch to the mile). Minimally, maps must provide the following information:

- (a) A legend.
- (b) The location and means of access.
- (c) Specific areas of the site where biosolids may be applied. If there is more than one site or more than one application unit within a site, a site or unit ID number should be included.
- (d) The number of acres in the site or in any distinct application unit within a site.
- (e) Location and extent of any wetlands on the site.
- (f) A topographic relief of the application site and surrounding area.
- (g) Adjacent properties and uses and their zoning classification.
- (h) Any seasonal surface water bodies located on the site.
- (i) Any perennial surface water bodies located on or within one-quarter mile (402 meters) of the site.
- (j) The location of any wells located on or within one-quarter mile (402 meters) of the site that are listed in public records or otherwise known to the applicant, whether for domestic, irrigation, or other purposes.
- (k) Buffer zones to features such as surface waters, wells, property boundaries, and roadways and the width of the buffer zones.
- (l) The presence and extent of any threatened or endangered species or related critical habitat.
- (m) The location of any critical areas on site, as required to be identified under chapter 36.70A RCW in the county's growth management plan.
- (n) The location and size of any areas that will be used to store biosolids.
- (10) If the seasonal groundwater is three feet (0.91 meters) or less below the surface, a management plan describing how you will protect groundwater. For example, you may propose to limit applications to the time of year when groundwater has receded to less than three feet (0.91 meters) below the surface.
- (11) A description of how access to the site will be restricted (e.g., signs posted around the site or other approved method of access restriction).
- (12) A copy of the landowner agreement required under WAC 173-308-120(6).

NEW SECTION

WAC 173-308-90004 Appendix 4—Minimum content for a general land application plan. (1) Describes the geographical area covered by the plan, including the names

of all counties and water resource inventory areas where biosolids may be applied.

- (2) Identifies site selection criteria.
- (3) Describes how sites will be managed.
- (4) Provides for not less than thirty days advance notice to the department of new or expanded land application sites, including those subject to provisional approval under WAC 173-308-310(18), to allow time for the department to object prior to the biosolids application.
- (5) Provides for advance public notice as required in WAC 173-308-310(13), and that is reasonably calculated to reach potentially interested adjacent and abutting property owners.

NEW SECTION

WAC 173-308-90005 Appendix 5—Procedures for issuing general permits. When the department issues general permits, it will do so in accordance with the procedures in this section.

- (1) **General permit coverage.**
 - (a) The director may issue general permits to satisfy any or all of the biosolids management requirements in chapter 70.95J RCW or other applicable state or federal biosolids management requirements.
 - (b) The director may issue general permits to cover categories or subcategories of facilities within appropriate geographic areas.
 - (c) General permits may be written to cover categories of treatment works treating domestic sewage that meet all of the following requirements:
 - (i) Involve the same or substantially similar types of operations.
 - (ii) Engage in the same types of biosolids use or sewage sludge disposal practices.
 - (iii) Require the same or substantially similar operating conditions or standards for biosolids use or sewage sludge disposal.
 - (iv) Require the same or substantially similar monitoring.
 - (v) In the opinion of the director are more appropriately controlled under a general permit than under individual permits.
- (2) **General permit preparation - preliminary determination.**
 - (a) For all general permits, the department must make a preliminary determination to develop a general permit.
 - (i) Interested persons may petition the director requesting that a category of facilities be considered for the development of a general permit.
 - (ii) The department must respond to such a petition within ninety days of receipt.
 - (b) The department must provide public notice of all preliminary determinations to develop a general permit pursuant to subsection (5)(a) of this section.
 - (c) In the event that the department determines not to develop a general permit after publishing a preliminary determination pursuant to subsection (5)(a) of this section, the department must provide public notice to that effect in the

same manner as the preliminary determination public notice was provided.

(3) Fact sheets.

(a) The department must prepare a fact sheet for every draft general permit determination. Such fact sheets must summarize the following:

- (i) The legal basis of the permitting program.
- (ii) The type of facility or activity which is the subject of the general permit.
- (iii) The geographical area for which the general permit is valid.
- (iv) The criteria for which coverage under a general permit will be approved.
- (v) If available, a listing or some other means of identifying the facilities proposed to be covered under the general permit.
- (vi) The information required to be submitted as part of the application for coverage under the general permit.
- (vii) The general characteristics of the facilities being authorized under the general permit.
- (viii) Standards and limitations imposed in the general permit.
- (ix) A general description of the conditions in the general permit.
- (x) Any compliance schedules proposed as part of the general permit.
- (xi) The procedures for the formulation of final determinations, including:
 - (A) The thirty-day comment period required in subsection (5)(c)(iv) of this section, including the date and time after which public comments will not be considered by the department in formulating the final determination on the draft general permit.
 - (B) The time and place of the public hearing(s) required in subsection (7) of this section.
 - (C) Any other procedures by which the public may participate in the formulation of the final determination.
- (xii) A summary of the economic impact analysis required in subsection (4) of this section, including any mitigation proposed for small business.

(b) The department must provide copies of general permit fact sheets to any interested person upon request.

(4) Economic impact analysis.

(a) The department must prepare an economic impact analysis on all draft general permits which are intended to directly cover small business. The economic impact analysis must be prepared on the draft general permit for which public notice is being provided pursuant to subsection (5)(c) of this section.

(b) The purpose of the economic impact analysis is to reduce the economic impact of the general permit on small business by doing one or more of the following when it is legal and feasible in meeting the stated objectives of chapter 70.95J RCW:

- (i) Establishing differing compliance or reporting requirements or timetables for small businesses.
- (ii) Clarifying, consolidating, or simplifying the compliance and reporting requirements under the general permit for small businesses.

(iii) Establishing performance rather than design standards.

(iv) Exempting small businesses from parts of the general permit.

(c) The contents of an economic impact analysis of a proposed general permit must include, at a minimum, the following:

(i) A brief description of the compliance requirements of the general permit, including:

- (A) The minimum quality requirements.
- (B) The monitoring requirements contained in the general permit.
- (C) The reporting and recordkeeping requirements.
- (D) Any plan submittal requirements.

(ii) The estimated costs of compliance, based upon existing data for facilities intended to be covered under the general permit. Costs must include:

- (A) The costs associated with (c)(i) of this subsection.
- (B) The costs of equipment, supplies, labor, and any increased administrative costs.

(iii) A comparison, to the greatest extent possible, of the cost of compliance for small businesses with the cost of compliance for the largest ten percent of the facilities intended to be covered under the general permit. The economic impact analysis must use one or more of the following as a basis for comparing costs:

- (A) Cost per employee.
- (B) Cost per hour of labor.
- (C) Cost per one hundred dollars of sales.
- (d) The following compliance costs associated with a general permit must not be included in the economic impact analysis:

(i) The costs necessary to comply with chapter 173-308 WAC.

(ii) The costs associated with requirements of the general permit which result from conformity or compliance, or both, with federal law or regulations.

(5) **Public notice.** The department must provide public notice of all preliminary determinations to develop a general permit, all determinations not to develop a general permit after publishing such a preliminary determination, all draft general permit determinations, and the issuance of a final general permit. All public notices must be circulated in a manner designed to inform interested and potentially affected persons of the proposed general permit.

(a) **Public notice for preliminary determinations.** The department must provide public notice of all preliminary determinations to develop a general permit as follows:

(i) The public notice must be circulated within the geographical area of the proposed general permit. Such notice may include any or all of the following:

- (A) Publishing, as a paid advertisement or legal notice, the department's preliminary determination in one or more major local newspapers throughout the area of proposed coverage.
- (B) Issuance of news releases, focus sheets, or newsletters.
- (C) Publication in the State Register.

(ii) The department must request comments on whether a general permit is appropriate for the proposed category of facilities or whether individual permits are necessary.

(iii) The public notice must provide an opportunity for any interested or potentially affected party to submit information on facilities proposed to be covered under a general permit including:

(A) Any documented information on the characteristics of the biosolids including quantity, quality, and any land application sites. Information may be from an individual facility or be representative of the category as a whole.

(B) Any other relevant information.

(iv) The department must add the name of any person upon request to a general permit specific mailing list to receive information and notices related to the development of the general permit.

(b) In the event that the department determines not to develop a general permit after publishing a preliminary determination pursuant to (a) of this subsection, the department must provide public notice to that effect.

(c) **Public notice for draft general permits.** The department must provide public notice of every draft general permit as follows:

(i) The notice must be circulated throughout the geographical area covered by the general permit. Such circulation may include any or all of the following:

(A) Posting for a period of thirty days in post offices, public libraries, and public places within the geographical area covered by the general permit.

(B) Publishing the notice as a paid advertisement, display advertisement, or legal notice, in one or more major local newspapers of general circulation serving the area covered by the general permit.

(C) Issuance of news releases, focus sheets, or newsletters.

(ii) Notice must be mailed to any person upon request, including all persons on the general permit specific mailing list established pursuant to (a)(iv) of this subsection and all known, potential permittees.

(iii) At least thirty days before the public hearing(s) required in subsection (7) of this section, the department must have the following published in the State Register:

(A) The public notice contents contained in (c)(vi) of this subsection.

(B) A reference to the relevant sections of chapter 70.95J RCW as the statutory authority for issuing the general permit.

(C) The date on which the agency intends to issue the general permit.

(D) A short explanation of the permit, its purpose, and anticipated effects.

(E) A summary of the economic impact analysis required in subsection (4) of this section.

(iv) **Public comment period.** The department must provide a period of not less than thirty days following the last publication of the public notice, during which time interested persons may submit their written views on a draft general permit determination. All written comments submitted during the comment period must be retained by the department and considered in the formulation of its final determination

with respect to the draft general permit. The period for comment may be extended at the discretion of the department.

(v) The department must make available during the public comment period:

(A) The draft general permit.

(B) The fact sheet on the draft general permit required pursuant to subsection (3) of this section.

(C) The economic impact analysis required pursuant to subsection (4) of this section.

(D) A copy of the proposed application for coverage.

(E) The notice required pursuant to (c)(iii) of this subsection.

(vi) The contents of the draft general permit public notice must, at a minimum, summarize the following:

(A) The name, address, and phone number of the agency issuing the public notice.

(B) The type of facilities and activities which are the subject of the general permit.

(C) The geographical area for which the general permit is valid.

(D) The criteria for which coverage under a general permit will be approved.

(E) If available, a listing or some other means of generally identifying the facilities proposed to be covered under the general permit.

(F) The tentative determination to issue a general permit.

(G) The procedures for the formulation of final determinations, including the thirty-day comment period required in (c)(iv) of this subsection and any other means by which interested persons may comment upon those determinations.

(H) The date, time, and place when the public hearing(s) required in subsection (7) of this section will be held.

(I) The address and phone number of state premises at which interested persons may obtain further information.

(J) The date and time after which comments will not be considered by the department in formulating the final determination on the draft general permit.

(d) **Public notice for final general permits.** The department must provide public notice of the issuance of a final general permit as follows:

(i) The notice of general permit issuance must be circulated in a manner similar to that used to circulate the notice on the draft general permit in (c)(i) of this subsection and must be published in the State Register.

(ii) The notice of general permit issuance must be provided to all persons on the general permit specific mailing list established pursuant to (a)(iv) of this subsection and all known, potential permittees.

(iii) The public notice of the issuance of a general permit must contain:

(A) The name, address, and phone number of the agency issuing the public notice.

(B) The type of facilities and activities which are the subject of the general permit.

(C) The geographical area for which the general permit is valid.

(D) The criteria for which coverage under a general permit will be approved.

(E) If available, a listing or some other means of generally identifying the facilities proposed to be covered under the general permit.

(F) A summary of the application process by which eligible facilities may obtain coverage under the general permit.

(G) An explanation of any changes to the final general permit, other than editing changes, and the principal reasons for adopting the changes.

(H) A notice that the terms and conditions of the general permit may be appealed only by filing an appeal with the pollution control hearings board and by serving it upon the department within thirty days, and the process for doing so as contained in RCW 43.21B.310.

(I) The date after which the general permit will be effective. The effective date of a general permit must be no sooner than thirty days after the publication in the State Register of the public notice required pursuant to (d)(i) of this subsection.

(6) **Notice to other government agencies.** The department must notify other appropriate government agencies of each draft general permit determination and must provide such agencies an opportunity to submit their written views and recommendations.

(7) Public hearings.

(a) The department must hold one or more public hearings on all draft general permits. The public hearing must be held during the public comment period provided pursuant to subsection (5)(c)(iv) of this section.

(b) The date, time, and place will be at the discretion of the department provided:

(i) At least thirty days is provided between the time the public notice is published pursuant to subsection (5)(c)(i) and (iii) of this section, and the time the hearing is held.

(ii) The hearing location is within the geographical area covered by the general permit.

(c) The department must cause a record to be made of all hearings required pursuant to this section. The record may be stenographic, mechanical, or electronic.

(8) Public access to information.

(a) In accordance with chapter 42.17 RCW and its published policy describing disclosure of public records, the department must make identifiable public records relating to all general permits available to the public for inspection and copying.

(b) The department must designate a general permit coordinator for each general permit. The coordinator must:

(i) Have knowledge of the general permit being prepared.

(ii) Maintain the records associated with the development of the general permit including the general permit file required pursuant to (c) of this subsection.

(iii) Be identified as the department contact in public notices regarding the general permit.

(c) **General permit development file.** The department must prepare a general permit development file for each issued general permit. The general permit development file must be available for public inspection subject to the provisions of this section. The general permit development file must contain:

(i) Copies of all public notices required pursuant to subsection (5) of this section.

(ii) A copy of the fact sheet required pursuant to subsection (3) of this section and any other documents not readily available to the public which were used in developing the terms and conditions of the general permit.

(iii) A copy of the economic impact analysis required pursuant to subsection (4) of this section.

(iv) Copies of the draft and final general permits and the application for coverage.

(v) All written comments received during the public comment period required pursuant to subsection (5)(c)(iv) of this section, on the draft general permit, fact sheet, economic impact analysis, and application for coverage.

(vi) The record of public hearings produced pursuant to subsection (7)(c) of this section.

(vii) The response to comments prepared pursuant to subsection (9)(a) of this section.

(d) The department must add the name of any person, upon request, to a mailing list to receive notices of department actions associated with a general permit.

(e) The department must provide facilities for the inspection of information relating to general permits and must ensure that employees honor requests for such inspection promptly without undue requirements or restrictions. The department must do either:

(i) Ensure that a machine or device for the copying of papers and documents is available for a reasonable fee.

(ii) Otherwise provide for, or coordinate with copying facilities or services such that requests for copies of nonconfidential, identifiable public records be honored promptly.

(9) Issuance of general permits.

(a) At the close of the public comment period required pursuant to subsection (5)(c)(iv) of this section, the department must prepare a response to all relevant comments received (both written and oral) and must briefly describe any changes, other than editing changes, and the principal reasons for making the changes to the draft general permit.

(b) General permits must be deemed issued upon signing by the director or by a person delegated by the authority to issue general permits pursuant to chapter 173-06 WAC.

(c) The department must provide public notice of the issuance of all final general permits pursuant to subsection (5)(d) of this section.

(d) General permits become effective thirty days after the date of publication in the State Register of the public notice required pursuant to subsection (5)(d) of this section unless a later date is specified by the department.

(10) Appeals.

(a) The terms and conditions of a general permit as they apply to the appropriate class of facilities are subject to appeal within thirty days of issuance of a general permit in accordance with chapter 43.21B RCW.

(b) The terms and conditions of a general permit, as they apply to an individual facility, are appealable, within thirty days of the effective date of coverage of that facility, in accordance with chapter 43.21B RCW. This appeal is limited to the general permit's applicability or nonapplicability to that individual facility.

(c) The appeal of general permit coverage of an individual facility does not affect any other facilities covered under the general permit. If the terms and conditions of a general permit are found to be inapplicable to any individual facility, the matter must be remanded to the department for consideration of issuance of an individual permit or permits.

(11) **Modification, revocation and reissuance, and termination of general permits.** A general permit may be modified, revoked and reissued, or terminated, during its term for cause including, but not limited to, the following:

(a) A change occurs in the technology or practices for control or abatement of pollutants applicable to the category of facilities covered under the general permit.

(b) New biosolids or sewage sludge guidelines or standards are promulgated pursuant to the Clean Water Act or chapter 70.95J RCW, for the category of facilities covered under the general permit.

(c) Information is obtained which indicates that cumulative effects on the environment from facilities covered under the general permit are unacceptable.

(12) **Notice for determinations to modify or revoke.** In the event that the director has determined to modify or revoke, in whole or in part, a general permit pursuant to subsection (11) of this section the director must notify, in writing, all facilities covered under the general permit. The notification must include:

(a) The reason(s) why the general permit is being revoked or modified.

(b) The process for appealing the determination pursuant to RCW 43.21B.310.

(c) An application form and a time limit for submitting the application.

(d) Any other information determined to be relevant by the department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 173-308-070	Use of term, "biosolids"—Explanation.
WAC 173-308-220	Bulk biosolids applied to forestland.
WAC 173-308-230	Bulk biosolids applied to a public contact site.
WAC 173-308-240	Bulk biosolids applied to a land reclamation site.

**WSR 07-03-104
PROPOSED RULES
GAMBLING COMMISSION**

[Filed January 22, 2007, 8:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-24-057.

Title of Rule and Other Identifying Information: WAC 230-40-120 Wagering limits in card games.

Hearing Location(s): Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000, on March 9, 2007, at 9:30 a.m.

Date of Intended Adoption: March 9, 2007.

Submit Written Comments to: Susan Arland, P.O. Box 42400, Olympia, WA 98504-2400, e-mail Susan2@wsgc.wa.gov, fax (360) 486-3625, by March 1, 2007.

Assistance for Persons with Disabilities: Contact Shirley Corbett, Executive Assistant, by March 1, 2007, TTY (360) 486-3637 or (360) 486-3447.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The petitioner, a poker player, requests that poker wagering limits be increased from \$25 to \$40.

Reasons Supporting Proposal: The petitioner states that the change will provide more betting options for players.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Not applicable.

Name of Proponent: Mr. Kimmerlee, a poker player, private.

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: Mark Harris, Assistant Director, Lacey, (360) 486-3579.

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.

January 22, 2007

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending Order 453, filed 1/17/06, effective 2/17/06)

WAC 230-40-120 Limits on wagers in card games. Social and public card room licensees shall not allow wagering limits set by the commission to be exceeded in any card game. The number and value of wagers in card games are limited as follows:

Nonhouse-banked card games.

(1) Poker:

(a) There shall be no more than five betting rounds in any one game;

(b) The maximum number of wagers in any betting round shall be four, comprised of an initial wager plus three raises; and

(c) The maximum amount of a single wager shall not exceed ~~((twenty-five))~~ forty dollars;

(2) Games based on achieving a specific number of points - each point shall not exceed five cents in value;

(3) An ante, except for panguingue (pan), shall not be more than the maximum wager allowed for the first betting round for any game. The ante may, by house rule, be made by one or more players, but the total ante may not exceed the maximum wager allowed for the first betting round. An ante, by house rule, may be used as part of a player's wager;

(4) Panguingue (pan) - the maximum value of a chip for a payoff shall not exceed ten dollars. An ante will not exceed one chip. Doubling of conditions is prohibited. Players going out may collect not more than two chips from each participating player;

House-banked card games.

(5) Licensees authorized to conduct house-banked card games shall not allow a single wager to exceed two hundred dollars;

(6) A single wager may be made for each decision made by the player before additional cards are dealt or revealed. In addition, for blackjack, an additional wager may be placed for doubling down or splitting pairs; and

(7) Bonus wagers for house-banked progressive jackpots shall not exceed one dollar. Bonus wagers with a predetermined prize amount based upon a separate element of chance within the same game shall not exceed the authorized maximum table limits as described in subsection (5) of this section.

WSR 07-03-115

PROPOSED RULES

DEPARTMENT OF FISH AND WILDLIFE

[Filed January 22, 2007, 11:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-19-080.

Title of Rule and Other Identifying Information: WAC 220-16-095 Definitions—Set net, 220-20-010 General provisions—Lawful and unlawful acts—Salmon, other fish and shellfish, 220-20-021 Sale of commercially caught sturgeon and bottomfish, 220-22-010 Columbia River salmon management and catch reporting areas, 220-32-055 Off-reservation Indian subsistence fishing, 220-33-005 Definitions—River mouth sanctuaries, 220-33-010 Salmon, 220-33-020 Sturgeon, 220-36-031 Grays Harbor—Season and gear—Sturgeon, and 220-40-031 Willapa Bay—Seasons and lawful gear—Sturgeon.

Hearing Location(s): Room 175 A & B, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA, on March 9-10, 2007, at 8:00 a.m.

Date of Intended Adoption: April 6-7, 2007.

Submit Written Comments to: Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail preuslmp@dfw.wa.gov, fax (360) 902-2944, by March 7, 2007.

Assistance for Persons with Disabilities: Contact Susan Yeager by February 28, 2007, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Purpose is to redefine set net gear and river mouth definitions as they apply to the Columbia River; provide amendments to general provisions to remove conflicts with federal regulations, create clarity of conservation management rules on salmon and sturgeon; modify catch and management reporting boundaries in the Columbia River; amend Columbia River off-reservation tribal fishing rules for subsistence fishing; and, reorganize sturgeon rules for coastal bays and the Columbia River to provide streamlining and reduce regulatory text. The anticipated effects of these rules are to provide complimentary [complementary] rules with federal requirements, add clarity of purpose for sturgeon and salmon conservation needs, and reorganize rules to reduce verbiage.

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: Morris W. Barker, 1111 Washington Street, Olympia, (360) 902-2826; 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 are no record-keeping or reporting requirements. Compliance requirements are related to appropriate gear, size limits, and treatment and transport of catch.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None required.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: There may be a small insignificant cost of compliance to the individual fishers for treating catch in a conservative manner, but the longer term economic gain to the industry will outweigh the interim impacts.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No. These rules should provide greater economic benefit to the industry.

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:

1. Cost per employee;
2. Cost per hour of labor; or
3. Cost per one hundred dollars of sales.

There should be no significant costs, and the number of businesses affected is less than 10% of the classified industry.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: Immediate costs are expected to be *de minimis*,

and in the long term, the rule would improve economic benefits.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: A public hearing under the fish and wildlife commission public rule-making process will be conducted, and public comment on the rule proposal will be considered in the rule-making process.

8. A List of Industries That Will Be Required to Comply with the Rule: Commercial gillnet fishers on the coast and in the Columbia River.

A copy of the statement may be obtained by contacting Lori Preuss, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail preuslmp@dfw.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. These proposals do not affect hydraulics.

January 22, 2007

Loreva M. Preuss
Rules Coordinator

AMENDATORY SECTION (Amending Order 810, filed 4/17/69)

WAC 220-16-095 Definitions—Set net. "Set net" shall be defined as a gill net which is anchored, tied, staked, laid in part on shore or whose lead line is so heavily weighted that it cannot drift, except that set net does not mean a nondrifting gill net operated in the Deep River, Blind Slough/Knappa Slough or South Channel Select Areas in accordance with an open fishery season and associated gear rules.

AMENDATORY SECTION (Amending Order 06-135, filed 6/13/06, effective 7/14/06)

WAC 220-20-010 General provisions—Lawful and unlawful acts—Salmon, other fish and shellfish. (1) It shall be unlawful to take, fish for, possess or transport for any purpose fish, shellfish or parts thereof, in or from any of the waters or land over which the state of Washington has jurisdiction, or from the waters of the Pacific Ocean, except at the times, places and in the manners and for the species, quantities, sizes or sexes provided for in the regulations of the department.

(2) It shall be unlawful for any person to have in possession or under control or custody any food fish or shellfish within the land or water boundaries of the state of Washington, except in those areas which are open to commercial fishing or wherein the possession, control or custody of salmon or other food fish or shellfish for commercial purposes is made lawful under a statute of the state of Washington or the rules and regulations of the commission or director, unless otherwise provided.

(3) It shall be lawful to fish for, possess, process and otherwise deal in food fish and fish offal or scrap for any purpose, provided; that it shall be unlawful to use any of the following listed species for purposes other than human consumption or fishing bait:

Pacific halibut	(<i>Hippoglossus stenolepis</i>)
Pacific herring (except as prescribed in WAC 220-49-020)	(<i>Clupea harengus pallasi</i>)
Salmon	
Chinook	(<i>Oncorhynchus tshawytscha</i>)
Coho	(<i>Oncorhynchus kisutch</i>)
Chum	(<i>Oncorhynchus keta</i>)
Pink	(<i>Oncorhynchus gorbuscha</i>)
Sockeye	(<i>Oncorhynchus nerka</i>)
Masu	(<i>Oncorhynchus masu</i>)
Pilchard	(<i>Sardinops sagax</i>)
Except as provided for in WAC 220-88C-040	

(4) It shall be unlawful for any person to fish for fish or shellfish while in possession in the field of fish or shellfish that are in violation of the harvest regulations for the area being fished. This regulation does not apply to vessels in transit.

(5) It shall be unlawful for the owner or operator of any commercial food fish or shellfish gear to leave such gear unattended in waters of the state or offshore waters unless said gear is marked.

(a) Shellfish pot, bottom fish pot, set line and set net gear must be marked with a buoy to which shall be affixed in a visible and legible manner the department approved and registered buoy brand issued to the license, provided that:

(i) Buoys affixed to unattended gear must be visible on the surface of the water except during strong tidal flow or extreme weather conditions.

(ii) When two or more shellfish pots are attached to a common ground line the number of pots so attached must be clearly labeled on the required buoy.

(b) It is unlawful to operate any gill net, attended or unattended, unless there is affixed, within five feet of each end of the net, a buoy, float, or some other form of marker, visible on the corkline of the net, on which shall be marked in a visible, legible and permanent manner the name and gill net license number of the fisher.

(c) It shall be unlawful at any time to leave a gill net unattended in the commercial salmon fishery.

(6) It shall be unlawful to place any commercial food fish or shellfish gear in any waters closed to commercial fishing, provided; that this provision shall not apply to reef nets or brush weirs or to gear being tested under supervision of the department, provided further that it shall be unlawful to take, fish for or possess food fish with any type of commercial fishing gear in the waters of Carr Inlet north of north latitude 47°20' from August 15 through November 30 except as provided in chapter 220-47 WAC.

(7) It shall be unlawful for the owner or operator of any fishing gear to refuse to submit such gear to inspection in any manner specified by authorized representatives of the department.

(8) It shall be unlawful for any person taking or possessing fish or shellfish taken from any of the waters or beaches of the Columbia River, the state of Washington or the Pacific

Ocean for any purpose to fail to submit such fish or shellfish for inspection by authorized representatives of the department.

(9) It shall be unlawful for any person licensed by the department to fail to make or return any report required by the department relative to the taking, selling, possessing, transporting, processing, freezing and storing of fish or shellfish whether taken within the jurisdiction of the state of Washington or beyond or on Indian reservations or usual and accustomed Indian fishing grounds.

(10) It shall be unlawful to take, fish for or possess or to injure, kill or molest fish in any fishway, fish ladder, fish screen, holding pond, rearing pond, or other fish protective device, or to interfere in any manner with the proper operation of such fish protective devices.

(11) It shall be unlawful to club, gaff, shoot with firearm, crossbow, bow and arrow or compressed air gun, snag, snare, dip net, harass, spear, stone or otherwise molest, injure, kill or destroy any fish or shellfish or parts thereof, or for any person to attempt to commit such acts, or to have any fish, shellfish or parts thereof so taken in possession, except as provided for in this subsection:

(a) It shall be lawful to use a dip net or club in the landing of fish taken by personal-use angling unless otherwise provided and it shall be lawful to use a gaff in the landing of tuna, halibut and dogfish in all catch record card areas.

(b) It shall be lawful to use a dip net, gaff, or club in the landing of food fish or shellfish taken for commercial purposes, except that it is unlawful to use a fish pew, pitchfork, or any other instrument that will penetrate the body of the food fish or shellfish while sorting commercial catches during the act of discarding those fish that are not going to be retained.

(c) It shall be lawful to use a spear in underwater spear fishing as provided for in WAC 220-56-160.

(d) It shall be lawful to use a bow and arrow or spear to take carp as provided for in WAC 220-56-280.

(e) It shall be lawful to snag herring, smelt, anchovies, pilchard, sand lance, and squid when using forage fish jigger gear or squid jigs.

(f) It shall be lawful to shoot halibut when landing them with a dip net or gaff.

(12) It shall be unlawful to take or possess for any purpose any fish or shellfish smaller than the lawful minimum size limits. Any such fish either snagged, hooked, netted or gilled must be immediately returned to the water with the least possible injury to the fish or shellfish and it shall be unlawful to allow undersized salmon entangled in commercial nets to pass through a power block or onto a power reel or drum.

(13) It shall be unlawful to possess aboard any vessel engaged in commercial fishing or having commercially caught fish aboard, any food fish or shellfish in such condition that its species, length, weight or sex cannot be determined if a species, species group or category, length, weight, or sex limit is prescribed for said species and it is unlawful to possess food fish or shellfish mutilated in any manner such that the natural length or weight cannot be determined if a length or weight limit is prescribed for said species.

(14) It shall be lawful to possess, transport through the waters of the state, or land, dressed sablefish ("dressed" is defined by WAC 220-16-330).

(15) It shall be lawful to possess, transport through the waters of the Pacific Ocean, or land, dressed salmon caught during a lawful salmon troll fishery provided that frozen chinook salmon, dressed heads off, shall be 21 1/2 inches minimum and frozen coho salmon dressed heads off shall be 12 inches minimum, measured from the midpoint of the clavicle arch to the fork of the tail.

(16) It shall be lawful to possess, transport through the waters of the Pacific Ocean, or land, dressed halibut if allowed by IPHC rules and such fish meet any IPHC size requirements.

(17) It shall be unlawful in any area to use, operate or carry aboard a commercial fishing vessel a licensed net or combination of such nets, whether fished singly or separately, in excess of the maximum lawful size or length prescribed for a single net in that area, except as otherwise provided for in the rules and regulations of the department.

~~((15))~~ (18) It shall be unlawful for any permit holder to fail to comply with all provisions of any special permit or letter of approval issued to him under the authority of the director, or to perform any act not specifically authorized in said document or in the regulations of the commission or director.

~~((16))~~ (19) It shall be unlawful to use, place or cause to be placed in the waters or on the beaches or tidelands of the state any substance or chemical used for control of predators or pests affecting fish or shellfish or other aquatic marine organisms, without first having obtained a special permit to do so from the director.

~~((17))~~ (20) It shall be unlawful to test commercial fishing gear except as follows:

(a) Bellingham Bay - inside and northerly of a line from Governor's Point to the south tip of Eliza Island to Point Frances in waters 10 fathoms and deeper.

(b) Boundary Bay - north of a line from Birch Point to Point Roberts and south of the international boundary in waters 10 fathoms and deeper during times not under IPSFC control.

(c) San Juan Channel - within a 1 mile radius of Point Caution during times not under IPSFC control.

(d) Port Angeles - inside and westerly of a line projected from the east tip of Ediz Hook through buoy C "1" to the mainland.

(e) Port Gardner - within a 2 mile radius of the entrance to Everett breakwater in waters 10 fathoms and deeper.

(f) Central Puget Sound - between lines from Meadow Point to Point Monroe and Skiff Point to West Point in waters 50 fathoms and deeper.

(g) East Pass - between lines from Point Robinson true east to the mainland and from Dash Point to Point Piner in waters 50 fathoms and deeper.

(h) Port Townsend - westerly of a line from the Coast Guard station in Port Townsend to Walan Point to Kala Point in waters 10 fathoms and deeper.

(i) All tows or sets are limited to 20 minutes exclusive of setting and retrieving time.

(j) All testing is to be accomplished between 8:00 a.m. and 4:00 p.m.

(k) Codends of trawl nets must be left open, all hooks of set line gear must be unbaited, and no lures or baited hooks shall be used with jig or troll gear.

(l) Any and all incidentally caught fish and shellfish must be returned to the waters immediately, and no fish or shellfish are to be retained aboard the vessel at any time during a gear test operation.

(m) It shall be unlawful for any person conducting such gear testing operations to fail to notify the fish and wildlife enforcement office in Olympia prior to testing.

~~((18))~~ (21) It is unlawful for any person or corporation either licensed by the department or bringing fish or shellfish into the state to fail to comply with the directions of authorized department personnel related to the collection of sampling data or material from fish or shellfish. It is also unlawful for any such person or corporation to fail to relinquish to the department, upon request, any part of a salmon or other fish containing coded-wire tags, including but not limited to, the snouts of those salmon that are marked by having clipped adipose fins.

~~((19))~~ (22) It is unlawful for any person to possess live bottom fish taken under a commercial fishery license.

~~((20))~~ (23) It is unlawful for any person to use chemical irritants to harvest fish, shellfish or unclassified marine invertebrates except as authorized by permit issued by the department.

AMENDATORY SECTION (Amending Order 06-24, filed 2/14/06, effective 3/17/06)

WAC 220-20-021 Sale of commercially caught sturgeon ~~(and)~~, bottomfish and halibut. (1) It is unlawful for any person while engaged in commercial fishing for sturgeon ~~((or))~~, bottomfish or halibut to:

(a) Keep sturgeon smaller or greater than the size limits provided for in WAC 220-20-020, keep more than one sturgeon for personal use, or keep more than the equivalent of one daily limit of sport caught bottomfish for personal use. Any lingcod to be retained for personal use taken east of the mouth of the Sekiu River must be greater than 26 inches in length and may not exceed 40 inches in length. All commercially taken sturgeon ~~(and)~~, bottomfish, and halibut retained for personal use must be recorded on fish receiving tickets.

(b) Sell any sturgeon ~~((or))~~, bottomfish, or halibut taken under such license to anyone other than a licensed wholesale dealer within or outside the state of Washington, except that a person who is licensed as a wholesale dealer under the provisions of RCW ~~((75.28.300))~~ 77.65.280 may sell to individuals or corporations other than licensed wholesale dealers.

(c) Sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of any sturgeon taken under such license prior to the time that the sturgeon is sold under subsection (1)(b) of this section.

(2) It is unlawful for any wholesale dealer licensed under RCW 75.28.300 to purchase or attempt to purchase sturgeon eggs from sturgeon taken by any person licensed to take sturgeon for commercial purposes under chapter ~~((75.28))~~ 77.65 RCW if the sturgeon eggs have been removed from the body cavity of the sturgeon prior to the sale of the sturgeon.

(3) It is unlawful to purchase, sell, barter or attempt to purchase, sell, or barter any sturgeon eggs taken from sturgeon caught in the Columbia River below Bonneville Dam.

(4) It is unlawful to retain sturgeon not of lawful size, as provided for in WAC 220-20-020(1), and to fail to return any sturgeon not of lawful size immediately to the water.

(5) It is unlawful to fail to return immediately to the water any sturgeon taken in excess of any commercial catch or possession limits prescribed by the department rule.

(6) All sturgeon in transit must not have head or tail removed.

AMENDATORY SECTION (Amending Order 79-42, filed 6/22/79)

WAC 220-22-010 Columbia River Salmon Management and Catch Reporting Areas. (1) **Area 1A** shall include those waters of the Columbia River easterly of a line projected from the inshore end of the north jetty in the state of Washington to the knuckle of the south jetty in the state of Oregon, and westerly of a line projected from Grays Point in Washington to Tongue Point in Oregon.

(2) **Area 1B** shall include those waters of the Columbia River easterly of a line projected from Grays Point in the state of Washington to the flashing 4-second lighted red buoy #44 off the easterly tip of Tongue Point in the state of Oregon, and westerly of a line projected ~~((true north from the water storage tank at the Beaver Munitions Storage))~~ from the 4-second flashing green lighted marker #81 on the Washington bank to a boundary marker on the easterly end of the Beaver Terminal Pier in Oregon, including all waters of Grays Bay, those waters of Deep River downstream of the Highway 4 Bridge, all waters of Seal Slough, those waters of Grays River downstream of a line projected between fishing boundary markers on both banks at the Leo Reisticka farm, and those waters of Elokomin Slough and Elokomin River downstream of the Highway 4 Bridge.

(3) **Area 1C** shall include those waters of the Columbia River easterly of a line projected ~~((true north from the water storage tank at the Beaver Munitions Storage Terminal in the state of Oregon, and downstream))~~ from the 4-second flashing green lighted marker #81 on the Washington bank to a boundary marker on the easterly end of the Beaver Terminal Pier in Oregon, and westerly of a line projected true west from the east or upstream bank of the Lewis River mouth in Washington.

(4) **Area 1D** shall include those waters of the Columbia River upstream of a line projected true west from the east or upstream bank of the Lewis River mouth in Washington state and westerly of a line projected true north from Rooster Rock in Oregon, and those waters of Camas Slough downstream of the westernmost powerline crossing at the ~~((Crown Zellerbach))~~ James River mill.

(5) **Area 1E** shall include those waters of the Columbia River easterly of a line projected true north from Rooster Rock in the state of Oregon, and ~~((downstream of a line projected between fishing boundary markers located 4 miles downstream from Bonneville Dam))~~ westerly of a line projected from a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Power-

house #1) in a straight line through the western tip of Pierce Island, to a deadline marker on the Washington bank at Beacon Rock.

(6) **Area 1F** (Bonneville Pool) shall include those waters of the Columbia River upstream from the Bridge of the Gods, located approximately 2.3 miles above Bonneville Dam, and downstream of a line projected from the west end of the Port of The Dalles Dock across the Columbia River to a Washington department of fisheries' boundary marker on the Washington shore.

(7) **Area 1G** (The Dalles Pool) shall include those waters of the Columbia River upstream from a line projected from an Oregon department of fish and wildlife deadline marker on the Oregon shore to the 5-mile-lock light (6 seconds red) on an island near the Oregon shore, to an island near the Washington shore to a Washington department of fisheries' fishing boundary marker on the Washington shore at the southwest corner of Horsethief Lake, SP&S Railroad fill and downstream of a line projected across the thread of the Columbia River at the grain elevator at Rufus, Oregon, to a deadline marker on the Washington shore.

(8) **Area 1H** (John Day Pool) shall include those waters of the Columbia River upstream from a line projected across the thread of the Columbia River from a fishing boundary marker approximately 1/2-mile above the John Day River, Oregon, to a fishing boundary marker on the Washington shore and downstream of a line projected across the thread of the Columbia River from the upstream bank of the Umatilla River.

(9) Select areas:

(a) **Blind Slough Select Area.** Blind Slough fishing area includes all waters from markers at the mouth of Gnat Creek located approximately 0.5 mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough.

(b) **Knappa Slough Select Area.** Knappa Slough fishing area includes all waters bounded by a line from the north marker at the mouth of Blind Slough, westerly to a marker on Karlson Island, downstream to boundary lines defined by markers on the west end of Minaker Island to markers on Karlson Island and the Oregon shore.

(c) **Tongue Point Select Area.** Tongue Point fishing area includes all waters bounded by a line from a marker midway between the red USCG navigation light #2 at the tip of Tongue Point and the downstream (northernmost) pier (#8) at the Tongue Point Job Corps facility, to the flashing green USCG navigation light #3 on the rock jetty at the west end of Mott Island, a line from a marker at the southeast end of Mott Island northeasterly to a marker on the northwest tip of Lois Island, and a line from a marker on the southwest end of Lois Island westerly to a marker on the Oregon shore.

(d) **South Channel Select Area.** South Channel area includes all waters bounded by a line from a marker on John Day Point through the green USCG buoy #7 to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to the flashing red USCG marker #10, northwesterly to a marker on Burnside Island defining the upstream terminus of South Channel.

(e) **Deep River Select Area.** Deep River fishing area includes all waters downstream of the town of Deep River to the mouth defined by a line from USCG navigation marker #16 southwest to a marker on the Washington shore.

AMENDATORY SECTION (Amending Order 85-112, filed 8/27/85)

WAC 220-32-055 Off-reservation Indian subsistence fishing. (1) It is unlawful for any person, including treaty Indian fishermen, to take, fish for, or possess salmon or other food fish for subsistence purposes except in accordance with the provisions of this section.

(2) It is lawful for individuals possessing treaty fishing rights pursuant to the Yakima Treaty, the Warm Springs Treaty, the Umatilla Treaty, and the Nez Perce Treaty to fish for food fish for subsistence family-use purposes subject to the following provisions:

(a) Such fishing is permitted year-round in the following areas: That area of the mainstem Columbia River from a line between a marker on the Washington shore and a marker on the Oregon shore, such line located approximately one-half mile upstream from the mouth of Eagle Creek, upstream to a point at the four-second flashing light #67 approximately 1/2 mile downstream of the Dalles Bridge; that area of the mainstem Columbia River from a point 200 feet above the Dalles Dam fishway exit upstream to a point 600 feet downstream of the John Day Dam fishway entrance; that area of the mainstem Columbia River from a point 200 feet above the John Day Dam fishway exit upstream to a point at the downstream end of the wingwall of the McNary Dam boat lock; that area of Columbia River from a point 200 feet above the McNary Dam fishway exit upstream to the Highway 12 bridge; excluding those areas within 1/4 mile radius of the mouth of Wind River, Little White Salmon River (Drano Lake), Klickitat River, and Spring Creek Hatchery fishway entrance.

(b) Lawful fishing gear by treaty Indians in the above-designated area includes dip nets and bag nets of a mesh size not exceeding 5 inches attached to a hoop 24 feet or less in circumference, spear, gaff, club, and foul hook.

(c) It is lawful to use sport angling gear in places and at times allowed under chapter 220-56 WAC series for treaty Indian subsistence purposes.

(d) It is unlawful to use drift gill nets or set gill nets for treaty Indian subsistence fishing in the mainstem of the Columbia River except as authorized by the director of the department of fisheries under the provisions of WAC 220-32-060.

(e) It is unlawful to use gill nets, set nets, hoop nets, dip or bag nets with a mesh size exceeding 5 inches, set lines, or any other type of fishing gear not otherwise specifically authorized except during times and in areas where such gear is authorized for commercial fishing purposes.

(f) It is unlawful to retain sturgeon caught from a subsistence fishery that fail to meet the legal minimum and maximum size requirement for commercially caught sturgeon.

(3) In accordance with RCW 75.08.265, it is lawful for the following Wanapum Indians to take, fish for, and possess food fish for subsistence purposes in the vicinity of Priest Rapids Dam in specified areas at specified times using speci-

fied gear authorized by the director of the department of fisheries. The individuals designated below may be revised from time to time by agreement between the Wanapum Indians and the director of the department of fisheries:

Frank Buck	Jade Buck
Stanley Buck	Robert S. Tomanawash, Sr.
Willie Buck	Lester Umtuch
Harry Buck	Grant Wyena
Ken Buck	Jerry Wyena
Rex Buck, Jr.	Douglas Wyena
Phillip Buck	Jimmy Wyena
Richard Buck	Patrick Wyena

The following provisions apply to this fishery:

(a) It is unlawful to fish at any time, place, or using gear other than that designated by the director of the department of fisheries and authorized by regulation.

(b) It is unlawful for Wanapum Indian fishermen to fail to report, in writing, their total catch to the department of fisheries within five days of the end of fishing activity under subsection (3)(a) of this section.

(c) Should any Wanapum Indian be convicted of violating the provisions of this section, or sell, barter, or attempt or sell or barter any fish taken in this fishery or any treaty Indian fishery, that fishermen will be ineligible to further participate in the Wanapum Indian subsistence fishery unless otherwise determined by the director of the department of fisheries.

(4) It is unlawful to sell, barter, or offer for sale or barter, buy, or for a commercially licensed buyer or wholesale fish dealer to have in possession food fish taken in an Indian subsistence fishery under the provisions of subsections (2) and (3) of this section.

(5) It is unlawful for fishermen participating in an Indian subsistence fishery to fail to submit their catch to department of fisheries employees for the conduct of biological sampling or to fail to allow necessary biological samples to be taken.

AMENDATORY SECTION (Amending Order 89-21, filed 4/18/89)

WAC 220-33-005 Definitions—River mouth sanctuaries. As used in this chapter and emergency rules of the director, unless the context clearly requires otherwise:

Grays Bay

(1) "Grays Bay sanctuary" means those waters of the Columbia River and Grays Bay northerly of a line projected from Rocky Point Light (flashing green 4-second) easterly to Harrington Point.

Elokomin

(2) "Elokomin-A sanctuary" means those waters of Elokomin Slough and the Columbia River lying northerly and easterly of a straight line from light "37" on the Washington shore to light "39" on Hunting Island.

(3) "Elokomin-B sanctuary" means those waters of Elokomin Slough, Steamboat Slough and the Columbia River lying inside, northerly and easterly of a straight line from

light "35" (group flashing green) located on Price Island to light "39" (flashing green) on Hunting Island and northerly and easterly of a line between flashing light "33" on Price Island and quick flashing green light "31" on the Washington shore.

Abernathy

(4) "Abernathy sanctuary" means those waters of the Columbia River near the mouth of Abernathy Creek from a point 1,300 yards downstream from Abernathy Creek at light "81" (flashing green 4-second) to a point one-half mile upstream and extending to the mid shipping channel of the Columbia River.

Cowlitz

(5) "Cowlitz sanctuary" means those waters of the Columbia River and Carrolls Channel lying inside the center of the shipping channel between a fishing boundary marker at the junction of the Port of Longview docks and international paper docks on the Washington shore approximately one mile downstream from the Cowlitz River mouth and flashing green light "29A" on Cottonwood Island and also those waters of Carrolls Channel downstream of a line between a fishing boundary marker approximately 3000 feet upstream of the Cowlitz River mouth and a fishing boundary marker on Cottonwood Island.

Kalama

(6) "Kalama-A sanctuary" means those waters of the Columbia River between a fishing boundary marker on the Washington shore approximately one mile downstream and a point one-half mile upstream of the mouth of the Kalama River and lying within one-quarter mile of the Washington shore.

(7) "Kalama-B sanctuary" means those waters of the Columbia River between a fishing boundary marker on the Washington shore approximately one mile downstream and a point one-half mile upstream of the mouth of the Kalama River and extending completely across the Columbia River, excepting those waters west of a line projected from Coffin Rock Light "42" in Oregon to the Kalama Range Light "47A" on the Washington shore.

Lewis

(8) "Lewis-A sanctuary" means those waters of the Columbia River between a point one mile downstream and a point one-half mile upstream of the mouth of the Lewis River and lying within one-quarter mile of the Washington shore.

(9) "Lewis-B sanctuary" means those waters of the Columbia River near the mouth of the Lewis River lying easterly of lines projected from light "79" (flashing green) to the Red Buoy No. 4 thence to a fishing boundary marker on Bachelor Island.

Washougal

(10) "Washougal sanctuary" means those waters of Camas Slough lying upstream from a line projected true north from the most western tip of Lady Island to the Washington shore and inside of the State Highway 14 Bridge.

Oregon

(11) "Big Creek sanctuary" means those waters of the Columbia River at the mouth of Big Creek from the Oregon shore across Knappa Slough to Karlson Island about one-quarter mile upstream of the east bank of Big Creek, at the Gnat Creek deadline downstream to the east end of Minaker Island which is about three-quarters mile downstream from the west bank at the mouth of Big Creek.

(12) (~~"Gnat Creek sanctuary" means those waters of the Columbia River between a point one mile downstream and a point at the upper easterly bank at the mouth of Gnat Creek and lying within one-quarter mile of the Oregon shore.~~)

(13)) "Sandy River sanctuary" means those waters of the Columbia River (~~(between a point one mile downstream and a point at the upper easterly bank at the mouth of the Sandy River and lying within one-quarter mile of the Oregon shore)~~) within an area at the mouth of the Sandy River which is one-quarter mile in width extending out into the Columbia River from the Oregon bank at a right angle to the thread of the river between a point one mile below and a point at the upper easterly bank at the mouth of the Sandy River.

AMENDATORY SECTION (Amending Order 00-146, filed 8/17/00, effective 9/17/00)

WAC 220-33-010 Salmon. It is unlawful to fish for salmon in the lower Columbia River for commercial purposes or to possess salmon taken from those waters for commercial purposes, except as provided in this section:

Gear

(1) ~~It is unlawful to use a gill net ((gear may be used)) to fish for salmon if ((it does not)) the net exceeds 1,500 feet in length along the cork line (, it is not constructed of monofilament webbing, its mesh size does not exceed 9 3/4 inches, and it does not have a lead line weighing more than two pounds per fathom of net as measured on the cork line).~~

(2) It is ~~((lawful to have))~~ unlawful to use a gill net ((with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through the Tongue Point Select Area)) to fish for salmon with mesh size larger than 9 3/4 inches.

(3) It is unlawful to use a gill net to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line, provided that it is lawful to have a gill net with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through the Tongue Point Select Area, and it is also lawful to have additional weights and anchors attached directly to the lead line in the Deep River, Blind Slough, Knappa Slough and South Channel Select Areas.

(4) From December 1 through March 31 it is lawful for salmon fishers to have smelt or sturgeon gill nets aboard while fishing for salmon.

Fishing periods

~~((4))~~ (5) The lower Columbia River is closed to commercial salmon fishing, except as provided by emergency rule of the director.

General

~~((5))~~ (6) Unless otherwise specified by emergency rule of the director, the following areas of the lower Columbia River remain closed during open salmon fishing periods:

(a) All tributaries flowing into the lower Columbia River.

(b) Grays Bay sanctuary.

(c) Elokomin-A sanctuary.

(d) Cowlitz sanctuary.

(e) Kalama-A sanctuary.

(f) Lewis-A sanctuary.

(g) Washougal sanctuary.

(h) Big Creek sanctuary.

(i) ~~((Gnat Creek sanctuary.~~

(j)) Sandy River sanctuary.

AMENDATORY SECTION (Amending Order 00-146, filed 8/17/00, effective 9/17/00)

WAC 220-33-020 Sturgeon. It is unlawful to fish for sturgeon in the lower Columbia River for commercial purposes or to possess sturgeon taken from those waters for commercial purposes, except as provided in this section:

Gear

(1) Gill net gear may be used to fish for sturgeon if it does not exceed 1,500 feet in length along the cork line, it is not constructed of monofilament webbing, its mesh size does not exceed 9 3/4 inches, and it does not have a lead line weighing more than two pounds per fathom of net as measured on the cork line.

(2) From December 1 through March 31 it is lawful for sturgeon fishers to have salmon or smelt gill nets aboard while fishing for sturgeon.

Fishing periods

(3) The lower Columbia River is closed to commercial sturgeon fishing, except as provided by emergency rule of the director. Sturgeon taken incidentally during an open commercial salmon fishing period may be retained for commercial purposes.

General

(4) ~~((Sturgeon smaller or greater than the size limits provided for in WAC 220-20-020 may not be retained for commercial purposes and shall be returned immediately to the water. All sturgeon in transit must not have the head or tail removed.~~

(5)) A person engaged in commercial fishing may retain one sturgeon of legal commercial length for personal use.

~~((6) Sturgeon eggs may not be removed))~~ (5) It is unlawful to remove from the body cavity of the sturgeon any eggs or roe prior to the time the sturgeon is sold to a wholesale dealer licensed under RCW 75.28.300.

~~((7))~~ (6) It is unlawful to remove either the head or tail ((may not be removed)) from a sturgeon prior to the time the sturgeon is sold to a wholesale dealer licensed under RCW 75.28.300 and delivered to a fish processing plant.

~~((8))~~ (7) It is unlawful for a fish processing plant to possess a sturgeon carcass with head and tail removed ((and

~~retained at a fish processing plant must be at least)) that is less than 28 inches in length.~~

~~((9)) (8) It is unlawful to gaff sturgeon.~~

AMENDATORY SECTION (Amending Order 90-77, filed 8/24/90, effective 9/24/90)

WAC 220-36-031 Grays Harbor—Season and gear—Sturgeon. It is unlawful to fish for or possess sturgeon taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Area 60B except at those times, with the gear, and subject to the provisions of this section:

(1) It is unlawful to take sturgeon by angling from any vessel that is engaged in commercial sturgeon fishing, has been engaged in commercial sturgeon fishing that same day, or has commercially caught sturgeon aboard.

~~(2) ((It is unlawful to retain sturgeon not of lawful size, as provided for in WAC 220-20-020(1), and all sturgeon in transit must not have head or tail removed.~~

~~(3))~~ (3)) It is lawful to retain for commercial purposes sturgeon taken incidental to any lawful commercial salmon fishery in any Grays Harbor Salmon Management and Catch Reporting Area except it is unlawful to retain white sturgeon taken prior to August 1st.

AMENDATORY SECTION (Amending Order 91-13, filed 4/2/91, effective 5/3/91)

WAC 220-40-031 Willapa Bay—Seasons and lawful gear—Sturgeon. It is unlawful to fish for or possess sturgeon taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Area 60C except at those times, with the gear, and subject to the provisions of this section:

(1) It is unlawful to take sturgeon by angling from any vessel that is engaged in commercial sturgeon fishing, has been engaged in commercial sturgeon fishing that same day, or has commercially caught sturgeon aboard.

~~(2) ((It is unlawful to retain sturgeon not of lawful size, as provided for in WAC 220-20-020(1), and all sturgeon in transit must not have head or tail removed.~~

~~(3))~~ (3)) It is lawful to retain for commercial purposes sturgeon taken incidental to any lawful commercial salmon fishery in any Willapa Bay Salmon Management and Catch Reporting Area except it is unlawful to retain white sturgeon taken prior to August 1st.

Hearing Location(s): Holiday Inn Express, 9220 East Mission Avenue, Spokane Valley, WA 99206, on March 13, 2007, at 6:30 p.m.; at the Ellensburg Inn, 1700 Canyon Road, Ellensburg, WA 98926, on March 14, 2007, at 6:30 p.m.; and at the Best Western Tulalip Inn, 3228 Marine Drive N.E., Marysville, WA 98271, on March 15, at 6:30 p.m.

Date of Intended Adoption: March 16, 2007.

Submit Written Comments to: Teresa Norman, 1111 Washington Street S.E., Olympia, WA 98504-2560, e-mail WSDARulesComments@agr.wa.gov, fax (360) 902-2092, by 5:00 p.m. on March 15, 2007.

Assistance for Persons with Disabilities: Contact the WSDA receptionist by March 6, 2007, TTY (360) 902-1996 or (360) 902-1976.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to amend rules relating to the reporting of infectious and contagious livestock disease to:

(1) Make them current with the World Organization of Animal Health's list of notifiable diseases;

(2) Clarify the requirements in order to make the rules clear and usable;

(3) Include important diseases that are not on the World Organization of Animal Health's list of notifiable diseases; and

(4) Remove requirements with no statutory authority.

Reasons Supporting Proposal: The amendments will make it easier for animal health veterinarians and technicians to comply with disease reporting requirements and will contribute to the overall health, safety, and welfare of the state's citizens, livestock, and pet animals.

Statutory Authority for Adoption: Chapters 16.36 and 34.05 RCW.

Statute Being Implemented: Chapter 16.36 RCW.

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

Name of Proponent: The Washington state department of agriculture, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Leonard Eldridge, P.O. Box 42577, Olympia, WA 98504-2577, (360) 902-1881.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no economic impact associated with these rule amendments.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state department of agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

January 22, 2007

Leonard E. Eldridge, DVM
State Veterinarian

WSR 07-03-123

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed January 22, 2007, 3:36 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-16-088.

Title of Rule and Other Identifying Information: Chapter 16-70 WAC, Animal diseases—Reporting.

AMENDATORY SECTION (Amending WSR 00-06-064, filed 3/1/00, effective 4/1/00)

WAC 16-70-005 Definitions. For the purpose of this chapter:

~~((+))~~ ((+)) "Animal" means any animal species except fish and insects including all those so classified as wild, captive wild, exotic wild, alternative livestock, semidomesticated, domestic or farm.

((2)) "Domestic animal" means any farm animal raised for the production of food and fiber or companion animal or both.

(3) "Farm animal" means any species which have normally and historically been kept and raised on farms in Washington, the United States, or elsewhere and used or intended for use as food, fiber, breeding, or draft and which may be legally kept for such use in Washington and are not those animals classified as wildlife or deleterious exotic wildlife under Title 77 RCW.

(4) "Alternative livestock" means any species which can be kept or raised on farms and used or intended for use as food, fiber, breeding, or draft and which may be legally kept for use in Washington and are not those animals classified as wildlife or deleterious exotic wildlife under Title 77 RCW.

(5) "Wild animal" means those species of the class Mammalia whose members exist in Washington in a wild state.

(6) "Exotic wild animal" means those species of animals whose members do not exist in the state of Washington but exist elsewhere in the world in the wild state.

(7)) "OIE notifiable disease list" means the diseases listed by the OIE in the *Terrestrial Animal Health Code* (15th Edition, 2006). The OIE notifiable disease list may be found on the internet at: http://www.oie.int/eng/maladies/en_classification.htm. The list may also be found in the Washington state department of agriculture's *Animal Health Handbook for Veterinarians*.

"OIE" means Office International des Epizooties. The OIE is the World Organization of Animal Health.

"Reportable disease list" means the list of diseases that are reportable to the OIE and the state veterinarian.

((8)) "Veterinary laboratory" means a place equipped for performing diagnostic or investigative procedures on submitted specimens from animals and fish ((or their environment where the tests are conducted)) by personnel whose primary duties are to conduct such procedures.

AMENDATORY SECTION (Amending WSR 00-06-064, filed 3/1/00, effective 4/1/00)

WAC 16-70-010 ((Reporting diseases—))Requirements for reporting diseases that are on the OIE notifiable disease list. (1) Any veterinary laboratory or person licensed to practice veterinary medicine in the state of Washington((, veterinary laboratories, and others designated by statute)) shall immediately report to the ((director)) office of the state veterinarian the ((discovery of the)) existence or suspected existence among any animals within the state of any ((of the)) reportable or notifiable diseases as published by the ((director of agriculture)) OIE (effective January 23, 2006) or in this chapter.

(2) Case definitions shall conform to OIE standards under the ((OIE International)) *Terrestrial Animal Health Code* ((where)) (15th Edition, 2006) and the *OIE Manual of Diagnostic Tests and Vaccines for Terrestrial Animals*, 5th Edition, 2004, with updates published online at: http://www.oie.int/eng/publicat/en_standards.htm.

(a) A case means an individual animal affected by one of the ((infectious or parasitic)) diseases ((recognized by OIE,))

listed on the OIE notifiable disease list or a disease listed in this chapter.

(b) The criterion by which "affected" is defined ((and made clear in each instance)) for each disease (for example: Clinical signs, serological evidence, etc.) is found in the *Terrestrial Animal Health Code* and *Manual of Diagnostic Tests and Vaccines for Terrestrial Animals*.

(c) The OIE ((International)) *Terrestrial Animal Health Code* can be found on the internet under OIE-((International)) Health Standards at: http://www.oie.int/eng/normes/en_mcode.htm. The ((International)) *Terrestrial Animal Health Code* is available in web format ((or)); a hard copy version may be ordered from OIE. ((Exceptions to the above standards are as noted in subsection (3) of this section.

(2) The following listed emergency diseases, suspected or confirmed, shall be reported immediately (by telephone or fax on day discovered) to the office of the state veterinarian whenever encountered among animals within the state:

All suspected foreign or eradicated diseases including all of the following diseases:

- African Horse Sickness
- African Swine Fever
- Bovine Spongiform Encephalopathy (BSE)
- Caprine and Ovine Brucellosis (excluding *Brucella ovis*)
- Classical Swine Fever (Hog Cholera)
- Contagious Bovine Pleuropneumonia
- Contagious Equine Metritis
- Contagious Agalactia
- Contagious Caprine Pleuropneumonia
- Dourine
- Enterovirus Encephalomyelitis (exotic strains)
- Epizootic Lymphangitis
- Equine Piroplasmiasis
- Exotic (velogenic and mesogenic strains) Newcastle Disease
- Foot and Mouth Disease (all types)
- Glanders
- Heartwater
- Horse Pox
- Japanese Encephalitis
- Lumpy Skin Disease
- Malignant Catarrhal Fever (foreign strain)
- Nairobi Sheep Disease
- Ovine Pulmonary Adenomatosis
- Peste des Petits Ruminants
- Rift Valley Fever
- Rinderpest
- Salmonellosis (*Salmonella abortus ovis*)
- Screwworm
- Sheep Pox and Goat Pox
- Surra (*Trypanosoma evansi*)

Theileriasis (*Theileria parva*, *T. annulata* and other foreign species)

Trypanosomiasis (*Trypanosoma congolense*, *T. vivax*, *T. brucei-brucei*)

Venezuelan Equine Encephalomyelitis

In addition the following foreign fish diseases are reportable to the director through the director of the Washington department of fish and wildlife:

Epizootic Hematopoietic Necrosis

Herpesvirosis of Salmonids (*Onchorynchus Masou Virus Disease*)

Spring Viremia of Carp

Viral Hemorrhagic Septicemia (European strain)

The following domestic diseases are also reportable immediately:

Anthrax

Fowl Plague (Highly Pathogenic Avian Influenza)

Rabies

Swine Vesicular Disease

Sylvatic plague

Vesicular stomatitis

(3) The following listed diseases suspected or confirmed shall be reported the next working day, by telephone or fax to the office of the state veterinarian whenever encountered among animals within the state. Case definitions are as indicated for each disease:

Brucellosis (positive serology, abortion, or bacterial culture)

Contagious Ecthyma (sheep, goats, llama, alpaca) (clinical signs or virus isolation)

Chronic Wasting Disease (Cervids) (clinical signs, histopathology, or chemical histopathology)

Equine Encephalitis EEE, WEE (horses) (clinical signs, histopathology, or positive serology with increasing titer)

Fowl Typhoid (*Salmonella gallinarum*) (bacterial culture and positive serology)

Infectious Coryza (poultry) (clinical signs, bacterial culture and positive serology)

Laryngotracheitis (poultry) (clinical signs, viral culture or positive serology)

Lyme Disease (any species) (clinical signs and positive serology)

Ornithosis or Psittacosis (all birds) (bacterial culture, positive serology, or other positive laboratory diagnostic tests)

Pullorum Disease (*Salmonella pullorum* or typhoid) (bacterial culture and positive serology)

Potomac Horse Fever (horses) (clinical signs and positive serology)

Pseudorabies (swine) (positive serology)

Serapie (sheep, goats) (clinical signs, histopathology, or chemical histopathology)

Tuberculosis (clinical signs, history of exposure, responder to tuberculin, granulomas submitted as possible tuberculosis lesions, acid fast organisms not identified as Johne's or benign types, bacterial culture positive for *M. tuberculosis*, *M. bovis* or *M. avium* in a mammal, or other laboratory tests diagnostic for *M. tuberculosis*, *M. bovis* or *M. avium* in a mammal)

Tularemia (sheep, dogs, cats, rabbits, wildlife) (clinical signs, serology or bacterial culture)

(4) The following listed diseases are reportable monthly by the fifth working day of the month to the office of the state veterinarian when diagnosed in the previous month by any veterinary laboratory performing testing or diagnostic procedures on any animal resident in the state of Washington. Only the first case of each individual disease diagnosed each month needs to be reported. The diseases listed below with others listed in subsections (1) and (2) of this section will be reported on a qualitative basis each month to the National Animal Health Reporting System (NAHRS) by the state veterinarian.

Anaplasmosis

Atrophic Rhinitis

Babesiosis

Bovine Genital Campylobacteriosis

Avian Infectious Bronchitis

Avian Tuberculosis

Caprine Arthritis/Encephalitis (CAE)

Cysticereosis

Dermatophilosis (*Dermatophilus congolensis*) cattle only

Duck Viral Enteritis

Duck Viral Hepatitis

Bluetongue

Echinococcosis/Hydatidosis

Enzootic Abortion of Ewes (Ovine Psittacosis, *Chlamydia psittaci*)

Enzootic Bovine Leukosis (BLV)

Equine Influenza (Virus Type A)

Equine Rhinopneumonitis (1 and 4)

Equine Viral Arteritis (EVA)

Fowl Cholera (*Pasteurella multocida*)

Fowl Pox

Hemorrhagic Septicemia (*Pasteurella multocida*)

Horse mange

Infectious Bursal Disease (Gumboro Disease)

Infectious Bovine Rhinotracheitis/Infectious Pustular Vulvovaginitis (IBR/IPV)

Infectious Hematopoietic Necrosis (to be reported by fish laboratories)

Leptospirosis
 Maedi-Visna/Ovine Progressive Pneumonia
 Marek's Disease
 Mycoplasmosis (*Mycoplasma gallisepticum*)
 Ovine Epididymitis (*Brucella ovis*)
 Paratuberculosis (Johne's Disease)
 Porcine Reproductive and Respiratory Syndrome (PRRS)
 Transmissible Gastroenteritis (TGE)
 Trichomoniasis
 Q-Fever (*Coxiella burnetii*)

(5) The following list of diseases suspected or confirmed by veterinarians or veterinary laboratories shall be reported if notified to do so by letter from the state veterinarian's office whenever encountered in any animals during the reporting month. These diseases are to be reported by the 10th day of the next month. The case definition will be supplied with notification of required reporting.

Anaplasmosis
 Aleutian disease (mink)
 Atrophic rhinitis
 Blackleg
 Bovine viral diarrhea
 Botulism (horses, swine, mink)
 Bluetongue
 Campylobacteriosis
 Coccidiosis (clinical cases only)
 Distemper (dogs, mink)
 Edema disease of swine
 Equine protozoal myeloencephalitis
 Equine viral arteritis (abortion or respiratory)
 Equine viral rhinopneumonia (abortion)
 Erysipelas (swine)
 Feline panleukopenia
 Heartworm
 Histoplasmosis
 Influenza (swine) (horses)
 Leptospirosis
 Leukosis (cattle)
 Leukemia (cats)
 Listeriosis
 Malignant edema (horses, cattle)
 Malignant catarrhal fever (sheep)
 Mycotic stomatitis
 Infectious mastitis (cattle) (goats)
 Newcastle disease (lentogenic or low pathogenic strain)
 Paratuberculosis (Johne's disease, confirmed only)
 Parvo and related viruses (dogs)

Salmonellosis (including paratyphoid and enteritidis in poultry typhimurium (DT-104), *S. dublin* and *S. newport* in cattle and any salmonella outbreaks in horses)
 Scabies (swine and small animals) (nonotodectic)
 Strangles (confirmed *Strep. equi*)
 Tetanus (*Clostridium tetani*) (horses) (sheep)
 Transmissible mink encephalopathy
 Toxoplasmosis
 Transmissible gastroenteritis (TGE of swine)
 Tuberculosis (dogs, cats)
 Trichomoniasis))

AMENDATORY SECTION (Amending Order 5011, filed 9/21/93, effective 10/22/93)

WAC 16-70-020 (~~Reporting diseases—Not required, requested only.~~) Other diseases reportable to WSDA.

(1)(a) In addition to the diseases published on the OIE notifiable disease list, the state veterinarian may request reports on ((any)) other diseases ((that)) of concern ((the director)) from a statistical or survey standpoint associated with overall disease control measures.

(b) Any veterinarian or veterinary laboratory may ((also)) voluntarily report ((any)) to the office of the state veterinarian other diseases ((of this nature on the monthly disease report forms as he/she determines they are pertinent to the purposes of the department and advantageous to disease control in the state)) that are not on the OIE notifiable disease list or not listed below.

(2) In addition to the diseases that are on the OIE notifiable disease list, the following diseases must be reported immediately to the office of the state veterinarian:

Beef measles (*Teania saginata*)
Chronic wasting disease in cervids (Transmissible Spongiform Encephalopathy)
Contagious ecthyma (Orf)
Hantavirus
Infectious Coryza in poultry (*Hemophilus gallinarum*)
Listeriosis
Low pathogenic avian influenza H5/H7
Lyme disease
Plague (*Yersinia pestis*)
Potomac horse fever (*Erlichiosis*)
Salmonellosis (any livestock species)
Scabies (any livestock species)
Shigella-toxin producing *E. coli*
Strangles in equine (*Streptococcus equi*)

WSR 07-03-124
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed January 22, 2007, 3:39 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-16-090.

Title of Rule and Other Identifying Information: Chapter 16-610 WAC, Livestock inspection and identification, this chapter deals with the inspection and identification of livestock.

Hearing Location(s): Holiday Inn Express, 9220 East Mission Avenue, Spokane Valley, WA 99206, on March 13, 2007, at 6:30 p.m.; at the Ellensburg Inn, 1700 Canyon Road, Ellensburg, WA 98926, on March 14, 2007, at 6:30 p.m.; and at the Best Western Tulalip Inn, 3228 Marine Drive N.E., Marysville, WA 98271, on March 15, 2007, at 6:30 p.m.

Date of Intended Adoption: March 16, 2007.

Submit Written Comments to: Teresa Norman, 1111 Washington Street S.E., Olympia, WA 98504, e-mail WSDARulesComments@agr.wa.gov, fax (360) 902-2092, by March 15, 2007.

Assistance for Persons with Disabilities: Contact the WSDA receptionist by March 6, 2007, TTY (360) 902-1996 or (360) 902-1976.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department proposes to amend WAC 16-610-005, 16-610-010, 16-610-012, 16-610-013, 16-610-015, 16-610-016, 16-610-018, 16-610-020, 16-610-025, 16-610-035, 16-610-045, 16-610-050, 16-610-055, 16-610-060, 16-610-062, 16-610-065, 16-610-070, 16-610-075, 16-610-080, 16-610-085, 16-610-100, 16-610-115, 16-610-120, 16-610-122, 16-610-125, 16-610-130, 16-610-135, 16-610-140, and 16-610-145 to clarify and consolidate requirements, to make the language clear and usable, to amend fees for livestock inspection, and to include rules for open consignment horse sales.

Propose new WAC 16-610-095 Penalty schedule for notices of infraction.

Repeal WAC 16-610-011, 16-610-090, 16-610-092, 16-610-094, 16-610-105, 16-610-110, and 16-610-124. These sections will be consolidated with the amended sections listed above.

Reasons Supporting Proposal: The proposal to amend chapter 16-610 WAC is in response to a change in state law enacted by the legislature (ESB 6376). The proposal will amend fees for livestock inspections so that they match those set in statute, and will provide for the self-inspection of up to twenty-five head of cattle. On the advice of the assistant attorney general and the officer of the courts, we propose to include a civil infraction schedule for violations of chapter 16.57 RCW in order to allow the department to pursue penalties for illegal actions. In addition, rules regarding open consignment horse sales are needed to specify when and where these types of sales can be held.

Statutory Authority for Adoption: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

Statute Being Implemented: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

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

Name of Proponent: Washington state department of agriculture, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Leslie Alexander, 5412 Birch Road, Pasco, WA 99301, (509) 543-7383.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no significant economic impact associated with these rule amendments.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state department of agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

January 22, 2007

Leonard E. Eldridge, DVM
State Veterinarian

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-005 ((What) Definitions ((are important to this chapter?)). In addition to the definitions found in RCW 16.57.010, 16.58.020, and 16.65.010, the following definitions apply to this chapter:

"Association of livestock breeders" means any properly incorporated association whose membership is made up of livestock breeders.

~~("Brand" means a permanent firebrand, or any artificial mark, other than an individual identification symbol, that is approved by the director and is used with a brand or by itself.~~

~~"Livestock inspection" means examining livestock or livestock hides for brands or any other means of identifying livestock or livestock hides including the examination of any documents providing evidence of ownership.~~

~~"Certificate of permit" or "transportation permit" means a department form which, when completed by the livestock owner, or a person authorized to act as his/her agent, serves as a declaration of ownership. The form must not be used as a bill of sale for cattle. This form must accompany livestock:~~

- ~~(1) In transit;~~
- ~~(2) Consigned to a public livestock market, special sale, or livestock processing facility; or~~
- ~~(3) Upon entry into a certified feedlot.~~

~~"Collection point" means a livestock inspection point, designated by the Washington state beef commission, for the purpose of collecting beef commission assessment payments directly from cattle producers and remitting those assessments to the Washington state beef commission.~~

~~"Department" means the Washington state department of agriculture.~~

~~"Director" means the director of the department or the director's designated representative.)~~ **"Beef commission assessment point"** means a person or business, as designated by the Washington state beef commission, required to collect and submit the mandatory per-head beef promotional fees directly to the commission when the sale of cattle occurs.

"Beef promotion fee" means the mandatory state and/or federal beef commission assessment fee under RCW 16.67.120 and 16.67.122 that is collected on each head of cattle at the time of sale.

"Farmers cooperative association" means any cooperative association of livestock producers. ((=)Farmers cooper-

ative association(=)) does not include livestock youth organizations such as 4-H, FFA, or other junior livestock groups.

~~("Individual identification symbol" means a department-approved permanent mark placed on the neck of a horse for the purpose of individually identifying and registering the horse.~~

~~"Inspection certificate" means a certificate issued by the director or a veterinarian certified by the director that documents animal ownership based on a visual inspection of the animal. An inspection certificate includes an individual identification certificate.~~

~~"Licensee" means any person licensed to operate a market under chapter 16.65 RCW.~~

~~"Livestock" means all cattle, horses, burros, mules, sheep, swine, and goats of any species, breed or age.~~

~~"Lot" means a group of livestock owned by one owner.))~~ "Livestock heritage brand" means a designation given to a brand that has been deactivated by the recorded owner. A heritage brand may not be applied to livestock.

"Market" means a public livestock market as defined in RCW 16.65.010(1).

~~("Person" means any natural person, individual, firm, partnership, corporation, company, society, or association, and every officer, agent or employee thereof. Depending upon the context in which it is used, "person" may have a singular or plural meaning.~~

~~"Production brand" means a number brand that is used only for production identification purposes.~~

~~"Purchase invoice" means the invoice issued by a public livestock market to the purchaser of livestock consigned to the market.~~

~~"Self-inspection" means an ownership verification inspection conducted solely by the buyer and seller of cattle, without the benefit of the director. Self-inspection is limited to fifteen head or less of cattle.~~

~~"Self-inspection certificate" means a department form that is used when cattle are inspected by their purchaser and seller. The purchaser and seller must sign the self-inspection certificate. The purpose of the self-inspection certificate is to document that self-inspection has occurred.))~~

"Special sale" means a public sale conducted by ((a producer)) an individual, youth organization, livestock breeders association, or farmers cooperative association(, etc.)) on a seasonal or occasional basis. ((A livestock market may also conduct a special sale on sale days not specifically assigned to it when its original application was filed with the director. "Special sale" does not mean a public sale by a group of individuals conducting private treaty sales of horses brought to a central location, provided that the:

(1) Funds are not handled by a third party; and

(2) Buyer meets the inspection requirements contained in RCW 16.57.260.)) "USDA" means the United States Department of Agriculture.

LIVESTOCK IDENTIFICATION ADVISORY BOARD

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

~~WAC 16-610-010 ((What is the))~~ Livestock identification advisory board((?)), (1) The livestock identification advisory board is established in RCW 16.57.015 for the purpose of advising the director regarding:

(a) Livestock identification programs administered under chapter 16.57 RCW and these rules;

(b) Inspection fees; and

(c) Related licensing fees.

(2) The board is appointed by the director and is composed of six members ~~((appointed by the director))~~ representing beef producers, public livestock market operators, horse owners, dairy farmers, cattle feeders, and meat processors. The director is an ex officio member of the advisory board.

(3) The board must elect a member to serve as board chair. The board chair, or the chair's designee, is responsible for organizing and conducting board meetings.

(4) The board must meet with the director at least once a year to offer its advice. Additional meetings may be held at the request of the director or a majority of the board's membership.

(5) Livestock identification advisory board members must be residents of the state of Washington and actively engaged in the industry they represent.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

~~WAC 16-610-012 ((How long of term does a board member serve?))~~ Livestock identification advisory board—Length of term. (1) Advisory board members serve staggered three-year terms. Terms begin on July 1 and end on June 30.

(2) Positions are numbered one through six as follows:

(a) Position one - beef producers;

(b) Position two - public livestock market operators;

(c) Position three - horse owners;

(d) Position four - dairy farmers;

(e) Position five - cattle feeders; and

(f) Position six - meat processors.

~~((Note: When the board first began operating, positions one and four served a one-year term; positions two and five served a two-year term; and positions three and six served a three-year term. The purpose of this "staggered start" was to provide the board with a continuity of membership by staggering vacancies on the board.))~~

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

~~WAC 16-610-013 ((How are board vacancies filled?))~~ Livestock identification advisory board—Vacancies. (1) To fill a vacancy resulting from an expired term, the director must solicit nominations from affected statewide industry groups. Nominations from industry groups must be submitted to the director before May 1 of the year in which the term expires. If a nomination is not received for a vacant position,

the director may appoint a qualified person to fill that position.

(2) The director may fill, for the unexpired portion of a term, vacancies that occur before a term expires. When such vacancies occur, advisory board members and the presidents of affected statewide industry groups may submit names to the director for consideration.

GENERAL PROVISIONS

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-015 (~~What specific livestock identification forms are required by the director?~~) **Certificate of permit.** ~~((1) Official livestock identification forms required by the director include the following:~~

- ~~(a) Certificate of permit (WSDA form #7020);~~
- ~~(b) Livestock inspection certificate; and~~
- ~~(c) Self-inspection certificate (WSDA form #7059 or #7065).~~

~~(2))~~ (1) A certificate of permit (WSDA form #7020), commonly known as a "transportation permit" or a "haul slip," must accompany livestock:

- ~~(a) In transit (cattle);~~
- ~~(b) Consigned to a public livestock market, special sale, or livestock processing facility; or~~
- ~~(c) Upon entry into a certified feedlot (cattle).~~

(2) The certificate of permit may not be used as a bill of sale for cattle.

(3) A certificate of permit may be purchased by contacting the department at 360-902-1855. The price is \$1.00 for a book of twenty-five.

(4) The ~~((official forms))~~ certificate of permit must include:

- (a) Owner's name and address;
- (b) Livestock breed;
- (c) Sex of the animal;
- (d) Brand or other methods of livestock identification;

and
(e) Any other information~~(, which))~~ that the director considers necessary.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-016 (~~How do I obtain a "certificate of permit" or a "self-inspection" certificate?~~) **Self-inspection certificate.** (1) A self-inspection certificate is used for cattle inspections at the point of private sale, trade, gifting, barter, or any other action not in connection with a public livestock market that constitutes a change of ownership.

(2) You may purchase these forms by contacting the department at ~~(=)~~ 360-902-1855.

~~((2))~~(a) The purchase price of a certificate of permit is one dollar for a book of twenty-five.

~~(b))~~ The purchase price of a self-inspection certificate is equal to the sum of the number of head involved in the transaction multiplied by the current inspection fee of \$1.60 and the number of head involved in the transaction multiplied by the beef promotion fee.

(3)(a) Self-inspection certificates must be completed and signed by the buyer and seller. The original completed copy of the certificate must be given to the buyer and must accompany the cattle. The seller must also retain a copy of the completed certificate.

(b) Self-inspection is limited to transactions involving twenty-five head or less of cattle.

(c) The buyer must be given proof of ownership for all cattle bearing brands not recorded to the seller.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-018 (~~What documents can I use to establish proof of ownership of my livestock?~~) **Proof of ownership documents.** (1) ~~((You))~~ Proof of ownership for cattle and horses may be established by presenting one of the following documents:

(a) An official livestock inspection certificate issued by the director.

(b) A duplicate certificate or certified copy of an original inspection document issued by the director.

(c) For cattle only, a self-inspection certificate ~~((cattle only))~~ signed by both the seller and the buyer. Additional proof of ownership ~~((must be provided to the buyer))~~ for all livestock bearing brands not recorded to the seller must be provided to the buyer.

(d) An official inspection certificate issued by another ~~((inspection))~~ state or province that maintains a livestock inspection program.

(e) Registration papers on purebred horses.

(f) Registration papers on purebred cattle ~~((provided))~~ if the brand is not recorded in this state.

(g) For horses only, a bill of sale ~~((horses only))~~. Department form #7092 Equine Bill of Sale may be used and may be purchased by contacting the department at 360-902-1855. The purchase price of an Equine Bill of Sale is \$1.00 for a book of twenty-five.

(h) ~~((Health papers issued by a nonbrand state.))~~ A certificate of veterinary inspection issued by a state that does not maintain a livestock inspection program. Vaccination/test tags and the animal description must be verifiable and match the document.

~~((i) A statement declaring that the animal was raised and not purchased.))~~

(2) ~~((The director will))~~ Only ~~((accept))~~ original inspection certificates, official duplicate certificates, or certified copies of inspection certificates are acceptable. ~~((The director will not accept))~~ Carbon copies, faxed copies or photocopies will not be accepted. The name of the livestock owner must appear on the document that is submitted.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-020 (~~When are cattle required to be inspected for brands or other proof of ownership?~~) **Cattle inspections for brands or other proof of ownership.** (1) All cattle must be inspected for brands or other proof of ownership:

(a) Before being moved (~~((out-of-state))~~) out of Washington state, unless the provisions of WAC 16-610-035(2) apply.

(b) When offered for sale at any public livestock market or special sale approved by the director.

(c) Upon delivery to any cattle processing plant where the United States Department of Agriculture maintains a meat inspection program, unless the cattle:

(i) Originate from a certified feedlot; or

(ii) Are accompanied by an inspection certificate issued by the director, a veterinarian certified by the director, or ~~((any other))~~ an agency ~~((authorized))~~ in ~~((any other))~~ another state or ~~((any))~~ Canadian province authorized by law to issue such a certificate.

(2) All cattle(~~(=)~~) entering or reentering ~~((but before commingling with other cattle))~~ any certified feed lot licensed under chapter 16.58 RCW(~~(=)~~) must be inspected for brands or other proof of ownership before commingling with other cattle unless the cattle are accompanied by an inspection certificate issued by the director, a veterinarian certified by the director, or ~~((any other))~~ an agency ~~((authorized))~~ in ~~((any other))~~ another state or ~~((any))~~ Canadian province authorized by law to issue such a certificate.

(3) All cattle must be inspected for brands or other proof of ownership at any point of private sale, trade, gifting, barter, or any other action that constitutes a change of ownership, ~~((subject to title passing, when an intended purchaser or private agent takes possession,))~~ except for individual(~~(=)~~

~~((a)))~~ private sales of unbranded female dairy breed cattle involving fifteen head or less(~~(=)~~

~~((b))~~ Sales of unbranded dairy breed calves under thirty days of age provided the seller holds a Grade A dairy permit issued by the director).

(4) Exemptions from mandatory inspections do not exempt cattle sellers from paying ~~((assessments they owe))~~ beef promotion fees owed to the Washington state beef commission under chapter 16.67 RCW.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-025 ~~((When are horses required to be inspected for brands or other proof of ownership?))~~ Horse inspections for brands or other proof of ownership. All horses must be inspected for brands or other proof of ownership:

(1) Before being moved (~~((out-of-state))~~) out of Washington state, unless the provisions of WAC 16-610-035 apply.

(2) When offered for sale at any public livestock market or special sale approved by the director.

(3) When offered for sale at any special open consignment horse sale as defined in RCW 16.65.010.

(4) ~~((When offered for sale at any special sale where horses of more than one owner are offered for sale on an occasional and seasonal basis by public auction.))~~ At any special sale where horses of more than one owner are offered for sale.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-035 ~~((What procedures apply to inspections of cattle and horses that are moving out of state?))~~ Inspections for cattle and horses moving out of Washington state. (1) Except as provided in subsection (2) of this section, all cattle and horses must be inspected by the director or a certified veterinarian for brands or other proof of ownership before being moved (~~((out-of-state))~~) out of Washington state.

(2) Exceptions:

(a) Cattle and horses may be moved (~~((out-of-state))~~) out of Washington state without inspection when they are destined for a public livestock market ~~((or a livestock processing plant))~~ in another state where brand inspection is performed by ~~((the director))~~ Washington state department of agriculture inspectors or an agent according to an agreement with the other state.

(b) Cattle and horses moving (~~((out-of-state))~~) out of Washington state to public livestock markets ~~((or livestock processing plants described in subsection (2)(a) of this section))~~ must be accompanied by a certificate of permit showing that the livestock are destined for and are being transported directly to the designated out-of-state inspection point. The certificate of permit is not valid for transportation to any point other than the designated inspection point.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-045 ~~((What procedures apply to inspection of))~~ Cattle inspections at certified feedlots and slaughter plants(~~(?)~~). Inspections of cattle required under WAC 16-610-020 (1)(c) or 16-610-020(2) and at any other beef commission assessment collection point must be conducted by the director.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-050 ~~((What))~~ Cattle inspections ~~((procedures apply to))~~ for private transactions(~~(?)~~). ~~((+))~~ Inspections of cattle required under WAC 16-610-020(3) may be conducted by:

~~((a)))~~ (1) The director; or

~~((b)))~~ (2) Veterinarians certified by the director; or

~~((c)))~~ (3) The buyer and seller using a self-inspection certificate.

~~((2))~~ Inspections of cattle required under WAC 16-610-020(3) that are conducted by the buyer and seller must be documented using a self-inspection certificate. Self-inspection is limited to transactions involving fifteen head or less of cattle.

(a) Self-inspection certificates must be completed and signed by the buyer and seller. The original completed copy of the certificate must be given to the buyer and must accompany the cattle. The seller must also retain a copy of the completed certificate.

(b) The buyer must be given proof of ownership for all cattle bearing brands not recorded to the seller.

~~(e) The cost of self-inspection certificates includes the current inspection fee and the current assessment for the National Beef Promotion and Research Act.~~

~~(d) The director will remit all assessments collected from self-inspections to the Washington state beef commission.)~~

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-055 ~~((Does the director review))~~ **Ownership disputes**~~((?))~~. The director may review or investigate any verified complaint involving disputed ownership that is filed with the director.

VETERINARIAN CERTIFICATION

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-060 ~~((Does the director allow veterinarians to issue inspection certificates?))~~ **Veterinarian certification**. (1) The director may certify veterinarians, who are licensed and accredited in Washington state and who comply with the requirements of this section, to issue live-stock inspection certificates ~~((for livestock))~~.

(2) Veterinarians licensed and accredited in Washington state ~~((that))~~ who wish to issue inspection certificates for livestock must apply for certification on the department's application form (WSDA form #7028). The application must include the following:

(a) The full name and principal business address of the individual applying for certification;

(b) The applicant's Washington state veterinary license number;

(c) The geographic area in which the applicant will issue inspection certificates for livestock;

(d) A statement describing the applicant's experience with large animals, especially cattle and horses;

(e) A brief statement indicating ~~((if))~~ that the applicant is requesting certification to issue inspection certificates for cattle, horses or both;

(f) The signature of the applicant; and

(g) Any other ~~((reasonable))~~ additional information as requested by the director ~~((needs to achieve the purpose of this chapter))~~.

(3) All applications must be accompanied by a check or money order for the amount of the certification fee~~((-~~

~~(4) The certification fee is))~~ of thirty-five dollars per applicant.

~~((5))~~ (4) Certifications expire on the third December 31st following the date of issuance. For example, if ~~((your))~~ a certificate was issued on October 14, 2003, it would expire on December 31, 2005.

~~((6))~~ (5) All veterinarians applying for certification must complete department-provided training. The department will provide~~((s))~~ to each person ~~((certified))~~ applying for certification a copy of the most current brand book and any supplements issued to date. Training will include, but will not be limited to, the:

(a) Reading of printed brands;

(b) Reading of brands or other marks on live animals;

(c) Completion of official documents; and

(d) Review of satisfactory ownership documents.

~~((7))~~ (6) The director will maintain a list of veterinarians certified to perform livestock inspections. Interested parties may request a copy of the list from the ~~((director))~~ department by calling 360-902-1855 ~~((or by accessing the department's web site))~~.

~~((8))~~ (7) Inspections by certified veterinarians are conducted upon request and provided at the discretion of the veterinarian.

~~((9))~~ (8) Certified veterinarians must submit all required inspection fees to the director ~~((with))~~ and copies of each inspection certificate ~~((issued))~~ within thirty days of the date of issue.

~~((Note: Certified veterinarians may charge an additional fee that is separate from the fees collected under RCW 16.57.220 and WAC 16-610-065.))~~

(9) The director may deny certification to issue inspection certificates if the veterinarian fails to meet the requirements of this section or knowingly makes false or inaccurate statements regarding his or her qualifications on the certification application.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-062 ~~((Can the director withdraw or deny a veterinarian's certification to issue inspection certificates?))~~ **Veterinarian certification—Suspension and revocation**. (1) The director may ~~((withdraw or deny))~~ suspend or revoke a veterinarian's certification to issue inspection certificates if the veterinarian knowingly:

~~((1) Makes false or inaccurate statements on an application regarding their qualifications.~~

~~((2))~~ (a) Makes or acquiesces in false or inaccurate statements on livestock inspection certificates regarding:

~~((a))~~ (i) The date or location of the inspection;

~~((b))~~ (ii) The marks or brands on the livestock inspected;

~~((c))~~ (iii) The owner's name; or

~~((d))~~ (iv) Any other statement ~~((material to))~~ about the livestock inspected.

~~((3))~~ (b) Fails to properly verify the ownership status of the animal before issuing an inspection certificate.

(c) Issues an inspection certificate without actually conducting an inspection of the livestock.

(d) Fails to submit inspection fees and certificates issued to the director within thirty days from the date of issue.

(2) Actions under this section will be taken in accordance with chapter 34.05 RCW.

FEES

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-065 ~~((What))~~ **Livestock identification fees** ~~((are charged by the director?))~~. All livestock identification inspection fees charged by the director are specified in

statute under RCW 16.57.220 but are reproduced in this section for ~~((your convenience))~~ ease of reference.

For purposes of this section, the time and mileage fee means seventeen dollars per hour and the current mileage rate set by the office of financial management.

((RCW Chapter:	Fees:
(1) Chapter 16.57-RCW Identification of livestock	
Base livestock inspection fee for cattle	(a) A livestock inspection fee for cattle of \$0.85 per head or \$15.00 per hour and the current mileage rate set by the office of financial management (OFM), whichever is greater.
Base livestock inspection fee for horses	(b) A livestock inspection fee of horses is \$3.50 per head or \$15.00 per hour and the current OFM mileage rate, whichever is greater.
Group livestock inspection fee for horses	(c) A livestock inspection fee for groups of thirty or more horses is \$2.00 per head or \$15.00 per hour and the current OFM mileage rate, whichever is greater, provided:
	(i) The horses are owned by one individual; and
	(ii) The inspection is performed on one date and at one location; and
	(iii) Only one certificate is issued.
Minimum certificate fee	(d) A minimum certificate fee of \$5.00 for each certificate issued.
Annual livestock inspection fee	(e) A livestock inspection fee for cattle and horses of \$20.00 per head for an individual identification certificate (annual) or \$15.00 per hour and the current OFM mileage rate, whichever is greater.

((RCW Chapter:	Fees:
Annual group livestock inspection fee	(f) A livestock inspection fee for an individual identification certificate (annual) for groups of thirty or more horses or cattle of \$5.00 per head or \$15.00 per hour and the current OFM mileage rate, whichever is greater, provided:
	(i) The horses or cattle are owned by one individual;
	(ii) The inspection is performed on one date and at one location; and
	(iii) Only one certificate is issued.
Lifetime livestock inspection fee	(g) A livestock inspection fee for horses and cattle of \$60.00 per head for an individual identification certificate (lifetime) or \$15.00 per hour and the current OFM mileage rate, whichever is greater.
(2) Chapter 16.58-RCW Identification of cattle through licensing of certified feedlots	A livestock inspection fee for cattle of \$0.85 per head or \$15.00 per hour and the current OFM mileage rate, whichever is greater.
(3) Chapter 16.65-RCW Public livestock markets	(a) A livestock inspection fee for cattle of \$0.85 per head.
	(b) A livestock inspection fee for horses of \$3.50 per head.)

<u>Certificate</u>	<u>Fees:</u>
<u>Inspection Certificate - Cattle</u>	<p><u>(1) The livestock inspection fee for cattle is \$1.60 per head or the time and mileage fee, whichever is greater, except:</u></p> <p><u>The fee for livestock inspection for cattle is \$1.10 per head or the time and mileage fee, whichever is greater, when cattle are identified with:</u></p> <p><u>(a) A valid brand recorded to the owner of the cattle in Washington or another state or province;</u> <u>or</u> <u>(b) A USDA-approved RFID (radio frequency identification device) ear tag if a premises registration number has been issued to the owner of the cattle.</u></p>

<u>Certificate</u>	<u>Fees:</u>
	<p><u>(i) This fee does not apply for inspection of cattle when documenting a change of ownership with a self-inspection certificate.</u></p> <p><u>(ii) Proof of the recording status of out-of-state brands must be presented to the director at the time of inspection.</u></p> <p><u>(2) The livestock inspection fee for cattle is \$4.00 per head for cattle delivered to a USDA inspected slaughter facility with a daily capacity of no more than five hundred head of cattle.</u></p> <p><u>(3) No inspection fee is charged for a calf that is inspected prior to moving out-of-state under an official temporary grazing permit if the calf is part of a cow-calf unit and the calf is identified with:</u></p> <p><u>(a) The owner's Washington state-recorded brand; or</u></p> <p><u>(b) A USDA-approved RFID (radio frequency identification device) ear tag if a premises registration number has been issued to the owner of the cattle.</u></p> <p><u>(4) No inspection fee is charged for a dairy calf less than thirty days old that is delivered to a USDA inspected slaughter facility.</u></p>
<u>Inspection Certificate - Horse</u>	<u>(5) The livestock inspection fee for horses is \$3.50 per head or the time and mileage rate, whichever is greater, except:</u>
<u>Inspection Certificate - Groups of thirty or more horses</u>	<p><u>(6) The livestock inspection fee for groups of thirty or more horses is \$2.00 per head or the time and mileage fee, whichever is greater, if:</u></p> <p><u>(a) The horses are owned by one individual; and</u></p> <p><u>(b) The inspection is performed on one date and at one location; and</u></p> <p><u>(c) Only one certificate is issued.</u></p>
<u>Inspection Certificate - Minimum fee</u>	<u>(7) The minimum fee for a livestock inspection is \$5.00. The minimum fee does not apply to livestock consigned to and inspected at a public livestock market, special sale, or a cattle processing plant.</u>
<u>Annual individual identification certificate for individual animals</u>	<p><u>(8)(a) The livestock inspection fee for an annual individual identification certificate for cattle and horses is \$20.00 per head or the time and mileage fee, whichever is greater.</u></p> <p><u>(b) The livestock inspection fee for an annual individual identification certificate for groups of thirty or more horses or cattle is \$5.00 per head or the time and mileage fee, whichever is greater, if:</u></p> <p><u>(i) The horses or cattle are owned by one individual;</u></p> <p><u>(ii) The inspection is performed on one date and at one location; and</u></p> <p><u>(iii) Only one certificate is issued.</u></p>
<u>Lifetime individual identification certificate</u>	<u>(9) A livestock inspection fee for a lifetime individual identification certificate for horses and cattle is \$60.00 per head or the time and mileage fee, whichever is greater.</u>

BRANDS

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-070 ~~((What is the schedule for renewing))~~ **Renewal of recorded brands**~~((?))~~, ~~((Except as noted below:))~~ Brand recordings are renewed for a period of four years, and the director may establish a staggered renewal schedule. Owners of recorded brands, upon notification by the director, must file for renewal by December 31st of the year in which a recording expires.

~~((Note: To establish a staggered renewal schedule the director may renew, for a two-year period, approximately half of the brand recordings that expire on December 31st. When these recordings expire at the end of the two-year period, they will then be renewed for a four-year period.))~~

NEW SECTION

WAC 16-610-075 Livestock heritage brands. (1) A brand may be recorded as a livestock heritage brand upon initial application.

(2) The owner of a recorded brand may record the brand as a livestock heritage brand during any designated renewal period.

(a) The fee to record a livestock heritage brand is six hundred dollars.

(b) A livestock heritage brand is recorded for a period of twenty years.

(c) Livestock heritage brands are listed in a separate section of the WSDA brand book.

(d) A livestock heritage brand is considered inactive and may not be applied to livestock.

(3) The owner of a livestock heritage brand may reactivate the brand at any time upon written notification to the director.

(a) The owner of a reactivated livestock heritage brand shall not be required to submit renewal fees during the remainder of the original twenty-year period as long as the recorded ownership of the brand does not change.

(b) If the owner of the reactivated brand changes the ownership status (adds, deletes, or transfers ownership to another), the brand will automatically be due for renewal at the end of the current four-year recording period.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-080 (~~Does the director allow livestock identification by~~) **Freeze branding**(?), Freeze branding techniques to identify livestock may be used to comply with the requirements of chapters 16.57 RCW and (~~16-610 WAC, provided~~) the other requirements of this section as long as the brand is recorded with the director.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-085 (~~Can~~) **Production brands** (~~be used to identify dairy cattle?~~), (1) Before a production brand may be used in Washington state, it must be recorded with the director according to the provisions of chapter 16.57 RCW and in the same manner as an ownership brand.

(2) Forms to record a brand may be obtained from the director.

(3) The director will not charge a fee to record a production brand if the person recording the brand has already paid to record an ownership brand.

(4) Production brands are not recognized for ownership purposes, recorded for ownership purposes, or accepted for livestock inspection purposes.

(5) Dairy cattle: Owners may use any digit or combination of digits as a production brand to identify their dairy cattle as long as the brand is located (~~either~~) on the neck or between the hock and the stifle of a hind leg.

(6) Beef cattle: Owners may use a production brand to identify beef cattle but only when the cattle also bear a brand that is currently recorded to the owner of the animal.

(a) On beef cattle, production brands may be located on either side of the animal on the shoulder or hip.

(b) Any numeral digit or combination of digits may be used for a beef cattle production brand as long as they do not conflict with currently recorded ownership brands.

(7) Only Arabic numerals can be used for production brands.

PENALTIES

NEW SECTION

WAC 16-610-095 **Penalty schedule for notices of infraction.** (1) If any person fails to comply with the requirements of chapters 16-610 WAC and 16.57 RCW (Identification of livestock), the director may issue that person a notice of infraction and may assess a penalty.

(2) The following infractions have the base penalty listed, not including statutory assessments.

Livestock Identification Program
Civil Infraction Schedule for Violations of Chapter 16.57 RCW

Violation	Base Penalty
RCW 16.57.260	Removal of cattle and horses from Washington state without an inspection certificate.
First offense	\$100.00
2nd offense within three years	\$150.00
3rd offense within three years	\$250.00
RCW 16.57.267	Failing to present an animal for mandatory inspection.
First offense	\$100.00
2nd offense within three years	\$150.00
3rd offense within three years	\$250.00
RCW 16.57.270	Refusing to assist in establishing ownership and identity.
First offense	\$100.00
2nd offense within three years	\$150.00
3rd offense within three years	\$250.00
RCW 16.57.350	Interfering with the director in the performance of livestock identification duties.
First offense	\$100.00
2nd offense within three years	\$150.00

Violation	Base Penalty
3rd offense within three years	\$250.00
RCW 16.57.050	Using an unrecorded brand.
Each offense	\$37.00
RCW 16.57.243	Moving cattle without proof of ownership.
Each offense	\$37.00
RCW 16.57.275	Transporting a carcass without proof of ownership.
Each offense	\$37.00
RCW 16.57.277	Failing to attach custom slaughter tags.
Each offense	\$37.00
RCW 16.57.410	Acting as a registering agency without a permit.
Each offense	\$37.00

CUSTOM SLAUGHTERING

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-100 ~~((What are custom slaughter beef tags?))~~ **Identification of custom slaughtered animals.** (1) Any person presenting cattle for slaughter to a licensed custom slaughterer must give the custom slaughterer a completed certificate of permit. The certificate of permit documents the ownership of the animal at the time of slaughter.

(2) Any person licensed as a custom slaughterer must complete and attach a custom slaughter beef tag to each of the four quarters of all slaughtered cattle ((they handle. These)) that are handled. In order to identify the owner of the carcass, these tags must remain attached to the quarters until the carcass is processed and the quarters are cut and wrapped.

~~((2) The purpose of attaching the beef tag to the carcass is to identify the owner of the carcass while the carcass is being processed.))~~

(3) Only the department may provide custom slaughter beef tags to custom ((slaughters)) slaughterers. The fee for each set of four custom slaughter beef tags is one dollar and fifty cents.

(4)(a) Custom meat facilities may accept carcasses of cattle slaughtered by the cattle owner only if a certificate of permit, signed by the owner, accompanies the carcass.

(b) Without a certificate of permit signed by the owner, custom meat facilities can only accept carcasses from mobile or fixed location custom farm slaughterers or officially inspected slaughter plants.

CERTIFIED FEEDLOTS

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-115 ~~((What requirements must be met before a license to operate a certified feedlot is granted?))~~ **Certified feedlots—Application inspection.** (1)(a) Before issuing an initial certified feedlot license, the director will conduct an inspection of all cattle in the feedlot inventory and their corresponding ownership documents.

(b) The applicable fee for this inspection of cattle is ((set)) found in ((RCW 16.57.220)) WAC 16-610-065.

(2) If a certified feedlot license is not renewed, all cattle in the feedlot inventory are subject to the inspection requirements for ((nonecertified)) feedlots without a certification.

PUBLIC LIVESTOCK MARKETS

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-120 ~~((Who is responsible for identifying cattle and horses consigned to a public livestock market?))~~ **Public livestock markets—Identification requirements.** (1) ~~((The licensee))~~ Any person licensed to operate a public livestock market is responsible for identifying ((each head of)) all cattle and horses consigned to ((a)) the public livestock market.

(2) Identification must be done under the supervision of the director and may occur either before or at the time the animals are inspected.

(3) Acceptable methods of identification are((=) ((a) Placing)) a USDA-approved numbered back tag placed on each animal((=) or

~~((b) Using)) some other ((director-approved method of identification to identify each animal)) method of identifica-~~

tion that is approved by USDA. Tags must be placed in numerical order.

(4) The licensee is responsible for moving, confining, and/or restraining livestock as needed to ~~((insure that))~~ allow for a complete inspection ((can be performed)).

(5) The director may exempt certain ~~((lots))~~ groups of one-brand or no-brand cattle under the same ownership from the individual identification requirements of this section ~~((provided))~~ if the integrity of the inspection process can be maintained.

(6) It is the responsibility of the licensee or consignor to present livestock to the director so an inspection can be performed.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-122 ~~((What requirements must be satisfied before cattle and horses consigned or purchased at a public livestock market can be removed from that facility?))~~ Release of cattle and horses from public livestock markets. (1) Before allowing the removal of any cattle or horses from any public livestock market, a licensee or ~~((their))~~ the licensee's agent or employee must:

(a) Obtain a livestock inspection clearance from the director for the cattle or horses being removed; and

(b) Issue a release to the person wishing to remove the cattle or horses.

(2) ~~((If stamped by the director, the purchase invoice, with specific livestock identification information drawn and written on it can serve as an inspection clearance document provided the animals listed are unbranded and will not be shipped to an out-of-state destination. It is the director's responsibility to:~~

~~(a) Add the livestock identification information to the purchase invoices; and~~

~~(b) Ensure its accuracy.~~

~~(3) At the request of the purchaser, a livestock inspection certificate will be issued in lieu of a stamped purchase invoice at no additional cost.)~~ Cattle and horses that have been offered for sale at a public livestock market but did not sell, will not be assessed an additional inspection fee upon reconsignment if:

(a) The reconsignment occurs within eight days of the original sale;

(b) The animals are reconsigned to the original sale facility;

(c) The animals have not been removed from the original sale facility before reconsignment;

(d) The animals have not been commingled with other animals; and

(e) No animals have been added or removed from the group.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-125 ~~((What requirements apply to))~~ Public livestock market livestock inspection facilities((?)). The director must approve all livestock inspection facilities at

public livestock markets. For the director's approval, inspection facilities must:

(1) Include a chute that is constructed according to the following specifications:

(a) Constructed with a solid base on each side of sufficient strength to contain cattle and horses. The base must be at least twenty-four but not more than thirty-six inches in height ~~((, but no more than thirty-six inches in height)).~~

(b) Above the base on each side, the chute must have wire cables extended along its entire length. The cables must be separated by six-inch intervals and must extend vertically to a height of at least six feet.

~~((For support and to ensure that the cables are maintained in a tight condition, the cables must be attached to a vertical post every sixteen feet that is alternated with a pipe or stay every eight feet.))~~ The cables must be attached every sixteen feet to a vertical post that is alternated with a pipe or stay every eight feet to provide support and to keep the cables tight.

(d) The chute must be well lit by shop, spot, or floodlights. These lights must be located on both sides of the chute at a height of five feet above the highest cable. Beginning at the head of the chute, this lighting must extend along three-fourths of the length of the chute.

(2) Electrical outlets must be available at all chutes so clippers can be conveniently used.

(3) Inspection areas must be well covered by adequate roofing and kept free of any water leaks or water build-up of any kind.

(4) Inspection areas must incorporate a work area for livestock inspectors on each side of the chute. The work area must:

(a) Provide an inspector with at least thirty inches of workspace along the entire length of the chute; and

(b) Be enclosed by fencing or some other ~~((permanent-type))~~ permanent structure that protects inspectors while cattle and horses are unloaded and moved along the chute.

(5) Inspection areas must include an office. The office must:

(a) Be constructed according to dimensions of at least eight feet by ten feet;

(b) Contain adequate heating; and

(c) Be equipped with a counter built at a standing work level height and with a width of approximately eighteen inches.

(6) The licensee shall provide sufficient indoor office space as needed in order for the director to process and distribute inspection documents to the buyer.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-130 ~~((What regulations apply to the installation of scales in a))~~ Public livestock market((?)) scales. (1) To ensure that scales can be tested with relative ease and convenience:

(a) All scales that are inaccessible to a test truck must be accessible by a convenient, unobstructed, hard-surfaced approach ramp or walkway that connects with the scale deck at the scale deck level; and

(b) All doors and passageways leading to the scale must have a minimum width of six feet.

(2) Preferably, scale decks should be constructed using reinforced concrete with "Z" bar coping. If cleats are used that are more than three-fourths inch in thickness, they must be:

- (a) Hinged; or
- (b) Readily removable; or
- (c) Accompanied by a satisfactory covering to allow for proper testing.

(3) All stock racks must be securely fastened to the scale deck. There must be a minimum clearance of three inches between the rack and the surrounding ~~((dead))~~ stationary construction.

(4) Adequate space and visibility must be provided around scales so that interested parties may observe the weighing operation.

(5) All dial scales used by the licensee must be:

- (a) Readily visible to all interested parties; and
- (b) Equipped with a mechanical weight recorder.

(6) All beam scales used by the licensee must be equipped with a balance indicator, a weigh beam, and a mechanical weight recorder. The balance indicator, weigh beam, and mechanical weight recorder must be readily visible to all interested parties.

(7)(a) The pit and foundation beneath the scale deck must be constructed in a singular, uniform and massively solid way.

(b) Coping iron is required on all corners adjacent to the deck.

(c) The pit must be six feet in depth, dry and readily accessible for inspection. When conditions are sufficiently adverse, the director may allow exceptions to this six-foot depth requirement. However, a minimum of two feet clearance between the lowest scale lever and the pit floor must always be provided.

(d) To insure safe and accurate inspections, sufficient electrical lighting must be provided in the inspection facility, especially around the chute and scales and in the pit beneath the scale deck.

(8) The recording element must be adequately housed for protection against wind and weather.

(9) Scales are not required at markets only licensed to handle horses and mules unless these animals are sold by weight. When these animals are sold by weight, the scale requirements of this section apply.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-135 ((What if a public livestock market fails)) Failure to conduct a sale on an allocated sale day (1) If a licensed operator of a public livestock market fails ~~((?))~~ more than six times in a twelve-month period ~~((?))~~ to conduct a sale on a sale day that has been allocated to the licensee by the director, the allocation of that sale day is subject to change or revocation by the director.

(2) Any change or revocation of an allocated sale day must be considered in an administrative hearing conducted according to the provisions of chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-140 ((Does the director approve special sales?)) Approval of special sales and open consignment horse sales. (1) ~~((The director must approve all special sales and approval))~~ An individual, farmers cooperative association, association of livestock breeders, or youth livestock organization such as 4-H, FFA, or other junior livestock group may submit an application to the director for a special sale or open consignment horse sale. Approval of applications for a special sale or open consignment horse sale is at the discretion of the director.

(2) ~~((Application for approval of a special sale must be made at least fifteen days in advance of the proposed sale. The application must contain the following:~~

- (a) Name, address, and contact number of the applicant;
- (b) Type of applicant: Producer, livestock market or association;
- (c) Name of sale and/or event;
- (d) Type and number of livestock expected to be sold;
- (e) Date, time, and location of the sale;
- (f) Name and the contact number of the veterinarian who will be providing animal health services; and
- (g) Signature of the applicant.

Note: Use WSDA form #7046 (Application: Special livestock sale permit) to apply for the director's approval of a special sale.

~~((3))~~ A livestock market may submit an application to the director for a special sale or open consignment horse sale on a day not specifically assigned to it. Approval of special sales and open consignment horse sales on unassigned days is at the discretion of the director.

(3) Special sales and open consignment horse sales are limited to three sales per month per applicant in any location, as long as all requirements are met and the proper permits and license have been obtained.

(4) "Special sale" does not mean a public sale by a group of individuals conducting private treaty sales of horses brought to a central location if:

- (a) Funds are not handled by a third party; and
- (b) The buyer meets the inspection requirements contained in RCW 16.57.260.

(5) Application for approval of a special sale or open consignment horse sale must be made at least fifteen days in advance of the proposed sale.

(6) The application for a special sale or open consignment horse sale must be made on forms provided by the director and must contain the following:

- (a) Name, address, and contact number of the applicant;
- (b) Type of applicant: Producer, livestock market, or association;
- (c) Name of sale and/or event;
- (d) Type and number of livestock expected to be sold;
- (e) Date, time, and location of the sale;
- (f) Name and contact number of the veterinarian who will be providing animal health services; and
- (g) The signature of the applicant.

(7) In addition to the requirements in subsections (5) and (6) of this section, the application for an open consignment horse sale must also provide the director with the following:

(a) A detailed statement showing all of the assets and liabilities of the applicant;

(b) A schedule of rates and charges that the applicant will impose on the seller or consignor, including the entry fee, commission, pass out (no sale) fees, stabling, etc.;

(c) Verification of custodial account, as per RCW 16.65.140;

(d) Written evidence of valid bond, as per RCW 16.65.232; and

(e) The projected approximate value of the horses to be handled.

(8) The director charges a special sale application fee of fifty dollars, which is specified in RCW 16.65.420, and an open consignment horse sale license fee of one hundred dollars, as specified in RCW 16.65.042. ((Special sale)) Applications will not be processed until the application fee is paid. There is no application fee for youth livestock organizations.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-145 ((What is the relationship between membership in an association and a special sale?)) Requirements for farmers cooperative associations and associations of livestock breeders holding special sales. To assure that any special sale proposed by a farmers cooperative association or association of livestock breeders is limited to the sale of their own livestock, the association may be required to provide verification to the director that any person offering livestock for sale at the special sale was a member of the association at the time of the filing of any consignment application, contract or commitment.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-610-011 Who can serve on the livestock identification advisory board?
- WAC 16-610-090 Can production brands be used to identify beef cattle?
- WAC 16-610-092 What style of numbers must be used for production brands?
- WAC 16-610-094 Are production brands recorded with the director?
- WAC 16-610-105 Are certificates of permit required for custom slaughtered cattle?
- WAC 16-610-110 Can a custom meat facility accept carcasses of cattle slaughtered by the cattle owner?

WAC 16-610-124

What if cattle and horses consigned to a public livestock market are not sold?

**WSR 07-03-130
PROPOSED RULES
HORSE RACING COMMISSION**

[Filed January 23, 2007, 10:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-17-035.

Title of Rule and Other Identifying Information: Chapter 260-44 WAC, Weights and equipment.

Hearing Location(s): Auburn City County Chambers, 25 West Main, Auburn, WA 98001, on March 8, 2007, at 9:30 a.m.

Date of Intended Adoption: March 8, 2007.

Submit Written Comments to: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail dmoore@whrc.state.wa.us, fax (360) 459-6461, by March 5, 2007.

Assistance for Persons with Disabilities: Contact Patty Sorby by March 6, 2007, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To update all sections to reflect clear language in the rule-making process.

Reasons Supporting Proposal: Updates the section to delete outdated language and to make rules easier to understand by all individuals.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: Washington horse racing commission, governmental.

Name of Agency Personnel Responsible for Drafting: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

January 23, 2007
Douglas L. Moore
Management Analyst

AMENDATORY SECTION (Amending WSR 06-07-063, filed 3/10/06, effective 4/10/06)

WAC 260-44-010 Equipment changes. (1) ~~((The starter and the stewards must approve the addition or removal of blinkers. Approval by the starter must be obtained before the stewards will consider approving the change.~~

~~(2) The stewards must approve the addition or removal of front leg wraps.))~~ Permission to change any equipment

from that which a horse carried in its previous race must be obtained from the stewards.

(2) Permission for a horse to add or remove blinkers must be approved by the starter before being granted by the stewards.

(3) A trainer may tie down a horse's tongue(~~The stewards may monitor the use of tongue ties~~), but only with a clean bandage or gauze.

(4) Whips (~~shall~~) will be considered standard equipment in all quarter horse races.

AMENDATORY SECTION (Amending WSR 06-07-063, filed 3/10/06, effective 4/10/06)

WAC 260-44-020 Weights for age. The following weights (~~are~~) will be carried when (~~they~~) weights are not (~~stated in the~~) a condition(s) of the race:

SCALE OF WEIGHTS FOR AGE

Distance	Age	June	July	Aug.	Sept.
Half Mile	2 years	105	105	105	105
	3 years	123	125	126	127
	4 years	130	130	130	130
	5 & up	130	130	130	130
Six Furlongs	2 years	102	102	102	105
	3 years	121	123	125	126
	4 years	130	130	130	130
	5 & up	130	130	130	130
One Mile.	2 years	96	96	96	96
	3 years	115	117	119	121
	4 years	126	126	126	126
	5 & up	126	126	126	126
One Mile & a Quarter.	2 years	113	116	118	120
	4 years	126	126	126	126
	5 & up	126	126	126	126
One & a Half Miles.	2 years	111	114	117	119
	4 years	126	126	126	126
	5 & up	126	126	126	126
Two Miles.	3 years	109	112	114	117
	4 years	126	126	125	125
	5 & up	126	126	125	125

(1) In races of intermediate lengths not specified above, the weights for the shorter distance are carried.

(2) In all races, except handicap races and races where the conditions expressly state to the contrary, two-year-old fillies are allowed 3 lbs., and three-year-old mares and older (~~fillies and mares~~) are allowed 5 lbs., before the 1st of September, and 3 lbs., thereafter.

~~((3) In all overnight races the minimum weight shall be 112 pounds, subject to sex and apprentice allowance. This rule shall not apply to handicap races.)~~

AMENDATORY SECTION (Amending WSR 06-07-063, filed 3/10/06, effective 4/10/06)

WAC 260-44-030 Penalties and allowances. (1) (~~No horse shall~~) A horse may not carry extra weight(~~s~~) or be barred from (~~any~~) a race for having run second or lower in a previous race.

(2) (~~Penalties and~~) Penalty weights and weight allowances (~~of weight~~) are not cumulative, unless provided by the conditions of the race.

~~((3) No horse shall receive allowance of weight, or be relieved from extra weight, for having been beaten in one or more races. This rule shall not prohibit maiden allowances, or allowances to horses that have not won within a specified time, or that have not won races of a specified value.)~~

AMENDATORY SECTION (Amending WSR 06-07-063, filed 3/10/06, effective 4/10/06)

WAC 260-44-050 Weighing out—Equipment included in jockey's weight. (1) The jockey's weight (~~shall~~) must also include (~~his~~) their clothing and boots, and the saddle and its attachments.

(2) The following items (~~shall~~) may not be included in a jockey's weight: Whip, head number, bridle, bit, reins, number cloth, blinker, protective helmet or safety vest.

(3) (~~No bridle shall exceed two pounds in weight.~~

~~(4))~~ Whips (~~shall~~) must have closed poppers, with a maximum length of four inches and minimum width of one and one-quarter inches. Whips (~~shall~~) must have three rows of one-inch feathers made of leather or other material(~~s~~) approved by the stewards. The maximum length of a whip (~~shall~~) may not exceed thirty-one inches (including popper). The maximum weight of a whip (~~shall~~) may not exceed one pound.

AMENDATORY SECTION (Amending WSR 06-07-063, filed 3/10/06, effective 4/10/06)

WAC 260-44-080 Weighing out—Overweight—Declarations—Posting—Maximum. (1) If a jockey intends to carry overweight, he/she must declare the amount at the time of weighing out. (~~If the jockey is in doubt as to his/her proper weight, the jockey may declare the weight he will carry.~~)

(2) If a jockey reports an overweight exceeding two pounds, the owner or trainer has the option to replace the jockey without being assessed a double-jock mount fee. Failure on the part of a jockey to comply with this rule (~~shall~~) will be reported to the stewards by the clerk of scales.

(3) (~~No~~) A horse (~~shall~~) may not carry more than seven pounds overweight, except as provided in subsection (4) of this section.

(4) Horses running at Class C race meets may carry more than seven pounds overweight with the permission of the stewards up to a maximum weight of one hundred thirty-five pounds, except in handicap races or races where the conditions of the race expressly state to the contrary.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-44-090 Weighing out—Trainer responsible for weight. The trainer is responsible for the weight carried by his/her horse.

AMENDATORY SECTION (Amending WSR 06-07-063, filed 3/10/06, effective 4/10/06)

WAC 260-44-110 Weighing in—Procedure. (1) After a race has been run and after the jockey has pulled up the horse, the jockey ~~((shall))~~ **must** ride promptly to the designated unsaddling area and dismount. The jockey ~~((shall))~~ **will** proceed to the clerk of the scales to be weighed in. If a jockey is prevented from riding his/her mount to the designated unsaddling area because of an accident or of illness to either the jockey or the horse, the jockey may walk or be carried to the scales, or the stewards may excuse the jockey from weighing.

(2) Except by permission of the stewards, every jockey, upon arrival at the designated unsaddling area after a race, ~~((every jockey))~~ must unsaddle the horse he/she has ridden. No person ~~((shall))~~ **may** touch the jockey or the horse except by the horse's bridle, or cover the horse in any manner until the jockey has removed the equipment to be weighed.

(3) No person ~~((shall))~~ **may** assist a jockey in removing from his/her horse the equipment that is to be included in the jockey weight, except by permission of the stewards.

(4) Each jockey ~~((shall))~~ **must** carry over to the scales all pieces of equipment with which he/she weighed out.

AMENDATORY SECTION (Amending WSR 06-07-063, filed 3/10/06, effective 4/10/06)

WAC 260-44-120 Weighing in—Weigh in/weigh out—Tolerances—Penalties. (1) Each jockey ~~((shall))~~ **will** weigh in at the same weight ~~((as that at which))~~ he/she weighed out. If a jockey is short of the weigh out amount by more than two pounds, his/her mount ~~((shall))~~ **will** be disqualified. If a weight discrepancy arises after a race has been declared official, a change in the order of finish ~~((shall include a redistribution of purse moneys. The disqualification))~~ will not affect the parimutuel payoffs.

~~((It is a violation of these rules for a jockey to weigh in more than two pounds under the assigned weight. Either the jockey or the trainer, or both may be held responsible for this violation.~~

~~((3))~~ If any jockey weighs in at more than two pounds over his/her proper or declared weight, the clerk of scales will report the overweight to the stewards for possible disciplinary action. In considering discipline~~((s))~~ the stewards ~~((shall))~~ **will** consider any excess weight caused by rain or mud.

AMENDATORY SECTION (Amending WSR 06-07-063, filed 3/10/06, effective 4/10/06)

WAC 260-44-150 Horseshoes. (1) A horse starting in a race ~~((shall))~~ **must** be fully shod with racing plates.

~~((2))~~ ~~((Use of bar shoes must be declared at time of entry.~~

~~((3))~~ During off-track conditions the trainer is ~~((responsible))~~ **required** to report any additional traction devices to the board of stewards or designee.

~~((4))~~ ~~((3))~~ For turf racing, horses must be shod with racing plates approved by the association.

NEW SECTION

WAC 260-44-160 Safety reins required. (1) A person may not be mounted on a horse, as defined in WAC 260-12-010, on the grounds of a licensed facility under the jurisdiction of the commission, unless the horse is using a bridle equipped with safety reins that include a second rein and hook originally manufactured inside the rein with a minimum of 450 lbs. of break load.

(2) Conventional reins may be used at a facility under the jurisdiction of the commission for a period of one year after the effective date of this rule.

WSR 07-03-131

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed January 23, 2007, 10:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-22-107.

Title of Rule and Other Identifying Information: Alternative assessment and waiver/appeal guidelines for certificates of academic and individual achievement, these rules create a new chapter in Title 392 WAC that includes the guidelines, eligibility criteria, procedures, and other information needed to:

(1) Utilize the objective alternative assessments authorized in RCW 28A.655.065 and 28A.655.061;

(2) Apply for waivers for transfer students of the certificate of academic achievement (CAA) and the certificate of individual achievement (CIA); and

(3) Apply for appeals of the CAA and CIA requirements for students with special, unavoidable circumstances.

Hearing Location(s): Office of Superintendent of Public Instruction, Brouillet Conference Room, 600 South Washington Street, Olympia, WA 98504, on February 27, 2007, at 1:30 p.m.

Date of Intended Adoption: March 6, 2007.

Submit Written Comments to: Bob Butts, P.O. Box 47200, Olympia, WA 98504-7200, e-mail Bob.Butts@k12.wa.us, fax (360) 725-6332, by February 27, 2007.

Assistance for Persons with Disabilities: Contact Clarice Nnanabu by February 27, 2006, fax (360) 664-0567 or (360) 725-6270.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purposes of these rules are to:

(1) Develop and implement eligibility requirements and guidelines for objective alternative assessments for students to demonstrate achievement of state standards in content areas in which the student has not yet met the standard on the

high school Washington assessment of student learning (WASL); and

(2) Develop guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who:

(a) Transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma; and

(b) Have special, unavoidable circumstances.

The effect of these rules will be to provide students in the class of 2008 and beyond additional options for meeting the high school graduation requirements.

Statutory Authority for Adoption: RCW 28A.655.065, 28A.655.061.

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

Name of Proponent: [Superintendent of public instruction], governmental.

Name of Agency Personnel Responsible for Drafting: Bob Butts, 3rd Floor, Office of Superintendent of Public Instruction, (360) 725-4971; Implementation: Lesley Klenk, 2nd Floor, Office of Superintendent of Public Instruction, (360) 725-6330; and Enforcement: Dr. Terry Bergeson, 2nd Floor, Office of Superintendent of Public Instruction, (360) 725-6004.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

A cost-benefit analysis is not required under RCW 34.05.328.

January 23, 2007
Dr. Terry Bergeson
Superintendent of
Public Instruction

Chapter 392-501 WAC

ACADEMIC ACHIEVEMENT, ACCOUNTABILITY AND ASSESSMENT

NEW SECTION

WAC 392-501-001 Authority. The authority for this chapter is RCW 28A.655.065 and 28A.655.061 which directs the superintendent of public instruction to:

(1) Develop and implement eligibility requirements and guidelines for objective alternative assessments for students to demonstrate achievement of state standards in content areas in which the student has not yet met the standard on the high school Washington assessment of student learning (WASL); and

(2) Develop guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who:

(a) Transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma; and

(b) Have special, unavoidable circumstances.

NEW SECTION

WAC 392-501-002 Purpose. The purpose of this chapter is to provide the guidelines, eligibility criteria, procedures, and other information needed to:

(1) Utilize the objective alternative assessments authorized in RCW 28A.655.065 and 28A.655.061;

(2) Apply for waivers for transfer students; and

(3) Apply for appeals for students with special, unavoidable circumstances.

PSAT, SAT AND ACT MATHEMATICS COMPARISON OPTION

NEW SECTION

WAC 392-501-102 General description. The PSAT, SAT and ACT mathematics comparison option is an objective alternative assessment authorized in RCW 28A.665.061 (10)(b) which allows a student to use a score from the mathematics component of the PSAT, SAT, or ACT to demonstrate that the student has met or exceeded the state standard for mathematics.

NEW SECTION

WAC 392-501-103 Eligibility. (1) A student is eligible for the PSAT, SAT and ACT mathematics comparison alternative assessment if:

(a) The student has taken the mathematics Washington assessment of student learning (WASL) at least twice and has not met the mathematics standard. To meet this criterion, a student must have sat for and generated a scale score during both administrations of the WASL; and

(b) The student has met or exceeded one or more of the minimum scores on the mathematics components of the following tests:

PSAT - Mathematics: 47

SAT - Mathematics: 470

ACT - Mathematics: 19

(2) Students may use a score earned prior to or after taking the WASL twice.

NEW SECTION

WAC 392-501-104 Application process. (1) The superintendent of public instruction shall develop and make available to students and school district personnel a PSAT, SAT, and ACT mathematics comparison application for documenting that a student has met the eligibility requirements in WAC 392-501-003.

(2) If the student is eligible, the student shall complete an application and submit the application to the school principal or designee.

(3) If the school principal or designee agrees that the eligibility criteria have been met, the principal or designee shall transmit a facsimile or mail a copy of the application and the copy of the student's official PSAT, SAT, or ACT score report that was sent to the school to the office of superintendent of public instruction (OSPI).

(4) Once verified, OSPI staff will notify the student, the school principal or designee, and the school district assessment coordinator that the form has been received and verified. OSPI staff will then document in the student's state assessment record that the student met the high school mathematics standard.

(5) The superintendent of public instruction shall act upon the student's application and notify the student, the student's school principal or designee, and the school district assessment coordinator whether the application was approved or denied within thirty days of receiving the application.

(6) A copy of the application and the student's score report shall be included in the student's cumulative folder.

NEW SECTION

WAC 392-501-105 Notification requirements. The school principal or a designee shall notify students in their junior and senior years of the availability of the PSAT, SAT and ACT mathematics comparison.

WASL/GRADES COMPARISON OPTION

NEW SECTION

WAC 392-501-200 General description. The WASL/grades comparison option is an objective alternative assessment authorized in RCW 28A.655.065 (3) and (4) which compares a combination of the applicant's grades in applicable courses and the applicant's highest score on the high school WASL.

NEW SECTION

WAC 392-501-201 Eligibility. A student is eligible for the WASL/grades comparison option if the student meets the following conditions:

(1) The student has retaken the WASL at least once in the content area for which the student is applying to use the WASL/grades comparison option. To meet this criterion, a student must make a genuine attempt to take the WASL, which means the student sat for and generated a valid scale score during both administrations of the WASL.

(2) The student has met any applicable attendance and remediation or supplemental instruction requirements contained in the student's student learning plan developed under RCW 28A.655.061. The principal of the student's school may waive the attendance and/or remediation criteria for special, unavoidable circumstances.

(3) The student has met, or is on track to meet, all other state and local graduation requirements, as determined by the school district.

(4) The student, during at least one of the test sittings, has achieved a score on the WASL in one of the following ranges:

- (a) Mathematics: 375 - 399
- (b) Reading: 375 - 399
- (c) Writing: 13 - 16

NEW SECTION

WAC 392-501-202 Process for determining the comparison cohort and calculating the GPAs. (1) For the purpose of this section, "applicant" means an eligible student seeking to use the WASL/grades comparison option.

(2) A school district representative or designee shall determine the comparison cohort and complete the calculation in this subsection for all eligible students.

(3) To complete the WASL/grades comparison option, the school district representative or designee shall complete the following steps:

(a) Identify the group of students in the same school as the applicant who took the same mathematics or English high school courses, which ever is applicable, in the same school year as the applicant. This group includes all of the students in the school who took courses with the same course title and course number (e.g., Algebra 1, Sophomore English) as the applicant, in the same semester/trimester, in the same school year, regardless of the grade level of the student. When selecting courses to be used, the following guidelines shall be followed:

(i) The total number of courses must be the equivalent of two annual high school credits and must include the highest level courses taken.

(ii) In order for applicants using the cohort comparison to meet the mathematics standard, the courses must be eligible for a mathematics graduation credit.

(iii) In order for applicants using the cohort comparison to meet the reading or writing standard, the courses must be eligible for an English/Language Arts graduation credit.

(b) From the group of students identified in (a) of this subsection, the school district representative or designee shall identify the "comparison cohort," which includes all students who met or slightly exceeded the state standard on the WASL. For purposes of determining "who met or slightly exceeded the state standard," scores in Level 3 shall be used:

- (i) Mathematics - 400 - 433;
- (ii) Reading - 400 - 426; and
- (iii) Writing - 17 - 20.

(c) If there are fewer than six students in the comparison cohort, the applicant is not eligible to use the WASL/grades comparison option.

(d) The school district representative or designee shall compute the grade point average for the applicant and for each student in the comparison cohort, using grade point calculation rules provided in WAC 392-415-050 and 392-415-055 for the relevant high school courses.

(e) The school district representative or designee shall calculate the arithmetic mean grade point average of the comparison cohort.

(f) The school district representative or designee shall then compare the applicant's grade point average in the relevant high school courses to the mean grade point average for the same courses of the students in the comparison cohort.

(g) If the applicant's grade point average is below the mean grade point average of the comparison cohort, the student is not eligible to file the application and no further action is required.

(h) If the applicant's mean grade point average is equal to or above the mean grade point average of the comparison

cohort, the principal shall transmit the application with the results of the calculation to the office of the superintendent of public instruction for approval.

NEW SECTION

WAC 392-501-203 Application timeline and approval criteria. (1) Applications may be submitted to the superintendent of public instruction after the completion of the applicant's junior year.

(2) The superintendent of public instruction shall approve the application if:

(a) The student eligibility requirements are met;

(b) The process for identifying the comparison cohort and for calculating the grade point averages and the mean grade point average was followed; and

(c) The applicant's grade point average is equal to or above the mean grade point average of the comparison cohort.

(3) If the application is approved, the applicant will be deemed to have met the applicable content standard for purposes of obtaining a certificate of academic achievement.

(4) The superintendent of public instruction must act upon the student's application and notify the applicant, the applicant's school principal or designee, and the school district assessment coordinator whether the application was approved or denied within thirty days of receiving the application.

(5) A copy of the application shall be included in the student's cumulative folder.

NEW SECTION

WAC 392-501-204 Notification requirements. The school principal or a designee shall notify students in their junior and senior years of the availability of the WASL/grades comparison option.

WAIVERS FOR STUDENTS WHO TRANSFER INTO A WASHINGTON PUBLIC SCHOOL

NEW SECTION

WAC 392-501-500 General description. RCW 28A.655.065 directs the superintendent of public instruction to develop guidelines and appeal processes for waiving specific requirements pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma.

NEW SECTION

WAC 392-501-501 Waivers for transfer students from other states who enroll in their junior or senior year.

(1) The requirement that a student obtain a certificate of academic achievement or a certificate of individual achievement to graduate shall be waived for students who transfer to a Washington public school from another state in their junior or senior year if the student provides documentation that he

or she has met standards in another state on a high school assessment or for students eligible to receive special education services, on an alternate assessment. The assessment in the other state must be approved by the federal government in accordance with provisions of the federal Elementary and Secondary Education Act. Waivers shall be granted as follows:

(a) If the student met standards on both the mathematics and reading/English language arts assessments in the other state, the applicable certificate shall be waived.

(b) If a student met the standard on only the mathematics assessment in the other state, then the student must meet standard on both the reading and writing components of the applicable Washington assessment for the certificate to be waived.

(c) If the student met the standard on only the reading/English language arts assessment in the other state, then the student must meet the standard on the mathematics component of the applicable Washington assessment for the certificate to be waived.

(2) For purposes of this section, a "public school in another state" and an "out-of-state school" shall include public schools in territories of the United States and schools operated by the United States Department of Defense and other federal agencies that are required to administer high school assessments under the federal Elementary and Secondary Education Act.

(3) The student must document passage of the assessment by one of the following options:

(a) The out-of-state school from which the student transferred must transmit directly to the student's school a score report from the school or school district where the student took the high school assessment or alternate assessment. The score report must contain the student's assessment results by content area and whether or not the student met the state required standards. If the out-of-state school directly transmitted the score report when the student enrolled in the Washington school system, then the student need not provide the report again; or

(b) The out-of-state school from which the student transferred must transmit directly to the student's school, if it has not done so already, the student's transcript documenting the student's assessment results. The transcript must contain the student's assessment results by content area and whether or not the student met the state required standards.

(4) To obtain a waiver, the student or the student's parent or guardian must complete and submit to the student's principal or designee a waiver application developed by the superintendent of public instruction. The principal of the school or designee shall review the information and transmit the application and a copy of the student's assessment score report or transcript to the superintendent of public instruction for approval.

(5) Applications must be received by the superintendent of public instruction by April 1 of the student's senior year to provide time for processing prior to graduation.

(6) The superintendent of public instruction must act upon the student's application and notify the student, the student's school principal or designee, and the school district assessment coordinator whether the application was

approved or denied within thirty days of receiving the application.

(7) The student's transcript shall indicate that the applicable certificate was waived.

(8) A copy of the application and the student's score report or transcript shall be included in the student's cumulative folder.

NEW SECTION

WAC 392-501-503 Notification requirements. The principal or a designee shall inform students who transferred from another state in their junior or senior year of the availability of obtaining a waiver of the certificate requirements.

APPEAL PROCESS FOR STUDENTS WITH SPECIAL, UNAVOIDABLE CIRCUMSTANCES

NEW SECTION

WAC 392-501-600 General description. RCW 28A.655.065 directs the superintendent of public instruction to develop guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who have special, unavoidable circumstances.

NEW SECTION

WAC 392-501-601 Eligibility and application requirements. (1) A student, or a student's parent or guardian may file an appeal to the superintendent of public instruction if the student has special, unavoidable circumstances that prevented the student, during the student's senior year, from successfully demonstrating his or her skills and knowledge on the Washington assessment of student learning (WASL), on an objective alternative assessment authorized in RCW 28A.655.065, or on a Washington alternate assessment available to students eligible for special education services. To file an appeal, the student must be in his or her senior year and have met, or be on track to meet, all other state and local graduation requirements, as determined by the school district.

(2) Special, unavoidable circumstances shall include the following:

(a) Not being able to take or complete an assessment because of:

(i) The death of a parent, guardian or sibling; or

(ii) An unexpected and severe medical condition. The condition must be documented by a medical professional and included with the application.

(b) A major irregularity in the administration of the assessment;

(c) Loss of the assessment material; or

(d) Failure to receive an accommodation during administration of the assessment that was documented in the student's individualized education program that is required in the federal Individuals with Disabilities Education Act or in a plan required in Section 504 of the Rehabilitation Act of 1973.

(3) To file an appeal, the student must complete and submit to the principal of the student's school an appeal applica-

tion on a form developed by the superintendent of public instruction. The application shall require that the following be submitted: Score reports from prior assessments taken by the student, the medical condition report, the student's transcript, and other relevant achievement information. The principal of the school shall review the application and accompanying material and certify that, to the best of his or her knowledge, the information in the application is accurate and complete.

(4) Once the principal certifies that the application and accompanying material is accurate and complete, the principal shall transmit the application to the state superintendent of public instruction.

(5) Applications must be received by the superintendent of public instruction on or before May 1 or August 1. The May 1 deadline is intended primarily for students who were not able to participate in the spring assessment, while the August deadline is intended primarily for students who decide to file an appeal after receiving their scores in June.

NEW SECTION

WAC 392-501-602 High school graduation certificate appeals review board. (1) The high school graduation certificate appeals review board shall be created to review and make recommendations to the superintendent of public instruction on special, unavoidable circumstance appeal applications.

(2) The superintendent of public instruction shall appoint five members to the board. The board shall be chaired by a current or former high school principal and shall consist of current or former teachers, department heads, and/or school district assessment directors with experience and expertise in the Washington essential academic learning requirements. Each member shall be appointed for a three-year term, provided that the initial terms may be staggered as the superintendent deems appropriate.

(3) The high school graduation certificate appeals review board shall review special, unavoidable circumstance appeal applications submitted to it by the superintendent of public instruction. The board shall:

(a) Review the written information submitted to the superintendent to determine whether sufficient evidence was presented that the student has the required knowledge and skills; and

(b) Make a recommendation to the superintendent, based on the criteria in subsection (6) of this section, regarding whether or not the appeal should be granted.

(4) Staff from the office of the superintendent of public instruction (OSPI) shall coordinate and assist the work of the board. In this capacity, staff from the OSPI shall prepare a preliminary analysis of each application and accompanying information that evaluates the extent in which the criteria in subsection (6) of this section have been met.

(5) If the board determines that additional information on a particular student is needed in order to fulfill its duties, the chair of the board shall contact the OSPI staff to request the information.

(6) The board shall recommend to the superintendent of public instruction that the appeal be granted if it finds that:

(a) The student, due to special, unavoidable circumstances as defined in WAC 392-501-601(2), was not able to successfully demonstrate his or her skills on the WASL, on an objective alternative assessment, or on a Washington alternate assessment available to students eligible for special education services;

(b) The district has indicated that the student has met, or is on track to meet, all other state and local graduation requirements;

(c) No other recourse or remedy exists to address the special, unavoidable circumstance prior to the student's expected graduation date; and

(d) Sufficient evidence was presented to the board demonstrating that the student has a high probability of having the skills and knowledge necessary to achieve the required standard or standards. In making this determination, the board shall consider trends in prior WASL or alternate assessment results, how near the student has been in achieving the standard, proficient scores on other assessments, participation and successful completion of remediation courses and other academic assistance opportunities, and other available information that indicates the student has the skills and knowledge measured on the WASL or on an alternate assessment, whichever is applicable.

(7) Based upon the recommendation of the high school graduation appeals board and any other information that the superintendent deems relevant, the superintendent of public instruction shall decide, based on the criteria established in subsection (6) of this section, whether to:

(a) Grant the appeal and waive the requirement that a student earn a certificate to graduate;

(b) Deny the appeal and not waive the certificate; or

(c) Remand the appeal back to the appeals board for further information or deliberation.

(8) The superintendent of public instruction shall act upon the student's application and notify the student, the student's school principal or designee, and the school district assessment coordinator whether the application was approved or denied within thirty days of the deadline for receiving the application. This deadline for acting on the application may be extended if additional information is required from the student or the school district.

(9) The student's transcript shall indicate that the applicable certificate was waived.

(10) A copy of the application and supporting information shall be included in the student's cumulative folder.

NEW SECTION

WAC 392-501-603 Notification requirements. The school principal or a designee shall notify students in their junior and senior years of the availability of special, unavoidable circumstance appeals.

WSR 07-03-132 PROPOSED RULES HORSE RACING COMMISSION

[Filed January 23, 2007, 10:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-17-032.

Title of Rule and Other Identifying Information: Chapter 260-80 WAC, Corrupt and prohibited practices.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, on March 8, 2007, at 9:30 a.m.

Date of Intended Adoption: March 8, 2007.

Submit Written Comments to: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail dmoore@whrc.state.wa.us, fax (360) 459-6461, by March 5, 2007.

Assistance for Persons with Disabilities: Contact Patty Sorby by March 6, 2007, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To rewrite sections in clear language (EO 05-03 and 06-02), and to add sections involving safe riding on association grounds and criminal activity on association grounds.

Reasons Supporting Proposal: This will clarify the commission's authority to regulate safe practices in the stable area to assist in an attempt to reduce labor and industries claims. A section was added to state that the commission would take action against any licensee who engages in any criminal activity in the stable area.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: Washington horse racing commission, governmental.

Name of Agency Personnel Responsible for Drafting: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

January 23, 2007

Douglas L. Moore
Management Analyst

Chapter 260-80 WAC

~~((CORRUPT AND))~~ PROHIBITED PRACTICES

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-80-010 Offering or accepting a bribe. No person (~~shall~~) may give, offer, (~~or~~) promise, or accept, directly or indirectly, either in his/her own behalf or in behalf of another, to anyone, any bribe, gift or gratuity in any form,

for the purpose of improperly influencing the result of a race, or which would tend to do so.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-80-030 Entering ineligible horse. No person ~~((shall))~~ may willfully enter, or cause to be entered, or start a horse ~~((which))~~ that he/she knows or believes to be ineligible or disqualified.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-80-040 Offer or receipt of benefit for ~~((declaring))~~ scratching an entry. No person ~~((shall))~~ may offer or receive money or any other benefit for ~~((declaring))~~ withdrawing or scratching an entry from a race.

AMENDATORY SECTION (Amending WSR 06-07-059, filed 3/10/06, effective 4/10/06)

WAC 260-80-050 Corrupt or fraudulent practice and conspiracy. No person ~~((shall))~~ may commit any corrupt or fraudulent practice in relation to racing, nor may any person conspire with any other person for the commission of any corrupt or fraudulent practice in relation to racing ~~((nor shall he commit such an act on his own account)).~~

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-80-060 Betting for account of jockey. No person ~~((shall))~~ may make a bet for the account of any jockey except the owner or trainer of the horse the jockey is riding, and then the bet may only be placed on the horse being ridden by ~~((said))~~ that jockey to win or finish first in combinations with other horses in multiple wagers. Records of such wagers must be kept and made available upon request of the stewards.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-80-070 Offers, gifts, to jockey. No person ~~((shall))~~ may offer or give a jockey any money or other benefit in relation to a race ~~((unless said person is))~~ except the owner or trainer of the horse ridden in ~~((said))~~ that race by ~~((said))~~ the jockey.

AMENDATORY SECTION (Amending WSR 06-07-059, filed 3/10/06, effective 4/10/06)

WAC 260-80-100 Appliance to alter speed of horse. (1) No electrical or mechanical device or other appliance designed or intended to increase or decrease the speed of a horse, or that would tend to increase or decrease the speed of a horse, other than the ordinary whip ~~((shall))~~ may be possessed by anyone or applied by anyone to a horse, at any time on the grounds of an association, during a meeting whether in a race or otherwise.

(2) Any person aiding or abetting in the use or possession of, or soliciting or inducing the use or possession of such a device or appliance ~~((shall))~~ will be subject to the same penalties as the penalty for possession or use.

AMENDATORY SECTION (Amending WSR 06-07-059, filed 3/10/06, effective 4/10/06)

WAC 260-80-110 Tampering with horse. No person ~~((shall improperly))~~ may tamper or attempt to tamper with any horse in such a way as to affect ~~((his))~~ the horse's speed in a race, or in such a way as is intended to affect the horse's speed in a race, nor ~~((shall))~~ may any person counsel or in any way aid or abet any such tampering.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-80-130 Improper language. No person ~~((shall))~~ may use improper, profane or indecent language to a commissioner, racing official, or any employee ~~((or representative))~~ of the commission.

AMENDATORY SECTION (Amending WSR 06-15-092, filed 7/14/06, effective 8/14/06)

WAC 260-80-140 Disturbing the peace. A person may not unreasonably disturb the peace while on association grounds.

NEW SECTION

WAC 260-80-145 Safe practices while on horseback. All persons while on horseback must ride in a safe and prudent manner on the grounds of a racing association.

AMENDATORY SECTION (Amending WSR 06-07-059, filed 3/10/06, effective 4/10/06)

WAC 260-80-150 Mistreatment of horses. ~~((While on the association grounds))~~ No person ~~((shall))~~ may subject any horse to any form of cruelty, mistreatment, neglect, abuse, abandonment, injury, maiming or killing or administer any noxious substance to or deprive any horse of necessary care or sustenance, shelter or veterinary care. This section does not apply to treatment or euthanasia of a horse by a licensed veterinarian consistent with standard veterinary practices.

NEW SECTION

WAC 260-80-160 Engaging in criminal activity. While on association grounds no person may engage in any activity that would constitute a criminal act in the state of Washington.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 260-80-020 Accepting bribe.

WSR 07-03-134
PROPOSED RULES
HORSE RACING COMMISSION

[Filed January 23, 2007, 10:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-17-028.

Title of Rule and Other Identifying Information: Chapter 260-37 WAC, National racing compact.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, on March 8, 2007, at 9:30 a.m.

Date of Intended Adoption: March 8, 2007.

Submit Written Comments to: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail dmoore@whrc.state.wa.us, fax (360) 459-6461, by March 5, 2007.

Assistance for Persons with Disabilities: Contact Patty Sorby by March 6, 2007, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Add a new chapter to allow the WHRC to participate [in] the national racing compact.

Reasons Supporting Proposal: Allows licensees who have obtained a national license to use that application to receive a WHRC license by paying the appropriate license fees. Also authorizes required payment arrangements between the WHRC and the national racing compact committee.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: Washington horse racing commission, governmental.

Name of Agency Personnel Responsible for Drafting: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

January 23, 2007
 Douglas L. Moore
 Management Analyst

Chapter 260-37 WAC

LIVE HORSE RACING COMPACT

NEW SECTION

WAC 260-37-010 Use of compact committee license—Fee. (1) A person holding a valid compact committee license issued under chapter 67.17 RCW who intends to participate in horse racing in Washington must pay a fee for the use of the compact committee license equal to the cost of the same type of license listed in WAC 260-36-085. The fee

will be paid to the compact committee, which will forward any such fees collected to the commission at least monthly.

(2) A person holding a valid compact committee license is exempt from paying the fingerprint fee listed in WAC 260-36-085.

NEW SECTION

WAC 260-37-020 Payment of compact committee license use fee. The compact committee designated in chapter 67.17 RCW is authorized to make payments to the commission on a monthly payment basis for the license fees charged by the commission to persons for use of their compact committee license.

NEW SECTION

WAC 260-37-030 Compact licensees bound by rules. All requirements of Title 260 WAC are applicable to persons holding a compact committee license, except where incompatible with the intent of chapter 67.17 RCW.

WSR 07-03-141
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed January 23, 2007, 11:46 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-24-022.

Title of Rule and Other Identifying Information: The state board is repealing WAC 180-44-050 Teachers' responsibilities.

Hearing Location(s): Department of Natural Resources, 1111 Washington Street, Room 172, Olympia, WA 98504, (360) 902-1000, on March 12, 2007, at 9:00 a.m.

Date of Intended Adoption: March 13, 2007.

Submit Written Comments to: Edie Harding, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail edie.harding@k12.wa.us, fax (360) 586-2357, by February 26, 2007.

Assistance for Persons with Disabilities: Contact Pat Eirish, Program Manager by February 26, 2007, TTY (360) 664-3631 or (360) 725-6030.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HB 3098 directed the state board of education to repeal WAC 180-44-050, waiver from thirty minutes before and after school time.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 28A.305.130.

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

Name of Proponent: State board of education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Edith Harding, State Board of Education, (360) 725-6025.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

A cost-benefit analysis is not required under RCW 34.05.328.

January 23, 2007
Edith W. Harding
Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-44-050 Regulatory provisions relating to RCW 28A.305.130(6) and 28A.600.010—School day as related to the teacher.

WSR 07-03-143 PROPOSED RULES HORSE RACING COMMISSION

[Filed January 23, 2007, 1:09 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-07-030 [06-17-030].

Title of Rule and Other Identifying Information: WAC 260-70-680 Uniform classification guidelines.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, on March 8, 2007, at 9:30 a.m.

Date of Intended Adoption: March 8, 2007.

Submit Written Comments to: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail dmoore@whrc.state.wa.us, fax (360) 459-6461, by March 5, 2007.

Assistance for Persons with Disabilities: Contact Patty Sorby by March 6, 2007, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To adopt medication classifications that is [are] recommended by the Racing Medication and Testing Consortium.

Reasons Supporting Proposal: There is a need for the commission to adopt the section that classifies substances into different categories to separate their ability to affect a horse's performance in order to implement the proper penalties associated with the different substances.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: Washington horse racing commission, governmental.

Name of Agency Personnel Responsible for Drafting: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert Lechner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

January 23, 2007
Douglas L. Moore
Management Analyst

AMENDATORY SECTION (Amending WSR 06-09-009, filed 4/10/06, effective 5/11/06)

WAC 260-70-680 Uniform classification guidelines.

((The following outline describes the types of substances placed in each category. This list shall be publicly posted in the offices of the official veterinarian and the racing secretary.

(1) Class 1

Opiates, opium derivatives, synthetic opioids, psychoactive drugs, amphetamines and U.S. Drug Enforcement Agency (DEA) scheduled I and II drugs. Also found in this class are drugs which are potent stimulants of the nervous system. Drugs in this class have no generally accepted medical use in the racehorse and their pharmacological potential for altering the performance of a race is very high.

(2) Class 2

Drugs in this category have a high potential for affecting the outcome of a race. Most are not generally accepted as therapeutic agents in the racehorse. Many are products intended to alter consciousness or the psychic state of humans, and have no approved or indicated use in the horse. Some, such as injectable local anesthetics, have legitimate use in equine medicine, but should not be found in a racehorse. The following groups of drugs are in this class:

(a) Opiate partial agonists, or agonist-antagonists;

(b) Nonopiate psychotropic drugs, which may have stimulant, depressant, analgesic or neuroleptic effects;

(c) Miscellaneous drugs which might have a stimulant effect on the central nervous system (CNS);

(d) Drugs with prominent CNS depressant action;

(e) Antidepressant and antipsychotic drugs, with or without prominent CNS stimulatory or depressant effects;

(f) Muscle blocking drugs, which have a direct neuromuscular blocking action;

(g) Local anesthetics which have a reasonable potential for use as nerve blocking agents (except procaine); and

(h) Snake venoms and other biologic substances, which may be used as nerve blocking agents.

(3) Class 3

Drugs in this class may or may not have an accepted therapeutic use in the horse. Many are drugs that affect the cardiovascular, pulmonary and autonomic nervous systems. They all have the potential of affecting the performance of a racehorse. The following groups of drugs are in this class:

(a) Drugs affecting the autonomic nervous system which do not have prominent CNS effects, but which do have prominent cardiovascular or respiratory system effects (bronchodilators are included in this class);

(b) A local anesthetic, which has nerve blocking potential but also has a high potential for producing urine residue levels from a method of use not related to the anesthetic effect of the drug (procaine);

(c) Miscellaneous drugs with mild sedative action, such as the sleep inducing antihistamines;

(d) Primary vasodilating/hypotensive agents; and

(e) Potent diuretics affecting renal function and body fluid composition.

(4) Class 4

This category is comprised primarily of therapeutic medications routinely used in racehorses. These may influence performance, but generally have a more limited ability to do so. Groups of drugs assigned to this category include the following:

(a) Nonopiate drugs which have a mild central analgesic effect;

(b) Drugs affecting the autonomic nervous system, which do not have prominent CNS, cardiovascular or respiratory effects;

(i) Drugs used solely as topical vasoconstrictors or decongestants;

(ii) Drugs used as gastrointestinal antispasmodics;

(iii) Drugs used to void the urinary bladder;

(iv) Drugs with a major effect on CNS vasculature or smooth muscle of visceral organs.

(v) Antihistamines, which do not have a significant CNS depressant effect (this does not include H1 blocking agents, which are listed in Class 5);

(c) Mineralocorticoid drugs;

(d) Skeletal muscle relaxants;

(e) Anti-inflammatory drugs those that may reduce pain as a consequence of their anti-inflammatory actions, which include:

(i) Nonsteroidal anti-inflammatory drugs (NSAIDs);

(ii) Corticosteroids (glucocorticoids); and

(iii) Miscellaneous anti-inflammatory agents.

(f) Anabolic and/or androgenic steroids and other drugs;

(g) Less potent diuretics;

(h) Cardiac glycosides and antiarrhythmics including:

(i) Cardiac glycosides;

(ii) Antiarrhythmic agents (exclusive of lidocaine, bretylium and propranolol); and

(iii) Miscellaneous cardiotonic drugs.

(i) Topical anesthetics agents not available in injectable formulations;

(j) Antidiarrheal agents; and

(k) Miscellaneous drugs including:

(i) Expectorants with little or no other pharmacologic action;

(ii) Stomachics; and

(iii) Mucolytic agents.

(5) Class 5

Drugs in this category are therapeutic medications for which concentration limits have been established as well as certain miscellaneous agents. Included specifically are agents, which have very localized action only, such as anti-ulcer drugs and certain antiallergic drugs. The anticoagulant drugs are also included.) This section classifies each drug/medication/foreign substance, and where appropriate and/or available, its trade name. The penalties for violation of this section are in WAC 260-84-110.

(1) Class 1

Class 1 drugs are stimulant and depressant drugs that have the highest potential to affect the performance of a horse, and have no generally accepted medical use. Many of these agents are Drug Enforcement Agency (DEA) Schedule II substances. These include the following drugs and their metabolites: Opiates, opium derivatives, synthetic opioids and psychoactive drugs, amphetamines and amphetamine-like drugs as well as related drugs, including but not limited to apomorphine, nikethamide, mazindol, pemoline, and pentylenetetrazol.

Drug	Trade Name
<u>Alfentanil</u>	<u>Alfenta</u>
<u>Amphetamine</u>	
<u>Anileridine</u>	<u>Leritine</u>
<u>Apomorphine</u>	
<u>Benzylpiperazine (BZP)</u>	
<u>Carfentanil</u>	
<u>Cocaine</u>	
<u>Dextromoramide</u>	<u>Palfium, Narcolo</u>
<u>Diamorphine</u>	
<u>Endorphins</u>	
<u>Enkephalins</u>	
<u>Ethylmorphine</u>	<u>Dionin</u>
<u>Etorphine HCl</u>	<u>M99</u>
<u>Fentanyl</u>	<u>Sublimaze</u>
<u>Hydromorphone</u>	<u>Dilaudid</u>
<u>Hydroxyamphetamine</u>	<u>Paradrine</u>
<u>Levorphanol</u>	<u>Levo-Dremoran</u>
<u>Lofentanil</u>	
<u>Mazindol</u>	<u>Sanorex</u>
<u>Meperidine</u>	<u>Demerol</u>
<u>Mephentermine</u>	
<u>Metaraminol</u>	<u>Aramine</u>
<u>Methadone</u>	<u>Dolophine</u>
<u>Methamphetamine</u>	<u>Desoxyn</u>
<u>Methaqualone</u>	<u>Quaalude</u>
<u>Methylphenidate</u>	<u>Ritalin</u>
<u>Metopon (methyldihydromorphine)</u>	
<u>Morphine</u>	
<u>Nikethamide</u>	<u>Coramine</u>
<u>Oxycodone</u>	<u>Percodan</u>
<u>Oxymorphone</u>	<u>Numorphan</u>
<u>Pemoline</u>	<u>Cylert</u>
<u>Pentylenetetrazol</u>	<u>Metrazol, Nioric</u>
<u>Phenazocine</u>	<u>Narphen</u>
<u>Phencyclidine (PCP)</u>	<u>Sernylan</u>
<u>Phendimetrazine</u>	<u>Bontril, etc.</u>
<u>Phenmetrazine</u>	<u>Preludin</u>

<u>Drug</u>	<u>Trade Name</u>
<u>Picrotoxin</u>	
<u>Piritramide</u>	
<u>Remifentanyl</u>	<u>Ultiva</u>
<u>Strychnine</u>	
<u>Sufentanyl</u>	<u>Sufenta</u>

(2) Class 2

Class 2 drugs are drugs/medication/foreign substances that have a high potential to affect the performance of a horse, but less of a potential than class 1 drugs. Class 2 drugs are either not generally accepted as therapeutic agents in racing horses, or are therapeutic agents that have a high potential for abuse.

<u>Drug</u>	<u>Trade Name</u>
<u>Acecarbromal</u>	
<u>Acetophenazine</u>	<u>Tindal</u>
<u>Adinazolam</u>	
<u>Alcuronium</u>	<u>Alloferin</u>
<u>Alphaprodine</u>	<u>Nisentil</u>
<u>Alpidem</u>	<u>Anaxyl</u>
<u>Alprazolam</u>	<u>Xanax</u>
<u>Althesin</u>	<u>Saffan</u>
<u>Amisulpride</u>	<u>Solian</u>
<u>Amitriptyline</u>	<u>Elavil, Amitril, Endep</u>
<u>Amobarbital</u>	<u>Amytal</u>
<u>Amoxapine</u>	<u>Asendin</u>
<u>Amperozide</u>	
<u>Anilopam</u>	<u>Anisine</u>
<u>Aprobarbital</u>	<u>Alurate</u>
<u>Azacylonol</u>	<u>Frenque</u>
<u>Azaperone</u>	<u>Stresnil, Suicalm, Fentaz (with Fentanyl)</u>
<u>Barbital</u>	<u>Veronal</u>
<u>Barbiturates</u>	
<u>Bemegride</u>	<u>Megimide, Mikedimide</u>
<u>Benperidol</u>	
<u>Bentazepam</u>	<u>Tiadipona</u>
<u>Benzactizine</u>	<u>Deprol, Bronchodiletten</u>
<u>Benzocetamine</u>	
<u>Benzodiazepines</u>	
<u>Benzphetamine</u>	<u>Didrex</u>
<u>Benztropine</u>	<u>Cogentin</u>
<u>Biriperone</u>	
<u>Bromazepam</u>	<u>Lexotan, Lectopam</u>
<u>Bromisovalum</u>	<u>Diffucord, etc.</u>
<u>Bromocriptine</u>	<u>Parlodel</u>
<u>Bromperidol</u>	<u>Bromidol</u>
<u>Brotizolam</u>	<u>Brotocol</u>
<u>Bupivacaine</u>	<u>Marcaine</u>

<u>Drug</u>	<u>Trade Name</u>
<u>Buprenorphine</u>	<u>Temgesic</u>
<u>Buspirone</u>	<u>Buspar</u>
<u>Buspropion</u>	<u>Wellbutrin</u>
<u>Butabarbital (Secbutobarbitone)</u>	<u>Butacaps, Butasol, etc.</u>
<u>Butalbital (Talbutal)</u>	<u>Fiorinal</u>
<u>Butanilicaine</u>	<u>Hostacain</u>
<u>Butaperazine</u>	<u>Repoise</u>
<u>Butoctamide</u>	<u>Listomin</u>
<u>Caffeine</u>	
<u>Camazepam</u>	<u>Paxor</u>
<u>Captodiamine</u>	<u>Covatine</u>
<u>Carbidopa + levodopa</u>	<u>Sinemet</u>
<u>Carbromol</u>	<u>Mifudorm</u>
<u>Carphenazine</u>	<u>Proketazine</u>
<u>Carpipramine</u>	<u>Prazinil</u>
<u>Chloralose (Alpha-Chloralose)</u>	
<u>Chloral betaine</u>	<u>Beta-Chlor</u>
<u>Chloral hydrate</u>	<u>Nactec, Oridrate, etc.</u>
<u>Chloraldehyde (chloral)</u>	
<u>Chlordiazepoxide</u>	<u>Librium</u>
<u>Chlormezanone</u>	<u>Trancopal</u>
<u>Chloroform</u>	
<u>Chlorhexidol</u>	
<u>Chloroprocaine</u>	<u>Nesacaine</u>
<u>Chlorproethazine</u>	<u>Newiplegue</u>
<u>Chlorpromazine</u>	<u>Thorazine, Largactil</u>
<u>Chlorprothixene</u>	<u>Taractan</u>
<u>Citalopram</u>	<u>Celex</u>
<u>Clobazam</u>	<u>Urbanyl</u>
<u>Clocapramine</u>	
<u>Clomethiazole</u>	
<u>Clomipramine</u>	<u>Anafranil</u>
<u>Clonazepam</u>	<u>Klonopin</u>
<u>Clorazepate</u>	<u>Tranxene</u>
<u>Clothiapine</u>	<u>Entermin</u>
<u>Clotiazepam</u>	<u>Trecalmo, Rize</u>
<u>Cloxacolam</u>	<u>Enadel, Sepazon, Tolestan</u>
<u>Clozapine</u>	<u>Clozaril, Leponex</u>
<u>Codeine</u>	
<u>Conorphone</u>	
<u>Corticaine</u>	<u>Ultracain</u>
<u>Crotetamide</u>	
<u>Cyamemazine</u>	<u>Tercian</u>
<u>Cyclobarbital</u>	<u>Phanodorm</u>
<u>Decamethonium</u>	<u>Syncurine</u>
<u>Demoxepam</u>	

<u>Drug</u>	<u>Trade Name</u>
<u>Desipramine</u>	<u>Norpromine, Pertofrane</u>
<u>Dezocine</u>	<u>Dalgan®</u>
<u>Diazepam</u>	<u>Valium</u>
<u>Dichloralphenazone</u>	<u>Febenol, Isocom</u>
<u>Diethylpropion</u>	<u>Tepanil, etc.</u>
<u>Diethylthiambutene</u>	<u>Themalon</u>
<u>Dihydrocodeine</u>	<u>Parcodin</u>
<u>Dilorazepam</u>	<u>Briantum</u>
<u>Diprenorphine</u>	<u>M50/50</u>
<u>Dixyrazine</u>	<u>Esucos</u>
<u>Dopamine</u>	<u>Intropin</u>
<u>Doxapram</u>	<u>Dopram</u>
<u>Doxefazepam</u>	<u>Doxans</u>
<u>Doxepin</u>	<u>Adapin, Sinequan</u>
<u>Droperidol</u>	<u>Inapsine, Droleptan, Innovar-Vet (with Fent- anyl)</u>
<u>Enciprazine</u>	
<u>Ephedrine</u>	
<u>Epinephrine</u>	
<u>Erythropoietin (EPO)</u>	<u>Epogen, Procrit, etc.</u>
<u>Estazolam</u>	<u>Domnamid, Eurodin, Nuctalon</u>
<u>Ethamivan</u>	
<u>Ethchlorvynol</u>	<u>Placidyl</u>
<u>Ethinamate</u>	<u>Valmid</u>
<u>Ethopropazine</u>	<u>Parsidol</u>
<u>Ethylisobutrazine</u>	<u>Diquel</u>
<u>Etidocaine</u>	<u>Duranest</u>
<u>Etifoxin</u>	<u>Stresam</u>
<u>Etizolam</u>	<u>Depas, Pasaden</u>
<u>Etodroxizine</u>	<u>Indunox</u>
<u>Etomidate</u>	
<u>Fenarbamate</u>	<u>Tymium</u>
<u>Fenfluramine</u>	<u>Pondimin</u>
<u>Fluanisone</u>	<u>Sedalande</u>
<u>Fludiazepam</u>	<u>Erispam</u>
<u>Flunitrazepam</u>	<u>Rohypnol, Narcozep, Darkene, Hypnodorm</u>
<u>Fluopromazine</u>	<u>Psyquil, Siquil</u>
<u>Fluoresone</u>	<u>Caducid</u>
<u>Fluoxetine</u>	<u>Prozac</u>
<u>Flupenthixol</u>	<u>Depixol, Fluaxol</u>
<u>Fluphenazine</u>	<u>Prolixin, Permitil, Anat- ensol</u>
<u>Flurazepam</u>	<u>Dalmane</u>
<u>Fluspirilene</u>	<u>Imap, Redeptin</u>
<u>Flutoprazepam</u>	<u>Restas</u>

<u>Drug</u>	<u>Trade Name</u>
<u>Fluvoxamine</u>	<u>Dumirox, Faverin, etc.</u>
<u>Gallamine</u>	<u>Flaxedil</u>
<u>Gepirone</u>	
<u>Glutethimide</u>	<u>Doriden</u>
<u>Halazepam</u>	<u>Paxipam</u>
<u>Haloperidol</u>	<u>Haldol</u>
<u>Haloxazolam</u>	<u>Somelin</u>
<u>Hemoglobin glutamers</u>	<u>Oxyglobin, Hemopure</u>
<u>Hexafluorenum</u>	<u>Myalexen</u>
<u>Hexobarbital</u>	<u>Evipal</u>
<u>Homophenazine</u>	<u>Pelvichthol</u>
<u>Hydrocodone (dihydroco- deinone)</u>	<u>Hycodan</u>
<u>Hydroxyzine</u>	<u>Atarax</u>
<u>Ibomal</u>	<u>Noctal</u>
<u>Imipramine</u>	<u>Imavate, Presamine, Tofranil</u>
<u>Isapirone</u>	
<u>Isocarboxazid</u>	<u>Marplan</u>
<u>Isomethadone</u>	
<u>Isoproterenol</u>	<u>Isoprel</u>
<u>Ketamine</u>	<u>Ketalar, Ketaset, Vetalar</u>
<u>Ketazolam</u>	<u>Anxon, Laftram, Solat- ran, Loftran</u>
<u>Lenperone</u>	<u>Elanone-V</u>
<u>Levomethorphan</u>	
<u>Lidocaine</u>	<u>Xylocaine</u>
<u>Lithium</u>	<u>Lithizine, Duralith, etc.</u>
<u>Lobeline</u>	
<u>Loflazepate, Ethyl</u>	<u>Victan</u>
<u>Loprazolam</u>	<u>Dormonort, Havlane</u>
<u>Lorazepam</u>	<u>Ativan</u>
<u>Lormetazepam</u>	<u>Noctamid</u>
<u>Loxapine</u>	<u>Laxitane</u>
<u>Maprotiline</u>	<u>Ludiomil</u>
<u>Mebutamate</u>	<u>Axiten, Dormate, Capla</u>
<u>Meclofenoxate</u>	<u>Lucidiril, etc.</u>
<u>Medazepam</u>	<u>Nobrium, etc.</u>
<u>Melperone</u>	<u>Eunerpan</u>
<u>Meparfynol</u>	<u>Oblivon</u>
<u>Mepazine</u>	<u>Pacatal</u>
<u>Mephenoxalone</u>	<u>Control, etc.</u>
<u>Mephentyoin</u>	<u>Mesantoin</u>
<u>Mephobarbital (Methylphe- nobarbital)</u>	<u>Mebaral</u>
<u>Mepivacaine</u>	<u>Carbocaine</u>
<u>Meprobamate</u>	<u>Equanil, Miltown</u>

<u>Drug</u>	<u>Trade Name</u>
<u>Mesoridazine</u>	<u>Serentil</u>
<u>Metaclazepam</u>	<u>Talis</u>
<u>Metazocine</u>	
<u>Metharbital</u>	<u>Gemonil</u>
<u>Methohexital</u>	<u>Brevital</u>
<u>Methotrimeprazine</u>	<u>Levoprome, Neurocil, etc.</u>
<u>Methypylon</u>	<u>Noludar</u>
<u>Metocurine</u>	<u>Metubine</u>
<u>Metomidate</u>	<u>Hypnodil</u>
<u>Mexazolam</u>	<u>Melex</u>
<u>Midazolam</u>	<u>Versed</u>
<u>Mirtazepine</u>	<u>Remeron</u>
<u>Modafinil</u>	<u>Provigil</u>
<u>Molindone</u>	<u>Moban</u>
<u>Moperone</u>	<u>Luvatren</u>
<u>Mosaprimine</u>	
<u>Nalbuphine</u>	<u>Nubain</u>
<u>Nalorphine</u>	<u>Nalline, Lethidrone</u>
<u>Nefazodone</u>	<u>Serzone</u>
<u>Nimetazepam</u>	<u>Erimin</u>
<u>Nitrazepam</u>	<u>Mogadon</u>
<u>Nordiazepam</u>	<u>Calmday, Nordaz, etc.</u>
<u>Norepinephrine</u>	
<u>Nortriptyline</u>	<u>Aventyl, Pamelor</u>
<u>Olanzepine</u>	<u>Zyprexa</u>
<u>Oxazepam</u>	<u>Serax</u>
<u>Oxazolam</u>	<u>Serenal</u>
<u>Oxyperitine</u>	<u>Forit, Integrin</u>
<u>Pancuronium</u>	<u>Pavulon</u>
<u>Paraldehyde</u>	<u>Paral</u>
<u>Paroxetine</u>	<u>Paxil, Seroxat</u>
<u>Penfluridol</u>	<u>Cyperon</u>
<u>Pentobarbital</u>	<u>Nembutal</u>
<u>Perazine</u>	<u>Taxilan</u>
<u>Periciazine</u>	<u>Alodept, etc.</u>
<u>Perlazine</u>	<u>Hypnodin</u>
<u>Perphenazine</u>	<u>Trilafon</u>
<u>Phenaglycodol</u>	<u>Acalo, Alcamid, etc.</u>
<u>Phenelzine</u>	<u>Nardelzine, Nardil</u>
<u>Phenobarbital</u>	<u>Luminal</u>
<u>Phentermine</u>	<u>Iomamin</u>
<u>Piminodine</u>	<u>Alvodine, Cimadon</u>
<u>Pimozide</u>	<u>Orap</u>
<u>Pinazepam</u>	<u>Domar</u>
<u>Pipamperone</u>	<u>Dipiperon</u>
<u>Pipequaline</u>	

<u>Drug</u>	<u>Trade Name</u>
<u>Piperacetazine</u>	<u>Psymod, Quide</u>
<u>Piperocaine</u>	<u>Metycaine</u>
<u>Pipotiazine</u>	<u>Lonseren, Piportil</u>
<u>Pipradrol</u>	<u>Dataril, Gerondyl, etc.</u>
<u>Piquindone</u>	
<u>Prazepam</u>	<u>Verstran, Centrax</u>
<u>Prilocaine</u>	<u>Citanest</u>
<u>Prochlorperazine</u>	<u>Darbazine, Compazine</u>
<u>Propanidid</u>	
<u>Propiomazine</u>	<u>Largon</u>
<u>Propionylpromazine</u>	<u>Tranvet</u>
<u>Propiram</u>	
<u>Propofol</u>	<u>Diprivan, Disoprivan</u>
<u>Propoxycaine</u>	<u>Ravocaine</u>
<u>Prothipendyl</u>	<u>Dominal</u>
<u>Protriptyline</u>	<u>Concordin, Triptil</u>
<u>Proxibarbital</u>	<u>Axeen, Centralgol</u>
<u>Pyrithyldione</u>	<u>Hybersulfan, Sonodor</u>
<u>Quazipam</u>	<u>Doral</u>
<u>Quetiapine</u>	<u>Seroquel</u>
<u>Racemethorphan</u>	
<u>Racemorphan</u>	
<u>Raclopride</u>	
<u>Remoxipride</u>	<u>Roxiam</u>
<u>Reserpine</u>	<u>Serpasil</u>
<u>Rilmazafone</u>	
<u>Risperidone</u>	
<u>Ritanserin</u>	
<u>Rivastigmine</u>	<u>Exelon</u>
<u>Romifidine</u>	<u>Sedivet</u>
<u>Ropivacaine</u>	<u>Naropin</u>
<u>Secobarbital (Quinalbarbitone)</u>	<u>Seconal</u>
<u>Selegiline</u>	<u>Eldepryl, Jumex</u>
<u>Sertraline</u>	<u>Lustral, Zoloft</u>
<u>Snake Venoms</u>	
<u>Spiclomazine</u>	
<u>Spiperone</u>	
<u>Succinylcholine</u>	<u>Sucostrin, Quelin, etc.</u>
<u>Sulfondiethylmethane</u>	
<u>Sulfonmethane</u>	
<u>Sulforidazine</u>	<u>Inofal</u>
<u>Sulpiride</u>	<u>Aiglonyl, Sulpitil</u>
<u>Sultopride</u>	<u>Barnetil</u>
<u>Talbutal</u>	<u>Lotusate</u>
<u>Tandospirone</u>	
<u>Temazepam</u>	<u>Restoril</u>
<u>Tetrabenazine</u>	<u>Nitoman</u>

<u>Drug</u>	<u>Trade Name</u>
<u>Tetracaine</u>	<u>Pontocaine</u>
<u>Tetrazepam</u>	<u>Musaril, Myolastin</u>
<u>Thebaine</u>	
<u>Thialbarbital</u>	<u>Kemithal</u>
<u>Thiamylal</u>	<u>Surital</u>
<u>Thiethylperazine</u>	<u>Torecan</u>
<u>Thiopental</u>	<u>Pentothal</u>
<u>Thiopropazate</u>	<u>Dartal</u>
<u>Thiopropazine</u>	<u>Majeptil</u>
<u>Thioridazine</u>	<u>Mellaril</u>
<u>Thiothixene</u>	<u>Navane</u>
<u>Tiapride</u>	<u>Italprid, Luxoben, etc.</u>
<u>Tiletamine</u>	<u>Component of Telazol</u>
<u>Timiperone</u>	<u>Tolopelon</u>
<u>Tofisopam</u>	<u>Grandaxain, Seriel</u>
<u>Topirimate</u>	<u>Topamax</u>
<u>Tramadol</u>	<u>Ultram</u>
<u>Tranlycypromine</u>	<u>Parnate</u>
<u>Trazodone</u>	<u>Desyrel</u>
<u>Triazolam</u>	<u>Halcion</u>
<u>Tribromethanol</u>	
<u>Tricaine methanesulfonate</u>	<u>Finquel</u>
<u>Trichloroethanol</u>	
<u>Trichloroethylene</u>	<u>Trilene, Trimar</u>
<u>Triclofos</u>	<u>Triclos</u>
<u>Trifluomeprazine</u>	<u>Nortran</u>
<u>Trifluoperazine</u>	<u>Stelazine</u>
<u>Trifluoperidol</u>	<u>Triperidol</u>
<u>Triflupromazine</u>	<u>Vetame, Vesprin</u>
<u>Trimipramine</u>	<u>Surmontil</u>
<u>Tubocurarine (Curare)</u>	<u>Metubin</u>
<u>Tybamate</u>	<u>Benvil, Nospan, etc.</u>
<u>Urethane</u>	
<u>Valnoctamide</u>	<u>Nirvanyl</u>
<u>Venlafaxine</u>	<u>Effexor</u>
<u>Veralipride</u>	<u>Accional, Veralipril</u>
<u>Vercuronium</u>	<u>Norcuron</u>
<u>Viloxazine</u>	<u>Catatrol, Vivalan, etc.</u>
<u>Vinbarbital</u>	<u>Delvinol</u>
<u>Vinylbital</u>	<u>Optanox, Speda</u>
<u>Yohimbine</u>	
<u>Zolazepam</u>	
<u>Zolpidem</u>	<u>Ambien, Stilnox</u>
<u>Zopiclone</u>	<u>Imovan</u>
<u>Zotepine</u>	<u>Lodopin</u>
<u>Zuclopenthixol</u>	<u>Ciatyl, Cesordinol</u>

(3) Class 3

Class 3 drugs are drugs/medication/foreign substances that may or may not have generally accepted medical use in the racing horse, but the pharmacology of which suggests less potential to affect performance than class 2 drugs.

<u>Drug</u>	<u>Trade Name</u>
<u>Acebutolol</u>	<u>Sectral</u>
<u>Acepromazine</u>	<u>Atrovet, Notensil, Pro-mAce®</u>
<u>Albuterol (Salbutamol)</u>	<u>Proventil, Ventolin</u>
<u>Alprenolol</u>	
<u>Ambenonium</u>	<u>Mytelase, Myeuran</u>
<u>Aminophylline</u>	<u>Aminophyllin, etc.</u>
<u>Amlodipine</u>	<u>Norvasc</u>
<u>Amyl nitrite</u>	
<u>Arecoline</u>	
<u>Atenolol</u>	<u>Tenormin</u>
<u>Atropine</u>	
<u>Betaxolol</u>	<u>Kerlone</u>
<u>Bethanidine</u>	<u>Esbatal</u>
<u>Biperiden</u>	<u>Akineton</u>
<u>Bisoprolol</u>	<u>Zebeta, Bisobloc, etc.</u>
<u>Bitolterol</u>	<u>Effectin</u>
<u>Bretylum</u>	<u>Bretylol</u>
<u>Brimonidine</u>	<u>Alphagan</u>
<u>Bromfenac</u>	<u>Duract</u>
<u>Bromodiphenhydramine</u>	
<u>Bumetanide</u>	<u>Bumex</u>
<u>Butorphanol</u>	<u>Stadol, Torbugesic</u>
<u>Candesartan</u>	<u>Atacand</u>
<u>Captopril</u>	<u>Capolen</u>
<u>Carazolol</u>	<u>Carbacel, Conducton</u>
<u>Carbachol</u>	<u>Lentin, Doryl</u>
<u>Carbamezapine</u>	<u>Tegretol</u>
<u>Carbinoxamine</u>	<u>Clistin</u>
<u>Carteolol</u>	<u>Cartrol</u>
<u>Carvedilol</u>	<u>Coreg</u>
<u>Cimeterol</u>	
<u>Clenbuterol</u>	<u>Ventipulmin</u>
<u>Clonidine</u>	<u>Catapres</u>
<u>Cyclandelate</u>	<u>Cyclospasmol</u>
<u>Cycrimine</u>	<u>Pagitane</u>
<u>Detomidine</u>	<u>Dormosedan</u>
<u>Dextropropoxyphene</u>	<u>Darvon</u>
<u>Diazoxide</u>	<u>Proglycem</u>
<u>Dimeflin</u>	
<u>Diphenhydramine</u>	<u>Benadryl</u>
<u>Dipyridamole</u>	<u>Persantine</u>
<u>Dobutamine</u>	<u>Dobutrex</u>

<u>Drug</u>	<u>Trade Name</u>
<u>Doxylamine</u>	<u>Decapryn</u>
<u>Dyphylline</u>	
<u>Edrophonium</u>	<u>Tensilon</u>
<u>Enalapril (metabolite enalaprilat)</u>	<u>Vasotec</u>
<u>Erthrityl tetranitrate</u>	<u>Cardilate</u>
<u>Esmolol</u>	<u>Brevibloc</u>
<u>Etamiphylline</u>	
<u>Ethacrynic acid</u>	<u>Edecrin</u>
<u>Ethylnorepinephrine</u>	<u>Bronkephrine</u>
<u>Fenoldopam</u>	<u>Corlopam</u>
<u>Fenoterol</u>	<u>Berotec</u>
<u>Fenspiride</u>	<u>Respiride, Respan, etc.</u>
<u>Flupirtine</u>	<u>Katadolone</u>
<u>Formoterol</u>	<u>Altram</u>
<u>Gabapentin</u>	<u>Neurontin</u>
<u>Glycopyrrolate</u>	<u>Robinul</u>
<u>Guanadrel</u>	<u>Hylorel</u>
<u>Guanethidine</u>	<u>Ismelin</u>
<u>Guanabenz</u>	<u>Wytensin</u>
<u>Heptaminol</u>	<u>Corofundol</u>
<u>Homatropine</u>	<u>Homapin</u>
<u>Hydralazine</u>	<u>Apresoline</u>
<u>Ipratropium</u>	
<u>Irbesarten</u>	<u>Avapro</u>
<u>Isoetharine</u>	<u>Bronkosol</u>
<u>Isosorbide dinitrate</u>	<u>Isordil</u>
<u>Ketorolac</u>	<u>Toradol</u>
<u>Labetalol</u>	<u>Normodyne</u>
<u>Losartan</u>	<u>Hyzaar</u>
<u>Mabuterol</u>	
<u>Mecamylamine</u>	<u>Inversine</u>
<u>Medetomidine</u>	<u>Domitor</u>
<u>Metaproterenol</u>	<u>Alupent, Metaprel</u>
<u>Methachloline</u>	
<u>Methixene</u>	<u>Trest</u>
<u>Methoxamine</u>	<u>Vasoxyl</u>
<u>Methoxyphenamine</u>	<u>Orthoxide</u>
<u>Methylatropine</u>	
<u>Methyldopa</u>	<u>Aldomet</u>
<u>Metolazone</u>	
<u>Metoprolol</u>	<u>Lopressor</u>
<u>Mibefradil</u>	<u>Posicor</u>
<u>Midodrine</u>	<u>Pro-Amiline</u>
<u>Minoxidil</u>	<u>Loniten</u>
<u>Moexipril (metabolite moexiprilat)</u>	<u>Uniretic</u>
<u>Muscarine</u>	

<u>Drug</u>	<u>Trade Name</u>
<u>Nadol</u>	<u>Corgard</u>
<u>Naratriptan</u>	<u>Amerge</u>
<u>Nefopam</u>	
<u>Neostigmine</u>	<u>Prostigmine</u>
<u>Nitroglycerin</u>	
<u>Oxprenolol</u>	<u>Trasicor</u>
<u>Papaverine</u>	<u>Pavagen, etc.</u>
<u>Paramethadione</u>	<u>Paradione</u>
<u>Pargyline</u>	<u>Eutonyl</u>
<u>Penbutolol</u>	<u>Levitol</u>
<u>Pentaerythritol tetranitrate</u>	<u>Duotrate</u>
<u>Pentazocine</u>	<u>Talwin</u>
<u>Phenoxybenzamine</u>	<u>Dibenzyline</u>
<u>Phentolamine</u>	<u>Regitine</u>
<u>Phenylephrine</u>	<u>Isophrin, Neo-Syneph- rine</u>
<u>Phenylpropanolamine</u>	<u>Propadrine</u>
<u>Physostigmine</u>	<u>Eserine</u>
<u>Pindolol</u>	<u>Viskin</u>
<u>Pirbuterol</u>	<u>Maxair</u>
<u>Piretanide</u>	<u>Arelix, Tauliz</u>
<u>Prazosin</u>	<u>Minipress</u>
<u>Primidone</u>	<u>Mysoline</u>
<u>Procaine</u>	
<u>Procaterol</u>	<u>Pro Air</u>
<u>Procyclidine</u>	<u>Kemadrin</u>
<u>Promazine</u>	<u>Sparine</u>
<u>Promethazine</u>	<u>Phenergan</u>
<u>Propentophylline</u>	<u>Karsivan</u>
<u>Propranolol</u>	<u>Inderal</u>
<u>Protokylol</u>	<u>Ventaire</u>
<u>Pseudoephedrine</u>	<u>Cenafed, Novafed</u>
<u>Pyridostigmine</u>	<u>Mestinon, Regonol</u>
<u>Pyrilamine</u>	<u>Neoantergan, Equihist</u>
<u>Ractopamine</u>	<u>Raylean</u>
<u>Ritodrine</u>	<u>Yutopar</u>
<u>Rizatriptan</u>	<u>Maxalt</u>
<u>Salmeterol</u>	
<u>Scopolamine (Hyoscine)</u>	<u>Triptone</u>
<u>Sibutramine</u>	<u>Meridia</u>
<u>Sotalol</u>	<u>Betapace, Sotacor</u>
<u>Sumatriptan</u>	<u>Imitrex</u>
<u>Telmisartan</u>	<u>Micardis</u>
<u>Terbutaline</u>	<u>Brethine, Bricanyl</u>
<u>Testolactone</u>	<u>Teslac</u>
<u>Theophylline</u>	<u>Aqualphyllin, etc.</u>
<u>Timolol</u>	<u>Blocardrin</u>

<u>Drug</u>	<u>Trade Name</u>
<u>Tolazoline</u>	<u>Priscoline</u>
<u>Torsemide (Torasemide)</u>	<u>Demadex</u>
<u>Trandolapril (and metabolite, Trandolaprilat)</u>	<u>Tarka</u>
<u>Trihexylphenidyl</u>	<u>Artane</u>
<u>Trimethadione</u>	<u>Tridione</u>
<u>Trimethaphan</u>	<u>Arfonad</u>
<u>Tripelennamine</u>	<u>PBZ</u>
<u>Valsartan</u>	<u>Diovan</u>
<u>Xylazine</u>	<u>Rompun, Bay Va 1470</u>
<u>Zolmitriptan</u>	<u>Zomig</u>
<u>Zonisamide</u>	<u>Zonegran</u>

(4) Class 4

Class 4 drugs include therapeutic drugs/medications/foreign substances that would be expected to have less potential to affect the performance of a racing horse than class 3 drugs.

<u>Drug</u>	<u>Trade Name</u>
<u>Acetaminophen (Paracetamol)</u>	<u>Tylenol, Tempra, etc.</u>
<u>Acetanilid</u>	
<u>Acetazolamide</u>	<u>Diamox, Vetamox</u>
<u>Acetophenetidin (Phenacetin)</u>	
<u>Acetylsalicylic acid (Aspirin)</u>	
<u>Alclofenac</u>	
<u>Aclomethasone</u>	<u>Aclovate</u>
<u>Aldosterone</u>	<u>Aldocortin, Electro cortin</u>
<u>Ambroxol</u>	<u>Ambril, etc.</u>
<u>Amezinonide</u>	<u>Cyclocort</u>
<u>Aminocaproic acid</u>	<u>Amicar, Caprocid</u>
<u>Aminodarone</u>	
<u>2-Aminoheptaine</u>	<u>Tuamine</u>
<u>Aminopyrine</u>	
<u>Amisometradine</u>	<u>Rolictron</u>
<u>Amlopidine</u>	<u>Norvasc, Ammivin</u>
<u>Amrinone</u>	
<u>Anisotropine</u>	<u>Valpin</u>
<u>Antipyrine</u>	
<u>Apazone (Azapropazone)</u>	<u>Rheumox</u>
<u>Aprindine</u>	
<u>Baclofen</u>	<u>Lioresal</u>
<u>Beclomethasone</u>	<u>Propaderm</u>
<u>Benazepril</u>	<u>Lotrel</u>
<u>Bendroflumethiazide</u>	<u>Naturetin</u>
<u>Benoxaprofen</u>	
<u>Benoxinate</u>	<u>Dorsacaine</u>
<u>Benzocaine</u>	
<u>Benzthiazide</u>	
<u>Bepridil</u>	<u>Bepadin</u>

<u>Drug</u>	<u>Trade Name</u>
<u>Betamethasone</u>	<u>Betason, etc.</u>
<u>Bethanechol</u>	<u>Urecholine, Duvoid</u>
<u>Boldenone</u>	<u>Equipoise</u>
<u>Bromhexine</u>	<u>Oletor, etc.</u>
<u>Brompheniramine</u>	<u>Dimetane, Disomer</u>
<u>Budesonide</u>	<u>Pulmacort, Rhinocort</u>
<u>Butacaine</u>	<u>Butyn</u>
<u>Butamben (butyl aminobenzoate)</u>	<u>Butesin</u>
<u>Butoxycaine</u>	<u>Stadacain</u>
<u>Calusterone</u>	<u>Methosorb</u>
<u>Camphor</u>	
<u>Carisoprodol</u>	<u>Relo, Soma</u>
<u>Celecoxib</u>	<u>Celebrex</u>
<u>Chlormerodrin</u>	<u>Neohydrin</u>
<u>Chlorophenesin</u>	<u>Maolate</u>
<u>Chloroquine</u>	<u>Avloclor</u>
<u>Chlorothiazide</u>	<u>Diuril</u>
<u>Chlorpheniramine</u>	<u>Chlortriemton, etc.</u>
<u>Chlorthalidone</u>	<u>Hydroton</u>
<u>Chlorzoxazone</u>	<u>Paraflex</u>
<u>Cinchocaine</u>	<u>Nupercaine</u>
<u>Clibucaine</u>	<u>Batrax</u>
<u>Clidinium</u>	<u>Quarezan, Clindex, etc.</u>
<u>Clobetasol</u>	<u>Temovate</u>
<u>Clocortolone</u>	<u>Cloderm</u>
<u>Clofenamide</u>	
<u>Clormecaine</u>	<u>Placacid</u>
<u>Colchicine</u>	
<u>Cortisone</u>	<u>Cortone, etc.</u>
<u>Cyclizine</u>	<u>Merazine</u>
<u>Cyclobenzaprine</u>	<u>Flexeril</u>
<u>Cyclomethylcaine</u>	<u>Surfacaine</u>
<u>Cyclothiazide</u>	<u>Anhydron, Renazide</u>
<u>Cyproheptadine</u>	<u>Periactin</u>
<u>Danazol</u>	<u>Danocrine</u>
<u>Dantrolene</u>	<u>Dantrium</u>
<u>Dembroxol (Dembrexine)</u>	<u>Sputolysin</u>
<u>Deoxycorticosterone</u>	<u>Percortin, DOCA, Desotone, Dorcostrin</u>
<u>Desonite</u>	<u>Des Owen</u>
<u>Desoximetasone</u>	<u>Topicort</u>
<u>Dexamethasone</u>	<u>Azium, etc.</u>
<u>Dextromethorphan</u>	
<u>Dibucaine</u>	<u>Nupercainal, Cinchocaine</u>
<u>Dichlorphenamide</u>	<u>Daramide</u>
<u>Diclofenac</u>	<u>Voltaren, Voltarol</u>

<u>Drug</u>	<u>Trade Name</u>
<u>Diflorasone</u>	<u>Florone, Maxiflor</u>
<u>Diflucortolone</u>	<u>Flu-Cortinest, etc.</u>
<u>Diflunisal</u>	
<u>Digitoxin</u>	<u>Crystodigin</u>
<u>Digoxin</u>	<u>Lanoxin</u>
<u>Dihydroergotamine</u>	
<u>Diltiazem</u>	<u>Cardizem</u>
<u>Dimethisoquin</u>	<u>Quotane</u>
<u>Diphenoxylate</u>	<u>Difenoxin, Lomotil</u>
<u>Dipyron</u>	<u>Novin, Methampyrone</u>
<u>Disopyramide</u>	<u>Norpace</u>
<u>Dromostanolone</u>	<u>Drolban</u>
<u>Dyclonine</u>	<u>Dyclone</u>
<u>Eltenac</u>	
<u>Ergonovine</u>	<u>Ergotrate</u>
<u>Ergotamine</u>	<u>Gynergen, Cafergot, etc.</u>
<u>Etanercept</u>	<u>Enbrel</u>
<u>Ethoheptazine</u>	<u>Zactane</u>
<u>Ethosuximide</u>	<u>Zarontin</u>
<u>Ethotoin</u>	<u>Peganone</u>
<u>Ethoxzolamide</u>	<u>Cardrase, Ethamide</u>
<u>Ethylaminobenzoate (Benzocaine)</u>	<u>Semets, etc.</u>
<u>Ethylestrenol</u>	<u>Maxibolin, Organon</u>
<u>Etodolac</u>	<u>Lodine</u>
<u>Felodipine</u>	<u>Plendil</u>
<u>Fenbufen</u>	<u>Cincopal</u>
<u>Fenclozic acid</u>	<u>Myalex</u>
<u>Fenoprofen</u>	<u>Nalfon</u>
<u>Fexofenadine</u>	<u>Allegra</u>
<u>Flecainide</u>	<u>Idalon</u>
<u>Floctafenine</u>	<u>Idalon, Idarac</u>
<u>Flucinolone</u>	<u>Synalar, etc.</u>
<u>Fludrocortisone</u>	<u>Alforone, etc.</u>
<u>Flufenamic acid</u>	
<u>Flumethasone</u>	<u>Flucort, etc.</u>
<u>Flumethiazide</u>	<u>Ademol</u>
<u>Flunarizine</u>	<u>Sibelium</u>
<u>Flunisolide</u>	<u>Bronilide, etc.</u>
<u>Flunixin</u>	<u>Banamine</u>
<u>Fluocinolone</u>	<u>Synalar</u>
<u>Fluocinonide</u>	<u>Licon, Lidex</u>
<u>Fluoroprednisolone</u>	<u>Predef-2X</u>
<u>Fluoxymesterone</u>	<u>Halotestin</u>
<u>Fluprednisolone</u>	<u>Alphadrol</u>
<u>Flurandrenolide</u>	<u>Cordran</u>
<u>Flurbiprofen</u>	<u>Froben</u>

<u>Drug</u>	<u>Trade Name</u>
<u>Fluticasone</u>	<u>Flixonase, Flutide</u>
<u>Guaifenesin (glycerol guaiacolate)</u>	<u>Gecolate</u>
<u>Halcinonide</u>	<u>Halog</u>
<u>Halobetasol</u>	<u>Ultravate</u>
<u>Hexocyclium</u>	<u>Tral</u>
<u>Hexylcaine</u>	<u>Cyclaine</u>
<u>Hydrochlorthiazide</u>	<u>Hydrodiuril</u>
<u>Hydrocortisone (Cortisol)</u>	<u>Cortef, etc.</u>
<u>Hydroflumethiazide</u>	<u>Saluron</u>
<u>Ibuprofen</u>	<u>Motrin, Advil, Nurpin, etc.</u>
<u>Indomethacin</u>	<u>Indocin</u>
<u>Infliximab</u>	<u>Remicade</u>
<u>Isoflupredone</u>	<u>Predef</u>
<u>Isometheptene</u>	<u>Octin, Octon</u>
<u>Isopropamide</u>	<u>Darbid</u>
<u>Isoxicam</u>	<u>Maxicam</u>
<u>Isoxsuprine</u>	<u>Vasodilan</u>
<u>Isradipine</u>	<u>DynaCirc</u>
<u>Ketoprofen</u>	<u>Orudis</u>
<u>Letosteine</u>	<u>Viscotiol, Visiotal</u>
<u>Loperamide</u>	<u>Imodium</u>
<u>Loratidine</u>	<u>Claritin</u>
<u>Meclizine</u>	<u>Antivert, Bonine</u>
<u>Meclufenamic acid</u>	<u>Arquel</u>
<u>Medrysone</u>	<u>Medriusar, etc.</u>
<u>Mefenamic acid</u>	<u>Ponstel</u>
<u>Meloxicam</u>	<u>Mobic</u>
<u>Mepenzolate</u>	<u>Cantil</u>
<u>Mephenesin</u>	<u>Tolserol</u>
<u>Meralluride</u>	<u>Mercuhydrin</u>
<u>Merbaphen</u>	<u>Novasural</u>
<u>Mercaptomerin</u>	<u>Thiomerin</u>
<u>Mercumalilin</u>	<u>Cumertilin</u>
<u>Mersalyl</u>	<u>Salyrgan</u>
<u>Metaxalone</u>	<u>Skelaxin</u>
<u>Methandriol</u>	<u>Probolis</u>
<u>Methandrostenolone</u>	<u>Dianabol</u>
<u>Methantheline</u>	<u>Banthine</u>
<u>Methapyrilene</u>	<u>Histadyl, etc.</u>
<u>Methazolamide</u>	<u>Naptazane</u>
<u>Methdilazine</u>	<u>Tacaryl</u>
<u>Methocarbamol</u>	<u>Robaxin</u>
<u>Methotrexate</u>	<u>Folex, Nexate, etc.</u>
<u>Methscopolamine</u>	<u>Pamine</u>
<u>Methsuximide</u>	<u>Celontin</u>

<u>Drug</u>	<u>Trade Name</u>
<u>Methylchlorthiazide</u>	<u>Enduron</u>
<u>Methandrostenolone</u>	<u>Dianabol</u>
<u>Methylergonovine</u>	<u>Methergine</u>
<u>Methylprednisolone</u>	<u>Medrol</u>
<u>Methyltestosterone</u>	<u>Metandren</u>
<u>Methysergide</u>	<u>Sansert</u>
<u>Metiamide</u>	
<u>Metoclopramide</u>	<u>Reglan</u>
<u>Mexilitine</u>	<u>Mexilil</u>
<u>Milrinone</u>	
<u>Mometasone</u>	<u>Elocon</u>
<u>Montelukast</u>	<u>Singulair</u>
<u>Nabumetone</u>	<u>Anthraxan, Relafen, Reliflex</u>
<u>Naepaine</u>	<u>Amylsine</u>
<u>Nandrolone</u>	<u>Nandrolin, Laurabolin, Durabolin</u>
<u>Naphazoline</u>	<u>Privine</u>
<u>Naproxen</u>	<u>Equiproxen, Naprosyn</u>
<u>Nicardipine</u>	<u>Cardine</u>
<u>Nifedipine</u>	<u>Procardia</u>
<u>Niflumic acid</u>	<u>Nifluril</u>
<u>Nimesulide</u>	
<u>Nimodipine</u>	<u>Nemotop</u>
<u>Norethandrone</u>	
<u>Nortestosterone</u>	<u>Nemotop</u>
<u>Orphenadrine</u>	<u>Norlfex</u>
<u>Oxandrolone</u>	<u>Anavar</u>
<u>Oxaprozin</u>	<u>Daypro, Deflam</u>
<u>Oxymetazoline</u>	<u>Afrin</u>
<u>Oxymetholone</u>	<u>Adroyd, Anadrol</u>
<u>Oxyphenbutazone</u>	<u>Tandearil</u>
<u>Oxyphenyclimine</u>	<u>Daricon</u>
<u>Oxyphenonium</u>	<u>Antrenyl</u>
<u>Paramethasone</u>	<u>Haldrone</u>
<u>Pentoxyfylline</u>	<u>Trental, Vazofirin</u>
<u>Phenacemide</u>	<u>Phenurone</u>
<u>Phensuximide</u>	<u>Milontin</u>
<u>Phenytoin</u>	<u>Dilantin</u>
<u>Piroxicam</u>	<u>Feldene</u>
<u>Polythiazide</u>	<u>Renese</u>
<u>Pramoxine</u>	<u>Tronothaine</u>
<u>Prednisolone</u>	<u>Delta-Cortef, etc.</u>
<u>Prednisone</u>	<u>Meticorten, etc.</u>
<u>Probenecid</u>	
<u>Procainamide</u>	<u>Pronestyl</u>
<u>Propafenone</u>	<u>Rythmol</u>

<u>Drug</u>	<u>Trade Name</u>
<u>Propranolol</u>	<u>Pro-Banthine</u>
<u>Proparacaine</u>	<u>Ophthaine</u>
<u>Propylhexedrine</u>	<u>Benzedrex</u>
<u>Quinidine</u>	<u>Quinidex, Quinicardine</u>
<u>Rofecoxib</u>	<u>Vioxx</u>
<u>Salicylamide</u>	
<u>Salicylate</u>	
<u>Spironolactone</u>	<u>Aldactone</u>
<u>Stanozolol</u>	<u>Winstrol-V</u>
<u>Sulfasalazine</u>	<u>Azulfidine, Azaline</u>
<u>Sulindac</u>	<u>Clinoril</u>
<u>Tenoxicam</u>	<u>Alganex, etc.</u>
<u>Terfenadine</u>	<u>Seldane, Triludan</u>
<u>Testosterone</u>	
<u>Tetrahydrozoline</u>	<u>Tyzine</u>
<u>Theobromine</u>	
<u>Thiosalicylate</u>	
<u>Thiphenamil</u>	<u>Trocinate</u>
<u>Tiaprofenic acid</u>	<u>Surgam</u>
<u>Tocainide</u>	<u>Tonocard</u>
<u>Tolmetin</u>	<u>Tolectin</u>
<u>Tranexamic acid</u>	
<u>Trenbolone</u>	<u>Finoplix</u>
<u>Triamcinolone</u>	<u>Vetalog, etc.</u>
<u>Triamterene</u>	<u>Dyrenium</u>
<u>Trichlormethiazide</u>	<u>Naqua, Naquasone</u>
<u>Tolmetin</u>	<u>Tolectin</u>
<u>Tranexamic acid</u>	
<u>Tridihexethyl</u>	<u>Pathilon</u>
<u>Trimeprazine</u>	<u>Temaril</u>
<u>Tripolidine</u>	<u>Actidil</u>
<u>Tuaminoheptane</u>	<u>Tuamine</u>
<u>Vedaprofen</u>	
<u>Verapamil</u>	<u>Calan, Isoptin</u>
<u>Xylometazoline</u>	<u>Otrivin</u>
<u>Zafirlukast</u>	<u>Accolate</u>
<u>Zeranol</u>	<u>Ralgro</u>
<u>Zileuton</u>	<u>Zyflo</u>
<u>Zomepirac</u>	<u>Zomax</u>

(5) Class 5

Class 5 drugs include those therapeutic medications for which concentration limits have generally been established by racing jurisdictions as well as certain miscellaneous agents such as DMSO and other medications.

<u>Drug</u>	<u>Trade Name</u>
<u>Anisindione</u>	
<u>Cilostazol</u>	<u>Pletal</u>

<u>Drug</u>	<u>Trade Name</u>
<u>Cimetidine</u>	<u>Tagamet</u>
<u>Cromolyn</u>	<u>Intel</u>
<u>Dicumarol</u>	<u>Dicumarol</u>
<u>Dimethylsulfoxide (DMSO)</u>	<u>Domoso</u>
<u>Dimethylsulphone (MSM)</u>	
<u>Diphenadione</u>	
<u>Famotidine</u>	<u>Gaster, etc.</u>
<u>Lansoprazole</u>	
<u>Misoprostel</u>	<u>Cytotec</u>
<u>Nedocromil</u>	<u>Tilade</u>
<u>Nizatidine</u>	<u>Axid</u>
<u>Omeprozole</u>	<u>Prilosec, Losec</u>
<u>Phenindione</u>	<u>Hedulin</u>
<u>Phenprocoumon</u>	<u>Liquamar</u>
<u>Pirenzapine</u>	<u>Gastrozepin</u>
<u>Polyethylene glycol</u>	
<u>Ranitidine</u>	<u>Zantac</u>
<u>Warfarin</u>	<u>Coumadin, Coufarin</u>

(6) Nonclassified substances

Nonclassified substances are considered to have no effect on the physiology of a horse, except to improve nutrition or treat or prevent infections or parasite infestations. These substances normally include antimicrobials, antiparasitic drugs, and nutrients such as vitamins.

**WSR 07-03-144
PROPOSED RULES
HORSE RACING COMMISSION**

[Filed January 23, 2007, 1:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-24-020.

Title of Rule and Other Identifying Information: Chapter 260-40 WAC, Entries, starts, declarations, and scratches.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, on March 8, 2007, at 9:30 a.m.

Date of Intended Adoption: March 8, 2007.

Submit Written Comments to: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail dmoore@whrc.state.wa.us, fax (360) 459-6461, by March 5, 2007.

Assistance for Persons with Disabilities: Contact Patty Sorby by March 6, 2007, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To update chapter 260-40 WAC to reflect clear language and to amend sections to comply with current standards in the industry.

Reasons Supporting Proposal: Updates the chapter to be consistent with the model rules of racing where applicable. Increases the number of entries allowed by a single trainer in

higher class racing in an attempt to increase field size in these categories. Also deletes language in several sections that is outdated and no longer practical.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: Washington horse racing commission, governmental.

Name of Agency Personnel Responsible for Drafting: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

January 23, 2007
Douglas L. Moore
Management Analyst

Chapter 260-40 WAC

ENTRIES, STARTS, ~~(DECLARATIONS))~~ NOMINATIONS AND SCRATCHES

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-40-010 ~~((Declarations))~~ Nominations and scratches. (1) ~~((No))~~ A horse ~~((shall))~~ may not be considered nominated or scratched ~~((or declared))~~ out of an engagement until the owner ~~((or his authorized agent, or some person deputized by him shall have given due)),~~ trainer or designee provides written notice ~~((in writing))~~ to the racing secretary before the time ~~((stipulated))~~ set by the ~~((regulations of the))~~ association.

(2) For stake races, if a horse is not named through the entry box ~~((the day before the race at the usual time of closing))~~ before the close of entries for that race, the horse is automatically out.

(3) ~~((The declaration of a horse out of an engagement is irrevocable.~~

~~(4) All horses must be scratched at designated scratch time set by racing secretary.~~

~~(5) If the miscarriage of any declaration by mail or otherwise is alleged, satisfactory proof of such miscarriage shall be required of the complainant, otherwise, the declaration shall not be accepted as of the time alleged.~~

~~(6) Any trainer who has entered a horse, will be allowed the right and privilege of scratching from said race prior to scratch time, until there remain in the race only eight interests. If there are more requests to withdraw than are available, permission to withdraw shall be decided by lot. However, in all races involving the daily double, no entry may be withdrawn that would reduce the starting field to less than the number designated by the racing secretary, without permission of the stewards. No other entries will be excused as provided above except upon receipt of a veterinarian's certificate of unfitness, change of track conditions since time of entry or~~

~~other causes acceptable to the stewards.))~~ If the validity of any nomination is alleged, the complainant must provide satisfactory proof of the error that is alleged; otherwise, the nomination will be accepted.

(4) Any owner, trainer, or authorized agent who has entered a horse will be allowed the right to scratch the horse from the race entered prior to the published scratch time, until there remains in the race no fewer than eight interests. If there are more requests to scratch than are available, permission to scratch must be decided by lot. However, in all races involving the daily double, no entry may be scratched that would reduce the starting field to less than the number designated by the racing secretary, without permission of the board of stewards. No other entries will be excused as provided above except upon receipt of a veterinarian's certificate of unfitness, change of track conditions since time of entry or other causes acceptable to the board of stewards.

(5) All horses must be scratched by the designated scratch time set by the racing secretary.

(6) If the racing secretary does not designate a scratch time, no horse will be allowed to scratch without permission of the board of stewards.

(7) The scratch of a horse out of an engagement is irrevocable.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-40-020 Entry prerequisite to start. A horse ~~((shall))~~ may not ~~((be qualified to))~~ start in any race unless ~~((he))~~ the horse has been ~~((and continues))~~ properly entered ~~((therein))~~.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-40-030 Racing secretary to receive entries and ~~((declarations))~~ nominations. ~~((For all races,))~~ (1) The racing secretary is the person authorized to receive entries and ~~((declarations))~~ nominations for all races, except as provided in WAC 260-40-250(2).

(2) The racing secretary may refuse the entry of any person, or the transfer of any entry for reasons deemed, by the racing secretary, to be in the best interest of racing.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-40-040 ~~((Entries and declarations, how made—Blank forms.))~~ Making entries and nominations. (1) Entries and ~~((declarations shall))~~ nominations must be made in writing and signed by the owner ~~((of the horse, or his authorized agent or some person deputized by him, and each)),~~ trainer or designee. Each association ~~((shall))~~ will provide blank forms on which entries and declarations are ~~((to be))~~ made.

(2) Entries may be made by telephone ~~((or telegraph,))~~ but must be confirmed ~~((promptly))~~ in writing prior to the closing of entries.

NEW SECTION

WAC 260-40-045 Authority to represent owner. A trainer may represent the owner in the matter of entries, nominations, scratches, and the employment of jockeys.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-40-050 Ownership interest required—Entries and nominations. ~~((No person not having an interest in a horse, equal at least to the interest or property of any other one person is entitled to enter the horse in a race as the owner.))~~ (1) The majority ownership interest must approve the nomination or entry of any horse into a race.

(2) The person with a majority ownership interest in a horse, or the authorized agent or managing owner, as provided in WAC 260-28-080, must approve the nomination or entry of the horse into a race.

(3) All owners of a horse are individually and collectively responsible for any fees resulting from nominations, entries, or starting fees.

NEW SECTION

WAC 260-40-055 Jockey to be named at the time of entry. Prior to the close of entries, an owner, trainer, or authorized agent must furnish the name of the jockey who is to ride in the race. If the jockey named on the entry at the time of the draw does not accept the mount, the stewards may name a replacement jockey.

NEW SECTION

WAC 260-40-065 Coupled and multiple entries. (1) Two or more horses owned or leased in whole or part by the same owner must be joined as a coupled entry and single betting interest when entered in the same race. Coupled entries may be uncoupled in stakes races. Common ownership entries may be uncoupled in stakes races with the approval of the board of stewards.

(2) A coupled entry may not exclude a single entry, except in a race where the conditions are specific as to preference.

(3) At the time of making a same ownership entry, the trainer, owner, or authorized agent must select which horse will run in the event the coupled entry is not allowed.

(4) A trainer, owner, or authorized agent may not enter and start more than two horses of the same or separate ownership in a purse race or overnight event, except under the following conditions:

(a) Stake races;

(b) Races in which there are fees required to nominate or enter; and

(c) Allowance/optional claiming or maiden special weight races. In these races a trainer may not enter more than three horses. The third entry may not exclude a single entry, or be allowed if there are less than seven entries received prior to the entry of the trainer's third horse.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-40-070 Description and identification of horse. (1) ~~((If entered))~~ When entering a horse for the first time, ~~((a horse shall be identified by stating his))~~ the person making the entry must furnish the name, color, sex, and age of the horse, and the name of ((his)) its sire and dam, as ((registered)) shown on the registration certificate. This description must be repeated ~~((in))~~ on every entry until a description of the horse ((with his name)) has been published in the official program, or the list of entries of the association ((, or in such other publication as the commission may designate)). ~~((in))~~ On every entry after such publication, ((his)) the horse's name and age will be sufficient.

(2) ~~((That all horses be classified on a racing program by clear definitions.))~~ All horses must have their complete description and a corresponding program number listed in the official racing program.

(3) For racing ~~((purposes))~~ and programming purposes, horses ~~((shall))~~ will be designated as follows:

- (a) Male - horse, colt, gelding or ridgling~~((:))~~; or
- (b) Female - filly or mare.

NEW SECTION

WAC 260-40-075 Required to declare weight, medication, and required equipment changes at the time of entry. (1) The owner, trainer, or authorized agent is responsible to declare any weight allowances, including apprentice jockey allowances, at the time of entry. The weight declared at time of entry cannot be reduced after the posting of entries.

(2) The person who enters the horse is responsible to list permitted medications and equipment changes at the time of entry.

AMENDATORY SECTION (Amending Order 3, filed 5/12/69)

WAC 260-40-090 Jockey Club registration certificate. No horse ~~((shall))~~ may be allowed to ~~((enter or))~~ start unless a Jockey Club registration certificate ((or a), American Quarter Horse Association certificate of registration, or other applicable breed certificate of registration is on file in the office of the racing secretary, ~~((with the exception))~~ except that the stewards may ~~((, in their discretion, for good cause,))~~ waive this requirement, if the horse is otherwise properly identified and the horse is not entered for a claiming prize.

AMENDATORY SECTION (Amending WSR 04-09-026, filed 4/13/04, effective 5/14/04)

WAC 260-40-100 Performance records. ~~((It is the intent of the commission that the public be provided with all relevant information regarding a horse's recent racing and workout record. Therefore:))~~

(1) The owner~~((/))~~ and/or trainer of any horse which has started at a track not reported in the daily racing form or equibase since its last start at a recognized track~~((:))~~ must furnish the racing secretary, prior to the entry of such horse ~~((to any))~~

in a race in this state, performance records of said horse's races during the past year~~((:))~~ or their last two starts, including published races, showing date, distance, finishing position and time. If such records are not provided, the horse will be ineligible to start.

(2) For thoroughbreds, a horse which wins a race at a Class C track within the state, ~~((shall))~~ with the exception of its maiden win, will not be penalized for such winnings in races run at any other ((meeting)) race meet other than a Class C track. The maiden classification will be lost by winning a race at any track whose results are published in the daily racing form or equibase. A horse, which wins a race at a track with results not reported in the daily racing form or equibase, outside this state, ~~((shall))~~ will not be penalized for such winnings except at Class C tracks. All winnings in races conducted outside the state of Washington and under the authority of a recognized racing jurisdiction will count with regards to a horse's eligibility. For other breeds, all wins, including the maiden wins, ~~((shall))~~ will be counted in considering eligibility at all racing association meets in the state of Washington if the win is recognized by the Arabian Jockey Club, the American Quarter Horse Association, the Appaloosa Horse Club, or other breed registry ~~((as authorized))~~ recognized by the commission.

(3) Performance records for races which are not reported in the daily racing form and/or equibase ~~((shall))~~ will be published in the official program of the racing association or posted and announced ~~((no later than the time that wagering opens for that day's racing. No horse may be permitted to enter in a race whose recent workouts have not been properly recorded with the commission)).~~

(4) All wins ~~((shall))~~ will be considered in eligibility requirements of horses running at Class C racing association meets.

~~((5))~~ A horse shall not start unless it has participated in an official or recognized race or has a published or stewards approved workouts, which meet the following criteria:

(a) A horse that has not run in an official or recognized race must have two official workouts, and at least one such workout must be held thirty days prior to race day.

(b) A horse that has not started in an official or recognized race for a period of sixty days or more must have a published or steward approved workout held thirty days prior to race day.

(6) The workout must have occurred at a parimutuel or commission recognized facility.

~~The association may impose more stringent workout requirements.~~

~~The trainer or trainer's designee shall be required to identify horse's registered name, the distance the horse is to be worked and the point on the track where the workout will start.~~

~~A horse shall not be taken onto the track for training or a workout except during the hours designated by the association.)~~

NEW SECTION

WAC 260-40-105 Workouts and identification. (1) No horse may be permitted to enter or start in a race whose

recent workouts have not been properly recorded with the commission.

(2) A horse, which has not started for a period of sixty days or more will be ineligible to race until the horse has completed a timed workout approved by the stewards prior to the day of the race in which the horse is entered and the workout must have occurred within thirty days of race day.

(a) A horse that has never started in a recognized race must have two official workouts, one of which must be recorded from the starting gate, and at least one workout must have occurred within thirty days of race day.

(b) The association may impose more stringent workout requirements prior to entries.

(3) The trainer or exercise rider must report the name, distance, and starting point, for each horse scheduled for a workout to the clocker immediately prior to working.

(4) A horse may not be taken onto the track for training or a workout except during the hours designated by the association. When association grounds are open for training, a licensed clocker or commission clocker must be present for any workouts to be considered official. If no clocker is present, the horse may train, but the workout will not be accepted as an official workout.

(5) During a racing association's scheduled race meet and training dates, workouts occurring off the grounds will only be accepted for the purposes of that meet if recorded and submitted to the racing secretary and/or commission by a licensed clocker.

(6) The association must furnish to the public information on all official workouts not listed in the daily racing form prior to the start of the race for which the horse is entered.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-40-110 Horse must be in care of ~~(s)~~ and saddled by ~~(s)~~ a licensed trainer. ~~((No horse shall be permitted to enter or to start unless he is in the care of and is saddled by a licensed trainer.))~~ (1) No person may start a horse in a race unless the horse is under the care of a trainer licensed at the race meet.

(2) No horse may start in a race unless the licensed trainer saddles the horse. The stewards may approve a substitute trainer who may saddle the horse.

AMENDATORY SECTION (Amending Order 81-06, filed 7/10/81)

WAC 260-40-120 Identification prerequisite to start.

(1) No horse ~~((shall be permitted to))~~ may start that has not been ~~((fully))~~ properly identified.

(2) All horses ~~((shall))~~ must be properly tattooed by the thoroughbred racing protective bureau or an approved breeding association, or freeze marked in a manner ~~((which))~~ that meets the standards of the National Crime Information Center. ~~((Responsibility in the matter of establishing either the identity of a horse or its complete and actual ownership shall be as binding on the persons so identifying or undertaking to establish the identity of a horse as it is on the person having the horse requiring identification. The same penalty shall apply to any party engaging in fraud or attempt at fraud.))~~

(3) No horse may start unless ownership is first established.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-40-130 ~~((Stabling.))~~ Horses must be on the grounds prior to racing. ~~((No horse shall be permitted to enter or to start unless stabled on the grounds of the association, or in stabling approved by said commission.))~~ Any horse entered for racing must be present on the grounds as follows, except with the prior approval of the official veterinarian:

(1) A first time starter must be present on the grounds two hours prior to the first post time or five hours prior to the post time of the race the horse is entered for racing, whichever is earlier.

(2) A horse that has previously started must be present on the grounds five hours prior to the post time for the race the horse is entered for racing.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-40-140 Horse must be eligible to start at time of entry. All horses must be eligible to start at time of entry, as determined by conditions established by the racing secretary's published condition book or conditions for late extra races offered.

AMENDATORY SECTION (Amending Order 73.7, filed 12/3/73)

WAC 260-40-145 Prohibiting entry of certain horses. ~~((a) No horse shall be allowed to enter or start if the highest official regulatory racing body having jurisdiction of the offense previously has determined that the horse was knowingly entered or raced under a name other than its own by a person having lawful custody or control of the animal at the time it was so entered or raced.~~

~~((b) No horse shall be allowed to enter or start if it has been previously determined by the highest official regulatory racing body having jurisdiction of the offense that a person having lawful custody or control of the animal participated in or assisted in the entry of racing some other horse under the name of the horse in question.~~

~~((c) For the purposes of paragraphs (a) and (b) above, the "name" of the horse means the name reflected in the registration certificate or racing permit issued with respect to the horse in question by the jockey club.))~~ (1) No horse will be allowed to enter or start if it has been fraudulently entered or raced in any jurisdiction under a different name, with an altered registration certificate or altered lip tattoo or other identification method approved by the appropriate breed registry and the commission.

(2) No horse may be allowed to enter or start if its owner, lessor(s), or trainers have not been licensed as required by the commission.

AMENDATORY SECTION (Amending WSR 04-07-076, filed 3/15/04, effective 4/15/04)

WAC 260-40-160 Horse owned or managed by disqualified person. (1) A horse ~~((shall))~~ may not ~~((be qualified to))~~ be entered or ~~((to))~~ start in any race, if owned in whole or in part, or if under the management, directly or indirectly, of a disqualified person.

(2) ~~((If any))~~ An entry from ~~((any))~~ a disqualified person or for a disqualified horse ~~((is received, such entry shall))~~ must be deemed void and any ~~((money))~~ fees paid ~~((for such entry shall be returned if the disqualification is disclosed forty five minutes before post time for the race. Otherwise, any such money shall))~~ must be paid to the winner.

(3) A horse is ineligible to start in a race when it is wholly or partially owned by the spouse of a disqualified person or a horse is under the direct or indirect management of the spouse of a disqualified person~~((;))~~. In such cases, it ~~((being))~~ is presumed that the disqualified person and spouse constitute a single financial entity with respect to the horse~~((; which))~~. The presumption may be rebutted upon presenting satisfactory evidence to the board of stewards that the disqualified person has no financial interest in the horse, and is not involved in managing the horse.

(4) If a horse is sold to a disqualified person, the horse's racing engagements will be void effective the date of the sale.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-40-180 Horse on veterinarian's list. ~~((No))~~ A horse on the veterinarian's list ~~((shall be qualified to))~~ may not be entered, or ~~((to))~~ start in a race.

AMENDATORY SECTION (Amending Order 4, filed 12/24/69)

WAC 260-40-185 ~~((Entries))~~ Reporting alteration of sex. Any alteration in the sex of a horse must be reported ~~((and noted))~~ by the trainer to the racing secretary ~~((or horse identification office immediately, and that office must note the same on the foal certificate))~~ within seventy-two hours of the procedure. The racing secretary will note the alteration on the foal registration certificate and report the alteration to the Jockey Club.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-40-240 Entrance ~~((money))~~, nomination, and starting fees. (1) A horse ~~((shall))~~ may not ~~((become a starter for))~~ start in a race unless ~~((there has been duly paid any))~~ all stake~~((s))~~ or entrance ~~((money payable in respect to))~~ fees required for that race have been paid.

(2) Nomination and entrance ~~((money is))~~ fees may not be refunded ~~((on))~~ due to the death of a horse, or ~~((his))~~ a horse's failure to start.

(3) The ~~((nominator))~~ owner is liable for the nomination and/or entrance ~~((money or stake, and))~~ fees. The death of a horse or a mistake in its entry ~~((when eligible,))~~ does not release the ~~((subscriber or transferee))~~ owner from ~~((liability~~

~~for stakes, and the entrance money to a purse that is run off shall not be returned on the death of a horse or its failure to start for any cause whatever))~~ having to pay these fees.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-40-250 Closing time for entries and nominations. (1) Entries ~~((shall))~~ and nominations will be closed at an advertised date and/or time, and no ~~((entry))~~ entries or nominations will be accepted thereafter. The racing secretary, however, with the consent of the stewards, may postpone closing of overnight races.

(2) ~~((In the absence of notice to the contrary entrance and declarations for sweepstakes, which close during or on the eve of a race meeting,))~~ Entries and nominations close at the office of the racing secretary~~((, who shall make provision therefor))~~. Closing ~~((at all other times for sweepstakes shall be))~~ for restricted breed association sponsored stake races may close at the office of the association sponsoring the stake race if advertised in the conditions.

(3) When ~~((an hour))~~ a time for closing is designated, entries and ~~((declaration for sweepstakes cannot be received afterwards; but if an hour))~~ nominations will not be accepted thereafter. In the event that a time is not designated, they may be mailed or ~~((telegraphed))~~ faxed up to midnight of the day of closing, provided they are received in time for compliance with every other condition of the race.

(4) If ~~((a miscarriage of any))~~ an entry ~~((of declaration in a stake))~~ or nomination is alleged to be invalid, satisfactory proof that it was ~~((mailed or telegraphed))~~ entered, mailed, or faxed must be presented to the board of stewards within a reasonable time or ~~((it shall))~~ the complaint will not be ~~((received))~~ allowed.

(5) Entries ~~((which))~~ that have closed ~~((shall))~~ must be compiled without delay by the racing secretary and conspicuously posted.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-40-260 Number of entries and starters. (1) In a stake race ~~((the number of horses to compete will be limited only by the number of horses duly nominated,))~~ all horses duly nominated may enter.

(2) ~~((If the number of entries to any purse race is in excess of the number of horses that may, because of track limitations, be permitted to start, the "starters" for the race and their post positions shall be determined by lot in the presence of those making the entries. The same methods shall be employed in determining the starters and post positions in split races.))~~ The maximum number of starters in any race shall be limited to the number of starting positions afforded by the association starting gate and its extensions. The number of starters may be further limited by the number of horses which, in the opinion of the stewards, can be afforded a safe, fair and equal start.

(3) A list of names not to exceed six may be drawn from the overflow entries in any purse race and listed as also eligible to start ~~((as))~~ if originally carded horses are withdrawn~~((; but))~~. The order in which such horses ~~((so))~~ are drawn ~~((shall~~

~~become eligible~~) will determine their eligibility to start ~~(and)~~. Their post position ~~((shall))~~ will be determined as provided by ~~((the provisions of))~~ WAC 260-52-020. Any owner, trainer, or ~~((his))~~ authorized agent having a horse so eligible and who does not wish to start, ~~((shall))~~ must file a scratch card not later than the scratch time designated for that day, or seek permission from the stewards to scratch as required by WAC 260-40-010.

AMENDATORY SECTION (Amending WSR 90-19-001, filed 9/6/90, effective 10/7/90)

WAC 260-40-280 Impaired horses. An owner or trainer ~~((shall))~~ may not enter or start a horse that:

(1) Is not in ~~((serviceably))~~ physically sound and competitive racing condition.

(2) Has been trachea-tubed.

(3) Has been nerved except as provided in (a) and (b) of this subsection.

(a) Horses that have had a digital neurectomy (heel nerves) may be permitted to race subject to the pre-race veterinary examination.

(b) Horses that have been nerved, blocked with alcohol or any other medical drug that desensitizes the nerves above the ankle will not be permitted to race.

(4) Has impaired eyesight in both eyes.

(5) Has been treated by extracorporeal shock wave therapy or radial pulse wave therapy other than allowed in WAC 260-70-545(4).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 260-40-060	Joint subscriptions and entries.
WAC 260-40-080	Refusal of entries and transfers.
WAC 260-40-150	Compliance with partnership registration.
WAC 260-40-190	Sale to disqualified person voids engagements.
WAC 260-40-200	Double entries.

WSR 07-03-148
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Division of Child Support)
[Filed January 23, 2007, 2:54 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-24-111.

Title of Rule and Other Identifying Information: The department is proposing the amendment of WAC 388-14A-3200 and 388-14A-6300 regarding the establishment of administrative child support orders, declaring that the division of child support (DCS) does not enter orders following the calculation and set-off method established in *Marriage of Arvey*, 77 Wn. App. 817, 894 P.2d 1346 (1995).

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 February 27, 2007, at 10:00 a.m.

Date of Intended Adoption: Not earlier than February 28, 2007.

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 schilse@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m. on February 27, 2007.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by February 23, 2007, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at schilse@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: DCS seeks to clarify the rules regarding the establishment of administrative child support orders.

Reasons Supporting Proposal: DCS believes that the statutory authority contained in chapter 74.20A RCW concerning the establishment of administrative child support orders does not give DCS the authority to establish child support orders which set off one parent's child support obligation against the other in the manner established in *Marriage of Arvey*, 77 Wn. App. 817, 894 P.2d 1346 (1995). DCS wishes to clarify that such set off should not be used in administrative child support orders entered by administrative law judges, either.

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

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).

January 19, 2007
Jim Schnellman, Chief
Office of Administrative Resources

AMENDATORY SECTION (Amending WSR 06-16-073, filed 7/28/06, effective 8/28/06)

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.

(3) DCS does not have statutory authority to set the child support obligations of both the noncustodial parent (NCP) and custodial parent (CP) in the same administrative proceeding.

(a) DCS orders can not set off the support obligation of one parent against the other.

(b) Therefore, the method set forth in Marriage of Arvey, 77 Wn. App 817, 894 P.2d 1346 (1995), must not be applied when DCS determines a support obligation.

(4) The limitations in this section apply to DCS staff and to administrative law judges (ALJs) who are setting child support obligations.

AMENDATORY SECTION (Amending WSR 06-09-015, filed 4/10/06, effective 5/11/06)

WAC 388-14A-6300 Duty of the administrative law judge in a hearing to determine the amount of a support obligation. (1) A support order entered under this chapter must conform to the requirements set forth in RCW 26.23.-050(3) and 26.23.050(5). The administrative law judge (ALJ) must comply with the DSHS rules on child support and include a Washington state child support schedule worksheet when entering a support order.

(2) In hearings held under this chapter to contest a notice and finding of financial responsibility or a notice and finding of parental responsibility or other notice or petition, the ((~~administrative law judge (ALJ)~~) ALJ) must determine:

(a) The noncustodial parent's obligation to provide support under RCW 74.20A.057;

(b) The names and dates of birth of the children covered by the support order;

(c) The net monthly income of the noncustodial parent (NCP) and any custodial parent (CP);

(d) The NCP's share of the basic support obligation and any adjustments to that share, according to his or her circumstances;

(e) If requested by a party, the NCP's share of any special child-rearing expenses in a sum certain amount per month;

(f) The NCP's obligation to provide medical support under RCW 26.18.170;

(g) The NCP's accrued debt and order payments toward the debt in a monthly amount to be determined by the division of child support (DCS);

(h) The NCP's current and future monthly support obligation as a per month per child amount and order payments in that amount; and

(i) The NCP's total current and future support obligation as a sum certain and order payments in that amount.

(3) Having made the determinations required in subsection (2) above, the ALJ must order the NCP to make payments to the Washington state support registry (WSSR).

(4) The ALJ must allow DCS to orally amend the notice at the hearing to conform to the evidence. The ALJ may grant a continuance, when necessary, to allow the NCP or the CP additional time to present rebutting evidence or argument as to the amendment.

(5) The ALJ may not require DCS to produce or obtain information, documents, or witnesses to assist the NCP or CP in proof of defenses to liability. However, this rule does not apply to relevant, nonconfidential information or documents that DCS has in its possession.

WSR 07-03-149

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed January 23, 2007, 3:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-24-006.

Title of Rule and Other Identifying Information: WAC 388-478-0015 Need standards for cash assistance.

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 February 27, 2007, at 10:00 a.m.

Date of Intended Adoption: Not earlier than February 28, 2007.

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 schilse@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m. on February 27, 2007.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by February 23, 2007, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at schilse@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule is being amended to revise basic need standards for cash assistance.

Reasons Supporting Proposal: RCW 74.04.770 requires the department to annually establish consolidated standards of need. A forecast of basic needs costs for 2007 is being used to establish new basic needs standards.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, and 74.08.090.

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.04.770, and 74.08.090.

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: Jenny Grayum, 1009 College S.E., Lacey, WA 98504, (360) 725-4583.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses, it only affects DSHS clients by outlining the rules clients must meet in order to be eligible for the department's cash assistance or food benefits programs.

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, "This 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."

January 19, 2007

Jim Schnellman, Chief

Office of Administrative Resources

AMENDATORY SECTION (Amending WSR 06-05-102, filed 2/14/06, effective 3/17/06)

WAC 388-478-0015 Need standards for cash assistance. The need standards for cash assistance units are:

(1) For assistance units with obligation to pay shelter costs:

Assistance Unit Size	Need Standard
1	\$ ((989)) <u>1,016</u>
2	((1,251)) <u>1,285</u>
3	((1,545)) <u>1,587</u>
4	((1,823)) <u>1,873</u>
5	((2,101)) <u>2,158</u>
6	((2,379)) <u>2,444</u>
7	((2,749)) <u>2,825</u>
8	((3,043)) <u>3,126</u>
9	((3,336)) <u>3,428</u>
10 or more	((3,630)) <u>3,729</u>

(2) For assistance units with shelter provided at no cost:

Assistance Unit Size	Need Standard
1	\$ ((528)) <u>546</u>
2	((668)) <u>691</u>
3	((825)) <u>853</u>
4	((973)) <u>1,007</u>
5	((1,122)) <u>1,161</u>
6	((1,270)) <u>1,314</u>
7	((1,468)) <u>1,519</u>

Assistance Unit Size	Need Standard
8	((1,625)) <u>1,681</u>
9	((1,782)) <u>1,843</u>
10 or more	((1,939)) <u>2,005</u>

WSR 07-03-151
PROPOSED RULES
DEPARTMENT OF HEALTH
(Veterinary Board of Governors)

[Filed January 23, 2007, 4:02 p.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: New sections WAC 246-933-200 Delegation of authority to initiate investigations for veterinarians, 246-935-150 Delegation of authority to initiate investigations for veterinary technicians, and 246-937-120 Delegation of authority to initiate investigations for veterinary medication clerks. This proposal delegates authority to department of health through the case management team to determine that a case warrants investigation, and requires final approval from a member of the veterinary board of governors to actually initiate the investigation.

Hearing Location(s): Department of Health, Center Point Corporate Park, 20435 72nd Avenue South, Conference Room Two, Kent, WA 98032, on March 5, 2007, at 10:00 a.m.

Date of Intended Adoption: March 5, 2007.

Submit Written Comments to: Judy Haenke, Program Manager, P.O. Box 47868, Olympia, WA 98504-7868, web site <http://www3.doh.wa.gov/policyreview/>, fax (360) 586-4359, by February 26, 2007.

Assistance for Persons with Disabilities: Contact Judy Haenke by February 26, 2007, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed rule is to allow the board to delegate the decision of whether to investigate a complaint against a veterinarian, veterinary technician or veterinary medication clerk to the department through the case management team. A member of the veterinary board of governors will provide final review and approval of the recommendation. This delegation will allow more frequent review of cases, resulting in cases moving more quickly through the disciplinary process, while reducing workload. This process will protect the public health and safety by expediting the initiation of investigations. The proposed rule creates three new sections. There are no changes to existing rules.

Reasons Supporting Proposal: A recent court of appeals decision, *Client A v. Yoshinaka*, 128 Wn. App. 833, 116 P.3d 1081 (2005), clarified that the disciplinary authority must determine whether a case should be investigated unless that decision-making authority was delegated through the formal rules process. The proposed rule will delegate the decision to investigate to a department of health case management team,

while maintaining board oversight. The delegation will allow cases to move through the investigative process more quickly.

Statutory Authority for Adoption: RCW 18.92.030 and 18.130.050.

Statute Being Implemented: RCW 18.130.080.

Rule is necessary because of state court decision, *Client A V. Yoshinaka*, 128 Wn. App. 833, 116 P.3d 1081 (2005).

Name of Proponent: Department of health, veterinary board of governors, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Haenke, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-4947.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has determined that the proposed rule relates to internal governmental operations that are not subject to violation by a non-governmental party. The rule is exempt from a small business economic impact statement under RCW 19.85.025, which does not apply to rules adopted under RCW 34.05.310 (4)(b).

A cost-benefit analysis is not required under RCW 34.05.328. This rule is exempt from the cost-benefit analysis requirements under RCW 34.05.328 (5)(b)(ii).

January 22, 2007

Lisa Salmi

Acting Executive Director

DELEGATION OF AUTHORITY—VETERINARY

NEW SECTION

WAC 246-933-200 Delegation of authority to initiate investigations. The board delegates to a department of health case management team the authority to initiate an investigation when the board or department receives information that a licensee may have engaged in unprofessional conduct or may be unable to practice with reasonable skill and safety by reason of a mental or physical condition. The case management team will consist of, at a minimum, the executive director or his or her designee, an investigator and a staff attorney. A member of the board licensed under chapter 18.92 RCW will provide final review and approval of the decision to investigate.

DELEGATION OF AUTHORITY—VETERINARY TECHNICIANS

NEW SECTION

WAC 246-935-150 Delegation of authority to initiate investigations. The board delegates to a department of health case management team the authority to initiate an investigation when the board or department receives information that a registered veterinary technician may have engaged in unprofessional conduct or may be unable to practice with reasonable skill and safety by reason of a mental or physical condition. The case management team will consist of, at a minimum, the executive director or his or her designee, an investigator and a staff attorney. A member of the board

licensed under chapter 18.92 RCW will provide final review and approval of the decision to investigate.

DELEGATION OF AUTHORITY—VETERINARY MEDICATION CLERKS

NEW SECTION

WAC 246-937-120 Delegation of authority to initiate investigations. The board delegates to a department of health case management team the authority to initiate an investigation when the board or department receives information that a registered veterinary medication clerk may have engaged in unprofessional conduct or may be unable to practice with reasonable skill and safety by reason of a mental or physical condition. The case management team will consist of, at a minimum, the executive director or his or her designee, an investigator and a staff attorney. A member of the board licensed under chapter 18.92 RCW will provide final review and approval of the decision to investigate.

WSR 07-03-152 PROPOSED RULES COMMUNITY COLLEGES OF SPOKANE

[Filed January 23, 2007, 2:55 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-11-127.

Title of Rule and Other Identifying Information: Adopting new student code of conduct, repealing the former student code of conduct.

Hearing Location(s): Spokane Community College, Max M. Snyder Building, East/West Board Room, 2000 North Greene Street, Spokane, WA 99217, on March 20, 2007, at 9:00 a.m.

Date of Intended Adoption: March 20, 2007.

Submit Written Comments to: Scott Morgan, 501 North Riverpoint Boulevard, Suite 110, Spokane, WA 99217-6000, e-mail smorgan@ccs.spokane.edu, fax (509) 434-5025, by March 2, 2007.

Assistance for Persons with Disabilities: Contact Cheryl Churchill by March 16, 2007, (509) 434-5060.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Repeal the current conduct code; enact a new standards of conduct for students.

Reasons Supporting Proposal: The code of conduct for students replaces the former code. It more clearly enumerates prohibited acts and behaviors and their consequences. It also clarifies college procedures and the appeal process. The existing code is repealed.

Statutory Authority for Adoption: CCS district board of trustees.

Statute Being Implemented: Title 132Q WAC.

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

Name of Proponent: Community Colleges of Spokane, District 17, public.

Name of Agency Personnel Responsible for Drafting: District-wide task force involving SCC, SFCC and the IEL, Scott Morgan, 501 North Riverpoint Boulevard, Suite 110, Spokane, WA 99217, (509) 434-5060; Implementation and Enforcement: Chief Student Services Officers: Terri McKenzie, SCC 1810 North Greene Street, Spokane, WA 99217-5399, (509) 533-7015, Carol Green, SFCC, 3410 West Fort George Wright Drive, Spokane, WA 99224-5288, (509) 533-3514 and Adrienne Tabar, IEL, 3405 West Fort George Wright Drive, Spokane WA 99224-5288, (509) 279-6045.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No impact on small business. Affects Community Colleges of Spokane (CCS) students and employees.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

January 22, 2007
W. Scott Morgan
Chief Operations Officer

Chapter 132Q-02 WAC

STUDENT ((~~RULES~~)) RECORDS

AMENDATORY SECTION (Amending WSR 03-18-021, filed 8/25/03, effective 9/25/03)

WAC 132Q-02-340 ((~~Immediate summary suspension proceedings not duplicative.~~)) Definitions. ~~((1) As indicated in WAC 132Q-02-110, the immediate summary suspension proceeding shall in no way be substituted for the disciplinary proceedings provided for in the rules of student conduct, chapter 132Q-02 WAC. At the end of the suspension, the student suspended shall be reinstated to full rights and privileges as a student, subject to whatever sanctions may have been or may be in the future imposed pursuant to the rules of student conduct or these rules of immediate summary suspension.~~

~~((2) Any disciplinary proceeding initiated against the student because of violations alleged against another student in the course of the immediate summary suspension proceeding provided for herein, shall be reexamined; provided, that the records made and evidence presented during the course of any aspect of an immediate summary suspension proceeding brought against the student shall be available for the use of the accused student and of the college in a disciplinary proceeding initiated under the rules of student conduct.)) The definitions in this chapter are those in WAC 132Q-30-105.~~

AMENDATORY SECTION (Amending WSR 03-18-021, filed 8/25/03, effective 9/25/03)

WAC 132Q-02-350 Confidentiality of student records. Community Colleges of Spokane ~~((continually))~~ receives requests from outside sources for information about students, both past and present. ~~((College personnel are reminded that))~~ Public Law 93-380, the Family Educational Rights and Privacy Act (FERPA) of 1974 states that colleges adopt a policy on student education records to insure that information contained in such records is treated in a respon-

sible manner with due regard to the personal nature of the information contained in these records. In order to prevent embarrassment or possible legal involvement of ~~((District 17))~~ Community Colleges of Spokane and its employees, because of improper disclosure of information, it is imperative that FERPA be implemented in the release of such information.

AMENDATORY SECTION (Amending WSR 03-18-021, filed 8/25/03, effective 9/25/03)

WAC 132Q-02-360 Education records—Student's right to inspect. (1) A student has the right to inspect and review his/her education records.

(a) For purposes of this section the term "education records" means those records, files, documents, and other materials which contain information directly related to a student, including records regarding the employment of a student when such employment is a result of, and directly related to, student status.

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

(i) Records of instructional, supervisory and administrative personnel and educational personnel which are in the sole possession of the originator and which are not accessible or revealed to any other person except a substitute or designee.

(ii) Records of the campus security department, which are kept apart from those records described in subsection (a) and which are maintained solely for law enforcement purposes are not made available to persons other than law enforcement officials of the same jurisdiction.

(iii) In the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business, which relate exclusively to such person's employment, are not available for use for any other purpose.

(iv) Student records containing medical/psychological information are not available to anyone other than the individual(s) providing treatment; however, such records may be personally reviewed by a physician or other appropriate professional upon the student's written consent.

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

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

(i) Admission to any educational institution; or

(ii) An application for employment; or

(iii) Receipt of an honor or honorary recognition.

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

(i) The student is, upon request, notified of the names of person(s) making confidential statements concerning him or her; and

(ii) Such confidential statements are used solely for the purpose for which they were originally intended; and

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

(d) Recommendations, evaluations or comments concerning a student that have been provided in confidence, either expressed or implied, as between the author and the recipient, prior to January 1, 1975, shall not be subject to release under (a) of this subsection. Such records shall remain confidential and shall be released only with the consent of the author. The institution shall use these records only for the purpose for which they were originally intended.

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

(4) The office of the (~~(appropriate vice president)~~) chief student services officer is the official custodian of academic records; and, therefore, is the only office who may issue an official transcript of the student's academic record.

(5) Student educational records may be destroyed in accordance with a department's routine retention schedule. In no case will any record which is requested by a student for review in accordance with this section (~~(and WAC 132Q-02-270)~~) be removed or destroyed prior to providing the student access.

AMENDATORY SECTION (Amending WSR 03-18-021, filed 8/25/03, effective 9/25/03)

WAC 132Q-02-370 Records requests and appeals.

(1) A request by a student for review of information shall be made in writing to the college individual(s) or office(s) having custody of the particular record. Any challenge to the contents of educational records shall be addressed by means of a brief adjudicative proceeding.

(2) An individual(s) or office(s) must respond to a request for education records within a reasonable period of time, but in no case more than forty-five days after the request has been made. A college individual(s) or office(s) which is unable to comply with a student's request within the above-stated time period shall inform the student of that fact and the reason(s) in writing.

(3)(a) A student who feels that his/her request has not been properly answered by a particular individual(s) or office(s) should contact the (~~(appropriate vice president, associate dean, director, assistant dean, or individual(s) or office(s) responsible for mediation)~~) chief student services officer.

(b) In cases where a student (~~(remains)~~) is dissatisfied after consulting with the (~~(appropriate vice president, director, assistant dean or associate dean)~~) chief student services officer, the student may (~~(then request a proceeding by)~~) appeal to the college records committee. (~~(Following the proceeding,)~~) The college's records committee shall render its decision within a reasonable period of time. In all cases, the decision of the college's records committee (~~(shall be)~~) is final.

(c) In no case shall any request for review by a student be considered by the college's records committee, which has not

been filed with that body in writing within ninety days from the date of the initial request to the custodian of the record.

(d) The college's records committee shall not review any matter regarding the appropriateness of official academic grades.

AMENDATORY SECTION (Amending WSR 03-18-021, filed 8/25/03, effective 9/25/03)

WAC 132Q-02-380 Release of personally identifiable records. (1) The college shall not permit access to or the release of education records or personally identifiable information contained therein, other than "directory information," without the written consent of the student, to any party other than the following:

(a) College personnel and students when officially appointed to a faculty council or administrative committee, when the information is required for a legitimate educational interest within the performance of their responsibilities to the college, with the understanding that its use will be strictly limited to the performance of those responsibilities.

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

(c) Agencies or individual's requesting information in connection with a student's application for or receipt of financial aid.

(d) Organizations conducting studies for or on behalf of the college for purposes of developing, validating or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students by persons other than the representatives of such organizations, and such information will be destroyed when no longer needed for the purposes for which it was provided.

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

(f) Any person or entity designated by judicial order or lawfully issued subpoena, upon condition that the student is notified of all such orders or subpoenas in advance of the compliance unless the court or other issuing agency orders the college not to notify the student before compliance with the subpoena. The college president, the president's designee, or office(s) receiving a subpoena or judicial order for education records should immediately notify the attorney general.

(g) Parents transfer their rights under FERPA to their child when he/she reaches 18 years of age or attends an institution of postsecondary education. Parents of college students, who request to review their "adult child's" record, must provide documented "dependency status" under Internal Revenue Service (IRS) regulations or have written consent from the student. The final decision whether or not to disclose

information about students to their parents is a matter of the institution's policy.

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

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

(b) The reasons for such release; and

(c) The names of the parties to whom such records will be released.

(3) In cases where records are made available without student release as permitted by subsection (1)(b), (c), (d), (e) and (f), the college shall maintain a record kept with the education record released which will indicate the parties which have requested or obtained access to a student's records maintained by the college and which will indicate the legitimate interest of the investigating party. Releases in accordance with subsection (1)(a) need not be recorded.

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

(5) The term "directory information" used in subsection (1) is defined as information contained in an educational record of a student that would not be generally considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (e.g., undergraduate or graduate; full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended by the student.

~~((3))~~ (6) Students may request in writing that the college not release directory information through written notice to the appropriate vice-president.

~~((4))~~ (7) Information from education records may be released to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other person(s).

AMENDATORY SECTION (Amending WSR 03-18-021, filed 8/25/03, effective 9/25/03)

WAC 132Q-02-390 College records. All college individual(s) or office(s) that have custody of education records will develop procedures ~~((in accord with WAC 132Q-02-250 through 132Q-02-300. Any supplementary regulations found necessary by departments))~~ for handling these records. These procedures will be filed with the college's records committee, which will be responsible for periodic review of ((policy and)) college and department procedures.

(1) Disciplinary records shall be kept separate from academic records, and transcripts of a student's academic record shall contain no notation of any disciplinary action. Special precautions shall be exercised to insure that information from disciplinary or counseling files is not revealed to unauthorized persons. Provisions shall be made for periodic review

and routine destruction of inactive disciplinary records by offices maintaining such records.

(2) No records shall be kept that reflect a student's political or ideological beliefs or associations.

(3) Entities within Community Colleges of Spokane share education records.

(4) Students requesting an official copy of their educational transcripts must provide a written request including name, address, student identification number and where the transcript is to be sent.

(5) A processing fee will be assessed for any official transcript sent to institutions outside the jurisdiction of Community Colleges of Spokane.

AMENDATORY SECTION (Amending WSR 03-18-021, filed 8/25/03, effective 9/25/03)

WAC 132Q-02-400 Records committee. Each college shall have a college records committee ~~((composed of the appropriate vice president or designee, one student, one faculty and one staff member who shall be appointed by the college president no later than October fifteenth of each academic year))~~. The college's records committee shall be responsible for reviewing unusual requests for information, hearing appeals under WAC 132Q-02-370, reviewing college and department records procedures, and for assisting in the interpretation of these rules. ~~((The committee shall also be responsible for hearing appeals as defined in WAC 132Q-02-380.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132Q-02-010	Definitions.
WAC 132Q-02-020	Purpose for adoption of student rules.
WAC 132Q-02-030	Jurisdiction.
WAC 132Q-02-040	Student misconduct.
WAC 132Q-02-050	Academic dishonesty.
WAC 132Q-02-060	Classroom conduct/learning environment.
WAC 132Q-02-070	Authority to suspend.
WAC 132Q-02-080	Conduct at college functions.
WAC 132Q-02-090	Other punishable acts.
WAC 132Q-02-100	Hazing.
WAC 132Q-02-110	Disciplinary actions.
WAC 132Q-02-120	Delegation of disciplinary authority.
WAC 132Q-02-130	Due process.
WAC 132Q-02-140	Initiation of disciplinary action.

WAC 132Q-02-150	Composition of college disciplinary committee.	<u>AMENDATORY SECTION</u> (Amending WSR 03-18-021, filed 8/25/03, effective 9/25/03)
WAC 132Q-02-160	Evidence admissible in proceedings.	WAC 132Q-07-010 Authority to demand identification. (1) For the purpose of determining whether probable cause exists for application of any section of (the <i>Student Rights and Responsibilities</i>) <u>chapter 132Q-30 WAC</u> to any conduct by any person on a college facility, any faculty or other college personnel of Community Colleges of Spokane may demand that any person on college facilities produce evidence of student enrollment at the college, by tender of said person's student identification card.
WAC 132Q-02-170	Appeal of disciplinary actions.	(2) Refusal by a student to produce a student identification card, as required by subsection (1) of this section, shall be cause for disciplinary action <u>under chapter 132Q-30 WAC</u> .
WAC 132Q-02-180	Reporting, recording and maintenance of disciplinary records.	<u>AMENDATORY SECTION</u> (Amending WSR 03-18-021, filed 8/25/03, effective 9/25/03)
WAC 132Q-02-190	Initial college disciplinary proceedings.	WAC 132Q-07-020 Right of assembly. (1) Students shall have the right of "assembly" (as defined in WAC 132Q-02-010) upon college facilities that are generally available to the public. Such assembly shall:
WAC 132Q-02-200	College disciplinary committee proceedings.	(a) Be conducted in an orderly manner; and
WAC 132Q-02-210	Conduct at disciplinary proceedings.	(b) Not unreasonably interfere with vehicular or pedestrian traffic; or
WAC 132Q-02-220	Decision of the college disciplinary committee.	(c) Not unreasonably interfere with classes, schedules, meetings or ceremonies, or with educational functions of the college; and
WAC 132Q-02-230	Appeal proceedings.	(d) Not unreasonably interfere with college functions.
WAC 132Q-02-240	Readmission after suspension.	(2) A student who conducts or participates in an assembly that violates any provision of this section shall be subject to disciplinary action <u>under chapter 132Q-30 WAC</u> .
WAC 132Q-02-250	Emergency authority of the college president.	(3) Nonstudents who participate in, aid or abet any assembly or assemblies in violation of this section shall be subject to possible prosecution under the state criminal trespass law and/or any other possible civil or criminal remedies available to the college. Faculty and other college personnel who participate in, aid or abet any assembly or assemblies in violation of this section shall be subject to appropriate discipline.
WAC 132Q-02-260	Purpose of immediate summary suspension rules.	<u>AMENDATORY SECTION</u> (Amending WSR 03-18-021, filed 8/25/03, effective 9/25/03)
WAC 132Q-02-270	Initiation of immediate summary suspension proceedings.	WAC 132Q-07-030 Outside speakers. (1) Any recognized campus student organization may invite speakers on campus with the written approval of its advisor, subject to (other restrictions imposed in this WAC and to the legal restraints imposed by the laws of the United States and the state of Washington) <u>provisions of this section</u> .
WAC 132Q-02-280	Notice of immediate summary suspension proceedings.	(2) The appearance of an invited speaker on a campus does not represent an endorsement, either implicit or explicit, of views or opinions of the speaker by (the college) <u>CCS</u> , its students, its faculty, its college personnel, its administration or its board.
WAC 132Q-02-290	Procedures of immediate summary suspension proceedings.	(3) The scheduling of speakers shall be made through the facilities scheduling office of the campus at which the speaker will appear, with prior approval from the appropriate college student activities office.
WAC 132Q-02-300	Decision by vice-president.	
WAC 132Q-02-310	Notice of immediate summary suspension.	
WAC 132Q-02-320	Failure to appear.	
WAC 132Q-02-330	Appeal of immediate summary suspension.	
WAC 132Q-02-420	Grounds for athletic ineligibility.	
WAC 132Q-02-430	Right to brief adjudicative procedure—Athletics.	
WAC 132Q-02-440	Brief adjudicative procedure—Athletics.	
WAC 132Q-02-450	Brief adjudicative decision—Athletics.	

(4) The appropriate student activities office will be notified at least thirty days prior to the appearance of an invited speaker, at which time a personal services contract (available in the student activities office) must be completed with all particulars regarding speaker, time, place, etc., signed by the sponsoring organization's advisor, and filed with the student activities office. Exceptions to the thirty-day ruling may be made by the appropriate administrator.

(5) The appropriate student activities office may require a question period or arrange to have views other than those of the invited speakers represented at the meeting, or at a subsequent meeting.

Chapter 132Q-30 WAC

STANDARDS OF CONDUCT FOR STUDENTS

NEW SECTION

WAC 132Q-30-101 Standards of conduct for students—Preamble. (1) Community Colleges of Spokane (CCS), a multicollege district, provides its community and students with education and services of the highest quality. We do this in a manner which exhibits concern and sensitivity to students, faculty, staff and others who utilize our services and facilities. It is essential that members of CCS exhibit appropriate and conscientious behavior in dealing with others.

(2) CCS expects all students to conduct themselves in a manner consistent with its high standards of scholarship and conduct. Student conduct, which distracts from or interferes with accomplishment of these purposes, is not acceptable. Students are expected to comply with these standards of conduct for students both on and off campus and acknowledge the college's authority to take disciplinary action.

(3) Admission to a college within CCS carries with it the presumption that students will conduct themselves as responsible members of the academic community. This includes an expectation that students will obey the law, comply with policies, procedures and rules of the district, the colleges and their departments, maintain a high standard of integrity and honesty and respect the rights, privileges and property of other members of CCS.

(4) It is assumed that students are and wish to be treated as adults. As such, students are responsible for their conduct. These standards of conduct for students promote CCS' educational purposes and provide students a full understanding of their rights and responsibilities. Sanctions for violations of the standards of conduct for students will be administered under this chapter. When violations of laws of the state of Washington and/or the United States are also involved, the college may refer such matters to proper authorities and in the case of minors, this conduct may be referred to parents or legal guardians.

(5) This chapter, chapter 132Q-30 WAC, constitutes the Community Colleges of Spokane standards of conduct for students.

NEW SECTION

WAC 132Q-30-105 Definitions. For the purposes of this chapter, the following terms shall mean:

(1) "Accused student" means any student accused of violating the standards of conduct for students.

(2) "Appeal board" is a district-wide board composed of one administrator from each college appointed by the chief executive of that college. The appeal board considers appeals from a student conduct board's determination or from the sanctions imposed by the chief student services officer. The board is convened by the chief student services officer.

(3) The "chief student services officer" is that person designated by the college president/executive vice-president to be responsible for the administration of the standards of conduct for students. The term also includes a college official designated by the chief student services officer to act on his/her behalf in matters related to this chapter.

(4) "College" means Spokane Community College, Spokane Falls Community College, or the Institute for Extended Learning, at all locations of Community Colleges of Spokane (CCS).

(5) "College official" includes any person employed by the college performing assigned duties.

(6) "College premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the Community Colleges of Spokane (including adjacent streets and sidewalks).

(7) "Complainant" means any member of CCS who submits a charge alleging that a student violated the standards of conduct for students. When students believe they have been victimized by someone's misconduct, they have the same rights under these standards as are provided to the complainant, even if another member of CCS submitted the charge itself.

(8) "Faculty member" means a teacher, counselor, or librarian or person who is otherwise considered by the college to be a member of its faculty.

(9) "Instructional day" means Monday through Friday, except for federal or state holidays, when students are in attendance for instructional purposes.

(10) "Member of CCS" includes any person who is a student, faculty member, college official, or any other person employed by CCS. A person's status in a particular situation is determined by the chief student services officer.

(11) "Student" includes a person taking courses at the college, either full-time or part-time. The term also includes persons who withdraw after allegedly violating the standards of conduct for students, who are not officially enrolled for a particular quarter but have a continuing relationship with the college (including suspended students), students on study abroad programs or who have been notified of their acceptance for admission. "Student" also includes "student organization."

(12) "Student organization" means any number of persons who have complied with the formal requirements for college recognition, such as clubs and associations, and are recognized by the college as such.

(13) "Student conduct board" is a board appointed by the chief executive officer of the college to hear complaints referred by the chief student services officer to determine

whether a student has violated the standards of conduct for students, and to impose sanctions when a violation has been committed. The board shall have at least one member from the respective groups: Faculty, students, administration. The chief student services officer convenes the board and appoints the chair.

NEW SECTION

WAC 132Q-30-110 Interpretations. Any question of interpretation or application of the standards of conduct for students shall be determined by the chief student services officer.

NEW SECTION

WAC 132Q-30-115 Decisions and appeals. Decisions made by a student conduct board or chief student services officer remain in effect during the appeal processes provided in this chapter. Appeals will comply with this chapter.

NEW SECTION

WAC 132Q-30-120 Jurisdiction of the standards of conduct for students. The standards of conduct for students apply to conduct that occurs on college premises, at college-sponsored activities, and to off-campus conduct that adversely affects CCS and/or the pursuit of its objectives. Jurisdiction extends to locations in which students are engaged in official college activities including, but not limited to, athletic events, training internships, cooperative and distance education, practicums, supervised work experiences or any other college-sanctioned social or club activities. Students are responsible for their conduct from the time of application for admission through the actual receipt of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending. The college has sole discretion to determine what conduct occurring off campus adversely impacts the college and/or the pursuit of its objectives.

NEW SECTION

WAC 132Q-30-125 Violation of law and standards of student conduct. (1) College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the standards of conduct for students without regard to pending criminal litigation in court or criminal arrest and prosecution. Proceedings under these standards of conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the chief student services officer. Determinations made or sanctions imposed under these standards of conduct are not subject to change because criminal charges were dismissed, reduced or resolved in favor of or against the criminal law defendant. Students in this circumstance who remain silent should recognize that they give up their opportunity to explain their side of the

story and that a decision will be made based on the information presented.

(2) When a student is charged by federal, state or local authorities with a violation of law, the college does not request or agree to special consideration for that student because he or she is a student. If the alleged offense also is being processed under the standards of conduct for students, the college may advise off-campus authorities of the existence of the standards and of how such matters are typically handled within CCS. The college cooperates with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators provided that the conditions do not conflict with college rules or sanctions. Members of CCS, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

NEW SECTION

WAC 132Q-30-130 Responsibility for guests. A student or student organization is responsible for the conduct of guests on or in college premises and at functions sponsored by the college or sponsored by a recognized student organization.

NEW SECTION

WAC 132Q-30-135 Students studying abroad. Students who participate in any college-sponsored or sanctioned international study program shall observe the following:

- (1) The laws of the host country;
- (2) The academic and disciplinary regulations of the educational institution or residential housing program where the student is studying;
- (3) Any other agreements related to the student's study program in another country; and
- (4) The CCS standards of conduct for students.

NEW SECTION

WAC 132Q-30-140 Group conduct. Student organizations are expected to comply with the standards of conduct for students and with CCS policies and procedures. When a member or members of a student organization violates the standards of conduct for students or CCS policies or procedures, the student organization or individual members may be subject to appropriate sanctions.

NEW SECTION

WAC 132Q-30-145 Records. (1) Disciplinary records are maintained in accordance with the records retention schedule.

- (2) The disciplinary record is confidential.
- (3) Students may request a copy of their own disciplinary record at their own reasonable expense by making a written request to the chief student services officer.
- (4) Personally identifiable student information is redacted to protect another student's privacy.

(5) Students may authorize release of their own disciplinary record to a third party in compliance with the Family Educational Rights and Privacy Act (FERPA) by making a written request to the chief student services officer.

(6) The college may inform the complainant of the outcome of any disciplinary proceeding involving a crime of violence as defined at Section 16 of Title 18 of FERPA.

(7) The college may not communicate a student's disciplinary record to any person or agency outside the college without the prior written consent of the student, except as required or permitted by law. Exceptions include:

(a) The student's parents or legal guardians may review these records, if the student is a minor or a dependent for tax purposes as permitted by FERPA.

(b) To another educational institution, upon request, where the student seeks or intends to enroll.

NEW SECTION

WAC 132Q-30-200 Misconduct—Violations of the standards of conduct for students. A student or student organization found to have committed or to have attempted to commit misconduct specified in WAC 132Q-30-210 through 132Q-30-299 is subject to the disciplinary process of WAC 132Q-30-300 through 132Q-30-399 and to the disciplinary sanctions in WAC 132Q-30-400.

NEW SECTION

WAC 132Q-30-210 Academic dishonesty. Acts of academic dishonesty include the following:

(1) Cheating, which includes:

(a) Use of unauthorized assistance in taking quizzes, tests, or examinations.

(b) Acquisition, without permission, of tests or other academic material belonging to a member of the college faculty or staff.

(c) Fabrication, which is the intentional invention or counterfeiting of information in the course of an academic activity. Fabrication includes:

(i) Counterfeiting data, research results, information, or procedures with inadequate foundation in fact;

(ii) Counterfeiting a record of internship or practicum experiences;

(iii) Submitting a false excuse for absence or tardiness;

(iv) Unauthorized multiple submission of the same work; sabotage of others' work.

(d) Engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.

(e) Plagiarism which includes the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

(f) Facilitation of dishonesty, including not challenging academic dishonesty.

(2) Knowingly furnishing false information to any college official, faculty member, or office including submission of fraudulent transcripts from other institutions.

(3) Forgery, alteration or misuse of any college document, record or instrument of identification.

(4) Acts of academic dishonesty will be reported by the faculty member to the chief student services officer.

NEW SECTION

WAC 132Q-30-212 Disruption or obstruction. Students have the right to freedom of speech, including the right to dissent or protest, but this expression may not interfere with the rights of other members of CCS or disrupt college activities. Prohibited behavior includes disruption or obstruction of teaching, administration, disciplinary proceedings, other college activities, or authorized noncollege activities when the conduct occurs on college premises. Obstructing the free flow of pedestrian or vehicular traffic on college premises or at college-sponsored events is prohibited.

NEW SECTION

WAC 132Q-30-214 Abuse of self or others. Physical abuse, threats, intimidation and/or other conduct, which threatens or endangers the health or safety of any person, including one's self.

NEW SECTION

WAC 132Q-30-216 Theft or damage to property. Theft of, and/or damage to, property of the college or property of a member of CCS or other personal or public property, on or off campus.

NEW SECTION

WAC 132Q-30-218 Hazing. (1) Conspiring to engage in hazing or participating in hazing of another.

(a) Hazing means any activity expected of someone joining a group (or maintaining full status in a group) that causes or is likely to cause a risk of mental, emotional and/or physical harm, regardless of the person's willingness to participate.

(b) Hazing activities may include the following: Abuse of alcohol during new member activities; striking another person whether by use of any object or one's body; creation of excessive fatigue; physical and/or psychological shock; and morally degrading or humiliating games or activities that create a risk of bodily, emotional, or mental harm.

(c) Hazing does not include practice, training, conditioning and eligibility requirements for customary athletic events such as intramural or club sports and intercollegiate athletics, or other similar contests or competitions, but gratuitous hazing activities occurring as part of such customary athletic event or contest are prohibited.

(2) Washington state law prohibits hazing which may subject violators to criminal prosecution under RCW 28B.10.901.

(3) Washington state law (RCW 28B.10.901) provides sanctions for hazing.

NEW SECTION

WAC 132Q-30-220 Failure to comply with college officials. Failure to comply with directions of college officials acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

NEW SECTION

WAC 132Q-30-222 Unauthorized keys or unauthorized entry. Unauthorized possession, duplication, or use of keys to any college premises, or unauthorized entry to or use of college premises.

NEW SECTION

WAC 132Q-30-224 Violation of CCS policy, procedure, rule, or regulation. Violation of policies, procedures, rules, or regulations of CCS, its colleges and departments.

NEW SECTION

WAC 132Q-30-226 Violation of law. Violation of any federal, state, or local law.

NEW SECTION

WAC 132Q-30-228 Drugs and drug paraphernalia. Use, possession, manufacture, or distribution of marijuana, narcotics, or other controlled substances, and drug paraphernalia except as expressly permitted by federal, state, and local law.

NEW SECTION

WAC 132Q-30-230 Alcohol. Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by college rules), or public intoxication are prohibited. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one years of age.

NEW SECTION

WAC 132Q-30-232 Firearms and dangerous weapons. No student may carry, possess, or use any firearm, explosive (including fireworks), dangerous chemical, or any dangerous weapon on college premises. Paintball guns, air guns and any other items that shoot projectiles are not permitted on college premises.

NEW SECTION

WAC 132Q-30-234 Disorderly conduct. Conduct that is disorderly, lewd, or indecent, disturbing the peace, or assisting or encouraging another person to disturb the peace.

NEW SECTION

WAC 132Q-30-236 Unauthorized use of electronic or other devices. Making an audio or video record of any person while on college premises without his/her prior knowl-

edge, or without his/her effective consent, when such a recording is likely to cause injury or distress. This includes surreptitiously taking pictures of another person in a gym, locker room, or restroom.

NEW SECTION

WAC 132Q-30-238 Abuse or theft of CCS information technology. Theft or abuse of computer facilities, equipment and information technology resources including:

- (1) Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
- (2) Unauthorized transfer of a file.
- (3) Use of another individual's identification and/or password.
- (4) Use of computing facilities and resources to interfere with the work of another student, faculty member, or college official.
- (5) Use of computing facilities and resources to send obscene, harassing, or threatening messages.
- (6) Use of computing facilities and resources to interfere with normal operation of the college computing system.
- (7) Use of computing facilities and resources in violation of copyright laws.
- (8) Any violation of the CCS Information Technology Resources Acceptable Use Policy (7.30.05) or procedure.

NEW SECTION

WAC 132Q-30-240 Abuse of the student conduct system. Abuse of the student conduct system, including:

- (1) Failure to obey the notice from a student conduct board or college official to appear for a meeting or hearing as part of the student conduct system.
- (2) Willful falsification, distortion, or misrepresentation of information before a student conduct board.
- (3) Disruption or interference with the orderly conduct of a student conduct board proceeding.
- (4) Filing fraudulent charges or initiating a student conduct proceeding in bad faith.
- (5) Attempting to discourage an individual's proper participation in, or use of, the student conduct system.
- (6) Attempting to influence the impartiality of a member of a student conduct board prior to or during the course of the student conduct board proceeding.
- (7) Harassment (verbal or physical) or intimidation of a member of a student conduct board prior to, during, or after a student conduct code proceeding.
- (8) Failure to comply with the sanction(s) imposed under the standards of conduct for students.
- (9) Influencing or attempting to influence another person to commit an abuse of the student conduct code system.

NEW SECTION

WAC 132Q-30-242 Discrimination. Discrimination on the basis of race, national or ethnic origin, creed, age, sex, marital status, veteran's status, sexual orientation, or disability is prohibited in conformity with federal and state laws. Discrimination includes sexual or racial harassment which is defined as conduct that is:

(1) Sexually or racially motivated and has the purpose or effect of unreasonably interfering with a person's work or educational performance;

(2) Creating an intimidating, hostile, or offensive environment.

NEW SECTION

WAC 132Q-30-244 Sexual misconduct. Sexual misconduct of any kind including rape, indecent liberties, assault of a sexual nature, voyeurism, or unwanted sexual contact is prohibited.

(1) Rape is sexual intercourse with a person who did not consent by his or her words or conduct. Consent to sexual activity means actual words or conduct indicating the person has freely and voluntarily agreed to have sexual intercourse.

(a) Silence or mere passivity from a state of intoxication or unconsciousness does not imply consent to sexual intercourse.

(b) Lack of consent is implied if force or blackmail is threatened or used.

(2) Indecent liberties means knowingly causing sexual contact with a person by forcible compulsion or when the person is incapable of consent by reason of mental defect, mental incapacitation, or physical helplessness. Sexual contact is defined as any nonconsensual touching of the sexual or other intimate parts of a person done for the purpose of gratifying the sexual desire of either party.

(3) Voyeurism is arousing or gratifying sexual desire by viewing, photographing, or filming another person without that person's knowledge and consent and/or while the person being viewed, photographed, or filmed is in a place where he or she has a reasonable expectation of privacy.

NEW SECTION

WAC 132Q-30-246 Harassment. Conduct by any means that is sufficiently severe, pervasive, or persistent so as to threaten an individual or limit the individual's ability to work, study, or participate in the activities of the college.

NEW SECTION

WAC 132Q-30-248 Stalking. Intentionally and repeatedly harassing or following a person and placing the person being followed or harassed in fear of physical harm to one's self or property or physical harm to another person or another's property.

NEW SECTION

WAC 132Q-30-250 Reckless endangerment. Engaging in conduct that creates an unreasonable risk of harm to another person or property.

NEW SECTION

WAC 132Q-30-252 Trespassing. Any person who has been given written notice, served by a college official, excluding him or her from college property is not licensed, invited, or otherwise privileged to enter or remain on college

property, unless given explicit written permission by a college official.

NEW SECTION

WAC 132Q-30-254 Violation of a disciplinary sanction. Violation of any term or condition of any disciplinary sanction constitutes a new violation and may subject the student to additional sanctions.

NEW SECTION

WAC 132Q-30-305 Complaints. Members of CCS may file with the chief student services officer a written complaint against a student for violation of the standards of conduct for students. Complaints are to be submitted as soon as possible after the event takes place, preferably within thirty calendar days after the event.

NEW SECTION

WAC 132Q-30-310 Disposition of complaints by the chief student services officer. The chief student services officer determines if the complaint has merit. If the complaint has merit the chief student services officer meets with the student to discuss the complaint and an agreed upon resolution. If an agreed upon resolution cannot be reached the chief student services officer may:

- (1) Dismiss the complaint;
- (2) Determine the appropriate sanctions to be imposed on the student; or
- (3) Send the matter to the student conduct board.

NEW SECTION

WAC 132Q-30-315 Notice to the accused student of complaint. (1) All complaints deemed by the chief student service officer to have merit are presented to the accused student in written form, in person, by regular mail or electronic mail. Notice by mail is sent to the student's last known local address. If the student no longer is enrolled at the time notice is sent, the notice is sent to the student's permanent address. The student is responsible for providing the college the current address.

- (2) The written notice shall include:
 - (a) The specific complaint, including the policy, procedure, rule or standard of conduct allegedly violated;
 - (b) The approximate time and place of the alleged act;
 - (c) The time and place of the meeting with the chief student services officer. A time for the meeting is set not less than five nor more than ten instructional days after the student has been notified. Time limits may be altered by the chief student services officer at the written request of the accused student.

NEW SECTION

WAC 132Q-30-320 Interim suspension. (1) In certain circumstances, the chief student services officer may impose an interim suspension from college prior to the student con-

duct board hearing. Interim suspension may be imposed only:

(a) In situations involving an immediate danger to the health, safety, or welfare of members of CCS or the public at large;

(b) To ensure the student's own physical safety and well-being; or

(c) If the student poses an ongoing threat of disruption to, or interference with, the operations of the college.

(2) During the interim suspension, a student may be denied access to classes, activities and privileges, as the chief student services officer determines.

(3) The interim suspension shall not replace the regular discipline process, which shall proceed as quickly as feasible in light of the interim suspension.

NEW SECTION

WAC 132Q-30-325 Student conduct board hearings.

Student conduct board hearings are conducted as follows:

(1) Hearings will take place between five and ten instructional days from the date of the meeting with the chief student services officer. The chief student services officer will notify the student of the time and place of the hearing.

(2) Hearings are conducted in private.

(3) The complainant, the accused student, and their respective advisors may attend the portion of the hearing at which information is received, but may not attend the board's deliberations. Admission of any other person to the hearing is at the discretion of the student conduct board chair or the chief student services officer.

(4) In circumstances involving more than one accused student, the chief student services officer may permit joint or separate hearings.

(5) The complainant and the accused student have the right to be assisted by an advisor they choose, at their own expense. The complainant and the accused student are responsible for presenting their own information. Advisors are not permitted to address the board or participate directly in the hearing. An advisor may communicate only with the person they are advising. The board chair may call recesses to facilitate this communication. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the hearing. Delays are not normally allowed due to the scheduling conflicts of an advisor.

(6) The complainant, the accused student, and the board chair may arrange for witnesses to present pertinent information to the student conduct board. Witnesses may provide written statements in lieu of their attendance at the hearing. The accused student is responsible for informing his/her witnesses of the time and place of the hearing. Witnesses provide information to, and answer questions from, the student conduct board. To preserve the educational tone of the hearing and to avoid an adversarial environment, questions are directed to the chair, rather than to the witness directly. Questions concerning whether potential information may be received are resolved by the chair.

(7) The board chair determines which records, exhibits and written statements may be accepted as information for consideration by the board.

(8) Formal rules of process, procedure and technical rules of evidence, such as are applied in criminal or civil court, are not used in board proceedings.

(9) Questions related to the order of the proceedings are determined by the board chair.

(10) If an accused student, with notice, does not appear before a student conduct board hearing, the information in support of the complaint is presented and considered in the absence of the accused student.

(11) The board chair may accommodate concerns for the personal safety, well-being or fears of confrontation during the hearing by providing separate facilities, or by permitting participation by telephone, audio tape, written statement, or other means.

(12) There is a single verbatim record, such as a tape recording or transcript, of the information gathering portion of student conduct board hearings. Board deliberations are not recorded. The record is the property of the college.

NEW SECTION

WAC 132Q-30-330 Student conduct board decision

and notification. (1) At the conclusion of the hearing and deliberations the student conduct board determines by majority vote whether the accused student has violated the standards of conduct for students (WAC 132Q-30-200 through 132Q-30-299). If so, the board determines and imposes the appropriate sanctions from WAC 132Q-30-400.

(2) The burden of proof that guides the board's decision is the preponderance of evidence, whether it is more likely than not that the accused student violated the standards of conduct for students.

(3) The chief student services officer notifies the student in writing, in person, by mail or electronic mail of the board's decision. Notice is sent within ten calendar days from the hearing date. If the college is not in session, this period may be reasonably extended. The chief student services officer includes in the written notice of the decision the reasons for the decision, the sanctions, and information about the appeal process. The chief student services officer may notify the student prior to receipt of the formal written notice. The notice, if sent by mail, is sent to the student's last known address.

(4) The written decision is the college's initial order. Appeals are governed by WAC 132Q-30-335.

(5) If the student does not appeal the board's decision within twenty-one calendar days from the date of the decision, it becomes the college's final order.

NEW SECTION

WAC 132Q-30-335 Appeals—Review of decision. (1)

A decision reached by the student conduct board or a sanction imposed by the chief student services officer may be appealed by the accused students in writing to the chief student services officer within twenty-one calendar days of the date of the decision.

(2) Appeals are reviewed by the appeals board. Except as required to explain the basis of new information, an appeal is limited to a review of the verbatim record of the student

conduct board hearing and supporting documents for one or more of the following purposes:

(a) Determine whether the student conduct board hearing was conducted fairly in light of the charges, and whether information was presented in conformity with prescribed procedures giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures are not a basis for sustaining an appeal unless significant prejudice is evident.

(b) Determine whether the decision is supported by the evidence.

(c) Determine whether the sanctions imposed are appropriate for the violation which the student was found to have committed.

(d) Consider new information, sufficient to alter a decision, or other relevant facts not disclosed in the original hearing, because such information and/or facts were not known to the student appealing at the time of the chief student services officer's decision or the student conduct board hearing.

(3) The appeal board shall review the record and make one of the following determinations:

(a) Affirm the decision and uphold sanctions; or

(b) Reverse the decision; or

(c) Affirm the decision and modify the sanctions imposed.

(4) The student is notified of the appeal board's decision within twenty calendar days from the date of the appeal letter. If the college is not in session, this period may be reasonably extended. The appeal board's decision is the college's final order and may not be appealed.

NEW SECTION

WAC 132Q-30-400 Disciplinary sanctions. (1) The following sanctions may be imposed by the chief student services officer or the student conduct board on a student found to have violated the standards of conduct for students.

(a) Warning. A notice in writing to the student that the student is violating or has violated standards of conduct for students and a disciplinary record has been created.

(b) Probation. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any standards of conduct for students during the probationary period.

(c) Loss of privileges. Denial of specified privileges for a designated period of time.

(d) Restitution or compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

(e) Education. The college may require the student to complete an educational project or attend sessions, at the student's expense, which address the student's behavior such as anger management or counseling.

(f) Fines may be imposed by the college.

(g) College suspension. Separation of the student from the college for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

(h) College expulsion. Permanent separation of the student from the college.

(i) Revocation of admission or degree. Admission to or a degree awarded from the college may be revoked for fraud, misrepresentation, or other violation of standards of conduct for students in obtaining the degree, or for other serious violations committed by a student prior to graduation.

(j) Withholding degree. The college may withhold awarding a degree otherwise earned until the completion of the process set forth in this chapter, including the completion of all sanctions imposed.

(k) No trespass order. A student may be restricted from college property based on his/her misconduct.

(l) Assessment. The student may be required to have an assessment, such as alcohol/drug or anger management, by a certified professional, and complete the recommended treatment.

(m) Loss of recognition. A student organization's recognition may be withheld permanently or for a specific period of time. Loss of recognition is defined as withholding college services or administrative approval from a student organization. Services and approval to be withdrawn include intramural sports, information technology services, college facility use and rental, and involvement in organizational activities.

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

(o) No contact order. A prohibition of direct or indirect physical, verbal, and/or written contact with another individual or group.

(2) A sanction may be made effective for the entire district or the student's college. If only to the student's college, the chief student services officers at the other colleges may enforce the disciplinary action at their respective college.

(3) More than one of the sanctions listed in subsection (1) of this section may be imposed for any single violation.

(4) Other than college expulsion or revocation or withholding of a degree, disciplinary sanctions are not made part of the student's academic record, but are part of the student's disciplinary record.

(5) If a student's behavior is found to have been motivated by another's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, sensory handicap, or veteran's status, such finding is considered an aggravating factor in determining a sanction for such conduct.

NEW SECTION

WAC 132Q-30-500 Classroom misconduct and authority to suspend for up to three days. (1) Faculty members have the authority to take appropriate action to maintain order and proper conduct in the classroom and to maintain the effective cooperation of students in fulfilling the objectives of the course.

(2) Bringing any person, thing or object to a teaching and learning environment that may disrupt the environment or cause a safety or health hazard, without the express approval of the faculty member is expressly prohibited.

(3) Faculty members or college administrators have the right to suspend any student from any single class or program, up to three instructional days, if the student's misconduct creates disruption to the point that it is difficult or impossible to maintain the decorum of the class, program or the learning and teaching environment. The faculty member or college administrator shall report this suspension to the chief student services officer who may set conditions for the student upon return to the class or program.

(4) The student may appeal the classroom suspension to the chief student services officer who may authorize an earlier return by the student only after consultation with the faculty member or appropriate administrator. The chief student services officer's decision is final.

WSR 07-03-158

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

(Division of Developmental Disabilities)

[Filed January 23, 2007, 4:13 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-23-133.

Title of Rule and Other Identifying Information: Adopting chapter 388-828 WAC, The division of developmental disabilities (DDD) assessment.

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 March 27, 2007, at 10:00 a.m.

Date of Intended Adoption: Not earlier than March 28, 2007.

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, fax (360) 664-6185, by 5:00 p.m. on March 27, 2007.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by March 23, 2007, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at schilse@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of these rules is to govern and support the administration of the division's newly developed, computer-based assessment tool that is designed to measure the support needs of clients for service determination. The DDD assessment will replace existing paper-based methods resulting in a universal assessment and support planning process. The purpose of the DDD assessment is to provide a comprehensive assessment process that: (1) Collects a common set of assessment information for reporting purposes to the legislature and the department; (2) promotes consistency and accuracy in evaluating client

support needs for purposes of planning, budgeting, and resource management; (3) identifies a level of service and/or number of care hours that is used to support the assessed needs of clients who have been authorized to receive Medicaid/waiver personal care, waiver respite care, and/or voluntary placement program services; (4) records clients' service requests.

Reasons Supporting Proposal: In 2003, the Joint Legislative Audit and Review Committee (JLARC) issued its performance audit of the division and recommended that DSHS develop a standardized assessment process for developmentally disabled clients that is designed to be consistently applied to all clients in all parts of the state. The legislature appropriated funds for the development and implementation of the DDD assessment per section 205(3), chapter 518, Laws of 2005.

Statutory Authority for Adoption: RCW 71A.12.030.

Statute Being Implemented: Title 71A RCW and chapter 518, Laws of 2005.

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: Mark Eliason, 640 Woodland Square Loop S.E., Lacey, WA 98504, (360) 725-2517; Implementation and Enforcement: Don Clintsman, 640 Woodland Square Loop S.E., Lacey, WA 98504, (360) 725-3426.

No small business economic impact statement has been prepared under chapter 19.85 RCW. DDD has identified that there are approximately forty-five supported living (SL), twenty-three group home (GH), and four hundred twenty-five adult family home (AFH) providers who provide services to DDD clients and meet the definition of a small business as defined above. DDD conducted a survey of these providers regarding their reported costs to participate in a client's annual assessment and concluded that overall costs to them will be minor, if there are any costs at all. In addition, DDD is not able to determine if there is a disproportionate impact to AFHs since all are considered small businesses. Based on this information, DDD has concluded that 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 Mark Eliason, 640 Woodland Square Loop S.E., Lacey, WA 98504, phone (360) 725-2517, fax (360) 407-0954, e-mail eliasmr2@dshs.wa.gov.

January 19, 2007

Jim Schnellman, Chief

Office of Administrative Resources

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 07-05 issue of the Register.

WSR 07-03-161

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed January 23, 2007, 5:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-21-019.

Title of Rule and Other Identifying Information: Chapter 180-22 WAC.

Hearing Location(s): Department of Natural Resources, 1111 Washington Street, Room 172, Olympia, WA 98504, (360) 902-1000, on March 12, 2007, at 9:00 a.m.

Date of Intended Adoption: March 13, 2007.

Submit Written Comments to: Edie Harding, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail edie.harding@k12.wa.us, fax (360) 586-2357, by February 26, 2007.

Assistance for Persons with Disabilities: Contact Pat Irish, Program Manager, by February 26, 2007, TTY (360) 664-3631 or (360) 725-6030.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Technical amendments necessitated by HB 3098 to eliminate the reference to educational service district elections.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 28A.310.020, 28A.310.080.

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

Name of Proponent: State board of education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Edith Harding, State Board of Education, (360) 725-6025.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

January 23, 2007

Edith W. Harding
Executive Director

AMENDATORY SECTION (Amending WSR 06-19-033, filed 9/13/06, effective 9/13/06)

WAC 180-22-100 Purpose and authority. (1) The purpose of this chapter is to establish the procedures for making changes in the number and boundaries of educational service districts (~~and the procedures for electing the members of the boards of directors of the educational service districts~~).

(2) The authority for this chapter is RCW 28A.310.020 (~~and 28A.310.080~~).

WSR 07-03-162

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed January 24, 2007, 6:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-24-013.

Title of Rule and Other Identifying Information: Chapter 180-51 WAC.

Hearing Location(s): Department of Natural Resources, 1111 Washington Street, Room 172, Olympia, WA 98504, (360) 902-1000, on March 12, 2007, at 9:00 a.m.

Date of Intended Adoption: March 13, 2007.

Submit Written Comments to: Edie Harding, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail edie.harding@k12.wa.us, fax (360) 586-2357, by February 26, 2007.

Assistance for Persons with Disabilities: Contact Pat Irish, Program Manager, by February 26, 2007, TTY (360) 664-3631 or (360) 725-6030.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Clarification of graduation requirements contained in chapter 180-51 WAC and any technical amendments necessitated by HB 3098.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 28A.230.090.

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

Name of Proponent: State board of education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Edith Harding, State Board of Education, Olympia, Washington, (360) 725-6025.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

January 23, 2007

Edith W. Harding
Executive Director

AMENDATORY SECTION (Amending WSR 00-23-032, filed 11/8/00, effective 12/9/00)

WAC 180-51-003 Intent of graduation requirements.

(1) The state board of education is responsible for establishing minimum high school graduation requirements that appropriately balance:

(a) Statewide public expectations for all graduating students;

(b) High, meaningful, and fair requirements every student can meet;

(c) The unique characteristics of and differing resources among ~~((the two hundred ninety six))~~ all school districts and ~~((over three hundred))~~ high schools in Washington; and

(d) Recognition that some students' educational plans may not include college or may include application for admission to a postsecondary institution one year or more after being granted a high school diploma.

(2) In order to support the continuing refinement of the standards and performance-based system of education, encourage and facilitate local innovation, and realize the vision under WAC 180-51-001, it is the intent of the state board of education to enact changes that will:

(a) Align the statewide minimum high school graduation requirements with the goal of the basic education act under RCW 28A.150.210 and the mission of the common school system under WAC ((180-40-210)) 392-400-210;

(b) Allow districts the optional discretion to define and award high school credit based on demonstrated performance that is not tied to a state minimum number of hours of instruction or instructional activities;

(c) Assure that the essential academic learning requirements developed under RCW ((28A.655.060 (3)(a) and) 28A.655.070(2)) are taught in the high school curriculum;

(d) Assure that students are aware of the connection between their education and possible career opportunities as referenced in RCW 28A.150.210(4) and WAC ((180-57-090)) 392-415-090; and

(e) Assure that students are provided the opportunity to effectively prepare for the secondary Washington assessment of student learning and earn the certificate of ((~~mastery~~) academic achievement) required under RCW ((28A.655.060 (3)(e),) 28A.655.061(2)) recognizing that the certificate of ((~~mastery~~) academic achievement), along with other state and local requirements, represents attainment of the knowledge and skills that are necessary for high school graduation.

(3) It is the state board's view that the creative development and application of integrated curriculum within existing resources will significantly facilitate the implementation of the graduation requirements under WAC 180-51-061. The board strongly encourages districts to:

(a) Implement curriculum that includes courses that incorporate the best applied, theoretical, academic or vocational features as authorized under RCW 28A.230.010;

(b) Emphasize the integration of academic and vocational education in educational pathways as required under RCW 28A.655.060 (3)(c); and

(c) Consider using the model curriculum integrating vocational and academic education as it is developed by the superintendent of public instruction under RCW 28A.300.-235.

AMENDATORY SECTION (Amending WSR 04-23-004, filed 11/4/04, effective 12/5/04)

WAC 180-51-061 Minimum requirements for high school graduation. (1) The statewide minimum subject areas and credits required for high school graduation, beginning July 1, 2004, for students who enter the ninth grade or begin the equivalent of a four-year high school program, shall ((~~be~~) total 19) as listed below.

(a) Three **English** credits (reading, writing, and communications) that at minimum align with grade level expectations for ninth and tenth grade, plus content that is determined by the district. Assessment shall include the 10th grade Washington assessment of student learning beginning 2008.

(b) Two **mathematics** credits that at minimum align with mathematics grade level expectations for ninth and tenth grade, plus content that is determined by the district. Assessment shall include the 10th grade Washington assessment of student learning beginning 2008.

(c) Two **science** credits (physical, life, and earth) that at minimum align with grade level expectations for ninth and tenth grade, plus content that is determined by the district. At least one credit in laboratory science is required which shall be defined locally. Assessment shall include the 10th grade Washington assessment of student learning beginning 2010.

(d) Two and one-half **social studies** credits that at minimum align with the state's essential academic learning requirements in civics, economics, geography, history, and social studies skills at grade ten and/or above plus content that is determined by the district. The assessment of achieved competence in this subject area is to be determined by the local district although state law requires districts to have "assessments or other strategies" in social studies at the high school level by 2008-09. In addition, districts shall require students to complete a classroom-based assessment in civics in the eleventh or twelfth grade also by 2008-09. The state superintendent's office has developed classroom-based assessment models for districts to use (RCW 28A.230.095). The social studies requirement shall consist of the following mandatory courses or equivalencies:

(i) One credit shall be required in United States history and government which shall include study of the Constitution of the United States. No other course content may be substituted as an equivalency for this requirement.

(ii) Under the provisions of RCW 28A.230.170 and 28A.230.090, one-half credit shall be required in Washington state history and government which shall include study of the Constitution of the state of Washington and is encouraged to include information on the culture, history, and government of the American Indian people who were the first inhabitants of the state.

(A) For purposes of the Washington state history and government requirement only, the term "secondary student" shall mean a student who is in one of the grades seven through twelve. If a district offers this course in the seventh or eighth grade, it can still count towards the state history and government graduation requirement. However, the course should only count as a high school credit if the academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors. (RCW 28A.230.090 (4).)

(B) The study of the United States and Washington state Constitutions shall not be waived, but may be fulfilled through an alternative learning experience approved by the local school principal under written district policy.

(C) Secondary school students who have completed and passed a state history and government course of study in another state may have the Washington state history and government requirement waived by their principal. The study of the United States and Washington state Constitutions required under RCW 28A.230.170 shall not be waived, but

may be fulfilled through an alternative learning experience approved by the school principal under a written district policy.

(D) After completion of the tenth grade and prior to commencement of the eleventh grade, eleventh and twelfth grade students who transfer from another state, and who have or will have earned two credits in social studies at graduation, may have the Washington state history requirement waived by their principal if without such a waiver they will not be able to graduate with their class.

(iii) One credit shall be required in contemporary world history, geography, and problems. Courses in economics, sociology, civics, political science, international relations, or related courses with emphasis on current problems may be accepted as equivalencies.

(e) Two **health and fitness** credits that at minimum align with current essential academic learning requirements at grade ten and/or above plus content that is determined by the local school district. The assessment of achieved competence in this subject area is to be determined by the local district although state law requires districts to have "assessments or other strategies" in health and fitness at the high school level by 2008-09. The state superintendent's office has developed classroom-based assessment models for districts to use (RCW 28A.230.095).

(i) The fitness portion of the requirement shall be met by course work in fitness education. The content of fitness courses shall be determined locally under WAC 180-51-025. Suggested fitness course outlines shall be developed by the office of the superintendent of public instruction. Students may be excused from the physical portion of the fitness requirement under RCW 28A.230.050. Such excused students shall be required to substitute equivalency credits in accordance with policies of boards of directors of districts, including demonstration of the knowledge portion of the fitness requirement.

(ii) "Directed athletics" shall be interpreted to include community-based organized athletics.

(f) One **arts** credit that at minimum is aligned with current essential academic learning requirements at grade ten and/or above plus content that is determined by the local

school district. The assessment of achieved competence in this subject area is to be determined by the local district although state law requires districts to have "assessments or other strategies" in arts at the high school level by 2008-09. The state superintendent's office has developed classroom-based assessment models for districts to use (RCW 28A.230.-095). The essential content in this subject area may be satisfied in the visual or performing arts.

(g) One credit in **occupational education**. "Occupational education" means credits resulting from a series of learning experiences designed to assist the student to acquire and demonstrate competency of skills under student learning goal four and which skills are required for success in current and emerging occupations. At a minimum, these competencies shall align with the definition of an exploratory course as proposed or adopted in the career and technical education program standards of the office of the superintendent of public instruction. The assessment of achieved competence in this subject area is determined at the local district level.

(h) Five and one-half electives: Study in a world language other than English or study in a world culture may satisfy any or all of the required electives. The assessment of achieved competence in these subject areas is determined at the local district level.

(i) Each student shall complete a culminating project for graduation. The project shall consist of the student demonstrating both their learning competencies and preparations related to learning goals three and four. Each district shall define the process to implement this graduation requirement, including assessment criteria, in written district policy.

(j) Each student shall attain a certificate of academic achievement or certificate of individual achievement. The 10th grade Washington assessment of student learning and Washington alternate assessment system shall determine attainment.

(2) State board of education approved private schools under RCW 28A.305.130((6)) (5) may, but are not required to, align their curriculums with the state learning goals under RCW 28A.150.210 or the essential academic learning requirements under RCW ((28A.665.060)) 28A.655.070.

((Subject Area	Essential Content	Minimum State Credits [†]	Assessment Includes
English • Reading • Writing • Communications (Student Learning Goal 1)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content	3	Secondary WASL (beginning 2008)
Mathematics (Student Learning Goal 2)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content	2	Secondary WASL (beginning 2008)

((Subject Area	Essential Content	Minimum- State Credits⁺	Assessment Includes
Science • Physical • Life • Earth (Student Learning Goal 2)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content At least one credit in laboratory science, which shall be defined locally	2	Secondary WASL (beginning 2010)
Social Studies • Civics • History • Geography (Student Learning Goal 2)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content U.S. history and government, Washington state history and government, and including study of the U.S. and Washington state Constitutions ² Contemporary world history, geography, and problems ³	2.5	The assessment of achieved competence in this subject area remains at the local level ⁴
Health and Fitness⁵ (Student Learning Goal 2)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content	2	The assessment of achieved competence in this subject area remains at the local level ⁴
Arts (Student Learning Goal 2)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content May be satisfied in the visual or performing arts	1	The assessment of achieved competence in this subject area remains at the local level ⁴
Occupational Education	"Occupational education" means credits resulting from a series of learning experiences designed to assist the student to acquire and demonstrate competency of skills under student learning goal four and which skills are required for success in current and emerging occupations. At a minimum, these competencies shall align with the definition of an exploratory course as proposed or adopted in the career and technical education program standards of the superintendent of public instruction.	1	The assessment of achieved competence in this subject area remains at the local level ⁴
Electives⁽⁶⁾	See footnote # (6)	5.5	The assessment of achieved competence in this subject area remains at the local level ⁴
TOTAL		19	
Culminating Project⁷	See footnote # 7		The assessment of achieved competence in this subject area remains at the local level ⁴

((Subject Area	Essential Content	Minimum- State Credits ⁺	Assessment Includes
High School and Beyond Plan⁸	See footnote # 8		The assessment of achieved competence in this subject area remains at the local level ⁴
Certificate of Academic Achievement or Certificate of Individual Achievement			Secondary WASL, Washington Alternate Assessment System (WAAS) (See RCW 28A.655.061)

¹ See WAC 180-51-050 for definition of high school credit.

² The study of Washington state history and government is encouraged to include information on the culture, history, and government of the American Indian people who were the first inhabitants of the state. The study of the U.S. and Washington state Constitutions shall not be waived, but may be fulfilled through an alternative learning experience approved by the school principal pursuant to written district policy. Secondary school students who have completed and passed a state history and government course of study in another state may have the Washington state history and government requirement waived by their principal. For purposes of the Washington state history and government requirement only, the term "secondary school students" shall mean a student who is in one of the grades seven through twelve.

³ Courses in economics, sociology, civics, political science, international relations, or related courses with emphasis on current problems may be accepted as equivalencies.

⁴ Locally determined assessment means whatever assessment or assessments, if any, the district determines are necessary.

⁵ The fitness portion of the requirement shall be met by course work in fitness education. The content of fitness courses shall be determined locally pursuant to WAC 180-51-025. Suggested fitness course outlines shall be developed by the office of the superintendent of public instruction. Students may be excused from the physical portion of the fitness requirement pursuant to RCW 28A.230.050. Such excused students shall be required to substitute equivalency credits in accordance with policies of boards of directors of districts, including demonstration of the knowledge portion of the fitness requirement. "Directed athletics" shall be interpreted to include community-based organized athletics.

⁶ Study in a world language other than English or study in a world culture may satisfy any or all of the required electives.

⁷ Each student shall complete a culminating project for graduation. The project consists of the student demonstrating both their learning competencies and preparations related to learning goals three and four. Each district shall define the process to implement this graduation requirement, including assessment criteria, in written district policy.

⁸ Each student shall have an education plan for their high school experience, including what they expect to do the year following graduation.)

(a) The extension of time the student remains in school up to and including the school year in which such student reaches twenty-one years of age;

(b) A special education program in accordance with chapter 28A.155 RCW if the student is eligible; and

(c) Special accommodations for individual students, or in lieu thereof, exemption from any requirement in this chapter, if such requirement impedes the student's progress toward graduation and there is a direct relationship between the failure to meet the requirement and the student's limitation.

(2) Unless otherwise prohibited by federal or state special education laws, such procedures may not provide for exemption from the certificate of ~~((mastery))~~ academic achievement graduation requirement under RCW 28A.655.-060 (3)(c).

WSR 07-03-172
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed January 24, 2007, 11:14 a.m.]

Original Notice.
 Preproposal statement of inquiry was filed as WSR 06-02-240.
 Title of Rule and Other Identifying Information: Chapter 16-25 WAC, Disposal of dead livestock. This chapter relates to the disposal of livestock carcasses.
 Hearing Location(s): Holiday Inn Express, 9220 East Mission Avenue, Spokane Valley, WA 99206, on March 13, 2007, at 6:30 p.m.; at the Ellensburg Inn, 1700 Canyon Road, Ellensburg, WA 98926, on March 14, 2007, at 6:30 p.m.; and at the Best Western Tulalip Inn, 3228 Marine Drive N.E., Marysville, WA 98271, on March 15, at 6:30 p.m.
 Date of Intended Adoption: March 21, 2007.
 Submit Written Comments to: Teresa Norman, 1111 Washington Street S.E., Olympia, WA 98504, e-mail WSDA RulesComments@agr.wa.gov, fax (360) 902-2092, by March 15, 2007.

Assistance for Persons with Disabilities: Contact WSDA Receptionist by March 6, 2007, TTY (360) 902-1996 or (360) 902-1976.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to establish rules for the disposal of dead livestock in order to provide appropriate options for livestock producers when dealing with livestock deaths. The proposal will

AMENDATORY SECTION (Amending WSR 00-19-108, filed 9/20/00, effective 10/21/00)

WAC 180-51-115 Procedures for granting high school graduation credits for students with special educational needs. (1) No student shall be denied the opportunity to earn a high school diploma solely because of limitations on the student's ability. The board of directors of districts granting high school diplomas shall adopt written policies, including procedures, for meeting the unique limitations of each student. Such procedures may provide for:

maintain regulatory consistency among the various state agencies with authority in this area.

Reasons Supporting Proposal: Over the past several years, the department of health, department of ecology, and the Washington department of agriculture (WSDA) have identified deficiencies in current regulations regarding the disposal of dead animals. Chapters 16.36 and 16.68 RCW authorize the department to adopt rules related to the disposal of animals that have died from disease or unknown causes in order to prevent the spread of animal disease.

Statutory Authority for Adoption: Chapters 16.36, 16.68 and 34.05 RCW.

Statute Being Implemented: Chapter 16.36 RCW.

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

Name of Proponent: WSDA, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Leonard Eldridge, P.O. Box 42577, Olympia, WA 98504-2577, (360) 902-1881.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no economic impact associated with these rule amendments.

A cost-benefit analysis is not required under RCW 34.05.328. The WSDA is not a listed agency in RCW 34.05.-328 (5)(a)(i).

January 22, 2007

Leonard E. Eldridge, DVM
State Veterinarian

Chapter 16-25 WAC

DISPOSAL OF DEAD LIVESTOCK

NEW SECTION

WAC 16-25-010 Purpose. The purpose of this rule is to prevent the transmission of livestock diseases and to protect the public health, safety, and welfare and Washington state's livestock industry through the proper routine disposal of carcasses of livestock that have died because of disease. The statutory authority for the rule is found in RCW 16.36.010 and 16.36.092.

NEW SECTION

WAC 16-25-015 Applicability. This rule applies to the disposal of livestock that has died because of disease or an unknown cause.

NEW SECTION

WAC 16-25-020 Definitions. In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

"Burial" means placing a carcass below the natural surface of the ground and completely covering it with soil.

"Carcass" means the body or tissues of a livestock animal that has died or has been killed other than by slaughter for human or animal consumption or commercial use.

"Composting" means the aerobic decomposition of organic matter under controlled conditions.

"Death from disease" means livestock that has died from a disease or an unknown cause.

"Emergency disposal" means disposal of carcasses ordered depopulated by the director or depopulated as a result of a reportable disease listed in WAC 16-70-010.

"Incineration" means the controlled and monitored combustion of carcasses for the purposes of volume reduction and pathogen control as approved by the department of ecology or local air pollution control authorities.

"Landfill" means a permitted facility, whether on-site or off-site, where solid waste is permanently placed in or on land, in accordance with chapter 70.95 RCW and chapters 173-350 and 173-351 WAC.

"Livestock" means horses, mules, donkeys, cattle, bison, sheep, goats, swine, rabbits, llamas, alpacas, ratites, poultry, waterfowl, game birds, and other species so designated by statute. This term does not include free ranging wildlife as defined in Title 77 RCW.

"Natural decomposition" means decomposition of carcasses through natural decay processes on the surface of the ground without cover material.

"Open burning" means the act of consuming or destroying a carcass by fire with or without the use of an accelerant.

"Rangeland" means a large open area for grazing of livestock in excess of one hundred sixty acres of contiguous usable grazing or timberland.

"Rendering" means the practice of using heat to convert dead animal carcasses and animal by-products into marketable products, such as meat and bone meal for animal feed, human food additives, or cosmetics.

"Routine disposal" means the disposal of the carcass of a livestock animal that died in the normal course of business. Routine disposal does not include carcasses of livestock ordered depopulated by the director or depopulated as a result of a reportable disease listed in WAC 16-70-010.

NEW SECTION

WAC 16-25-025 Routine disposal. A carcass must be disposed of within seventy-two hours to avoid nuisance odors or disease. The following are acceptable methods for the routine disposal of carcasses:

(1) **Burial.**

(a) A carcass may be disposed of by burial on the property where the livestock animal died if done with the approval of the property owner.

(b) A carcass must be buried to a depth so that no part of the carcass is nearer than three feet to the natural surface of the ground. Every part of the carcass must be covered with at least three feet of soil within twenty-four hours of placement in the ground.

(c) Carcass burial must be:

(i) At least three hundred feet from any well, spring, or body of surface water, such as a river, stream, lake, pond, or intermittent stream;

(ii) At least three hundred feet from any residence not owned by the owner of the livestock animal;

(iii) At least fifty feet from any property line; and
 (iv) Not in a low-lying area subject to seasonal flooding or within a hundred-year flood plain or in a manner that will impact ground water.

(d) Each burial site is limited to one thousand pounds of carcasses or one livestock animal weighing more than one thousand pounds.

(e) Carcass burial is not allowed on a property of less than five acres, except for the burial of a single carcass weighing less than two hundred pounds. The maximum amount of land used for burial during any year is limited to ten percent of the property or one acre, whichever is greater.

(2) **Burning.** Open burning of carcasses is not allowed for routine disposal under RCW 70.94.775.

(3) **Composting.** Composting must be conducted in compliance with chapter 70.95 RCW and chapter 173-350 WAC.

(4) **Incineration.**

(a) Complete incineration of carcasses to a mineral residue must be performed in an approved incineration facility or by a mobile air curtain incinerator; and

(b) Appropriate permits must be obtained in advance through the local air pollution control authority or the department of ecology in accordance with requirements of chapter 70.94 RCW, Washington Clean Air Act.

(5) **Landfill.** Carcasses may be disposed of at a privately or publicly owned landfill with prior approval of the local health officer and the landfill operator, and permitted in accordance with chapter 70.95 RCW and chapters 173-350 and 173-351 WAC.

(6) **Natural decomposition.** A livestock animal that dies on private or state rangeland from causes other than a significant infectious or contagious disease agent may be left to decompose naturally on that property as long as the carcass:

(a) Is at least one thousand three hundred twenty feet from any well, spring, sinkhole, or body of surface water such as a river, stream, lake, pond, or intermittent stream;

(b) Is at least one thousand three hundred twenty feet from any residence not owned by the owner of the dead livestock animal;

(c) Is at least one thousand three hundred twenty feet from any public roadway;

(d) Is out of public view; and

(e) Is left to decompose on the land with the property owner's permission.

(7) **Digestion.** Digestion of carcasses may be accomplished only in a properly designed and sized carcass digester approved by the director.

(8) **Rendering.** Carcasses may be rendered only by a rendering plant licensed under chapter 16.68 RCW, Disposal of dead animals.

NEW SECTION

WAC 16-25-030 Disposal of livestock that have died from a reportable disease. The carcass of a livestock animal that has died from a reportable disease must be disposed of in consultation with the state veterinarian. The list of reportable

diseases and reporting requirements are found in chapter 16-70 WAC.

NEW SECTION

WAC 16-25-040 General emergency authority. If the state veterinarian determines there is an animal health emergency, the state veterinarian has the authority to specify the method of disposal and place additional requirements for the disposal of carcasses of livestock animals that die of disease or are euthanized to prevent the spread of disease.

WSR 07-03-173

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed January 24, 2007, 11:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-11-071.

Title of Rule and Other Identifying Information: Chapter 16-54 WAC, Animal importation. This chapter relates to the importation of livestock, including foreign and exotic species.

Hearing Location(s): Holiday Inn Express, 9220 East Mission Avenue, Spokane Valley, WA 99206, on March 13, 2007, at 6:30 p.m.; at the Ellensburg Inn, 1700 Canyon Road, Ellensburg, WA 98926, on March 14, 2007, at 6:30 p.m.; and at the Best Western Tulalip Inn, 3228 Marine Drive N.E., Marysville, WA 98271, on March 15, at 6:30 p.m.

Date of Intended Adoption: March 21, 2007.

Submit Written Comments to: Teresa Norman, 1111 Washington Street S.E., Olympia, WA 98504, e-mail WSDA RulesComments@agr.wa.gov, fax (360) 902-2092, by March 15, 2007.

Assistance for Persons with Disabilities: Contact WSDA Receptionist by March 6, 2007, TTY (360) 902-1996 or (360) 902-1976.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department proposes to amend chapter 16-54 WAC to:

(1) Reorganize and rewrite the chapter for clarity and ease of use;

(2) Update requirements to help prevent the entry and spread of infectious and contagious animal diseases into the state; and

(3) Correct outdated information.

Reasons Supporting Proposal: The amendments will help safeguard the health and safety of the state's livestock populations and the livestock industry, and will help the state maintain its disease-free certifications.

Statutory Authority for Adoption: Chapters 16.36 and 34.05 RCW.

Statute Being Implemented: Chapter 16.36 RCW.

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

Name of Proponent: Washington state department of agriculture (WSDA), governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Leonard Eldridge, P.O. Box 42577, Olympia, WA 98504-2577, (360) 902-1881.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no economic impact associated with these rule amendments.

A cost-benefit analysis is not required under RCW 34.05.328. The WSDA is not a listed agency in RCW 34.05.-328 (5)(a)(i).

January 22, 2007
Leonard E. Eldridge, DVM
State Veterinarian

AMENDATORY SECTION (Amending WSR 99-09-023, filed 4/15/99, effective 5/16/99)

WAC 16-54-010 Definitions. ((For purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or his duly authorized representative.

(2) "Breeding cattle" shall be those females and bulls not consigned to a federally inspected slaughter establishment, a restricted feedlot, or other authorized slaughter-only channel.

(3) "Official brucellosis test" means blood samples are to be tested only by cooperating state federal laboratories or by such persons as may be authorized by state of origin animal health officials to conduct the standard agglutination tests or the card test. All samples initially tested at other than cooperating state federal laboratories shall be promptly submitted and confirmed at the cooperating state federal laboratory.

(4) "Official brucellosis vaccinate" means a female bovine animal vaccinated between the ages of four and twelve months (one hundred twenty days to three hundred sixty five days) with an approved brucella vaccine such as strain 19 vaccine or RB-51 vaccine or any other legal brucellosis vaccination administered in accordance with the laws and regulations of a state or country.

(5) "Class free and Class A, B, and C states" means states as classified by the current federal brucellosis eradication uniform methods and rules.

(6) "Stage I, II, III, IV, or V Pseudorabies state" means states as classified by the current federal pseudorabies eradication Uniform Methods and Rules.

(7) "Official health certificate" means a legible certificate of veterinary inspection executed on an official form of the state of origin or of the Animal and Plant Inspection Service (APHIS), United States Department of Agriculture (USDA), by a licensed and accredited veterinarian or a veterinarian approved by the proper official of APHIS, USDA.

(8) "Animal" means any animal species except fish and insects.

(9) "Domestic animal" means any farm animal raised for the production of food and fiber or companion animal or both.

(10) "Farm animal" means any species which have normally and historically been kept and raised on farms in Washington, the United States, or elsewhere or used or intended for use as food, fiber, breeding, or draft and which may be legally kept for such use in Washington and are not those animals classified as wildlife or deleterious exotic wildlife under Title

77-RCW-)) In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

"Accredited free state or zone" means a state or zone that is or is part of a state that has been determined by United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) to have a zero prevalence of cattle and bison herds affected with bovine tuberculosis as listed in Title 9 CFR Part 77.79 (January 1, 2006).

"Approved veterinary laboratory" means a laboratory that has been approved by National Veterinary Services Laboratories.

"Certificate of veterinary inspection" means a legible veterinary health inspection certificate on an official form (electronic or paper) from the state of origin or from APHIS, USDA executed by a licensed and accredited veterinarian or a veterinarian approved by APHIS, USDA. The certificate of veterinary inspection is also known as an "official health certificate."

"Department" means the Washington state department of agriculture (WSDA).

"Director" means the director of WSDA or the director's authorized representative.

"Domestic bovine" means domesticated cattle, including bison.

"Domestic equine" means horses, donkeys, mules, ponies, and other animals in the *Equidae* family.

"Entry permit" means prior written permission issued by the director to admit or import animals into Washington state.

"Exotic animal" means species of animals that are not native to Washington state but exist elsewhere in the world in the wild state.

"Immediate slaughter" means livestock will be slaughtered within three days of entry into Washington state.

"Mature vaccinate" means a female bovine over the age of twelve months that has been vaccinated, under directions issued by the state of origin, with a mature dose of brucellosis vaccine.

"Modified accredited state or zone" means a state or zone that is or is part of a state that has been determined by USDA, APHIS to have a prevalence of bovine tuberculosis of less than 0.1 percent of the total number of herds of cattle and bison as listed in Title 9 CFR Part 77.11 (January 1, 2006).

"Movement permit" means an entry permit that is valid for six months and permits the entry of domestic equine into Washington state.

"NPIP" means the National Poultry Improvement Plan.

"Official brucellosis test" means the official test defined by Title 9 CFR Part 78.1 (January 1, 2006).

"Official brucellosis vaccinate" means an official adult vaccinate or official calfhooed vaccinate as defined by Title 9 CFR Part 78.1 (January 1, 2006).

"Poultry" means chickens, turkeys, ratites, waterfowl, game birds, pigeons, doves, and other domestic fowl designated by statute. Poultry does not mean free ranging birds defined as wildlife in RCW 77.08.010(16).

"Restricted feedlot" means a feedlot holding a permit issued under chapter 16-30 WAC.

"USDA, APHIS" means the United States Department of Agriculture Animal and Plant Health Inspection Service.

"Wild animals" is defined in RCW 77.08.010(17).

GENERAL IMPORTATION REQUIREMENTS

NEW SECTION

WAC 16-54-025 Transporting livestock—Sanitary requirements. All trucks, railway cars, and other conveyances used for the transportation of livestock must be:

- (1) Maintained in a sanitary condition free of material of animal origin that would present a danger of the spread of any communicable disease; and
- (2) Cleaned and disinfected when required by the director in order to prevent the spread of disease.

NEW SECTION

WAC 16-54-028 Testing procedure requirements. (1) An accredited veterinarian or a licensed veterinary technician under the direct or indirect supervision of an accredited veterinarian must collect and submit all test specimens.

(2) All livestock regulatory tests must be performed by a laboratory approved by the National Veterinary Services Laboratories.

(a) Samples for official tuberculosis tests must be collected by state or federal accredited animal health veterinarians and submitted to an approved veterinary laboratory.

(b) Technicians employed and approved by state or federal governments and directly or indirectly supervised by state or federal animal health veterinarians may conduct routine surveillance tests.

AMENDATORY SECTION (Amending WSR 99-09-023, filed 4/15/99, effective 5/16/99)

WAC 16-54-030 ((Health)) Certificate of veterinary inspection, and entry permit requirements. ~~((1) All animals entering Washington shall be accompanied by an official health certificate except:~~

~~(a) Dogs and cats originating in Washington and visiting Canada for thirty days or less.~~

~~(b) Dogs, cats and ferrets that are family pets traveling by private automobile with their owners who possess a current rabies certificate for the animals. This exemption does not apply to dogs, cats or ferrets imported for sale or puppies, kittens, or kits too young to vaccinate.~~

~~(c) Horses traveling into Washington with their Oregon or Idaho owners in personal vehicles for round-trip visits of not more than ninety-six hours duration. This exemption does not apply during emergency disease conditions declared by the state veterinarian or extend to any required testing.~~

~~(d) Llamas and alpacas traveling into Washington with their Oregon or Idaho owners in personal vehicles for round-trip visits of not more than ninety-six hours duration. This exemption does not apply during emergency disease conditions declared by the state veterinarian.~~

~~(e) Sheep traveling into Washington with their Oregon or Idaho owners in personal vehicles for round-trip visits of not more than ninety-six hours duration. This exemption does not apply during emergency disease conditions declared by the state veterinarian or extend to any animals entering for breeding purposes.~~

~~(f) Those classes of animals specifically exempted in laws or regulations of this state.~~

~~(2) Official health certificate shall contain the following information:~~

~~(a) Date of inspection. All health certificates void after thirty days, except breeding cattle forty-five days from date of issue. The director may give special exemption for show animals.~~

~~(b) Names and addresses of the consignor and consignee.~~

~~(c) Certification that the animals are apparently free from evidence of infectious and communicable disease.~~

~~(d) Test or vaccination status when required.~~

~~(e) Description of each animal to include species, breed, age, sex, tag or tattoo and for cattle, only an official ear tag will be accepted or if registered, the registry name, number and tattoo for individual identification except one brand or other owner identified animals, all of the same description, for which tests are not required.~~

~~(f) Certification of disinfection of cars and trucks when required.~~

~~(g) An owner/agent statement which says "the animals in this shipment are those certified to and listed on this certificate" and is signed and dated by the owner, agent, or veterinarian.~~

~~(3) All health certificates shall be reviewed by the livestock sanitary official of the state of origin and a copy shall be forwarded immediately to the department of agriculture, Olympia, Washington.)~~ **(1) Certificate of veterinary inspection:**

(a) A certificate of veterinary inspection must accompany all animals entering Washington state, except where specifically exempted in this chapter.

(b) The certificate of veterinary inspection must show that all livestock listed have been examined and found in compliance with vaccination, testing, and Washington animal identification requirements found in chapter 16-610 WAC.

(c) Any exemption to the requirement for a certificate of veterinary inspection may be suspended during an emergency disease condition declared by the director.

(2) Entry permit: An entry permit is required on:

(a) All domestic bovine (including Mexican cattle, Canadian cattle, and bison);

(b) Swine;

(c) Rams;

(d) Equine identified on a certificate similar to the Washington Equine Certificate of Veterinary Inspection and Movement Permit (form AGR-3027); and

(e) Equine from states or countries where equine reportable diseases have been diagnosed.

(3) Entry permits are granted at the discretion of the director and may be obtained from:

Washington State Department of Agriculture

Animal Services Division

1111 Washington Street S.E.

P.O. Box 42577

Olympia, Washington 98504-2577

360-902-1878.

NEW SECTION

WAC 16-54-032 Certificate of veterinary inspection—Required information. (1) A certificate of veterinary inspection must contain the following information:

- (a) An entry permit, when required;
- (b) Date of inspection;
- (c) Names and addresses of the consignor and consignee;
- (d) Shipment information, including:
 - (i) Origin of shipment;
 - (ii) Anticipated shipment date; and
 - (iii) Number of animals in the shipment;
- (e) Certification that the animals are free from clinical signs or known exposure to any infectious or communicable disease;
- (f) Test or vaccination status, when required;
- (g) Description of each animal by:
 - (i) Identifying species;
 - (ii) Breed;
 - (iii) Age;
 - (iv) Sex of the animal;
 - (v) Color; and
 - (vi) Tag, tattoo, USDA-approved RFID (radio frequency identification device) ear tag, or other official method of identification, including ownership brands.

(2) All certificates of veterinary inspection must be reviewed by the animal health official of the state of origin and a copy must be immediately forwarded to:

Washington State Department of Agriculture
 Animal Services Division
 1111 Washington Street S.E.
 P.O. Box 42577
 Olympia, Washington 98504-2577.

AMENDATORY SECTION (Amending Order 1172, filed 12/15/70)

WAC 16-54-060 Quarantine. ~~((Domestic animals entering the state without proper health certificate or official permission, or not meeting the health requirements of the state of Washington, shall be held in quarantine at the owner's expense and be subject to any required tests, inspection, vaccination at owner's expense until released from quarantine by the director.))~~ Any animal entering Washington state without a required certificate of veterinary inspection, or required entry permit, or that does not meet the requirements of this chapter shall be quarantined at the owner's expense and subject to any required test, inspection, or vaccination at the owner's expense until released from quarantine by the director.

IMPORTATION RESTRICTIONSNEW SECTION

WAC 16-54-065 Prohibited entries. (1) Any animal that is infected with or exposed to any infectious or communicable disease is prohibited from entering Washington state.

(2) Livestock that have been located within the past thirty days within ten miles of any premises where a report-

able disease listed in WAC 16-70-010 has been diagnosed are prohibited from entering Washington state.

(3) Cattle originating from Mexican dairies are prohibited from entering Washington state for any purpose.

(4) Feral swine are prohibited from entering Washington state.

(5) Domestic swine from herds where brucellosis is known to exist are prohibited from entering Washington state.

(6) Deleterious exotic wildlife, as defined by RCW 77.08.010 and designated at WAC 232-12-017, are prohibited from entering Washington state, except as provided in WAC 232-12-017.

(7) The Washington state department of health under WAC 246-100-191 (Animals, birds, pets—Measures to prevent human disease) prohibits certain animals including bats, skunks, foxes, raccoons, and coyotes from being imported into Washington state except for exhibition by bona fide public or private zoological parks.

(8) Entry permits allowing bona fide public or private zoological parks to import bats, skunks, foxes, raccoons, and coyotes may be issued by the director in consultation with the secretary of the Washington state department of health.

Exemptions:

(9) Infected or exposed animals destined for immediate slaughter, or with an entry permit to a research facility, or with an entry permit to a veterinary facility for treatment may enter at the discretion of the director.

NEW SECTION

WAC 16-54-068 Restrictions. (1) It is a violation to import animals into Washington state that do not comply with the requirements of this chapter or any other Washington state regulation relating to animal health and care, or to the importation and movement of poultry, hatching eggs, and wildlife.

(2) All animals entering Washington state must comply with the requirements of USDA, APHIS regulations found at Title 9 CFR for movement or importation from foreign countries.

(3)(a) Livestock entering Washington state from a state where a reportable disease listed in WAC 16-70-010 has been diagnosed within the past thirty days must be accompanied by a valid entry permit and a certificate of veterinary inspection.

(b) The certificate of veterinary inspection shall also include written verification that the animals have not been exposed to any reportable disease nor located within ten miles of an area where such a disease has been diagnosed.

(c) In the case of a state where vesicular stomatitis has been diagnosed, the certificate of veterinary inspection must be issued within twenty-four hours of shipment to Washington state and must contain:

(i) The temperature reading of each animal at the time of inspection; and

(ii) The following statement written by an accredited veterinarian:

"All animals identified on this certificate have been examined and found to be free from clinical signs of vesicular

stomatitis. During the past thirty days, these animals have not been exposed to vesicular stomatitis or located within ten miles of an area where vesicular stomatitis has been diagnosed."

(d) Cattle entering Washington state from a state or a foreign state or province where vesicular stomatitis has been diagnosed must be held at their destination separate and apart from all other cattle for a period of seven days and reexamined by an accredited veterinarian at the end of that period.

(4) Dogs, cats, and ferrets must be accompanied by an entry permit and proof of current rabies vaccination if they originate from a rabies quarantined area or an area where the state of origin has designated terrestrial rabies as endemic.

HORSES, DONKEYS, MULES AND OTHER DOMESTIC EQUINE AND EQUINE REPRODUCTIVE PRODUCTS

AMENDATORY SECTION (Amending WSR 99-09-023, filed 4/15/99, effective 5/16/99)

WAC 16-54-071 Domestic equine and equine reproductive products—Importation requirements. ((+) Domestic equine animals shall be accompanied by an official health certificate stating that they are free from clinical symptoms of infectious and communicable disease. All equine over six months of age must have a record of a negative test for the diagnosis of equine infectious anemia made within six months prior to entry. Horses moving to Washington from Oregon or Idaho may be excluded from test requirements when reciprocal.

(2) Breeding stallions or their semen shall be tested negative for equine viral arteritis (EVA) within ninety days of import. Positive stallions or semen may be imported with a certifying statement on the health certificate that the consignee has been advised and consents to the shipment. All positive stallions or semen entering Washington shall be moved on a permit issued by the office of the state veterinarian and may be subject to quarantine.

(3) Washington horses may reenter Washington when returning from shows, rides or other events from states that will accept travel to that state with a current "equine certificate of veterinary inspection and interstate movement permit" without additional animal health certifications. Within fourteen days of the return to Washington an "itinerary of interstate travel" must be filed with the state veterinarian's office. Likewise horses from the western state of Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, or New Mexico may enter the state of Washington for shows, rides or other events and return with documents similar to the above named documents under a state system of equine health certification acceptable to the Washington state veterinarian and the state origin by written agreement. In any case, travel under this alternative to normal thirty day health certification will be limited to not more than ninety days duration for any one excursion and the movement permit shall expire in six months from the date of the certificate.) **Import health requirements.**

(1)(a) In addition to the other requirements of this chapter, all horses, donkeys, mules, and other domestic equine

and equine reproductive products entering Washington state must be accompanied by a certificate of veterinary inspection.

(b) Equine vaccinated against equine viral arteritis (EVA) must be accompanied by a vaccination certificate.

(c) Reproductive products must be accompanied by an application for equine semen/embryo import permit for EVA.

(d) Domestic equine from the western states of Oregon, Idaho, California, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, and New Mexico may enter Washington state for shows, rides, or other events either with a certificate of veterinary inspection or with a document similar to the Equine Certificate of Veterinary Inspection and Movement Permit. Individual trips cannot exceed ninety days.

(e) An itinerary of interstate travel must be filed with the department within fourteen days of the expiration of the movement permit.

(2) All certificates and forms may be obtained from and sent to:

Washington State Department of Agriculture
Animal Services Division
1111 Washington Street S.E.
P.O. Box 42577
Olympia, Washington 98504-2577

Exemptions to import health requirements.

(3) Horses traveling into Washington state with their Oregon or Idaho owners in private conveyance for round-trip visits of not more than four days duration for purposes other than breeding are exempt from the certificate of veterinary inspection.

Import test requirements.

(4) All test procedures, including obtaining blood samples and other biologic specimens, must be carried out by an accredited veterinarian and a veterinary laboratory that is approved by the National Veterinary Services Laboratories.

Equine infectious anemia (EIA).

(5) All domestic equine, except foals under six months of age accompanying their negative tested dams, must have a negative test for equine infectious anemia (EIA) within six months before entering Washington state.

Exemptions to EIA test requirements.

(6) Domestic equine moving to Washington from Oregon are excluded from EIA test requirements.

Equine viral arteritis (EVA).

(7)(a) Intact males over six months of age must test antibody negative for EVA within thirty days before entry into Washington state or have proof of vaccination. See subsection (12) of this section.

(b) Equine semen must originate from a stallion that has proof of vaccination or a negative antibody test for EVA during the current breeding season.

(8) Equine embryos must originate from donor equine that has proof of vaccination or a negative antibody test negative for EVA during the current breeding season.

(9) Intact males over six months of age and equine reproductive products that test positive for EVA may enter Washington state only if accompanied by an entry permit and a statement on the certificate of veterinary inspection verifying that the consignee:

(a) Has been advised of the positive antibody test results and the associated risks of EVA infection;

(b) Agrees to follow the recommendations of the Office International des Epizooties of the World Organization of Animal Health regarding EVA and USDA recommendations found in the *Equine Viral Arteritis Uniform Methods and Rules*, effective April 19, 2004; and

(c) Consents to the shipment.

(10) Stallions that test antibody positive for EVA may be subject to quarantine.

(11) Additional testing for EVA may be required during emergency disease conditions declared by the director.

(12) Equine semen and embryos from antibody positive donors must be used only on vaccinated or seropositive mares. These mares must be isolated for twenty-one days following insemination or implantation.

(13) Vaccinated equine that test antibody positive for EVA must be accompanied by a certificate of veterinary inspection that provides proof of:

(a) A prevaccination negative antibody blood test;

(b) Vaccination within ten days of the prevaccination blood test; and

(c) Approved method of animal identification.

Approved methods of identification are:

(i) Photograph or clearly drawn picture of the animal (both sides and front);

(ii) Brand inspection (hot iron or freeze brand);

(iii) Microchip; and/or

(iv) Lip tattoo.

Piroplasmosis.

(14) Any equine that has ever tested positive for piroplasmosis may not enter Washington state.

(15) Any equine that has originated from a country or state where piroplasmosis is endemic, or has ever been exposed to piroplasmosis must test negative to a C-ELISA test within thirty days before entry. Upon entry into Washington state, these equine must be quarantined and retested in sixty to ninety days.

CATTLE, BISON, AND OTHER DOMESTIC BOVINE

AMENDATORY SECTION (Amending WSR 05-14-019, filed 6/24/05, effective 7/25/05)

WAC 16-54-082 Domestic bovine animals—Importation requirements. ((All domestic bovine animals (including bison) entering Washington shall be moved on a permit issued by the office of the state veterinarian. All domestic bovine animals (including bison) shall meet the following requirements:

(1) Tuberculosis. All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area. The state veterinarian may require a negative tuberculosis test within thirty days of import for cattle (including bison) from the states classified as modified accredited or accredited free if *Mycobacterium bovis* (*M. bovis*) has been cultured from a herd in that state within the previous twelve months. All Mexican cattle imported from Mexico within three years of date of importation to Washington must show proof of a tuberculosis retest at least one hun-

dred twenty days after import to the United States. Such cattle without proof of retest must be held on the premises of destination under Hold Order/Quarantine in Washington and kept separate from all other cattle for not less than one hundred twenty nor more than one hundred eighty days from the date of entry and retested for tuberculosis during the one hundred twenty to one hundred eighty-day period.

All dairy cows and bulls six months of age or older must test negative for bovine tuberculosis within sixty days prior to entering Washington. These dairy cattle must be identified with a USDA silver identification ear tag or a RFID (Radio Frequency Identification) tag. Dairy heifers and bull calves under six months of age entering Washington must obtain a permit and upon entry will be issued a hold order/quarantine requiring the animals to proceed directly to a premise or designated facility and to be held separate from all other cattle until they test negative for bovine tuberculosis after six months of age. Dairy heifers and bull calves under six months of age must be identified with a USDA silver identification ear tag or a RFID (Radio Frequency Identification) tag. Dairy cattle that originate in an accredited tuberculosis free herd as defined by USDA in 9 CFR Chapter 1, Part 77 (January 1, 2005) and for which both an accredited herd number and date of last tuberculosis test are shown on the official interstate health certificate or certificate of veterinary inspection, dairy steers and spayed heifers being imported to restricted feedlots to be fed for slaughter, dairy cattle consigned to federally inspected slaughter plants for immediate slaughter, and dairy cattle consigned to a state federally approved livestock market to be sold directly to slaughter only are exempt from bovine tuberculosis testing under this section.

(2) Brucellosis health certificate requirements. All domestic bovine animals (including bison), except those consigned to restricted feedlots, to federally inspected slaughter plants for immediate slaughter, or beef breed cattle, slaughter only dairy breed cattle, or dairy breed cattle from Oregon, Montana, and Idaho consigned to a state federal approved livestock market, shall be accompanied by an official interstate health certificate and shall meet the following requirements:

(a) Brucellosis test.

(i) Cattle from class free and A states.

(A) Sexually intact heifers from brucellosis quarantined herds in class free and A states shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter plant.

(B) Cattle other than those referred to in (a)(i)(A) of this subsection from class free or A states which are test eligible, unless destined for a restricted feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.

(IV) Cattle from a certified brucellosis free herd.

~~(V) Cattle from selected brucellosis free states designated by the Washington state veterinarian.~~

~~(ii) Cattle from Class B or C states.~~

~~(A) Sexually intact females from other than certified brucellosis free herds in states classified B or C by the USDA shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter establishment.~~

~~(B) Sexually intact males from Class B states which are test eligible, unless destined for a restricted feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry and held on the premises of destination and kept separate from all other cattle for retest not less than forty five nor more than one hundred twenty days from the date of the preentry test. Cattle not considered test eligible include:~~

~~(I) Calves under six months of age.~~

~~(II) Steers and spayed heifers.~~

~~(III) Cattle from a certified brucellosis free herd.~~

~~(C) Sexually intact males from Class C states which are test eligible must be negative to two official brucellosis tests conducted prior to entry at least sixty days apart, the second test to be conducted within thirty days of entry. Those cattle shall be held on the premises of destination and kept separate from all other cattle for retest not less than forty five nor more than one hundred twenty days from the date of the second negative preentry test. Cattle not considered test eligible include:~~

~~(I) Calves under six months of age.~~

~~(II) Steers and spayed heifers.~~

~~(III) Cattle from a certified brucellosis free herd.~~

~~(iii) Beef cattle eligible for brucellosis testing coming from class free or A states or dairy cattle coming from Idaho, Montana, or Oregon may be moved to state-federal approved livestock markets in Washington to meet entry health requirements.~~

~~(iv) Should brucellosis infection occur in the state of Washington as a result of importation of infected animals, all future importations from the state of origin shall be required to meet import regulations of the next lower classification. State regulatory officials of that state shall be notified and the lower classification entry requirement will be in effect for twelve months following notification to the state of origin.~~

~~(b) Brucellosis vaccinates female dairy cattle. All female dairy cattle must be identified as official brucellosis vaccinates before entry into a dairy cow breeding herd. Except the following classes of cattle are exempt from this requirement:~~

~~(i) Calves under four months of age.~~

~~(ii) Those cattle consigned directly to a restricted feedlot.~~

~~(iii) Spayed heifers.~~

~~(c) Brucellosis vaccinates female beef cattle. All female beef breed cattle must be identified as official brucellosis vaccinates before entry into a beef cow breeding herd, except the following classes of cattle are exempt from this requirement:~~

~~(i) Calves under four months of age.~~

~~(ii) Cattle sold or consigned to a restricted feedlot.~~

~~(iii) Spayed heifers.~~

~~(d) Cattle from a certified brucellosis free country may be imported if the state veterinarian, upon being assured that to allow such cattle to enter would not create any jeopardy to the livestock industry of the state of Washington, issues a special permit for such entry.~~

~~(3) Seabies. The office of the state veterinarian may require that any cattle from a known infected area be dipped at an official dipping facility within ten days of entry and, except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days, be accompanied by an official interstate health certificate. Ivermectin may be used as an alternative to the dipping procedure for beef and nonlactating dairy animals.~~

~~(4) Vesicular stomatitis. The office of the state veterinarian may require that:~~

~~(a) Any cattle be accompanied by an official interstate health certificate except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days;~~

~~(b) Dairy breed cattle be held separate and apart from all other cattle for a period of seven days at the point of destination and rechecked by an accredited veterinarian at the end of that period; except that dairy breed cattle from known infected areas shall not be allowed entry into the state; and~~

~~(c) Beef breed cattle from known infected areas be held separate and apart from all other cattle for a period of thirty days either prior to entry or at the point of destination or both.~~

~~(5) Temporary grazing permits. Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the office of the state veterinarian. The state veterinarian may, if deemed necessary, require a brucellosis herd test and/or an official health certificate for any cattle entering the state for grazing purposes. Applicants must also file an approved herd plan with the office of the state veterinarian to phase out all brucellosis nonvaccinates in the herd prior to January 1, 1988. Grazing permits shall be for one specified season only and shall be valid for movement to only that destination declared on the permit. A copy of the permit shall accompany any vehicle transporting cattle into the state for such temporary grazing purposes.)~~ **Import health requirements.**

(1) Domestic bovine entering Washington state must have a certificate of veterinary inspection and an entry permit issued by the office of the state veterinarian.

Exemptions to import health requirements.

(2) A certificate of veterinary inspection is not required for domestic bovine that are consigned to federally inspected slaughter plants for immediate slaughter or to state-federal approved livestock markets where import requirements can be met.

NEW SECTION

WAC 16-54-083 Domestic and foreign bovine brucellosis requirements. (1) Female cattle, domestic and foreign, must have an official calfhood brucellosis vaccination and legible vaccination tattoo before entry into Washington state.

(a) Cattle vaccinated with strain 19 vaccine must be permanently identified with a tattoo in the right ear that must bear the USDA registered V shield preceded by a number

indicating the quarter of the year in which they were vaccinated, followed by the last digit of the year of vaccination.

(b) Cattle vaccinated with RB-51 strain of vaccine must be permanently identified with a tattoo in the right ear that must bear the USDA registered V shield preceded by the letter R followed by the last digit of the year of vaccination.

(c) Brucellosis vaccinated cattle from foreign countries must present original vaccination certificates. On arrival, the cattle must be tattooed with the USDA V shield and the year indicated on the vaccination certificate.

(2) Mature vaccinated domestic bovine that are identified by a legible vaccination tattoo and USDA vaccination and USDA identification tags will be allowed entry into Washington state if the state of origin allows mature vaccination and is of the same brucellosis class or higher.

(3)(a) Test eligible dairy cattle from all states and all cattle from Class A states must be tested negative for bovine brucellosis within thirty days before entry.

(b) Beef cattle from selected brucellosis free states designated by the director may be required to have a negative test thirty days before entry.

(c) Test eligible bovine are bulls over six months of age, brucellosis vaccinated dairy females over twenty months of age, and brucellosis vaccinated beef breed females over twenty-four months of age.

(4) All animals must be identified by USDA approved official identification.

Exemptions to domestic bovine brucellosis test and vaccination requirements.

(5) Domestic bovine that are exempt from brucellosis testing and vaccination requirements are:

(a) Those cattle from a class free state consigned to restricted feedlots;

(b) Those consigned to federally inspected slaughter plants for immediate slaughter;

(c) Heifer calves less than four months of age;

(d) Slaughter only dairy breed cattle from Oregon, Idaho, and Montana that are consigned to a state-federal approved livestock market;

(e) Bull calves less than six months of age;

(f) Steers and spayed heifers;

(g) Official brucellosis vaccinated dairy cattle less than twenty months of age;

(h) Official brucellosis vaccinated beef cattle less than twenty-four months of age;

(i) Cattle from a certified brucellosis free herd, as defined by Title 9 CFR Part 78.1; and

(j) Test eligible beef breed cattle and dairy cattle that are consigned to a state or federally approved livestock market to meet entry testing requirements. Heifer calves between four and twelve months of age may be consigned to a state-federal approved sale yard where they will remain until meeting vaccination requirements.

NEW SECTION

WAC 16-54-085 Domestic bovine tuberculosis requirements. (1) All domestic bovine from a modified accredited advanced or lower state or zone must have a negative TB test within sixty days before entry into Washington

state. Domestic bovine from a modified accredited or lower state or zone shall be held separate and apart from native cattle for sixty days and retested negative at least sixty days after entry into Washington state.

(2) **Dairy cattle six months of age or older** must:

(a) Test negative for bovine tuberculosis within sixty days before entering Washington state; and

(b) Be identified with a USDA silver identification ear tag, or a USDA-approved RFID tag, or an orange brucellosis vaccination tag.

(3) **Dairy heifers and bull calves less than six months of age** must:

(a) Be issued a hold order or a quarantine order that requires the animals to be taken directly to a designated premises or facility;

(b) Be held separate and apart from all other domestic bovine until they test negative for bovine tuberculosis after six months of age; and

(c) Be identified with a USDA silver identification ear tag, or a USDA-approved RFID tag, or an orange brucellosis vaccination tag.

(4) **Mexican cattle** - All cattle imported from Mexico, including those imported for rodeo or recreation purposes, must be sexually neutered, and must bear official Mexican identification.

(a) All Mexican cattle must be accompanied by proof of two negative bovine tuberculosis tests conducted in the United States after entry from Mexico. The second negative test must be a minimum of sixty days after the first test and within thirty days before entry into Washington state.

(b) If Mexican cattle entering Washington state are not accompanied by proof of two negative bovine tuberculosis tests prior to entry, they will be issued a hold order or a quarantine order that requires the animals to be taken directly to a designated premises or facility and kept separate and apart from Washington cattle until the completion of required tests.

(c) Sexually intact Mexican beef cattle may enter only with a prior entry permit and at the discretion of the director.

Exemptions to domestic bovine tuberculosis test requirements.

(5) **Dairy cattle** are exempt from bovine tuberculosis testing requirements if they:

(a) Originate from an accredited bovine tuberculosis-free herd, as defined by USDA, APHIS in Title 9 CFR Chapter 1 Part 77 (January 1, 2006), and if an accredited herd number and the date of the last bovine tuberculosis test are shown on the certificate of veterinary inspection;

(b) Are consigned to federally inspected slaughter plants for immediate slaughter; or

(c) Are consigned to slaughter through sale yards and remain in slaughter channels.

(6) **Adult dairy cows from Oregon and Idaho** that have not met the department's brucellosis and tuberculosis requirements may enter a WSDA approved brucellosis/tuberculosis holding facility in Washington state until testing requirements have been met.

(7) **Dairy steers and spayed heifers** are exempt from bovine tuberculosis testing requirements before entry into Washington state if they are entering restricted feedlots to be fed for slaughter.

(8) **Mexican cattle** are exempt from the second bovine tuberculosis test and isolation requirements if they are consigned to a federally inspected slaughter plant for immediate slaughter or if they are entering restricted feedlots to be fed for slaughter.

NEW SECTION

WAC 16-54-088 Temporary grazing permits. Cattle moving interstate on grazing permits are exempt from a certificate of veterinary inspection and testing requirements.

(1)(a) Persons desiring to move cattle into Washington state for temporary grazing purposes must complete a temporary grazing application approved by both states. After approval, a permit number will be issued.

(b) Temporary grazing permits are valid for a period not to exceed six months and are valid only for movement to the destination specified on the permit.

(c) A copy of the approved application must accompany any vehicle transporting cattle into Washington state for temporary grazing purposes.

(d) Temporary grazing permits will be issued only for cattle entering from states that share common borders with the state of Washington.

(2) Permits are granted based on current disease conditions in both states. The director may specify conditions on the permit to prevent or control disease.

GOATS

AMENDATORY SECTION (Amending WSR 92-21-039, filed 10/15/92, effective 11/15/92)

WAC 16-54-090 Goats—Importation and testing requirements. ((Goats except those for immediate slaughter, shall be accompanied by a health certificate stating they are clinically free from infectious and communicable disease. Dairy goats shall be tested negative for brucellosis within thirty days prior to date of entry. Goats under six months of age are exempt from brucellosis test requirement.)) **Import health requirements.**

(1) All goats entering Washington state must be accompanied by a certificate of veterinary inspection. The certificate of veterinary inspection must state that the animals are free from clinical signs or known exposure to any infectious or communicable disease.

(2) Female dairy goats six months of age or older must test negative for brucellosis and tuberculosis within thirty days before they enter Washington state.

(3) Breeding goats over eighteen months of age, except low risk commercial goats (goats that have not been commingled with sheep), must have official USDA scrapie identification.

Exemption to import health requirements.

(4) Goats traveling into Washington state with their Oregon and Idaho owners in private conveyance for round-trip visits of not more than four days duration for purposes other than breeding are exempt from the certificate of veterinary inspection.

SHEEP

AMENDATORY SECTION (Amending WSR 99-09-023, filed 4/15/99, effective 5/16/99)

WAC 16-54-101 Sheep—Importation and testing requirements. ((Sheep except those for immediate slaughter, shall be accompanied by a health certificate stating they are clinically free from infectious and communicable disease and in addition shall comply with the following requirements which shall be stated on the health certificate:

(1) ~~Originate from a flock in which no scrapie has existed for five years or is from a flock enrolled in the USDA Voluntary Scrapie Flock Certification Program.~~

(2) ~~All breeding rams six months of age and over must have a negative ELISA test for brucella ovis within thirty days prior to entry into Washington and be palpated and certified free of brucella ovis or be from a brucella free flock. Each ram must be individually identified with an individual eartag or registration tattoo. This number, along with the test results and date of test, must be entered on the health certificate which must accompany the animal(s).~~

(3) ~~All blackface rams imported into Washington state for the purpose of breeding must be determined by genetic testing to be QR or RR at the 171 codon.~~

(4) ~~All blackface breeding rams shall be moved on a permit issued by the office of the state veterinarian.)~~ **Import health requirements.**

(1) A certificate of veterinary inspection must accompany all sheep entering Washington state. The certificate of veterinary inspection must state that the sheep:

(a) Are clinically free from the signs of infectious diseases, including footrot, sore mouth, and caseous lymphadenitis; and

(b) Originated from a flock in which scrapie has not been diagnosed in the past seven years or are from a flock enrolled in the USDA Voluntary Scrapie Flock Certification Program described in Title 9 CFR Part 54 (January 1, 2006).

(c) Are officially identified with official USDA scrapie program identification. Sheep required to be officially identified include:

(i) All breeding sheep;

(ii) All sexually intact sheep imported for exhibition;

(iii) All sheep over eighteen months of age.

Import test requirements.

(2) All breeding rams over six months of age require an entry permit.

(3) The certificate of veterinary inspection must state that the rams:

(a) Tested negative on an ELISA test for *Brucella ovis* within thirty days before entering Washington state; and

(b) Are palpated and certified free of any evidence of epididymitis; and

(c) Are individually identified with an official USDA scrapie program identification. Each ram's identification number, test results, and the date of the test must be entered on the certificate of veterinary inspection accompanying the animal.

(4) Rams of Suffolk, Hampshire, Shropshire, South-down, or Montadale descent, or their crossbreeds may enter

Washington state for breeding purposes if they are determined by genetic testing before entry to be QR or RR at the 171 codon.

Exemptions to import health and test requirements.

(5) Sheep traveling into Washington state with their Oregon and Idaho owners in private conveyance for round-trip visits of not more than four days duration for purposes other than breeding are exempt from the certificate of veterinary inspection.

(6) Sheep entering Washington state for immediate slaughter at a USDA inspected slaughter plant are exempt from the certificate of veterinary inspection and testing requirements.

(7) Official USDA approved scrapie identification is not required on slaughter sheep less than eighteen months of age.

LLAMAS AND ALPACAS

NEW SECTION

WAC 16-54-105 Llamas and alpacas. Import health requirements.

(1) All llamas and alpacas imported into Washington shall be accompanied by a health certificate stating that the animals are free from signs of or exposure to infectious or contagious disease.

Exemptions to import health requirements.

(2) Llamas and alpacas traveling into Washington state with their Oregon and Idaho owners in private conveyance for round-trip visits of not more than four days duration for purposes other than breeding are exempt from the certificate of veterinary inspection.

SWINE

AMENDATORY SECTION (Amending WSR 92-21-039, filed 10/15/92, effective 11/15/92)

WAC 16-54-111 Swine—Importation and testing requirements. ~~((1) Slaughter swine. Swine not known to be affected with or exposed to infectious or communicable diseases may be moved into the state without health certificate to a federally inspected slaughter establishment or public livestock market specifically approved under Part 76, Title 9, Code of Federal Regulations for immediate slaughter and shall not be diverted enroute for any purpose. The waybills or certificates for movement must state "for immediate slaughter." Slaughteryards receiving for slaughter only swine may not offer such swine for sale for any other purpose without meeting all health certificate and test requirements and receive a permit from the state veterinarian.~~

~~(2) Feeder and breeder swine.~~

~~(a) Swine must be accompanied by a permit issued by the department of agriculture state veterinarian, or the state veterinarian's representative, and an official health certificate stating they are clinically free from infectious and contagious disease or exposure thereto. The consignor and consignee will be properly listed with exact mailing address and destination clearly shown. The name and address of the consignee for pet swine shipments will be verified prior to issuance of~~

~~the permit to import and a written quarantine will be issued pending post entry pseudorabies testing.~~

~~(b) Swine brucellosis. All swine imported for breeding purposes over six months of age entering the state of Washington must be tested and found negative to brucellosis within thirty days prior to entry or originate in a validated brucellosis free herd or state or area. Swine from herds where brucellosis is known to exist will not be admitted.~~

~~(c) Swine pseudorabies. All swine being imported into the state of Washington must be:~~

~~(i) Tested and found negative to pseudorabies within thirty days prior to the date of importation, and~~

~~(ii) Isolated and held in quarantine at the point of final destination until retested and found negative to pseudorabies at least thirty days and not more than sixty days after the date of importation.~~

~~(d) The following classes of swine are exempt from these pseudorabies test requirements:~~

~~(i) Swine originating from a pseudorabies qualified negative herd where the qualifying test has been conducted within sixty days of shipment and all new additions since the test have been tested negative.~~

~~(ii) Swine being shipped directly to a federally inspected slaughter establishment for immediate slaughter.~~

~~(iii) Direct shipment from a stage IV or V state/area.~~

~~(iv) Swine from a country determined to be free of pseudorabies.)~~

Import health requirements.

(1) All swine entering Washington state must be accompanied by an entry permit, a certificate of veterinary inspection, and official USDA approved identification. Feral swine are prohibited in Washington state.

Import test requirements.

(2) **Brucellosis.** All intact male and intact female swine more than six months of age must be tested negative for brucellosis within thirty days before entering Washington state or must originate from a USDA validated brucellosis free herd or state (Swine Brucellosis Control/Eradication State-Federal-Industry Uniform Methods and Rules, April, 1998).

(3) **Pseudorabies.** No test is required from states recognized as Stage IV or Stage V by Pseudorabies Eradication State-Federal-Industry Program Standards, November 1, 2003.

(4) A negative pseudorabies test within thirty days before entry is required for swine from any state or area that loses Stage IV or Stage V status.

Exemptions to Import Test Requirements.

(5) Swine shipped directly to a federally inspected slaughter plant for immediate slaughter are exempt from testing requirements.

AVIAN SPECIES

AMENDATORY SECTION (Amending WSR 94-23-121, filed 11/22/94, effective 12/23/94)

WAC 16-54-145 ((Ratites)) Poultry, including ratites—Importation and testing requirements. ~~((All ratites imported into Washington shall be accompanied by a permit number and a health certificate or certificate of veterinary inspection unless otherwise exempted, stating that the~~

birds are free from signs or exposure to infectious disease. Ratites as defined in chapter 16.57 RCW and/or their eggs or parent flock must be tested negative for the following diseases: Salmonella pullorum-typhoid enteritidis [enteritis]. Health requirements for ratites also appears in chapter 16.59 WAC.) **Import health requirements.**

(1) All poultry, including ratites, imported into Washington state must be accompanied by a certificate of veterinary inspection.

(a) USDA VS form 17-6 (Certificate for Poultry or Hatching Eggs for Export) will be accepted in lieu of the certificate of veterinary inspection.

(b) For hatching eggs and baby poultry, a USDA NPIP VS form 9-3 (Report of Sales of Hatching Eggs, Chicks, and Poults) may be used in lieu of the certificate of veterinary inspection.

(c) The certificate of veterinary inspection must include either the NPIP number or negative results of the required tests.

(2) Poultry or hatching eggs must originate from flocks or areas not under state or federal restriction.

(3) Each ratite entering Washington state must be permanently identified with USDA approved identification. The type of identification must be listed on the certificate of veterinary inspection.

Import test requirements.

(4) Poultry must:

(a) Originate from an NPIP participant flock that has met classification requirements for pullorum-typhoid, *Salmonella enteritidis*, and avian influenza; or

(b) Test negative within thirty days before entering Washington for pullorum-typhoid, *S. enteritidis*, and avian influenza.

(5) Hatching eggs must originate from an NPIP participant flock that has met classification requirements for the diseases listed in subsection (4)(a) of this section. If the parent breeder flock is not an NPIP participant, the parent birds must be tested for the above diseases within thirty days before entry.

(6) Turkeys, their poults, and eggs must originate from a producer who is participating in the mycoplasmosis control phase of the NPIP or must have been tested serologically negative for *M. gallisepticum* and *M. synoviae* within thirty days of entry.

Exemptions to import health requirements.

(7) Doves, pigeons, and poultry destined for immediate slaughter are exempt from the certificate of veterinary inspection and testing requirements.

NEW SECTION

WAC 16-54-160 Birds other than poultry—Importation and testing requirements. Import health requirements.

(1) Birds entering Washington state require a certificate of veterinary inspection that contains the following statement:

"To my knowledge, the birds listed on this certificate are free from clinical signs of or known exposure to infectious or communicable disease during the past thirty days."

(2) All birds must be individually identified in a manner appropriate to the species.

Exemptions to import health requirements.

(3) Family pet birds are exempt from the certificate of veterinary inspection.

SMALL ANIMALS

NEW SECTION

WAC 16-54-170 Dogs, cats, and ferrets—Importation and testing requirements. Import health requirements.

(1) Dogs, cats, or ferrets entering Washington state require a certificate of veterinary inspection.

(2) The certificate of veterinary inspection for dogs, cats, or ferrets must identify each animal and certify that each animal at the time of entry is current on rabies vaccination according to the manufacturer's label, and does not originate from an area under quarantine for rabies.

Exemptions to import health requirements.

(3) Dogs, cats, or ferrets less than ninety days of age do not require a rabies vaccination.

(4) Dogs and cats that originate in Washington state and visit Canada for thirty days or less are exempt from a certificate of veterinary inspection.

(5) Dogs, cats, or ferrets that are family pets and have current rabies vaccination certificates and are traveling by private conveyance with their owners are exempt from a certificate of veterinary inspection.

Import test requirements.

(6) The director may require dogs six months of age or older to be tested negative for heartworm.

Exemptions to import test requirements.

(7) Dogs and cats that are family pets, have been owned more than one month, are not going to be sold or have a change of ownership, and are traveling by private conveyance with their owner or handler are exempt from the heartworm test requirement.

WILD AND EXOTIC ANIMALS AND BIRDS, INCLUDING ZOO ANIMALS

NEW SECTION

WAC 16-54-180 Wild and exotic animals and birds—Importation and testing requirements. Import health requirements.

(1) Wild and exotic animals and birds entering Washington state must be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian licensed in the state of origin, or accompanied by an international certificate of health.

(2) All wild and exotic animals must be accompanied by an entry permit.

Import test requirements.

(3) **Brucellosis:** Within thirty days before entering Washington state, negative serologic testing must be conducted on the following categories of captive wild or exotic animals that are more than six months of age:

Table 1.

Wild and exotic animals that must be tested for brucellosis

Tested For	Species Scientific Name	Common Name Examples
<i>Brucella abortus</i>	<i>Camelidae</i>	<ul style="list-style-type: none"> • Vicuna • Guanaco
	<i>Cervidae</i>	<ul style="list-style-type: none"> • Elk • Caribou • Moose • Reindeer • Deer
	<i>Giraffidae</i>	<ul style="list-style-type: none"> • Giraffe • Okapi
	<i>Bovidae</i>	<ul style="list-style-type: none"> • Antelope • Wild cattle (gaur, banteng, kaupre, yak) • Bison (American bison, European bison) • Buffalo (Asian water buffalo, tamaraw, lowland anoa, mountain anoa, African buffalo)
	<i>Ovidae, Capridae</i>	<ul style="list-style-type: none"> • Wild sheep (big-horn sheep, dalls sheep, mouflon, argoli, uriol, blue sheep, barbary sheep, red sheep) • Wild goats (Rocky Mountain goat, ibex, walia ibex, west caucasian tur, east caucasian tur, Spanish ibex, markhor)
<i>Brucella suis</i>	<i>Suidae</i>	<ul style="list-style-type: none"> • Wild swine (European wild boar, bearded pig, Jovan pig, pygmy hog, wart hog, giant forest pig, East Indian swine or Babirusa, African bush pig, peccaries)
<i>Brucella suis bio-var 4</i>	<i>Cervidae</i>	<ul style="list-style-type: none"> • Caribou

Table 1.

Wild and exotic animals that must be tested for brucellosis

Tested For	Species Scientific Name	Common Name Examples
		<ul style="list-style-type: none"> • Reindeer
<i>Brucella ovis</i>	<i>Ovidae, Capridae</i>	<ul style="list-style-type: none"> • All wild sheep and goats must be tested and found negative to <i>Brucella ovis</i> within thirty days before entering Washington state

(4) **Tuberculosis** (*Mycobacterium bovis* and *Mycobacterium tuberculosis*):

(a) Animals less than six months of age that are nursing negative tested dams may be excluded from tuberculosis test requirements.

(b) Within thirty days before entering Washington state, the animals listed in the following table must test negative for *M. bovis* and *M. tuberculosis* by a skin test or other approved test that follows federal tuberculosis protocols:

Table 2.

Wild and exotic animals that must be tested for tuberculosis

Species Scientific Name	Common Name Examples
<i>Ceropithecidae</i>	<ul style="list-style-type: none"> • Old world primates
<i>Hylobotidae</i>	<ul style="list-style-type: none"> • Gibbons • Lessor apes
<i>Pongidae</i>	<ul style="list-style-type: none"> • Great apes
<i>Bovidae</i>	<ul style="list-style-type: none"> • Antelope • Wild cattle
<i>Ovidae, Capridae</i>	<ul style="list-style-type: none"> • Wild sheep • Wild goats
<i>Cervidae, Giraffidae</i>	<ul style="list-style-type: none"> • Elk • Caribou • Moose • Reindeer • Deer • Giraffe • Okapi

(c) *Cervidae*, such as elk, deer, caribou, moose, and reindeer and *Giraffidae*, such as giraffe and okapi, must be from herds not known to be infected with, exposed to, or affected by tuberculosis. They must also test negative for *M. bovis* using the testing requirements defined in Title 9 CFR Part 77.33 (January 1, 2006).

(d) For all captive wild or exotic animals not listed in Table 2 in subsection (2)(b) of this section, the following statement signed by the animal's owner or agent must be placed on the official certificate of veterinary inspection:

"To my knowledge, the animals listed on this certificate are not infected with tuberculosis and have not been exposed to animals infected with tuberculosis during the past twelve months."

(5) **Pseudorabies:** All wild swine imported for zoos, exhibitions or to a research facility must test negative for pseudorabies no more than thirty days before entry into Washington state and must be held in quarantine for thirty to sixty days pending a postentry retest.

(6) **Equine infectious anemia:** All wild horses, donkeys, and hybrids of the family *Equidae* must test negative on an approved test for equine infectious anemia no more than six months before entry into Washington state.

(7) **Elaphostrongylinae** (*Parelaphostrongylus tenvis* (meningeal worm) and *Elaphostrongylus cervis* (muscle worm)): Before entering Washington state, all *Cervidae* must be examined for *Elaphostrongylinae* infection in the absence of anthelmintic treatment that could mask detection of the parasite.

(a) **All *Cervidae* residing for at least six months** west of a line through the eastern boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas must have a negative fecal exam for dorsal-spined larvae made by an approved laboratory using the Baermann technique and be certified that they have not been treated with or exposed to anthelmintics for at least thirty days before testing.

(b) **All *Cervidae* residing for less than six months** west of a line through the eastern boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas must be held in a preentry quarantine for thirty to sixty days and have two fecal tests for dorsal-spined larvae made by an approved laboratory using the Baermann technique.

(i) The first test must be conducted at least thirty days and not more than forty days before the second test.

(ii) Fecal samples of at least thirty grams per sample are to be collected by an accredited veterinarian from the animal's rectum and identified by the animal's official identification number.

(iii) During the thirty-day testing period, test animals must be held in quarantine and isolated from all other *Cervidae* not included in the shipment.

(iv) If any animal tests positive to either of the two fecal tests, neither that animal nor any other animal held in quarantine with the infected animal may be imported into Washington state.

(c) All imported *Cervidae* must be held for one hundred eighty days in an onsite quarantine and be available for inspection by the director during this time.

(d) Every thirty, sixty, ninety, one hundred twenty, one hundred fifty, and one hundred eighty days after arrival, fecal samples from the animals must be tested by the Baermann technique in an approved laboratory and be found negative for dorsal-spined larvae. Animals that test positive for dorsal-spined larvae must either be removed from Washington state or destroyed.

(e) To prevent the presence of the gastropod intermediate hosts of *Elaphostrongylinae* larvae, the quarantine site must be prepared and inspected before the imported animals enter. Preparation includes:

(i) Providing a hard surface, such as asphalt or concrete, on which to keep the animals;

(ii) Spraying the quarantine area with an EPA-registered molluscicide; and

(iii) Spraying a four-meter wide tract around the perimeter of the holding compound with an EPA-registered molluscicide. This perimeter tract must be treated once every five days and within twenty-four hours of precipitation (10 mm or more) to ensure that the gastropod population is kept to zero within the compound.

(8) **Rabies:** Any carnivorous mammal taken from the wild is prohibited from entering Washington state if rabies has been diagnosed in the state of origin during the past twelve months.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-54-018	Official brucellosis vaccines.
WAC 16-54-020	Illegal importation.
WAC 16-54-035	Certification of health—Wild and exotic animals.
WAC 16-54-040	Immediate slaughter cattle and horses.
WAC 16-54-050	Vehicles.
WAC 16-54-120	Dogs and cats.
WAC 16-54-125	Species prohibited by state health department.
WAC 16-54-135	Llamas and alpacas.
WAC 16-54-155	Exotic Newcastle Disease (END) quarantine.

WSR 07-03-174

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

(Medical Assistance)

[Filed January 24, 2007, 11:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-19-078.

Title of Rule and Other Identifying Information: WAC 388-424-0006 Citizenship and alien status—Date of entry.

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 February 27, 2007, at 10:00 a.m.

Date of Intended Adoption: Not earlier than February 28, 2007.

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 schilse@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m. on February 27, 2007.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by February 23, 2007, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at schilse@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Current WAC describes certain groups of "qualified aliens" that are exempt from the five-year ban on receipt of Medicaid, including conditional entrants.

Any newly arriving conditional entrants are not exempt from the five-year ban.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.050, and 74.09.530.

Rule is necessary because of federal law, Medicaid Manual, Chapter 3211.

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, P.O. Box 45531, Olympia, WA 98504-5531, (360) 725-1542.

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

A cost-benefit analysis is not required under RCW 34.05.328. Client eligibility rules for medical assistance are exempt from this requirement according to RCW 34.05.328 (5)(b)(vii).

January 19, 2007

Jim Schnellman, Chief

Office of Administrative Resources

AMENDATORY SECTION (Amending WSR 05-16-055, filed 7/28/05, effective 8/28/05)

WAC 388-424-0006 Citizenship and alien status—Date of entry. (1) A person who physically entered the U.S. prior to August 22, 1996 and who continuously resided in the U.S. prior to becoming a "qualified alien" (as defined in WAC 388-424-0001) is not subject to the five-year bar on TANF, nonemergency Medicaid, and SCHIP.

(2) A person who entered the U.S. prior to August 22, 1996 but became "qualified" on or after August 22, 1996, or who physically entered the U.S. on or after August 22, 1996 and who requires five years of residency to be eligible for federal Basic Food, can only count years of residence during which they were a "qualified alien."

(3) A person who physically entered the U.S. on or after August 22, 1996 is subject to the five-year bar on TANF, nonemergency Medicaid, and SCHIP unless exempt. The five-year bar starts on the date that "qualified" status is obtained.

(4) The following "qualified aliens," as defined in WAC 388-424-0001, are exempt from the five-year bar:

(a) Amerasian lawful permanent residents;

(b) Asylees;

(c) ~~((Conditional entrants;~~

~~((Cuban/Haitian entrants;~~

~~((Persons granted withholding of deportation or removal;~~

~~((Refugees;~~

~~((Victims of trafficking who have been certified or had their eligibility approved by the office of refugee resettlement (ORR); and~~

~~((Lawful permanent residents, parolees, or battered aliens, as defined in WAC 388-424-0001, who are also an armed services member or veteran as described in WAC 388-424-0007.~~

WSR 07-03-180

PROPOSED RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Filed January 24, 2007, 11:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-24-116.

Title of Rule and Other Identifying Information: WAC 232-12-181 Livestock grazing on department of fish and wildlife lands.

Hearing Location(s): Natural Resources Building, 1111 Washington Street S.E., Olympia, WA 98504, on March 9-10, 2007, at 8:00 a.m.

Date of Intended Adoption: April 6, 2007.

Submit Written Comments to: 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 Friday, February 16, 2007.

Assistance for Persons with Disabilities: Contact Susan Yeager by March 6, 2007, TTY (800) 833-6388 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Revises existing WAC to more accurately reflect how the department administers grazing permits and provides flexibility to ensure highest benefits to fish and wildlife from domestic livestock grazing programs on fish and wildlife lands. Proposal amends WAC 232-12-181. It does not change or affect any other WDFW rules or fish and wildlife commission policy.

Reasons Supporting Proposal: Existing WAC language has been interpreted to mean that the Washington department of fish and wildlife will sell grazing permits at public auction to the highest bidder, while providing some flexibility for negotiating grazing permits with individual operators as an option. The reality is that permits sold at public auction are much more difficult to administer and do not reflect how the department prefers to enter into new permits. Most grazing permits are negotiated to ensure the highest benefits to fish and wildlife. This provides much more flexibility for the

department and eliminates any sense of entitlement that a successful bidder might have, if the permit were purchased at an auction. The revised language still allows the department to sell permits at auction.

Existing WAC language only provides for two-week temporary permits. Two-week permits are not sufficient to address most needs for temporary grazing or accommodate pilot grazing projects which may only last a year or less. Most requests for temporary permits come from grazing operators that have been impacted by wildfire or other emergencies and need emergency short-term grazing for one season or less. In 2006, the department began some pilot grazing projects to test various grazing strategies and did not want to issue five-year permits because of the temporary and uncertain nature of a pilot project. Revised WAC language will make it easier to accommodate emergency grazing situations and pilot grazing projects.

Statutory Authority for Adoption: RCW 77.12.210.

Statute Being Implemented: RCW 77.12.210.

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

Name of Proponent: Washington department of fish and wildlife commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Natural Resources Building, (360) 902-2504; and Enforcement: Bruce Bjork, Natural Resources Building, (360) 902-2932.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate grazing and do not directly regulate small business.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

January 23, 2007

Loreva M. Preuss

Rules Coordinator

AMENDATORY SECTION (Amending Order 03-03, filed 1/7/03, effective 2/7/03)

WAC 232-12-181 Livestock grazing on department of fish and wildlife lands. All persons wishing to apply for a grazing permit should contact the Washington Department of Fish and Wildlife, 600 North Capitol Way, Olympia, Washington 98501-1091.

(1) The director is authorized to enter into grazing permits when the director determines that a grazing permit will be consistent with the desired ecological condition for those lands or the department's strategic plan. Except for temporary permits, or permits that are being renewed or renegotiated with existing permittees, each grazing permit shall first be submitted to the commission, which may review the permit to ensure it conforms with commission policy. If, within thirty days, the commission has not disapproved the permit, the director shall be deemed authorized to enter into that permit.

(2) The director shall negotiate grazing permits with potential grazing operators to ensure the highest benefits to fish and wildlife. The director may advertise and sell a permit to use department lands for grazing at public auction to the highest bidder. The director is authorized to reject any and all bids if it is determined to be in the best interest of the

department to do so. ~~((The director may negotiate a grazing permit without using the public auction process only when the director determines that benefits to wildlife would be equal to or greater than the cash or monetary payments foregone.))~~

(3) The term of each grazing permit shall be no greater than five years. When an existing permit expires or is about to expire, ~~((and))~~ the director ~~((wishes to continue to permit grazing on the subject parcel, then a modified public auction process shall be used. A minimum bid based on market value shall be established prior to the public auction. The last previous or the existing permittee shall be provided the option of meeting the highest bid made at public auction))~~ may renew the permit for up to another five years, renegotiate the grazing permit with the existing permittee, negotiate a new permit with a new grazing operator, or sell the permit at public auction to the highest bidder. The director is authorized to reject any and all bids if it is determined to be in the best interest of the department to do so. The director may grant a term longer than five years only with the prior approval of the commission. ~~((The director may permit exceptions to the public auction process only when the director determines that benefits to wildlife would be equal to or greater than the cash or monetary payment foregone.))~~

(4) A temporary permit may be granted by the director to satisfy ~~((an immediate.))~~ short-term needs where benefits to wildlife management programs and the public interest can be demonstrated. The term of a temporary permit shall not exceed ~~((two weeks))~~ one year and no fee need be charged.

(5) Except for temporary permits lasting less than two weeks, each grazing permit proposal shall be accompanied by a domestic livestock grazing management plan that includes a description of ecological impacts, desired ecological condition, fish and wildlife benefits, a monitoring plan, and an evaluation schedule for lands that will be grazed by livestock. The director shall inspect the site of a grazing permit no less than two times each year. The director shall retain the right to alter provisions of the plan to reduce acreage available or the number of animals using the area when such change is, in the judgment of the director, required to benefit fish or wildlife management, public hunting and fishing, or other recreational uses.

(6) The director may cancel a permit (a) for noncompliance with the terms and conditions of the permit, or (b) if the area described in the permit is included in a land use plan determined by the agency to be a higher and better use, or (c) if the property is sold or conveyed, or (d) if damage to wildlife or wildlife habitat occurs.

(7) All lands covered by any grazing permit agreement shall at all times be open to public hunting, fishing and other wildlife recreational uses unless such lands have been closed by action of the commission or emergency order of the director.

WSR 07-03-181
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed January 24, 2007, 11:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-24-117.

Title of Rule and Other Identifying Information: WAC 232-12-021 Importation and retention of dead nonresident wildlife, 232-28-273 2006-2008 Moose, bighorn sheep, and mountain goat seasons and permit quotas, 232-12-289 Official hunting hours for game birds and game animals, 232-28-295 Landowner hunting permits, 232-28-335 Game management units (GMUs) boundary descriptions—Region five, 232-28-351 2006-2008 Deer general seasons and definitions, 232-28-352 2006-2008 Elk general seasons and definitions, 232-28-353 2006 Deer special permits, and 232-28-354 2006 Elk special permits.

Hearing Location(s): Natural Resources Building, 1111 Washington Street S.E., Olympia, WA 98504, on March 9-10, 2007, at 8:00 a.m.

Date of Intended Adoption: April 6, 2007.

Submit Written Comments to: 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 Thursday, February 15, 2007.

Assistance for Persons with Disabilities: Contact Susan Yeager by March 6, 2007, TTY (800) 833-6388 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:

WAC 232-12-021 Importation and retention of dead non-resident wildlife.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed change reduces the risk of importing deer, elk, and moose carcasses from states with chronic wasting disease (CWD) without first being properly processed. Adds the state of Kansas to those states and provinces that trigger additional deer, elk, and moose carcass processing requirements for Washington hunters. Maintains up-to-date restrictions on the importation of deer, elk, and moose from states known to harbor chronic wasting disease in wild populations.

Reasons supporting proposal: Protect native deer, elk, and moose populations from disease threat.

WAC 232-28-273 2006-2008 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This rule amends 2007-2008 seasons and permit quotas for moose, bighorn sheep, and mountain goats. The purpose of the rule is to maximize recreational hunting opportunities for these species while meeting the population and recreational objectives for each herd as indicated in the game management plan. The rule changes include minor statewide permit level changes for moose (+3 permits), bighorn sheep (+1 permits), and mountain goats (+2 permits). The anticipated effect is that populations will either remain stable or increase.

Reasons supporting proposal: Recommended adjustments in permit quotas are based on meeting population objectives for each species as indicated in the game management plan.

WAC 232-12-289 Official hunting hours for game birds and game animals.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Modification of hunting hours will be consistent with federal and state rules adopted in 2005 and 2006.

Reasons supporting proposal: Starting in March 2007, effective dates of daylight savings time in the United States will change. Modifications of official hunting hours in the amendment address these changes. In addition, official hunting hours in Grays Harbor County were amended to conform to the remainder of Goose Management Area 3.

WAC 232-28-295 Landowner hunting permits.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposal identifies permit levels and season dates for landowner hunting permit (LHP) program participants for the 2007 hunting seasons. Permit levels have changed on existing LHPs and hunting opportunity is proposed with two additional LHP cooperators in Yakima and Benton counties.

Reasons supporting proposal: The proposed permits are consistent with the commission's policy on the private lands hunter access program. They will result in general public hunter access on private property and will help mitigate deer and elk foraging on private agricultural lands.

WAC 232-28-335 Game management units (GMUs) boundary descriptions—Region 5.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: A change in road names requires an adjustment in boundary descriptions for GMU 554 Yale and GMU 556 Toutle. GMU boundary rules define legal hunting areas. The GMUs need readily discernable boundaries to direct hunters to appropriate hunting areas. Season dates, bag limits, antler restrictions, and other hunting season regulations are typically specified at the GMU scale. The GMU boundaries are not being changed.

Reasons supporting proposal: The proposed boundary language move will maintain the accuracy of these boundary descriptions.

WAC 232-28-351 2006-2008 Deer general seasons and definitions.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Deer general seasons are set on a three-year basis and may be adjusted annually in response to deer population changes and damage complaints. Changes made to this WAC will: Adjust deer seasons for 2007 in response to deer population changes and damage complaints; provide for recreational harvest; help to reduce agricultural damage; and provides for population control of deer where needed.

Reasons supporting proposal: Provides recreational, deer hunting opportunity and protects deer from overharvest. Addresses deer damage problems.

WAC 232-28-352 2006-2008 Elk general seasons and definitions.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Elk general hunting seasons are set on a three-year basis and may be adjusted annually in response to elk population changes and damage complaints. Changes made to this WAC will: Adjust general seasons for 2007 in response to elk population changes and damage complaints; provide for recreational harvest of elk; help to reduce agricultural damage; and provide for population control of elk where needed.

Reasons supporting proposal: Provides recreational, elk hunting opportunity and protects elk from overharvest. Addresses elk-caused agricultural damage problems.

WAC 232-28-353 2006 Deer special permits.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Deer special permit seasons are assessed annually and adjusted annually in response to deer population changes and agricultural damage complaints. Changes made to this WAC: Adjust special deer permits for 2007 in response to deer population changes and damage complaints; provide for recreational harvest of deer; help to reduce agricultural damage and provide for population control of deer where needed.

Reasons supporting proposal: Provides recreational, deer hunting opportunity and protects deer from overharvest. Addresses deer damage problems.

WAC 232-28-354 2006 Elk special permits.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Elk special permit hunting seasons are assessed annually and are adjusted annually in response to elk population changes and damage complaints. Changes made to this WAC will: Adjust special hunting season elk permits for 2007 in response to elk population changes and damage complaints; provide for recreational harvest of elk; help to reduce agricultural damage; and provide for population control of elk where needed.

Reasons supporting proposal: Provides recreational, elk hunting opportunity and protects elk from overharvest. Addresses agricultural damage caused by elk.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 77.12.047, 77.12.020, 77.12.570.

Statute Being Implemented: RCW 77.12.047, 77.12.-020, 77.12.570.

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

Name of Proponent: Washington department of fish and wildlife commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Natural Resources Building, (360) 902-2504; and Enforcement: Bruce Bjork, Natural Resources Building, (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.

January 23, 2007
 Loreva M. Preuss
 Rules Coordinator

AMENDATORY SECTION (Amending Order 06-92, filed 5/8/06, effective 6/8/06)

WAC 232-28-335 Game management units (GMUs) boundary descriptions—Region five.**GMU 501-LINCOLN (Lewis, Thurston, Pacific, and Grays Harbor counties):**

Beginning at the intersection of I-5 and SR 6; west on SR 6 to Stevens Rd; NW on Stevens Rd to Elk Creek Rd at the town of Doty; W on Elk Creek Rd to Weyerhaeuser 7000 line; W and N on Weyerhaeuser 7000 line to Weyerhaeuser 7400 line; N on Weyerhaeuser 7400 line to Weyerhaeuser 7050 line; NE on Weyerhaeuser 7050 line to Weyerhaeuser 7000 line; NW and N on Weyerhaeuser 7000 line to the Weyerhaeuser 7800 line; N on Weyerhaeuser 7800 line to Weyerhaeuser 7800 F line; NE on Weyerhaeuser 7800 F line to Weyerhaeuser 720 line; E on Weyerhaeuser 720 line to Weyerhaeuser 723 line; NW on Weyerhaeuser 723 line to the Weyerhaeuser C line; NE on Weyerhaeuser C line to Garrard Creek Rd; NE on Garrard Creek Rd to South Bank Rd; E on South Bank Rd to North State St; N on North State St to US Hwy 12 at the town of Oakville; E on US Hwy 12 to I-5; S on I-5 to SR 6 and point of beginning.

GMU 503-RANDLE (Lewis County):

Beginning at the intersection of US Hwy 12 and the Rainier Timber 100 Mainline (Kosmos Rd, Old Champion Haul Rd); E on US Hwy 12 to SR 131; S on SR 131 to US Forest Service Rd 25; S on the US Forest Service Rd 25 to the Cispus River; W on the Cispus River to Rainier Timber 271 line; S on the Rainier Timber 271 line to the Rainier Timber 300 line; W on the Rainier Timber 300 line to the Rainier Timber 100 line; N on the Rainier Timber 100 line (Kosmos Rd) to US Hwy 12 and the point of beginning.

GMU 504-STELLA (Cowlitz County):

Beginning at the mouth of the Cowlitz River on the Columbia River; W down the Columbia River to the mouth of Germany Creek (including all islands in the Columbia River which are both north of the Washington-Oregon state line and between the Cowlitz River and Germany Creek); N up Germany Creek to SR 4; E on SR 4 to Germany Creek Rd; N on Germany Creek Rd to International Paper 1000 line; N on International Paper 1000 line to International Paper 1050 line; E on International Paper 1050 line to International Paper 2200 line; E and S on International Paper 2200 to Woodside Rd; NE on Woodside Dr to Delameter Rd; E on Delameter Dr to the three power lines; N along the three power lines to Weyerhaeuser 9312 line; E on Weyerhaeuser 9312 line to Growlers Gulch Rd; E on Growlers Gulch Rd to Public Highway 10 Rd; E along the Public Highway 10 Rd to the A Street bridge over the Cowlitz River at the town of Castle Rock; S down the Cowlitz River to the Columbia River and point of beginning.

GMU 505-MOSSYROCK (Lewis County):

Beginning on I-5 and the Cowlitz River; NE up the Cowlitz River to the Mayfield Dam; NE along the south shore of Mayfield Lake to the US Hwy 12 bridge; NE on US Hwy 12 to Winston Creek Rd; SE on Winston Creek Rd to Longbell Rd; E on Longbell Rd to Perkins Rd; NE on Perkins Rd to Green Mountain Rd; E on Green Mountain Rd to the outlet of Swofford Pond; E along the Swofford Pond outlet to Riffe Lake; E along the south shore of Riffe Lake to the Cowlitz River; up the Cowlitz River to the Rainier Timber 100 Mainline; N on the Rainier Timber 100 Mainline to US Hwy 12; W on US Hwy 12 to SR 7 at the town of Morton; N on SR 7 to SR 508; W on Highway 508 to Centralia-Alpha Rd; W and N on Centralia-Alpha Rd to Salzer Valley Rd; W on Salzer Valley Rd to Summa St at the town of Centralia; W on Summa St to Kresky Rd; N on Kresky Rd to Tower St; N on Tower St to SR 507; W on SR 507 (Cherry St, Alder St, and Mellen St) to I-5; S on I-5 to the Cowlitz River and point of beginning.

GMU 506-WILLAPA HILLS (Wahkiakum, Pacific and Lewis counties):

Beginning at SR 6 and 3rd St South at the town of Pe Ell; S on 3rd St South to Muller Rd; S on Muller Rd to Weyerhaeuser 1000 line; S on Weyerhaeuser 1000 line to Weyerhaeuser 1800 line; S on Weyerhaeuser 1800 line to Weyerhaeuser 500 line; SE on Weyerhaeuser 500 line to SR 407 (Elochoman Valley Rd) at Camp 2; S on SR 407 (Elochoman Valley Rd) to the Elochoman River; down the Elochoman River to Foster Rd; N on Foster Rd to Risk Rd; W and N along Risk Rd to SR 4; W on SR 4 to Skamokawa Creek; SW down Skamokawa Creek to the Columbia River; W along Columbia River to the mouth of the Deep River (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Deep River); N along the Deep River to SR 4; NW on SR 4 to the Salmon Creek Rd; NE on Salmon Creek Rd to Weyerhaeuser 5000 line; N on Weyerhaeuser 5000 line to Weyerhaeuser 5800 line; NE on Weyerhaeuser 5800 line to power transmission line; N on the power transmission line to SR 6; E on SR 6 to the town of Pe Ell and the point of beginning.

GMU 510-STORMKING (Lewis County):

Beginning on US Hwy 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverbrook Rd to US Forest Service Rd 47; N on US Forest Service Rd 47 to US Forest Service Rd 85; W and N on US Forest Service Rd 85 to US Forest Service Rd 52; N on US Forest Service Rd 52 to the Nisqually River; W down the Nisqually River to SR 7; S on Hwy 7 to US Hwy 12 at the town of Morton; E on US Hwy 12 to the Silver Creek bridge and point of beginning.

GMU 513-SOUTH RAINIER (Lewis County):

Beginning on US Hwy 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverdale Rd to US Forest Service Rd 47; N on US Forest Service Rd 47 to US Forest Service Rd 85; W and N on US Forest Service Rd 85 to US Forest Service Rd 52; W and N on US Forest Service Rd 52 to the Nisqually River; E up the Nisqually River to the southern boundary of Mount Rainier National Park; E along the south park boundary to the Pacific Crest Trail (US Forest Service Trail 2000); S along the Pacific Crest Trail (US For-

est Service Trail 2000) to US Hwy 12; W on US Hwy 12 to the Silver Creek bridge and point of beginning.

GMU 516-PACKWOOD (Lewis and Skamania counties):

Beginning at US Hwy 12 and Pacific Crest Trail at White Pass; S on Pacific Crest Trail (US Forest Service Trail 2000) to US Forest Service Trail 98 at Sheep Lake; W on US Forest Service Trail 98 to US Forest Service Rd 2160 at Walupt Lake; W on US Forest Service Rd 2160 to US Forest Service Rd 21; S and W on US Forest Service Rd 21 to US Forest Service Rd 23; S on US Forest Service Rd 23 to US Forest Service Trail 263; S and W on US Forest Service Trail 263 to US Forest Service Trail 261; S on US Forest Service Trail 261 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Rd 99; W on US Forest Service Rd 99 to US Forest Service Rd 26; N on US Forest Service Rd 26 to US Forest Service Rd 2612; W on US Forest Service Rd 2612 to US Forest Service Trail 217; N and W on US Forest Service Trail 217 to Weyerhaeuser 2600 line; Weyerhaeuser 2600 line to Weyerhaeuser 2658 line; N on Weyerhaeuser 2658 line to Rainier Timber (Campbell Group) 430 line; N on Rainier Timber 430 line to the Rainier Timber Mainline 400 line; N and E on Rainier Timber Mainline 400 line to Rainier Timber 300 line; E on Rainier Timber 300 line to Rainier Timber 271 line; N on Rainier Timber 271 line to the Cispus River; E on the Cispus River to US Forest Service Rd 25; N on US Forest Service Rd 25 to SR 131; N on SR 131 to US Hwy 12; E on US Hwy 12 to the Pacific Crest Trail (US Forest Service Trail 2000) at White Pass and beginning.

GMU 520-WINSTON (Cowlitz, Lewis and Skamania counties):

Beginning at the bridge at intersection of I-5 and the Cowlitz River; S down the Cowlitz River to the Toutle River; E up the Toutle River to the South Fork Toutle River; SE up South Fork Toutle River to Johnson Creek; NE up Johnson Creek to Weyerhaeuser 4400 line; N along Weyerhaeuser 4400 line to Weyerhaeuser 2421 line; N along Weyerhaeuser 2421 line to Weyerhaeuser 2400 line; NW along Weyerhaeuser 2400 line to Alder Creek; NW down Alder Creek to North Fork Toutle River; W down the North Fork Toutle River to the Green River; E up the Green River to US Forest Service Rd 2612; E on US Forest Service Rd 2612 to US Forest Service Trail 217; N and W on US Forest Service Trail 217 to Weyerhaeuser 2600 line; W on Weyerhaeuser 2600 line to Weyerhaeuser 2658 line; N on Weyerhaeuser 2658 line to Rainier Timber (Campbell Group) 430 line; N on Rainier Timber 430 line to Rainier Timber 400 Mainline; N and E on Rainier Timber 400 Mainline to Rainier Timber 100 Mainline; N on Rainier Timber 100 Mainline to Cowlitz River; W down the Cowlitz River to Riffe Lake; W along the south shore to the Swofford Pond outlet; W along the Swofford Pond outlet to Green Mountain Rd; W on Green Mountain Rd to Perkins Rd; SW on Perkins Rd to Longbell Rd; W on Longbell Rd to Winston Creek Rd; NW on Winston Creek Rd to US Hwy 12; SW on US Hwy 12 to the Mayfield Lake bridge at Mayfield Lake; SW down the south shore of Mayfield Lake to the Cowlitz River at Mayfield Dam; SW down the Cowlitz River to I-5 bridge crossing the Cowlitz River and point of beginning.

GMU 522-LOO-WIT (Cowlitz and Skamania counties):

Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; SE up the North Fork Toutle River to Deer Creek; SE up Deer Creek to Weyerhaeuser 3020 line; NW along Weyerhaeuser 3020 line to Weyerhaeuser 3000 line; E along Weyerhaeuser 3000 line to US Forest Service Trail 216G; SE along US Forest Service Trail 216G to the intersection of US Forest Service Trail 238 and US Forest Service Trail 216; S on US Forest Service Trail 238 to South Fork of the Toutle River; E along South Fork Toutle River to its headwaters and Mount St. Helens crater's edge; E along the Mount St. Helens crater's southern edge to the headwaters of Ape Canyon Creek; NE down Ape Canyon Creek to US Forest Service Trail 225 (Smith Creek Trail); N and NW on US Forest Service Trail 225 (Smith Creek Trail) to US Forest Service Rd 99; NE along US Forest Service Rd 99 to US Forest Service Rd 26; N on US Forest Service Rd 26 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Trail 214; NW on US Forest Service Trail 214 to US Forest Service Trail 211; W on US Forest Service Trail 211 to Coldwater Creek; W down Coldwater Creek to Coldwater Lake; SW along the northwest shore of Coldwater Lake to the outlet of Coldwater Lake; SW down the outlet stream from Coldwater Lake to SR 504 bridge at mile post 45; W on SR 504 to Hoffstadt Creek Bridge on Hoffstadt Creek; S and W down Hoffstadt Creek to the North Fork Toutle River and point of beginning.

GMU 524-MARGARET (Cowlitz, Skamania and Lewis counties):

Beginning on the North Fork Toutle River at the mouth of the Green River; SE up the North Fork Toutle River to the mouth of Hoffstadt Creek; N and E up Hoffstadt Creek to the SR 504 bridge over Hoffstadt Creek; E on SR 504 to the bridge over the outlet to Coldwater Lake at mile post 45; NE up the outlet stream of Coldwater Lake to Coldwater Lake; NE along the northwest shoreline of Coldwater Lake to Coldwater Creek inlet; E up Coldwater Creek to US Forest Service Trail 211; NE on US Forest Service Trail 211 to US Forest Service Trail 214; SE on US Forest Service Trail 214 to US Forest Service Trail 1; E on US Forest Service Trail 1 to US Forest Service Rd 26; N on the US Forest Service Rd 26 (Ryan Lake Rd) to US Forest Service Rd 2612; W on US Forest Service Rd 2612 to the Green River; W down the Green River to its mouth on the North Fork of the Toutle River and point of beginning.

GMU 530-RYDERWOOD (Cowlitz, Lewis and Wahkiakum counties):

Beginning at Stevens Rd and SR 6, south of the town of Doty; E on SR 6 to I-5 at the town of Chehalis; S on I-5 to the Cowlitz River; S along the Cowlitz River to Public Hwy 10 on the A Street bridge at the town of Castle Rock; W on the Public Hwy 10 to Growler's Gulch Rd; W on Growler's Gulch Rd to Weyerhaeuser 9312 line; W on Weyerhaeuser 9312 line to three power lines; S on the three power lines to Delameter Rd; SW on Delameter Rd to Woodside Dr; SW on Woodside Dr to International Paper Rd 2200; N and W on International Paper Rd 2200 to International Paper Rd 1050; W on International Paper Rd 1050 to International Paper Rd 1000; S on International Paper Rd 1000 to the Germany Creek Rd; S on the Germany Creek Rd to SR 4; W on SR 4 to Germany

Creek; S along Germany Creek to its mouth at the Columbia River; W along the Columbia River to Skamokawa Creek (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Germany Creek); NE up Skamokawa Creek to SR 4; E on SR 4 to Risk Rd; SE on Risk Rd to Foster Rd; S on Foster Rd to the Elochoman River; SE up the Elochoman River to SR 407 (Elochoman Valley Rd); NE on SR 407 (Elochoman Valley Rd) to Weyerhaeuser 500 line at Camp 2; NW on Weyerhaeuser 500 line to Weyerhaeuser 1800 line; N on Weyerhaeuser 1800 line to Weyerhaeuser 1000 line; N on Weyerhaeuser 1000 line to Muller Rd; N on Muller Rd to 3rd St South in the town of Pe Ell; N on 3rd St South to SR 6 at the town of Pe Ell; N on SR 6 to Stevens Rd, south of the town of Doty, and the point of beginning.

GMU 550-COWEEMAN (Cowlitz County):

Beginning at the mouth of the Toutle River on the Cowlitz River; E along the Toutle River to the South Fork Toutle River; up the South Fork Toutle River to Weyerhaeuser 4100 line; E on Weyerhaeuser 4100 line to Weyerhaeuser 4950 line; S and E on Weyerhaeuser 4950 line to Weyerhaeuser 235 line; SE on Weyerhaeuser 235 line to Weyerhaeuser 200 line; W on Weyerhaeuser 200 line to Weyerhaeuser 240 line; SE on Weyerhaeuser 240 line to Weyerhaeuser 243 line; E on Weyerhaeuser 243 line to Weyerhaeuser 135A line; S on Weyerhaeuser 135A line to Weyerhaeuser 135 line; E on Weyerhaeuser 135 line to Weyerhaeuser 134 line; SW on Weyerhaeuser 134 line to Weyerhaeuser 133 line; SW on Weyerhaeuser 133 line to Weyerhaeuser 130 line; SW on Weyerhaeuser 130 line to Weyerhaeuser 1680 line; W on Weyerhaeuser 1680 line to Weyerhaeuser 1600 line; SE on Weyerhaeuser 1600 line to Weyerhaeuser 1400 line; W on Weyerhaeuser 1400 line to Weyerhaeuser 1420 line which is the Kalama/Coweeman Summit; SE on Weyerhaeuser 1420 line to Weyerhaeuser 1426 line; W on Weyerhaeuser 1426 line to Weyerhaeuser 1428 line; SW on Weyerhaeuser 1428 line to Weyerhaeuser 1429 line which turns into Weyerhaeuser 6400 line; SW down Weyerhaeuser 6400 line to Weyerhaeuser 6000 line; E on Weyerhaeuser 6000 line to Weyerhaeuser 6450 line; SE for approximately one mile on Weyerhaeuser 6450 line (crossing the Kalama River) to Weyerhaeuser 6452 line; SE on Weyerhaeuser 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; W on SR 503 to Cape Horn Creek; SE down Cape Horn Creek to Merwin Reservoir; SW along the north shore of Merwin Reservoir to the Lewis River; SW down the Lewis River to the power transmission lines in Section 4, T5N, R2E; NW along the power transmission lines to Northwest Natural Gas Pipeline located east of the town of Kalama, approximately 1/2 mile east of China Gardens Rd; N up the Natural Gas Pipeline right of way to Ostrander Creek; W down Ostrander Creek to the Cowlitz River; N on the Cowlitz River to the Toutle River and point of beginning.

GMU 554-YALE (Cowlitz and Clark counties):

Beginning on SR 503 at its crossing of Cape Horn Creek; E on SR 503 to Weyerhaeuser 6600 line (Rock Creek Rd); NE on Weyerhaeuser 6600 line (Rock Creek Rd) to Weyerhaeuser 6690 Rd; N and E on Weyerhaeuser 6690 line to (~~Weyerhaeuser 6696 line; N on Weyerhaeuser 6696 line to~~) West

Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of the Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to Dog Creek; S down Dog Creek to Yale Reservoir; S and W along western shore of Reservoir to Yale Dam and the North Fork Lewis River; W along the northern shore of the North Fork Lewis River to State Route 503 bridge crossing; S and W along SR 503 to N.E. 221st Ave; N about 1/4 mile on N.E. 221st Ave to N.E. Cedar Creek Rd; W along N.E. Cedar Creek Rd to N.E. Pup Creek Rd; N on N.E. Pup Creek Rd to N.E. Buncome Hollow Rd; N about 1/4 mile on N.E. Buncome Hollow Rd to electrical transmission line; S and W on the electrical transmission line to the north shore of the North Fork Lewis River; NE along the north shore of the North Fork Lewis River to Merwin Reservoir at the Merwin Dam; NE along the north shore of Merwin Reservoir to Cape Horn Creek; NW up Cape Horn Creek to SR 503 and the point of beginning.

GMU 556-TOUTLE (Cowlitz County):

Beginning on the intersection of SR 503 (Lewis River Rd) and US Forest Service Rd 81 (Merrill Lake Rd); N on US Forest Service Rd 81 to Weyerhaeuser 7200 line; NW on Weyerhaeuser 7200 line to Weyerhaeuser 7400 line; N on Weyerhaeuser 7400 line to Weyerhaeuser 5500 line; E and N on Weyerhaeuser 5500 line to Weyerhaeuser 5670 line; N and E on Weyerhaeuser 5670 line to Weyerhaeuser 5660 line; N on Weyerhaeuser 5660 line about a 1/4 mile to the South Fork Toutle River; E on the South Fork Toutle River to US Forest Service Trail 238; N on US Forest Service Trail 238 to the intersection of US Forest Service Trail 216 and US Forest Service Trail 216G; NW on US Forest Service Trail 216G to Weyerhaeuser 3000 line; W on Weyerhaeuser 3000 line to Weyerhaeuser 3020 line; SE on Weyerhaeuser 3020 line to Deer Creek; NW down Deer Creek to the North Fork Toutle River; down the North Fork Toutle River to Alder Creek; up Alder Creek to Weyerhaeuser 2400 line; S on Weyerhaeuser 2400 line to Weyerhaeuser 2421 line; S on Weyerhaeuser 2421 line to Weyerhaeuser 4400 line; S and W along Weyerhaeuser 4400 line to Johnson Creek; S along Johnson Creek to the South Fork Toutle River; SE up the South Fork Toutle River to Weyerhaeuser 4100 line; E on Weyerhaeuser 4100 line to the Weyerhaeuser 4950 line; S and E on Weyerhaeuser 4950 line to Weyerhaeuser 235 line; SE on Weyerhaeuser 235 line to Weyerhaeuser 200 line; W on Weyerhaeuser 200 line to Weyerhaeuser 240 line; SE on Weyerhaeuser 240 line to Weyerhaeuser 243 line; E on Weyerhaeuser 243 line to Weyerhaeuser 135A line; S on Weyerhaeuser 135A line to Weyerhaeuser 135 line; E on Weyerhaeuser 135 line to Weyerhaeuser 134 line; SW on Weyerhaeuser 134 line to Weyerhaeuser 133 line; SW on Weyerhaeuser 133 line to Weyerhaeuser 130 line; SW on Weyerhaeuser 130 line to Weyerhaeuser 1680 line; W on Weyerhaeuser 1680 line to Weyerhaeuser 1600 line; SE on Weyerhaeuser 1600 line to Weyerhaeuser 1400 line; W on Weyerhaeuser 1400 line to Weyerhaeuser 1420 line which is the Kalama/Coweeman Summit; SE on Weyerhaeuser 1420 line to Weyerhaeuser 1426 line; W on Weyerhaeuser 1426 line to Weyerhaeuser 1428 line; SW on Weyerhaeuser 1428 line to Weyerhaeuser 1429 line; SW on Weyerhaeuser 1429 line to Weyerhaeuser 6400 line; SW on Weyerhaeuser 6400 line to Weyerhaeuser 6000 line; E on Weyerhaeuser 6000 line to Weyerhaeuser

6450 line; SE for approximately one mile on Weyerhaeuser 6450 line (crossing the Kalama River) to Weyerhaeuser 6452 line; SE on Weyerhaeuser 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; E on SR 503 to Weyerhaeuser 6600 line (Rock Creek Rd); NE on Weyerhaeuser 6600 line (Rock Creek Rd) to Weyerhaeuser 6690 Rd; N and E on Weyerhaeuser 6690 line to ~~((Weyerhaeuser 6696 line; N on Weyerhaeuser 6696 line to))~~ West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to US Forest Service Rd 81 and point of beginning.

GMU 560-LEWIS RIVER (Cowlitz, Skamania, Klickitat, Yakima and Lewis counties):

Beginning on SR 141 and Mount Adams Recreational Area Rd at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service Rd 80 (Mount Adams Recreational Area Rd); N on US Forest Service Rd 80 (Mount Adams Recreational Area Rd) to US Forest Service Rd 82 (Mount Adams Recreational Area Rd); N on US Forest Service Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); N along the Yakama Indian reservation boundary (Cascade Mountain Range Crest) to US Forest Service Trail 2000 (Pacific Crest Trail) in Section 3, T11N, R11E; S on US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Trail 98 at Sheep Lake; W on US Forest Service Trail 98 to US Forest Service Rd 2160 at Walupt Lake; W on US Forest Service Rd 2160 to US Forest Service Rd 21; S and W on US Forest Service Rd 21 to US Forest Service Rd 23; S on US Forest Service Rd 23 to US Forest Service Trail 263; S and W on US Forest Service Trail 263 to US Forest Service Trail 261; S on US Forest Service Trail 261 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Rd 99; S and W on US Forest Service Rd 99 to US Forest Service Trail 225 (Smith Creek Trail); S on US Forest Service Trail 225 to Ape Canyon Creek; S and W up Ape Canyon Creek to Mount St. Helens crater's eastern edge; W along Mount St. Helens crater's southern edge to headwaters of S Fork Toutle River; W along S Fork Toutle River to Weyerhaeuser 5660 line; S along Weyerhaeuser 5660 line to Weyerhaeuser 5670 line; S and W on Weyerhaeuser 5670 line to Weyerhaeuser 5500 line; S and W on Weyerhaeuser 5500 line to Weyerhaeuser 7400 line; S and E on Weyerhaeuser 7400 line to Weyerhaeuser 7200 line; S and E on Weyerhaeuser 7200 line to US Forest Service Rd 81; S on US Forest Service Rd 81 to State Route 503; N and E on State Route 503 to Dog Creek; S down Dog Creek to the N shore of Yale Reservoir; E along N shore of Yale Reservoir to N Fork Lewis River; E up the Lewis River to Swift Dam and Swift Reservoir; E along the N shore of Swift Reservoir to N Fork Lewis River; E up N Fork Lewis River to US Forest Service Rd 90 Bridge (Eagle Cliff); E on US Forest Service Rd 90 to US Forest Service Rd 51 (Curly Creek Rd); SE on US Forest Service Rd 51 (Curly Creek Rd) to US Forest Service Rd 30; NE on US Forest Service Rd 30 to US Forest Service Rd 24; SE on US Forest Service Rd 24 to SR 141; NE on SR 141 to Mount Adams Recreational Area Rd, at the town of Trout Lake and point of beginning.

GMU 564-BATTLE GROUND (Clark, Skamania, and Cowlitz counties):

Beginning at the mouth of Ostrander Creek on the Cowlitz River; E up Ostrander Creek approximately 1 1/2 miles to the second Northwest Natural Gas Pipeline right of way crossing Ostrander Creek, east of the railroad crossing; S along the Northwest Natural Gas Pipeline right of way to the power transmission lines right of way located east of the town of Kalama, approximately 1/2 mile east of China Garden Rd; SE along the power transmission lines right of way across the north fork of the Lewis River in the northeast corner of Section 4, T5N, R2E to N.E. Buncome Hollow Rd; S on N.E. Buncome Hollow Rd to N.E. Pup Creek Rd; S on N.E. Pup Creek Rd to N.E. Cedar Creek Rd; E on N.E. Cedar Creek Rd to 221st Ave; S along 221st Ave about 1/4 mile to SR 503; SE along SR 503 to N.E. Amboy Rd; S on N.E. Amboy Rd to N.E. Yacolt Rd; E on Yacolt Rd to Railroad Ave; SE on Railroad Ave to Lucia Falls Rd; W on Lucia Falls Rd to Hantwick Rd; SE on Hantwick Rd to Basket Flats Rd; W on Basket Flats Rd to N.E. 197th Ave; S on N.E. 197th Ave to N.E. 279th St; W on N.E. 279th St to N.E. 182nd Ave; S on N.E. 182nd Ave to N.E. 259th St; E on N.E. 259th St to N.E. 220th Ave; S on N.E. 220th Ave to N.E. Cresap Rd; SE on N.E. Cresap Rd to N.E. 222nd Ave; S on N.E. 222nd Ave to N.E. Allworth Rd; E on N.E. Allworth Rd to NE 232nd Ave; S on N.E. 232nd Ave to N.E. 237th St; E on N.E. 237th St to N.E. 240th Ave; S on N.E. 240th Ave to N.E. Berry Rd; NE on N.E. Berry Rd to the DNR L-1410 Rd; SE on L-1410 Rd to the DNR L-1400 Rd; W on L-1400 Rd to N.E. Rawson Rd; W on N.E. Rawson Rd to N.E. Powell Rd; SW on N.E. Powell Rd to N.E. 212th Ave; S on N.E. 212th Ave to N.E. 109th St; E on N.E. 109th St to N.E. 222nd Ave; S on N.E. 222nd Ave to N.E. 83rd St; W on N.E. 83rd St to N.E. 217th Ave; S on N.E. 217th Ave to N.E. 68th St; E on N.E. 68th St to N.E. 232nd Ave; S on N.E. 232nd Ave to SR 500; SE on SR 500 to N.E. 53rd St; E on N.E. 53rd St to N.E. 292nd Ave; S on N.E. 292nd Ave to N.E. Ireland Rd; E on N.E. Ireland Rd to N.E. Stauffer Rd; SW on N.E. Stauffer Rd to N.E. 292nd Ave; S on N.E. 292nd Ave to N.E. Reilly Rd; SW on N.E. Reilly Rd to N.E. Blair Rd; SE on N.E. Blair Rd to N.E. Zeek Rd; E on N.E. Zeek Rd to N.E. 10th St; E on N.E. 10th St to N.E. 312th Ave; S on N.E. 312th Ave to N.E. 9th St; E on N.E. 9th St to N.E. 322nd Ave; N on N.E. 322nd Ave to N.E. Ammeter Rd; NE on N.E. Ammeter Rd approximately 1/8th mile to the power transmission lines; E along the northern margin of the power transmission lines to N.E. Hughes Rd; N on N.E. Hughes Rd to N.E. 392nd Ave; N on N.E. 392nd Ave to N.E. 28th St; E on N.E. 28th St to N.E. Miller Rd; NE on N.E. Miller Rd to N.E. 39th St; E on N.E. 39th St to Skye Rd; SE on Skye Rd to Washougal River Rd; S on Washougal River Rd to SR 140; SE on SR 140 to Cape Horn Rd; S on Cape Horn Rd to Columbia River; W down the Columbia River to the Cowlitz River (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and the Cowlitz River); N along Cowlitz River to Ostrander Creek and point of beginning.

GMU 568-WASHOUGAL (Clark and Skamania counties):

Beginning on the Lewis River at SR 503; E on Lewis River (Cowlitz-Clark County line) to Canyon Creek; SE along Canyon Creek to N.E. Healy Rd; E on N.E. Healy Rd to US Forest Service Rd 54; E on US Forest Service Rd 54 to US Forest Service Rd 37; NW on US Forest Service Rd 37 to US Forest Service Rd 53; S on US Forest Service Rd 53 to US Forest Service Rd 4205 (Gumboat Rd); S on US Forest Service Rd 4205 to US Forest Service Rd 42 (Green Fork Rd); SW on US Forest Service Rd 42 to US Forest Service Rd 41 at Sunset Falls; E on US Forest Service Rd 41 to US Forest Service Rd 406 at Little Lookout Mountain; SE on US Forest Service Rd 406 to the boundary of the Gifford Pinchot National Forest; due E on the national forest boundary to Rock Creek; SE along Rock Creek to the Columbia River at the town of Stevenson; W down the Columbia River to the Cape Horn Rd (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and Rock Creek); N on Cape Horn Rd to SR 140; W on SR 140 to Washougal River Rd; E on Washougal River Rd to Skye Rd; NW on Skye Rd to N.E. 39th St; W on N.E. 39th St to N.E. Miller Rd; SW on N.E. Miller Rd to N.E. 28th St; W on N.E. 28th St to N.E. 392nd Ave; S on N.E. 392nd Ave to N.E. Hughes Rd; S on N.E. Hughes Rd approximately 1/8th mile to the power transmission lines; W along the northern margin of the power transmission lines to N.E. Ammeter Rd; SW on N.E. Ammeter Rd to N.E. 322nd Ave; S on N.E. 322nd Ave to N.E. 9th St; W on N.E. 9th St to N.E. 312th Ave; N on N.E. 312th Ave to N.E. 10th St; W on N.E. 10th St to N.E. Zeek Rd; W on N.E. Zeek Rd to N.E. Blair Rd; NW on N.E. Blair Rd to N.E. Reilly Rd; NE on N.E. Reilly Rd to N.E. 292nd Ave; NE on N.E. 292nd Ave to N.E. Stauffer Rd; NE on N.E. Stauffer Rd to N.E. Ireland Rd; W on N.E. Ireland Rd to N.E. 292nd Ave; N on N.E. 292nd Ave to N.E. 53rd St; W on N.E. 53rd St to SR 500; NW on SR 500 to N.E. 232nd Ave; N on N.E. 232nd Ave to N.E. 68th St; W on N.E. 68th St to N.E. 217th Ave; N on N.E. 217th Ave to N.E. 83rd St; E on N.E. 83rd St to N.E. 222nd Ave; N on N.E. 222nd Ave to NE 109th St; W on N.E. 109th St to N.E. 212th Ave; N on N.E. 212th Ave to N.E. Powell Rd; NE on N.E. Powell Rd to N.E. Rawson Rd; E on Rawson Rd to DNR L-1400 Rd; E on DNR L-1400 Rd to DNR L-1410 Rd; NW on DNR L-1410 Rd to N.E. Berry Rd; SW on N.E. Berry Rd to N.E. 240th Ave; N on N.E. 240th Ave to N.E. 237th St; W on N.E. 237th St to N.E. 232nd Ave; N on N.E. 232nd Ave to N.E. Allworth Rd; W on N.E. Allworth Rd to N.E. 222nd Ave; N on N.E. 222nd Ave to N.E. Cresap Rd; NW on N.E. Cresap Rd to N.E. 220th Ave; N on N.E. 220th Ave to N.E. 259th St; W on N.E. 259th St to N.E. 182nd Ave; N on N.E. 182nd Ave to N.E. 279th St; E on N.E. 279th St to N.E. 197th Ave; N on N.E. 197th Ave to N.E. Basket Flats Rd; E on N.E. Basket Flats Rd to N.E. Hantwick Rd; NW on N.E. Hantwick Rd to Lucia Falls Rd; E on Lucia Falls Rd to Railroad Ave; NW on Railroad Ave to N.E. Yacolt Rd; W on N.E. Yacolt Rd to N.E. Amboy Rd; N on N.E. Amboy Rd to N.E. 221st Ave; N on 221st Ave to SR 503; NE along SR 503 to the Lewis River and point of beginning.

GMU 572-SIOUXON (Skamania and Clark counties):

Beginning at the Yale Dam at Yale Lake; N then E along the shore of Yale Lake to the Lewis River; NE along the Lewis River to Swift Reservoir; E along the north shore Swift Reservoir to US Forest Service Rd 90 at the Eagle Cliff bridge; E on US Forest Service Rd 90 to US Forest Service Rd 51 (Curly Creek Rd); SE on US Forest Service Rd 51 to US Forest Service Rd 30 (Wind River Rd); N on US Forest Service Rd 30 to US Forest Service Rd 24 (Twin Butte Rd); S on US Forest Service Rd 24 to US Forest Service Rd 60 (Carson Guler Rd); SW on US Forest Service Rd 60 to US Forest Service Rd 65; SW on US Forest Service Rd 65 to the Wind River Rd; NW on the Wind River Rd to Hemlock Rd at the town of Stabler; W on Hemlock Rd to US Forest Service Rd 41 (Sunset-Hemlock Rd); W on the US Forest Service Rd 41 to US Forest Service Road 42 (Green Fork Rd) at Sunset Falls; NE on US Forest Service Rd 42 to US Forest Service Rd 4205 (Gumboat Rd); N on US Forest Service Rd 4205 to US Forest Service Rd 53; NW on US Forest Service Rd 53 to US Forest Service Rd 54 (N.E. Healy Rd); W on US Forest Service Rd 54 to Canyon Creek; N down Canyon Creek to the Lewis River; NE up the Lewis River to the Yale Dam and the point of beginning.

GMU 574-WIND RIVER (Skamania and Klickitat counties):

Beginning at SR 141 and US Forest Rd 86, SW of the town of Trout Lake; S on US Forest Service Rd 86 to US Forest Service Rd 1840; S on US Forest Service Rd 1840 to US Forest Service Rd 18 (Oklahoma Rd); S on US Forest Service Rd 18 to Willard Rd, at the town of Willard; E on Willard Rd to the Little White Salmon River; S down the Little White Salmon River to the Columbia River; W down the Columbia River to the mouth of Rock Creek (including all islands in the Columbia River that are both north of the Washington state line and between the Little White Salmon River and Rock Creek); NW along Rock Creek through the town of Stevenson to the southern boundary of the Gifford Pinchot National Forest; W along the southern boundary of the Gifford Pinchot National Forest to US Forest Service Rd 4100-406; NW on US Forest Service Rd 4100-406 to the US Forest Service Rd 41 (Sunset-Mowich Rd) at Little Lookout Mountain; E on US Forest Service Rd 41 to Hemlock Rd; E on Hemlock Rd to Wind River Rd at the town of Stabler; SE on Wind River Rd to Old State Rd; E on Old State Rd to US Forest Service Rd 65 (Panther Creek Rd); N on US Forest Service Rd 65 to US Forest Service Road 60 (Carson-Guler); NE on US Forest Service 60 to US Forest Service 24 (also called Carson-Guler); E on US Forest Service Rd 24 to SR 141; NE, E and SE on SR 141 to US Forest Service Rd 86, SW of the town of Trout Lake, and the point of beginning.

GMU 578-WEST KLICKITAT (Klickitat, Yakima, and Skamania counties):

Beginning at the mouth of the Little White Salmon River on the Columbia River; N up the Little White Salmon River to Willard Road bridge, E of Willard; W on Willard Rd to US Forest Service Rd 18 (Oklahoma Rd); N on US Forest Service Rd 18 to US Forest Service 1840; N on US Forest Service Rd 1840 to US Forest Service Rd 86; N on US Forest Service Road 86 to SR 141; NE on SR 141 to Mount Adams

Recreation Area Road, at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service Rd 80 (Mount Adams Recreational Area Rd); N on US Forest Service Rd 80 (Mount Adams Recreational Area Rd) to US Forest Service Rd 82 (Mount Adams Recreational Area Rd); N on US Forest Service Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); S along the Yakama Indian Reservation boundary to the Reservation's SW corner at King Mountain (Section 27, T7N, R11E); E along the Yakama Indian Reservation boundary to the end of King Mountain Rd, about 1 mile; N along the Yakama Indian Reservation boundary to its corner in Section 2, T7N, R11E; E along the Yakama Indian Reservation boundary to the NE corner of Section 4, T7N, R12E; SE along the Yakama Indian Reservation boundary to Summit Creek Rd; SW on Summit Creek Rd to Glenwood-Goldendale Hwy; NW on Glenwood-Goldendale Hwy to Lakeside Rd; S on Lakeside Rd to Fisher Hill Rd (P-2000); S on Fisher Hill Rd to the Fisher Hill bridge crossing the Klickitat River; S and SW down the Klickitat River to the Columbia River; W down the Columbia River to the mouth of the Little White Salmon River and the point of beginning (including all islands in the Columbia River which are both north of the Washington state line and between the Klickitat River and the Little White Salmon River).

AMENDATORY SECTION (Amending Order 06-92, filed 5/8/06, effective 6/8/06)

WAC 232-28-351 2006-2008 Deer general seasons and definitions.

Bag Limit: One (1) deer per hunter during the license year except where otherwise permitted by Fish and Wildlife Commission rule.

Hunting Method: Hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Any Buck Deer Seasons: Open only to the taking of deer with visible antlers (buck fawns illegal).

Antler Point: To qualify as an antler point, the point must be at least one inch long measured on the longest side.

Antler Restrictions: APPLIES TO ALL HUNTERS DURING ANY GENERAL SEASON AND DESIGNATED SPECIAL PERMIT SEASONS! Buck deer taken in antler restricted GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Eye guards are antler points when they are at least one inch long.

2 Point minimum GMUs: 437, 574, 578, 636, 654, and 681.

3 Point minimum GMUs: All mule deer in 100, 200, and 300 series GMUs; white-tailed deer in GMUs 127, 130, 133, 136, 139, 142, 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, and 186.

Permit Only Units: The following GMUs require a special permit to hunt deer: 290 (Desert), 329 (Quilomene), 371 (Alkali), and 485 (Green River).

GMUs Closed to Deer Hunting: 157 (Mill Creek Watershed), 490 (Cedar River), and 522 (Loo-wit).

Black-tailed Deer: Any member of black-tailed/mule deer (species *Odocoileus hemionus*) found west of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to Klickitat County; in Klickitat County along the Yakama Indian Reservation boundary to Summit Creek Rd; southwest on Summit Creek Rd to the Glenwood-Goldendale Highway; northwest on the Glenwood-Goldendale Highway to Lakeside Rd; south on Lakeside Rd to Fisher Hill Rd (P-2000); south on Fisher Hill Rd to Fisher Hill bridge crossing Klickitat River; southwest down Klickitat River to the Columbia River.

Mule Deer: Any member of black-tailed/mule deer (species *Odocoileus hemionus*) found east of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to Klickitat County; in Klickitat County along the Yakama Indian Reservation boundary to Summit Creek Rd; southwest on Summit Creek Rd to the Glenwood-Goldendale Highway;

northwest on the Glenwood-Goldendale Highway to Lakeside Rd; south on Lakeside Rd to Fisher Hill Rd (P-2000); south on Fisher Hill Rd to Fisher Hill bridge crossing Klickitat River; southwest down Klickitat River to the Columbia River.

White-tailed Deer: Means any white-tailed deer (member of the species *Odocoileus virginianus*) except the Columbian whitetail deer (species *Odocoileus virginianus leucurus*).

MODERN FIREARM DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: Valid modern firearm deer tag on his/her person for the area hunted.

Hunting Method: Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow or muzzleloader, but only during modern firearm seasons.

Hunt Season	2006 Dates	2007 Dates	2008 Dates	Game Management Units (GMUs)	Legal Deer
HIGH BUCK HUNTS					
	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten ((and)), Olympic Peninsula, and Henry Jackson Wilderness Areas and Lake Chelan Recreation Area ((and that part of the Henry Jackson Wilderness Area west of the Pacific Crest Trail))	3 pt. min.
GENERAL SEASON HUNTS					
Western Washington Blacktail Deer	Oct. 14-31	Oct. 13-31	Oct. 11-31	407, 418, 426, 448 through 466, 501 through 520, 524 through 556, 560, 568, 572, 601 through 633, 638 through 673, 684	Any buck
				GMUs 410, 564, Deer Areas 4013, 4926, and 6014	Any deer
				437, 574, 578, 636, 654, 681	2 pt. min.
Eastern Washington Whitetail Deer	Oct. 14-27	Oct. 13-26	Oct. 11-24	105 through 124	Any whitetail buck
	Oct. 14-22	Oct. 13-21	Oct. 11-19	All 200 and 300 series GMUs except permit-only in 290, 329, and 371	Any whitetail buck
	Oct. 14-29	Oct. 13-28	Oct. 11-26	101, 204	Any whitetail buck
	Oct. 14-22	Oct. 13-21	Oct. 11-19	127 through 154, 162 through 186 379	Whitetail, 3 pt. min. Any white-tailed deer
Eastern Washington Mule Deer	Oct. 14-22	Oct. 13-21	Oct. 11-19	All 100, 200, and 300 series GMUs, except permit only in GMUs 290, 329, and 371, and closed in GMU 157 379	Mule deer, 3 pt. min. Any mule deer
	Oct. 14-27	Oct. 13-26	Oct. 11-24	373, 382, 388	Mule deer, 3 pt. min.
LATE BUCK HUNTS					
Western Washington Blacktail Deer	Nov. 16-19	Nov. 15-18	Nov. 13-16	407, 410, 454, 466, and 500, and 600 series GMUs except closed in GMUs 522, 574, and 578	Any buck except 2 pt. min. in GMUs 636, 654, and 681
	Nov. 16-19	Nov. 15-18	Nov. 13-16	GMUs 410 and 564, Deer Areas 4013, 4926, 6014	Any deer
Eastern Washington Whitetail Deer	Nov. 6-19	Nov. 5-19	Nov. 3-19	105 through 124	Any whitetail buck
YOUTH & DISABLED HUNTERS					
Eastern Washington Whitetail Deer	Oct. 28 - Nov. 5	Oct. 27 - Nov. 4	Oct. 25 - Nov. 2	105 through 124	Whitetail, antlerless only

Hunt Season	2006 Dates	2007 Dates	2008 Dates	Game Management Units (GMUs)	Legal Deer
HUNTERS 65 AND OVER, DISABLED, OR YOUTH SEASONS					
Eastern Washington Whitetail Deer	Oct. 14-27 & Nov. 6-19	Oct. 13-26 & Nov. 5-19	Oct. 11-24 & Nov. 3-19	105 through 124	Any whitetail deer
	Oct. 14-29	Oct. 13-28	Oct. 11-26	101	Any whitetail deer
	Oct. 14-22	Oct. 13-21	Oct. 11-19	127 through 142, 145 through 154, 162, and 172 through 181	Whitetail, 3 pt. min. or antlerless
ADVANCED HUNTER EDUCATION (AHE) MASTER HUNTER SEASON					
Eastern Washington Whitetail Deer	Dec. 9-15	Dec. 9-15	Dec. 9-15	GMUs 130-142	Whitetail, antlerless only

ARCHERY DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: Valid archery deer tag on his/her person for the area hunted.

Special Notes: Archery tag holders can only hunt during archery seasons with archery equipment (WAC 232-12-054).

Hunt Area	2006 Dates	2007 Dates	2008 Dates	Game Management Units (GMUs)	Legal Deer
Early Archery Deer Seasons					
Western Washington Blacktail Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	407 through 426, 448 through 466, 501 through 520, 524 through 556, 560, 564, 568, 572, 601 through 633, 638 through 653, 658 through 673, 684 and 699	Any Deer, except buck only in GMUs 460, 503, 506, 530, 550, 673
				437, 574, 578, 636, 654, 681	2 pt. min. or antlerless
Eastern Washington Mule Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	105 through 127, 162, 163, 166, 169, 243, 328, 334 through 340, 346 through 368, 382	3 pt. min.
				142 through 154, and 172 through 186, Deer Area 1010, 244 through 247, 249 through 251, 260, 372, 373, 382 , 388	3 pt. min. or antlerless
				379, 381	Any mule deer
	Sept. 1-15	Sept. 1-15	Sept. 1-15	101, 130 through 139, 204 through 242, 248, 254, 262, 266, 269, 272, 278, 284((, 328, 334 through 340, 346 through 368, 382))	3 pt. min.
Sept. 16-30	Sept. 16-30	Sept. 16-30	101, 130 through 139, 204 through 242, 248, 254, 262, 266, 269, 272, 278, 284((, 328, 334 through 340, 346 through 368, 382))	3 pt. min. or antlerless	
Eastern Washington Whitetail Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	101 through 124, 204 through 284, 379, 381	Any whitetail deer
				127 through 154, 162 through 186	Whitetail, 3 pt. min. or antlerless
Late Archery Deer Seasons					
Western Washington Blacktail Deer	Nov. 22 - Dec. 8	Nov. 21 - Dec. 8	Nov. 19 - Dec. 8	437, 654	2 pt. min. or antlerless
	Nov. 22 - Dec. 15	Nov. 21 - Dec. 15	Nov. 19 - Dec. 15	636, 681	2 pt. min. or antlerless
	Nov. 22 - Dec. 15	Nov. 21 - Dec. 15	Nov. 19 - Dec. 15	466, 510 through 520, 524, 556, 601, 607 through 618, 638, 648, and 699	Any deer
	Nov. 22 - Dec. 15	Nov. 21 - Dec. 15	Nov. 19 - Dec. 15	460, 506, 530, 560, 572	Buck only
	Nov. 22 - Dec. 31	Nov. 21 - Dec. 31	Nov. 19 - Dec. 31	407, 410, 454, 505, 564, 603, 624, 627, 642, 652, 660 through 672	Any deer
Eastern Washington Mule Deer	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	209, 215, 233, 243, 346, 352, 364, 368	3 pt. min.
				145, 163, 178, 250	3 pt. min. or antlerless
				272, 278, ((346, 352, 364, 368,)) 373, 381, 388	3 pt. min. or antlerless
	Nov. 20-30	Nov. 20-30	Nov. 20-30	133, 136	Antlerless
Dec. 9-31	Dec. 9-31	Dec. 9-31	Dear Area 1021	3 pt. min. or antlerless	
Eastern Washington Whitetail Deer	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	101	Any whitetail deer

Hunt Area	2006 Dates	2007 Dates	2008 Dates	Game Management Units (GMUs)	Legal Deer
	Nov. 20 - Dec. 15	Nov. 20 - Dec. 15	Nov. 20 - Dec. 15	105, 108, 117, 121, 124	Any whitetail deer
				127	3 pt. min. or antlerless whitetail
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	145, 163, 178	3 pt. min. or antlerless whitetail
				204, 209, 215, 233, 243, 250, 272, 278	Any whitetail deer
	Nov. 20-30	Nov. 20-30	Nov. 20-30	133, 136	Antlerless

MUZZLELOADER DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: Valid muzzleloader deer tag on his/her person for the area hunted.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment.

Hunt Area	2006 Dates	2007 Dates	2008 Dates	Game Management Units (GMUs)	Legal Deer
High Buck Hunts	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Peninsula Wilderness areas, Lake Chelan Recreation Area and that part of the Henry Jackson Wilderness Area west of the Pacific Crest Trail	3 pt. min.
Early Muzzleloader Deer Seasons					
Western Washington Blacktail Deer	Oct. 7-13	Oct. 6-12	Oct. 4-10	407, 418, 426, 448, 450, 501, 504, 505, 513, 520, 530, 554, 568, 603, 612, 624, 638, 642, 660, 663, 672, 673, 684	Any buck
				410, 454, 564, 627, 652, 666, Deer Area 4926	Any deer
				437, 578	2 pt. min.
Eastern Washington Whitetail Deer	Oct. 7-13	Oct. 6-12	Oct. 4-10	204, 209, 233, 239, 242, 243, 244, 245, 246, 250, 251, 278, 284	Whitetail, any buck
				133, 142, 145, 149, 181, 381	Whitetail, 3 pt. min. or antlerless
				101 through 124, 379	Whitetail, any deer
Eastern Washington Mule Deer	Oct. 7-13	Oct. 6-12	Oct. 4-10	101 through 124, 133, 142, 145, 149, 181, 204, 209, 233, 239, 242, 243, 244, 245, 246, 250, 251, 284, 328, 330 through 342, 352 through 360, 368, 382	Mule deer, 3 pt. min.
				278, 381	Mule deer, 3 pt. min. or antlerless
				379	Any mule deer
Late Muzzleloader Deer Seasons					
Western Washington Blacktail Deer	Nov. 22 - Dec. 15	Nov. 21 - Dec. 15	Nov. 19 - Dec. 15	407, 410, 501, 504, 564, 633, 651, 666, 673, 684, and Deer Area 4926	Any deer
				654	2 pt. min.
				460, 550, 602	Any buck
	Dec. 1-15	Dec. 1-15	Dec. 1-15	578	2 pt. min.
Eastern Washington Whitetail Deer	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	113, 379	Whitetail, any deer
				172, 181	Whitetail, 3 pt. min. or antlerless
	Nov. 20-30	Nov. 20-30	Nov. 20-30	130, 139	Whitetail, 3 pt. min. or antlerless
Eastern Washington Mule Deer	Nov. 20-30	Nov. 20-30	Nov. 20-30	382	3 pt. min.
				130	Antlerless
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	379	Any mule deer

AMENDATORY SECTION (Amending Order 05-271, filed 1/3/06, effective 2/3/06)

WAC 232-12-021 Importation and retention of dead nonresident wildlife. It is unlawful:

(1) To import or possess dead wildlife, taken in another state or country, into Washington unless such wildlife was acquired lawfully. Proof of legal acquisition must be retained during the period of retention of the carcass or edible parts. Violation of this subsection is punishable under RCW 77.15.290.

(2) For a person who imports a dead mountain sheep, mountain goat, cougar or bear to fail to report such importation to the department in writing within ten days of the importation. The report must contain the name and address of the importer, the location where the dead wildlife is being stored and general information describing where and how the wildlife was obtained. Violation of this subsection is punishable under RCW 77.15.290.

(3) To import or possess deer, elk, or moose, or parts thereof, harvested in Colorado, Wyoming, Utah, New Mexico, Wisconsin, Illinois, South Dakota, Nebraska, Kansas, New York, West Virginia, Alberta, and Saskatchewan with the following exceptions:

- (a) Meat that has been deboned in the state or province where it was harvested and is imported as boned out meat;
- (b) Skulls and antlers, antlers attached to the skull plate, or upper canine teeth (buglers, whistlers, ivories) from which all soft tissue has been removed;
- (c) Hides or capes without heads attached;
- (d) Tissue imported for use by a diagnostic or research laboratory;
- (e) Finished taxidermy mounts.

Violation of this subsection is punishable under RCW 77.15.290.

(4) To fail to notify the department within twenty-four hours if an importer or receiver of deer or elk is notified by a state or province that a harvested animal has tested positive

for chronic wasting disease. Violation of this subsection is an infraction punishable under RCW 77.15.160.

AMENDATORY SECTION (Amending Order 06-300, filed 12/14/06, effective 1/14/07)

WAC 232-28-295 Landowner hunting permits. A landowner may enter into a contract with the department and establish boundaries and other requirements for hunter access consistent with commission policy.

Hunters must possess both an access permit from the landowner and a hunting permit from the department when hunting on lands and for species covered under contract.

(1) Buckrun

Buckrun is located in Grant County, near the town of Wilson Creek. A legal description of the property has been filed with the county and is in the contract between Buckrun and the department.

Hunting on Buckrun is managed for a quality experience by scheduling hunt dates and keeping the number of hunters in the field low. Hunters with limited flexibility for hunt dates may experience scheduling problems. Hunters can generally expect one day hunts (~~((during the permit seasons))~~) with written authorization from the Buckrun manager. All hunters must check in and out on hunt day. Schedule hunts in advance by calling 509-345-2577.

~~((Mule and Whitetail))~~ **Deer**

~~((2006))~~ **2007 Buckrun Landowner Hunting Permits**

The manager of Buckrun will distribute these hunting permits. An access fee may be charged in order to utilize these permits. No access fee will be charged for the raffle permit winners. Only hunters possessing a modern firearm deer tag are eligible for permits on Buckrun properties. Contact the manager at 509-345-2577 for additional information.

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - ((Oct. 12)) <u>Dec. 31</u>	Antlerless ((only)) <u>Mule Deer or any Whitetail Deer</u>	Buckrun
((Buckrun	15	Oct. 22 - Dec. 31	Antlerless only	Buckrun
Buckrun	13	Sept. 1 - Oct. 12	3 pt. max. buck* or antlerless	Buckrun
Buckrun	13	Oct. 22 - Dec. 31	3 pt. max. buck* or antlerless	Buckrun))
Buckrun	((4)) <u>30</u>	Sept. 1 - Dec. 31	Any deer	Buckrun
Buckrun Raffle	((2)) <u>10</u>	Sept. 1 - Dec. 31	Any deer ((3 day guided hunt))	Buckrun

~~((Mule and Whitetail))~~ **Deer**

~~((2006))~~ **2007 Buckrun Special Hunting Permits**

Hunters apply to Washington department of fish and wildlife for these permits. Only hunters possessing a modern firearm deer tag are eligible for Buckrun special permits. ~~((Hunters can generally expect one day hunts during the permit season with written authorization from the Buckrun manager.))~~ All hunters must check in and out on hunt day. Schedule hunts in advance by calling 509-345-2577.

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Buckrun ((A))	10	Sept. 1 - ((Oct. 12)) <u>Dec. 31</u>	Antlerless ((only youth hunters))	Buckrun
((Buckrun B	10	Sept. 1 - Oct. 12	Antlerless only disabled hunters	Buckrun

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Buckrun C	5	Oct. 22 - Dec. 31	Antlerless only senior hunters (65+)	Buckrun
Buckrun D	4	Sept. 1 - Oct. 12	3 pt. max. buck* or antlerless	Buckrun
Buckrun E	4	Oct. 22 - Dec. 31	3 pt. max. buck* or antlerless	Buckrun

*3 Pt. maximum - A legal buck must have no more than 3 antler points on either antler (i.e., 1x1, 1x2, 1x3, 2x2, 2x3, 3x3 are legal). All antler points must be at least one inch long. Antler points EXCLUDE eye guards.)

(2) 4-O Cattle Company

((2006)) 2007 4-O Cattle Company Landowner Hunting Permits

The manager of the 4-O Cattle Company will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

Elk

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
4-O Cattle Company	1	Sept. 14-24	Any Bull	4-O Cattle Company

Whitetail Deer

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
4-O Cattle Company	1	Nov. 14-24	Any Whitetail Buck	4-O Cattle Company

((2006)) 2007 4-O Cattle Company Special Hunting Permits

Hunters apply to the Washington department of fish and wildlife for these permits.

Elk

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
4-O Bull Elk	1	Oct. 22 - Nov. 4	Any Bull	4-O Ranch
4-O Antlerless Elk A	33	Aug. 17-23	Antlerless Only	4-O Grouse Flats
4-O Antlerless Elk B	8	Aug. 17-23	Antlerless Only	4-O Mountain View
<u>4-O Antlerless Elk C</u>	<u>33</u>	<u>Aug. 24-31</u>	<u>Antlerless Only</u>	<u>4-O Grouse Flats</u>
<u>4-O Antlerless Elk D</u>	<u>8</u>	<u>Aug. 24-31</u>	<u>Antlerless Only</u>	<u>4-O Mountain View</u>

Whitetail Deer

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
4-O White-tailed Buck	1	Nov. 14-24	Any White-tailed Buck	4-O Ranch

(3) Silver Dollar

2007 Silver Dollar Landowner Hunting Permits

Silver Dollar is located in Yakima and Benton counties, on the western edge of the Hanford Reservation. A legal description of the property is in the contract between Silver Dollar and the department. The manager of Silver Dollar will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

Elk

<u>Hunt Name</u>	<u>Quota</u>	<u>Access Season</u>	<u>Special Restrictions</u>	<u>Boundary Description</u>
Silver Dollar	24	Aug. 1 - March 31	Any Bull	Silver Dollar
Silver Dollar	20	Aug. 1 - March 31	Antlerless	Silver Dollar

2007 Silver Dollar Special Hunting Permits

Hunters apply to the Washington department of fish and wildlife for these permits.

Elk

<u>Hunt Name</u>	<u>Permit Number</u>	<u>Permit Season</u>	<u>Special Restrictions</u>	<u>Boundary Description</u>
Silver Dollar Bull Elk	8	Aug. 1 - March 31	Any Bull	Silver Dollar

<u>Hunt Name</u>	<u>Permit Number</u>	<u>Permit Season</u>	<u>Special Restrictions</u>	<u>Boundary Description</u>
Silver Dollar Antlerless Elk	20	Aug. 1 - March 31	Antlerless Only	Silver Dollar

(4) Blackrock Orchards

2007 Blackrock Orchards Landowner Hunting Permits

Blackrock Orchards is located in Yakima County, west of the Hanford Reservation. A legal description of the property is in the contract between Blackrock Orchards and the department. The manager of Blackrock Orchards will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

Elk

<u>Hunt Name</u>	<u>Quota</u>	<u>Access Season</u>	<u>Special Restrictions</u>	<u>Boundary Description</u>
Blackrock Orchards	6	Aug. 1 - March 31	Any Bull	Blackrock Orchards
Blackrock Orchards	8	Aug. 1 - March 31	Antlerless	Blackrock Orchards

2007 Silver Dollar Special Hunting Permits

Hunters apply to the Washington department of fish and wildlife for these permits.

Elk

<u>Hunt Name</u>	<u>Permit Number</u>	<u>Permit Season</u>	<u>Special Restrictions</u>	<u>Boundary Description</u>
Blackrock Orchards Bull Elk	2	Aug. 1 - March 31	Any Bull	Blackrock Orchards
Blackrock Orchards Antlerless Elk	8	Aug. 1 - March 31	Antlerless Only	Blackrock Orchards

(5) Teanaway Ranch

2007 Teanaway Ranch Landowner Hunting Permits

The Teanaway Ranch is located in Kittitas County, 7 miles west of Cle Elum. A legal description of the property is in the contract between the Teanaway Ranch and the department. The manager of the Teanaway Ranch will distribute this hunting permit. An access fee may be charged in order to utilize this permit.

Elk

<u>Hunt Name</u>	<u>Quota</u>	<u>Access Season</u>	<u>Special Restrictions</u>	<u>Boundary Description</u>
Teanaway Ranch	1	Aug. 1 - March 31	Any Bull	Teanaway Ranch

2007 Teanaway Ranch Special Hunting Permits

Hunters apply to the Washington department of fish and wildlife for this permit.

ELK

<u>Hunt Name</u>	<u>Quota</u>	<u>Access Season</u>	<u>Special Restrictions</u>	<u>Boundary Description</u>
Teanaway Ranch	1	Aug. 1 - March 31	Any Bull	Teanaway Ranch

AMENDATORY SECTION (Amending Order 03-23, filed 3/5/03, effective 4/5/03)

WAC 232-12-289 Official hunting hours for game birds and game animals.

(1) OFFICIAL HUNTING HOURS

FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*

WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SUNDAY

Dates (Inclusive)	Western Washington			Eastern Washington		
	A.M.	to	P.M.	A.M.	to	P.M.
	Daylight Savings Time					
Sun. Sept. 1 -	Sun. Sept. 8	6:00	7:45	5:45	7:30	
Mon. Sept. 9 -	Sun. Sept. 15	6:10	7:30	6:00	7:15	
Mon. Sept. 16 -	Sun. Sept. 22	6:20	7:15	6:10	7:00	
Mon. Sept. 23 -	Sun. Sept. 29	6:30	7:00	6:20	6:45	
Mon. Sept. 30 -	Sun. Oct. 6	6:40	6:45	6:30	6:35	
Mon. Oct. 7 -	Sun. Oct. 13	6:50	6:30	6:40	6:20	

(1) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SUNDAY

Dates (Inclusive)					Western Washington from		Eastern Washington from	
					A.M.	to P.M.	A.M.	to P.M.
Mon.	Oct. 14	-	Sun.	Oct. 20	7:00	6:20	6:50	6:05
Mon.	Oct. 21	-	((Sat.))	Oct. ((26)) 27	7:10	6:05	7:00	5:55
<u>Mon.</u>	<u>Oct. 28</u>	=	<u>Sat.</u>	<u>Nov. 2</u>	<u>7:20</u>	<u>5:55</u>	<u>7:10</u>	<u>5:50</u>
Pacific Standard Time								
Mon.	Oct. 28	-))	Sun.	Oct. 27	6:10	5:05	6:00	4:55
Mon.	Nov. 4	-	Sun.	Nov. 3	6:20	4:55	6:10	4:50
Mon.	Nov. 11	-	Sun.	Nov. 10	6:30	4:45	6:20	4:30
Mon.	Nov. 18	-	Sun.	Nov. 17	6:40	4:35	6:30	4:20
Mon.	Nov. 25	-	Sun.	Nov. 24	6:50	4:25	6:40	4:15
Mon.	Nov. 25	-	Sun.	Dec. 1	7:00	4:20	6:50	4:10
Mon.	Dec. 2	-	Sun.	Dec. 8	7:10	4:20	7:00	4:10
Mon.	Dec. 9	-	Sun.	Dec. 15	7:15	4:20	7:05	4:10
Mon.	Dec. 16	-	Sun.	Dec. 22	7:20	4:20	7:10	4:10
Mon.	Dec. 23	-	Sun.	Dec. 29	7:25	4:25	7:10	4:15
Mon.	Dec. 30	-	Sun.	Jan. 5	7:25	4:30	7:15	4:15
Mon.	Jan. 6	-	Sun.	Jan. 12	7:25	4:35	7:15	4:25
Mon.	Jan. 13	-	Sun.	Jan. 19	7:20	4:45	7:10	4:35
Mon.	Jan. 20	-	Sun.	Jan. 26	7:15	4:55	7:05	4:45
Mon.	Jan. 27	-	Fri.	Jan. 31	7:10	5:05	7:00	4:55

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- (b) Clark (except areas south of the Washougal River), Cowlitz, ~~((Grays Harbor,))~~ Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- (c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(2) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

Dates (Inclusive)					Western Washington from		Eastern Washington from	
					A.M.	to P.M.	A.M.	to P.M.
Daylight Savings Time								
Mon.	Sept. 1	-	Sun.	Sept. 7	6:00	7:45	5:45	7:30
Mon.	Sept. 8	-	Sun.	Sept. 14	6:10	7:30	5:50	7:20
Mon.	Sept. 15	-	Sun.	Sept. 21	6:20	7:15	6:10	7:05
Mon.	Sept. 22	-	Sun.	Sept. 28	6:30	7:00	6:15	6:50
Mon.	Sept. 29	-	Sun.	Oct. 5	6:40	6:45	6:30	6:35
Mon.	Oct. 6	-	Sun.	Oct. 12	6:50	6:30	6:40	6:25
Mon.	Oct. 13	-	Sun.	Oct. 19	7:00	6:20	6:50	6:10
Mon.	Oct. 20	-	((Sat.))	Oct. ((25)) 26	7:10	6:10	7:00	5:55
<u>Mon.</u>	<u>Oct. 27</u>	=	<u>Sat.</u>	<u>Nov. 1</u>	<u>7:20</u>	<u>5:55</u>	<u>7:15</u>	<u>5:45</u>

(2) OFFICIAL HUNTING HOURS
 FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

Dates (Inclusive)	Western Washington			Eastern Washington		
	A.M.	to	P.M.	A.M.	to	P.M.
	Pacific Standard Time					
Mon. Oct. 27 -)) Sun.	6:15		5:00	6:00		4:50
Mon. Nov. 2	6:20		4:55	6:15		4:45
Mon. Nov. 3	6:30		4:45	6:20		4:30
Mon. Nov. 10	6:40		4:35	6:30		4:25
Mon. Nov. 17	6:50		4:30	6:40		4:15
Mon. Nov. 24	7:00		4:20	6:50		4:10
Mon. Dec. 1	7:10		4:20	7:00		4:10
Mon. Dec. 8	7:15		4:20	7:05		4:05
Mon. Dec. 15	7:20		4:20	7:10		4:10
Mon. Dec. 22	7:25		4:25	7:10		4:10
Mon. Dec. 29	7:25		4:30	7:15		4:15
Mon. Jan. 5	7:25		4:35	7:15		4:25
Mon. Jan. 12	7:25		4:45	7:10		4:35
Mon. Jan. 19	7:20		4:55	7:05		4:45
Mon. Jan. 26	7:10		5:00	7:00		4:55

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- (b) Clark (except areas south of the Washougal River), Cowlitz, (~~Grays Harbor~~) Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- (c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(3) OFFICIAL HUNTING HOURS
 FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON TUESDAY

Dates (Inclusive)	Western Washington			Eastern Washington		
	A.M.	to	P.M.	A.M.	to	P.M.
	Daylight Savings Time					
Tues. Sept. 1	6:00		7:45	5:50		7:35
Mon. Sept. 7	6:10		7:35	6:00		7:20
Mon. Sept. 14	6:20		7:20	6:05		7:05
Mon. Sept. 21	6:30		7:05	6:15		6:50
Mon. Sept. 28	6:40		6:50	6:25		6:35
Mon. Oct. 5	6:45		6:35	6:35		6:25
Mon. Oct. 12	6:55		6:20	6:45		6:10
Mon. Oct. 19	7:05		6:10	6:55		6:00
<u>Mon. Oct. 26</u>	<u>7:20</u>		<u>5:55</u>	<u>7:05</u>		<u>5:45</u>
	Pacific Standard Time					
Mon. Oct. 26 -)) Sun.	6:10		5:00	6:00		4:50
Mon. Nov. 1	6:20		4:55	6:05		4:45
Mon. Nov. 2	6:30		4:45	6:15		4:35

(3) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON TUESDAY

Dates (Inclusive)					Western Washington from			Eastern Washington from		
					A.M.	to	P.M.	A.M.	to	P.M.
Mon.	Nov. 9	-	Sun.	Nov. 15	6:40		4:35	6:30		4:25
Mon.	Nov. 16	-	Sun.	Nov. 22	6:50		4:30	6:40		4:15
Mon.	Nov. 23	-	Sun.	Nov. 29	7:00		4:25	6:45		4:10
Mon.	Nov. 30	-	Sun.	Dec. 6	7:10		4:20	6:55		4:10
Mon.	Dec. 7	-	Sun.	Dec. 13	7:15		4:20	7:05		4:05
Mon.	Dec. 14	-	Sun.	Dec. 20	7:20		4:20	7:10		4:10
Mon.	Dec. 21	-	Sun.	Dec. 27	7:25		4:20	7:15		4:10
Mon.	Dec. 28	-	Sun.	Jan. 3	7:30		4:30	7:15		4:15
Mon.	Jan. 4	-	Sun.	Jan. 10	7:25		4:35	7:15		4:25
Mon.	Jan. 11	-	Sun.	Jan. 17	7:25		4:45	7:10		4:30
Mon.	Jan. 18	-	Sun.	Jan. 24	7:20		4:55	7:05		4:40
Mon.	Jan. 25	-	Sat.	Jan. 31	7:10		5:00	7:00		4:50

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- (b) Clark (except areas south of the Washougal River), Cowlitz, (~~Grays Harbor~~) Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- (c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(4) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON WEDNESDAY

Dates (Inclusive)					Western Washington from			Eastern Washington from		
					A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time										
Wed.	Sept. 1	-	Sun.	Sept. 5	6:00		7:45	5:50		7:35
Mon.	Sept. 6	-	Sun.	Sept. 12	6:10		7:35	5:55		7:20
Mon.	Sept. 13	-	Sun.	Sept. 19	6:15		7:20	6:05		7:10
Mon.	Sept. 20	-	Sun.	Sept. 26	6:25		7:05	6:15		6:55
Mon.	Sept. 27	-	Sun.	Oct. 3	6:35		6:50	6:25		6:40
Mon.	Oct. 4	-	Sun.	Oct. 10	6:45		6:40	6:35		6:25
Mon.	Oct. 11	-	Sun.	Oct. 17	6:55		6:25	6:45		6:10
Mon.	Oct. 18	-	Sun.	Oct. 24	7:05		6:10	6:55		6:00
Mon.	Oct. 25	-	(Sat.) <u>Sun.</u>	Oct. (30) <u>31</u>	7:15		6:00	7:05		5:45
<u>Mon.</u>	<u>Nov. 1</u>	=	<u>Sat.</u>	<u>Nov. 6</u>	<u>7:25</u>		<u>5:50</u>	<u>7:15</u>		<u>5:35</u>
Pacific Standard Time										
(Sun.)	Oct. 31	-)	Sun.	Nov. 7	6:25		4:50	6:15		4:35
Mon.	Nov. 8	-	Sun.	Nov. 14	6:40		4:40	6:25		4:25
Mon.	Nov. 15	-	Sun.	Nov. 21	6:50		4:30	6:35		4:20
Mon.	Nov. 22	-	Sun.	Nov. 28	7:00		4:25	6:45		4:10
Mon.	Nov. 29	-	Sun.	Dec. 5	7:05		4:20	6:55		4:10
Mon.	Dec. 6	-	Sun.	Dec. 12	7:15		4:20	7:05		4:05

(4) OFFICIAL HUNTING HOURS
 FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON WEDNESDAY

Dates (Inclusive)					Western Washington from			Eastern Washington from		
	A.M.	to	P.M.	A.M.	to	P.M.	A.M.	to	P.M.	
Mon. Dec. 13 - Sun. Dec. 19	7:20		4:20	7:10		4:05				
Mon. Dec. 20 - Sun. Dec. 26	7:25		4:20	7:15		4:10				
Mon. Dec. 27 - Sun. Jan. 2	7:25		4:25	7:15		4:15				
Mon. Jan. 3 - Sun. Jan. 9	7:25		4:35	7:15		4:20				
Mon. Jan. 10 - Sun. Jan. 16	7:25		4:40	7:10		4:30				
Mon. Jan. 17 - Sun. Jan. 23	7:20		4:50	7:10		4:40				
Mon. Jan. 24 - Mon. Jan. 31	7:10		5:00	7:00		4:50				

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- (b) Clark (except areas south of the Washougal River), Cowlitz, ((Grays Harbor,)) Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- (c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(5) OFFICIAL HUNTING HOURS
 FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON THURSDAY

Dates (Inclusive)					Western Washington from			Eastern Washington from		
	A.M.	to	P.M.	A.M.	to	P.M.	A.M.	to	P.M.	
Daylight Savings Time										
Thur. Sept. 1 - Sun. Sept. 4	6:00		7:45	5:45		7:35				
Mon. Sept. 5 - Sun. Sept. 11	6:05		7:35	5:55		7:25				
Mon. Sept. 12 - Sun. Sept. 18	6:15		7:20	6:05		7:10				
Mon. Sept. 19 - Sun. Sept. 25	6:25		7:10	6:10		6:55				
Mon. Sept. 26 - Sun. Oct. 2	6:35		6:55	6:25		6:40				
Mon. Oct. 3 - Sun. Oct. 9	6:45		6:40	6:35		6:25				
Mon. Oct. 10 - Sun. Oct. 16	6:55		6:25	6:45		6:15				
Mon. Oct. 17 - Sun. Oct. 23	7:05		6:10	6:55		6:00				
Mon. Oct. 24 - ((Sat.)) <u>Sun.</u> Oct. ((29)) <u>30</u>	7:15		6:00	7:05		5:50				
<u>Mon.</u> <u>Oct. 31</u> - <u>Sat.</u> <u>Nov. 5</u>	<u>7:25</u>		<u>5:50</u>	<u>7:15</u>		<u>5:35</u>				
Pacific Standard Time										
Mon. Oct. 31 - Sun. Nov. 6	6:20		4:55	6:10		4:45				
Mon. Nov. 7 - Sun. Nov. 13	6:25		4:50	6:15		4:35				
Mon. Nov. 14 - Sun. Nov. 20	6:35		4:40	6:25		4:25				
Mon. Nov. 21 - Sun. Nov. 27	6:45		4:30	6:35		4:20				
Mon. Nov. 28 - Sun. Dec. 4	6:55		4:25	6:45		4:10				
Mon. Dec. 5 - Sun. Dec. 11	7:05		4:20	6:55		4:10				
Mon. Dec. 12 - Sun. Dec. 18	7:15		4:20	7:00		4:05				
Mon. Dec. 19 - Sun. Dec. 25	7:20		4:20	7:10		4:05				
Mon. Dec. 26 - Sun. Jan. 1	7:25		4:20	7:10		4:10				
Mon. Dec. 26 - Sun. Jan. 1	7:25		4:25	7:15		4:15				
Mon. Jan. 2 - Sun. Jan. 8	7:25		4:30	7:15		4:20				

(5) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON THURSDAY

Dates (Inclusive)					Western Washington from			Eastern Washington from		
					A.M.	to	P.M.	A.M.	to	P.M.
Mon.	Jan. 9	-	Sun.	Jan. 15	7:25		4:40	7:10		4:30
Mon.	Jan. 16	-	Sun.	Jan. 22	7:20		4:50	7:10		4:40
Mon.	Jan. 23	-	Sun.	Jan. 29	7:15		5:00	7:00		4:50
Mon.	Jan. 30	-	Tues.	Jan. 31	7:10		5:05	6:55		4:55

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- (b) Clark (except areas south of the Washougal River), Cowlitz, ((Grays Harbor,)) Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- (c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(6) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON FRIDAY

Dates (Inclusive)					Western Washington from			Eastern Washington from		
					A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time										
Fri.	Sept. 1	-	Sun.	Sept. 3	6:00		7:50	5:45		7:35
Mon.	Sept. 4	-	Sun.	Sept. 10	6:05		7:40	5:55		7:25
Mon.	Sept. 11	-	Sun.	Sept. 17	6:15		7:25	6:05		7:10
Mon.	Sept. 18	-	Sun.	Sept. 24	6:25		7:10	6:10		7:00
Mon.	Sept. 25	-	Sun.	Oct. 1	6:35		6:55	6:20		6:45
Mon.	Oct. 2	-	Sun.	Oct. 8	6:45		6:40	6:30		6:30
Mon.	Oct. 9	-	Sun.	Oct. 15	6:55		6:25	6:40		6:15
Mon.	Oct. 16	-	Sun.	Oct. 22	7:05		6:15	6:50		6:00
Mon.	Oct. 23	-	((Sat.))	Oct. ((28)) 29	7:10		6:05	7:00		5:50
<u>Sun.</u>										
<u>Mon.</u>	<u>Oct. 30</u>	-	<u>Sat.</u>	<u>Nov. 4</u>	<u>7:25</u>		<u>5:50</u>	<u>7:10</u>		<u>5:40</u>
Pacific Standard Time										
Mon.	Oct. 30	-))	Sun.	Nov. 5	6:25		4:50	6:10		4:40
Mon.	Nov. 6	-	Sun.	Nov. 12	6:35		4:40	6:25		4:30
Mon.	Nov. 13	-	Sun.	Nov. 19	6:45		4:30	6:35		4:20
Mon.	Nov. 20	-	Sun.	Nov. 26	6:55		4:25	6:45		4:15
Mon.	Nov. 27	-	Sun.	Dec. 3	7:05		4:20	6:55		4:10
Mon.	Dec. 4	-	Sun.	Dec. 10	7:15		4:20	7:00		4:05
Mon.	Dec. 11	-	Sun.	Dec. 17	7:20		4:20	7:10		4:05
Mon.	Dec. 18	-	Sun.	Dec. 24	7:25		4:20	7:10		4:10
Mon.	Dec. 25	-	Sun.	Dec. 31	7:25		4:25	7:15		4:10
Mon.	Jan. 1	-	Sun.	Jan. 7	7:30		4:30	7:15		4:20
Mon.	Jan. 8	-	Sun.	Jan. 14	7:25		4:40	7:15		4:30
Mon.	Jan. 15	-	Sun.	Jan. 21	7:20		4:50	7:10		4:40
Mon.	Jan. 22	-	Sun.	Jan. 28	7:15		5:00	7:00		4:50

(6) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON FRIDAY

Dates (Inclusive)					Western Washington from		Eastern Washington from	
					A.M.	to P.M.	A.M.	to P.M.
Mon.	Jan. 29	-	Wed.	Jan. 31	7:10	5:05	6:55	4:50

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- (b) Clark (except areas south of the Washougal River), Cowlitz, (~~Grays Harbor~~) Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- (c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(7) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SATURDAY

Dates (Inclusive)					Western Washington from		Eastern Washington from	
					A.M.	to P.M.	A.M.	to P.M.
Daylight Savings Time								
Sat.	Sept. 1	-	Sun.	Sept. 2	6:00	7:50	5:45	7:40
Mon.	Sept. 3	-	Sun.	Sept. 9	6:05	7:40	5:50	7:30
Mon.	Sept. 10	-	Sun.	Sept. 16	6:15	7:25	6:00	7:15
Mon.	Sept. 17	-	Sun.	Sept. 23	6:20	7:10	6:10	7:00
Mon.	Sept. 24	-	Sun.	Sept. 30	6:30	6:55	6:20	6:45
Mon.	Oct. 1	-	Sun.	Oct. 7	6:40	6:45	6:30	6:30
Mon.	Oct. 8	-	Sun.	Oct. 14	6:50	6:30	6:40	6:15
Mon.	Oct. 15	-	Sun.	Oct. 21	7:00	6:15	6:50	6:05
Mon.	Oct. 22	-	(Sat.) <u>Sun.</u>	Oct. (27) <u>28</u>	7:10	6:05	7:00	5:50
<u>Mon.</u>	<u>Oct. 29</u>	-	<u>Sat.</u>	<u>Nov. 3</u>	<u>7:20</u>	<u>5:50</u>	<u>7:10</u>	<u>5:40</u>
Pacific Standard Time								
Mon.	Oct. 29	-))	Sun.	Nov. 4	6:20	4:50	6:10	4:40
Mon.	Nov. 5	-	Sun.	Nov. 11	6:35	4:40	6:20	4:30
Mon.	Nov. 12	-	Sun.	Nov. 18	6:45	4:35	6:30	4:20
Mon.	Nov. 19	-	Sun.	Nov. 25	6:55	4:25	6:40	4:15
Mon.	Nov. 26	-	Sun.	Dec. 2	7:05	4:20	6:50	4:10
Mon.	Dec. 3	-	Sun.	Dec. 9	7:10	4:20	7:00	4:05
Mon.	Dec. 10	-	Sun.	Dec. 16	7:20	4:20	7:05	4:05
Mon.	Dec. 17	-	Sun.	Dec. 23	7:25	4:20	7:10	4:05
Mon.	Dec. 24	-	Sun.	Dec. 30	7:25	4:25	7:15	4:10
Mon.	Dec. 31	-	Sun.	Jan. 6	7:25	4:30	7:15	4:20
Mon.	Jan. 7	-	Sun.	Jan. 13	7:25	4:40	7:15	4:25
Mon.	Jan. 14	-	Sun.	Jan. 20	7:20	4:45	7:10	4:35
Mon.	Jan. 21	-	Sun.	Jan. 27	7:15	4:55	7:05	4:45
Mon.	Jan. 28	-	Thur.	Jan. 31	7:10	5:05	7:00	4:55

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- (b) Clark (except areas south of the Washougal River), Cowlitz, (~~Grays Harbor~~), Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- (c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(8) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SUNDAY

Dates (Inclusive)	Western Washington			Eastern Washington		
	from			from		
	A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time						
Sun. Sept. 1 - Sun. Sept. 8	6:00		8:15	5:45		8:00
Mon. Sept. 9 - Sun. Sept. 15	6:10		8:00	6:00		7:45
Mon. Sept. 16 - Sun. Sept. 22	6:20		7:45	6:10		7:30
Mon. Sept. 23 - Sun. Sept. 29	6:30		7:30	6:20		7:15
Mon. Sept. 30 - Sun. Oct. 6	6:40		7:15	6:30		7:05
Mon. Oct. 7 - Sun. Oct. 13	6:50		7:00	6:40		6:50
Mon. Oct. 14 - Sun. Oct. 20	7:00		6:50	6:50		6:35
Mon. Oct. 21 - (Sat.) Sun. Oct. (26) 27	7:10		6:35	7:00		6:25
<u>Mon. Oct. 28</u> - <u>Sat. Nov. 2</u>	<u>7:20</u>		<u>6:25</u>	<u>7:10</u>		<u>6:20</u>
Pacific Standard Time						
Mon. Oct. 28 - Sun. Nov. 3	6:10		5:35	6:00		5:25
Mon. Nov. 4 - Sun. Nov. 10	6:20		5:25	6:10		5:20
Mon. Nov. 11 - Sun. Nov. 17	6:30		5:15	6:20		5:00
Mon. Nov. 18 - Sun. Nov. 24	6:40		5:05	6:30		4:50
Mon. Nov. 25 - Sun. Dec. 1	6:50		4:55	6:40		4:45
Mon. Dec. 2 - Sun. Dec. 8	7:00		4:50	6:50		4:40
Mon. Dec. 9 - Sun. Dec. 15	7:10		4:50	7:00		4:40
Mon. Dec. 16 - Sun. Dec. 22	7:15		4:50	7:05		4:40
Mon. Dec. 23 - Sun. Dec. 29	7:20		4:50	7:10		4:40
Mon. Dec. 30 - Sun. Jan. 5	7:25		4:55	7:10		4:45
Mon. Jan. 6 - Sun. Jan. 12	7:25		5:00	7:15		4:45
Mon. Jan. 13 - Sun. Jan. 19	7:25		5:05	7:15		4:55
Mon. Jan. 20 - Sun. Jan. 26	7:20		5:15	7:10		5:05
Mon. Jan. 27 - Fri. Jan. 31	7:15		5:25	7:05		5:15
	7:10		5:35	7:00		5:25

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(9) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

Dates (Inclusive)				Western Washington			Eastern Washington		
				A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time									
Mon.	Sept. 1	-	Sun.	Sept. 7	6:00		8:15	5:50	8:00
Mon.	Sept. 8	-	Sun.	Sept. 14	6:10		8:00	6:00	7:50
Mon.	Sept. 15	-	Sun.	Sept. 21	6:20		7:45	6:10	7:35
Mon.	Sept. 22	-	Sun.	Sept. 28	6:30		7:30	6:15	7:20
Mon.	Sept. 29	-	Sun.	Oct. 5	6:40		7:15	6:30	7:05
Mon.	Oct. 6	-	Sun.	Oct. 12	6:50		7:00	6:40	6:55
Mon.	Oct. 13	-	Sun.	Oct. 19	7:00		6:50	6:50	6:40
Mon.	Oct. 20	-	((Sat.)) <u>Sun.</u>	Oct. ((25)) <u>26</u>	7:10		6:40	7:00	6:25
<u>Mon.</u>	<u>Oct. 27</u>	-	<u>Sat.</u>	<u>Nov. 1</u>	<u>7:20</u>		<u>6:25</u>	<u>7:15</u>	<u>6:15</u>
Pacific Standard Time									
Mon.	Oct. 27	-	((Sun.))	Nov. 2	6:15		5:30	6:00	5:20
Mon.	Nov. 3	-	Sun.	Nov. 9	6:20		5:25	6:10	5:15
Mon.	Nov. 10	-	Sun.	Nov. 16	6:30		5:15	6:20	5:00
Mon.	Nov. 17	-	Sun.	Nov. 23	6:40		5:05	6:30	4:55
Mon.	Nov. 24	-	Sun.	Nov. 30	6:50		5:00	6:40	4:45
Mon.	Dec. 1	-	Sun.	Dec. 7	7:00		4:50	6:50	4:40
Mon.	Dec. 8	-	Sun.	Dec. 14	7:10		4:50	7:00	4:40
Mon.	Dec. 15	-	Sun.	Dec. 21	7:15		4:50	7:05	4:40
Mon.	Dec. 22	-	Sun.	Dec. 28	7:20		4:50	7:10	4:40
Mon.	Dec. 29	-	Sun.	Jan. 4	7:25		4:55	7:10	4:40
Mon.	Jan. 5	-	Sun.	Jan. 11	7:25		5:00	7:15	4:45
Mon.	Jan. 12	-	Sun.	Jan. 18	7:25		5:05	7:15	4:55
Mon.	Jan. 19	-	Sun.	Jan. 25	7:25		5:15	7:10	5:05
Mon.	Jan. 26	-	Fri.	Jan. 31	7:20		5:25	7:05	5:15
Mon.	Jan. 26	-	Fri.	Jan. 31	7:10		5:30	7:00	5:25

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(10) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON TUESDAY

Dates (Inclusive)				Western Washington			Eastern Washington		
				A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time									
Tues.	Sept. 1	-	Sun.	Sept. 6	6:00		8:15	5:50	8:05
Mon.	Sept. 7	-	Sun.	Sept. 13	6:10		8:05	6:00	7:50
Mon.	Sept. 14	-	Sun.	Sept. 20	6:20		7:50	6:05	7:35
Mon.	Sept. 21	-	Sun.	Sept. 27	6:30		7:35	6:15	7:20

(10) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON TUESDAY

Dates (Inclusive)					Western Washington			Eastern Washington		
					A.M.	to	P.M.	A.M.	to	P.M.
Mon.	Sept. 28	-	Sun.	Oct. 4	6:40		7:20	6:25		7:05
Mon.	Oct. 5	-	Sun.	Oct. 11	6:45		7:05	6:35		6:55
Mon.	Oct. 12	-	Sun.	Oct. 18	6:55		6:50	6:45		6:40
Mon.	Oct. 19	-	((Sat.)) <u>Sun.</u>	Oct. ((24)) <u>25</u>	7:05		6:40	6:55		6:30
<u>Mon.</u>	<u>Oct. 26</u>	=	<u>Sat.</u>	<u>Oct. 31</u>	<u>7:20</u>		<u>6:25</u>	<u>7:05</u>		<u>6:15</u>
Pacific Standard Time										
Mon.	Oct. 26	-))	Sun.	Oct. 25	6:10		5:30	6:00		5:20
Mon.	Nov. 1	-	Sun.	Nov. 7	6:20		5:25	6:05		5:15
Mon.	Nov. 2	-	Sun.	Nov. 8	6:30		5:15	6:15		5:05
Mon.	Nov. 9	-	Sun.	Nov. 15	6:40		5:05	6:30		4:55
Mon.	Nov. 16	-	Sun.	Nov. 22	6:50		5:00	6:40		4:45
Mon.	Nov. 23	-	Sun.	Nov. 29	7:00		4:55	6:50		4:40
Mon.	Nov. 30	-	Sun.	Dec. 6	7:10		4:50	6:55		4:40
Mon.	Dec. 7	-	Sun.	Dec. 13	7:15		4:50	7:05		4:35
Mon.	Dec. 14	-	Sun.	Dec. 20	7:20		4:50	7:10		4:40
Mon.	Dec. 21	-	Sun.	Dec. 27	7:25		4:50	7:15		4:40
Mon.	Dec. 28	-	Sun.	Jan. 3	7:30		5:00	7:15		4:45
Mon.	Jan. 4	-	Sun.	Jan. 10	7:25		5:05	7:15		4:55
Mon.	Jan. 11	-	Sun.	Jan. 17	7:25		5:15	7:10		5:00
Mon.	Jan. 18	-	Sun.	Jan. 24	7:20		5:25	7:05		5:10
Mon.	Jan. 25	-	Sat.	Jan. 31	7:10		5:30	7:00		5:20

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(11) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON WEDNESDAY

Dates (Inclusive)					Western Washington			Eastern Washington		
					A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time										
Wed.	Sept. 1	-	Sun.	Sept. 5	6:00		8:15	5:50		8:05
Mon.	Sept. 6	-	Sun.	Sept. 12	6:10		8:05	5:55		7:50
Mon.	Sept. 13	-	Sun.	Sept. 19	6:15		7:50	6:05		7:40
Mon.	Sept. 20	-	Sun.	Sept. 26	6:25		7:35	6:15		7:25
Mon.	Sept. 27	-	Sun.	Oct. 3	6:35		7:20	6:25		7:10
Mon.	Oct. 4	-	Sun.	Oct. 10	6:45		7:10	6:35		6:55
Mon.	Oct. 11	-	Sun.	Oct. 17	6:55		6:55	6:45		6:40
Mon.	Oct. 18	-	Sun.	Oct. 24	7:05		6:40	6:55		6:30

(11) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON WEDNESDAY

Dates (Inclusive)					Western Washington			Eastern Washington		
					from	to	P.M.	from	to	P.M.
Mon.	Oct. 25	-	((Sat.) <u>Sun.</u>)	Oct. ((30)) <u>31</u>	A.M. 7:15		P.M. 6:30	A.M. 7:05		P.M. 6:15
<u>Mon.</u>	<u>Nov. 1</u>	=	<u>Sat.</u>	<u>Nov. 6</u>	<u>7:25</u>		<u>6:20</u>	<u>7:15</u>		<u>6:05</u>
Pacific Standard Time										
((Sun.	Oct. 31	-))	Sun.	Nov. 7	6:25		5:20	6:15		5:05
Mon.	Nov. 8	-	Sun.	Nov. 14	6:40		5:10	6:25		4:55
Mon.	Nov. 15	-	Sun.	Nov. 21	6:50		5:00	6:35		4:50
Mon.	Nov. 22	-	Sun.	Nov. 28	7:00		4:55	6:45		4:40
Mon.	Nov. 29	-	Sun.	Dec. 5	7:05		4:50	6:55		4:40
Mon.	Dec. 6	-	Sun.	Dec. 12	7:15		4:50	7:05		4:35
Mon.	Dec. 13	-	Sun.	Dec. 19	7:20		4:50	7:10		4:35
Mon.	Dec. 20	-	Sun.	Dec. 26	7:25		4:50	7:15		4:40
Mon.	Dec. 27	-	Sun.	Jan. 2	7:25		4:55	7:15		4:45
Mon.	Jan. 3	-	Sun.	Jan. 9	7:25		5:05	7:15		4:50
Mon.	Jan. 10	-	Sun.	Jan. 16	7:25		5:10	7:10		5:00
Mon.	Jan. 17	-	Sun.	Jan. 23	7:20		5:20	7:10		5:10
Mon.	Jan. 24	-	Mon.	Jan. 31	7:10		5:30	7:00		5:20

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(12) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON THURSDAY

Dates (Inclusive)					Western Washington			Eastern Washington		
					from	to	P.M.	from	to	P.M.
Daylight Savings Time										
Thurs.	Sept. 1	-	Sun.	Sept. 4	6:00		8:15	5:45		8:05
Mon.	Sept. 5	-	Sun.	Sept. 11	6:05		8:05	5:55		7:55
Mon.	Sept. 12	-	Sun.	Sept. 18	6:15		7:50	6:05		7:40
Mon.	Sept. 19	-	Sun.	Sept. 25	6:25		7:40	6:10		7:25
Mon.	Sept. 26	-	Sun.	Oct. 2	6:35		7:25	6:25		7:10
Mon.	Oct. 3	-	Sun.	Oct. 9	6:45		7:10	6:35		6:55
Mon.	Oct. 10	-	Sun.	Oct. 16	6:55		7:05	6:40		6:45
Mon.	Oct. 17	-	Sun.	Oct. 23	7:05		6:40	6:55		6:30
Mon.	Oct. 24	-	((Sat.) <u>Sun.</u>)	Oct. ((29)) <u>30</u>	7:15		6:30	7:00		6:20
<u>Mon.</u>	<u>Oct. 31</u>	=	<u>Sat.</u>	<u>Nov. 5</u>	<u>7:25</u>		<u>6:20</u>	<u>7:15</u>		<u>6:05</u>
Pacific Standard Time										
Mon.	Oct. 31	-))	((Sun.	Oct. 30	6:20		5:25	6:10		5:15
Mon.	Oct. 31	-))	Sun.	Nov. 6	6:25		5:20	6:15		5:05

(12) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON THURSDAY

Dates (Inclusive)					Western Washington			Eastern Washington		
					from	to	P.M.	from	to	P.M.
Mon.	Nov. 7	-	Sun.	Nov. 13	6:35		5:10	6:25		4:55
Mon.	Nov. 14	-	Sun.	Nov. 20	6:45		5:00	6:35		4:50
Mon.	Nov. 21	-	Sun.	Nov. 27	6:55		4:55	6:45		4:40
Mon.	Nov. 28	-	Sun.	Dec. 4	7:05		4:50	6:55		4:40
Mon.	Dec. 5	-	Sun.	Dec. 11	7:15		4:50	7:00		4:35
Mon.	Dec. 12	-	Sun.	Dec. 18	7:20		4:50	7:10		4:35
Mon.	Dec. 19	-	Sun.	Dec. 25	7:25		4:50	7:10		4:40
Mon.	Dec. 26	-	Sun.	Jan. 1	7:25		4:55	7:15		4:45
Mon.	Jan. 2	-	Sun.	Jan. 8	7:25		5:00	7:15		4:50
Mon.	Jan. 9	-	Sun.	Jan. 15	7:25		5:10	7:10		5:00
Mon.	Jan. 16	-	Sun.	Jan. 22	7:20		5:20	7:10		5:10
Mon.	Jan. 23	-	Sun.	Jan. 29	7:15		5:30	7:00		5:20
Mon.	Jan. 30	-	Tues.	Jan. 31	7:10		5:35	6:55		5:25

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(13) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON FRIDAY

Dates (Inclusive)					Western Washington			Eastern Washington		
					from	to	P.M.	from	to	P.M.
Daylight Savings Time										
Fri.	Sept. 1	-	Sun.	Sept. 3	6:00		8:20	5:45		8:05
Mon.	Sept. 4	-	Sun.	Sept. 10	6:05		8:10	5:55		7:55
Mon.	Sept. 11	-	Sun.	Sept. 17	6:15		7:55	6:05		7:40
Mon.	Sept. 18	-	Sun.	Sept. 24	6:25		7:40	6:10		7:30
Mon.	Sept. 25	-	Sun.	Oct. 1	6:35		7:25	6:20		7:15
Mon.	Oct. 2	-	Sun.	Oct. 8	6:45		7:10	6:30		7:00
Mon.	Oct. 9	-	Sun.	Oct. 15	6:55		6:55	6:40		6:45
Mon.	Oct. 16	-	Sun.	Oct. 22	7:05		6:45	6:50		6:30
Mon.	Oct. 23	-	(Sat.)	Oct. (28) 29	7:10		6:35	7:00		6:20
<u>Mon.</u>	<u>Oct. 30</u>	=	<u>Sat.</u>	<u>Nov. 4</u>	<u>7:25</u>		<u>6:20</u>	<u>7:10</u>		<u>6:10</u>
Pacific Standard Time										
Mon.	Oct. 30	-))	Sun.	Oct. 29	6:20		5:30	6:05		5:15
Mon.	Nov. 5	-	Sun.	Nov. 5	6:25		5:20	6:10		5:10
Mon.	Nov. 6	-	Sun.	Nov. 12	6:35		5:10	6:25		5:00
Mon.	Nov. 13	-	Sun.	Nov. 19	6:45		5:00	6:35		4:50
Mon.	Nov. 20	-	Sun.	Nov. 26	6:55		4:55	6:45		4:45
Mon.	Nov. 27	-	Sun.	Dec. 3	7:05		4:50	6:55		4:40

(13) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON FRIDAY

Dates (Inclusive)					Western Washington			Eastern Washington		
					from	to	P.M.	from	to	P.M.
Mon.	Dec. 4	-	Sun.	Dec. 10	7:15		4:50	7:00		4:35
Mon.	Dec. 11	-	Sun.	Dec. 17	7:20		4:50	7:10		4:35
Mon.	Dec. 18	-	Sun.	Dec. 24	7:25		4:50	7:10		4:40
Mon.	Dec. 25	-	Sun.	Dec. 31	7:25		4:55	7:15		4:40
Mon.	Jan. 1	-	Sun.	Jan. 7	7:30		5:00	7:15		4:50
Mon.	Jan. 8	-	Sun.	Jan. 14	7:25		5:10	7:15		5:00
Mon.	Jan. 15	-	Sun.	Jan. 21	7:20		5:20	7:10		5:10
Mon.	Jan. 22	-	Sun.	Jan. 28	7:15		5:30	7:00		5:20
Mon.	Jan. 29	-	Wed.	Jan. 31	7:10		5:35	6:55		5:20

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
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(14) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SATURDAY

Dates (Inclusive)					Western Washington			Eastern Washington		
					from	to	P.M.	from	to	P.M.
Daylight Savings Time										
Sat.	Sept. 1	-	Sun.	Sept. 2	6:00		8:20	5:45		8:10
Mon.	Sept. 3	-	Sun.	Sept. 9	6:05		8:10	5:50		8:00
Mon.	Sept. 10	-	Sun.	Sept. 16	6:15		7:55	6:00		7:45
Mon.	Sept. 17	-	Sun.	Sept. 23	6:20		7:40	6:10		7:30
Mon.	Sept. 24	-	Sun.	Sept. 30	6:30		7:25	6:20		7:15
Mon.	Oct. 1	-	Sun.	Oct. 7	6:40		7:15	6:30		7:00
Mon.	Oct. 8	-	Sun.	Oct. 14	6:50		7:00	6:40		6:45
Mon.	Oct. 15	-	Sun.	Oct. 21	7:00		6:45	6:50		6:35
Mon.	Oct. 22	-	((Sat.))	Oct. ((27)) 28	7:10		6:35	7:00		6:20
<u>Mon.</u>	<u>Oct. 29</u>	=	<u>Sat.</u>	<u>Nov. 3</u>	<u>7:20</u>		<u>6:20</u>	<u>7:10</u>		<u>6:10</u>
Pacific Standard Time										
Mon.	Oct. 29	-))	((Sun.	Oct. 28	6:15		5:30	6:05		5:15
Mon.	Nov. 4	-	Sun.	Nov. 4	6:20		5:20	6:10		5:10
Mon.	Nov. 5	-	Sun.	Nov. 11	6:35		5:10	6:20		5:00
Mon.	Nov. 12	-	Sun.	Nov. 18	6:45		5:05	6:30		4:50
Mon.	Nov. 19	-	Sun.	Nov. 25	6:55		4:55	6:40		4:45
Mon.	Nov. 26	-	Sun.	Dec. 2	7:05		4:50	6:50		4:40
Mon.	Dec. 3	-	Sun.	Dec. 9	7:10		4:50	7:00		4:35
Mon.	Dec. 10	-	Sun.	Dec. 16	7:20		4:50	7:05		4:35
Mon.	Dec. 17	-	Sun.	Dec. 23	7:25		4:50	7:10		4:35
Mon.	Dec. 24	-	Sun.	Dec. 30	7:25		4:55	7:15		4:40

(14) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SATURDAY

Dates (Inclusive)					Western Washington			Eastern Washington		
					from	to	P.M.	from	to	P.M.
Mon. Dec. 31	-	Sun. Jan. 6			A.M. 7:25		P.M. 5:00	A.M. 7:15		P.M. 4:50
Mon. Jan. 7	-	Sun. Jan. 13			A.M. 7:25		P.M. 5:10	A.M. 7:15		P.M. 4:55
Mon. Jan. 14	-	Sun. Jan. 20			A.M. 7:20		P.M. 5:15	A.M. 7:10		P.M. 5:05
Mon. Jan. 21	-	Sun. Jan. 27			A.M. 7:15		P.M. 5:25	A.M. 7:05		P.M. 5:15
Mon. Jan. 28	-	Thur. Jan. 31			A.M. 7:10		P.M. 5:35	A.M. 7:00		P.M. 5:25

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

AMENDATORY SECTION (Amending Order 06-92, filed 5/8/06, effective 6/8/06)

WAC 232-28-273 2006-2008 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

Moose Permit Hunts

Who May Apply: Anyone may apply; EXCEPT those who harvested a moose previously in Washington state. An individual may only harvest one moose during their lifetime (except waived for antlerless only hunts and raffle and auction hunts).

Bag Limit: One moose of either sex, EXCEPT antlerless only for the 49 Degrees North B persons with disabilities hunt, Hangman B Hunt, Mt. Spokane B Hunt and the Mt. Spokane Youth Hunt.

Weapon Restrictions: Permit holders may use any legal weapon.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Kettle Range	Oct. 1-Nov. 30	GMUs 101, 105	Any Moose	1
Selkirk Mtns.	Oct. 1-Nov. 30	GMU 113	Any Moose	((20)) 23
Mt. Spokane A	Oct. 1-Nov. 30	GMU 124 east of Hwy 395	Any Moose	10
Mt. Spokane B	Oct. 1-Nov. 30	GMU 124 east of Hwy 395	Antlerless Only	12
Mt. Spokane Youth Only ^a	Oct. 1-Nov. 30	GMU 124 east of Hwy 395	Antlerless Only	8
49 Degrees North A	Oct. 1-Nov. 30	GMU 117	Any Moose	22
49 Degrees North B ^b	Oct. 1-Nov. 30	GMU 117	Antlerless Only	3
Three Forks	Oct. 1-Nov. 30	GMUs 108, 111	Any Moose	8
Hangman A	Oct. 1-Nov. 30	GMUs 127, 130	Any Moose	5
Hangman B	Oct. 1-Nov. 30	GMUs 127, 130	Antlerless Only	5
Huckleberry Range	Oct. 1-Nov. 30	GMUs 121, 124 west of Hwy 395	Any Moose	6

^aApplicants must be eligible to purchase a youth moose license by November 30 during the license year they are applying for. Youth hunters must be accompanied by an adult during the hunt.

^bApplicants must possess a Disabled Hunter Permit.

Bighorn Sheep Permit Hunts

Who May Apply: Anyone may apply; EXCEPT those who harvested a bighorn sheep previously in Washington state. An individual may only harvest one bighorn sheep during their lifetime. (Except waived for raffle and auction hunts.)

Bag Limit: One bighorn ram.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Vulcan Mountain	Sept. 15-Oct. 10	Sheep Unit 2	Any Legal Weapon	((+)) 2
Selah Butte	Nov. 6-30	Sheep Unit 4	Any Legal Weapon	5
Umtanum	Sept. 15-Oct. 6	Sheep Unit 5	Any Legal Weapon	5
Cleman Mountain A	Sept. 15-Oct. 6	Sheep Unit 7	Any Legal Weapon	5
Cleman Mountain B	Nov. 6-30	Sheep Unit 7	Any Legal Weapon	5
Mt. Hull	Sept. 15-Oct. 10	Sheep Unit 10	Any Legal Weapon	2
Wenaha	Sept. 15-Oct. 10	Sheep Unit 11	Any Legal Weapon	1
Lincoln Cliffs	Sept. 15-Oct. 10	Sheep Unit 12	Any Legal Weapon	1
Quilomene A	Sept. 15-Oct. 6	Sheep Unit 13	Any Legal Weapon	3
Quilomene B	Nov. 6-30	Sheep Unit 13	Any Legal Weapon	2
Swakane	Sept. 15-Oct. 10	Sheep Unit 14	Any Legal Weapon	1
Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Tieton	Sept. 15-Oct. 10	Sheep Unit 15	Any Legal Weapon	3
Manson	Nov. 6-30	Sheep Unit 16	Any Legal Weapon	2

Bighorn Sheep Units:

Sheep Unit 2 Vulcan Mountain: Permit Area: Ferry County north of the Kettle River near Curlew.

Sheep Unit 4 Selah Butte: Permit Area: That part of Yakima and Kittitas counties between Ellensburg and Yakima east of the Yakima River and north of Selah Creek, west of Interstate 82 and south of Interstate 90.

Sheep Unit 5 Umtanum: Permit Area: Those portions of Yakima and Kittitas counties west of the Yakima River, north of Wenas Creek, and east of USFS Road 1701 to Manastash Lake and its drainage; south and east along the South Fork Manastash Creek to Manastash Creek and the Yakima River.

Sheep Unit 7 Cleman Mountain: Permit Area: That part of Yakima County south of Wenas Creek and east of USFS Road 1701, north of Highway 410 and Highway 12 and west of the Yakima River.

Sheep Unit 10 Mt. Hull: Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along U.S. Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews; then east to the Dry Gulch Road; then north to the Oroville-Toroda Creek Road (Molson Grade Road); then west to Oroville and the point of beginning.

Sheep Unit 11 Wenaha Wilderness: Permit Area: That part of GMU 169 within Crooked Creek drainage.

Sheep Unit 12 Lincoln Cliffs: Permit Area: That part of Lincoln County north of Highway 2.

Sheep Unit 13 Quilomene: Permit Area: GMUs 329, 330, and 251 south of Colockum Creek.

Sheep Unit 14 Swakane: Permit Area: GMU 250.

Sheep Unit 15 Tieton: Permit Area: GMU 360.

Sheep Unit 16 Manson: Permit Area: GMU 243.

Mountain Goat Permit Hunts

Who May Apply: Anyone may apply; except those who harvested a mountain goat in Washington state after 1998. An individual may only harvest one mountain goat during their lifetime, except for those who harvested a goat prior to 1999. (Except waived for raffle and auction hunts.)

Bag Limit: One (1) adult goat of either sex with horns four (4) inches or longer. WDFW urges hunters to refrain from shooting nannies with kids. Permit hunters may start hunting Sept. 1 with archery equipment.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Chelan North	Sept. 15-Oct. 31	Goat Unit 2-1	Any Legal Weapon	1
Methow	Sept. 15-Oct. 31	Goat Unit 2-2	Any Legal Weapon	2
Naches Pass/Corral Pass	Sept. 15-Oct. 31	Goat Units 3-6, 4-38	Any Legal Weapon	2
Bumping River	Sept. 15-Oct. 31	Goat Unit 3-7	Any Legal Weapon	2
Blazed Ridge	Sept. 15-Oct. 31	Goat Unit 3-10	Any Legal Weapon	2
Kachess Ridge	Sept. 15-Oct. 31	Goat Unit 3-11	Any Legal Weapon	0
Jack Mountain	Sept. 15-Oct. 31	Goat Unit 4-9	Any Legal Weapon	0
Tatoosh	Sept. 15-Oct. 31	Goat Unit 5-2	Any Legal Weapon	1

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Smith Creek	Sept. 15-Oct. 31	Goat Unit 5-3	Any Legal Weapon	1
Goat Rocks/Tieton River	Sept. 15-Oct. 31	Goat Units 3-9, 5-4	Any Legal Weapon	5
<u>Mt. Baker</u>	<u>Sept. 15-Oct. 31</u>	<u>Goat Units 4-3 to 4-7</u>	<u>Any Legal Weapon</u>	<u>2</u>

Mountain Goat Units:

Goat Unit 2-1 Chelan N. (Chelan County): Permit Area: Beginning at the mouth of Fish Creek on Lake Chelan (Moore Point); then northeast up Fish Creek and USFS trail 1259 to the Sawtooth crest near Deephole Spring; then southeast along the Sawtooth crest, which separates Chelan and Okanogan County, to Horsethief Basin and the headwaters of Safety Harbor Creek; then south along Safety Harbor Creek to Lake Chelan, then northwest along the north shore of Lake Chelan to the mouth of Fish Creek at Moore Point and the point of beginning.

Goat Unit 2-2 Methow Area: Permit Area: Okanogan County within the following described boundary: Beginning at the Town of Twisp, westerly along the Twisp River Road (County Road 4440) to Roads End; west up the Twisp Pass Trail 432 to Twisp Pass and the Okanogan County line; northerly along the Okanogan County line through Washington Pass to Harts Pass; southeast down Harts Pass (Road 5400) to Lost River; then along the Lost River-Mazama Road to Mazama; then southwest to State Highway 20; then southeasterly along State Highway 20 to Twisp and the point of beginning.

Goat Unit 3-6 Naches Pass: Permit Area: Yakima and Kittitas counties within the following described boundary: Beginning at Chinook Pass; then north along the Pacific Crest Trail to Naches Pass; then east to USFS Road 19 and continuing to State Highway 410; then west along State Highway 410 to Chinook Pass and point of beginning.

Goat Unit 3-7 Bumping River: Permit Area: GMU 356.

Goat Unit 3-9 Tieton River: Permit Area: GMU 364.

Goat Unit 3-10 Blazed Ridge: Permit Area: Kittitas and Yakima counties within the following described boundary: Beginning at the mouth of Cabin Creek on the Yakima River; then west along Cabin Creek to the headwaters near Snowshoe Butte; then south along the Cascade Crest separating the Green and Yakima river drainage to Pyramid Peak; then southeast along the North Fork, Little Naches, and Naches River to the Yakima River; then north along the Yakima River to the mouth of Cabin Creek and point of beginning.

Goat Unit 3-11 Kachess Ridge: Permit Area: Kittitas County within the following described boundary: Beginning at the mouth of the Kachess River on the Yakima River; then north along the Kachess River and Kachess Lake to USFS Road 4600; then east on USFS Road 4600 to the Cle Elum River; then south along the Cle Elum River and Lake Cle Elum to the Yakima River; then northwest along the Yakima River to the mouth of the Kachess River and point of beginning.

Goat Unit 4-3 Chowder Ridge: Permit Area: Whatcom County within the following described boundary: Beginning where Wells Creek intersects the North Fork Nooksack River; then up Wells Creek to Bar Creek; then southwest up Bar Creek to the Mazama Glacier; then continue southwest up Mazama Glacier to the summit of Mt. Baker; then northwest between Roosevelt Glacier and Coleman Glacier to Kulshan Cabin and the headwaters of Kulshan Creek and Grouse Creek to Smith Creek; then north down Smith Creek to Glacier Creek; continue north down Glacier Creek to the North Fork Nooksack River; then east along the North Fork Nooksack River to Wells Creek and the point of beginning.

Goat Unit 4-4 Lincoln Peak: Permit Area: Whatcom County within the following described boundary: Beginning where Glacier Creek intersects with the Mt. Baker Highway (State Highway 547); then south up Glacier Creek to Smith Creek; then south up Smith Creek to Grouse Creek; then continue up Grouse Creek in a south direction to Kulshan Creek; then southeast up Kulshan Creek to Kulshan Cabin; then continue southeast between Roosevelt Glacier and Coleman Glacier to the summit of Mt. Baker; then south down Eastern Glacier to Baker Pass and the Baker Pass Trail 603 (5,000 ft.); then west along Baker Pass Trail 603 to the Ridley Creek Trail (690); then northwest on the Ridley Creek Trail to Ridley Creek; then down Ridley Creek to the Middle Fork Nooksack River; then west down the Middle Fork Nooksack River to the Mosquito Lake Road; then north on the Mosquito Lake Road to the Mt. Baker Highway (State Highway 542); then north and east on Mt. Baker Highway (State Highway 542) to Glacier Creek and the point of beginning.

Goat Unit 4-6 Dillard Creek: Permit Area: Whatcom County within the following described boundary: Beginning at the intersection of USFS Road 3725 and the Baker Lake Road (USFS Road 394); then west along USFS Road 3725 to Sulphur Creek; then northwest up Sulphur Creek to the Baker Pass Trail (603) to Baker Pass (5,000 ft. elevation); then northeast up Eastern Glacier to the summit of Mt. Baker; then southeast down Park Glacier to the headwaters of Park Creek; then continue southeast down Park Creek to the Baker Lake Road (USFS Road 394); then south along the Baker Lake Road (USFS Road 394) to USFS Road 3725 and the point of beginning.

Goat Unit 4-7 Avalanche Gorge: Permit Area: Whatcom County within the following described boundary: Beginning at the intersection of the Baker Lake Road (USFS Road 394) and Park Creek; then northwest up Park Creek to Park Glacier; then continue northwest up Park Glacier to the summit of Mt. Baker; then northeast down Mazama Glacier to the 6,500 ft. elevation; then east to the Portals; then continue east along the ridge line to Coleman Pinnacle; then northeast along the Camp Kiser Trail 683 (Ptarmigan Ridge) to the extreme southeast extension of Kulshan Ridge; then due east

to the Lake Ann Trail 600; then east along the Lake Ann Trail 600 to the boundary of North Cascades National Park; then south and east along the park boundary to the Baker River and down the Baker River to the Baker Lake Road (USFS Road 394); then west along the Baker Lake Road (USFS Road 394) to Park Creek and the point of beginning.

Goat Unit 4-9 Jack Mountain: Permit Area: Whatcom County within the following described boundary: Beginning at the confluence of Ruby Creek and Crater Creek; then north up Crater Creek to the ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue due north to Devil's Creek; then west down Devil's Creek to Ross Lake; then south along the east shoreline of Ross Lake to Ruby Arm; then easterly up Ruby Arm and Ruby Creek to the confluence of Crater Creek and the point of beginning.

Goat Unit 4-38 Corral Pass: Permit Area: Pierce County within the following described boundary: Beginning where Goat Creek intersects the Corral Pass Road; then southeast up Goat Creek to the Cascade Crest; then north along the Crest to USFS Trail 1188; then northwest along said trail to USFS Trail 1176; then north along said trail to Corral Pass; then west along Corral Pass Road to its intersection with Goat Creek and the point of beginning.

Goat Unit 5-2 Tatoosh: Permit Area: Lewis County within the following described boundary: Beginning at the junction of the southern Mount Rainier National Park Boundary and State Highway 123; then south along State Highway 123 to U.S. Highway 12; then southwest along said highway to Skate Creek Road (USFS Road 52); then northwest along said road to the junction of Morse Creek Road (old road to Longmire Campground); then north along said road to the Mount Rainier National Park Boundary; then east along the southern park boundary to the point of beginning.

Goat Unit 5-3 Smith Creek: Permit area: Lewis County within the following described boundary: Beginning at the Town of Randle; then east along U.S. Highway 12 to USFS Road 21; then southeast along USFS Road 21 to USFS Road 22; then northeast and northwest along USFS Road 22 to USFS Road 23; then east and northwest on USFS Road 23 to USFS Road 25; then north along USFS Road 25 to Randle and point of beginning.

Goat Unit 5-4 Goat Rocks: Permit Area: Lewis County south of the White Pass Highway (U.S. Highway 12) and east of the Johnson Creek Road (USFS Road 1302).

AMENDATORY SECTION (Amending Order 06-92, filed 5/8/06, effective 6/8/06)

WAC 232-28-352 2006-2008 Elk general seasons and definitions.

Bag Limit: One (1) elk per hunter during the license year except where otherwise permitted by fish and wildlife commission rule.

Hunting Method: Elk hunters must select only one of the hunting methods (modern firearm, archery, or muzzleloader).

Elk Tag Areas: Elk hunters must choose either Eastern or Western Washington to hunt in and buy the appropriate tag for that area.

Any Bull Elk Seasons: Open only to the taking of elk with visible antlers (bull calves are illegal).

Antler Point: To qualify as an antler point, the point must be at least one inch long measured on the longest side.

Spike Bull Antler Restrictions: Bull elk taken in spike only GMUs must have at least one antler with only one antler point above the ear. An animal with more than one antler point above the ears on both antlers is illegal.

Spike Only GMUs: 145-154, 162-186, 249, 251, 328, 329, and 335-368.

3 Point Antler Restrictions: Legal bull elk must have at least 3 antler points on one side with at least 2 antler points above the ear. Eye guards are antler points when they are at least one inch long. Antler restrictions apply to all hunters during any open season.

3 Point GMUs: All of Western Washington except for GMUs 454, 564, 568, 574, 578, 652 for archers, 666, 684, and Elk Area 4941.

Permit Only Units: The following GMUs are closed during general seasons: 157, 371, 485, 522, 524, 556, 621, 636, 653, and Elk Area 3068.

GMUs Closed to Elk Hunting: 418, 437 (except for Elk Area 4941), and 490.

Elk Tag Areas

Eastern Washington: All 100, 200, and 300 GMUs except permit only for all hunters in GMUs 157 and 371. Modern firearms are restricted in GMU 334.

EA - Eastern Washington Archery Tag

EF - Eastern Washington Modern Firearm General Elk Tag

EM - Eastern Washington Muzzleloader Tag

Western Washington: All 400, 500, and 600 GMUs except closed in GMUs 418, 437 (except for Elk Area 4941), 490, and modern firearm restrictions in portions of GMU 660. GMU 554 is open only for early archery and muzzleloader seasons. Elk Area 6063 in GMU 638 (Quinalt) is open to AHE master hunters only. Elk hunting by permit only in GMUs 485, 522, 524, 556, 621, and 636.

WA - Western Washington Archery Tag

WF - Western Washington Modern Firearm General Elk Tag

WM - Western Washington Muzzleloader Tag

Modern Firearm Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid modern firearm elk tag as listed below on his/her person for the area hunted.

Hunting Method: May use modern firearm, bow and arrow, or muzzleloader, but only during modern firearm seasons.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2006 Dates	2007 Dates	2008 Dates	Legal Elk
Eastern Washington	EF	111, 113, 117	Oct. 28 - Nov. 5	Oct. 27 - Nov. 4	Oct. 25 - Nov. 2	Any bull
		145 through 154, 162 through 186, 249, 251, 328, 329, 335 through 368	Oct. 28 - Nov. 5	Oct. 27 - Nov. 4	Oct. 25 - Nov. 2	Spike bull
		Elk Area 3722*	Sept. 9-22	Sept. 8-21	Sept. 6-19	Antlerless
		101, 105, 108, 121 through 142, 372, 382, 388	Oct. 28 - Nov. 5	Oct. 27 - Nov. 4	Oct. 25 - Nov. 2	Any elk
		127-142 AHE master hunters only	Dec. 9-31	Dec. 9-31	Dec. 9-31	Any elk
		203 through 248, 250, 254 through 290, 373, 379, 381 except closed within 1/2 mile of the Columbia River in Douglas and Grant counties	Oct. 28 - Nov. 15	Oct. 27 - Nov. 15	Oct. 25 - Nov. 15	Any elk
		371, Elk Areas 3911** and 3912 AHE master hunters only	Aug. 1 - Jan. 30	Aug. 1 - Jan. 30	Aug. 1 - Jan. 30	Antlerless only
		*GMU 372 and Elk Area 3722 are mainly private property, hunters are not advised to try hunting these areas without making prior arrangements for access. **Advanced Hunter Education Master Hunters who hunt in Elk Area 3911 from August 1 through October 15, 2006, who successfully take an antlerless elk, and who notify the department by October 20, 2006, may purchase a second elk transport tag. Notification must be following the harvest of an antlerless elk from Elk Area 3911 and no later than October 20, 2006. These hunters will be issued a second elk transport tag valid for the general season for the same hunting method as specified on the first tag.				
Western Washington	WF	407, 448, 460, 466, 503 through 520, 530, 550, 560, 572, 601 through 618, 624 (except for Elk Area 6071), 627 through 633, 638 through 652, 653, 654 through 684. Except AHE master hunters only in Elk Area 6063	Nov. 4-13	Nov. 3-12	Nov. 1-10	3 pt. min.
		501	Nov. 4-13	Nov. 3-12	Nov. 1-10	3 pt. min. or antlerless
		564, 568, 574 through 578, 666	Nov. 4-13	Nov. 3-12	Nov. 1-10	Any elk
		454	Nov. 4-13	Nov. 3-12	Nov. 1-10	Any bull

Archery Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid archery elk tag as listed below on his/her person for the area hunted.

Hunting Method: Bow and arrow only as defined by WAC 232-12-054.

Special Notes: Archery tag holders can hunt only during archery seasons and must hunt with archery equipment (WAC 232-12-054). Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2006 Dates	2007 Dates	2008 Dates	Legal Elk
Early Archery Elk Seasons						
Eastern Washington	EA	101 through 142, 243, 247, 249, 250, 388	Sept. 8-21	Sept. 8-21	Sept. 8-21	Any elk
		145, 162, 166 through 172, 181, 186, 328, 329, 335	Sept. 8-21	Sept. 8-21	Sept. 8-21	Spike bull

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2006 Dates	2007 Dates	2008 Dates	Legal Elk
		149, 154, Elk Area 1010, Elk Area 1013, 163, 175, 178, 330, 334, 336, 340, 352, 356, 364	Sept. 8-21	Sept. 8-21	Sept. 8-21	Spike bull or antlerless
Western Washington	WA	454, 564, 568, 574, 578, 652, 666	Sept. 8-21	Sept. 8-21	Sept. 8-21	Any elk
		407, 448, 501 through 505, 520, 550, 554, 560, 572, 624, except for Elk Area 6071, Elk Area 6061, 654, 660, 663, 667 through 673, 684, and 699	Sept. 8-21	Sept. 8-21	Sept. 8-21	3 pt. min. or antlerless
		460, 466, 506, 510, 513, 516, ((520,)) 530, 601, 602, 603, 607, 612 through 618, 627, 633, 638 through 648, 651, 658, and 681. AHE master hunters only in Elk Area 6063	Sept. 8-21	Sept. 8-21	Sept. 8-21	3 pt. min.
		Elk Area 4941	Oct. 1-31	Oct. 1-31	Oct. 1-31	Any elk
Late Archery Elk Seasons						
Eastern Washington	EA	101, 105, 108, 117 through 127, 388	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Any elk
		178	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Antlerless only
		127-142 AHE master hunters only. Must wear hunter orange	Dec. 9-31	Dec. 9-31	Dec. 9-31	Any elk
		Elk Area 1010, 163	Dec. 9 - Jan. 30	Dec. 9 - Jan. 30	Dec. 9 - Jan. 30	Antlerless only
		203 through 248, 250, 254 through 290, 373, 379, 381 except closed within 1/2 mile of the Columbia River in Douglas and Grant counties. Must wear hunter orange	Oct. 28 - Nov. 15	Oct. 27 - Nov. 15	Oct. 25 - Nov. 15	Any elk
		371, Elk Areas 3911*and 3912 AHE master hunters only. Must wear hunter orange	Aug. 1 - Jan 30	Aug. 1 - Jan. 30	Aug. 1 - Jan. 30	Antlerless only
		328	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Spike bull
335, 336, 346, 352, 364, 368	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Spike bull or antlerless		
Western Washington	WA	407, 503, 505, 667, 672, 681, Elk Area 6066 in GMU 660, and 699. Elk Area 6064, except AHE master hunters only in Elk Area 6063 in GMU 638	Nov. 22 - Dec. 15	Nov. 21 - Dec. 15	Nov. 19 - Dec. 15	3 pt. min. or antlerless
		<u>560, 572</u>		<u>Nov. 21 - Dec. 15</u>	<u>Nov. 19 - Dec. 15</u>	<u>Antlerless only</u>
		454, 564, 666	Nov. 22 - Dec. 15	Nov. 21 - Dec. 15	Nov. 19 - Dec. 15	Any elk
		603, 612, 615, 638, and 648	Nov. 22 - Dec. 15	Nov. 21 - Dec. 15	Nov. 19 - Dec. 15	3 pt. min.
		506, ((520,)) 530	Nov. 22 - Dec. 7	Nov. 21 - Dec. 7	Nov. 19 - Dec. 7	3 pt. min. or antlerless
		<u>520</u>		<u>Nov. 21 - Dec. 15</u>	<u>Nov. 19 - Dec. 15</u>	<u>3 pt. min. or antlerless</u>
		506, ((520,)) 530	Dec. 8-15	Dec. 8-15	Dec. 8-15	3 pt. min.
*Advanced Hunter Education Master Hunters who hunt in Elk Area 3911 from August 1 through October 15, 2006, who successfully take an antlerless elk, and who notify the department by October 20, 2006, may purchase a second elk transport tag. Notification must be following the harvest of an antlerless elk from Elk Area 3911 and no later than October 20, 2006. These hunters will be issued a second elk transport tag valid for the general season for the same hunting method as specified on the first tag.						

Muzzleloader Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid muzzleloader elk tag as listed below on his/her person for the area hunted.

Hunting Method: Muzzleloader only as defined by WAC 232-12-051.

Special Notes: Muzzleloader tag holders can only hunt during the muzzleloader seasons and must hunt with muzzleloader equipment. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2006 Dates	2007 Dates	2008 Dates	Legal Elk
Early Muzzleloader Elk Seasons						
Eastern Washington	EM	111, 113, 117, 247	Oct. 7-13	Oct. 6-12	Oct. 4-10	Any bull
		101 through 108, 121 through 142, 250	Oct. 7-13	Oct. 6-12	Oct. 4-10	Any elk
		172, 245, Elk Area 2051, 335 through 342, 352 through 360, 368	Oct. 7-13	Oct. 6-12	Oct. 4-10	Spike bull
Western Washington	WM	454, 564, 568, 574, 578, 666, 684	Oct. 7-13	Oct. 6-12	Oct. 4-10	Any elk
		460, 504, 513, 530, ((554-)) 602, 603, 607, 658, 660, 672	Oct. 7-13	Oct. 6-12	Oct. 4-10	3 pt. min.
		501, 503, 554 , 652, 663, 667, Elk Area 6054	Oct. 7-13	Oct. 6-12	Oct. 4-10	3 pt. min. or antlerless
Late Muzzleloader Elk Seasons						
Eastern Washington	EM	130 through 142	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Any elk
		127-142 AHE master hunters only. Must wear hunter orange	Dec. 9-31	Dec. 9-31	Dec. 9-31	Any elk
		203 through 248, 250, 254 through 290, 373, 379, 381 except closed within 1/2 mile of the Columbia River in Douglas and Grant counties. Must wear hunter orange	Oct. 28 - Nov. 15	Oct. 27 - Nov. 15	Oct. 25 - Nov. 15	Any elk
		371, Elk Areas 3911* and 3912 AHE master hunters only. Must wear hunter orange	Aug. 1 - Jan. 30, 2007	Aug. 1 - Jan. 30, 2008	Aug. 1 - Jan. 30, 2009	Antlerless only
Western Washington	WM	Elk Area 4941	Nov. 1 - Jan. 30, 2007	Nov. 1 - Jan. 30, 2008	Nov. 1 - Jan. 30, 2009	Any elk
		501, 503, 505, 652, Elk Area 6054	Nov. 22 - Dec. 8	Nov. 21 - Dec. 8	Nov. 19 - Dec. 8	3 pt. min. or antlerless
		454, 564, 568, 666, 684	Nov. 22 - Dec. 15	Nov. 21 - Dec. 15	Nov. 19 - Dec. 15	Any elk
		574, 578	Nov. 22-30	Nov. 21(-30)- Dec. 8	Nov. 19(-30)- Dec. 8	Any elk
		504, 550, 601, 667	Nov. 22 - Dec. 15	Nov. 21 - Dec. 15	Nov. 19 - Dec. 15	3 pt. min.
		*Advanced Hunter Education Master Hunters who hunt in Elk Area 3911 from August 1 through October 15, 2006, who successfully take an antlerless elk, and who notify the department by October 20, 2006, may purchase a second elk transport tag. Notification must be following the harvest of an antlerless elk from Elk Area 3911 and no later than October 20, 2006. These hunters will be issued a second elk transport tag valid for the general season for the same hunting method as specified on the first tag.				

AMENDATORY SECTION (Amending Order 06-92, filed 5/8/06, effective 6/8/06)

WAC 232-28-353 2006 Deer special permits.

SPECIAL DEER PERMIT HUNTING SEASONS

(Open to Permit Holders Only)

Hunters must purchase a deer 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 archery, muzzleloader, or modern firearm permit hunts. 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	Boundary Description	Permits
Modern Firearm Deer Permit Hunts (Only modern firearm deer tag holders may apply.)				
Sherman	Oct. 14-29	Whitetail, antlerless	GMU 101	75

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
Kelly Hill	Oct. 14-27 & Nov. 6-19	Whitetail, antlerless	GMU 105	150
Douglas	Oct. 14-27 & Nov. 6-19	Whitetail, antlerless	GMU 108	300
Aladdin A	Oct. 14-27 & Nov. 6-19	Whitetail, antlerless	GMU 111	75
Aladdin B	Nov. 22-26	Whitetail, any buck	GMU 111	50
Selkirk	Oct. 14-27 & Nov. 6-19	Whitetail, antlerless	GMU 113	50
49 Degrees North	Oct. 14-27 & Nov. 6-19	Whitetail, antlerless	GMU 117	350
Huckleberry A	Oct. 14-27 & Nov. 6-19	Whitetail, antlerless	GMU 121	600
Mt. Spokane A	Oct. 14-27 & Nov. 6-19	Whitetail, antlerless	GMU 124	400
Mica Peak A	Oct. 14-22	Whitetail, antlerless	GMU 127	150
Cheney A	Oct. 14-22	Antlerless	GMU 130	200
Roosevelt	Oct. 14-22	Antlerless	GMU 133	200
Harrington	Oct. 14-22	Antlerless	GMU 136	125
Steptoe	Oct. 14-22 & Nov. 6-19	Antlerless	GMU 139	300
Almota A	Oct. 14-22 & Nov. 6-19	Antlerless	GMU 142	100
Palouse	Nov. 6-19	Whitetail, 3 pt. min.	GMUs 127-142	625
Mayview A	Nov. 1-12	Antlerless	GMU 145	50
Prescott A	Nov. 1-12	Antlerless	GMU 149	50
Blue Creek	Nov. 6-19	Whitetail, antlerless	GMU 154	150
Dayton A	Nov. 6-19	Whitetail, antlerless	GMU 162	250
Dayton B	Nov. 6-19	Antlerless	Deer Area 1010	75
Marengo	Nov. 1-12	Whitetail, antlerless	GMU 163	75
Peola	Nov. 1-12	Whitetail, antlerless	GMU 178	50
Blue Mtns. Foothills A	Nov. 6-19	Whitetail, 3 pt. min. or antlerless	GMUs 149, 154, 162-166	100
Blue Mtns. Foothills B	Nov. 6-19	Whitetail, 3 pt. min. or antlerless	GMUs 145, 172-181	50
Couse	Nov. 1-12	Antlerless	GMU 181	50
East Okanogan A	Nov. 1-18	Any whitetail	GMU 204	50
East Okanogan B	Oct. 14-29	Whitetail, antlerless	GMU 204	75
West Okanogan A	Nov. 1-18	Any whitetail	GMUs 218-242	100
West Okanogan B	Oct. 14-22	Whitetail, antlerless	GMUs 218-242	75
Sinlahekin A	Nov. 1-18	Any whitetail	GMU 215	50
Sinlahekin B	Oct. 14-22	Whitetail, antlerless	GMU 215	75
Chewuch A	Nov. 1-18	Any deer	GMU 218	20
Pearrygin A	Nov. 1-18	Any deer	GMU 224	20
Gardner A	Nov. 1-18	Any deer	GMU 231	15
Pogue A	Nov. 1-18	Any deer	GMU 233	15
Chiliwist A	Nov. 1-18	Any deer	GMU 239	15
Alta A	Nov. 1-18	Any deer	GMU 242	15
Manson	Nov. 1-18	Any deer	GMU 243	5
Chiwawa A	Nov. 1-18	Any deer	GMU 245	30
Slide Ridge A	Nov. 1-18	Any deer	GMU 246	20
Entiat A	Nov. 1-18	Any deer	GMU 247	50
Big Bend A	Nov. 1-18	Antlerless	GMU 248	100
Swakane A	Nov. 1-18	Any deer	GMU 250	40
Mission A	Nov. 1-18	Any deer	GMU 251	35
Mission B	Oct. 14-29	Antlerless	GMU 251	150
St. Andrews	Oct. 14-22	Antlerless	GMU 254	75
Foster Creek A	Oct. 14-22	Antlerless	GMU 260	75
Foster Creek B	Nov. 1-18	Antlerless	GMU 260	75
Withdraw A	Oct. 14-22	Antlerless	GMU 262	50
Badger	Nov. 1-18	Antlerless	GMU 266	50
Ritzville A	Nov. 1-18	3 pt. min. or antlerless	GMU 284	5
Desert A	Nov. 1-12	Any deer	GMU 290	15
Desert B	Nov. 27 - Dec. 3	Antlerless	GMU 290	75
Naneum A	Oct. 14-22	Antlerless	GMU 328	100
Naneum B	Nov. 13-19	Any buck	GMU 328	24
Quilomene A	Nov. 6-19	Any buck	GMU 329	24

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
Teanaway A	Oct. 14-22	Antlerless	GMU 335	100
Teanaway B	Nov. 13-19	Any buck	GMU 335	24
Taneum A	Oct. 14-22	Antlerless	GMU 336	75
L.T. Murray A	Nov. 13-19	Any buck	GMUs 336, 340	24
Nile A	Oct. 14-22	Antlerless	GMU 352	10
Bethel A	Nov. 6-19	Any buck	GMU 360	10
Cowiche A	Oct. 14-22	Antlerless	GMU 368	50
Cowiche B	Nov. 6-19	Any buck	GMU 368	15
Alkali A	Nov. 18-26	Any buck	GMU 371	73
Alkali B	Nov. 18-26	Antlerless	GMU 371	70
Kahlotus A	Dec. 10-16	Antlerless	GMU 381	50
East Klickitat A	Oct. 14-27	3 pt. min. or antlerless	GMU 382	45
Grayback A	Oct. 14-27	3 pt. min. or antlerless	GMU 388	55
Grayback B	Nov. 16-19	3 pt. min.	GMU 388	50
Sauk	Nov. 13-16	2 pt. min.	GMU 437	25
Stillaguamish	Nov. 13-16	Any buck	GMU 448	10
Snoqualmie	Nov. 13-16	Any buck	GMU 460	25
Green River A	Oct. 28 - Nov. 3	Any buck	GMU 485	10
Lincoln A	Oct. 14-31	Any deer	GMU 501	40
Stella A	Oct. 14-31	Any deer	GMU 504	35
Mossyrock A	Oct. 14-31	Any deer	GMU 505	85
Stormking A	Oct. 14-31	Any deer	GMU 510	30
South Rainier A	Oct. 14-31	Any deer	GMU 513	30
Packwood A	Oct. 14-31	Any deer	GMU 516	50
Winston A	Oct. 14-31	Any deer	GMU 520	50
Yale A	Oct. 14-31	Any deer	GMU 554	15
Coweeman A	Oct. 14-31	Any deer	GMU 550	20
Toutle A	Oct. 14-31	Any deer	GMU 556	25
Lewis River A	Oct. 14-31	Any deer	GMU 560	35
Siouxon A	Oct. 14-31	Any deer	GMU 572	35
Wind River A	Oct. 14-31	2 pt. min. or antlerless	GMU 574	10
Wind River B	Nov. 16-19	2 pt. min.	GMU 574	40
West Klickitat A	Oct. 14-31	2 pt. min. or antlerless	GMU 578	30
West Klickitat B	Nov. 16-19	2 pt. min.	GMU 578	40
Pysh	Oct. 14-31	Any deer	GMU 603	15
Olympic A	Oct. 14-31	Any deer	GMU 621	35
Kitsap	Oct. 14-31	Any deer	GMU 627	20
Wynoochee A	Oct. 14-31	Any deer	GMU 648	110
Wynoochee B	Nov. 1-11	Any buck	GMU 648	10
Satsop A	Nov. 1-11	Any buck	GMU 651	10
North River A	Oct. 14-31	Any deer	GMU 658	70
Minot Peak	Oct. 14-31	Any deer	GMU 660	20
Capitol Peak A	Oct. 14-31	Any deer	GMU 663	30
Capitol Peak B	Nov. 1-11	Any buck	GMU 663	10
Deschutes	Oct. 14-31	Any deer	GMU 666	80
Skookumchuck A	Oct. 14-31	Any deer	GMU 667	20
Skookumchuck B	Nov. 1-11	Any buck	GMU 667	10
Muzzleloader Only Deer Permit Hunts (Only muzzleloader tag holders may apply.)				
Green Bluff	Dec. 10-31	Whitetail, antlerless	That portion of GMU 124 east of Hwy 2	90
Mayview B	Oct. 7-13	Antlerless	GMU 145	25
Prescott B	Oct. 7-13	Antlerless	GMU 149	25
Blue Mtns. Foothills C	Nov. 20 - Dec. 8	Whitetail, 3 pt. min. or antlerless	GMUs 149, 154, 162, 166	60
Couse B	Oct. 7-13	Antlerless	GMU 181	25
Wannacut A	Nov. 1-18	Antlerless	GMU 209	50
Chiwawa B	Nov. 19-30	Any deer	GMU 245	3
Chiwawa C	Oct. 7-13	Antlerless	GMU 245	50

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
Entiat G	Oct. 22-31	Any deer	GMU 247	10
Swakane B	Oct. 7-13	Antlerless	GMU 250	25
Mission C	Oct. 7-13	Antlerless	GMU 251	30
Foster Creek C	Dec. 1-31	Antlerless	GMU 260	100
Moses Coulee A	Nov. 1-18	Any deer	GMU 269	20
Moses Coulee B	Dec. 1-31	Antlerless	GMU 269	150
Ritzville B	Nov. 19-30	Mule deer, 3 pt. min. or antlerless; any white-tailed deer	GMU 284	5
Benge A	Dec. 1-15	Antlerless	Deer Area 2010	20
Lakeview A	Nov. 1-18	Antlerless	Deer Area 2011	10
Desert C	Oct. 25-31	Any deer	GMU 290	3
Naneum C	Nov. 6-12	Any buck	GMU 328	3
Quilomene B	Oct. 7-13	Any buck	GMU 329	3
Teanaway C	Oct. 7-13	Antlerless	GMU 335	50
Teanaway D	Nov. 6-12	Any buck	GMU 335	3
Manastash A	Oct. 7-13	Antlerless	GMU 340	50
L.T. Murray B	Nov. 6-12	Any buck	GMUs 336, 340	3
Cowiche C	Oct. 7-13	Antlerless	GMU 368	50
Alkali C	Dec. 3-10	Any buck	GMU 371	10
Alkali D	Dec. 3-10	Antlerless	GMU 371	15
Whitcomb A	Sept. 18-24	Antlerless	Deer Area 3071	5
Paterson A	Sept. 18-24	Antlerless	Deer Area 3072	5
Kahlotus B	Nov. 20 - Dec. 8	Any deer	GMU 381	25
East Klickitat B	Nov. 20-30	3 pt. min. or antlerless	GMU 382	20
Grayback C	Oct. 7-13	3 pt. min. or antlerless	GMU 388	10
West Klickitat C	Dec. 1-15	2 pt. min. or antlerless	GMU 578	30
Mossyrock B	Oct. 7-13	Any deer	GMU 505	10
Stormking B	Oct. 7-13	Any deer	GMU 510	5
South Rainier B	Oct. 7-13	Any deer	GMU 513	5
Packwood B	Oct. 7-13	Any deer	GMU 516	5
Winston B	Oct. 7-13	Any deer	GMU 520	5
Coweeman B	Oct. 7-13	Any deer	GMU 550	30
Yale B	Oct. 7-13	Any deer	GMU 554	2
Toutle B	Oct. 7-13	Any deer	GMU 556	3
Lewis River B	Oct. 7-13	Any deer	GMU 560	5
Siouxon B	Oct. 7-13	Any deer	GMU 572	5
Wind River C	Oct. 7-13	2 pt. min. or antlerless	GMU 574	1
Olympic B	Oct. 7-13	Any deer	GMU 621	20
North River B	Oct. 7-13	Any deer	GMU 658	5
Archery Only Deer Permit Hunts (Only archery deer tag holders may apply.)				
Chiwawa D	Dec. 1-12	Any deer	GMU 245	19
Entiat B	Nov. 20-29	Any deer	GMU 247	160
Entiat C	Nov. 30 - Dec. 8	Any deer	GMU 247	150
Big Bend B	Nov. 20 - Dec. 8	Any deer	GMU 248	10
Desert D	Nov. 13-26	Any deer	GMU 290	14
Naneum D	Nov. 20 - Dec. 8	Any deer	GMU 328	20
Quilomene C	Nov. 20 - Dec. 8	Any deer	GMU 329	20
Teanaway E	Nov. 20 - Dec. 8	Any deer	GMU 335	20
L.T. Murray C	Nov. 20 - Dec. 8	Any deer	GMUs 336, 340	20
Alkali E	Dec. 10-24	Any deer	GMU 371	91
Special Modern Firearm Deer Permit Hunts for Hunters 65 or older				
Blue Mtns. Foothills D	Oct. 14-22	Antlerless	GMUs 145, 149	30
East Okanogan C	Oct. 14-22	Antlerless	GMU 204	15
Wannacut B	Oct. 14-22	Antlerless	GMU 209	15
Sinlahekin C	Oct. 14-22	Antlerless	GMU 215	15
Chewuch B	Oct. 14-22	Antlerless	GMU 218	15

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
Pearrygin B	Oct. 14-22	Antlerless	GMU 224	15
Gardner B	Oct. 14-22	Antlerless	GMU 231	15
Pogue B	Oct. 14-22	Antlerless	GMU 233	15
Chiliwist B	Oct. 14-22	Antlerless	GMU 239	15
Alta B	Oct. 14-22	Antlerless	GMU 242	15
Chiwawa E	Oct. 14-29	Antlerless	GMU 245	10
Entiat D	Oct. 14-29	Antlerless	GMU 247	10
Swakane C	Oct. 14-29	Antlerless	GMU 250	10
Mission D	Oct. 14-29	Any deer	GMU 251	10
Bridgeport A	Oct. 14-22	Antlerless	GMUs 248, 260	15
Palisades A	Oct. 14-22	Antlerless	GMUs 266, 269	15
Quilomene D	Nov. 7-20	Antlerless	GMU 329	10
Manastash B	Oct. 14-22	Antlerless	GMU 340	25
Umtanum A	Nov. 7-20	Antlerless	GMU 342	10
Bethel B	Oct. 14-22	Antlerless	GMU 360	10
Sunnyside A	Oct. 14-22	Antlerless	GMU 372	15
Horse Heaven Hills A	Oct. 14-22	Antlerless	GMU 373	10
Kahlolus C	Oct. 14-22	Antlerless	GMU 381	15
East Klickitat C	Oct. 14-27	3 pt. min. or antlerless	GMU 382	20
Grayback D	Oct. 14-27	3 pt. min. or antlerless	GMU 388	10
Lincoln B	Oct. 14-31	Any deer	GMU 501	5
Stella B	Oct. 14-31	Any deer	GMU 504	5
Mossyrock C	Oct. 14-31	Any deer	GMU 505	15
Stormking C	Oct. 14-31	Any deer	GMU 510	5
South Rainier C	Oct. 14-31	Any deer	GMU 513	5
Packwood C	Oct. 14-31	Any deer	GMU 516	5
Winston C	Oct. 14-31	Any deer	GMU 520	5
Yale C	Oct. 14-31	Any deer	GMU 554	5
Toutle C	Oct. 14-31	Any deer	GMU 556	10
Lewis River C	Oct. 14-31	Any deer	GMU 560	5
Washougal A	Oct. 14-31	Any deer	GMU 568	10
Siouxon C	Oct. 14-31	Any deer	GMU 572	5
Wind River D	Oct. 14-31	2 pt. min. or antlerless	GMU 574	2
West Klickitat D	Oct. 14-31	2 pt. min. or antlerless	GMU 578	5
Copalis	Oct. 14-31	Any deer	GMU 642	20
North River C	Oct. 14-31	Any deer	GMU 658	10
Williams Creek	Oct. 14-31	Any deer	GMU 673	20
Disabled Hunter Deer Permits (Hunters must use method/weapon listed on their tag. All weapon types may apply unless otherwise noted.)				
East Okanogan D	Restricted to general early season by tag choice	Antlerless	GMU 204	15
Wannacut C		Antlerless	GMU 209	15
Sinlahekin D		Antlerless	GMU 215	15
Chewuch C		Antlerless	GMU 218	15
Pearrygin C		Antlerless	GMU 224	15
Gardner C		Antlerless	GMU 231	15
Pogue C		Antlerless	GMU 233	15
Chiliwist C		Antlerless	GMU 239	15
Alta C		Antlerless	GMU 242	15
Chiwawa F		Oct. 14-29	Antlerless, modern firearm only	GMU 245
Entiat E	Oct. 14-29	Antlerless, modern firearm only	GMU 247	15
Mission E	Oct. 14-29	Any deer, modern firearm only	GMU 251	15
Bridge Port B	Restricted to general early season by tag choice	Any deer	GMUs 248, 260	10
Palisades B		Any deer	GMUs 266, 269	10
Quilomene E	Nov. 6-19	Antlerless, modern firearm only	GMU 329	5
Manastash C	Oct. 14-22	Antlerless, modern firearm only	GMU 340	10
Umtanum B	Nov. 6-19	Antlerless, modern firearm only	GMU 342	5

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
Nile B	Restricted to general early season by tag choice	Antlerless	GMU 352	10
Sunnyside B		Antlerless	GMU 372	10
Kahlotus D		Antlerless	GMU 381	10
East Klickitat D		3 pt. min. or antlerless	GMU 382	20
Grayback E		3 pt. min. or antlerless	GMU 388	10
Green River B	Oct. 28 - Nov. 5	Any deer, modern firearm only	GMU 485	5
Lincoln C	Restricted to general early season by tag choice	Any deer	GMU 501	3
Stella C		Any deer	GMU 504	3
Mossyrock D		Any deer	GMU 505	5
Stormking D		Any deer	GMU 510	3
South Rainier D		Any deer	GMU 513	3
Packwood D		Any deer	GMU 516	3
Winston D		Any deer	GMU 520	3
Yale D		Any deer	GMU 554	3
Toutle D		Any deer	GMU 556	5
Lewis River D		Any deer	GMU 560	2
Washougal B		Any deer	GMU 568	2
Siouxon D		Any deer	GMU 572	3
Wind River E		2 pt. min. or antlerless	GMU 574	1
West Klickitat E		2 pt. min. or antlerless	GMU 578	3
Capitol Peak C		Any deer	GMU 663	30
Skookumchuck C		Any deer	GMU 667	30
North River D		Any deer	GMU 658	5
Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)				
Modern Firearm Only				
Blue Mtns. Foothills E	Oct. 14-22	Antlerless	GMUs 149, 154, 162-163	40
Blue Mtns. Foothills F	Oct. 14-22	Antlerless	GMUs 145, 172-181	40
East Okanogan E	Oct. 14-22	Antlerless	GMU 204	70
Wannacut D	Oct. 14-22	Antlerless	GMU 209	50
Sinlahekin E	Oct. 14-22	Antlerless	GMU 215	100
Chewuch D	Oct. 14-22	Antlerless	GMU 218	175
Pearygin D	Oct. 14-22	Antlerless	GMU 224	175
Gardner D	Oct. 14-22	Antlerless	GMU 231	65
Pogue D	Oct. 14-22	Antlerless	GMU 233	50
Chiliwist D	Oct. 14-22	Antlerless	GMU 239	100
Alta D	Oct. 14-22	Antlerless	GMU 242	110
Chiwawa G	Oct. 14-29	Antlerless	GMU 245	60
Entiat F	Oct. 14-29	Antlerless	GMU 247	40
Swakane D	Oct. 14-29	Antlerless	GMU 250	20
Mission F	Oct. 14-29	Antlerless	GMU 251	150
Bridge Port C	Oct. 14-22	Antlerless	GMUs 248, 260	125
Palisades C	Oct. 14-22	Antlerless	GMUs 266, 269	100
Lakeview C	Oct. 14-22	Any deer	Deer Area 2011	10
Benge B	Oct. 23-31	Antlerless	Deer Area 2010	20
Desert E	Sept. (18 –Oct. 1) <u>22-23</u>	Any deer	GMU 290	(10) <u>2</u>
Naneum F	Oct. 14-22	Antlerless	GMU 328	50
Quilomene F	Nov. 6-19	Antlerless	GMU 329	50
Manastash D	Oct. 14-22	Antlerless	GMU 340	100
Umtanum C	Nov. 7-20	Antlerless	GMU 342	25
Cowiche D	Oct. 14-22	Antlerless	GMU 368	50
Horse Heaven Hills B	Oct. 14-22	Antlerless	GMU 373	10
Kahlotus E	Oct. 14-22	Antlerless	GMU 381	20
Grayback F	Oct. 14-27	Any deer	GMU 388	20
East Klickitat E	Oct. 14-27	Any deer	GMU 382	30
Green River C	Oct. 28 - Nov. 3	Antlerless	GMU 485	5
Lincoln D	Oct. 14-31	Any deer	GMU 501	10

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
Stella D	Oct. 14-31	Any deer	GMU 504	10
Mossyrock E	Oct. 14-31	Any deer	GMU 505	10
Stormking E	Oct. 14-31	Any deer	GMU 510	10
South Rainier E	Oct. 14-31	Any deer	GMU 513	10
Packwood E	Oct. 14-31	Any deer	GMU 516	10
Winston E	Oct. 14-31	Any deer	GMU 520	10
Yale E	Oct. 14-31	Any deer	GMU 554	10
Toutle E	Oct. 14-31	Any deer	GMU 556	60
Lewis River E	Oct. 14-31	Any deer	GMU 560	10
Washougal C	Oct. 14-31	Any deer	GMU 568	10
Siouxon E	Oct. 14-31	Any deer	GMU 572	10
Wind River F	Oct. 14-31	Any deer	GMU 574	15
West Klickitat F	Oct. 14-31	Any deer	GMU 578	15
Satsop B	Oct. 14-31	Any deer	GMU 651	10
Skookumchuck D	Oct. 7-31	Any deer	GMU 667	60
North River E	Oct. 14-31	Any deer	GMU 658	10
Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)				
Muzzleloader Only				
East Okanogan F	Oct. 7-13	Antlerless	GMU 204	10
Wannacut E	Oct. 7-13	Antlerless	GMU 209	10
Pogue E	Oct. 7-13	Antlerless	GMU 233	10
Chiliwist E	Oct. 7-13	Antlerless	GMU 239	10
Alta E	Oct. 7-13	Antlerless	GMU 242	10
Mission F	Oct. 7-13	Any deer	GMU 251	20
Ritzville C	Oct. 7-13	Antlerless	GMU 284	50
Desert F	Sept. ((1-15)) <u>8-9</u>	Any deer	GMU 290	((40)) <u>2</u>
Whitcomb B	Sept. 11-17	Antlerless	Deer Area 3071	5
Paterson B	Sept. 11-17	Antlerless	Deer Area 3072	5
Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and be accompanied by an adult during the hunt.)				
Archery Only				
Desert G	((Oct. 2-15)) <u>Sept. 15-16</u>	Any deer	GMU 290	((40)) <u>2</u>
Special Deer Permits - Second Deer Tag				
These permits are only valid when a second license and tag is purchased. Hunters must use the method/weapon listed on their tag. The second deer license and tag type must be the same tag type as the first one. These 2nd deer special permit hunts will not affect hunters' accumulated points.				
Hunt Name	Second Tag Season	Special Restrictions	Boundary Description	Permits
Huckleberry B	Restricted to general seasons by tag choice	Whitetail, antlerless	GMU 121	400
Mt. Spokane B		Whitetail, antlerless	GMU 124	500
Almota B		Antlerless	GMU 142	100
Mica Peak B		Whitetail, antlerless	GMU 127	200
Northeast	Archery tag required. Any open archery hunt. Must use archery equipment.	Whitetail, antlerless	GMUs 105, 108, 121, 124	200
Benge C	Dec. 16-31	Antlerless	Deer Area 2010	20
Lakeview C	Jan. 1-30	Antlerless	Deer Area 2011	20
Methow	<u>Sept. 4 - Oct. 21</u>	<u>Antlerless</u>	<u>Deer Area 2012</u>	<u>20</u>
High Prairie	Restricted to general early season by tag choice	Antlerless	Deer Area 3088	50
Shaw	Restricted to general seasons by tag choice	Any deer	Deer Area 4004	50
Lopez		Any deer	Deer Area 4005	50
Orcas		Any deer	Deer Area 4006	50
Decatur		Any deer	Deer Area 4007	50
Blakely		Any deer	Deer Area 4008	50
Cypress		Any deer	Deer Area 4009	50
San Juan		Any deer	Deer Area 4010	50
Camano		Antlerless	Deer Area 4011	50
Whidbey		Antlerless	Deer Area 4012	125
Vashon-Maury		Antlerless	Deer Area 4013	125

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
Guemes		Antlerless	Deer Area 4926	50
Anderson		Antlerless	Deer Area 6014	50
Advanced Hunter Education (AHE) Master Hunter Special Deer Permit Hunts: Only AHE master hunters may apply; antlerless only hunts will not affect accumulated points; any weapon may be used.				
Lakeview D	Dec. 9-31	Antlerless	Deer Area 2011	20

Hunter Education Instructor Incentive Permits				
<ul style="list-style-type: none"> Special deer permits will be allocated through a random drawing to those hunter education instructors that qualify. Permit hunters must use archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. 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. 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. Permittees may purchase a second license for use with the permit hunt only. 				
Area	Dates	Restrictions	GMUs	Permits
Region 1	All general season and permit seasons established for GMUs included with the permit	Any white-tailed deer	Any 100 series GMU except GMU 157	2
Region 2		Any deer	GMUs 215-251	1
Region 2		Any deer	GMU 290	1
Region 3		Any deer	GMUs 335-368, 382, 388	1
Region 4		Any deer	Any 400 series GMU except GMU 485	2
Region 5		Legal buck for 500 series GMU of choice or antlerless	Any 500 series GMU open for a general deer hunting season or a special deer permit hunting season	2
Region 6		Legal buck for GMU of choice	GMUs 654, 660, 672, 673, 681	1

AMENDATORY SECTION (Amending Order 06-196, filed 8/15/06, effective 9/15/06)

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
Modern Firearm Bull Permit Hunts (Only modern firearm elk tag holders may apply.)					
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
Teaway A	Dec. 23 - Jan. 5, ((2007)) 2008	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

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
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)) 3-12	Any bull	WF	GMU 524	((23)) 35
Toutle A	Nov. ((4)) 3-12	Any bull	WF	GMU 556	((94)) 130
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)) 3 pt. min.	WF	GMU 621, EXCEPT for Elk Area 6071	21
Skokomish A	Nov. 1-9	((Any bull)) 3 pt. min.	WF	GMU 636	9
Wynoochee	Oct. 1-10	Any bull	WA, WF, WM	GMU 648	1
White River A	Nov. ((4)) 3-12	Any bull	WF	GMU 653	23
Modern Firearm Elk Permit Hunts (Only modern firearm elk tag holders may apply.)					
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)) 2008	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)) 2008	Antlerless	EF	Elk Area 2033	30
Peshastin E	Dec. 15 - Feb. 28, ((2007)) 2008	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)) 2008	Antlerless	EF	GMU 335	100
Taneum A	Nov. 1-5	Antlerless	EF	GMU 336	150
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
<u>Mossyrock A</u>	<u>Nov. 3-12</u>	<u>Antlerless</u>	<u>WF</u>	<u>GMU 505</u>	<u>50</u>
Willapa Hills A	Nov. ((4)) 3-12	Antlerless	WF	GMU 506	35
Winston A	Nov. ((4)) 3-12	Antlerless	WF	GMU 520	12

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
Margaret B	Nov. 13-17	Antlerless	WF	GMU 524	((30)) 50
Ryderwood A	Nov. ((4)) 3-12	Antlerless	WF	GMU 530	32
Coweeman A	Nov. ((4)) 3-12	Antlerless	WF	GMU 550	15
Toutle B	Nov. 13-17	Antlerless	WF	GMU 556	((50)) 70
Toledo G	Nov. ((4)) 3-12	Antlerless	WF	Elk Area 5029	20
Green Mtn C	Nov. ((4)) 3-12	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)) 2008	Antlerless	WF	Elk Area 5061	15
Lewis River A	Nov. ((4)) 3-12	Antlerless	WF	GMU 560	((80)) 120
Siouxon A	Nov. 4-12	Antlerless	WF	GMU 572	((40)) 60
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)) 2008	Antlerless	WF	Elk Area 6010	15
Raymond D	Feb. 1-28, ((2007)) 2008	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)) 2008	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)) 2008	Antlerless	WF	Elk Area 6012	10
North Shore A	Nov. 5-9	Antlerless	WF	Elk Area 6068	5
Muzzleloader Bull Permit Hunts (Only muzzleloader elk tag holders may apply.)					
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)) 6-14	Any bull	WM	GMU 524	((5)) 10
Toutle C	Oct. ((7-13)) 6-14	Any bull	WM	GMU 556	((17)) 35
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
Muzzleloader Permit Hunts (Only muzzleloader elk tag holders may apply.)					
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)) 2008	Antlerless	EM	GMUs 149, 154	60
Mountain View D	Oct. 1-10	Antlerless	EM	Elk Area 1013	25

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
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)) 2008	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
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)) 21 - Dec. 15	Antlerless	WM	GMU 504	((75)) 150
Stella B	Jan. 1-16, ((2007)) 2008	Antlerless	WM	GMU 504	((59)) 100
Toledo A	Dec. 7-20	Antlerless	WM	Elk Area 5029	30
Mossyrock ((A)) B	Jan. 1-16, ((2007)) 2008	Antlerless	WM	Elk Area 5052	((20)) 50
Randle A	Jan. 1-16, ((2007)) 2008	Antlerless	WM	Elk Area 5053	15
Boistfort A	Jan. 1-16, ((2007)) 2008	Antlerless	WM	Elk Area 5054	40
Willapa Hills B	Nov. ((22)) 21 - Dec. 15	Antlerless	WM	GMU 506	15
Green Mt. A	Jan. 1-16, ((2007)) 2008	Antlerless	WM	Elk Area 5051	30
Wildwood B	Jan. 1-15, ((2007)) 2008	Antlerless	WM	Elk Area 5061	15
Winston B	Nov. ((22)) 21 - Dec. 15	Antlerless	WM	GMU 520	((3)) 30
Margaret D	Nov. ((22)) 21 - Dec. 15	Antlerless	WM	GMU 524	((45)) 30
Ryderwood B	Oct. ((7-13)) 6-12	Antlerless	WM	GMU 530	((8)) 15
Coweeman B	Nov. ((22)) 21 - Dec. 15	Antlerless	WM	GMU 550	((5)) 20
Toutle D	Nov. ((22)) 21 - Dec. 15	Antlerless	WM	GMU 556	((45)) 50
Lewis River B	Oct. ((7-13)) 6-12	Antlerless	WM	GMU 560	((25)) 40
Siouxon B	Oct. ((7-13)) 6-12	Antlerless	WM	GMU 572	((40)) 15
Yale A	Oct. 6-12	Antlerless	WM	GMU 554	25
Yale B	Nov. ((22)) 21 - Dec. 15	3 pt. min. or antlerless	WM	GMU 554	75
Twin Satsop A	Jan. 5-15, ((2007)) 2008	Antlerless	WM	Elk Area 6061	10
Mashel A	Jan. 1-15, ((2007)) 2008	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)) 2008	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)) 2008	Antlerless	WM	Elk Area 6012	30
Archery Permit Hunts (Only archery elk tag holders may apply.)					
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
Teanaway 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

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
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	Oct. 11-22	Any bull	EA	Elk Area 3068	1
Klickitat Meadows F	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)) 15
Margaret F	Sept. 15-30	Antlerless	WA	GMU 524	15
Toutle E	Sept. 15-30	Any bull	WA	GMU 556	((47)) 70
Toutle F	Sept. 15-30	Antlerless	WA	GMU 556	30
Lewis River	Nov. 21 - Nov. 30	3 pt. min. or antlerless	WA	GMU 560	50
Siouxon	Nov. 21-30	3 pt. min. or antlerless	WA	GMU 572	25
Olympic C	Sept. 8-21	((Any bull)) 3 pt. min.	WA	GMU 621, EXCEPT for Elk Area 6071	6
Skokomish C	Sept. 8-21	((Any bull)) 3 pt. min.	WA	GMU 636	5
White River C	Sept. 8-21	Any bull	WA	GMU 653	19
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.					
Peshastin F	Aug. 18-31	Any elk	Any elk tag	Elk Area 2033	5
Mossyrock B	Jan. 17-30, ((2007)) 2008	Antlerless	Any elk tag	Elk Area 5052	20
Randle B	Jan. 17-30, ((2007)) 2008	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)) 2008	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)) 2008	Antlerless	Any elk tag	Elk Area 5060	10
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.					
Peola B	Aug. 11 - Sept. 7	Antlerless	Any elk tag	Designated areas in GMU 178	15 ^{HM}
Peola C	Dec. 9 - Jan. 31, ((2007)) 2008	Antlerless	Any elk tag	Designated areas in GMU 178	15 ^{HM}
Malaga J	Jan. 1 - Mar. 31, ((2007)) 2008	Antlerless	Any elk tag	Elk Area 2032	30 ^{HM}
Fairview A	Feb. 1-28, ((2007)) 2008	Antlerless	Any elk tag	Elk Area 3911	20 ^{HM}
Rattlesnake Hills	Aug. 1 - Feb. 28, ((2007)) 2008	Antlerless	Any elk tag	Designated areas in GMU 372	20 ^{HM}
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)) 2008	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 ^{HM}
Blackrock A	Aug. 1 - March 31, ((2007)) 2008	Any elk	Any elk tag	Elk Area 3722	3 ^{HM}
Blackrock B	Aug. 1 - March 31, ((2007)) 2008	Antlerless	Any elk tag	Elk Area 3722	5 ^{HM}
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 + Boistford)) Boistford B	Aug. 1-7	Antlerless	Any archery elk tag	Elk Area 5054	5

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
((Boistford [Boistfort])) Boistfort C	Aug. 8-14	Antlerless	Any archery elk tag	Elk Area 5054	5
((Boistford [Boistfort])) Boistfort D	Aug. 15-21	Antlerless	Any archery elk tag	Elk Area 5054	5
((Boistford [Boistfort])) Boistfort 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)) Nov. 12 - Feb. 28, 2008	Antlerless	Any elk tag	Elk Area 5090	20 ^{HM}
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)) 2008	Antlerless	Any elk tag	Elk Area 5062	5
North River B	Dec. 16 - Feb. 28, ((2007)) 2008	Antlerless	Any elk tag	Designated areas in GMU 658	10 ^{HM}
Chehalis Valley D	Aug. 1 - Feb. 28, ((2007)) 2008	Antlerless	Any elk tag	Designated areas in Elk Area 6066	20 ^{HM}
Raymond F	Dec. 1 - Feb. 28, ((2007)) 2008	Antlerless	Any elk tag	Elk Area 6010	10 ^{HM}
((Hannaford [Hanaford])) Hanaford C	Aug. 1 - Feb. 28, ((2007)) 2008	Antlerless	Any elk tag	Designated areas in Elk Area 6069	5 ^{HM}
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)) 2008	Any bull	Any elk tag	Elk Area 6071	2
Dungeness J	Feb. 1-28, ((2007)) 2008	Spike only	Any elk tag	Elk Area 6071	2
Youth - Special Elk Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)					
Blackrock C	Aug. 1 - Mar. 31, ((2007)) 2008	Spike or antlerless	Any elk tag	Elk Area 3722	20 ^{HM}
Fairview B	Aug. 1 - Feb. 28, ((2007)) 2008	Antlerless	Any elk tag	Elk Area 3911	10 ^{HM}
Mudflow A	Oct. 9-14	Antlerless	WF	Elk Area 5099	5
Mudflow B	Oct. 23-28	Antlerless	WF	Elk Area 5099	5
Mudflow C	Nov. 20-25	Antlerless	WF	Elk Area 5099	5
Dungeness K	Sept. 1 - Feb. 28, ((2007)) 2008	Any elk	Any elk tag	Elk Area 6071	2
Sol ((Duck [Duc])) Duc Valley	Aug. 1 - Mar. 31, ((2007)) 2008	Antlerless	Any elk tag	Elk Area 6072	10
Clearwater Valley	Aug. 1 - Mar. 31, ((2007)) 2008	Antlerless	Any elk tag	Elk Area 6073	5
Persons of Disability Only - Special Elk Permit Hunts					
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)) 2008	Antlerless	Any elk tag	Elk Area 3722	2 ^{HM}
Fairview C	Aug. 1 - Feb. 28, ((2007)) 2008	Antlerless	Any elk tag	Elk Area 3911	10 ^{HM}
Mudflow ((A)) D	Nov. 6-12	Antlerless	Any elk tag	Elk Area 5099	((5)) 10
Mudflow ((B)) E	((Nov. 20-26)) Sept. 25-30	Antlerless	Any elk tag	Elk Area 5099	((5)) 10
Mudflow F	Oct. 2-7	Antlerless	Any elk tag	Elk Area 5099	10
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

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
North Shore D	Jan. 1-30, ((2007)) 2008	Antlerless	Any elk tag	Elk Area 6068	5
North Shore E	Feb. 1-28, ((2007)) 2008	Antlerless	Any elk tag	Elk Area 6068	5
Chehalis Valley E	Dec. 16-31	Antlerless	Any elk tag	Elk Area 6066	15
((Hannaford {Hanaford})) Hanaford A	Jan. 1-15, ((2007)) 2008	Antlerless	Any elk tag	Elk Area 6069	5
Hunters 65 or Older Only - Special Elk Permit Hunts					
((Hannaford {Hanaford})) Hanaford B	Jan. 16-30, ((2007)) 2008	Antlerless	Any elk tag	Elk Area 6069	5
Mudflow G	Sept. 18-23	Antlerless	Any elk tag	Elk Area 5099	10
Mudflow H	Oct. 16-21	Antlerless	Any elk tag	Elk Area 5099	10
Mudflow I	Oct. 30 - Nov. 4	Antlerless	Any elk tag	Elk Area 5099	10

* 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).

HM 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.

Hunter Education Instructor Incentive Permits				
<ul style="list-style-type: none"> - Special elk permits will be allocated through a random drawing to those hunter education instructors that qualify. - Permit hunters must use archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. - 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. - 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. - Permittees may purchase a second license for use with the permit hunt only. 				
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