

Washington State Register

MARCH 18, 1992

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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of March 1992 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

The maximum allowable retail installment contract service charge applicable for calendar year 1992 pursuant to RCW 63.14.130(1)(a) is eleven point seven five percent (11.75%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is ten point two five percent (10.25%) for the second calendar quarter of 1992.

The maximum allowable retail installment contract service charge for the purchase of a vessel pursuant to RCW 63.14.130(3)(a) is ten point zero percent (10.00%) for the first calendar quarter of 1992.

WASHINGTON STATE REGISTER

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

Raymond W. Haman
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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

Documents are arranged within each issue of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence within an issue's material.

2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.05 RCW) may be distinguished by the size and style of type in which they appear.

- (a) **Proposed rules** are those rules pending permanent adoption by an agency and are set forth in eight point type.
- (b) **Adopted rules** have been permanently adopted and are set forth in ten point type.
- (c) **Emergency rules** have been adopted on an emergency basis and are set forth in ten point oblique type.

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

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

4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

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

5. EFFECTIVE DATE OF RULES

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

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

1991 – 1992

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing on or after
91-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
91-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
91-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
91-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
91-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
91-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
91-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
91-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
91-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1992
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92-01	Nov 21	Dec 5	Dec 19, 1991	Jan 2, 1992	Jan 22
92-02	Dec 5	Dec 19, 1991	Jan 2, 1992	Jan 15	Feb 4
92-03	Dec 26, 1991	Jan 8, 1992	Jan 22	Feb 5	Feb 25
92-04	Jan 8	Jan 22	Feb 5	Feb 19	Mar 10
92-05	Jan 22	Feb 5	Feb 19	Mar 4	Mar 24
92-06	Feb 5	Feb 19	Mar 4	Mar 18	Apr 7
92-07	Feb 19	Mar 4	Mar 18	Apr 1	Apr 21
92-08	Mar 4	Mar 18	Apr 1	Apr 15	May 5
92-09	Mar 25	Apr 8	Apr 22	May 6	May 26
92-10	Apr 8	Apr 22	May 6	May 20	Jun 9
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92-15	Jun 24	Jul 8	Jul 22	Aug 5	Aug 25
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92-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8
92-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
92-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1993

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

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

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

WSR 92-06-001
RULES COORDINATOR
HEALTH CARE AUTHORITY
[Filed February 19, 1992, 3:51 p.m.]

This is to inform you that Kristen West, Assistant Administrator, will continue to be the rules coordinator for the Health Care Authority.

Margaret Stanley
Administrator

WSR 92-06-002
RULES OF COURT
STATE SUPREME COURT
[February 18, 1992]

IN THE MATTER OF THE ADOPTION NO. 25700-A-495
OF THE AMENDMENT TO APR 6(a) ORDER

The Court having considered the proposed amendment to APR 6(a), from the Washington State Bar Association, and having determined that the amendment will aid in the prompt and orderly administration of justice and having further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendment will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 18th day of February, 1992.

	Dore, C/J
Utter, J.	Guy, J.
Brachtenbach, J.	Smith, J.
James M. Dolliver	Durham, J.
Andersen, J.	Johnson, J.

PROPOSED AMENDMENT
Admission to Practice Rules
APR 6(a)

(a) Applicants. Every applicant for enrollment in the law clerk program shall:

- (1) No change.
- (2) No change.
- (3) No change.

(4) Submit on forms provided by the Bar Association (i) an application for admission to the law clerk program, (ii) the tutor's statement required by subsection (b)(3) of this rule, and (iii) an application fee; and

(5) Appear for an interview, provide any additional information or proof, and cooperate in any investigation,

as maybe deemed relevant by the Board of Governors, and

(6) pay such fees as may be set by the Board of Governors with the approval of the Supreme Court.

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 92-06-003
PERMANENT RULES
DEPARTMENT OF
NATURAL RESOURCES
[Filed February 20, 1992, 10:44 a.m.]

Date of Adoption: February 12, 1992.

Purpose: To provide guidelines and procedures for leasing state-owned land for the development of geothermal resources, as required by EHB 1277.

Citation of Existing Rules Affected by this Order: Amending WAC 332-22-020.

Statutory Authority for Adoption: Chapter 79.12 RCW, as amended by ESB [EHB] 1277 and RCW 79.01.242.

Pursuant to notice filed as WSR 91-23-053 on November 15, 1991.

Changes Other than Editing from Proposed to Adopted Version: WAC 332-22-020, editorial changes to definitions (11), (12) and (13); WAC 332-22-180, renumbered as WAC 332-22-290 and rewritten for clarification; WAC 332-22-190, renumbered as WAC 332-22-280 and rewritten for clarity; WAC 332-22-200, provides that the Board of Natural Resources shall set the rental rate and rewritten for clarity; WAC 332-22-210, renumbered as WAC 332-22-220, establishes an alternative minimum annual royalty of \$2,000 per lease if the \$10/acre is less than \$2,000 and rewritten for clarity; WAC 332-22-220, renumbered to WAC 332-22-210, changes the first reappraisal period from 35 to 20 years and provides for review and readjustment to meet fair market value at 10 year intervals thereafter and reworded for clarity; and WAC 332-22-230, adds authority to the commissioner or commissioner's delegate to require lessees to enter into a unit plan with other landowners when it is in the best interest of the state, allows the commissioner or commissioner's delegate to change lease terms and conditions at the time of entering a unit plan without prior consent of the lessee and deletes reference to the one specific aspect of the operation of a unit plan, as all terms and conditions of a unit would be negotiated at the time the unit is established.

Effective Date of Rule: Thirty-one days after filing.

February 12, 1992

Brian J. Boyle

Commissioner of Public Lands

FINAL DRAFT—GEOTHERMAL RESOURCES
LEASING WACS 9/26/91

- 1 WAC 332-22-020 Definitions.
- 2 WAC 332-22-160 Performance security.
- 3 WAC 332-22-170 Geothermal resources lease—area.

4	WAC 332-22-180	Geothermal resources lease—plan of development.
5	WAC 332-22-190	Geothermal resources lease—term.
6	WAC 332-22-200	Geothermal resources lease—annual rental.
7	WAC 332-22-210	Geothermal resources lease—production royalty.
8	WAC 332-22-220	Geothermal resources lease—minimum annual royalty.
9	WAC 332-22-230	Geothermal resources lease—unit plans.
10	WAC 332-22-240	Geothermal resources lease—records.

AMENDATORY SECTION (Amending Order 350 [Resolution No. 464], filed 1/20/81 [9/10/84])

WAC 332-22-020 DEFINITIONS. Insofar as these rules apply, these definitions will be utilized.

(1) "Commissioner" means the commissioner of public lands.

(2) "Department" means the department of natural resources as defined in RCW 43.30.030.

(3) "Board" means the board of natural resources as defined in RCW 43.30.040.

(4) "Fair market rental value" means the total rental that a property would command on the open market as determined by either comparable rental rates being paid for comparable uses or by the current fair market value of the property times the applicable capitalization rate.

(5) "Fair market value for improvements" is as defined in RCW 79.01.136.

(6) "Highest and best use" means the legal use that will produce the highest return to the trust over an extended period of time, including interim use.

(7) "Interim use" means any use of the land for which a rent can be charged before the planned use is attained.

(8) "State lands" means lands owned by the state or managed by the department excluding marine and aquatic lands.

(9) "Person" means a person at least 18 years of age, a partnership, a corporation or a government agency.

(10) "Bonus bid" means the dollar amount offered, to be paid one time only, over and above the periodic rent or the share of the crop.

(11) "Geothermal resources" means only that natural heat energy of the earth from which it is technologically practical to produce electricity commercially and the medium by which such heat energy is extracted from the earth, including liquids or gases, as well as any minerals contained in any natural or injected fluids, brines and associated gas, but excluding oil, hydrocarbon gas and other hydrocarbon substances, as defined in RCW 79.76.030.

(12) "Commercially feasible geothermal resources" means that amount of geothermal steam, hot water, steam condensate, by-products thereof, minerals and chemicals which are used for:

(a) the generation of electricity, and

(b) which are derived, generated or manufactured from the premises or from a unit plan which includes the lease premises, sufficient for commercial sales, or

(c) which would warrant construction of facilities for processing or sale of such product or by-products.

(13) "By-products" means

(a) any mineral or minerals (exclusive of oil and hydrocarbon gas) which are found in solution or in association with geothermal steam or hot brine and which have a value of less than seventy-five percent of the value of the geothermal steam or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves, or

(b) commercially demineralized water

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 332-22-160 PERFORMANCE SECURITY. The Department may, at its option, require the lessee to file a cash bond, savings account assignment, approved corporate surety bond or other form of security satisfactory to the Department in an amount sufficient to guarantee performance of the terms and conditions of the lease or contract. Such security, if required, shall be submitted prior to issuance of the lease. The Department may reduce or increase the amount of the security as a result of operational changes requiring different levels of performance. The Department may allow a lessee to file a single security device acceptable to the state, in an amount set by the Department covering all of the lessee's state leases.

NEW SECTION

WAC 332-22-170 GEOTHERMAL RESOURCES LEASE—AREA. Leases to explore for and develop geothermal resources shall not exceed 640 acres or one entire government-surveyed section. Leases will be issued at the sole discretion of the Department and only on land where the state controls the surface rights and the agency managing that land authorizes this use.

NEW SECTION

WAC 332-22-180 GEOTHERMAL RESOURCES LEASE—PLAN OF DEVELOPMENT. An applicant for a geothermal resources lease shall submit a plan of development to the Department for approval with the lease application and every five years thereafter. The plan of development shall describe all activities, improvements, or other actions that will contribute to the exploration, development, or production of the property for the next five years, including scheduled dates for completion.

One hundred and twenty days before each five-year anniversary date, the lessee shall deliver to the Department, for its approval, a detailed plan of development

which incorporates the results of operations from the previous five years.

NEW SECTION

WAC 332-22-190 GEOTHERMAL RESOURCES LEASE—TERM. Geothermal resources leases shall be for a term of up to 55 years, subject every five years to approval by the Department of the current plan of development. If the lessee fails to substantially comply with the plan of development, as determined by the Department, the Department may elect to terminate the lease.

NEW SECTION

WAC 332-22-200 GEOTHERMAL RESOURCES LEASE—ANNUAL RENTAL. The annual rental shall be set by the Board of Natural Resources, but for years one through five the annual rental shall be not less than \$1.25 per acre or \$250 whichever is greater, and for years six through ten, shall be not less than \$2.50 per acre or \$500 whichever is greater.

NEW SECTION

WAC 332-22-210 GEOTHERMAL RESOURCES LEASE—PRODUCTION ROYALTY. Production royalty payments on geothermal resources leases shall be payable to the Department for geothermal resources produced from the lease premises. The schedule of production royalty payments and method of calculating fair market value at either the well or point of shipment shall be detailed in the lease and plan of development. PROVIDED THAT production royalty rates shall be not less than the cumulative amount of;

(a) ten percent of the gross proceeds received from the sale of such geothermal resources which are derived, generated or manufactured from the premises sufficient for commercial sales, and

(b) ten percent of the fair market value thereof of products utilized but not sold, and

(c) ten percent of the gross proceeds for all by-products derived from the leasehold estate.

The Department reserves the right to reassess the production royalty rate at year twenty of the lease and every ten years thereafter, and adjust the rate to the then fair market value, however in no case shall the adjusted production royalty be less than the 10 (ten) percent specified in this section.

Lessee shall have the right to commingle, for the purpose of utilizing, selling or processing the products produced from the leasehold estate with products produced from other land, provided that the lessee shall efficiently meter or gauge the production from the leasehold estate in a manner approved by the state, in order to compute royalty payable on the products or by-products produced from the leasehold estate. The lessee shall furnish a sworn statement showing production for accounting periods required by the Department and pay any royalties due.

NEW SECTION

WAC 332-22-220 GEOTHERMAL RESOURCES LEASE—MINIMUM ANNUAL ROYALTY. At the beginning of lease year eleven, or at the beginning of the year in which production starts, whichever occurs first, a minimum annual royalty of not less than ten dollars per acre per year, or \$2,000, whichever is greater, shall be paid to the Department, and shall replace the annual rental. Minimum annual royalty payments shall be credited against production royalties for that year. Minimum royalties paid during the term of the lease are nonrefundable and nontransferable.

The Department reserves the right to reassess the minimum annual royalty rate at year twenty of the lease and every ten years thereafter, and adjust the rate to the then fair market value, however in no case shall the adjusted minimum annual royalty be less than the ten dollars per acre, or \$2,000 specified in this section.

NEW SECTION

WAC 332-22-230 GEOTHERMAL RESOURCES LEASE—UNIT PLANS. (1) The holder(s) of any geothermal resources lease may apply to the Department to consolidate their leaseholding for geothermal resources with other entities, including lands not owned by the state, to collectively adopt and operate as a unit under a unit plan. Such consolidation will not serve to extend the term of the lease and all participants must agree to continue payment of royalties provided in the lease through the life of the unit and any extensions of the plan.

(2) When separate geothermal resource rights under lease cannot be developed and operated independently in accordance with an approved well-spacing or well-development program, the Commissioner or the Commissioner's delegate may require lessees to enter into a unit plan or drilling agreement with other entities when it is in the best interest of the state.

(3) As a condition for authorization to be part of a unit plan, the Commissioner or the Commissioner's delegate may alter the terms and conditions of the lease(s) so involved when it is in the best interest of the state to do so, and such authorization may be further conditioned upon, but not limited to the following:

(a) Department access to reports and documents it deems necessary, at the sole discretion of the Department, to determine if consolidation of the proposed unit plan is in the best interest of the state.

(b) Leaseholds which are only partially included in the unit shall be segregated into separate leases as to the lands committed and not committed as of the effective date of the unitization. The annual rental or minimum annual royalty shall be paid on the leased acreage in the unit independently from other segregated lease areas.

(c) Any apportionment of production or royalties among the separate tracts of land comprising the unit shall include an accounting system, and the Department shall have the right to audit such system to protect the interests of the state.

(d) None of the rights of the state as landholder shall be limited or subordinated.

NEW SECTION

WAC 332-22-240 GEOTHERMAL RESOURCES LEASE—RECORDS. A geothermal resources lessee shall furnish to the lessor copies of all reports required by the Geothermal Resources Act (Chapter 79.76 RCW).

WSR 92-06-004
EMERGENCY RULES

FOREST PRACTICES BOARD

[Filed February 20, 1992, 11:49 a.m., effective February 26, 1992]

Date of Adoption: February 11, 1992.

Purpose: Classify those forest practices subject to environmental review under SEPA and SEPA rules.

Citation of Existing Rules Affected by this Order: Amending WAC 222-16-010 and 222-16-050.

Statutory Authority for Adoption: RCW 76.09.040, 76.09.050 and 34.05.350.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: On October 25, 1990, the Snohomish County Superior Court issued a final judgment declaring WAC 222-16-050(1) invalid as it existed on that date. *Snohomish County v. DNR*, No. 89-2-06923-5 (Snohomish Cy. Super. Ct.). On November 14, 1990, the Forest Practices Board adopted an emergency rule to replace the one declared invalid, and adopted a second emergency rule directing the Department of Natural Resources to develop a watershed screening and analysis process (WSR 90-23-041). A revision of that rule was adopted on March 13, 1991, (WSR 91-07-034). On March 15, 1991, the Forest Practices Board filed a request for preproposal comments on permanent rule changes to WAC 222-16-050(1) (WSR 91-07-030). The board established three task forces to develop recommendations for new permanent rule language relating to pesticide use, aesthetics, and wildlife. At its June 25, 1991, meeting, the Forest Practices Board adopted new emergency rules incorporating recommendations of the task forces (WSR 91-14-102). A change to the emergency rule on watershed analysis was adopted at a Forest Practices Board meeting on August 15, 1991. The task forces have now completed a change proposal for WAC 222-16-050(1). At its October 9, 1991, meeting, the Forest Practices Board: Sent the proposed change to counties and the Departments of Fisheries and Wildlife for review and comment, as required by the Forest Practices Act (RCW 76.09.040), before starting the rule making process required by the Administrative Procedure Act (chapter 34.05 RCW); initiated a public input process to receive comments on preliminary draft rules for cumulative effects and wetlands before completing a rule proposal; and adopted again the emergency rule for WAC 222-16-050(1) as it was

adopted on June 25, 1991. The Forest Practices Board, at a meeting on February 11, 1992, again adopted the emergency rule for WAC 222-16-050(1). At the same meeting the Forest Practices Board sent proposed rule changes for cumulative effects, wetlands, and definition of forest practices subject to review under SEPA and SEPA rules to counties and the Departments of Fisheries and Wildlife for review and comment, as required by the Forest Practices Act (RCW 76.09.940 [76.09.040]).

Effective Date of Rule: February 26, 1992.

February 20, 1992

Brian Boyle

Commissioner of Public Lands

AMENDATORY SECTION [Amending WSR 92-03-028, filed 1/8/92, effective 2/8/92]

WAC 222-16-010 GENERAL DEFINITIONS.* Unless otherwise required by context, as used in these regulations:

"ACT" means the Forest Practices Act, chapter 76.09 RCW.

"AFFECTED INDIAN TRIBE" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"APPEALS BOARD" means the forest practices appeals board established in the act.

"BOARD" means the forest practices board established by the act.

"BORROW PIT" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"CHEMICALS" means substances applied to forest lands or timber to accomplish specific purposes and includes pesticides, (~~insecticides, rodenticides,~~) plant-growth regulators, (~~fungicides, fertilizers,~~) desiccants, fire retardants when used in controlled burning, repellents, oil, dust-control agents (other than water), salt and other materials that may present hazards to the environment.

"COMMERCIAL TREE SPECIES" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"COMPLETION OF HARVEST" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: PROVIDED, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

"CONTAMINATION" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"CONVERSION OPTION HARVEST PLAN" means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

"CONVERSION TO A USE OTHER THAN COMMERCIAL TIMBER OPERATION" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

"CRITICAL WILDLIFE HABITAT" means the habitat of any threatened or endangered species, as such habitat is established by the board in the forest practices board manual, or other situations as identified by the board, after consultation with the department of wildlife, where specific management practices are needed to prevent critical wildlife habitat destruction.

"CULTURAL RESOURCES" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

"DEBRIS" means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

"DEPARTMENT" means the department of natural resources.

"END HAULING" means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

"ERODIBLE SOILS" means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

"FERTILIZERS" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

"FLOOD LEVEL - 50 YEAR." For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

"FOREST LAND" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

"FOREST LAND OWNER" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: PROVIDED, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

"FOREST PRACTICE" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- Road and trail construction;
- Harvesting, final and intermediate;
- Precommercial thinning;
- Reforestation;
- Fertilization;
- Prevention and suppression of diseases and insects;
- Salvage of trees; and
- Brush control.

"Forest practice" shall not include: Preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

"FOREST TREES" excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: Provided, That Christmas trees are forest trees and: Provided further, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees.

"HERBICIDE" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

"HISTORIC SITE" includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

"INSECTICIDE" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

"INTERDISCIPLINARY TEAM" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

"LIMITS OF CONSTRUCTION" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

"LOAD BEARING PORTION" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

"LOCAL GOVERNMENT ENTITY" means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

"MERCHANTABLE STAND OF TIMBER" means a stand of trees that will yield logs and/or fiber:

Suitable in size and quality for the production of lumber, plywood, pulp or other forest products.

Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

"NOTICE TO COMPLY" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

"OPERATOR" shall mean any person engaging in forest practices except an employee with wages as his sole compensation.

"ORDINARY HIGH-WATER MARK" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: PROVIDED, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

"PARK" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

"PARTIAL CUTTING" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

"PESTICIDE" means any insecticide, herbicide, fungicide or rodenticide but does not include nontoxic repellents or other chemicals.

"PLANTABLE AREA" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

"POWER EQUIPMENT" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

"PUBLIC RESOURCES" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

"REHABILITATION" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

"RELIEF CULVERT" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

"RIPARIAN MANAGEMENT ZONE" means a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

"RODENTICIDE" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

"SALVAGE" means the removal of snags, down logs, windthrow, or dead and dying material.

"SCARIFICATION" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

"SIDE CASTING" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

"SHORELINES OF THE STATE" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

"SKID TRAIL" means a route used by tracked or wheeled skidders to move logs to a landing or road.

"SLASH" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

"SPOIL" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

"STOP WORK ORDER" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

"THREATENED OR ENDANGERED SPECIES" applies to all species of wildlife listed as "threatened" or "endangered" by the United States Fish and Wildlife Service, except any species which the Washington department of wildlife determines does not require special protection under the Forest Practices Act because conservation of the species is reasonably assured through a recovery and enhancement program or existence of an adequate population on lands where commercial forestry and land development are prohibited, or through other means. For this purpose, "wildlife" means all members of the animal kingdom except insects and benthic organisms.

"TIMBER" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

"WATER BAR" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

"WEED" is any plant which tends to overgrow or choke out more desirable vegetation.

"WINDTHROW" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

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

AMENDATORY SECTION [(Amending WSR 91-23-052, filed 11/15/91, effective 12/16/91)]

WAC 222-16-050 CLASSES OF FOREST PRACTICES. There are 4 classes of forest practices created by the act. ~~((These classes are listed below in the order most convenient for the applicant's use in determining into which class his operations fall.))~~ All forest practices (including those in Classes I and II) must be conducted in accordance with the forest practices regulations.

(1) "CLASS IV - SPECIAL." Application to conduct forest practices involving the following circumstances requires an environmental checklist in compliance with the State Environmental Policy Act (SEPA), and SEPA guidelines, as they have been determined to have potential for a substantial impact on the environment. It may be determined that additional information or a detailed environmental statement is required before these forest practices may be conducted.

*~~(a) ((Aerial application of pesticides to an "area of water supply interest" as determined according to WAC 222-38-020 (5)(i).))~~ Aerial application of pesticides in a manner identified as having the potential for a substantial impact on the environment under WAC 222-16-070.

(b) Harvesting, road construction, site preparation or aerial application of pesticides:

(i) On lands known to contain a breeding pair or the nest or breeding grounds of any threatened or endangered species; or

(ii) Within the critical habitat designated for such species by the United States Fish and Wildlife Service.

~~(c) ((Widespread use of DDT or a similar persistent insecticide.~~

~~(d))~~ Harvesting, road construction, aerial application of pesticides and site preparation on all lands within the boundaries of any national park, state park, or any park of a local governmental entity, except harvest of less than 5 MBF within any developed park recreation area and park managed salvage of merchantable forest products.

*~~((~~(e)~~))~~ (d) Construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on slide prone areas as defined in WAC 222-24-020(6) and field verified by the department, when such slide prone areas occur on an uninterrupted slope above ((a Type 1, 2, 3 or 4)) any Water Type or capital improvement of the state or its political subdivisions where there is potential for a substantial debris flow or mass failure to cause significant impact to public resources.

*(e) Timber harvest on slide prone areas, field verified by the department, where soils, geologic structure and

local hydrology indicate that canopy removal has the potential for increasing slope instability, when such areas occur on an uninterrupted slope above any Water Type or a capital improvement of the state or its political subdivisions where there is a potential for a substantial debris flow or mass failure to cause significant impact to public resources.

(f) Timber harvest, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on snow avalanche slopes within those areas designated by the department, in consultation with department of transportation, as high avalanche hazard.

(g) Timber harvest, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on archaeological or historic sites registered with the Washington state office of archaeology and historic preservation, or on sites containing evidence of Native American cairns, graves or glyptic records, as provided for in chapters 27.44 and 27.53 RCW. The department shall consult with affected Indian Tribes in identifying such sites.

(2) "CLASS IV - GENERAL." Applications involving the following circumstances are "Class IV - general" forest practices unless they are listed in "Class IV - special." Upon receipt of an application, the department will determine the lead agency for purposes of compliance with the State Environmental Policy Act pursuant to WAC 197-11-924 and 197-11-938(4) and RCW 43.21C.037(2). Such applications are subject to a 30-day period for approval unless the lead agency determines a detailed statement under RCW 43.21C.030 (2)(c) is required. Upon receipt, if the department determines the application is for a proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the department shall notify the applicable county/city under WAC 197-11-924 that the department has determined according to WAC 197-11-938(4) that the county/city is the lead agency for purposes of compliance with State Environmental Policy Act.

(a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, or on lands being converted to another use.

(b) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of likelihood of future conversion to urban development. (See WAC 222-16-060 and 222-34-050.)

(3) "CLASS I." Those operations that have been determined to have no direct potential for damaging a public resource are Class I forest practices. When the conditions listed in "Class IV - Special" are not present, these operations may be commenced without notification or application.

(a) Culture and harvest of Christmas trees and seedlings.

(b) Road maintenance except: (i) Replacement of bridges and culverts across Type 1, 2, 3 or flowing Type 4 Waters; or (ii) movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters.

(c) Construction of landings less than 1 acre in size, if not within a shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water.

(d) Construction of less than 600 feet of road on a sideslope of 40 percent or less if the limits of construction are not within the shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or Type 3 Water, or the ordinary high-water mark of a Type 4 Water.

(e) Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type 1 Water and does not involve disturbance of the beds or banks of any waters.

(f) Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulic permit.

(g) Rocking an existing road.

(h) Loading and hauling timber from landings or decks.

(i) Precommercial thinning and pruning.

(j) Tree planting and seeding.

(k) Cutting and/or removal of less than 5,000 board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any 12-month period.

(l) Emergency fire control and suppression.

(m) Slash burning pursuant to a burning permit (RCW 76.04.205).

(n) Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding 40 percent or off-road use of tractors within the shorelines of a Type 1 Water, the riparian management zone of any Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water.

(o) Ground application of chemicals. (See WAC 222-38-020.)

(p) Aerial application of chemicals (except insecticides) when applied to not more than 40 contiguous acres if the application is part of a combined or cooperative project with another landowner and where the application does not take place within 100 feet of lands used for farming, or within 200 feet of a residence, unless such farmland or residence is owned by the forest landowner. Provisions of chapter 222-38 WAC shall apply.

(q) Forestry research studies and evaluation tests by an established research organization.

(r) Any of the following if none of the operation or limits of construction takes place within the shoreline area of a Type 1 Water or the riparian management zone of a Type 2 or 3 Water, or within the ordinary high water mark of a Type 4 Water or flowing Type 5 Water, and the operation does not involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

(i) Any forest practices within the boundaries of existing golf courses.

(ii) Any forest practices within the boundaries of existing cemeteries which are approved by the cemetery board.

(iii) Any forest practices involving a single landowner where contiguous ownership is less than two acres in size.

(4) "CLASS II." Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and may be conducted as Class II forest practices: PROVIDED, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a hydraulic project approval (RCW 75.20.100) or is within a "shorelines of the state," or involves a bond in lieu of landowners signature (other than renewals). Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, or on lands being converted to another use. Such forest practices require a Class IV application. Class II forest practices are the following:

(a) Renewal of a prior Class II notification.

(b) Renewal of a previously approved Class III or IV forest practice application where:

(i) No modification of the uncompleted operation is proposed;

(ii) No notices to comply, stop work orders or other enforcement actions are outstanding with respect to the prior application; and

(iii) No change in the nature and extent of the forest practice is required under rules effective at the time of renewal.

(c) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, or within the ordinary highwater mark of a Type 4 Water:

(i) Construction of advance fire trails.

(ii) Opening a new pit of, or extending an existing pit by, less than 1 acre.

(d) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, or within the ordinary high water mark of a Type 4 Water; and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

Salvage of logging residue.

(e) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, or within the ordinary high water mark of a Type 4 Water and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent, and if none of the operations are located on lands with a likelihood of future conversion (see WAC 222-16-060):

(i) West of the Cascade summit, partial cutting of 40 percent or less of the live timber volume.

(ii) East of the Cascade summit, partial cutting of 5,000 board feet per acre or less.

(iii) Salvage of dead, down, or dying timber if less than 40 percent of the total timber volume is removed in any 12-month period.

(iv) Any harvest on less than 40 acres.

(v) Construction of 600 or more feet of road, provided that the department shall be notified at least 2 business days before commencement of the construction.

(5) "CLASS III" forest practices not listed under Class IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:

(a) Those requiring hydraulic project approval (RCW 75.20.100).

(b) Those within the shorelines of the state other than those in a Class I forest practice.

(c) Aerial application of insecticides, except where classified as a Class IV forest practice.

(d) Aerial application of chemicals (except insecticides), except where classified as Class I or IV forest practices.

(e) Harvest or salvage of timber except where classed as Class I, II or IV forest practices.

(f) All road construction and reconstruction except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over 1 acre.

(h) Road maintenance involving:

(i) Replacement of bridges or culverts across Type 1, 2, 3, or flowing Type 4 Waters; or

(ii) Movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters.

(i) Operations involving an applicant's bond in lieu of a landowner's signature.

(j) Site preparation or slash abatement not listed in Classes I or IV forest practices.

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain cultural, historic or archaeological resources which, at the time the application or notification is filed, are:

(i) On or are eligible for listing on the National Register of Historic Places; or

(ii) Have been identified to the department as being of interest to an affected Indian tribe.

(l) Harvesting exceeding 19 acres in a designated difficult regeneration area.

(m) Utilization of an alternate plan. See WAC 222-12-040.

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

NEW SECTION

WAC 222-16-070 PESTICIDE USES WITH THE POTENTIAL FOR A SUBSTANTIAL IMPACT ON THE ENVIRONMENT. To identify forest practices involving pesticide uses that have the potential for a substantial impact on the environment, the department shall apply the process prescribed in this section.

(1) Pesticide list - The department shall maintain a list of all pesticides registered under chapter 15.58 RCW for use in forest practices. The list shall be developed through consultation with the departments of ecology, health, agriculture, and wildlife. The department shall conduct an annual review of the list for the purpose of including new pesticides and/or removing those pesticides which have been prohibited from use. The list shall be available to the public at each of the department's

offices. A list of the department's offices and their addresses appears at WAC 332-10-030. In preparing the pesticide list, the department shall include information on the following characteristics:

(a) active ingredients, name brand or trade mark, labeled uses, pesticide type, EPA-registration number;

(b) toxicity of the pesticide based on the Environmental Protection Agency (EPA) label warning under 40 C.F.R. 156.10 (h)(1), listed as "caution", "warning", "danger", or "danger - poison";

(c) mobility based on the pesticide being a state restricted use pesticide for the protection of groundwater under WAC 16-228-164(1).

(2) Key for evaluation applications. To determine whether aerial application of a pesticide has the potential for a substantial impact on the environment, the department shall apply the following analysis:

KEY FOR EVALUATION OF SITE SPECIFIC USE OF AERIALLY APPLIED CHEMICALS
EMERGENCY RULES

Question	Question	Resp	Action
1	Is the pesticide or has the pesticide been registered for sale in Washington State per Chapter 15.58 RCW?	Yes No	go to 2 Class IV Sp
2	Is the toxicity rating for the pesticide to be used "Danger -Poison" as designated in the pesticide list (WAC 222-16-070(1)(b))?	Yes No	Class IV Sp go to 3 (a)
3 (a)	Is Bacillus thuringiensis (BT) the only pesticide being used on this application?	Yes No	go to 6 (b) go to 4 (a)
4 (a)	Is this operation occurring over groundwater with a high susceptibility to contamination as specified in EPA 910/ 9-87-189 or in documentation provided by the department of ecology?	Yes No	go to 4 (b) go to 5 (a)
4 (b)	Is this pesticide a state restricted use pesticide for the protection of groundwater under WAC 16-228-164 (1)	Yes No	Class IV Sp go to 5 (a)
5 (a)	Is the operation adjacent (within 100 ft.) of surface water?	Yes No	go to 5 (b) go to 5 (e)
5 (b)	Determine the toxicity rating: * Is the toxicity rating "Caution" or "Warning"? * Is the toxicity rating "Danger"?	Yes Yes	go to 5 (c) go to 5 (d)
5 (c)	Is there a Group A or B water surface water system (WAC 246-290-020) intake OR a fish hatchery intake within 2 miles downstream of the operation?	Yes No	Class IV Sp go to 5 (e)
5 (d)	Is there a Group A or B water surface system intake OR a fish hatchery intake within 3 miles downstream of the operation?	Yes No	Class IV Sp go to 5 (e)
5 (e)	Is the operation within 200 feet of the intake of a Group A or B spring water system?	Yes No	Class IV Sp Go to 6
6 (a)	Does any portion of the planned operation cover 240 or more contiguous acres? Pesticide treatment units will be considered contiguous if they are separated by less than 300 feet or treatment dates of adjacent units are less than 90 days apart.	Yes No	Class IV Sp go to 6(b)
6 (b)	Does the EPA call for application of this pesticide to lands known to contain a breeding pair or nest or breeding grounds of any threatened or endangered species?	Yes No	Class IV Sp Class III

**WSR 92-06-005
PERMANENT RULES
DEPARTMENT OF
COMMUNITY DEVELOPMENT**

[Order 92-02—Filed February 20, 1992, 11:57 a.m.]

Date of Adoption: February 10, 1992.

Purpose: The purpose of the affordable housing program is to provide financial assistance, and develop and coordinate public and private resources to meet the affordable housing needs of low-income households in the state.

Statutory Authority for Adoption: Chapter 43.185 RCW.

Pursuant to notice filed as WSR 91-24-081 on December 3, 1991.

Effective Date of Rule: Thirty-one days after filing.
February 10, 1992
Barbara Gooding
Director

**Chapter 365-200 WAC
THE AFFORDABLE HOUSING PROGRAM**

NEW SECTION

WAC 365-200-010 **AUTHORITY.** These rules are adopted under the authority of chapter 43.185 RCW which provide that the department shall have the authority to promulgate rules governing the award of grants and loans.

NEW SECTION

WAC 365-200-020 **PURPOSE.** The purpose of the affordable housing program is to provide financial assistance, and develop and coordinate public and private resources to meet the affordable housing needs of low-income households in the state.

NEW SECTION

WAC 365-200-030 **DEFINITIONS.** (1) "Affordable housing" means residential housing for rental or private individual ownership which, as long as the same is occupied by low-income households, requires payment of monthly housing costs, including utilities other than telephone, of no more than thirty percent of the family's income.

(2) "Low-income" means a family or household earning eighty percent or lower of county median income.

(3) "Very low income" means a family or household earning fifty percent or lower of county median income.

(4) "Department" means the department of community development.

(5) "Director" means the director of the department of community development.

NEW SECTION

WAC 365-200-040 **ELIGIBLE APPLICANTS.** Eligible applicants for funding include local governments, local housing authorities, nonprofit community or neighborhood-based organizations, and regional or state-wide nonprofit housing assistance organizations.

NEW SECTION

WAC 365-200-050 **CONTENT AND CRITERIA FOR APPROVAL OF THE NEEDS ASSESSMENT.** The department shall not approve a request for assistance unless it has received and approved a housing needs assessment. The affordable housing needs assessment shall:

(1) Describe the jurisdiction's current needs for housing assistance for very low-income households, low-income households, and special-needs populations;

(2) Estimate the need for a five-year period; and

(3) Contain a strategy to meet the need.

The needs assessment shall:

(a) Contain population demographics including age, race, household income, and household type;

(b) Provide a ten-year summary of population changes and a projection of population changes for the next ten years;

(c) State the number and percentage of persons and households at eighty percent and lower of county median income;

(d) Identify the gap between the number of households at eighty percent of median and the number of affordable rental and for-sale units which are needed;

(e) Identify the amount of average assistance required to close the gap for a household at eighty percent of county median income with not more than thirty percent of household income to be used for housing costs including utilities; and

(f) Contain a description of local existing housing conditions including vacancy rates, average rents, average for-sale house prices, units in need of rehabilitation, units in need of weatherization, and the number of new units in the past five years and their type.

The department may accept a local housing element, a certified comprehensive housing affordability strategy, or a housing assistance plan, if consistent with the provisions of this section. To be approved a plan must contain the number of households at eighty percent or lower of county median income and state the average amount of assistance required per household to enable access to affordable housing at fair market rents or to average sales prices with no more than thirty percent of the household's income, including utilities, and comply with the above requirements.

NEW SECTION

WAC 365-200-060 **NOTICE.** During each calendar year in which funds are available for use by the department for the affordable housing program the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources.

NEW SECTION

WAC 365-200-070 **ADVICE AND INPUT OF THE LOW-INCOME ASSISTANCE ADVISORY COMMITTEE.** With the advice and input of the low-

income assistance advisory committee appointed by the director, the department shall develop criteria to evaluate applications for assistance.

WSR 92-06-006

**NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY**
[Memorandum—February 18, 1992]

The board of trustees of Western Washington University will change their regularly scheduled meeting from April 2 and 3, 1992, to a one-day meeting to be held on April 3, 1992, at 10:00 a.m. on Western's Campus, Old Main Room 340.

WSR 92-06-007

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH
(Dental Disciplinary Board)**
[Filed February 21, 1992, 1:48 p.m.]

This is notice that the proposed amalgam restoration practice standards rule, WSR 92-02-098, filed with the Code Reviser's Office on January 2, 1992, is being withdrawn. The Dental Disciplinary Board determined it is not necessary to establish a rule related to the amalgam restoration at this time. The rule being withdrawn is WAC 246-816-160 Amalgam restoration practice standards.

Linda McCue
Program Manager

WSR 92-06-008

**PERMANENT RULES
DEPARTMENT OF HEALTH**
[Order 245—Filed February 21, 1992, 1:52 p.m.]

Date of Adoption: February 21, 1992.

Purpose: To bring radiation protection regulations into compliance with federal regulations (U.S. Nuclear Regulatory Commission) and to correct references to former Title 402 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 246-221-090, 246-232-050, 246-239-010, 246-243-050, and 246-243-190.

Statutory Authority for Adoption: RCW 70.98.050 and 70.98.080.

Pursuant to notice filed as WSR 91-24-097 on December 4, 1991.

Changes Other than Editing from Proposed to Adopted Version: An additional dosimetry accreditation program is recognized; a description of methods and general procedures are allowed rather than requiring specific procedures for compliance with future decommissioning activities; the effective date of the decommissioning funding plan rule is relaxed to April 1, 1993; and sodium

iodide I-123 is deleted from the requirements pertaining to the more hazardous I-125 and I-131.

Effective Date of Rule: Thirty-one days after filing.

February 21, 1992
Kristine M. Gebbie
Secretary

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

WAC 246-221-090 PERSONNEL MONITORING. (1) Each licensee or registrant shall supply appropriate personnel monitoring equipment to, and shall require the use of such equipment by:

(a) Each individual who enters a restricted area under such circumstances that the individual receives, or is likely to receive, a dose in any calendar quarter in excess of 25 percent of the applicable value specified in WAC (~~(402-24-020)~~) 246-221-010(1).

(b) Each individual under 18 years of age who enters a restricted area under such circumstances that the individual receives, or is likely to receive, a dose in any calendar quarter in excess of 5 percent of the applicable value specified in WAC (~~(402-24-020)~~) 246-221-010(1).

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

(2) Personnel monitoring devices assigned to an individual:

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

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

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

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

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

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

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

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

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

WAC 246-232-050 TERMS AND CONDITIONS OF LICENSES. (1) Each license issued pursuant to this part shall be subject to all the provisions of the act, as now or hereafter in effect, and to all rules, regulations, and orders of the department.

(2) No license issued or granted under chapters ~~((402-21 and 402-22))~~ 246-233 and 246-235 WAC and no right to possess or utilize radioactive material granted by any license issued pursuant to chapters ~~((402-21 and 402-22))~~ 246-233 and 246-235 WAC shall be transferred, assigned, or in any manner disposed, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person unless the department shall, after securing full information find that the transfer is in accordance with the provisions of the act, and shall give its consent in writing.

(3) Each person licensed by the department pursuant to chapters ~~((402-21 and 402-22))~~ 246-233 and 246-235 WAC shall confine use and possession of the material licensed to the locations and purposes authorized by the license.

(4) Approval of licensee's procedures by the department does not release the licensee from responsibility if adherence to these procedures results in undue exposure to individuals or loss of control of radioactive material.

(5) Each licensee shall notify the department of health, division of radiation protection, in writing, within five working days following the filing of a voluntary or involuntary petition for bankruptcy by or against:

(a) The licensee;

(b) A person controlling the licensee or listing the license or licensee as property of the estate; or

(c) An affiliate of the licensee.

(6) This notification must include:

(a) The bankruptcy court in which the petition for bankruptcy was filed;

(b) The date of the filing of the petition;

(c) A complete and detailed inventory of all radioactive material possessed under the license including nuclide, form, activity and planned disposition;

(d) An estimation of the type and quantities of radioactive material the licensee plans to continue to receive and/or use on a routine basis;

(e) A description of security and storage for the radioactive material currently possessed;

(f) A plan for radioactive waste disposal, the estimated completion date(s), and the cost;

(g) An evaluation of facility and equipment contamination, estimate of clean up costs, and a decontamination plan which includes a thorough description of how the clean up will be funded and how it will be accomplished;

(h) An organizational chart specifying sole owners, partnerships, or officers in the corporation who have legal and fiscal responsibilities for the licensee;

(i) A description of any other changes affecting the terms and conditions of the radioactive materials license.

(7) Each licensee shall notify the department within five working days if any items in subsection (6) of this section change during bankruptcy proceedings.

(8) The department will consider clean up costs as part of the licensee's administrative costs if decontamination is necessary to comply with these regulations;

(9) For the purposes of this section, "affiliate" means:

(a) A person as defined in WAC 246-220-010 that directly or indirectly owns, controls, or holds with power to vote, twenty percent or more of the outstanding voting securities of the licensee (unless that person holds such securities (i) in a fiduciary or agency capacity without sole discretionary power to vote such securities, or (ii) solely to secure a debt, if such person has not in fact exercised such power to vote);

(b) A corporation, twenty percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the licensee;

(c) A person whose business is operated under a lease or operating agreement by a licensee, or person substantially all of whose property is operated under an operating agreement with the licensee; or

(d) A person that operates the business or substantially all of the property of the licensee under a lease or operating agreement.

NEW SECTION

WAC 246-235-075 FINANCIAL ASSURANCE AND RECORDKEEPING FOR DECOMMISSIONING. (1) Each applicant for one of the following licenses shall submit a decommissioning funding plan as described in this section:

(a) A specific license authorizing receipt of radioactive waste for the purpose of volume reduction, repackaging or interim storage.

(b) Receipt of contaminated articles, scrap material, equipment, or clothing to be decontaminated at the licensee's facility.

(c) A specific license authorizing the possession and use of radioactive material of half-life greater than one hundred twenty days and in quantities for unsealed material exceeding 10^3 times and for sealed forms exceeding 10^{10} times the applicable quantities set forth in WAC 246-221-300 Appendix B (for a combination of isotopes the unity rule applies. A decommissioning funding plan will be required if R is greater than 1, where R is defined as the sum of the ratios of the quantity for sealed and unsealed forms of each isotope compared to the applicable value derived from WAC 246-221-300).

(d) A specific license authorizing possession and use of source material in readily dispersible form and in quantities greater than 10 millicuries.

(2) Each decommissioning funding plan shall contain:

(a) A cost estimate for decommissioning facilities impacted by the activities authorized in the specific license.

(b) A description of the method of assuring funds for decommissioning.

(c) A schedule for adjusting cost estimates and associated funding levels periodically over the life of the facility or facilities.

(d) A description of methods and general procedures for performing facility decontamination, maintaining security, and performing a final radiation survey.

(e) A commitment to clean up accidental spills promptly and to begin decommissioning of the facility or facilities within twelve months of ceasing operation involving radioactive material.

(3) Each cost estimate for decommissioning shall include:

(a) A description of the facility and areas within the facility likely to require decommissioning as a result of routine operation.

(b) Anticipated labor, equipment and material costs.

(c) Anticipated waste volume.

(d) Anticipated packaging, transportation and waste disposal costs.

(e) An assessment of costs associated with an accident involving licensed material.

(4) Financial assurance for decommissioning shall be provided by one or more of the following methods:

(a) Prepayment. Prepayment is the deposit of sufficient funds to pay decommissioning costs. Funds shall be deposited prior to the start of operation into an account segregated from licensee assets and outside the licensee's administrative control. Prepayment may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities.

(b) A surety method, insurance, or other guarantee method. These methods guarantee that decommissioning costs will be paid should the licensee default. A surety method may be in the form of a surety bond, letter of credit, or line of credit. Any surety method or insurance used to provide financial assurance for decommissioning must contain the following conditions:

(i) The surety method or insurance shall be open-ended or, if written for a specified term, such as five years, shall be renewed automatically unless ninety days or more prior to the renewal date, the issuer notifies the department, the beneficiary, and the licensee of its intention not to renew. The surety method or insurance shall also provide that the full face amount be paid to the beneficiary automatically prior to the expiration without proof of forfeiture if the licensee fails to provide a replacement acceptable to the department within thirty days after receipt of notification of cancellation.

(ii) The surety method or insurance shall be payable to a trust established for decommissioning costs. The trustee and trust shall be acceptable to the department. Acceptable trustees include an appropriate state or federal government agency or an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

(iii) The surety method or insurance must remain in effect until the department has terminated the license.

(c) An external sinking fund in which deposits are made at least annually, coupled with a surety method or

insurance, the value of which may decrease by the amount being accumulated in the sinking fund. An external sinking fund is a fund established and maintained by setting aside funds periodically in an account segregated from licensee assets and outside the licensee's administrative control. The total amount of funds in the external sinking fund shall be sufficient to pay decommissioning costs at the time termination of operation is expected. An external sinking fund may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities. The surety or insurance provisions shall be as stated in subsection (4)(b) of this section.

(d) In the case of state or local government licensees, a statement of intent containing a cost estimate for decommissioning and indicating that funds for decommissioning will be obtained when necessary.

(e) Other methods of financial assurance as approved by the department. The department may approve other financial mechanisms submitted by the applicant or licensee provided the alternate method meets, at a minimum, the requirements of 10 C.F.R. 30.35 and associated U.S. Nuclear Regulatory Commission guidance.

(5)(a) The department shall review each decommissioning funding plan prior to license issuance and prior to license renewal.

(b) The applicant or licensee shall incorporate department comments into its cost estimate and shall revise its financial surety accordingly.

(c) Applicants shall obtain the appropriate financial assurance as approved by the department prior to receipt of licensed material. The department may issue a new license if the applicant agrees to comply with the decommissioning funding plan as approved.

(d) Holders of licenses issued on or before the effective date of this rule shall submit a decommissioning funding plan to the department by April 1, 1993. Licensees shall implement the financial assurance requirements within thirty days of receiving department approval of the decommissioning funding plan. Licensees shall submit copies of the financial surety within thirty days of securing the surety and annually thereafter.

(6) Each person licensed under this chapter shall keep records of information important to the safe and effective decommissioning of the facility in an identified location until the license is terminated by the department. If records of relevant information are kept for other purposes, reference to these records and their locations may be used. Information the department considers important to decommissioning consists of:

(a) Records of spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment, or site. These records may be limited to instances when contamination remains after any cleanup procedures or when there is reasonable likelihood that contaminants may have spread to inaccessible areas as in the case of possible seepage into porous materials such as concrete. These records shall include any known information on identification of involved nuclides, quantities, forms, and concentrations.

(b) As-built drawings and modifications of structures and equipment in restricted areas where radioactive materials are used and/or stored, and of locations of possible inaccessible contamination such as buried pipes which may be subject to contamination. If required drawings are referenced, each relevant document need not be indexed individually. If drawings are not available, the licensee shall substitute appropriate records of available information concerning these areas and locations.

(c) Records of the cost estimate performed for the decommissioning funding plan or of the amount certified for decommissioning, and records of the funding method used for assuring funds if either a funding plan or certification is used.

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

WAC 246-239-010 DEFINITIONS. (1) "Diagnostic clinical procedures manual" means a collection of written procedures that describes each method (and other instructions and precautions) by which the licensee performs diagnostic clinical procedures; where each diagnostic clinical procedure has been approved by the authorized user and includes the radiopharmaceutical, dosage, and route of administration.

(2) "Nuclear medicine" means the intentional internal or external administration of unsealed radioactive material to human beings.

~~((2))~~ (3) "Nuclear medicine technologist" means any individual who performs nuclear medical procedures under the supervision of a physician licensed pursuant to chapter 246-235 WAC.

~~((3))~~ (4) "Prescribed dosage" means the quantity of radiopharmaceutical activity as documented:

(a) In a written directive; or

(b) Either in the diagnostic clinical procedures manual or in any appropriate record in accordance with the directions of the authorized user for diagnostic procedures.

(5) "Radiopharmaceutical misadministration" means the administration of:

(a) A radiopharmaceutical dosage greater than 30 microcuries of sodium iodide I-125 or I-131:

(i) Involving the wrong patient or wrong radiopharmaceutical; or

(ii) When both the administered dosage differs from the prescribed dosage by more than twenty percent of the prescribed dosage, and the difference between the administered dosage and prescribed dosage exceeds 30 microcuries;

(b) A therapeutic radiopharmaceutical dosage, other than sodium iodide I-125 or I-131:

(i) Involving the wrong patient, wrong radiopharmaceutical, or wrong route of administration; or

(ii) When the administered dosage differs from the prescribed dosage by more than twenty percent of the prescribed dosage;

(c) A diagnostic radiopharmaceutical dosage, other than quantities greater than 30 microcuries of sodium iodide I-125 or I-131, both:

(i) Involving the wrong patient, wrong radiopharmaceutical, wrong route of administration, or when the administered dosage differs from the prescribed dosage; and

(ii) When the dose to the patient exceeds 5 rems effective dose equivalent or 50 rems dose equivalent to any individual organ.

(6) "Training" means instruction or experience acquired under the direct supervision of a physician, a certified/registered nuclear medicine technologist, and/or a qualified expert who has the necessary knowledge and training to advise personnel on radiation protection.

(7) "Written directive" means an order in writing for a specific patient, dated and signed by an authorized user prior to the administration of a radiopharmaceutical, containing the following information:

(a) For any administration of quantities greater than 30 microcuries of sodium iodide I-125 or I-131: The dosage;

(b) For a therapeutic administration of a radiopharmaceutical other than sodium iodide I-125 or I-131: The radiopharmaceutical, dosage, and route of administration.

NEW SECTION

WAC 246-239-025 NOTIFICATIONS, RECORDS, AND REPORTS OF RADIOPHARMACEUTICAL MISADMINISTRATIONS. (1) The licensee shall notify the department by telephone at (206) 682-5327 no later than the next calendar day after the discovery of a radiopharmaceutical misadministration.

(2) The licensee also shall notify the referring physician and the patient or the patient's responsible relative or guardian (hereinafter referred to as "the patient") of the radiopharmaceutical misadministration not later than twenty-four hours after its discovery, unless the referring physician personally informs the licensee either that the physician will inform the patient or that, based on medical judgment, telling the patient would be harmful. The licensee is not required to notify the patient without first consulting the referring physician. If the referring physician or patient cannot be reached within twenty-four hours, the licensee shall notify the patient as soon as possible thereafter. The licensee may not delay any appropriate medical care for the patient, including any necessary remedial care as a result of the radiopharmaceutical misadministration, because of any delay in notification.

(3) The licensee shall submit a written report to the department within fifteen days after discovery of the radiopharmaceutical misadministration. The written report must include the licensee's name; the prescribing physician's name; a brief description of the event; why the event occurred; the effect on the patient; what improvements are needed to prevent recurrence; actions taken to prevent recurrence; whether the licensee notified the patient, and if not, why not, and if the patient was notified, what information was provided to the patient. The report shall not include the patient's name or other identifying information.

(4) If the patient was notified, the licensee shall also furnish, within fifteen days after discovery of the radiopharmaceutical misadministration, a written report to the patient by sending either:

(a) A copy of the report that was submitted to the department; or

(b) A brief description of both the radiopharmaceutical misadministration and the consequences, as they may affect the patient, and a statement informing the patient that the report submitted to the department can be obtained from the licensee.

(5) Each licensee shall retain a record of each radiopharmaceutical misadministration for five years. The record shall contain the names of all individuals involved (including the physician, allied health personnel, the patient, and the patient's referring physician), the patient's Social Security number or identification number if one has been assigned, a brief description of the radiopharmaceutical misadministration, why it occurred, the effect on the patient, what improvements are needed to prevent recurrence, and the actions taken to prevent recurrence.

(6) Aside from the notification requirement, nothing in this section affects any rights or duties of licensees and physicians in relation to each other, patients, or the patient's responsible relatives or guardians.

NEW SECTION

WAC 246-240-010 DEFINITIONS. As used in this chapter, the following definitions apply:

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

(2) "Prescribed dose" means:

(a) For gamma stereotactic radiosurgery, the total dose as documented in the written directive;

(b) For teletherapy, the total dose and dose per fraction as documented in the written directive; or

(c) For brachytherapy, either the total source strength and exposure time, or the total dose, as documented in the written directive.

(3) "Teletherapy" means therapeutic irradiation in which the source of radiation is at a distance from the body.

(4) "Therapy misadministration" means the administration of:

(a) A gamma stereotactic radiosurgery radiation dose:

(i) Involving the wrong patient or wrong treatment site; or

(ii) When the calculated total administered dose differs from the total prescribed dose by more than ten percent of the total prescribed dose;

(b) A teletherapy radiation dose:

(i) Involving the wrong patient, wrong mode of treatment, or wrong treatment site;

(ii) When the treatment consists of three or fewer fractions and the calculated total administered dose differs from the total prescribed dose by more than ten percent of the total prescribed dose;

(iii) When the calculated weekly administered dose is thirty percent greater than the weekly prescribed dose;

or

(iv) When the calculated total administered dose differs from the total prescribed dose by more than twenty percent of the total prescribed dose;

(c) A brachytherapy radiation dose:

(i) Involving the wrong patient, wrong radioisotope, or wrong treatment site (excluding, for permanent implants, seeds that were implanted in the correct site but migrated outside the treatment site);

(ii) Involving a sealed source that is leaking;

(iii) When, for a temporary implant, one or more sealed sources are not removed upon completion of the procedure; or

(iv) When the calculated administered dose to the treatment site differs from the prescribed dose by more than twenty percent of the prescribed dose.

(5) "Written directive" means an order in writing for a specific patient, dated and signed by an authorized user prior to the administration of radiation, except as specified in (d) of this subsection, containing the following information:

(a) For gamma stereotactic radiosurgery: Target coordinates, collimator size, plug pattern, and total dose;

(b) For teletherapy: The total dose, dose per fraction, treatment site, and overall treatment period;

(c) For high-dose-rate remote afterloading brachytherapy: The radioisotope, treatment site, and total dose; or

(d) For all other brachytherapy, (i) prior to implantation: The radioisotope, number of sources, and source strengths; and (ii) after implantation but prior to completion of the procedure: The radioisotope, treatment site, and total source strength and exposure time (or, equivalently, the total dose).

NEW SECTION

WAC 246-240-050 NOTIFICATIONS, RECORDS, AND REPORTS OF THERAPY MISADMINISTRATIONS. (1) The licensee shall notify by telephone the division of radiation protection at (206) 682-5327 no later than the next calendar day after the discovery of a therapy misadministration.

(2) The licensee also shall notify the referring physician and the patient or the patient's responsible relative or guardian (hereinafter referred to as "the patient") of the therapy misadministration not later than twenty-four hours after its discovery, unless the referring physician personally informs the licensee either that the physician will inform the patient or that, based on medical judgment, telling the patient would be harmful. The licensee is not required to notify the patient without first consulting the referring physician. If the referring physician or patient cannot be reached within twenty-four hours, the licensee shall notify the patient as soon as possible thereafter. The licensee may not delay any appropriate medical care for the patient, including any necessary remedial care as a result of the therapy misadministration, because of any delay in notification.

(3) The licensee shall submit a written report to the department within fifteen days after discovery of the therapy misadministration. The written report must include the licensee's name; the prescribing physician's name; a brief description of the therapy

misadministration; why it occurred; the effect on the patient; what improvements are needed to prevent recurrence; actions taken to prevent recurrence; whether the licensee notified the patient, and if not, why not, and if the patient was notified, what information was provided to the patient. The report shall not include the patient's name or other identifying information.

(4) If the patient was notified, the licensee shall also furnish, within fifteen days after discovery of the therapy misadministration, a written report to the patient by sending either:

(a) A copy of the report that was submitted to the department; or

(b) A brief description of both the therapy misadministration and the consequences, as they may affect the patient, and a statement informing the patient that the report submitted to the department can be obtained from the licensee.

(5) Each licensee shall retain a record of each therapy misadministration for five years. The record must contain the names of all individuals involved (including the physician, allied health personnel, the patient, and the patient's referring physician), the patient's Social Security number or identification number if one has been assigned, a brief description of the therapy misadministration, why it occurred, the effect on the patient, what improvements are needed to prevent recurrence, and the actions taken to prevent recurrence.

(6) Aside from the notification requirement, nothing in this section affects any rights or duties of licensees and physicians in relation to each other, patients, or the patient's responsible relatives or guardians.

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

WAC 246-243-050 INTERNAL AUDIT AND TRAINING. (1) Each licensee shall conduct the internal audit required by WAC ((402-22-070)) 246-235-080 ((6)) (5)(c) at intervals not to exceed three months. The audit should be done by management or the radiation safety officer and shall cover a review or spot checks of the records required by WAC ((402-12-080; 402-24-085, 402-24-125, 402-24-170, 402-36-060, 402-36-070, 402-36-080, 402-36-090, 402-36-095, 402-36-100, 402-36-120, 402-36-150, 402-36-153, and 402-36-157)) 246-220-020, 246-221-110, 246-221-160, 246-221-230, 246-243-080, 246-243-090, 246-243-100, 246-243-110, 246-243-120, 246-243-130, 246-243-150, 246-243-190, 246-243-200, and 246-243-220, and conditions of the license.

(2) Each ((radiographer)) individual performing radiography shall be audited at intervals not to exceed three months during the performance of radiography, to assure that the license provisions, regulations, and the licensees operating and emergency procedures are followed by radiographers and radiographer's assistants. If a radiographer or a radiographer's assistant has not participated in a radiographic operation for more than three months since the last audit, that individual's performance must be observed and recorded the next time the individual participates in a radiographic operation. This audit shall be performed by the radiation safety officer,

management, or the most experienced radiographers available. Results of this audit shall be recorded.

(3) Records of the internal audits required by subsections (1) and (2) of this section shall be maintained for ((two)) three years.

(4) Training required by WAC ((402-22-070)) 246-235-080 (5)(a) shall be conducted in accordance with the conditions of the license and subject to the following criteria:

(a) Initial training must be completed before a person can act as a radiographer or radiographer's assistant;

(b) Periodic retraining must be conducted at least annually;

(c) Records showing compliance with these training requirements must be maintained for at least one year following termination of employment.

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

WAC 246-243-190 RADIATION SURVEYS AND SURVEY RECORDS. (1) No radiographic operation shall be conducted unless calibrated and operable radiation survey instrumentation as described in WAC ((402-36-060)) 246-243-080 is available and used at each site where radiographic exposures are made and at the storage area whenever a radiographic exposure device, a storage container, or source is being placed in storage.

(2) A physical radiation survey shall be made after each radiographic exposure utilizing radiographic exposure devices or sealed sources of radioactive material to determine that the sealed source has been returned to its shielded position. The entire circumference of the radiographic exposure device shall be surveyed. If the radiographic exposure device has a source guide tube, the survey shall include the guide tube.

(3) A physical radiation survey shall be made to determine that each sealed source is in its shielded condition prior to securing the radiographic exposure device or storage container as specified in WAC ((402-36-040)) 246-243-060. The entire circumference of the radiographic exposure device shall be surveyed. If the radiographic exposure device has a source guide tube, the survey shall include the guide tube.

(4) A physical radiation survey shall be made of the boundary of the restricted area during radiographic operations not employing shielded room radiography. The maximum survey reading at the boundary shall be recorded. The records shall indicate approximate distance from source to boundaries, whether or not the exposed source is collimated and any occupied areas with exposure levels greater than 2 mR in any hour during radiographic operations.

(5) Records required by subsections (3) and (4) of this section shall include the model and serial number of the survey meter used and shall be maintained for inspection by the department for ((two)) three years after completion of the survey. If the survey was used to determine an individual's exposure, however, the records of the survey shall be maintained until the department authorizes their disposition.

WSR 92-06-009
PERMANENT RULES
DEPARTMENT OF LICENSING
 [Filed February 24, 1992, 9:27 a.m.]

Date of Adoption: December 23, 1991.

Purpose: The purpose for the amendment to WAC 308-90-150 is to change the requirement of a vessel dealer to make application for title in the purchaser's name from 15 to 30 days. The purpose of the amendment to WAC 308-93-295 is to extend the expiration period of the vessel temporary permit from 15 days to 30 days.

Citation of Existing Rules Affected by this Order: Amending WAC 308-90-150 and 308-93-295.

Statutory Authority for Adoption: RCW 88.02.100.

Pursuant to notice filed as WSR 91-21-090 on October 21, 1991.

Effective Date of Rule: Thirty-one days after filing.

December 23, 1991

Mary Riveland
 Director

AMENDATORY SECTION (Amending Order DLR-162, filed 1/19/88)

WAC 308-90-150 TITLE TRANSFER. (1) The vessel dealer is required to make application for title in the purchaser's name within ~~((fifteen))~~ thirty days following the sale of the vessel.

(2) The vessel dealer or the dealer's authorized agent shall sign or type his/her firm name and vessel dealer number on the purchaser's application for title. If an authorized agent signs for the dealer the agent shall give their title.

AMENDATORY SECTION (Amending Order TL/RG 40, filed 12/7/87)

WAC 308-93-295 TEMPORARY PERMITS TO OPERATE VESSELS. A vessel dealer who holds a proper and valid vessel dealer license issued pursuant to chapter 88.02 RCW may issue, under the following circumstances and procedures, temporary permits to operate vessels:

(1) The vessel has been sold and does not bear a currently valid Washington decal.

(2) The dealer shall fill out the title portion of the permit, detailing all owners and all fees collected, including the dealer's report of sale and date of sale. All registered owners must sign the application.

(3) The dealer shall detach the cardboard copy of the permit and record the date of expiration in dark permanent ink, with bold letters and numbers, on the permit side of that copy. The balance of the copies shall be presented to a license agent by the vessel dealer within ~~((fifteen))~~ thirty calendar days as an application for registration and title.

(4) The cardboard copy of the permit and a purchase order identifying the sale must be carried in the vessel and be readily available upon request.

(5) The dealer must collect title and registration fees required for a June expiration.

(6) The temporary license permit issued by a dealer is valid for ~~((fifteen))~~ thirty calendar days from the date of delivery of the vessel. No more than one ~~((fifteen))~~ thirty-day permit may be issued for a vessel after sale.

(7) A dealer may not use a temporary license permit for a dealer or dealer-employee operated vessel, or as a demonstration permit.

(8) Fees paid by a dealer for temporary license permit applications are not refundable unless the dealer ceases doing business as a vessel dealer. The fee paid for a single application may be taken as a credit on that application when it is presented to a license agent with the balance of the appropriate fees.

(9) Temporary permits are not transferable from one vessel dealer to another.

WSR 92-06-010
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
 [Filed February 24, 1992, 10:25 a.m.]

Original Notice.

Title of Rule: Chapter 468-66 WAC, Highway Advertising Control Act.

Purpose: Amendments to Highway Advertising Control Act, chapter 468-66 WAC.

Statutory Authority for Adoption: Chapter 47.42 RCW.

Statute Being Implemented: Revise existing WAC.

Summary: Revises (6) sections of existing chapter 468-66 WAC for clarity, and adds a new subsection (9) to WAC 468-66-140 that adds procedures for handling requests for billboard relocation.

Reasons Supporting Proposal: Proposal will provide additional clarity for situations that have occurred, but where the existing WAC is insufficient.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David K. Peach, Olympia, Washington, 753-6090.

Name of Proponent: Washington State Department of Transportation, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Clarification of existing rules to enhance administrative efficiency.

Proposal does not change existing rules.

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

Hearing Location: Washington State Department of Transportation Commission Board Room, #1D2, Transportation Building, Olympia, Washington 98504, on April 7, 1992, at 10:00 a.m.

Submit Written Comments to: David K. Peach, Transportation Building, Olympia, Washington 98504-7344, by April 3, 1992.

Date of Intended Adoption: April 7, 1992.

February 24, 1992
 Ed W. Ferguson
 Deputy Secretary

AMENDATORY SECTION (Amending Order 116, filed 10/20/88)

WAC 468-66-010 DEFINITIONS. The following terms when used in this chapter shall have the following meanings:

- (1) "Abandoned." A sign for which neither sign owner nor land owner claim any responsibility.
- (2) "Act" shall mean the Highway Advertising Act of 1961, as amended and embodied in chapter 47.42 RCW.
- (3) "Centerline of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or the centerline of the main-traveled way of a nondivided highway.
- (4) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned by a county or municipal code, that area occupied by three or more separate and distinct commercial and/or industrial activities within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which such activities are located. Measurements shall be along or parallel to the edge of the main-traveled way of the highway. The following shall not be considered commercial or industrial activities:
 - (a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;
 - (b) Transient or temporary activities;
 - (c) Railroad tracks and minor sidings;
 - (d) Signs;
 - (e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;
 - (f) Activities conducted in a building principally used as a residence.

Should any commercial or industrial activity, which has been used in defining or delineating an unzoned area, cease to operate for a period of six continuous months, any signs located within the former unzoned area shall become nonconforming and shall not be maintained by any person after May 10, 1974.

- (5) "Commission" means the Washington state transportation commission.
- (6) "Discontinued." A sign shall be considered discontinued if, after receiving notice of absence of advertising content for three months, the permit holder fails to put advertising content on the sign within three months of the notice.
- (7) "Entrance roadway" means any public road or turning roadway including acceleration lanes, by which traffic may enter the main-traveled way of a controlled access highway from the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also leave the main-traveled way by such road or turning roadway.
- (8) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.
- (9) "Exit roadway" means any public road or turning roadway including deceleration lanes, by which traffic may leave the main-traveled way of a controlled access highway to reach the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also enter the main-traveled way by such road or turning roadway.
- (10) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of Title 23, United States Code.
- (11) "Legible" means capable of being read without visual aid by a person of normal visual acuity.
- (12) "Maintain" means to allow to exist. A sign loses its right to remain as a nonconforming sign if its size is increased more than fifteen percent over its size on the effective date of the Scenic Vistas Act on May 10, 1971, or the effective date of control of a given route, whichever is applicable.
- (13) "Main-traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, entrance roadways, exit roadways, or parking areas.
- (14) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual, or individuals.

(15) "Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of Title 23, United States Code.

- (16) "Scenic system" means:
 - (a) Any state highway within any public park, federal forest area, public beach, public recreation area, or national monument;
 - (b) Any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic system; or
 - (c) Any state highway or portion thereof, outside the boundaries of any incorporated city or town, designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in section 2, chapter 62, Laws of 1971 ex. sess.
- (17) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway.

(18) "Trade name" shall include brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.

- (19) "Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.
- (20) "Turning roadway" means a connecting roadway for traffic turning between two intersection legs of an interchange.
- (21) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.
- (22) "Electronic sign" means an outdoor advertising sign, display, or device whose message may be changed by electrical or electronic process, and includes the device known as the electronically changeable message center for advertising on-premise activities (WAC 468-66-070).

(23) "Public service information" means a message on an electronic sign which provides the time, date, temperature, weather, or (~~similar~~) information about nonprofit activities sponsored by civic or charitable organizations.

(24) "Temporary agricultural directional sign" means a sign on private property adjacent to state highway right of way to provide directional information to places of business offering for sale seasonal agricultural products (~~(harvested or produced on the property where the sale is taking place)~~).

AMENDATORY SECTION (Amending Order 96, filed 8/12/85)

WAC 468-66-090 PREFERENCE OF APPLICANTS FOR TYPE 4, TYPE 5, AND TYPE 8 SITES. Applications for available Type 4, Type 5, and Type 8 sign sites, where the number of applications shall exceed the available sites, shall be awarded upon the following preferential basis:

- (1) Agencies of the state of Washington in order of their applications.
- (2) Counties or incorporated cities in the order of their applications.
- (3) Federal agencies in the order of their applications.
- (4) All other applicants in the order of their applications, giving preference, however, to the holder of an existing permit for renewal thereof. In the event the department has initiated proceedings for removal of an existing sign situated on a legal site, the department will not accept new applications until such proceedings are concluded. All applications received during the department's normal office hours during the same day shall be construed as having been received simultaneously. In the case of a tie between applicants, and upon notification thereof by the department, the department shall determine by lot which shall receive the permit.

AMENDATORY SECTION (Amending Order 116, filed 10/20/88)

WAC 468-66-140 PERMITS. (1) No signs except Type 1, Type 2, or Type 3 signs shall be erected or maintained adjacent to interstate system, primary system, or scenic system highways without a permit issued by the department of transportation. Permits for erection and maintenance of signs adjacent to the interstate system, primary system, or scenic system will be issued by the department of transportation in accordance with this chapter.

(2) Applications for permits (except for Type 8 signs) will be accepted only at the Department of Transportation Headquarters Office,

Olympia, Washington. Applications transmitted by mail shall be effective from date of receipt rather than of mailing.

(3) Application forms shall contain:

(a) The name and address of the owner of the sign;

(b) A statement and the signature of the owner or occupant of the land on which the sign is to be erected or maintained indicating that he has consented thereto;

(c) A statement of the precise location where the sign is to be erected or maintained;

(d) A statement of the proposed size and shape of the sign. An application for a Type 5 sign to be erected along the interstate system shall contain a description of the copy to be placed on the sign;

(e) Such other information as may be required by the department;

(f) For Type 8 signs, application forms must be submitted to the appropriate department of transportation district office and submittals must include, in addition to (a) through (e) of this subsection, an exact description of the location of the temporary agricultural business activity, a description of the proposed sign copy, identification of the products sold, expected weeks/months of sales, and assigned tax number. After approval of the application by the transportation district office, the sign may be erected at the beginning of the sale season and must be removed at the end of the sale season. Approved applications shall be valid for five consecutive years from the date of application approval. A new application must be submitted and approved prior to erection of a sign at a location where the five-year validation has expired.

For any Type 8 sign not in compliance with this chapter, the department of transportation shall request the attorney general on its behalf to institute legal proceedings to cause such sign to be removed as an illegal sign without payment of compensation.

Subsections (5) through (10) of this section do not apply to Type 8 signs.

(4) Applications shall be accompanied by a fee of ten dollars for each sign.

(5) Permits shall be for the calendar year and shall be renewed annually upon payment of said fee for the new year without the filing of a new application (~~except as provided in WAC 468-66-090~~). Fees shall not be prorated for fractions of the year. (~~Any moneys paid to the department of transportation for a sign permit shall be credited first to the payment of any annual permit or renewal fee for such sign due for any prior year. The department shall not accept payment for the current year renewal fee until all due and unpaid permit and renewal fees for prior years have been paid.~~)

(6) Prior to December 1 of each year the department of transportation shall notify in writing the owner of every sign for which a permit (~~is required~~) has been issued under RCW 47.42.120 and this section (~~but for which no sign permit was obtained or renewed for the then current calendar year~~), that (~~all unpaid permit and renewal fees for such sign and~~) the renewal fee for such sign due in the calendar year to commence on the following January 1 shall be due and payable not later than the following February 1. The notice shall further state that if (~~the~~) such fee(~~s have~~) has not been paid by February 1, legal proceedings will be (~~instituted~~) initiated to cause removal of such sign as an illegally maintained sign.

(7) Following the notice specified in subsection (6) of this section, if (~~the~~) the due (~~and unpaid permit and~~) renewal fee(~~s are~~) is not received for any permitted sign (~~for which a permit is required~~) by the date specified, the department of transportation shall request the attorney general on its behalf to (~~institute~~) initiate legal proceedings to cause such sign to be removed as an illegal sign without the payment of compensation therefor.

(8) Changes in size, shape, or position of a permitted sign shall be reported to the department of transportation at Olympia at least ten days before a change is to be made. In the case of Type 5 signs permitted along the interstate system, changes in copy shall be reported to the department at Olympia at least ten days before a change is to be made.

(9) A request by the permittee to relocate a permitted sign shall be treated as a request for a new sign permit. A new permit application must be submitted in accordance with chapter 47.42 RCW and this section. In the event a permit is issued and a new sign structure is utilized for relocating the sign, such new structure may be installed only after the entire existing sign structure is removed.

(10) Assignment of permits in good standing shall be effective only upon receipt of assignment by the department of transportation.

(~~the~~) (11) Every permit issued by the department shall be assigned a separate identification number, and it shall be the duty of

each permittee to fasten to each sign a weatherproof label, not larger than six square inches, which shall be furnished by the department and on which shall be plainly visible the said permit number. The permittee shall also place his name in a conspicuous position on the front or back of each sign.

(~~the~~) (12) A permit issued under this chapter does not relieve the permittee from the duty to comply with all local rules, regulations, and ordinances pertaining to signs and sign structures.

WSR 92-06-011
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed February 24, 1992, 11:51 a.m.]

Continuance of WSR 92-04-035.

Title of Rule: Chapter 388-73 WAC, Child care agencies—Adult family homes minimum licensing/certification requirements.

Purpose: Incorporate recommendations of DSHS provider/DCFS work group which reviewed residential and placement agency requirements. Deletes requirements related to child day care centers and day care home, which are now in separate Washington Administrative Code chapters.

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: RCW 74.15.030.

Summary: The more significant change would amend child placing agency requirement to clarify that additional requirements must be met to provide adoption services; adoptive parents are to be given birth parents' health history and statement of fees, and specifies type of financial assistance which agencies may give birth parents. Requires preservice training for foster parents. Alter crisis residential center requirements to be consistent with contracts with crisis residential centers (CRCs). The language of the chapter is also changed to make it more readable and clarify who the actor is in each section and subsection.

Reasons Supporting Proposal: Comply with chapter 74.15 RCW which requires periodic review of the child care agency licensing requirements and to update them consistent with current practice.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry Fibel, Children and Family Services, 753-0204.

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

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

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

Proposal Changes the Following Existing Rules: See above.

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

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop 5805, Olympia, Washington 98504, by March 26, 1992.

Date of Intended Adoption: March 26, 1992.
 February 24, 1992
 Leslie F. James, Director
 Administrative Services
 by Rosemary Carr

WSR 92-06-012
 NOTICE OF PUBLIC MEETINGS
 HARDWOODS COMMISSION
 [Memorandum—February 21, 1992]

There will be a meeting of the Washington Hardwoods Commission on Thursday March 5, 1992, at 9:00 a.m. in the conference room of the BAC Building, 919 Lake-ridge Way, Olympia, WA.

WSR 92-06-013
 PERMANENT RULES
 DEPARTMENT OF AGRICULTURE
 [Filed February 24, 1992, 3:19 p.m.]

Date of Adoption: February 24, 1992.

Purpose: To provide more clearly defined facility requirements for public livestock markets in work areas for department brand inspectors.

Citation of Existing Rules Affected by this Order: Amending WAC 16-604-010.

Statutory Authority for Adoption: RCW 16.65.445 and 16.65.390.

Pursuant to notice filed as WSR 92-01-111 on December 18, 1991.

Effective Date of Rule: Thirty-one days after filing.
 February 24, 1992
 C. Alan Pettibone
 Director

AMENDATORY SECTION (Amending Order 1102, filed 11/18/68, effective 12/19/68)

WAC 16-604-010 BRAND INSPECTION REGULATIONS. (1) All ~~((livestock before being offered for sale at any market))~~ cattle and horses shall be ((brand)) inspected for brands by ((a regulatory officer of this state)) the director prior to sale at any public livestock market.

(2) Whenever any ((livestock is)) cattle or horses are offered for sale at a market and not sold, the identical animals may be offered for sale at the same market within eight days of the original inspection date without being required to pay a second brand inspection fee, upon presentation of the prior brand inspection certificate. In any such instance the unsold ((livestock)) cattle or horses must be presented for brand inspection without any animals having been taken from, or other animals having been added to, such lot or group of livestock and must be retained on the premises where first offered for sale within the time limit specified above.

(3) It shall be the responsibility of the licensee to identify each head of cattle and horses consigned to a

market by placing a numbered tag or other method of identification as approved by the director on each animal before the ((livestock)) animals are brand inspected((; except)). Certain lots of one brand cattle or ((lots of)) no brand cattle ((under one year of age)) may be exempted by the ((regulatory officer)) director. The licensee or any consignor shall, at the request of the director, make visible any brand on any animal. The licensee shall provide the ((regulatory officer)) director with a sale ticket or sale sheet immediately after the animal is sold which shall show the name of the new buyer and the number identifying the animals.

(4) ~~((Adequate facilities and space shall be provided for inspection for brands or other identifying characteristics, such facilities to be approved by the director. The market or the consignor shall at the request of the regulatory officer make visible the brand or brands on the animal.))~~ Brand inspection facilities shall be approved by the director and shall consist of:

(a) ~~((Adequate covered chute or chutes and work space adjacent;~~

(b) Adequate office facilities.)) A chute which has a solid base on each side of sufficient strength to contain cattle and horses at least twenty-four inches in height, but no more than thirty-six inches in height. Above the base on each side, the chute shall have wire cables extended along its entire length separated by six-inch intervals to a height of at least six feet. The cables shall be attached to a vertical post every sixteen feet, alternated with a pipe or stay every eight feet for support and to ensure that the cables are maintained in a tight condition;

(b) The brand chute shall be kept well lit with shop, spot, or flood lights on both sides of the chute at a height of five feet above the highest cable. The lighting shall extend for a distance of three-fourths of the length of the chute beginning at the head of the chute;

(c) Electrical outlets for clippers at chutes;

(d) ~~((Adequate lighting of chutes.))~~ The brand inspection area shall be kept free of any leaking or water build-up of any kind and well covered by adequate roofing;

(e) The work area for brand inspectors on each side of the chute shall be protected from cattle and horses being unloaded or moved by fencing or any other permanent structure allowing at least thirty inches of work space along the length of the chute;

(f) An office shall be provided in the brand inspection area with dimensions of at least eight feet by ten feet. The office shall contain adequate heating and a counter approximately eighteen inches in width at a standing work level.

(5) No person shall remove any ((livestock)) cattle or horses from the premises of any market without first obtaining a ((signed)) release from the licensee((;- PROVIDED;)). The licensee or any agent or employee ((thereof)) of the licensee shall not allow the removal of any ((livestock)) cattle or horses from the premises of the market without first obtaining a brand inspection clearance ((of)) issued by the director for the ((livestock)) cattle or horses to be removed((;- PROVIDED

~~FURTHER, That horses, swine, sheep, poultry and rabbits will be exempt from the brand inspection requirements of this regulation).~~

NEW SECTION

WAC 16-604-015 SALES DAY. In any case where a licensed operator of a public livestock market fails to conduct a sale on a sales day which has been allocated to the licensee by the director more than six times in any twelve-month period, the allocation of that sales day shall be subject to change or revocation. Any change or revocation of an allocated sales day shall be considered in an administrative hearing conducted under the provisions of chapter 34.05 RCW.

**WSR 92-06-014
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
COMMUNITY DEVELOPMENT
(Fire Protection Policy Board)
[Memorandum—February 25, 1992]**

FIRE PROTECTION POLICY BOARD MEETINGS AND WORK SESSIONS FOR 1992

January 22	Work Session	1 p.m. to 4 p.m.	Olympia
January 23	Full Board Meeting	9 a.m. to 3 p.m.	Olympia
March 25	Work Session	1 p.m. to 4 p.m.	Pasco
March 26	Full Board Meeting	9 a.m. to 3 p.m.	Pasco
May 27	Work Session	1 p.m. to 4 p.m.	Ellensburg
May 28	Full Board Meeting	9 a.m. to 3 p.m.	Ellensburg
July 29	Work Session	1 p.m. to 4 p.m.	Long Beach
July 30	Full Board Meeting	9 a.m. to 3 p.m.	Long Beach
September 23	Work Session	1 p.m. to 4 p.m.	Spokane
September 24	Full Board Meeting	9 a.m. to 3 p.m.	Spokane
November 18	Work Session	1 p.m. to 4 p.m.	SeaTac
November 19	Full Board Meeting	9 a.m. to 3 p.m.	SeaTac

The meetings on January 22nd and 23rd will be held at the Ramada Inn Governor House.

The meetings on March 25th and 26th will be held at the Red Lion Inn, Pasco, Bronze Room.

The meetings on May 27th and 28th will be held at the Best Western, Ellensburg, Great North Room.

The meetings on July 29th and 30th will be held at the Breakers, Long Beach, Sunset Room.

The meetings on September 23rd and 24th will be held at the Sheraton, Spokane, South C Room.

The meetings on November 18th and 19th will be held at the Wyndham Gardens, SeaTac, Salons A and B.

**WSR 92-06-015
PERMANENT RULES
SOUTHWEST AIR
POLLUTION CONTROL AUTHORITY
[Filed February 25, 1992, 9:13 a.m.]**

Date of Adoption: February 18, 1992.

Purpose: Provide an increase in new source review/notice of construction fees to be more commensurate with cost of administering this portion of the agency's program (Section 400-110).

Citation of Existing Rules Affected by this Order: Amending Section 400-110 of the General Regulations for Air Pollution Sources.

Statutory Authority for Adoption: RCW 70.94.151, 70.94.152, 70.94.430, and 70.94.431.

Pursuant to notice filed as WSR 91-22-054 on October 31, 1991.

Changes Other than Editing from Proposed to Adopted Version: "Table A" fee changed to read as: v. "Gasoline Station" Stage I \$250.00 and Stage II \$500.00; vii. "Toxic Air Contaminant" \$100.00 up to one ton and \$100.00 for each additional ton; ix. "Odor Source" (omit entirely).

Effective Date of Rule: Thirty-one days after filing.
February 19, 1992
Thomas C. Tabor
Acting Executive Director

AMENDATORY SECTION

Section 400-110 NEW SOURCE REVIEW (NSR)

(1) Applicability.

(a) A notice of construction must be filed with the Authority prior to the construction, installation, or establishment of a new source.

(b) The Authority may require a notice of construction prior to the construction, installation, or establishment of any new source, other than a single family or duplex dwelling.

(c) The notice of construction and new source review shall apply only to the emission unit(s) affected and the contaminants involved.

(d) Before the Authority may commence processing a Notice of Construction a filing ((and evaluation)) fee of \$75.00, plan examination and evaluation fees as shown in Table A, and, if offsetting emission reductions are required, an offset analysis fee of \$75.00 shall be paid.

TABLE A

i.	<u>Fuel Burning Equipment</u>	<u>Fuel</u>	<u>Install-</u>
	<u>(Million BTU/hr. heat input</u>	<u>Change</u>	<u>tion</u>
	<u>@ design capacity):</u>		
	less than 5	\$25.00	\$100.00
	5 or more but less than 10	50.00	200.00
	10 or more but less than 20	100.00	350.00
	20 or more but less than 50	200.00	500.00
	50 or more but less than 100	300.00	1,000.00
	100 or more but less than 250	400.00	2,500.00
	250 or more but less than 500	500.00	4,000.00
	500 or more	600.00	6,000.00

ii. <u>Actual Cubic Feet/Minute (ACFM) from control or from uncontrolled process equipment:</u>	
less than 5	\$ 100.00
6 or more but less than 5,000	200.00
5,000 or more but less than 20,000	300.00
20,000 or more but less than 50,000	400.00
50,00 or more but less than 100,000	500.00
100,000 or more but less than 250,000	1,000.00
250,000 or more but less than 500,000	2,000.00
500,000 or more	4,000.00
iii. <u>Refuse burning Equipment (Incinerators)</u>	
<u>Ton/day:</u>	
0.5 or more but less than 5	\$ 100.00
5 or more but less than 12	1,000.00
12 or more but less than 250	3,000.00
250 or more	4,000.00
iv. <u>Storage Tanks, Reservoirs, or Containers</u>	
<u>(Gallons):</u>	
250 or more but less than 6,000	\$ 100.00
6,000 or more but less than 40,000	500.00
40,000 or more but less than 100,000	1,000.00
100,000 or more but less than 500,000	2,000.00
500,000 or more	3,000.00
1,000,000 or more	4,000.00
v. <u>Gasoline Station</u>	
Stage I	\$ 250.00
Stage II	\$ 500.00
(v. Gasoline Station	
Stage I	\$ 500.00)
Stage II	\$1,000.00)
vi. <u>Other, not classified in Subsection i., ii., iii., or iv. above:</u>	
	\$100.00/ton of emission
(vii. Toxic Air Contaminant \$100.00/lb. of emission)	
vii. <u>Toxic Air Contaminant</u>	
	\$100.00 up to one ton and \$100.00 for each additional ton
viii. <u>Source with Significant Impact</u>	
	\$5,000.00
(ix. Odor Source \$1,000.00)	

(2) Additional information. Within thirty days of receipt of a notice of construction, the Authority may require the submission of additional plans, specifications, and such other information as deemed necessary for the review of the proposed new or modified source.

(3) Requirements for nonattainment areas. If the proposed new source is located in an area that is not in attainment for any air contaminant that would be emitted by the source, or if the source is located in an area that is not in attainment for ozone and the source would emit volatile organic compounds, the Authority shall review notice(s) of construction, plans, specifications, and other information associated therewith to determine that:

(a) The new source will be in accord with applicable federal and state rules and regulations, including new source performance standards (NSPS) and national

emissions standards for hazardous air pollutants (NESHAPS).

(b) The new source will use best available control technology (BACT) for emissions control.

(c) If the new source is a major source or the proposed change is a major modification, it will comply with lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated.

(d) If the source is a major source and is located in an area that is not in attainment for carbon monoxide or ozone and the source will emit carbon monoxide or volatile organic compounds, it is required that there be an analysis of alternative sites, sizes, and production processes and environmental control techniques for the proposed new source which demonstrates that benefits of the proposed new source significantly outweigh the environmental and social costs imposed as a result of its location, construction, and modification. This analysis is the responsibility of the applicant, who may use an environmental impact statement prepared under the State Environmental Policy Act or the National Environmental Policy Act as a source of information for this analysis.

(e) The proposed new source will not violate the requirements for reasonable further progress established by the state implementation plan. If the source is a major source or the project is a major modification, the total new actual emissions from all sources existing at the time of application for notice of construction plus proposed allowable emissions for the new source, of the contaminants for which nonattainment has been designated, shall be no greater than the total actual emissions from existing sources, except that (i) the Authority may require that new total actual emissions be reduced to less than existing total actual emissions, as necessary to achieve air quality attainment goals stated in an approved plan of attainment, and except that (ii) the emissions from the proposed new source may be approved without an offsetting reduction from existing sources if an adequate emissions growth allowance is included in an approved plan of attainment. The above requirements must be met by reducing actual emissions from existing sources(s). Arrangements for such offsetting reduction(s) of actual emissions must be made by the owner or operator of the proposed new source. The proposed new source may be constructed only after the issuance of a regulatory order(s) to the proposed new source and to all the source(s) that provide the offset. The said orders shall include new allowable emissions limits for all the affected sources. An emission reduction that is the result of the shutdown or curtailment of an existing emissions unit may be used as an offsetting reduction to satisfy the requirements of this paragraph only by the source that created the reduction.

(f) If the source is a major source or the project is a major modification, the owner or operator shall demonstrate that all major sources owned or operated by such person (or persons under common control with such person) in the state which are subject to emission limitations are in compliance or on a schedule for compliance

with applicable emission limitations and standards under the Federal Clean Air Act.

(4) Requirements for attainment areas. If the proposed new source is located in an area that is in attainment for all contaminants that would be emitted by the source and the source is located in an ozone attainment area if the source would emit volatile organic compounds, the Authority shall review notice(s) of construction, plans, specifications, and other information associated therewith to determine that:

(a) The new source will be in accord with applicable federal and state regulations, including new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAPS).

(b) The project will use Best Available Control Technology (BACT) for emissions control.

(c) If the new source is a major source the source shall meet all the requirements of prevention of significant deterioration regulations under WAC 173-403-080, in Washington and any adjacent state.

(d) The allowable emissions from the proposed new facility will not delay the attainment date for any area not in attainment. This requirement will be considered to met if the impact at any location within a nonattainment area does not exceed the following levels:

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO	—	—	0.5 mg/m ³	—	.2 mg/m ³
TSP	1.0 ug/m ³	5 ug/m ³	—	—	—
SO ₂	1.0 ug/m ³	5 ug/m ³	—	25 ug/m ³	30 ug/m ³

(e) If the new source is a major source, the source shall undergo an impact analysis for visibility impairment with respect to all areas in Washington and any adjacent state that are mandatory Class 1 areas per 40 CFR 52.21(e). The impact analysis shall consist of the procedures required in WAC 173-403-050.

(5) Preliminary determination. Within thirty days after receipt of all information required, the Authority shall:

(a) Make preliminary determinations on the matter set forth in 400-110 (3) or (4), whichever is applicable; and

(b) Initiate compliance with the provisions of Section 400-140 relating to public notice and public comment, as applicable.

(6) Final determination. If, after review of all information received, including public comment, the Authority finds that all the conditions in Section 400-110 (3) and (4) are satisfied, whichever is applicable, the Authority will issue a regulatory order to approve the notice of construction for the proposed new source or modification.

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

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

WSR 92-06-016
RULES COORDINATOR
WASHINGTON STATE UNIVERSITY

[Filed February 25, 1992, 9:14 a.m.]

I continue to hold the designation of rules coordinator for Washington State University. Pursuant to RCW 34.05.310(3), please publish the following in the next issue of the Washington Register: Lou Ann Pasquan, Rules Coordinator, Washington State University, Computer Science Building, Room 2143, Pullman, Washington 99164-1223.

Lou Ann Pasquan
 Rules Coordinator

WSR 92-06-017
PERMANENT RULES
WILDLIFE COMMISSION

[Order 533—Filed February 25, 1992, 9:31 a.m.]

Date of Adoption: February 8, 1992.

Purpose: To amend WAC 232-28-022 Game management units (GMUs)—Special game areas—Boundary descriptions.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-022.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 92-02-085 on January 2, 1992.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-022, Game management units (GMUs)—Special game areas—Boundary descriptions, differs from the proposed version filed with the code reviser in the following specifics: In GMU 648 (Wynoochee) the boundary was changed to read ". . . Canyon River Road, Road 2260 . . ."; in GMU 651 (Satsop) the boundary was changed to read ". . . Canyon River Road, Road 2260 . . ."; in Elk Area No. 032 (Malaga) the boundary was changed to read ". . . Squilchuck Road to Beehive Road (USFS Road 9712) . . ."; the title of Bow Area 804 (Pilchuck) was changed to Deer Area 041 (Pilchuck); the title of Bow Area 805 (Tolt) was changed to Deer Area 042 (Tolt). References to compass direction were presented as nouns and not adjectives; northerly converted to north, westerly converted to west, and easterly converted to east; and in PLWMA 201 (Wilson Creek) the boundary was changed to read ". . . Sections 26*, 27, 28; 29, 30, and 33; Section 34 except south 1/4; . . ."

Effective Date of Rule: Thirty-one days after filing.

February 24, 1992
 Curt Smitch
 Director
 for Dean A. Lydig
 Chair

AMENDATORY SECTION (Amending Order 495, filed 5/16/91, effective 6/16/91)**WAC 232-28-022 GAME MANAGEMENT UNITS (GMUS)—SPECIAL GAME AREAS—BOUNDARY DESCRIPTIONS.****REGION ONE**

GMU 100—Curlew (Ferry and Okanogan counties): Beginning at Republic; then south along Highway 21 to the northern boundary of the Colville Indian Reservation; then east along the Reservation boundary to the Stall Creek Road, USFS #310; then north on #310 to USFS Road #250; then north to the Kettle Crest Trail #13; then north on Trail #13 to the Deer Creek—Boulder Creek Road; then west on the Deer Creek—Boulder Creek Road to the Kettle River at Curlew; then north along the Kettle River to the Canadian Border near Danville; then west along the border to the Kettle river near the Ferry Customs Office; then south along the Kettle River to the mouth of Toroda Creek and the Toroda Creek Road; then southwest along the Toroda Creek Road to Wauconda and Highway 20; then southeast on Highway 20 to Republic to the point of beginning. (See Colville National Forest map)

GMU 103—Boulder (Ferry County): Beginning at Lake Roosevelt at the mouth of the Kettle River; then south along Lake Roosevelt to the north boundary of the Colville Indian Reservation; then west along the Reservation boundary to the Stall Creek Road, USFS Road #310; then north on #310 to USFS Road #250; then north on #250 to the Kettle Crest Trail #13; then north on Trail #13 to the Deer Creek Boulder Creek Road; then west on the Deer Creek—Boulder Creek Road to the Kettle River at Curlew; then north along the Kettle River to the Canadian Border near Danville; then east along the border to the Kettle River near Laurier then south along the Kettle River to its mouth to the point of beginning. (See Colville National Forest map)

GMU 105—Kelly Hill (Stevens County): Beginning at the Kettle River on the Canadian border near Laurier; then south along the Kettle River to its mouth at Lake Roosevelt; then northeast along Lake Roosevelt to the Canadian border; then west along the border to the Kettle River near Laurier to the point of beginning. (See Washington Atlas and Gazetteer)

GMU 108—Douglas (Stevens County): Beginning at the bridge over Lake Roosevelt near Northport; then southwest along Lake Roosevelt to the bridge over Lake Roosevelt near Kettle Falls (Highway 395); then south east on Highway 395 into Colville and Highway 20; then east on Highway 20 the edge of town and the Colville—Aladdin—Northport Road; then north and west on the Colville—Aladdin—Northport Road to the town of Northport and Highway 25; then through town to the Lake Roosevelt bridge to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 111—Aladdin (Stevens and Pend Oreille counties): Beginning at Lake Roosevelt at the Canadian Border; then south along Lake Roosevelt to the bridge over the lake near Northport (Highway 25); then into Northport

on Highway 25 to the Colville—Aladdin—Northport Road; then east and south along the Colville—Aladdin—Northport Road to Highway 20 near Colville; then east on Highway 20 to the Pend Oreille River near Tiger; then north along the Pend Oreille river to the Canadian border; then west along the border to Lake Roosevelt to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 113—Selkirk (Pend Oreille County): Beginning on the Pend Oreille River at the Canadian border; then south along the Pend Oreille River to the Idaho border near Newport; then north along the Idaho—Washington border to the Canadian border; then west along the Canadian border to the Pend Oreille River to the point of beginning. (See Washington Atlas & Gazetteer or Colville National Forest map)

GMU 118—Chewelah (Stevens and Pend Oreille counties): Beginning at Colville; then east on Highway 20 to the Pend Oreille River near Tiger; then south along the Pend Oreille River to the bridge over the river at Usk; then west on the McKenzie Road to the West Side Calispell Road and the Flowery Trail Road; then west on the Flowery Trail Road to Chewelah and Highway 395; then north on Highway 395 to Colville to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 119—Boyer (Stevens and Pend Oreille counties): Beginning on the Pend Oreille River at the bridge near Usk; then west on the McKenzie Road to the Westside Calispell Road and the Flowery Trail Road; then west on the Flowery Trail Road to Chewelah and Highway 395; then south on Highway 395 to Highway 231; then south on Highway 231 to Springdale; then east on Highway 292 to Highway 395 at Loon Lake; then south on Highway 395 to Deer Park; then east on the Deer Park—Milan Road to Highway 2, then northeast on Highway 2 to the Idaho border at Newport; then north along the Idaho border to the Pend Oreille River; then north along the Pend Oreille River to the bridge at Usk and point of beginning. (See Washington Atlas & Gazetteer)

GMU 121—Huckleberry (Stevens County): Beginning at the bridge over Lake Roosevelt near Kettle Falls; then south on Highway 395 to Highway 231; then south on Highway 231 to the northeast corner of the Spokane Indian Reservation; then west along the north boundary of the Reservation to Lake Roosevelt; then north along Lake Roosevelt to the Highway 395 bridge near Kettle Falls to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 124—Mount Spokane (Spokane, Stevens and Pend Oreille counties): Beginning at the Idaho—Washington border at Newport; then south on Highway 2 to the Deer Park—Milan Road; then west on the Deer Park—Milan Road to Deer Park and Highway 395; then north on Highway 395 to Highway 292 at Loon Lake; then west on Highway 292 to Springdale and Highway 231; then south on Highway 231 to the northeast boundary of the Spokane Indian Reservation; then south along the east boundary of the Indian Reservation (Chamokane Creek) to the Spokane River; then east along the

Spokane River to the Washington-Idaho border; then north along the border to Newport and point of beginning. (See Washington Atlas & Gazetteer)

GMU 127-Mica Peak (Spokane County): Beginning at Spokane; then south along State Highway 195 to the Spokane-Whitman County line; then east along Spokane-Whitman County line to the Washington-Idaho line; then north along the Washington-Idaho line to the Spokane River; then west along the Spokane River to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 130-Cheney (Spokane and Lincoln counties): Beginning at Spokane; then south along State Highway 195 to the Spokane-Whitman County line; then west along the north boundary of Whitman and Adams counties to U.S. Highway No. 395; then northeast along U.S. Highway 395 to Sprague; then north along State Highway No. 231 to its junction with U.S. Highway No. 2; then east along U.S. Highway No. 2 to Reardan; then north along state Highway No. 231 to the Spokane River; then up the Spokane River to Spokane to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 133-Roosevelt (Lincoln County): Beginning at Reardan; then north along State Highway 231 to the Spokane River; then west along the Spokane River to Lake Roosevelt; then west along Lake Roosevelt to Coulee Dam; then southeast on State Highway 174 to Wilbur and U.S. Highway 2; then east along Highway 2 to Reardan and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 136-Harrington (Lincoln County): Beginning at the town of Grand Coulee; then southeast along State Highway No. 174 to its junction with U.S. Highway No. 2 at Wilbur; then east along U.S. Highway No. 2 to its junction with U.S. Highway No. 231 three miles west of Reardan; then south along Highway No. 231 to its junction with U.S. Highway No. 395; then southwest along U.S. Highway No. 395 to the Adams County line at Sprague Lake; then west along the Adams-Lincoln County line to the Grant County line; then north along the Grant-Lincoln County line to Grand Coulee and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 139-Steptoe (Whitman County): Beginning at Colfax; then west along State Highway 127 to Dusty and continuing west along State Highway No. 26 through LaCrosse to the west Whitman County line (Palouse River); then north along the west Whitman County line, east along the north Whitman County line and south along the east Whitman County line to the Moscow-Pullman Highway; then west along the Moscow-Pullman-Colfax Highway to Colfax and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 142-Almota (Whitman County): Beginning at Clarkston; then down the Snake River to the mouth of the Palouse River; then up the Palouse River to the Washtucna-LaCrosse Highway (State Highway No. 26); then east along the highway through LaCrosse to State Highway 127 to Dusty; then continuing east along State Highway 127 to Colfax; then southeast along the

Colfax-Pullman-Moscow Highway to the Washington-Idaho line; then south along the state line to Clarkston and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 145-Mayview (Garfield and Asotin counties): Beginning at the mouth of Alpowa Creek and its junction with U.S. Highway No. 12; then west along U.S. Highway No. 12 to its junction with State Highway 127 (Central Ferry Highway); then north along the Highway to the Snake River; then east up the Snake River to the mouth of Alpowa Creek and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 148-Starbuck (Walla Walla, Columbia, and Garfield counties): Beginning at Central Ferry; then south along State Highway No. 127 to Dodge Junction; then southwest along U.S. Highway No. 12 to the town of Waitsburg and the Touchet River; then west along the river to its junction with the Ayer Road at Harsha; then north along the Ayer Road to the Snake River at Ayer; then east along the Snake River to Central Ferry and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 151-Eureka (Walla Walla County): Beginning at the Washington-Oregon State line on the Columbia River (near Wallula Junction); then north up the Columbia River to the Snake River; then northeast up the Snake River to Ayer; then south along the Ayer Road to State Highway No. 124 and the Touchet River at Harsha; then east up the river to Waitsburg and U.S. Highway 12; then southwest along Highway 12 to Walla Walla and State Highway No. 125; then south along State Highway No. 125 to the Washington-Oregon State line; then west along the state line to the Columbia River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 154-Blue Creek (Walla Walla and Columbia counties): Beginning at the Washington-Oregon State line on State Highway No. 125 (south of Walla Walla); then north along State Highway No. 125 to U.S. Highway No. 12; then northeast along Highway 12 to the Payne Hollow Road at Long Station; then south along the Payne Hollow-Jasper Mountain-Mt. Pleasant Road to the Lewis Peak Road; then south along the Lewis Peak Road to its termination at the Mill Creek Watershed Intake Trail; then southwest along the trail to the Washington-Oregon State line; then west along the state line to State Highway No. 125 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 157-Watershed, Mill Creek Watershed area (Walla Walla, Columbia counties): Starting at the Mill Creek Watershed Intake Trail (No. 3211) on the Washington-Oregon State line; then northeast along the Intake Trail to the Skyline Drive Road (No. 64); then south along the road to the Washington-Oregon State line; then due west to the point of beginning. (See Umatilla Forest map)

GMU 160-Touchet (Walla Walla, and Columbia counties): Beginning at Dayton; then south along the North Touchet River Road to its junction with the Skyline

Drive Road at Manila Springs; then southwest along the Skyline Road to its junction with the Mill Creek Watershed Intake Trail (No. 3211); then west along the Intake Trail to the Lewis Peak ((Trail)) Road; then north along the Lewis Peak-Mt. Pleasant-Jasper Mountain-Payne Hollow Road to U.S. Highway 12 at Long Station; then north along said highway to Dayton and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 161-Eckler (Columbia County): Beginning at Dayton; then east along the Patit Creek Road to its junction with the Hartsock-Maloney Mountain Road; then south and west along the Maloney Mountain Road (No. 4625) to the Skyline Drive Road (No. 46); then south along the Skyline Drive Road to its junction with the North Touchet River Road at Manila Springs; then north along the North Touchet River Road to Dayton and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 163-Marengo (Columbia, and Garfield counties): Beginning at Dayton; then east along the Main Patit Road to its junction with the Hartsock-Maloney Mountain Road; then north down the Hartsock Grade Road to the Tucannon Road; then south along the Tucannon Road to the Blind Grade Road; then east up the Blind Grade Road to the Linville Gulch Road; then north down the Linville Gulch Road to U.S. Highway No. 12; then west and south along Highway 12 to Dayton and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 166-Tucannon (Columbia, and Garfield counties): Beginning on the Tucannon River Road at its junction with the Hartsock Grade Road; then south up the Hartsock Grade Road to its junction with the Maloney Mountain Road; then southwest along the Maloney Mountain Road (No. 4625) to the Skyline Drive Road (No. 46); then south along the Skyline Drive Road to its junction with the Teepee Road (No. 4608); then east along the Teepee Road to Teepee Camp; then east along the Teepee Oregon Butte-Bullfrog Springs Diamond Peak Trail to Diamond Peak; then east along the Diamond Peak Road (No. 4030) to the Mountain Road (No. 40); then north along the Mountain Road to its junction with the elk drift fence at the Forest Boundary; then north and west along the fence to the Tucannon Road; then north along the Tucannon Road to the Hartsock Grade Road and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 169-Wenaha (Columbia, Garfield and Asotin counties): Beginning on the Skyline Drive Road at the Washington-Oregon State line; then north along the road to Godman Springs and the Teepee Road (No. 4608); then east along the Teepee Road to Teepee Camp; then east along the Teepee Oregon Butte-Bullfrog Springs Diamond Peak Trail to Diamond Peak; then east on the Diamond Peak Road (No. 4030) to the Mountain Road (No. 40); then south along the Mountain Road to the South Boundary Road (No. 4039); then west along the road to the Three Forks Trail (No.

3133); then west down said trail to Crooked Creek; then south on Crooked Creek to the Washington-Oregon State line; then due west along the line to Skyline Road and the point of beginning. (See Umatilla National Forest map)

GMU 172-Mountview (Garfield and Asotin counties): Beginning at the junction of State Highway 129 and Mill Road at Anatone; then southwest on the Mill Road & Bennett Ridge Road-West Mountain Road (No. 1290) to the Big Butte-Mt. Misery Road (No. 4304); then west along the road to the Mountain Road (No. 40); then south on the road to the South Boundary Road (No. 4039); west along the South Boundary Road to the Three Forks Trail (No. 3133); then down said trail to Crooked Creek; then down the creek to the Washington-Oregon State line; then east along the line to State Highway No. 129; then north on Highway 129 to Anatone and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 175-Lick Creek (Garfield and Asotin counties): Beginning at the junction of the Mountain Road (No. 40) and National Forest Boundary (south of Pomeroy); then south along the Mountain Road to its junction with the Wenatchee Guard Station-Anatone Road; then east along the road to the National Forest Boundary at Big Butte; then northwest along the boundary fence to the Cloverland-Wenatchee Guard Station Road; then northeast along the Cloverland Road to the Campbell Grade Road; then down the Campbell Grade Road to the South Fork Asotin Creek Road; then down South Fork Asotin Creek Road to Asotin Creek; then down Asotin Creek to Charley Creek; then up Charley Creek to the elk drift fence; then west along the elk fence to its junction with the Mountain Road (No. 40) and the point of beginning. (See Umatilla National Forest map)

GMU 178-Peola (Garfield and Asotin counties): Beginning on the Snake River at the mouth of Asotin Creek; then up Asotin Creek to Charley Creek; then up Charley Creek to the elk drift fence; then northwest along the fence to the Tucannon Road; then down the Tucannon Road to the Blind Grade Road; then up Blind Grade to the Linville Gulch Road; then down the Linville Gulch Road to U.S. Highway No. 12; then east along Highway 12 to the mouth of Alpowa Creek on the Snake River; then up the Snake River to the mouth of Asotin Creek and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 181-Couse (Asotin County): Beginning at the mouth of Asotin Creek on the Snake River; then south along the Snake River to the Grande Ronde River; then west up the Grande Ronde River to State Highway No. 129; then northeast along Highway 129 to Anatone; then west and south along the Mill Road-Bennett Ridge Road-West Mountain Road to the National Forest Boundary at Big Butte (Road No. 4304); then northwest along the Forest Boundary fence to the Cloverland Road; then northeast on that road to the Campbell Grade Road; then down that road to the South Fork Asotin Creek Road; then down that road to Asotin Creek; then down Asotin Creek to the Snake River and

the point of beginning. (See Washington Atlas & Gazetteer)

GMU 184-Joseph (Asotin County): Beginning at the mouth of the Grande Ronde River; then west along the river to the mouth of Joseph Creek; then south up Joseph Creek to the first Joseph Creek bridge and the Joseph Creek Road; then south up said road to the Washington-Oregon State line; then east along the line to the Snake River; then north down the Snake River to the Grande Ronde River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 185-Black Butte (Asotin County): Beginning at State Highway No. 129 on the Washington-Oregon State line; then north along Highway 129 to the Grande Ronde River; then east down the river to the mouth of Joseph Creek; then south up Joseph Creek to the first Joseph Creek bridge and the Joseph Creek Road; then south up said road to the Washington-Oregon State line; then west along the line to State Highway No. 129 and the point of beginning. (See Washington Atlas & Gazetteer)

REGION TWO

GMU 200-Tunk (Okanogan and Ferry counties): Beginning at Tonasket, then south along the Okanogan River to the north boundary of the Colville Indian Reservation, then east along the Reservation boundary to State Route 21 south of Republic, then north along State Route 21 to Republic and State Route 20, then west along State Route 20 to Tonasket to the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 203-Pasayten (Okanogan and Whatcom counties): Beginning at the eastern boundary of the Pasayten Wilderness and its junction with the Canadian border, then south along the wilderness boundary to Trail #341, then west along Trail #341 to the Iron Gate Road and Trail #343, then west along Trail #343 to its junction with the Pasayten Wilderness boundary, then west along the wilderness boundary to the Hidden Lakes Trail (#477) then west along Hidden Lakes Trail to Drake Creek, then southwest down Drake Creek and the Lost River to the Pasayten Wilderness boundary and the Robinson Creek Trail #478, then north up the Robinson Creek Trail to the junction of the Ferguson Lake Trail, then west to Silver Lake, then west to the West Fork Trail crossing of the West Fork of the Pasayten River, then west to Oregon Basin and the Pasayten Wilderness boundary, then west and north along the boundary to the Canadian border, then east along the border to the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 206-Bonaparte (Okanogan and Ferry counties): Beginning at the town of Tonasket, then north along the Okanogan River and the east shore of Osoyoos Lake to the Canadian border, then east along the Canadian border to the Kettle River near the Ferry Customs office, then south along the Kettle River to the mouth of Toroda Creek, then southwest along Toroda Creek to Toroda Creek Road (#502 and #9495), then southwest along Toroda Creek Road to its junction with State

Route 20 at Wauconda, then west along State Route 20 to Tonasket and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 209-Wannacut (Okanogan County): Beginning at the Canadian border on Lake Osoyoos, then south along the west shore of Lake Osoyoos and the Okanogan River to the bridge at Tonasket, then south on County Road #7 (#9437) to the North Pine Creek-Aeneas Lake Road (#9400) junction, then southwest on that road to the Horse Springs Coulee Road (#4371) junction, then northwest on that road to the Loomis-Nighthawk Highway (#9425) junction near Spectacle Lake, then west on Loomis-Nighthawk Highway to Loomis, then north on the Loomis-Nighthawk Highway (#9425) past Palmer Lake to the Canadian border station near Nighthawk, then east on the U.S.-Canada boundary to Lake Osoyoos and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 215-Sinlahekin (Okanogan County): Beginning at the Canadian border station near Nighthawk, then south through Nighthawk and past Palmer Lake on the Nighthawk-Loomis Highway (#9425) to Loomis, then east on the Loomis-Tonasket Highway (#9425) to the Horse Springs Coulee Road (#4371) junction near Spectacle Lake, then south on that road to the North Pine Creek-Aeneas Lake Road (#9400), then east on that road to the Okanogan River, then south along the Okanogan River to the town of Riverside, then north on U.S. Highway 97 to its junction with the South Pine Creek Road (#9410), then west on South Pine Creek Road to its junction with the Conconully-Loomis Road (#4015), then south on Road #4015 to Conconully, then north on the North Fork Salmon Creek Road (#2361, Road 38 and 2820) over Lone Frank Pass to the junction with Road #39, then north on Road #39 to Long Swamp, then east along the Middle Fork Toats Coulee Road (#39) to the junction with the Iron Gate Road (#500), then northwest along the Iron Gate Road to its end, then north and east along trails #533 and #341 to the Pasayten Wilderness boundary, then north along that boundary to the Canadian border, then east along the border to the Nighthawk border station and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 218-Chewuch (Okanogan County): Beginning at the junction of the Iron Gate Road (#500) and the Pasayten Wilderness boundary, then southeast on the Iron Gate Road to the Middle Fork Toats Coulee Creek Road (#39), then west and south on the Middle Fork Toats Coulee Creek Road past Long Swamp to the Boulder Creek Road (#37), then southwest down Boulder Creek Road to the East Chewuch River Road (#9137) then south to Winthrop and State Route 20, then northwest on State Route 20 to the Okanogan County line, then northwest along the Okanogan County line through Harts Pass to Oregon Basin, then east to Silver Lake, then due east to the intersection of Ferguson Lake Trail and Middle Fork Trail #478, then south on Trail #478 to the Pasayten Wilderness boundary, then northeast along that boundary to Lost River,

then northeast up Lost River and Drake Creek to Hidden Lake Trail #477, then east along Trail #477 to the Pasayten Wilderness boundary at Eight-Mile Pass, then east along the wilderness boundary to its junction with Trail #342 near Hicky Hump, then north along Trail #342 to its junction with Trail #343 at Two Bear camp, then east along Trail #343 to the Iron Gate Road to the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 224-Pearrygin (Okanogan County): Beginning at the town of Conconully, then north along County Road 2361, and the N. Fork Salmon Creek Road (#38) to its junction with Road 39, SW along Road 39 to the Boulder Creek Road (#37), then southwest along the Boulder Creek Road to the East Chewuch River Road (#9137), then south down the East Chewuch River Road to Winthrop, then south and east along State Route 20 to the Loup Loup summit, then north along the North Summit Road (#42) and County Road 2017 to Conconully and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 231-Gardner (Okanogan County): Beginning at the town of Twisp, then northwest along State Route 20 to the Okanogan County line, then south along the county line to Copper Pass and the North Fork Twisp River Trail #426, then southeast along Trail #426 to the Twisp River Road, then southeast along the Twisp River Road to the town of Twisp and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 233-Pogue (Okanogan County): Beginning at the town of Riverside, then north along U.S. Highway 97 to the South Pine Creek Road (#9410), then west on South Pine Creek Road to the Conconully-Loomis Road (#4015), then south along Road #4015 to Conconully, then south along County Road 2017 and the North Summit Road (#42) to State Route 20 near Loup Loup summit, then east on State Route 20 to the town of Okanogan and the Okanogan River, then north up the Okanogan River to Riverside and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 239-Chiliwist (Okanogan County): Beginning at the town of Okanogan, then west on State Route 20 to State Route 153, then south along State Route 153 to Pateros and the Columbia River, then north up the Columbia and Okanogan rivers to Okanogan and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 242-Alta (Okanogan County): Beginning at Pateros, then northwest on State Route 153 to Twisp, then west on the Twisp River Road (County Road 9114 and Forest Road #4440) to Roads End Campground, then northwest on the North Fork Twisp River Trail #426 to Copper Pass and the Okanogan County line, then southeast along the county line to the junction of South Fork Gold Creek Road (#4330) and the South Navarre Road (#8200), then southeast along Road (#8020) to the Antoine Creek Road (#8140), then southeast along Road (#8140) to U.S. Highway 97, then north on U.S. Highway 97 to Wells Dam, then upriver

to Pateros and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 248-Big Bend (Douglas and Grant counties): Beginning at Mansfield; then west along State Route 172 to Road B N.E.; then north on B N.E. and the West Foster Creek Road to State Route 17; then east along State Route 17 to the Chalk Hills Road (Road K N.W.); then north along the Chalk Hills Road (K & L N.E.) to Road 28 N.E.; then north along Road L N.E. for 4 miles to the east boundary of Range 26 E; then north to the Columbia River; then up the Columbia River to Grand Coulee Dam; then south along the Feeder Canal and the west side of Banks Lake to a point due east from Road 9 N.E.; then west from that point and along Road 9 N.E. through Mold to State Route 17; then north along State Route 17 to Sim's Corner (Jct. State Routes 17 & 172); then west on State Route 172 to Mansfield and the point of beginning. (See official road map of Douglas County)

GMU 254-Saint Andrews (Douglas and Grant counties): Beginning at Sim's Corner (Jct. of State Routes 17 and 172); then south on State Route 17 to Road 9 N.E.; then east on Road 9 N.E. (through Mold) to a point due east on the west shore of Banks Lake; then south along the west shore of Banks Lake to State Route 2; then west along State Route 2 to State Route 172; then north and east along State Route 172 through Mansfield to Sim's Corner and the point of beginning. (See official road map of Douglas County)

GMU 260-Foster Creek (Douglas County): Beginning at Bridgeport; then down the Columbia River to Bonita Flat; then east along the Bonita Flat Road to the town site of Dyer; then south along the Dyer Hill Road and the N. Division Road to Road 20 N.E.; then east along Road 20 N.E. (Dyer Hill Rd.) to the W. Foster Creek Rd.; then north along the West Foster Creek Road to State Route 17; then east along State Route 17 to the Chalk Hills Road (K N.E.); then north along the Chalk Hills Road (K & L N.E.) to Road 28 N.E.; then north along Road L N.E. for 4 miles to the east boundary of Range 26 E; then north to the Columbia River; then down the Columbia River to Bridgeport and the point of beginning. (See official road map of Douglas County)

GMU 262-Withrow (Douglas County): Beginning at Orondo; then up the Columbia River to the Bonita Flat Road; then east along the Bonita Flat Road to the town site of Dyer; then south along the Dyer Hill Road and the N. Division Road to Road 20 N.E. (Dyer Hill Rd.); then east along Road 20 N.E. to Road B N.E. (W. Foster Ck. Rd.); then south on Road B N.E. to State Route 172; then west and south on State Route 172 to State Route 2; then west along State Route 2 to Orondo and the point of beginning. (See official road map of Douglas County)

GMU 266-Badger (Douglas County): Beginning at Orondo; then down the Columbia River to the Rock Island Grade Road (includes Turtle Rock Island); then north along the Rock Island Grade Road to the Titchenal Canyon Road; then northeast along the Titchenal Canyon Road to the Alstown Road; then east

to Alstown; then north and east along the Alstown Road to Road K S.W.; then north along Road K to State Route 2; then west along State Route 2 to Orondo and the point of beginning. (See official road map of Douglas County)

GMU 269—Moses Coulee (Douglas and Grant counties): Beginning near Rock Island Dam at the junction of State Route 28 and the Rock Island Grade Road; then north along the Rock Island Grade Road to the Titchenal Canyon Road; then northeast along the Titchenal Canyon Road to the Alstown Road; then east to Alstown; then north and east along the Alstown Road to Road K S.W.; then north along Road K to State Route 2; then east along State Route 2 to the Moses Coulee Road; then south along the Moses Coulee Road to the Grant & Douglas County line; then south along the Sagebrush Flat Road to Road J N.W.; then south along Road J N.W. to the Overen Road (Road 20 N.W.); then west along the Overen Road to the Baird Springs Road; then southwest along the Baird Springs Road across State Route 28 to the Crescent Bar Road; then south along the Crescent Bar Road to the Columbia River; then up the Columbia River to the Rock Island Grade Road and the point of beginning. (See official road maps of Douglas and Grant counties)

GMU 272—Beezley (Grant and Douglas counties): Beginning at the town of Grand Coulee, then southwest along the west shore of Banks Lake to State Route 2, then west along State Route 2 to Moses Coulee Road, then south along Moses Coulee Road to the Grant—Douglas County line; then south along the Sagebrush Flats Road to Road J N.W.; then south along Road J N.W. to the Overen Road, (Road 20 N.W.); then west along the Overen Road to the Baird Springs Road, then southwest along Baird Springs Road across State Route 28 to the Crescent Bar Road, then southwest along Crescent Bar Road to the Columbia River, then down the Columbia River to Interstate 90, then northeast along Interstate 90 to the Beverly Burke Road (Road R S.W.), then south along Beverly Burke Road to Frenchman Hills Road, then east along Frenchman Hills Road to O'Sullivan Dam Road, then east along O'Sullivan Dam Road to State Route 17, then south along State Route 17 to the Grant—Adams County line (Road 12 S.E.), then east and north along the Grant County line to the town of Grand Coulee and the point of beginning except Private Lands Wildlife Management Area 201 (Wilson Creek). (See official road maps of Grant and Douglas counties)

GMU 278—Wahluke (Grant and Adams counties): Beginning at the Columbia River at Interstate 90, then northeast along Interstate 90 to the Beverly Burke Road (Road R S.W.); then south along Beverly Burke Road to Frenchman Hills Road; then east along Frenchman Hills Road to O'Sullivan Dam Road; then east along O'Sullivan Dam Road to State Route 17, then south along State Route 17 to State Route 26; then east along State Route 26 to State Route 24 at Othello; then south and west along State Route 24 to the Columbia River at

Vernita Bridge; then up the Columbia River to Interstate 90 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 281—Ringold (Franklin, Adams, and Grant counties): Beginning at the Columbia River and U.S. Highway 395 at Pasco, then up the Columbia River (including all islands) to State Route 24 at Vernita Bridge; then east and north along State Route 24 to State Route 26 at Othello; then east along State Route 26 to State Route 17; then south along State Route 17 to U.S. Highway 395; then south along U.S. Highway 395 to the Columbia River at Pasco and the point of beginning. The Hanford Nuclear Site and the Saddle Mountain National Wildlife Refuge are closed to unauthorized public entry. (See Washington Atlas & Gazetteer)

GMU 284—Kahlotus (Adams and Franklin counties): Beginning at the Columbia River and U.S. Highway 395 at Pasco; then north along U.S. Highway 395 to State Route 17; then north along State Route 17 to the Grant & Adams County line (Road 12 S.E.); then east and north along the Grant & Adams County line to the Lincoln County line; then east along the Adams—Lincoln County line to the Whitman County line; then south along the Adams—Whitman County line to the Palouse River; then down the Palouse River to the Snake River; then down the Snake River to the Columbia River; then up the Columbia River to U.S. Highway 395 and the point of beginning. (See Washington Atlas & Gazetteer)

REGION THREE

GMU 300—Manson (Chelan County): Beginning at the town of Chelan; then down the Chelan River Gorge to the Columbia River; then north along the Columbia River to Wells Dam; then southwest along Highway 97 to the Antoine Creek Road (USFS #8140); then west along Antoine Creek Road to Forest Road #8020 near Cooper Mountain; then northwest along Road #8020 to junction of Road #4330 near Fox Peak; then northwest along the ridge separating the Chelan and Methow—Twisp drainages (Sawtooth Ridge) to McAlester Mountain; then southeast along the ridge between Rainbow Creek and Boulder Creek to the Stehekin River; then south along Lake Chelan shore to the town of Chelan to the point of beginning. (See Wenatchee National Forest Recreation map and Washington Atlas and Gazetteer)

GMU 301—Clark (Chelan County): That portion of Chelan County that lies within the Glacier Peak Wilderness Area and that portion of the Lake Chelan National Recreation Area west of McAlester Mountain and running southwest along the ridge between Rainbow Creek and Boulder Creek to the Stehekin River; then continuing south along Lake Chelan to the south boundary of the National Recreation Area. (See Wenatchee National Forest Recreation map)

GMU 302—Alpine (Kittitas and Chelan counties): Those lands within Kittitas and Chelan counties east of the Pacific Crest Trail that lie within the Alpine Lakes Wilderness Area. (See Wenatchee National Forest Recreation map)

GMU 304—Chiwawa (Chelan County): Beginning at Coles Corner on Highway 2; then north along Highway 207 to Highway 209 near Lake Wenatchee; then south on Highway 209 to the Eagle Creek Road #7520; then northeast on Road #7520 to French Corral and Forest Road #5800; then east along Roads #5800 and #5700 to the Entiat River near Ardenvoir; then north along the Entiat River to the Glacier Peak Wilderness Boundary; then south and west along the Glacier Peak Wilderness Boundary to the Pacific Crest Trail; then south to Highway 2 at Stevens Pass; then east on Highway 2 to Coles Corner. (See Wenatchee National Forest Recreation map)

GMU 306—Slide Ridge (Chelan County): Beginning on the Entiat River at the Glacier Peak Wilderness Boundary (near the mouth of Larch Lakes Creek); then south along the Entiat River to the mouth of Fox Creek; then east on Fox Creek to Fourmile Ridge Trail #1445; then east on Trails #1445 and #1448 to the Slide Ridge Road #8410 at Stormy Mountain; then north on Road #8410 to Twenty-five Mile Creek; then north on Twenty-five Mile Creek to Lake Chelan; then north and west along the south shore of Lake Chelan to the Lake Chelan National Recreation Area Boundary near Riddle Creek; then south and west along the Recreation Area and Glacier Peak Wilderness Boundaries to the Entiat River. (See Wenatchee National Forest Recreation map)

GMU 308—Entiat (Chelan County): Beginning at the mouth of the Entiat River near the town of Entiat; then northwest along the Entiat River to the mouth of Fox Creek; then east along Fox Creek to the Fourmile Ridge Trail #1445 then east along Trail #1445 and #1448 to the Slide Ridge Road #8410 at Stormy Mountain; then north along Road #8410 to Twenty-five Mile Creek; then North along Twenty-five Mile Creek to Lake Chelan; then southeast along Lake Chelan and the Chelan River Gorge to the Columbia River; then southwest along the Columbia River to the mouth of the Entiat River. (See Wenatchee National Forest Recreation map)

GMU 314—Mission (Kittitas and Chelan counties): Beginning at the mouth of the Colockum Creek on the Columbia River; then west along Colockum Creek and the Colockum Pass Road (#10) to the Naneum Ridge Road (#9); then northwest along Naneum Ridge Road and Mission Ridge to the Liberty-Beehive Road #9712; then northwest along Road #9712 to Road #9716; then north along Road #9716 to Highway 97 at Swauk Pass; then northwest along the Kittitas-Chelan County line and Trail #1226 to the Alpine Lakes Wilderness Boundary at Navaho Peak, then north along the Alpine Lakes Wilderness Boundary to Icicle Creek near Black Pine Horse Camp; then east along Icicle Creek to the Wenatchee River; then south and east along the Wenatchee and Columbia Rivers to the mouth of Colockum Creek. (See Wenatchee National Forest Recreation map)

GMU 316—Swakane (Chelan County): Beginning at the mouth of the Wenatchee River; then north along the Columbia River to the Entiat River; then north along

the Entiat River to Road #5700 near Ardenvoir; then west along Roads #5700 and #5800 to French Corral; then west along the Eagle Creek Road #7520 to Highway 209; then north along Highway 209 to Highway 207 near Lake Wenatchee; then south along Highway 209 to Highway 2 at Coles Corner; then west along Highway 2 to Stevens Pass; then south along the Chelan-King County Line to the Alpine Lakes Wilderness Boundary; then east and south along the Alpine Lakes Wilderness Boundary to Icicle Creek; then east along Icicle Creek to the Wenatchee River; then east along the Wenatchee River to its mouth on the Columbia River. (See Wenatchee National Forest Recreation map)

GMU 328—Naneum (Kittitas and Chelan counties): Beginning at the intersection of Highway 97 and Lower Green Canyon Road; then north along Lower Green Canyon Road to the East Highline Canal (T19N, R18E, S28); then east along the canal to the Colockum Pass Road #10; then northeast along the Colockum Pass Road to the Naneum Ridge Road #9; then northwest along the Naneum Ridge Road and Mission Ridge to the Liberty Beehive Road #9712; then northwest along Road #9712 to Road #9716; then north along Road #9716 to Highway 97 at Swauk Pass; then south along Highway 97 to the Lower Green Canyon Road. (See Wenatchee National Forest Recreation map & Department of Wildlife map)

GMU 329—Quilomene (Kittitas and Chelan counties): Beginning on Interstate 90 at the Columbia River near Vantage; then north along the Columbia River to the mouth of Tekieson Creek; then up Tekieson Creek to Road #14; then north along Roads 14, 14.17 and 14.14 to the top of Cape Horn cliffs; then north along the cliff top to the northern point of Cape Horn; then southwest along the stock fence to Road #14.14; then west on Road 14.14 to the switch backs in Sections 19 and 20; then north from the boundary sign on the section lines between Sections 17, 18, 19 and 20; T20N, R28 E.W.M. to the boundary sign on Road 14 in the northwest corner of Section 17; then north and west to Davies Canyon; then east along Davies Canyon to the Columbia River; then north along the Columbia River to mouth of Colockum Creek; then southwest along Colockum Creek and Colockum Road (Road #10) to the East Highline Canal (T18N, R20E, S17); then east along the canal and Interstate 90 to the Columbia River at Vantage. (See Department of Wildlife map)

GMU 330—West Bar (Kittitas County): Beginning at the mouth of Tekieson Creek on the Columbia River; then up Tekieson Creek to Road #14; then north on Road 14, 14.14 and 14.17 to the top of the Cape Horn Cliffs; then north along the cliff top to the north end of Cape Horn; then southwest along the stock fence to Road 14.14; then west on Road #14.14 to the switch backs in Sections 19 and 20; then north from the boundary sign on the section lines between Sections 17, 18, 19, and 20, T20N, R21 E.W.M. to the boundary sign on Road 14 in the northwest corner of Section 17; then north and west to Davies Canyon; then east along Davies Canyon to the Columbia River; then south along

the Columbia River to the mouth of Tekieson Creek. (See Department of Wildlife map)

GMU 334-Ellensburg (Kittitas County): Beginning at the intersection of Highway 97 and Lower Green Canyon Road; then north along the Lower Green Canyon Road to the East Highline Canal (Sec. 28, Twp. 19N., R. 18E); then east and south along the canal past Interstate 90 to the pump station; then south and west along the upper most branch of the canal to Highway 821 and the Yakima River (a point about one mile south of Thrall); then north along the Yakima River to ((~~Dammon~~)) Damman Road; then south on ((~~Dammon~~)) Damman Road and Shushuskin Canyon to the South Branch Extension Canal; then west along the canal to where it crosses Manastash Road; then north along the South Branch Canal to Taneum Creek; then east along Taneum Creek to the Yakima River; then northeast along the river to Thorp Highway; then east along the Thorp Highway and Highway 10 to Highway 97; then north along Highway 97 to Lower Green Canyon Road. (See Wenatchee National Forest Recreation map & Department of Wildlife map) (This is a Kittitas County Closure area for high power rifle hunting of both deer and elk. Contact Kittitas County for more details)

GMU 335-Teanaway (Kittitas County): Beginning at Swauk Pass on Highway 97; then northwest along the Kittitas-Chelan County line and Trail #1226 to the Alpine Lakes Wilderness Boundary at Navaho Peak; then west along the Alpine Lakes Wilderness Boundary to the King-Kittitas County line at Kendal Peak; then south along the King-Kittitas County line to Interstate 90; then east along Interstate 90 to Cle Elum; then east along Highway 10 to Highway 97; then northeast on Highway 97 to Swauk Pass. (See Wenatchee National Forest Recreation map)

GMU 336-Taneum (Kittitas County): Beginning at Cle Elum; then west along Interstate Highway 90 to the Pacific Crest Trail at Snoqualmie Pass; then southeast along the Pacific Crest Trail to Blowout Mountain; then southeast along the divide between the Naches and Yakima River drainages and Trail #1388 to Peaches Ridge and Trail #1363; then north along Trail #1363 to Trail #1367; then east along Trail #1367 to South Fork Taneum Creek; then east along Taneum Creek to the Yakima River; then north (downstream) on the Yakima River to the Thorp Highway Bridge; then northwest along the Thorp Highway, State Highway 10 and State Highway 903 to Cle Elum. (See Wenatchee National Forest Recreation map)

GMU 340-Manastash (Kittitas County): Beginning at the junction of Taneum Creek and the South Branch Highline Canal; then west up Taneum Creek and South Fork Taneum Creek to USFS Trail #1367; then west on Trail #1367 to Trail #1363 (Peaches Ridge Trail), to the Naches-Yakima River Divide; then southeast along Trail #1388 and the ridge top dividing the Manastash and Wenas-Umtaneum drainages to the junction of the Observatory Road, (Twp. 17 N., R. 17 E.W.M., Section 20) then south on the Observatory Road to the Wenas-Ellensburg Road; then east on the Wenas-Ellensburg

Road to Umtaneum Creek; then down Umtaneum Creek to the Yakima River; then up the Yakima River to the ((~~Dammon~~)) Damman Road; then south to the Wenas-Ellensburg Road; then south on the Wenas-Ellensburg Road to the South Branch Highline Canal; then along the canal to Taneum Creek and the beginning. (See Wenatchee National Forest Recreation map)

GMU 342-Umtaneum (Kittitas and Yakima counties): Beginning at Yakima then north along the Yakima River to Umtaneum Creek; then up Umtaneum Creek to the Wenas-Ellensburg Road; then west along the Wenas-Ellensburg Road to the Observatory Road; then north along the Observatory Road to the Road junction at the top of the ridge (Section 20, T17N, R.17 E.W.M.); then west and north along the top of the ridge dividing Manastash and Umtaneum-Wenas drainages to USFS Trail #1388 and Forest Road 1701; then along Road 1701 to Highway 410 to the junction of I-82 and the Yakima River. (See Wenatchee National Forest map and Washington Atlas & Gazetteer)

GMU 346-Little Naches (Yakima & Kittitas counties): Beginning at the Junction of Highway 410 and Forest Road 1701; then north on Road 1701 to Trail #1388; then northwest along Trail #1388 to the Pacific Crest Trail at Blowout Mountain; then south along the Pacific Crest Trail to State Highway 410 at Chinook Pass; then east along State Highway 410 to point of beginning. (See Wenatchee National Forest Recreation map)

GMU 352-Nile (Yakima County): Beginning at Highway 410 at its junction with Forest Road 1500 (Eagle Rock); then west along the 1500 Road to the McDaniel Lake Road (USFS Road #1502); then west along the McDaniel Lake Road to the junction of the North Fork and the South Fork of Rattlesnake Creek; then up the North Fork of Rattlesnake Creek to Richmond Mine Trail #973; then north along Richmond Mine Trail to the Bumping Lake Road; then north along Bumping Lake Road to Highway 410; then east along Highway 410 to Eagle Rock and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 356-Bumping (Yakima County): Beginning at the intersection of Highway 12 and USFS Road #1500; then north along Road #1500 to McDaniel Lake Road (USFS Road #1502); then west on McDaniel Lake Road to the junction of North Fork and South Fork of Rattlesnake Creek; then up the North Fork of Rattlesnake Creek to Richmond Mine Trail #973; then north along Richmond Mine Trail to the Bumping Lake Road; then north along the Bumping Lake Road to Highway 410; then west along Highway 410 to the Pacific Crest Trail at Chinook Pass; then south along the Pacific Crest Trail to Highway 12 at White Pass; then east along Highway 12 to the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting). (See Wenatchee National Forest Recreation map)

GMU 360-Bethel (Yakima County): Beginning at the junction of Highway 410 and Highway #12; then west along Highway 12 to the junction with USFS Road #1500; then north and east along Road #1500 to its

junction with Highway 410 at Eagle Rock; then southeast along Highway 410 to its junction with Highway 12 and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 364-Rimrock (Yakima County): Beginning at the junction of Highway 12 and Jump-off Road (USFS Road #1302); then southwest along Jump-off Road to Divide Ridge Trail #1127 at Jump-off Lookout; then southeast along Divide Ridge Trail #1127 to Strobach Springs; then west to Blue Slide Lookout; then south on jeep trail to Blue Lake; then south along jeep trail to the Darland Mountain Road and the north boundary of the Yakima Indian Reservation; then west along the reservation boundary to the Pacific Crest Trail; then north along the Pacific Crest Trail to Highway 12 at White Pass; then east along Highway 12 to the junction with Jump-off Road and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 366-Rimrock-Cowiche (Yakima County): GMUs 364 (Rimrock) and 368 (Cowiche) (See Wenatchee National Forest Recreation map)

GMU 368-Cowiche (Yakima County): Beginning at the junction of Highway 12 and Jump-off Road (USFS Road #1302); then southwest along Jump-off Road to Divide Ridge Trail #1127 at Jump-off Lookout; then ((southeast) southwest) along Divide Ridge Trail #1127 to Strobach Springs; then west to Blue Slide Lookout; then south on jeep trail to Blue Lake; then south along jeep trail to the Darland Mountain Road and the north boundary of the Yakima Indian Reservation; then east along the reservation boundary to the Yakima River and Highway 12; then north and west along Highway 12 to the point of beginning. (See Wenatchee National Forest Recreation map & Washington Atlas & Gazetteer)

GMU 370-Priest Rapids (Kittitas, Yakima and Benton counties): Beginning at the Interstate 90 bridge at Vantage; then west along Interstate 90 to the East Highline Canal (which is approximately 1/4 mile west of Boylston Road); then southwest along the canal to Highway 821 and the Yakima River, at a point about one mile south of Thrall; then southeast along the Yakima River to the Mabton-Sunnyside Road; then south along the Mabton-Sunnyside Road; then south along the Yakima Indian Reservation Boundary to the Yakima-Klickitat county line; then east along the county line to the Alderdale Road; then south along the Alderdale Road to Highway 14 and the Columbia River; then upstream along the Columbia River to the point of beginning at Vantage. (See Washington Atlas & Gazetteer)

REGION FOUR

GMU 405-Chuckanut (Whatcom and Skagit counties): Beginning at the Canadian border and the Silver Lake Road; then south along the Silver Lake Road to the Mount Baker Highway; then southwest along the Mount Baker Highway to the Mosquito Lake Road; then south along the Mosquito Lake Road to the Blue Mountain Road; then east to Peterson Creek and the Musto Marsh Road; then south to Skookum Creek; then west down

Skookum Creek to its mouth; then northwest down the South Fork Nooksack River to Saxon Bridge; then west on the Saxon Bridge Road to Highway 9; then south along Highway 9 through Sedro Woolley to the town of Arlington and the Stillaguamish River; then down the Stillaguamish River through Stanwood and West Pass to Skagit Bay; then west and north through Skagit Bay, Deception Pass, Rosario Strait and Bellingham Channel to Samish Bay and Edison; then north along the shoreline to the Whatcom County line; then west and north along the Whatcom County line to the Canadian border; then east along the Canadian border to the point of beginning. (See Washington Atlas & Gazetteer; this description is not easily found on base maps. Contact the Region 4 office for more information.)

GMU 410-Islands (San Juan, Island counties): All islands in San Juan County as well as Whidbey and Camano islands and Cypress and Sinclair islands in Skagit County. (See Washington Atlas & Gazetteer)

GMU 418-Nooksack (Whatcom and Skagit counties): Beginning at the point where Jackman Creek meets State Highway 20 (east of Concrete); then northeast up Jackman Creek to the range line between Range 9 and 10E; then north along this range line to the boundary of the North Cascades National Park; then north along the North Cascades Park boundary to the Canadian border; then west along the Canadian border to the Silver Lake Road; then south along the Silver Lake Road to the Mount Baker Highway; then southwest along the Mount Baker Highway to the Mosquito Lake Road; then south along the Mosquito Lake Road to the Blue Mountain Road; then east to Peterson Creek and the Musto Marsh Road; then south to Skookum Creek; then west down Skookum Creek to its confluence with the South Fork Nooksack River; then west down the South Fork Nooksack River to the Saxon Bridge; then west on the Saxon Bridge Road to Highway 9; then south along Highway 9 to its intersection with State Highway 20 (east of Sedro Woolley); then east along Highway 20 to Jackman Creek (east of Concrete) and the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 426-Diablo (Skagit and Whatcom counties): The Ross Lake National Recreation Area and the adjoining corridor between the Pasayten Wilderness Area and the northeast boundary of the south segment of North Cascades National Park. (See Washington Atlas & Gazetteer)

GMU 433-Cavanaugh (Skagit and Snohomish counties): Beginning at the intersection of State Highway 20 and State Highway 9 at Sedro Woolley; then south along State Highway 9 to Arlington; then east along the Arlington-Darrington Highway 530 to Darrington; then north along the Sauk Valley Road to Rockport; then west along the State Highway 20 to Sedro Woolley and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 440-Suiattle (Skagit and Snohomish counties): Beginning at the intersection of State Highway 20 and the Sauk Valley Road at Rockport; then south along the

Sauk Valley Road to Darrington and the Sauk River to the Suiattle River; then along that river to the Glacier Peak Wilderness Area boundary; then north and east along that boundary to the line between Ranges 12 and 13 E.; then north on that range line to the North Cascades National Park boundary; then west and north along the North Cascades Park boundary and the Ross Lake National Recreation Area boundary to the range line between range 9 and 10 E.; then south along this range line to the Jackman Creek drainage; then southwest down the Jackman Creek drainage to State Highway 20; then east along State Highway 20 to Rockport and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 442-Tulalip (Snohomish and King counties): Beginning at the mouth of the Stillaguamish River; then up the Stillaguamish River to Arlington; then northeast along the Arlington-Darrington Highway to the Trafton School at Trafton; then southeast along the Jim Creek-Trafton Road (242nd St. N.E.) to the City of Seattle power transmission line; then southwest along the transmission line to the point where it crosses the Jordan Road in Sec. 20, T31N, R6E; then southeast along the Jordan Road to Granite Falls; then south along the Menzel Lake-Lake Roesiger Roads to the Woods Creek Road; then south on Woods Creek Road to Monroe; then south on Highway 203 to the Snoqualmie River at Duvall; then north down the Snoqualmie River to the Snohomish River and down the Snohomish River to Puget Sound; then north along the shore of Puget Sound to the mouth of the Stillaguamish River and the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 448-Stillaguamish (Snohomish and Skagit counties): Beginning at Sultan; then east along U.S. Highway 2 to Stevens Pass; then north along the ((Cascade)) Pacific Crest Trail to ((the headwaters of the Rapid River originating in Sec. 34, T27N, R13E; then north and west down said river to its junction with Meadow Creek in Sec. 14, T27N, R12E; then north up that creek to its junction with the headwaters of Cady Creek in Sec. 36, T28N, R12E; then north and west down Cady Creek to its junction with an unnamed creek in Sec. 21, T28N, R12E; then north up that unnamed creek to its headwaters at Excelsior Mountain and the Quartz Creek Trail (#1050); then north up the Quartz Creek Trail to Curry Gap; then east along USFS Trail #650 along the crest between Sloan Creek and the North Fork Skykomish River drainages to June Mountain and)) Henry M. Jackson Wilderness Area boundary; then north along this boundary to the North Fork Skykomish Trail No. 1051; then west on Trail No. 1051 to Forest Service Road 63, then west on Forest Service Road 63 to Quartz Creek Trail (No. 1050); then north on Trail 1050 to Curry Gap; then east on Trail 650 along the crest between Sloan Creek and the North Fork of the Skykomish River drainages to June Mountain, near the headwaters of Sloan Creek (Sec. 25, T29N, R13E); then north along the Glacier Peak Wilderness Area boundary((; then north along that boundary)) to the Suiattle River; then west along the Suiattle River to the Sauk

River; then south up the Sauk River to Darrington; then west along the Darrington-Arlington Highway to the Trafton School at Trafton; then southeast along the Jim Creek-Trafton Road (242nd St. N.E.) to the City of Seattle power transmission lines; then southwest along the transmission line to the point where it crosses the Jordan Road in Sec. 20, T31N, R6E; then southeast along the Jordan Road to Granite Falls; then south along the Menzel Lake-Lake Roesiger Roads to the Woods Creek Road; then south on Woods Creek Road to Highway 2 (Skykomish-Monroe Highway); then east along Highway 2 to Sultan to the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 450-Cascade (Skagit and Snohomish counties): ~~((That part of Skagit County east of the range line between Ranges 12 and 13 E. that is south and west of the North Cascades National Park; and, in addition, those lands west of the range line between Ranges 12 and 13 E. that lie within the Glacier Peak Wilderness Area. That part of Snohomish County commencing at the Skagit County line and the Glacier Peak Wilderness Area boundary; then south along said boundary to June Mountain))~~ Beginning at the Glacier Peak Wilderness boundary and the Skagit County/Chelan County line at the headwaters of the Middle Fork Cascade River and then west and southerly along the Glacier Peak Wilderness boundary to the Skagit County/Snohomish County line. In Snohomish County, continue south along the Glacier Peak Wilderness boundary to June Mountain near the headwaters of Sloan Creek (Sec. 25, T29N, R13E); then west along the 650 trail along the crest between Sloan Creek and the North Fork of the Skykomish River drainages ((past Long John and Bald Eagle Mountains to Curry Gap, then south along the Quartz Creek Trail (No. 1050) and across the North Fork of the Skykomish River to Excelsior Mountain Trail (No. 1054); then south and east to the headwaters of an unnamed creek in Sec. 16, T28N R12E; then south along said creek through Sections 16 and 21 to West Cady Creek; then up (easterly) said creek to its junction with the headwaters of Meadow Creek in Sec. 36 T28N R12E; then south down Meadow Creek to its junction with the Rapid River in Sec. 14 T27N R12E; then east up the Rapid River to the headwaters of its south and east branch in Sec. 34 T27N R13E near the Cascade Crest and the Chelan County line)) to Curry Gap; then south along the Quartz Creek Trail (No. 1050) to Forest Service Road 63; then east on Road 63 to its end at the 1051 Trail and east up Trail 1051 to the Henry M. Jackson Wilderness boundary; then south and east along that boundary to the Snohomish/Chelan County line; then north along the Snohomish/Chelan County line to the Skagit County line; then north along the Skagit/Chelan County line to the point of beginning. (See Washington Atlas & Gazetteer and Mt. Baker/Snoqualmie National Forest map)

GMU 454-Issaquah (King and Snohomish counties): Beginning at the mouth of the Snohomish River near Everett; then southeast up the Snohomish River to Duvall; then south along State Highway 203 to Fall

City; then southwest along the Fall City–Preston Road to Interstate 90; then east on Interstate 90 to State Highway 18; then southwest along State Highway 18 to its intersection with the Raging River; then south up that river to its junction with the posted boundary of the City of Seattle Cedar River Watershed; then along that posted boundary to its junction with the boundary of the City of Tacoma Green River Watershed (CTGRW); then south along the CTGRW posted boundary to Weyerhaeuser Road 5200 near Lynn Lake; then down the 5200 Road for approximately 7.6 miles to its junction with U.S. Highway 410; then west along U.S. Highway 410 and State Highway Nos. 164 and 18 through Auburn to U.S. Highway 99; then north along Highway 99 to the Redondo Beach junction; then due west to Puget Sound; then north along Puget Sound to the mouth of the Snohomish River and the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 460–Snoqualmie (King and Snohomish Counties): Beginning at the intersection of State Highway 203 and U.S. Highway 2; then east along U.S. Highway 2 to Stevens Pass and the Pacific Crest Trail; then south along the Pacific Crest Trail to its junction with the City of Seattle Cedar River Watershed posted boundary; then west along the posted boundary to its intersection with the headwaters of the Raging River; then down the Raging River to its intersection with State Highway 18; then along State Highway 18 to its junction with Interstate Highway 90 (I-90); then west along I-90 to its junction with the Preston–Fall City Road; then north along the Preston–Fall City Road to State Highway 203; then north on State Highway 203 to the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 466–Stampede (King County): Beginning at intersection of the Pacific Crest Trail (USFS Trail 2000) and the posted boundary for the City of Seattle Cedar River Watershed; then south along the Pacific Crest Trail to its junction with the Naches Pass Trail at Pyramid Peak; then west on the Naches Pass Trail to Twin Camps and USFS Road 7035; then along USFS Road 7035 to USFS Trail 1172 and its intersection with USFS Road 7012 (Champion Creek Rd.); then down Road 7012 to the posted boundary of the City of Tacoma Green River Watershed; then east and north along that boundary and the City of Seattle Cedar River Watershed posted boundary to the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 472–White River (King and Pierce counties): Beginning at the junction of State Highway 410 and the north boundary of Mount Rainier National Park; then west along the north park boundary to the Carbon River; then down the Carbon River to its intersection with the Bonneville Power Transmission line; then up the powerline to South Prairie Creek; then up South Prairie Creek to New Pond Creek; then up New Pond Creek to its intersection with Champion 923 Road.; then north on Champion 923 Road to Champion 92 Road; then east on

Champion 92 Road to Champion 93 Road; then northwest on Champion 93 Road to Champion 931 Road; then east on Champion 931 Road to Champion 9 Road; then northeast on Champion 9 Road to Champion 96 Road; then east on Champion 96 Road to Champion 9601 Road; then east on Champion 9601 Road to Old Pond Creek to the White River; then down White River to the first set of Bonneville Power Transmission lines; then up the powerline to where it intersects State Highway 410; then east along State Highway 410 to Weyerhaeuser Road 5200; then up that road for approximately 7.6 miles to its junction with the City of Tacoma Green River Watershed posted boundary; then east along that posted boundary and USFS Trail 1172 to USFS Road 7035; then east along that road to its intersection with the Naches Pass Trail at Twin Camps; then east along the Naches Pass Trail to the Pacific Crest Trail (USFS Trail 2000) near Pyramid Peak; then south along the Pacific Crest Trail to the Mount Rainier National Park boundary near Sourdough Gap; then north and west along the park boundary to the point of beginning. (See Washington Atlas & Gazetteer and Mt. Baker/Snoqualmie National Forest map)

GMU 478–Mashel (Pierce County): Beginning where the Bonneville Power Transmission line crosses the Orville Road at the Puyallup River Bridge; then northerly along the Bonneville Power Transmission line to the Carbon River to the west boundary of Mt. Rainier National Park; then south along the park boundary to the Nisqually River; then west down the Nisqually River to Alder Lake; then continuing west down Alder Lake and the Nisqually River to the Weyerhaeuser 1000 (Main) Line (Vail–Eatonville Truck Trail) Bridge; then east on the 1000 line to its junctions with Highway 7 (Mountain Highway) and Highway 161 (Eatonville–LaGrande Road); then east and north along Highway 161 through Eatonville to its junction with Orville Road E. (Kapowsin–Eatonville Road); then north along that road through Kapowsin to the point of beginning at the junction of the Bonneville Power Transmission line and the Orville Road. (See Mt. Baker/Snoqualmie National Forest map or Washington Atlas & Gazetteer)

GMU 480–South Islands (Pierce County): Anderson and Ketron islands. (See Washington Atlas & Gazetteer)

GMU 484–Puyallup (Pierce and King counties): Beginning at the mouth of the Nisqually River; then up the Nisqually River to its junction with the Weyerhaeuser 1000 line, then east along the Weyerhaeuser 1000 line to its intersection with State Highways 7 and 161; then north along State Highway 161 to its intersection with the Orville Road; then north along the Orville Road to the Puyallup River Bridge where it intersects the Bonneville Power Transmission line; then up the powerline to South Prairie Creek; then up South Prairie Creek to New Pond Creek; then up New Pond Creek to its intersection with Champion 923 Road; then north on Champion 923 Road to Champion 92 Road; then east on Champion 92 Road to Champion 93 Road; then northwest on Champion 93 Road to Champion 931 Road; then east on Champion 931 Road to Champion 9 Road;

then northeast on Champion 9 Road to Champion 96 Road; then east on Champion 96 Road to Champion 9601 Road; then east on Champion 9601 Road to Old Pond Creek; then down Old Pond Creek to the White River; then down White River to the first set of Bonneville Power Transmission lines; then up the powerline to where it intersects State Highway 410; then west along State Highway 410 to where it intersects State Highway 164; then west along State Highway 164 through Auburn to Old Highway 99; then north along Old Highway 99 to Redondo Junction; then due west to Puget Sound; then south along the shoreline of Puget Sound to the mouth of the Nisqually River and the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 485-Green River (King County): Beginning at the junction of the Green River and the west boundary of the Tacoma Watershed; then south and east along the watershed boundary to the USFS 7012 Road (Champion Creek Road); then northwest along that road and the posted GMU 485 boundary to where it meets USFS Road 5063; then east, then north along that road to its junction with the USFS 5060 Road near the headwaters of Friday Creek; then north along that road to the Tacoma Watershed boundary; then west along the Tacoma Watershed boundary to the Green River and the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 490-Cedar River (King County): Beginning at the junction of the Cedar River and the western posted boundary of the City of Seattle Cedar River Watershed; then north and east along said posted boundary to Yakima Pass; then continue south and west along that posted boundary and to the point of beginning. Note that the City of Seattle enforces trespass on lands owned or controlled by the city. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

REGION FIVE

GMU 501-Lincoln (Lewis, Thurston, Pacific and Grays Harbor counties): Beginning at the intersection of Interstate 5 and State Highway 6, then west on State Highway 6 to the Stevens Road, then northwest on Stevens Road to Elk Creek Road (Doty), then west on Elk Creek Road to the 7000 Road, then west on the 7000 Rd. to the 7800 Rd., then west on the 7800 Rd. to the 720 Rd., then northeast on the 720 Rd. to Garrard Creek Road, then northeast on the Garrard Creek Road to Oakville and U.S. Highway 12, then east on U.S. 12 to Interstate 5, then south on Interstate 5 to State Highway 6 and point of beginning. (See Washington Atlas & Gazetteer)

GMU 504-Stella (Cowlitz County): Beginning at the mouth of the Cowlitz River at the Columbia River, then west down the Columbia to the mouth of Germany Creek, then north up Germany Creek to State Highway 4, then east on Highway 4 to Germany Creek Road, then north on Germany Creek Road to IP 1000 Road, then north on IP 1000 to the IP 1050 Road, then east on IP 1050 Road to the 2200 Rd., then east and south to

the 2000 Rd., then south on the 2000 Rd. to the Delameter Road (Woodside Road), then east on Delameter Road to State Highway 411, then north on Highway 411 to PH 10 Road (Four Corners), then east to Cowlitz River, then south down the Cowlitz River to the Columbia River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 505-Mossyrock (Lewis County): Beginning on Interstate 5 and the Cowlitz River, then northeast up the Cowlitz River to Mayfield Lake and the U.S. Highway 12 bridge, then east on Highway 12 to Winston Creek Road, then south and east to Longbell Road and Perkins Road, then northeast on Perkins Road to Swofford Road, then north on Swofford Road to Ajlune Road, then east on Ajlune Road to Riffe Lake, then east along the south shore to the Cowlitz River and up the Cowlitz River to the USFS 23 Road (Cispus Road) Bridge, then south and east to the Cline Road, then east to the Bennet Road, then east to U.S. Highway 12, then west on Highway 12 to State Highway 7 (Morton), then north on State Highway 7 to State Highway 508, then west on Highway 508 to Centralia/Alpha Road, then west and north on Centralia/Alpha Road to Salzer Valley Road, then west to Summa Street and Kresky Road, then north on Kresky Road to Tower Street, then on Tower Street to State Highway 507, then west on Highway 507 Cherry, Alder and Mellen streets to Interstate 5, then south on Interstate 5 to the Cowlitz River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 506-Willapa Hills (Wahkiakum, Pacific, and Lewis counties): (~~Beginning in Cathlamet on the State Highway 407 bridge across the Cathlamet Channel (Columbia River), then west down the Columbia River to the mouth of Deep River, then up Deep River to State Highway 4, then northwest to Salmon Creek Road, then northeast on Salmon Creek Road to the Bonneville Powerline Road, then north on the Bonneville Powerline Road to State Highway 6, then east on State Highway 6 to the town of Pe Ell and the Muller Road, then south on Muller Road to the 1000 Road, then south on the 1000 Road to the 1800 Road, then south on the 1800 Road to the 500 Road, then southeast on the 500 Road to State Highway 407, then south on State Highway 407 to Cathlamet and point of beginning.~~) Beginning at Pe Ell and the Muller Road; then south on the Muller Road to the 1000 Road; then south on the 1000 Road to the 1800 Road; then south on the 1800 Road to the 500 Road; then southeast on the 500 Road to State Highway 407; then south on State Highway 407 to State Highway 4; then east on State Highway 4 to State Highway 409; then south on State Highway 409 to the Columbia River/Puget Island Bridge; then west along Columbia River to the mouth of the Deep River; then north along the Deep River to State Highway 4; then northwest on State Highway 4 to the Salmon Creek Road; then north on the Salmon Creek Road to the Bonneville Powerline Road; then north on the Bonneville Powerline Road to State Highway 6; then east on State Highway 6 to the town of Pe Ell and the point of beginning. (See Washington Atlas & Gazetteer, Forest Protection Map "Willapa Hills")

GMU 510-Stormking (Lewis County): Beginning on U.S. Highway 12 at the Silver Creek Bridge; then north up Silver Creek to Silverbrook Road, then east to USFS 47 Rd., then north on USFS 47 to USFS 85, then west on USFS 85 to Silver Creek, then southwest on Silver Creek to Lynx Creek, then north on Lynx Creek and its northern most tributary to USFS 85 Rd., then northwest on the USFS 85 Rd. to Catt Creek, then north on Catt Creek to the Nisqually River, then west down the Nisqually River to State Highway 7, then south on Highway 7 to U.S. Highway 12 (Morton), then east on Highway 12 to Silver Creek and point of beginning. (See Gifford Pinchot National Forest map)

GMU 512-Sawtooth (Lewis County): Beginning on U.S. Highway 12 at the Silver Creek bridge, then north up Silver Creek to Silverbrook Road, then east to USFS 47 Rd., then north on USFS 47 Rd. to USFS 85 Rd., then west on USFS 85 to Silver Creek, then southwest on Silver Creek to Lynx Creek, then north on Lynx Creek and its northern most tributary to USFS 85 Rd., then north on 85 Rd. to Catt Creek, then northwest down Catt Creek to the Nisqually River, then east up the Nisqually River to Horse Creek, then east up Horse Creek to USFS 52 Rd. (Skate Creek Road), then southeast on USFS 52 to the Cowlitz River, then southwest down the Cowlitz River to Smith Creek, then up Smith Creek to U.S. Highway 12, then west on U.S. Highway 12 to Silver Creek and point of beginning. (See Gifford Pinchot National Forest map and/or Washington Atlas & Gazetteer)

GMU 514-Tatoosh (Lewis County): Beginning at USFS 52 Rd. (Skate Creek) and the Cowlitz River (at Packwood), then northwest on USFS 52 Rd. to Horse Creek, then down Horse Creek to the Nisqually River and the southern boundary of Mt. Rainier National Park, then north and east along the Nisqually River and south park boundary to the Cascade Crest Trail, then south along the Cascade Crest Trail to U.S. Highway 12, then northwest and southwest on Highway 12 to USFS 1270 Rd., then north on USFS 1270 to the Cowlitz River, then southwest down the Cowlitz River to the USFS 52 Rd. and point of beginning. (See Gifford Pinchot National Forest map)

GMU 516-Packwood (Lewis and Skamania counties): Beginning at the mouth of Cispus River, then east up the Cispus River to the USFS 56 Rd. (Midway G.S. Road), then east on the USFS 56 Rd. to the USFS 5603 Rd., then east on the USFS 5603 to the Yakima Indian Reservation boundary and the Cascade Crest; then north along the Reservation boundary to Cispus Pass and the Cascade Crest Trail, then north along the Cascade Crest Trail to the U.S. Highway 12 (White Pass), then northwest and southwest on Highway 12 to USFS 1270 Rd. (Sec. 31, T14N, R10E), then north on USFS 1270 to the Cowlitz River, then southwest down the Cowlitz River to the mouth of Smith Creek, then south up Smith Creek to U.S. Highway 12, then southwest down Highway 12 to Bennet Road, then west on the Bennet Road to the C line Road, then west to the USFS 23 Rd. (Cispus Road), then west and north to the Cowlitz River, then west down the Cowlitz River to the mouth of

the Cispus River and point of beginning. (See Gifford Pinchot National Forest map)

GMU 520-Winston (Cowlitz, Lewis and Skamania counties): Beginning at the intersection of Interstate 5 and the Cowlitz River, then south down the Cowlitz River to the Toutle River, then east up the Toutle River to the North Fork Toutle River, then up the North Fork Toutle River to the Green River, then east up the Green River to USFS 2612 Rd., then east on 2612 to USFS 26 Rd. (Ryan Lake Road), then north on USFS 26 Rd. to the Cispus River, then west down the Cispus to the Cowlitz River, then west down the Cowlitz River to Riffe Lake, then west along the south shore to Ajlune Road, then west to Swofford Road, then south on Swofford Road to Perkins Road, then southwest and northwest on Perkins Road and Longbell Road to Winston Creek Road, then northwest on Winston Creek Road to State Highway 12, then west on State Highway 12 to the Mayfield Lake bridge, then southwest down Mayfield Lake and the Cowlitz River to Interstate 5 and point of beginning. (See Washington Atlas & Gazetteer)

GMU 522-Loo-wit (Cowlitz and Skamania counties): Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek, then southeast up the North Fork Toutle River to the Weyerhaeuser 3001 Rd., then southeast along the 3001, 3000, and 3090 roads to the headwaters of the South Fork Castle Creek, then due south to the South Fork Toutle River, then east along South Fork Toutle to its headwaters and Mount St. Helens crater edge; then east along the crater edge to the headwaters of Ape Canyon, then down Ape Canyon Creek to the USFS Smith Creek Trail then north up USFS Smith Creek Trail to USFS 99 Rd., then north along USFS 99 to USFS 26, then north to Strawberry Lake Creek, then west down Strawberry Lake Creek to the Green River, then across the Green River to Grizzly Creek, then up Grizzly Creek to Grizzly Lake, then west up the western inlet to its headwaters, then west to the headwaters of Coldwater Creek, then west down Coldwater Creek to Coldwater Lake, then southwest along the northwest shore to the old Weyerhaeuser 3500 Rd., then west along the 3500, 3530, 3540, 3130, 3120 roads to the intersection with Hoffstadt Creek, then down Hoffstadt Creek to the North Fork Toutle River and point of beginning. (See Gifford Pinchot National Forest map)

GMU 524-Margaret (Cowlitz, Skamania and Lewis counties): Beginning on the North Fork Toutle River at the mouth of the Green River, then southeast up the North Fork Toutle River to the mouth of Hoffstadt Creek, then up Hoffstadt Creek to the 3120 Rd., then east along the 3120, 3130, 3540, 3530 and 3500 roads to Coldwater Lake, then northeast along the northwest shoreline to Coldwater Creek, then up Coldwater Creek to its headwaters and east to the headwaters of Grizzly Lake, then east down the west inlet creek to Grizzly Lake, then down Grizzly Creek to the Green River and the mouth of Strawberry Lake Creek, then up Strawberry Lake Creek to the USFS 26 Rd. (Ryan Lake Road), then north on the USFS 26 Rd. to the USFS 2612 Rd., then west on USFS 2612 Rd. to the Green

River, then down the Green River to its mouth and point of beginning. (See Gifford Pinchot National Forest map)

GMU 530-Ryderwood (Cowlitz, Lewis, Wahkiakum counties): (~~Beginning in the town of Pe Ell (intersection of State Highway 6 and Muller Road), then south on Muller Road to the 1000 Rd., then south on the 1000 Rd. to the 1800 Rd., then south on the 1800 Rd. to the 500 Rd., then southeast on the 500 Rd. to State Highway 407, then south on State Highway 407 to the Columbia River Bridge (Cathlamet Channel), then east up the Columbia River to the mouth of Germany Creek, then north up Germany Creek to State Highway 4, then east on Highway 4 to Germany Creek Road, then north on Germany Creek Road to IP 1000 Road, then north on IP 1000 to IP 1050 Road, then east on IP 1050 Road to the 2200 Road, then east and south on the 2200 Road to the 2000 Road, then south on the 2000 Road to Delameter Road (Woodside Drive), then east on Delameter Road to State Highway 411, then north on State Highway 411 to PH 10 Road (4 Corners), then east to the Cowlitz River, then north up the Cowlitz River to the Interstate 5 bridge, then north on Interstate 5 to State Highway 6, then west on State Highway 6 to Pe Ell and point of beginning.~~) Beginning south of the town of Doty on State Highway 6; then east on State Highway 6 to Chehalis and Interstate 5; then south on Interstate 5 to the Cowlitz River; then south along the Cowlitz River to Castle Rock and the PH 10 Road (Four Corners); then west on the PH 10 Road to State Highway 411; then south on State Highway 411 to Delameter Road (Woodside Drive); then southwest on Delameter Road to the 2000 Road; then west on the 2000 Road to the 2200 Road; then north and west on the 2200 Road to the IP 1050 Road; then west on the IP 1050 Road to the IP 1000 Road; then south on the IP 1000 Road to the Germany Creek Road; then south on the Germany Creek Road to State Highway 4; then west on State Highway 4 to Germany Creek; then south along Germany Creek to its mouth at the Columbia River; then west along the Columbia River and the Cathlamet Channel to the Puget Island Bridge on State Highway 409; then north on State Highway 409 to State Highway 4; then west on State Highway 4 to State Highway 407; then northwest on State Highway 407 to the 500 Road; then west on the 500 Road to the 1800 Road; then north on the 1800 Road to the 1000 Road; then north on the 1000 Road to the Muller Road; then north on Muller Road to Pe Ell and State Highway 6; then north on State Highway 6 to south of Doty and the point of beginning. (See Washington Atlas & Gazetteer, Forest Protection Map "Willapa Hills")

GMU 550-Coweeman (Cowlitz County): Beginning at the mouth of the Cowlitz River, then north to the Toutle River, then east along the Toutle River to the South Fork Toutle River, then up the South Fork Toutle to the 4950 Rd., then south and east on the 4950 Rd. to the 235 Rd., then south on the 235, 200, 245, 134, 133, 130 and 1680 roads to the 1600 Rd., then southeast along the 1600 and 1400 roads to the Kalama/Coweeman summit, then south along the 1420 Rd. to the 1425 Rd., then southwest along the 1425 Rd. to the 6400 Rd., then

southwest down the 6400 Rd. to the 6000 Rd., then east to the 6450 Rd., then southeast approximately one mile on the 6450 Rd. to the Arnold Creek Road, then southeast on Arnold Creek Road to Dubois Road, then to State Highway 503, then west on State Highway 503 to Cape Horn Creek, then down Cape Horn Creek to Merwin Reservoir and the Lewis River, then down the Lewis River to the Columbia River, then down the Columbia River to the mouth of the Cowlitz River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 554-Yale (Cowlitz County): Beginning on State Highway 503 at its crossing of Cape Horn Creek, then east on Highway 503 to 6690 Rd. (Rock Creek Road), then northeast on the 6690 and 6696 roads to West Fork Speelyai Creek, then down Speelyai Creek to State Highway 503, then northeast on Highway 503 to Dog Creek, then down Dog Creek to Yale Reservoir, then south and west down Yale reservoir, Lewis River, and Merwin Reservoir to Cape Horn Creek, then up Cape Horn Creek to State Highway 503 and point of beginning.

GMU 556-Toutle (Cowlitz County): Beginning on State Highway 503 (Lewis River Road) and USFS 81 Rd. (Merril Lake Road) intersection, then north on USFS 81 Rd. to Weyerhaeuser 7200 Rd., then northeast on the 7200 Rd. to the 7400 Rd., then northwest on the 7400 Rd. to the 5500 Rd., then east and north on the 5500 and 5670 roads to the South Fork Toutle River, then east up the South Fork Toutle River to a point due south of the headwaters of the South Fork Castle Creek (Sec. 1, TWP 8N R4E), then north to the headwaters of South Fork Castle Creek, then down South Fork Castle Creek to Weyerhaeuser 3092 Rd., then west on the 3092 Rd. to 3090 Rd., then northwest on the 3090, 3000 and 3001 roads to the North Fork Toutle River, then down the North Fork Toutle River to the South Fork Toutle River, then south-east up the South Fork Toutle River to the 4950 Rd., then south on the 4950, 235, 200, 245, 243A, 134, 133, 130, and 1680 roads to the 1600 road, then southeast on the 1600 and 1400 roads to the Kalama/Coweeman summit, then south on the 1420 Rd. to the 1425 Rd., then southwest along the 1425 Rd. to the 6400 Rd., then southwest on the 6400 Rd. to the 6000 Rd., then east up the 6000 Rd. to the 6450 Rd., then southwest on the 6450 Rd. approximately one mile to the Arnold Creek Road, then southeast on Arnold Creek and Dubois roads to State Highway 503, then east on State Highway 503 to the 6690 Rd. (Rock Creek Road); then northeast on the 6690 and 6696 roads to the West Fork Speelyai Creek, then down Speelyai Creek to State Highway 503, then northeast on State Highway 503 to USFS 81 Rd. and point of beginning. (See Washington Atlas & Gazetteer)

GMU 558-Marble (Cowlitz and Skamania counties): Beginning on State Highway 503 (Lewis River Road) and USFS 81 Rd. intersection, then north on USFS 81 Rd. to Weyerhaeuser 7200 Rd., then northeast on the 7200 Rd. to the 7400 Rd., then northwest on the 7400 Rd. to the 5500 Rd., then east and north on the 5500 and 5670 roads to the South Fork Toutle River, then east up the South Fork Toutle River to Mount St.

Helens crater and along crater to headwaters of Ape Canyon, then east down Ape Canyon Creek to Smith Creek Trail then north up USFS Smith Creek Trail to USFS 99 Rd., then northeast on USFS 99 Rd. to USFS 25 Rd., then south on USFS 25 Rd. to the Muddy River, then south down the Muddy River to the North Fork Lewis River, then west down the North Fork Lewis River, Swift Reservoir to Yale Reservoir and Dog Creek, then north up Dog Creek to State Highway 503, then southwest to USFS 81 Rd. and point of beginning. (See Gifford Pinchot National Forest map)

GMU 560-Lewis River (Skamania, Klickitat, Yakima and Lewis counties): Beginning at Trout Lake, north to the USFS 80 Rd., then north to the USFS 82 Rd., then northeast on the USFS 82 Rd. to the Yakima Indian Reservation boundary, then north along boundary (Cascade Crest) to USFS 5603 Rd., then west to the USFS 56 Rd., then west to the Cispus River, then northwest down the Cispus River to the USFS 26 Rd. (Ryan Lake Road), then west and south on the USFS 26 Rd. to USFS 99 Rd., then northeast to the USFS 25 Rd., then south to Muddy River, then south down the Muddy River to the North Fork Lewis River, then west to the USFS 90 Rd. bridge (Eagle Cliff), then east on USFS 90 Rd. to USFS 51 Rd., then southeast to USFS 30 Rd., then northeast on the USFS 30 Rd. to USFS 24 Rd., then southeast to the State Highway 141, then northeast to Trout Lake and point of beginning. (See Gifford Pinchot National Forest map)

GMU 564-Battle Ground (Clark and Skamania counties): ~~((Beginning at Merwin Dam on the Lewis River, then on a southeast line to the power line, then southeast to County Rd. 20, then south to Pup Creek Road, then southeast to County Rd. 16, then southeast through Amboy and Yacolt to Moulton and County Rd. 12, then southeast on County Road 12 to Dole Valley Road, south on Dole Valley Road, Rock Creek Road, and Skamania Mines Road in Skamania County to Skye Road, east on Skye Road to Washougal River Road, then southeast on State Highway 140 to State Highway 14 and Cape Horn Road, then south on Cape Horn Road to the Columbia River, then down the Columbia River to the Lewis River and up the Lewis River to Merwin Dam and point of beginning.))~~ Beginning on the Interstate 5 at the Lewis River Bridge and the Lewis River; then northeast along the Lewis River (Cowlitz-Clark County line) to the Merwin Dam; then on a southeast line to the transmission line; then south on the transmission line to the County Road 20; then southeast on County Road 20 to the Pup Creek Road; then southeast on Pup Creek Road to County Road 16; then southeast on County Road 16 through Yacolt to County Road 12; then southeast on County Road 12 to Dole Valley Road; then south on the Dole Valley Road to Rock Creek Road; then southeast and south on the DNR 1000 Road to DNR 1500 Road; then east on DNR 1500 Road to N.E. 412 Ave.; then south on N.E. 412th Ave. to Skye Road; then east and south on the Skye Road to Washougal River Road; then south on Washougal River Road to State Highway 140; then southeast on State Highway 140 to Cape Horn Road;

then south on Cape Horn Road to the Columbia River; then west down the Columbia River (including islands in Washington) to the Lewis River; then north along the Lewis River to the Interstate 5 Bridge and the point of beginning. (See Washington Atlas & Gazetteer, Forest Protection Map "St. Helens West")

GMU 568-Washougal (Clark and Skamania counties): ~~((Beginning at Merwin Dam on the Lewis River, then on a southeast line to the powerline crossing on County Rd. 20, then south to Pup Creek Road, then east to County Rd. 16, then southeast through Amboy and Yacolt to Moulton and County Rd. 12, then southeast on County Road 12 to Dole Valley Road, south on Dole Valley Road, Rock Creek Road, and Skamania Mines Road in Skamania County to Skye Road, east on Skye Road to Washougal River Road, then southeast on State Highway 140 to State Highway 14, and Cape Horn Road, then south on Cape Horn Road to the Columbia River, then east up the Columbia to the mouth of Rock Creek at Stevenson; then northwest up Rock Creek to the south boundary of Gifford Pinchot National Forest, then due west approximately 0.5 miles to USFS Rd. 406; then northwest on USFS Rd. 406 to USFS 41, then west to Sunset Work Center and Forest Rd. 42 (Green Fork Road), then east to USFS 4205 Rd., then north and east to the USFS 53 Rd., then northwest to the USFS 37 Rd., and USFS 54 Rd., then northwest on USFS 54 Rd (N.E. Healy Rd.) to International Paper Road, then north to Canyon Creek, down Canyon Creek to Merwin Reservoir and west to Merwin Dam and point of beginning.))~~ Beginning at Merwin Dam on the Lewis River and Lake Merwin; then northeast along Lake Merwin (Cowlitz-Clark County line) to Canyon Creek; then southeast along Canyon Creek to N.E. Healy Road; then east on N.E. Healy Road to USFS Road 54; then east on USFS Road 54 to USFS Road 37; then northwest on USFS Road 37 to USFS Road 53; then south on USFS Road 53 to USFS Road 4205 (Gumboat Road); then south on USFS Road 4205 to USFS Road 42 (Green Fork Road); then southwest on USFS Road 42 to USFS Road 41 (Sunset Hemlock Road) at Sunset Falls; then east on USFS Road 41 to USFS Road 406 at Lookout Mountain; then southeast on USFS Road 406 to the boundary of the Gifford Pinchot National Forest; then due east on the National Forest boundary to Rock Creek; then southeast along Rock Creek to Stevenson and the Columbia River; then west down the Columbia River (including the islands in Washington) to the Cape Horn Road; then north on the Cape Horn Road to State Highway 140; then west on State Highway 140 to the Washougal River Road; then northwest on the Washougal River Road to the Skye Road; then northwest on the Skye Road to N.E. 412th Ave.; then northwest on DNR 1500 Road to DNR 1000 Road; then north and west on DNR 1000 Road to Dole Valley Road; then north on the Dole Valley Road to County Road 12; then northwest on County Road 12 to Moulton and County Road 16; then northwest on County Road 16 through Yacolt and Amboy to the Pup Creek Road; then northwest on the Pup Creek Road to County Road 20; then north on County Road 20 to the transmission

line; then north on the transmission line to Merwin Dam on the Lewis River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 572-Siouxon (Skamania and Clark counties): ((Beginning at the intersection of the Wind River Road and USFS 65 Rd. (Panther Creek Road); then north on the USFS 65 Rd, USFS 60 Rd. (Carson-Guler Road); then northwest to Peterson Prairie and USFS 24 Road; then north to the USFS 30, then southwest to the USFS 51 Rd. (Curly Creek Road), then northwest to the USFS 90 Rd. (Lewis River Road), then west to the Eagle Cliff bridge on the North Fork Lewis River; then down the North Fork Lewis River through Swift and Yale reservoirs to Merwin Reservoir and the mouth of Canyon Creek; then south up Canyon Creek to International Paper Road, then south to USFS 54 Rd. (N.E. Healy Road); then southeast to the USFS 37 Rd. and the USFS 53 Rd., then east and south to the USFS 4205 Rd., then south and west to the USFS 42 Rd. (Green Fork Road); then west to the USFS 41 Rd. at Sunset Falls; then east on the USFS 41 Rd. (Sunset Hemlock Road) to the U.S. Forest Service District Headquarters and the Hemlock Road; then east on the Hemlock Road to the Wind River Road (Stabler); then south on the Wind River Road to USFS 65 Rd. and point of beginning.)) Beginning at the Yale Dam and Yale Lake; then north along Yale Lake (Cowlitz-Clark County line) to the North Fork Lewis River and Lewis River (old river bed); then northeast along the Lewis River to the Swift Creek Reservoir; then east along the Swift Creek Reservoir to Eagle Cliff Bridge and USFS Road 90; then east on USFS Road 90 to USFS 51 (Curly Creek Road); then southeast on USFS Road 51 to USFS Road 30; then north on USFS Road 30 to USFS Road 24 (Twin Butte Road); then south on USFS Road 24 to USFS Road 60 (Carson Guler Road); then southwest on USFS Road 60 to USFS Road 65 (Panther Creek Road); then southwest on USFS Road 65 to the Wind River Highway; then northwest on the Wind River Highway to Stabler; then west on Hemlock Road to USFS Road 41 (Sunset-Hemlock Road); then west on the USFS Road 41 to Sunset Falls and USFS Road 42 (Green Fork Road); then northeast on USFS Road 42 to USFS Road 4205 (Gunboat Road); then north on USFS Road 4205 to USFS Road 53; then northwest on USFS Road 53 to USFS Road 54 (N.E. Healy Road); then west on USFS Road 54 to Canyon Creek; then north along Canyon Creek to the Lewis River; then northeast along the Lewis River to the Yale Dam and the point of beginning. (See Gifford Pinchot National Forest map, and Forest Protection Map "St. Helens West")

GMU 574-Wind River (Skamania County): ((Beginning at the mouth of Rock Creek (Stevenson), then northwest up Rock Creek to the south boundary of Gifford Pinchot National Forest, then due west approximately 1/2 mile to USFS 406 Rd., then northwest on USFS 406 Rd. to USFS 41 Rd., then east to U.S. Forest Service District Headquarters (Wind River) and Hemlock Road, then east to the Wind River Road (Stabler), then south to USFS 65 Rd. (Panther Creek Road), then

north to USFS 60 Rd. (Carson-Guler Road), then northeast to USFS 24 Rd. and 141 Rd. to USFS 86 Rd., then south on USFS 86 Rd. to USFS 1840 Rd. to the USFS 18 Rd. (Oklahoma Road) to Willard and the Little White Salmon River, then down the Little White Salmon River to the Columbia River, then west down the Columbia River to the mouth of Rock Creek and point of beginning.)) Beginning at Little Lookout Mountain on USFS Road 41 (Sunset-Mowich Butte); then east on USFS Road 41 to Stabler; then east on the Hemlock Road to the Wind River Road; then southeast on the Wind River Road to USFS Road 65 (Panther Creek Road); then north on USFS Road 65 to Old State Road; then east to the USFS Road 60 (Carson-Guler Road); then northeast on USFS Road 60 to USFS Road 24 and State Highway 141 to USFS Road 86; then south on USFS Road 86 to USFS Road 1840; then south on USFS Road 1840 to USFS Road 18 (Oklahoma Road); then south on USFS Road 18 to Willard and the Little White Salmon River; then south on the Little White Salmon River to the Columbia River; then west along the Columbia River to the mouth of Rock Creek; then northwest along Rock Creek through Stevenson to the south boundary of Gifford Pinchot National Forest; then on the south boundary of Gifford Pinchot National Forest due west to USFS Road 4100-406; then northwest on USFS Road 4100-406 to USFS Road 41 and the point of beginning. (See Washington Atlas & Gazetteer, Gifford Pinchot National Forest map)

GMU 576-White Salmon (Klickitat, Yakima, and Skamania counties): Beginning at the mouth of the Klickitat River (Lyle) to the Fisher Hill Bridge, then north along the Fisher Hill Road (P-2000) to the Gravel Pit Road, then west to the B-Z Corners-Glenwood Road, then southwest to Highway 141 (B-Z Corners), then north to Trout Lake, then west on Highway 141 to USFS 86 Rd., then south to the USFS 1840 Rd., then south on the USFS 1840 Rd. to the USFS 18 Rd. (Oklahoma Road), then south on the 18 Rd. to Willard and the Little White Salmon River, then south down the Little White Salmon River to the Columbia River, then east up the Columbia River to the Klickitat River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 580-Sixprong (Klickitat and Yakima counties): Beginning on State Highway 14 at Sundale, then east to the Goldendale-Goodnoe Hills Road; then northwest along Goldendale-Goodnoe Hills Road to Dot Road; then north along the Dot Road to Cleveland; then along the Goldendale-Bickleton Road to the Yakima County line; then east along the Yakima County line to Alderdale Road; then southeast along the Alderdale Road to State Highway 14 and Columbia River; then west along the state line to Sundale and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 584-Goodnoe (Klickitat County): Beginning at the U.S. Highway 97 bridge on the Columbia River (Maryhill), then north on Highway 97 to Satus Pass and the Yakima Indian Reservation, then east along south Reservation boundary to the Yakima County line, then east to Goldendale/Bickleton Road, then southwest to

Cleveland and Dot Road, then south to Goldendale/Goodnoe Hills Road, then southeast to State Highway 14, then west to Sundale and mouth of Chapman Creek, then west down the Columbia River to U.S. Highway 97 bridge and point of beginning. (See Washington Atlas & Gazetteer)

GMU 586-Glenwood (Klickitat County): Beginning at B-Z Corners and State Highway 141, then north to Trout Lake and the USFS 80 Rd., then to the USFS 82 Rd., then north to the Yakima Indian Reservation boundary, then east along the south Reservation boundary to Summit Creek Primary Road, then south to the Klickitat River and the Truck Cut Road, then west to the Glenwood/Goldendale Road, then northwest to the Gravel Pit Road, then south to the B-Z Corners/Glenwood Road, then southwest to B-Z Corners and point of beginning. (See Washington Atlas & Gazetteer)

GMU 588-Grayback (Klickitat County): Beginning at Highway 97 bridge across Columbia River (Maryhill), then west down the Columbia River to Lyle and the mouth of the Klickitat River, then up the Klickitat River to the Fisher Hill Bridge, then north along the Fisher Hill Road (P-2000) to the Gravel Pit Road, then north to the Glenwood/Goldendale Road, then east to the Truck Cut Road, then north to the Summit Creek Primary Road, then to the Yakima Indian Reservation boundary, then east along the southern boundary of the Reservation to Highway 97 (Satus Pass Highway), then south on Highway 97 to Maryhill and point of beginning. (See Washington Atlas & Gazetteer)

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GMU 601-Hoko (Clallam County): Beginning at the mouth of the Hoko River, then up the river to State Highway 112; then southeast along State Highway 112 to its junction with the Hoko-Ozette Road; then southeast along the Hoko-Ozette Road to the Olympic National Park boundary; then north along the Olympic National Park boundary to the Makah Indian Reservation boundary; then east and north along the Makah Indian Reservation boundary to the Strait of Juan de Fuca; then southeast along the shore of the Strait of Juan de Fuca to the mouth of the Hoko River and the point of beginning. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 602-Dickey (Clallam County): Beginning at the mouth of the Clallam River, then up the river to State Highway 112; then south along State Highway 112 to its junction with the Burnt Mountain Road; then southwest along the Burnt Mountain Road to its junction with U.S. Highway 101; then southwest along U.S. Highway 101 to the junction with the LaPush Road; then southwest along LaPush Road to the Olympic National Park boundary; then north along the Olympic National Park boundary to the Hoko-Ozette Road; then northeast along the Hoko-Ozette Road to its junction with State Highway 112; then northwest along State Highway 112 to the Hoko River; then down the Hoko River to its mouth and the Strait of Juan de Fuca; then east along

the shore of the Strait of Juan de Fuca to the mouth of the Clallam River and the point of beginning. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 603-Pysht (Clallam County): Beginning at the mouth of the Clallam River; then up the river to the State Highway 112; then south along State Highway 112 to its junction with the Burnt Mountain Road; then southwest along the Burnt Mountain Road to its junction with U.S. Highway 101; then east along U.S. Highway 101 to the point where the highway enters the Olympic National Park, about one mile west of Lake Crescent; then north and east along the Olympic National Park boundary to the Elwha River; then north down the Elwha River to its mouth and the Strait of Juan de Fuca; then west along the shore of the Strait of Juan de Fuca to the mouth of the Clallam River and the point of beginning. EXCEPT that part of the Lower Elwha Indian Reservation within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 607-Soleduck (Clallam County): Beginning at Forks, then south along U.S. Highway 101 to the Bogachiel River; then east up the Bogachiel River to the Olympic National Park boundary; then north and east along the Olympic National Park boundary to its intersection with U.S. Highway 101; then west and south along U.S. Highway 101 to Forks to the point of beginning. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 612-Goodman (Jefferson and Clallam counties): Beginning at LaPush on the Pacific Ocean, then east along the LaPush Road to its junction with U.S. Highway 101 north of Forks; then south along U.S. Highway 101 to the Pacific Ocean below the mouth of the Hoh River; then north along the Pacific Ocean to LaPush and the point of beginning; EXCEPT that part of the Hoh Indian Reservation and the Olympic National Park within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 615-Clearwater (Jefferson County): Beginning at the junction of Bogachiel River and U.S. Highway 101, then east up the Bogachiel River to the Olympic National Park boundary; then south, east and west along the Olympic National Park boundary to where it meets the boundary of the Quinault Indian Reservation; then west along the Quinault Indian Reservation boundary to U.S. Highway 101; then north and east along U.S. Highway 101 to the Bogachiel River and point of beginning; EXCEPT that part of the Olympic National Park within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 618-Matheny (Jefferson and Grays Harbor counties): Those lands between the Queets and Quinault Rivers that are outside the Olympic National Park and outside the Quinault Indian Reservation. (See Olympic National Forest map)

GMU 621-Olympic (Jefferson, Clallam and Mason counties): Beginning at the junction of U.S. Highway 101 and the Elwha River, then south up the Elwha River to the Olympic National Park boundary; then east and south along Olympic National Park boundary to the North Fork of the Skokomish River; then south down the North Fork of the Skokomish River to Lake Cushman; then southeast along the west shore of Lake Cushman to Cushman Upper Dam; then east along the Power Dam Road to its intersection with Lake Cushman-Hoodsport Road; then southeast on Lake Cushman-Hoodsport Road to U.S. Highway 101 and Hood Canal; then north along Hood Canal to Dabob Bay and Quilcene Bay to East Quilcene Road at the north end of Quilcene Bay; then west along East Quilcene Road to its junction with Chimacum Center Road; then south along Chimacum Center Road to Quilcene and U.S. Highway 101; then north and west along U.S. Highway 101 to the Elwha River and the point of beginning. EXCEPT that part of the Lower Elwha Indian Reservation within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 624-Coyle (Clallam and Jefferson counties): Beginning at the mouth of the Elwha River, then south up the Elwha River to U.S. Highway 101; then east and south along U.S. Highway 101 to Quilcene; then north on the Chimacum Center Road to its junction with East Quilcene Road; then east on the East Quilcene Road to Quilcene Bay; then south along the east shore of Quilcene Bay to Dabob Bay and Hood Canal; then north along the shore of Hood Canal to Puget Sound; then north through Admiralty Inlet to Port Townsend and Juan de Fuca Straits (including Marrowstone Island); then west along the south shore line of Juan de Fuca Straits to the mouth of the Elwha River and the point of beginning; EXCEPT all of Indian Island in Jefferson County. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 625-Indian Island (Jefferson County): Indian Island in Jefferson County. (See Washington Atlas & Gazetteer)

GMU 627-Kitsap (Kitsap, Mason, Pierce and King counties): Beginning at the town of Allyn on State Highway 3; then north along Highway 3 to Belfair; then north up the "Old Belfair Highway" to its junction with the Bear Creek-Dewatto Road; then west on Bear Creek-Dewatto Road to the Mason-Kitsap County line; then west along the Mason-Kitsap county line to Hood Canal; then north along the shoreline of Hood Canal to Puget Sound at Hansville; then south through Puget Sound to Nisqually Reach and Case Inlet; then north up Case Inlet to the town of Allyn and the point of beginning; also Vashon Island. (See Washington Atlas & Gazetteer)

GMU 633-Mason (Mason County): Beginning at the Mason-Thurston County Line on U.S. Highway 101 at Oyster Bay; then north and east through Oyster Bay, Totten Inlet-Dana Passage and Case Inlet to the town

of Allyn on State Highway 3; then north along Highway 3 to Belfair; then north up the "Old Belfair Highway" to its junction with the Bear Creek-Dewatto Road; then west on the Bear Creek-Dewatto Road to its junction with the Dewatto-Holly Road; then west along the Mason-Kitsap County Line to Hood Canal; then south through Hood Canal to Hoodsport and U.S. Highway 101; then south along Highway 101 to the Mason-Thurston County Line and the point of beginning. (See the Washington Atlas & Gazetteer)

GMU 636-Skokomish (Grays Harbor and Mason counties): Beginning at the junction of the Lake Cushman-Hoodsport Road and U.S. Highway 101 at Hoodsport; then south down U.S. Highway 101 to its junction with the Shelton Dayton-Matlock Road (County Road 9010); then west to the town of Matlock; then west on the Matlock-Deckerville Road and Middle Satsop Road to the Kelly Road (C-500 Line); then north on the Kelly Road to its junction with the L-600 Line (Canyon River Road, Road 2260); then west on the L-600 line to USFS Road 22 (Montesano-Gridale Road); then north on USFS Road 22 through Gridale; then west and south on USFS Road 22 to where it crosses the East Fork of the Humptulips River; then upstream on the East Fork Humptulips River to the most northern point crossed by the range line 7W.W.M. and 8W.W.M., then north on this range line to its junction with Road 2302 (USFS Road 2204-200); then east and north on Road 2302 to the Olympic National Park Boundary; then east along the Olympic Park boundary to the North Fork of the Skokomish River; then south down the North Fork of the Skokomish River to Lake Cushman; then southeast along the west shore of Lake Cushman to Cushman Upper Dam; then east along the Power Dam Road to its intersection with Lake Cushman-Hoodsport Road; then southeast on Lake Cushman-Hoodsport Road to U.S. Highway 101 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 638-Quinault Ridge (Grays Harbor and Jefferson counties): Beginning at the Olympic National Park boundary at the northwest corner of Lake Quinault; then southwest along the south shore of Lake Quinault to the boundary of the Quinault Indian Reservation; then southwest along this boundary to U.S. Highway 101; then south along U.S. Highway 101 to Quinault Ridge Road (Forest Service Road #2258); then northeast along the Quinault Ridge Road to the Forest Service Road #2280; then east along Forest Service Road #2280 to the Forest Service Road #2220; then north and south along that road to the Forest Service Road #2204; then northeast along Forest Service Road #2204 to the 2204-200 Spur Road; then north along this spur road to the boundary of the Olympic National Park; then west along the Olympic National Park Boundary to Lake Quinault and the point of beginning. (See Olympic National Forest map)

GMU 639-Humptulips (Grays Harbor County): Beginning at the junction of U.S. Highway 101 and the Quinault Ridge Road (Forest Service Road #2258); then northeast along Quinault Ridge Road to the Forest Service Road #2280; then east along Forest Service Road

#2280 to the Forest Service Road #2220; then north and south along Forest Service Road #2220 to the Forest Service Road #2204; then northeast along Forest Service Road #2204 and the 2204-200 Spur Road to a point crossed by the range line between range 7W.W.M. and 8W.W.M.; then south on this range line to the most northern point crossed by the East Fork of the Humptulips River; then downstream on the East Fork of the Humptulips to the USFS 22 Road; then west and south along USFS 22 Road to its junction with the Donkey Creek Road; then southwest along the Donkey Creek Road (Forest Service Road #22) to its junction with U.S. Highway 101; then north along U.S. Highway 101 to its junction with the Quinault Ridge Road (Forest Service Road #2258) and the point of beginning. (See Olympic National Forest map)

GMU 642-Copalis (Grays Harbor County): Beginning at the U.S. Highway 101 bridge crossing the Hoquiam River in the City of Hoquiam; then north along U.S. Highway 101 to the boundary of the Quinault Indian Reservation; then southwest along the Quinault Indian Reservation boundary to the Pacific Ocean; then south along the shore of the Pacific Ocean to Grays Harbor; then east along the north shore of Grays Harbor to the mouth of the Hoquiam River; then north along the Hoquiam River to U.S. Highway 101 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 648-Wynoochee (Grays Harbor County): Beginning at the junction of U.S. Highway 101 and the Donkey Creek Road; then northeast along the Donkey Creek Road (Forest Service Road #22) to its junction with the Donkey Creek-Grisdale Road; continuing east on this road (Forest Service Road #22) to Camp Grisdale (south of Wynoochee Lake); then south along the Grisdale-Montesano Road (Forest Service Road #22) to the junction with the L-600 line (Canyon River Road, Road ((2153)) 2260); then east along the L-600 line to the concrete bridge over the West Fork of the Satsop River in Sec. 15; T.21N., R.7W.W.M.; then south down the West Fork and the main stream of the Satsop River to U.S. Highway 12; then west along U.S. Highway 12 to its junction with U.S. Highway 101 in Aberdeen; then west and north along U.S. Highway 101 to its junction with the Donkey Creek Road and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 651-Satsop (Grays Harbor, Mason and Thurston counties): Beginning at the U.S. Highway 12 Bridge on the Satsop River, then upstream on the Satsop River to its junction with the West Fork of the Satsop River; then up the West Fork of the Satsop to the concrete bridge on the L-600 Road (Canyon River Road, Road ((2153)) 2260); then east on the L-600 Line to its junction with the Kelly Road; then south on the Kelly Road to the Middle Satsop Road; then east on the Middle Satsop and Matlock-Deckerville Roads to the town of Matlock; then east on the Shelton-Matlock Road (County Road 9010) to its junction with U.S. Highway 101; then south on U.S. Highway 101 to its junction with State Route #8, then west on State Route 8 to its junction with U.S. Highway 12; then west along Highway 12 to the Satsop

River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 658-North River (Grays Harbor and Pacific counties): Beginning at the U.S. Highway 101 bridge across the Chehalis River in Aberdeen; then west along the Chehalis River to the river mouth; then west along the southern shore of Grays Harbor to the Pacific Ocean; then south along the Pacific Ocean to Willapa Bay; then east in Willapa Bay to the mouth of the Willapa River; then east up the Willapa River to U.S. Highway 101 in the City of Raymond; then north along U.S. Highway 101 to the Chehalis River Bridge and the point of beginning; also Rennie Island. (See Washington Atlas & Gazetteer)

GMU 660-Minot Peak (Grays Harbor and Pacific counties): Beginning at the junction of U.S. Highway 101 and U.S. Highway 12 in Aberdeen; then south along U.S. Highway 101 to the Smith Creek Road; then east along the Smith Creek Road to its junction with the North River Road; then east along the North River Road through Brooklyn and continuing east along the Brooklyn-Oakville Road to the town of Oakville; then north along U.S. Highway 12 to Elma; then west along U.S. Highway 12 to U.S. Highway 101 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 663-Capitol Peak (Grays Harbor and Thurston counties): Beginning at the intersection of Highway 8 and Highway 12 near Elma; then southeast along U.S. Highway 12 to its junction with the Moon Road; then north on the Moon Road to the Gate-Mima Road; then northeast on Gate-Mima Road to Waddell Creek Road; then northeast and then northwest on Waddell Creek Road to Delphi Road; then north on the Delphi Road to U.S. Highway 101; then west on Highway 101 to Highway 8; then west on Highway 8 to Elma and Highway 12 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 666-Deschutes (Thurston County): Beginning at the mouth of the Nisqually River; then south on the Nisqually River to old Pacific Highway (Mounts Road); then southwest on old Pacific Highway (Mounts Road) to Highway 510; then southeast on Highway 510 to Yelm Highway; then southwest and west on the Yelm Highway to Spurgeon Creek Road; then south on the Spurgeon Creek Road to Rainier Road; then northwest on Rainier Road to Stedman Road; then west and south on Stedman Road to Waldrick Road; then west on Waldrick Road to Pacific Highway S.E. (Old Highway 99); then north on Pacific Highway S.E. (Old Highway 99) to McCorkle Road; then west on McCorkle Road to 113th Avenue; then west on 113th Avenue to Littlerock Road; then north on Littlerock Road to 110th Avenue; then west on 110th Avenue to Delphi Road; then north on Delphi Road to U.S. Highway 101; then northwest on Highway 101 to the Mason-Thurston county Line at Oyster Bay; then northeast and southeast through Totten Inlet, Dana Passage and Nisqually Reach to the mouth of the Nisqually River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 667-Skookumchuck (Thurston and Lewis counties): Beginning at the old Pacific Highway (Mounts Road) Bridge on the Nisqually River; then upstream on the Nisqually River to Alder Lake; then along the north shore of Alder Lake to the town of Elbe and Highway 7; then south on Highway 7 to Highway 508 at Morton; then west on Highway 508 to the Centralia-Alpha Road; then west on the Centralia-Alpha Road and Salzer Road to Pearl Street; then north on Pearl Street to Highway 507; then northwest on Highway 507 to Interstate 5 then north on Interstate 5 to U.S. Highway 12; then west on Highway 12 to Moon Road; then north on Moon Road to the Gate-Mima Road; then northeast on the Gate-Mima Road to Waddell Creek Road; then northeast on the Waddell Creek Road to the Delphi Road; then south on the Delphi Road to 110th Avenue; then east on 110th Avenue to Littlerock Road; then south on Littlerock Road to 113th Avenue; then east on 113th Avenue to McCorkle Road; then east on McCorkle Road to Pacific Highway S.E. (Old Highway 99); then south on Pacific Highway S.E. (Old Highway 99) to Waldrick Road; then east on Waldrick Road to Stedman Road; then north and east on Stedman Road to Rainier Road; then southeast on Rainier Road to Spurgeon Creek Road; then north on Spurgeon Creek Road to the Yelm Highway; then east and northeast on Yelm Highway to Highway 510; then northwest on Highway 510 to Pacific Highway; then northeast on Pacific Highway to the Nisqually River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 669-Palix (Pacific County): Beginning at the U.S. Highway 101 Bridge across the Willapa River in Raymond; then west along the Willapa River to Willapa Bay; then south along the east shore of Willapa Bay to the mouth of the North Nemah River; then northeast up the North Nemah River and Williams Creek to the North Nemah Road Crossing (or North Nemah A Line); then east on the North Nemah A Line to the Williams Creek A Line; then northeast on the Williams Creek A Line to the C2000 Line to the Trap Creek A Line; then east on the Trap Creek A Line (on the north side of the Trap Creek Lookout) to the Bonneville Power Line Road; then north on the Bonneville Powerline Road to its junction with State Highway 6; then northwest along Highway 6 to its junction with U.S. Highway 101 in the City of Raymond; then north along U.S. Highway 101 to the bridge across the Willapa River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 672-Fall River (Pacific, Lewis and Grays Harbor counties): Beginning at the junction of U.S. Highway 101 and State Highway 6 in Raymond; then east along State Highway 6 to Doty Road (Stevens Road); then northwest on Stevens Road to the Elk Creek Road (in Doty); then west on the Elk Creek Road to the 7000 Road; then west on the 7000 Road to the 7800 Road; then west on the 7800 Road to the 720 Road; then northeast on the 720 Road to Garrard Creek Road; then north on the Garrard Creek Road to the Brooklyn-Oakville Road; then east along the Brooklyn-Oakville Road, North River Road, to the Smith Creek Road;

then southwest along the Smith Creek Road to U.S. Highway 101; then south on U.S. Highway 101 to its junction with State Highway 6 and the point of the beginning. (See Washington Atlas & Gazetteer)

GMU 678-Nemah (Pacific and Wahkiakum counties): Beginning at the mouth of the North Nemah River on Willapa Bay; then northeast up the North Nemah River and Williams Creek to the North Nemah Road Crossing (or North Nemah A Line); then east on the North Nemah A Line to the Williams Creek A Line to the C2000 line to the Trap Creek A Line; then east along the Trap Creek A Line (north side of Trap Creek Lookout) to the Bonneville Powerline Road; then south along the Powerline Road to the Salmon Creek Road; then southwest along the Salmon Creek Road to State Highway 4; then west along State Highway 4 to its junction with U.S. Highway 101 at Johnson's Landing and continuing west along U.S. Highway 101 to the Naselle River bridge; then down the Naselle River to Willapa Bay; then north along the shore of Willapa Bay to the mouth of the North Nemah River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 681-Bear River (Pacific and Wahkiakum counties): Beginning at the Deep River Bridge on State Highway 4; then down the Deep River to the Columbia River; then west along the Columbia River to the mouth of the Wallacut River; then up the Wallacut River to U.S. Highway 101; then northwest on U.S. Highway No. 101, north on Alternate U.S. Highway No. 101 and northeast on U.S. Highway 101 to the Bear River; then down the Bear River to Willapa Bay; then north along the shore of Willapa Bay to the mouth of the Naselle River and up the Naselle River to U.S. Highway 101; then east along U.S. Highway 101 to its junction with State Highway 4 at Johnson's Landing; then southeast along State Highway 4 to the Deep River Bridge and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 684-Long Beach (Pacific County): The Long Beach Peninsula and those lands west of the following line; beginning at the mouth of Bear River; then up the Bear river to U.S. Highway 101; then southwest along U.S. Highway 101 to Alternate U.S. Highway 101; then south along Alternate U.S. Highway 101 to U.S. Highway 101; then southeast along U.S. Highway 101 to the Wallacut River; then down the Wallacut River to the Columbia River. (See Washington Atlas & Gazetteer)

DEER AREA DESCRIPTIONS

Deer Area No. 001 Champion North (Pierce County): Beginning at the point where the Bonneville Power Transmission Line crosses the Carbon River (about 14 miles northwest of Carbonado); then south and west up the Carbon River to where it intersects State Highway No. 165; then south and east along State Highway No. 165 to where it intersects the Mt. Rainier National Park boundary; then south along said boundary to where it intersects the North Fork Puyallup River; then north and west down the North Fork Puyallup River and the Puyallup River to where it intersects the Bonneville Power Transmission Line (about three miles south of

Orting); then north and east along said power transmission line to the point of beginning. (See Washington Atlas & Gazetteer)

Deer Area No. 002 Champion South (Pierce County): Beginning at the point where Champion's 1 Road crosses the Puyallup River (approximately 1 1/2 miles NE of Kapowsin) then southeast up the Puyallup River to the confluence with Deer Creek; then south up Deer Creek to where it intersects the 243 Road; then northwest along the 243 Road to where it intersects the 24 Road; then southwest along the 24 Road to where it intersects the 3270 Road; then west along the 3270 Road to where it intersects the 327 Road; then southwest along the 327 Road to where it crosses Busy Wild Creek (near Lake Lorraine); then west down the Busy Wild Creek to its confluence with the North Fork Mashel River; then up the North Fork Mashel River (about 1 mile) to the point nearest the southernmost extension of the 311 Road (T16N, R6E, Sec. 19, SW 1/2 of SW 1/2); then in a line to the 311 Road; then along 311 Road to where it intersects the 3113 Road; then north along the 3113 Road to where it intersects the 843 Road; then along the 843 Road to where it intersects the 84 Road; then along the 84 Road to where it intersects the 8 Road; then north along the 8 Road to where it intersects the 82 Road; then along the 82 Road to where it intersects the township line between Townships 16 & 17 North, W.M.; then west on said line to where it intersects the range line between Ranges 4 & 5 East, W.M.; then north on said line to northwest corner of Sec. 31, T17N, R5E; then east on section line between sections 30 and 31, T17N, R5E to 1/4 corner (Champion ownership); then north from said corner along ownership line to the point closest to the southernmost extension of the 0-100 Road (approx. 3/4 mile); then in a northwest line to the 0-100 Road, then along the 0-100 Road to where it intersects with Ohop Creek; then northwest along Ohop Creek to where it empties into Lake Kapowsin; then northeast along the east shore of Lake Kapowsin to the point closest to the start of the 1 Road; then along the 1 Road to point of beginning. (See Washington Atlas & Gazetteer)

Deer Area No. 010 Pyramid (Chelan County): That part of GMUs 306 and 304 beginning at the Glacier Peaks Wilderness and Lake Chelan; then south along Lake Chelan to Corral Creek Campground; then west to the intersection of trail #1433 and Butte Trail #1440; then northwest along Butte Trail #1440 to South Pyramid Trail #1439; then southwest to intersection of trail #1437; then due west to Trail #1434; then northwest to Trail #1435; then south to Trail #1400; then southeast to Garland Creek; then west to Garland Peak; then north along trail #1408 to Trail #1515; then south to Trail #1530; then west to trail #1509; then south to Trail #1527; then north to Estes Butte and continuing along the Glacier Peaks Wilderness boundary to beginning. (See Wenatchee National Forest map)

Deer Area No. 040 Foss River (King County in the Alpine Lakes Wilderness Area): Beginning at the intersection of the Dingford Creek Trail (USFS Trail 1005) and the Alpine Lakes Wilderness Area boundary; then north along USFS Trail 1005 to Little Myrtle Lake; then in a

northeast line approximately one-half mile to Marlene Lake; then down the tributary from Marlene Lake to its intersection with USFS Trail 1072 near Lake Dorothy; then north along USFS Trail 1072 to its intersection with the Alpine Lakes Wilderness Area boundary; then north and east along the wilderness boundary to the Pacific Crest Trail at Hope Lake; then south along the Pacific Crest Trail to ~~((the headwaters of Burntboot Creek about Iceberg Lake at Overcoat Peak; then down Burntboot Creek to the))~~ Ridge Lake; then in a northwest direction approximately one-half mile to Gravel Lake; then down the Gravel Lake tributary to Goat Creek; then down Goat Creek to its intersection with Alpine Lakes Wilderness Area boundary; then north and west along the wilderness area boundary to the point of beginning. (See Washington Atlas and Gazetteer)

Deer Area 041 Pilchuck (Snohomish and King counties): Beginning at the mouth of the Stillaguamish River; then up the Stillaguamish River to Arlington; then northeast along Highway 530 to a point in Section 10, T32N, R7E where it intersects with the City of Seattle power transmission line; then southwest along the transmission line to the point where it crosses the divide between Jim Creek and the north fork of Canyon Creek (Section 11, T31N, R7E), then down the north fork of Canyon Creek and Canyon Creek to the south fork Stillaguamish River, then down the Stillaguamish River to Jordan Road, then along Jordan Road to Granite Falls then south along Menzel Lake Road to the Pilchuck River Road (P-5000); then east on P-5000 Road to Culmback Dam (Spada Lake); then southeast on Culmback Dam Road to Sultan Basin Road at Olney Pass; then south on Sultan Basin Road to Kellogg Lake Road to U.S. Highway 2 east of Sultan; then west on Highway 2 to Monroe; then south on Highway 203 to Duvall; then north down the Snoqualmie River to the Snohomish River and down the Snohomish River to Puget Sound; then north along the shore of Puget Sound to the mouth of the Stillaguamish River and the point of beginning. (See Washington Atlas and Gazetteer or Mount Baker/Snoqualmie National Forest map).

Deer Area 042 Tolt (King and Snohomish counties): Beginning at intersection of Highway 202 and the Tokul Creek Road S.E. (near Snoqualmie Falls); then north on Tokul Creek Road S.E. and onto S.E. 53rd Way then onto the S.E. 53 Road; then along S.E. 53rd Road to its junction with the Weyerhaeuser mainline; then north on Weyerhaeuser mainline road through Gate 4 onto the Weyerhaeuser mainline truck road; then north on Weyerhaeuser mainline truck road (approximately 23 miles) to its junction with Proctor Creek Road; then north on Proctor Creek Road to its junction with Highway 2; then west on Highway 2 to its junction with Highway 203 at Monroe; then south on Highway 203 to its junction with Highway 202; then east along Highway 202 to the point of beginning. (See Washington Atlas and Gazetteer or Weyerhaeuser Recreational Map and Thomas Brothers Guide.)

Deer Area No. 060 Olympic Wilderness (Clallam, Jefferson, Grays Harbor and Mason counties): The Buckhorn, Colonel Bob, Mt. Skokomish, the Brothers

and Wonder Mountain Wilderness areas of Olympic National Forest. (See Olympic National Forest map for these primitive roadless areas)

Deer Area No. 061 Marrowstone Island (Jefferson County): Marrowstone Island in Jefferson County. (See Washington Atlas and Gazetteer)

ELK AREA DESCRIPTIONS

Elk Area No. 001 Trinidad (Grant and Douglas counties): All of Douglas and Grant counties except closed in the corridor described as follows: Beginning at East Wenatchee and following a line parallel to and one-half mile north and east of Highway No. 28 from East Wenatchee to a point in Grant County one-half mile north of SR 28 on Road "U" N.W.; then south on Road "U" N.W. to Road "9" N.W.; then west on Road "9" N.W. To the Ancient Lake Road; then south on the Ancient Lake Road to the northwest corner of Sec. 8, T19N, R23E W.M. (yellow cattle guard); then west to midstream of the Columbia; then north up midstream of the Columbia River to East Wenatchee and the point of beginning. (See official road map of Douglas and Grant counties)

Elk Area No. 002 Caribou (Kittitas County): Beginning at the Highline Canal; then north along the Reecer Creek Road and USFS 35 Road to the junction at the USFS 3517 Road; then east and south along USFS 3517 Road and Lillard Hill Road to the Bonneville Powerlines; then east along the Bonneville Powerlines to the Colockum Pass-Brushy Road (cattle guard); then east along the Brushy Road to the Crossover Road; then south along the Crossover Road to the Perkins/Caribou junction; then east along the Perkins Road to the Beacon Ridge Road; then south along the Beacon Ridge Road to the Old Vantage Highway; then south along a county service road to Interstate #90; then west along Interstate #90 to the Highline Canal near the Stevens Road; then northwest along the Highline Canal to the point of beginning. (See Department of Wildlife map)

Elk Area No. 003 Kingsbury (Chelan, Kittitas counties): That portion of GMU 314 which lies east of the Stemilt Creek, Stemilt Creek Road, Stemilt Hill Road, Stemilt Loop Road and Jump Off Ridge Road. (See Washington Atlas & Gazetteer)

Elk Area No. 004 Wenatchee (Chelan, Kittitas and Okanogan counties): GMUs 300, 304, 306, 308, 316, that portion of 302 which lies in Chelan County; and that portion of 314 which lies west of the following boundaries: Beginning at the mouth of the Stemilt Creek at the Columbia River, south up Stemilt Creek to the Stemilt Creek Road to the Stemilt Hill Road; then east and south along the Stemilt Hill Road to the Stemilt Loop Road; then east along the Jump Off Road to the Jump Off Ridge Road (Bonneville Powerlines); then south along the Jump Off Ridge Road to the Naneum Ridge Road. (See Washington Atlas & Gazetteer)

Elk Area No. 025 Backbone (Lewis County): Beginning at State Highway No. 12 at the Pacific Crest Trail; then northwest and southwest along State Highway No. 12 to Coal Creek in Sec. 1, Twp. 13N., R 9 E.W.M.; then

north along the range line between Ranges 9 and 10 E.W.M., across the Cowlitz River to the Gifford Pinchot National Forest boundary in the NE corner of Sec. 1, Twp. 13N., R 9 E.W.M.; then southwest along the National Forest Boundary to the Skate Creek Road (first contact) in Sec. 9, Twp. 13N., R 9 E.W.M.; then northwest along the Skate Creek Road to the mouth of Horse Creek and the south boundary of Mt. Rainier National Park; then east along the south Park boundary to the Pacific Crest Trail; then south along the Pacific Crest Trail to State Highway No. 12 and the point of beginning. (See Gifford Pinchot National Forest map)

Elk Area No. 029 Toledo (Lewis County): Beginning at the Cedar Creek Bridge along State Highway No. 505; then northeast up Cedar Creek approximately 4 miles to the Weyco 1970 line; then north and west along the Weyco 1970 line approximately 3.5 miles to the Weyco 1800 line; then north along the Weyco 1800 line approximately 1 mile to the Evans Road; then southwest along the Evans Road to the Layton Road; then south along the Layton Road to State Highway No. 505; then east and southeast along State Highway No. 505 to Cedar Creek Bridge and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 030 Reecer Creek (Kittitas County): Beginning at the Highline Canal; then north along the Reecer Creek Road and USFS 35 Road to the junction of the USFS 3517 Road; then east and south along the USFS 3517 Road and Lillard Hill Road to the Wilson Creek Road to the Highline Canal; then west along the Highline Canal to the point of beginning. (See Wenatchee National Forest map)

Elk Area No. 031 Shushuskin (Kittitas County): Beginning at Damon Road and the Yakima River; then west along Damon Road to Manastash Road; then west on Manastash Road to Cove Road; then south on Cove Road to Umtaneum Creek; then east (downstream) along Umtaneum Creek to the Yakima River; then north along the Yakima River to the point of beginning. (See Washington Atlas and Gazetteer)

Elk Area No. 032 Malaga (Kittitas and Chelan counties): Beginning at the power line on the Columbia River (approximately 3/4 mile downstream from Colockum Creek); then west and south along the ((power line)) Powerline Road to ((where power line crosses)) the intersection with the North Fork Tarpiscan Creek Road ((m)) Section ((+6)) 9, T20N, ((R3+E)) R21E); then north and west along North Fork of Tarpiscan Creek Road to Colockum Pass Road (Section 9, T20N, R21E); then south and west on Colockum Pass Road to section line between Sections 8 and ((Section)) 9 as well as Sections 4 and 5 (T20N, R21E) and Sections 32 and 33 ((T20N)) T21N, R21E); ((north on that section line to point of intersection with)) to Mose Carr Road; then west and north on Mose Carr Road to Jumpoff Road; then south and west ((along)) on Jumpoff Road to Shaller Road; then north and west ((along)) on Shaller Road to Upper Basin Loop Road; then north and ((east)) west on Upper Basin Loop Road to Wheeler Ridge Road; then north on Wheeler Ridge Road to the

Basin Loop Road (pavement) in Section 10 (T21N, R20E); then north on the Basin Loop Road to Wenatchee Heights Road; ((down)) then west on Wenatchee Heights Road ((and)) to Squilchuck Road ((to)); then south on Squilchuck Road to Beehive Road (USFS Road 9712); then northwest on Beehive Road to USFS Road 7100 near Beehive Reservoir; then north and west on USFS Road 7100 to Peavine Canyon Road (USFS Road 7101); then north and east on Peavine Canyon Road to Number Two Canyon Road; then north on Number Two Canyon Road to Crawford Street in Wenatchee; then east on Crawford Street to the Columbia River; ((along west bank of)) then south and east along the Columbia River to the powerline south of Colockum Creek and point of beginning. (See Washington Atlas and Gazetteer)

Elk Area No. 033 Peshastin (Chelan County): Beginning at Crawford Street and the Columbia River in Wenatchee; then west on Crawford Street and Number Two Canyon Road to USFS #7101 Road (Peavine Canyon); then west on USFS #7101 Road to Mission Creek Road; then north on Mission Creek Road to USFS #7104 Road (Sand Creek); then west on USFS #7104 Road (Sand Creek) to Camas Creek; then west up Camas Creek to where Camas Creek crosses USFS #7200 Road, T22N, R18E, Section 4; then north along USFS #7200 Road to Highway #97; then north on Highway #97 to USFS #7300 Road (Mountain Home Road); then north on the USFS #7300 Road to the Wenatchee River at Leavenworth; then down the Wenatchee River and Columbia River to the point of beginning. (See Washington Atlas and Gazetteer)

Elk Area No. 039 Backbone (Lewis County): Legal description same as Elk Area No. 025 (Backbone) (See Gifford Pinchot National Forest Map)

Elk Area No. 051 Doty (Lewis and Pacific counties): Beginning on State Highway 6 at the town of Adna, then west on Highway 6 to Stevens Road, then northwest on Stevens Road to Elk Creek Road (Doty), then west on Elk Creek Road to the 7000 Road, then west on the 7000 Road to the 7800 Road, then west on the 7800 Road to the 720 Road, then northeast on the 720 Road to Garrard Creek Road, east on Garrard Creek Road to Manners Road, then south on Manners Road to Lincoln Creek Road, then east along Lincoln Creek Road to Ingalls Road, then south and east on Ingalls and Bunker Creek roads to the town of Adna and point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 052 Mayfield (Lewis County): Beginning at the junction of Highway 12 and the Winston Creek Road; then southeast and north along the Winston Creek Road, Longbell, Perkins, Green Mountain roads to Riffe Lake; then west and northwest along the shoreline of Riffe Lake to the Cowlitz River; then west along the Cowlitz River to Highway 12; then west along Highway 12 to the Winston Creek Road and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 053 Randle (Lewis County): Beginning at State Highway 12 and the Cispus Road in the town of Randle; then east along Highway 12 to the Bennett

Road approximately one (1) mile east of Cora Bridge; then west on Bennett and C line roads to the Cispus Road; then north on said road to the town of Randle and the point of beginning. (See Gifford Pinchot National Forest map)

Elk Area No. 054 Boistfort (Lewis County): Beginning at the town of Vader; then west along State Highway 506 to the Wildwood Road; then north along the Wildwood Road to the Abernathy 500 line gate (Sec. 20, T11N, R3W, Willamette Meridian); then northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; then northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Sec. 15, T12N, R4W[]); then west along the Pe Ell/McDonald Road to the Lost Valley Road; then northeast along the Lost Valley Road to the Boistfort Road; then north along the Boistfort Road to the King Road; then east along the King Road to the town of Winlock and State Highway 603; then south along Highway 603 to the Winlock/Vader Road; then south along said road to the town of Vader and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 055 East Valley (Wahkiakum County): Within one mile on either side of the line beginning at Wilson Creek Park on East Valley Road; then west on East Valley Road to the junction with Middle Valley Road (4.5 miles); then north along Middle Valley Road to the junction of Oat Field Road (2.5 miles). (See Washington Atlas & Gazetteer)

Elk Area No. 057 Carlton (Lewis County): That part of unit 514 (Tatoosh) lying east of Highway No. 123 and north of Highway No. 12. (See Gifford Pinchot National Forest map)

Elk Area No. 058 West Goat Rocks (Lewis County): Goat Rocks Wilderness west of the Cascade Crest Trail. (See Gifford Pinchot National Forest map)

Elk Area No. 059 Mt. Adams Wilderness (Skamania and Yakima counties): The Mt. Adams Wilderness (See Gifford Pinchot National Forest map)

Elk Area No. 061 Mt. Tebo (Mason County): Beginning at the junction of the North Fork and South Fork of the Skokomish River; then northwest along the South Fork to the boundary of Olympic National Park; then east along the National Park boundary to the North Fork of the Skokomish River; then southeast down the North Fork of the Skokomish River through Lake Cushman; then south down the North Fork of the Skokomish River to the South Fork of the Skokomish River and the point of beginning. (See Olympic National Forest Map)

Elk Area No. 065 Willapa Valley (Pacific County): That part of Pacific County within two miles of State Highway 6 between Menlo and the eastern most junction of Elk Prairie Road and State Highway 6. (See Washington Atlas & Gazetteer)

Elk Area No. 066 Twin Valley (Grays Harbor County): Beginning in the City of Hoquiam at the junction of U.S. Highway No. 101 and the East Hoquiam Road; then north on the East Hoquiam Road to its junction

with the East Hoquiam Cutoff Road in Sec. 21, T19N, R9 W.W.M.; then east on the East Hoquiam Cutoff Road to its junction with the Wishkah Road; then south on the Wishkah Road to its junction with the Wishkah-Wynoochee Crossover Road in Sec. 35, T19N, R9 W.W.M.; then east on the Wishkah-Wynoochee Crossover Road to its junction with the Donovan Corkey A line; then north on the A line to its junction with the A 2200; then east on the A 2200 Road to its junction with the A 2210; then south on the A 2210 Road to a point crossed by the township line between Twp 20N and 19N; then east on the township line to its junction with the Wynoochee River Road; then south along the Wynoochee River Road to U.S. Highway No. 12; then west along U.S. Highway 12 to its junction with U.S. Highway No. 101 in the City of Aberdeen, then west on U.S. Highway 101 to the City of Hoquiam and junction with the East Hoquiam Road and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 067 South Willapa (Pacific County): Beginning in the City of South Bend at the junction of U.S. Highway 101 and the Skidmore Slough C-line; then south on the Skidmore Slough C-line to its junction with the B-line in Sec. 11, T13N, R9 W.W.M.; then southeast on the B-line to its junction with the A-line in Sec. 18, T13N, R8 W.W.M.; then east and north on the A-line to its junction with the South Fork Willapa Road; then east along the South Fork Willapa Road to State Highway No. 6, Sec. 10, Twp. [Twp.] 13 N., R. 8 W.W.M.; then northwest on State Highway No. 6 to its junction with U.S. Highway 101; then southwest on U.S. Highway 101 to its junction with the Skidmore Slough C-line and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 069 Chinook (Pacific County): Beginning at the junction of U.S. Highway 101 and Lingenfelter Road west of the town of Chinook; then northwest on Prest Road to its junction with Chinook Valley Road; then west on Chinook Valley Road to its intersection with the east branch of the Wallicut River; then north along the Wallicut River to its intersection with Highway 101; then west on Highway 101 to the junction of Highway 101 alternate; then south on Highway 101 alternate to Highway 101; then east on Highway 101 to Prest Road and the point of beginning. (See Washington Atlas & Gazetteer)

BOW AND ARROW AREA DESCRIPTIONS

Bow Area No. 802 Long Island (Pacific County): Long Island in Pacific County. (See Washington Atlas & Gazetteer map)

Bow Area No. 806 Rattlesnake (Yakima County): Beginning at the point where USFS Road #1500 crosses Little Rattlesnake Creek, near Hanging Tree Campground; then southwest up Little Rattlesnake Creek to USFS Road #1500; then north along Road #1500 to USFS Trail #1101 (MJB Trail); then northwest along MJB Trail to USFS Trail #1114; then north along Trail #1114 to USFS Trail #981; then west along Trail #981 to USFS Trail #982; then northeast along Trail #982 to USFS Trail #973; then northwest along Trail #973 to

the North Fork of Rattlesnake Creek; then down the North Fork to the junction with South Fork of Rattlesnake Creek; then up the South Fork to USFS Road #1502; then east on Road #1502 to USFS Road #1500; then east on Road #1500 to Little Rattlesnake Creek and the point of beginning. (See Wenatchee National Forest map)

Bow Area No. 807 Ahtanum (Yakima County): That part of GMU 368 which lies west of the following boundary; beginning at the junction of the North and South fork of Ahtanum Creek; then northwest up North Fork of Ahtanum Creek to Nasty Creek; then north up Nasty Creek to the Nasty Creek-Cowiche Road (DNR Road #C1050); then north on Road #C1050 to South Fork of Cowiche Creek; then east down South Fork Cowiche Creek to the power line which crosses near the mouth of Reynolds Creek; then northwest along the powerline to Jump-off (USFS Road #1302). Except cased east of a north south line drawn between the South Fork and North Fork of Ahtanum Creek two miles west of the Tampico Store. (See Wenatchee National Forest map)

Bow Area No. 808 Acme (Whatcom County): Beginning at the town of Acme; then north on Highway No. 9 to the junction of the Strand Road; then east on the Strand Road and over the Van Zandt Dike following the south boundaries of Sections 21, 22 and 23 of Twp. 38 N, R 5 E to the Mosquito Lake Road; then south along the Mosquito Lake Road to the Blue Mountain Road; then east to Peterson Creek and the Musto Marsh Road; then south to Skookum Creek; then west along Skookum Creek to the South Fork Nooksack River; then continue west along the South Fork Nooksack River to the mouth of Christy Creek; then south along Christy Creek to its source; then west to Ennis Creek; then west along Ennis Creek to the Ennis Creek Road; then west along Ennis Creek Road to the Wickersham Road; then west along the Wickersham Road to Highway No. 9; then north along Highway No. 9 to Acme and the point of beginning. (See Washington Atlas & Gazetteer)

Bow Area No. 820 Malott (Okanogan County): Beginning south of the town of Riverside, then south down the Okanogan River to Highway 97 bridge at mouth of river, then west on Highway 97 through the town of Brewster to the Indian Dan Canyon Road, then north to Paradise Hill Road; then east and south along the Paradise Hill Road to the Hanford Cutoff (approximately 1/2 mile south of Rat Lake Road), then west on Hanford Cutoff to the North Star Road, then north on North Star Road to junction with Chiliwist Road then east on Chiliwist Road to junction with Olema/Cook Mt. Road, then north on Olema/Cook Mt. Road to its junction with Highway 20, then east on Highway 20 to the junction with Buzzard Lake Road, then north on Buzzard Lake Road to the junction with Windy Hill Road, then east on Windy Hill Road to its junction with Spring Coulee/Salmon Creek Road, then north on Spring Coulee/Salmon Creek Road to the junction with Green Lake Road, then north on Green Lake Road to the Conconully Highway then northwest on the Conconully Highway to the junction with the Riverside Cutoff

Road, then northeast of the Riverside Cutoff Road to the town of Riverside and the Okanogan River and the point of beginning. (See Washington Atlas & Gazetteer)

Bow Area No. 831 Hamilton (Skagit County): Beginning at the point where State Highway No. 20 crosses Child's Creek approximately one mile west of Lyman; then east along Highway No. 20 to the Burpee Hill Road at Concrete; then north along said road to the Baker Lake Highway; then west along said highway to the DNR Road N. 2400; then continue west along said line to the DNR 2000 line; then north along said line to the DNR 2800 line; then west along said line to the DNR 2900 line; then west along said line to the Scott Paper Mainline; then north along said line to the Scott Paper 110 line; then continue west along said line to where it crosses Child's Creek; then south down said creek to State Highway No. 20 and point of beginning. (See Washington Atlas & Gazetteer)

MUZZLELOADER AREA DESCRIPTIONS

Muzzleloader Area No. 908 Acme (Whatcom County): Same as Bow Area No. 808. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 910 Cle Elum (Kittitas County): Beginning at Easton; then southeast along the main BPA Powerlines to the Fowler Creek Road (4517); southeast on Spur Road 117 to Granite Creek Trail #1326; then south on Trail #1326 to the top of South Cle Elum Ridge; then east along the ridge on Trail #1326 to Spur Road 119; then north on Road 119 to the Peoh Point Road (3350); then south on Road 3350 to the junction with Road 3352; then east on the 3352 Road to the Cedar Creek Road; then north on the Microwave Road to Sky Meadows and Casassa Road to the BPA Powerlines; then east along the BPA Powerlines to Highway 10; then east along Highway 10 to the junction with Highway 97; then north on Highway 97 to the Lower Green Canyon Road; then north to Upper Green Canyon Road to the junction of the First Creek Road; then west on the First Creek Road to Highway 97; then north on Highway 97 to USFS 9738 (Blue Creek); then west on USFS 9738 to USFS 9702 (Dickey Creek); then southwesterly on Road 9702 to the Dickey Creek Road; then west on USFS 9702 to the North Fork Teanaway Road; then south to the junction with West Fork Teanaway Road; then south on Middle Fork Road to Bible Camp; then south up #17 Canyon Road to Cle Elum Ridge Road; then west on Cle Elum Ridge Road to the bottom of #5 Canyon Road; then south to Highway 903 and Bullfrog Road; then south on Bullfrog Road to Interstate Highway 90; then west on Interstate Highway 90 to Easton and point of beginning. (See Wenatchee National Forest map)

Muzzleloader Area No. 921 Baleville (Pacific County): Beginning at the junction of the Hammond Road and U.S. Highway 105; then north on the Hammond Road to the radio towers; continue north on the D 2100 line to its junction with the D-line; then northwest along the D-line (also known as the Rayonier 2720) to its junction with the Rayonier 2700 line, then southwest on the Rayonier 2700 line to its junction with Highway 105;

then east on Highway 105 to the Hammond Road and point of beginning. (See Washington Atlas & Gazetteer.)

Muzzleloader Area No. 925 Ritzville (Adams County): Beginning at the junction of Interstate 90 and S.R. 261 near the town of Ritzville, then south along S.R. 261 to Washtucna, then east on S.R. 26 to the Whitman County line, then north along the Adams, Whitman County line to where it intersects the Lincoln, Adams County line, then north along the Adams, Lincoln County line to Interstate 90, then west along Interstate 90 to point of beginning. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 940 Coal Creek (Skagit County): Beginning at the point where State Highway No. 20 crosses Childs Creek approximately one mile west of Lyman; then north up said creek to Crown Pacific 110 Road; then west along said road to Crown Pacific 130 Road; then west along said road to Crown Pacific 132 Road; then continue west along said road to where it crosses Hansen Creek; then south down Hansen Creek to State Highway No. 20; then east along State Highway No. 20 to Childs Creek and point of beginning.

Muzzleloader Area No. 944 Clemen (Yakima County): That portion of GMU 342 beginning at the junction of Highway #410 and USFS Road #1701 (Big Bald Mountain Road); then north to USFS Road #1712; then east on USFS Road #1712 (Clemen Ridge Road) to the east edge of Meyster Canyon; then along the east side of Meyster Canyon to the elk fence; then west along the elk fence to Waterworks Canyon and Highway #410 and to point of beginning. (See Wenatchee National Forest map)

Muzzleloader Area No. 950 Toutle Mountain (Cowlitz County): Beginning at the confluence of the South Fork Toutle River and the North Fork Toutle River; then up the S.F. Toutle River to Johnson Creek; then up Johnson Creek to the Weyerhaeuser Company 4400 [440] Road; then northeast on the 440 [4400] Road to the 2421 Road; then north to the 2400 Road; then east on the 2400 Road to Alder Creek; then north down Alder Creek to the North Fork Toutle River; then west down the North Fork Toutle River to the confluence with the South Fork Toutle River and point of beginning. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 961 Hoko River (Clallam County): Within one mile of the Hoko County Road between Highway 112 and the Olympic National Park boundary near Lake Ozette. (See Olympic National Forest Map)

Muzzleloader Area No. 962 Elwha (Clallam County): Beginning at the U.S. Highway 101 Bridge on the Elwha River; then south on the Elwha River to the Olympic National Park boundary; then along Olympic National Park boundary to the section line between Sections 32 and 33 of T 30 N, R 7 W. W. M.; then north on the section lines to U.S. Highway 101; then east on U.S. Highway 101 to Elwha River and point of beginning. (See Washington Atlas and Gazetteer)

Goat Unit 2-1 Mount Chopaka:

Permit Area: Okanogan County within the following described boundary: Beginning where the Similkameen River crosses the Canadian boundary near Mt. Chopaka; then south down said river and up Palmer Lake and Sinlahekin Creek to Toats Coulee Creek; then west up said creek and north up the North Fork Toats Coulee Creek to Snowshoe Mountain and the Canadian boundary; then east along the Canadian boundary to the Similkameen River and point of beginning; EXCEPT CLOSED in Township 39 North, Range 25EWM, which includes Grandview Mountain.

Goat Unit 2-2 Methow Area:

Permit Area: Okanogan County within the following described boundary: Beginning at the Town of Twisp, westerly along the Twisp River Road (County Road #4440) to roads end; westerly up the Twisp Pass Trail #432 to Twisp Pass and the Okanogan County line; northerly along the Chelan-Okanogan County line through Washington Pass to the Cascade Summit; northerly along the Cascade Summit and the Okanogan County line to Harts Pass; southeast down Harts Pass (Road #5400) to Lost River; then along the Lost River-Mazama Road to Mazama; then southeasterly along State Highway 20 to Twisp and the point of beginning.

Goat Unit 3-1 East Stevens Pass:

Permit Area: Chelan County within the following described boundary: Beginning at Stevens Pass; then north along the Cascades Summit to Cady Pass and the source of the Little Wenatchee River; then down the Little Wenatchee River, Lake Wenatchee and the Wenatchee River to U.S. Highway 2; then north and west along U.S. Highway 2 to Stevens Pass and point of beginning EXCEPT those lands within 1/2 mile of Alpine Lookout.

Goat Unit 3-2 North Wenatchee Mountains:

Permit Area: Chelan County south of the Stevens Pass Highway, west of the Blewett Pass Highway, and north of Ingalls Creek, and Kittitas County north of the following described line: Beginning at Ingalls Peak; then down Fortune Creek to the Cle Elum River; then up the Cle Elum River to the Cascade Summit at Deception Pass.

Goat Unit 3-3 Goat and Davis Mountains:

Permit Area: Kittitas County west of the Cle Elum River, north of the Waptus River, and east and south of Trail Creek Trail.

Goat Unit 3-4 Snoqualmie:

Permit Area: Kittitas County within the following described boundary: Beginning at Snoqualmie Pass; then north along the Cascade Crest to Deception Pass and the headwaters of the Cle Elum River; then south along the Cle Elum River to the Trail Creek Trail #1322; then southwest along the Trail Creek Trail to the Waptus River Trail #1310; then southeast along the Waptus River Trail to the Cle Elum River at the Salmon la Sac campground; then south along the Cle Elum River to the Cooper Pass Road (USFS Road 4600); then west along

the Cooper Pass Road, through Cooper Pass to the road end near the Kachess River; then south along the Kachess River and Kachess Lake to Interstate Highway 90; then west along Interstate Highway 90 to Snoqualmie Pass and point of beginning.

Goat Unit 3-5 Cle Elum:

Permit Area: Kittitas and Chelan counties within the following described boundary: Beginning at the point where Interstate Highway 90 crosses the Cle Elum River; then north along the Cle Elum River to Fortune Creek; then east along Fortune Creek to Ingalls Peak and the headwaters of Ingalls Creek; then south and east along Ingalls Creek to U.S. Highway 97; then south along U.S. Highway 97 and State Highway 970 to Interstate 90 at Cle Elum; then west along Interstate 90 to the Cle Elum River and point of beginning.

Goat Unit 3-6 Naches Pass:

Permit Area: Yakima and Kittitas counties within the following described boundary: Beginning at Chinook Pass; then north along the Pacific Crest Trail to Naches Pass; then east to USFS Road 19 and continuing to State Highway 410; then west along State Highway 410 to Chinook Pass and point of beginning.

Goat Unit 3-7 Bumping River:

Permit Area: Yakima County within the following described boundary: Beginning at White Pass and the Pacific Crest Trail; then north to Forest Trail #980; then north to USFS Road 18; then north to State Highway 410; then east to State Highway 12; then west along State Highway 12 and back to point of beginning; EXCEPT Timberwolf Mountain, which is closed.

Goat Unit 3-8 Bumping River:

Permit Area: Yakima County within the following described boundary: Beginning at White Pass and the Pacific Crest Trail; then north to Forest Trail #980; then north to USFS Road 18; then north to State Highway 410; then east to State Highway 12; then west along State Highway 12 and back to point of beginning; EXCEPT Timberwolf Mountain, which is closed.

Goat Unit 3-9 Tieton River:

Permit Area: Yakima County within the following described boundary: Beginning at White Pass and Pacific Crest Trail; then south to the Yakima Indian Reservation boundary; then east to USFS Road 1137; then west to USFS Road 1000; then north to USFS Road 12; then north to State Highway 12; then west on State Highway 12 to point of beginning.

Goat Unit 4-1 Ruth Creek Area:

Permit Area: Whatcom County within the Mt. Baker Wilderness of the Mt. Baker-Snoqualmie National Forest north of the North Fork Nooksack River.

Goat Unit 4-3 Chowder Ridge:

Permit Area: Whatcom County within the following described boundary: Beginning where Wells Creek intersects the North Fork Nooksack River; then up Wells Creek to Bar Creek; then southwest up Bar Creek to the

Mazama Glacier; then continue southwest up Mazama Glacier to the summit of Mt. Baker; then northwest between Roosevelt Glacier and Coleman Glacier to Kulshan Cabin and the headwaters of Kulshan Creek and Grouse Creek to Smith Creek; then north down Smith Creek to Glacier Creek; continue north down Glacier Creek to the North Fork Nooksack River; then east along the North Fork Nooksack River to Wells Creek and the point of beginning.

Goat Unit 4-4 Lincoln Peak:

Permit Area: Whatcom County within the following described boundary: Beginning where Glacier Creek intersects with the Mt. Baker Highway (State Highway 547); then south up Glacier Creek to Smith Creek; then south up Smith Creek to Grouse Creek; then continue up Grouse Creek in a south direction to Kulshan Creek; then southeast up Kulshan Creek to Kulshan Cabin; then continue southeast between Roosevelt Glacier and Coleman Glacier to the summit of Mt. Baker; then south down Eastern Glacier to Baker Pass and the Baker Pass Trail #603 (5,000 ft.); then west along Baker Pass Trail #603 to the Ridley Creek Trail (#690); then northwest on the Ridley Creek Trail to Ridley Creek; then down Ridley Creek to the Middle Fork Nooksack River; then west down the Middle Fork Nooksack River to the Mosquito Lake Road; then north on the Mosquito Lake Road to the Mt. Baker Highway (State Highway 542); then north and east on Mt. Baker Highway (State Highway 542) to Glacier Creek and the point of beginning.

Goat Unit 4-6 Dillard Creek:

Permit Area: Whatcom County within the following described boundary: Beginning at the intersection of USFS Road 3725 and the Baker Lake Road (USFS Road 394); then west along USFS Road 3725 to Sulphur Creek; then northwest up Sulphur Creek to the Baker Pass Trail (#603) to Baker Pass (5,000 ft. elevation); then northeast up Eastern Glacier to the summit of Mt. Baker; then southeast down Park Glacier to the headwaters of Park Creek; then continue southeast down Park Creek to the Baker Lake Road (USFS Road 394); then south along the Baker Lake Road (USFS Road 394) to USFS Road 3725 and the point of beginning.

Goat Unit 4-7 Avalanche Gorge:

Permit Area: Whatcom County within the following described boundary: Beginning at the intersection of the Baker Lake Road (USFS Road 394) and Park Creek; then northwest up Park Creek to Park Glacier; then continue northwest up Park Glacier to the summit of Mt. Baker; then northeast down Mazama Glacier to the 6,500 ft. elevation; then east to the Portals; then continue east along the ridge line to Coleman Pinnacle; then northeast along the Camp Kiser Trail #683 (Ptarmigan Ridge) to the extreme southeast extension of Kulshan Ridge; then due east to the Lake Ann Trail #600; then east along the Lake Ann Trail #600 to the boundary of North Cascades National Park; then south and east along the Park boundary to the Baker River and down the Baker River to the Baker Lake Road (USFS Road

394); then west along the Baker Lake Road (USFS Road 394) to Park Creek and the point of beginning.

Goat Unit 4-8 East Ross Lake:

Permit Area: Whatcom County within the following described boundary: Beginning at the point the U.S.-Canada boundary meets the east boundary of North Cascades National Park; then south along the Park boundary to Stetattle Creek; then south down Stetattle Creek to Gorge Lake; then southwest along Gorge Lake to State Highway 20; then east and north along State Highway 20 to Ross Dam; then north along the east shoreline of Ross Lake (Note: Exclude Ruby Arm) to Devil's Creek; then east up Devil's Creek to a tributary extending south to ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue south over this ridge line into the Crater Creek Basin and Crater Creek; then down Crater Creek to its confluence with Ruby Creek; then east up Ruby Creek to Granite Creek; then continue east up Granite to the Cascades Summit; then north along the Cascades Summit to the U.S.-Canada boundary; then west along the Canadian line to the east boundary of North Cascades National Park and the point of beginning. (Notice: Jack Mountain not included in Goat Unit 4-8, East Ross Lake. See description for Goat Unit 4-9, Jack Mountain.)

Goat Unit 4-9 Jack Mountain:

Permit Area: Whatcom County within the following described boundary: Beginning at the confluence of Ruby Creek and Crater Creek; then north up Crater Creek to the ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue due north to Devil's Creek; then west down Devil's Creek to Ross Lake; then south along the east shoreline of Ross Lake to Ruby Arm; then easterly up Ruby Arm and Ruby Creek to the confluence of Crater Creek and the point of beginning.

Goat Unit 4-10 Majestic Mountain:

Permit Area: Whatcom and Skagit counties within the following described boundary: Beginning at the intersection of Pyramid Creek and State Highway 20; then south up Pyramid Creek to the North Cascades National Park boundary; then east along the Park boundary to the Cascades Summit; then north along the Cascades Summit to Granite Creek; then west down Granite Creek to Ruby Creek and Ruby Arm; then continue west along Ruby Arm to Ross Lake and Ross Dam; then southwest from Ross Dam to State Highway 20; then southwest and northwest along State Highway 20 to Pyramid Creek and the point of beginning.

Goat Unit 4-12 Mt. Tommy Thompson:

Permit Area: Skagit County within the following described boundary: Beginning at the confluence of Illabot Creek on the Skagit River; then east up Illabot Creek to its headwaters; then continue east over the ridge line to the northern-most extension of Buck Creek; then north over the ridge line at 6,921 foot elevation to the southern-most extension of Muchler Creek; then northeast

down Muchler Creek to Kindy Creek; then north down Kindy Creek to the Cascade River; then north and west down the Cascade River to the Skagit River; then west down the Skagit River to Illabot Creek and the point of beginning.

Goat Unit 4-14 Mt. Buckindy:

Permit Area: Skagit and Snohomish counties within the following described boundary: Beginning at the confluence of Buck Creek on the Suiattle River; then east up the Suiattle River to Sulphur Creek; then continue east up Sulphur Creek to Dome Creek; then north to Sinister Mountain and the Cascades Summit; then north along the Cascades Summit to Mt. Formidable; continue north into the headwaters at the Middle Fork Cascade River; then west down the Middle Fork Cascade River to the main Cascade River; continue west along the Cascade River to Kindy Creek; then south up Kindy Creek to Muchler Creek; then southwest up Muchler Creek to its southern-most extension; then continue southwest over the ridgetop at 6,921 foot elevation to the northern-most extension of Buck Creek; then continue southwest down Buck Creek to the Suiattle River and the point of beginning.

Goat Unit 4-16 Glacier Peak:

Permit Area: Snohomish County within the following described boundary: Beginning at Tenpeak Mountain on the Cascades Crest; then northeast to three lakes (approximately 1.75 miles northeast of Tenpeak Mountain); then north and west down the Suiattle River to Mill Creek; then up the Mill Creek Trail (#790) and the Pacific Crest Trail (#2000) to Mica Lake, Fire Creek Pass, and Glacier Creek; continuing down Glacier Creek to the White Chuck River; then up the White Chuck River to White Mountain at the Cascade Crest, then northeast along Cascade Crest to Tenpeak Mountain and the point of beginning.

Goat Unit 4-18 Sauk River Area:

Permit Area: Snohomish County within the following described boundary: Beginning at the confluence of the Whitechuck River and Pugh Creek; then south up Pugh Creek to Round Lake; then south to USFS Trail #646; then west and south down this trail to the North Fork Sauk River; then east up said river to Sloan Creek; then up Sloan Creek to June Mountain; then due south to USFS Trail #1051; then east along said trail to the Pacific Crest Trail (#2000); then north along the Pacific Crest Trail to White Mountain; then down the Whitechuck River to the confluence with Pugh Creek and the point of beginning.

Goat Unit 4-21 Liberty Mountain:

Permit Area: Snohomish County within the following described boundary: Beginning at the Boulder River bridge on the Darrington-Arlington Highway (State Highway 530) to the town of Darrington; then east along said highway to the Darrington-Clear Creek Road (USFS Road 20); then southeast along that road to the bridge over Clear Creek; then south up Clear Creek to the confluence with Helena Creek and southeast up

Helena Creek to Windom Lake; then southeast over an unnamed ridge to Independence Lake and down USFS Trail #712 to intersection with USFS Road 4060; then south down said road to the South Fork Stillaguamish River; then west down said river to Canyon Creek; then northeast up Canyon Creek, North Fork Canyon Creek and Meadow Creek to Tupso Creek; then east up Tupso Creek to its easternmost point; then continue northeast to Boulder River; then north down Boulder River to the bridge on State Highway 530 and the point of beginning.

Goat Unit 4-23 Twin Peaks:

Permit Area: Snohomish County within the following described boundary: Beginning at the intersection of Falls Creek and the Mt. Loop Highway (USFS Road 322); then west up Falls Creek and along USFS Trail #645 to USFS Road 3006; then south down said road to the Mountain Loop Highway; then east and north on said highway to Falls Creek and the point of beginning.

Goat Unit 4-24 Sloan Peak:

Permit Area: Snohomish County with the following described boundary: Beginning at the confluence of the South Fork and the North Fork of the Sauk River; then east up to the North Fork Sauk River to Sloan Creek; then south and southeast up Sloan Creek to June Mountain; then due south to USFS Trail #1051; then southwest along said trail to USFS Road 63; then continue southwest on said road to Silver Creek; then north up Silver Creek to Silver Lake; then north on USFS Trail #708 to Glacier Creek; then west along said creek to the South Fork Sauk River; then north down the South Fork Sauk River to the confluence of the North Fork Sauk River and the point of beginning.

Goat Unit 4-25 Vesper Peak:

Permit Area: Snohomish County within the following described boundary: Beginning at the Mountain Loop Highway bridge over Bear Creek (approximately three miles east of Verlot); then east up said highway to USFS Trail #707; then southwest on said trail (between Sperry Peak and Morning Star Peak) to the Sultan River; then west down said river and Spada Lake to Culmback Dam; then north up unnamed creek to the Pilchuck-Sultan divide; then northwest along said divide to Ritz Creek; then northeast down Ritz Creek to the Pilchuck River; then northwest down said river to Wilson Creek; then northwest up Wilson Creek to Ashland Lakes on the Pilchuck-Stillaguamish divide; then north down Black Creek and Bear Creek drainage to the Mountain Loop Highway bridge over Bear Creek and the point of beginning.

Goat Unit 4-30 Tolt River:

Permit Area: King and Snohomish counties within the following described boundary: Beginning at the point the Tolt River intersects the Weyerhaeuser Mainline Truck Road (approximately one mile west of the Tolt River South Fork Reservoir); then north along said road to the junction with State Highway 2; then east along said highway to the junction with the South Fork Skykomish

River; then east and south up said river to the confluence of Money Creek; then west up Money Creek to Lake Elizabeth; then west to the headwaters of the South Fork Tolt River near Lake Elizabeth; then west down the South Fork Tolt River to the point of beginning. Except Closed: All of the Mount Index and Mount Persis as follows: Beginning at confluence of South Fork Skykomish River and Index Creek; then west up said creek and its northern fork to Ink Lake; then west up the ridge to the 4,915 elevation point; then southwest down the ridge (approximately one and one-half miles) to the confluence of Titacaid Creek and the North Fork Tolt River; then west along said river to the Weyerhaeuser Mainline Truck Road; then north along said road to State Highway 2; then east along said highway to where it intersects the South Fork Skykomish River; then east along said river to the point of beginning.

Goat Unit 4-32 Foss River:

Permit Area: King and Snohomish counties within the following described boundary: Beginning at intersection of U.S. Highway 2 and the King County line at Stevens Pass; then south along the King County line to the headwaters of the Middle Fork Snoqualmie River near Dutch Miller Gap; then west and south down said river to the confluence with the Dingford Creek; then north and east up said creek to its headwaters intersection with USFS Trail #1005; then north up said trail to Little Myrtle Lake; then west and north to Marlene Lake (approximately 4 miles); then north down the stream outlet from Marlene Lake to the junction with USFS Trail #1002 near Dorothy Lake; then north along said trail to the junction with the East Fork Miller River headwaters; then north down said river to the confluence with the South Fork Skykomish River; then east up said river to the junction with U.S. Highway 2; then east along said highway to the point of beginning.

Goat Unit 4-34 Pratt River:

Permit Area: King County within the following described boundary: Beginning at the point where the Weyerhaeuser Mainline Truck Road intersects the Middle Fork Snoqualmie River (near the confluence of the North Fork and Snoqualmie Rivers); then northeast up the Middle Fork Snoqualmie to its headwaters near Dutch Miller Gap at the King County line; then south along the King County line to Snoqualmie Pass and the intersection with Interstate 90; then west along Interstate 90 to the point nearest the Middle Fork Snoqualmie River (approximately one mile east of North Bend); then north and east up the Middle Fork Snoqualmie River and to the point of beginning. Except closed: Snoqualmie Mountain and the watersheds of Denny Creek and South Fork of the Snoqualmie above Denny Creek.

Goat Unit 4-38 Corral Pass:

Permit Area: Pierce County within the following described boundary: Beginning where Goat Creek intersects the Corral Pass Road; then southeast up Goat Creek to the Cascade Crest; then north along the Crest to USFS Trail #1188; then northwest along said trail to

USFS Trail #1176; then north along said trail to Corral Pass; then west along Corral Pass Road to its intersection with Goat Creek and the point of beginning.

Goat Unit 5-2 Tatoosh:

Permit Area: Lewis County within the following described boundary: Beginning at the junction of the southern Mount Rainier National Park boundary and State Highway 123; then south along State Highway 123 to U.S. Highway 12; then southwest along said highway to Skate Creek Road (USFS Road 52); then northwest along said road to the junction of Morse Creek Road (old road to Longmire Campground); then north along said road to the Mount Rainier National Park boundary; then east along the southern park boundary to the point of beginning.

Goat Unit 5-4 Goat Rocks:

Permit Area: Lewis County south of the White Pass Highway (U.S. Highway 12) and east of the Johnson Creek Road (USFS Road 1302).

Goat Unit 6-1 Elwha River:

Permit Area: Clallam and Jefferson counties outside Olympic National Park and west of the Dungeness River.

Goat Unit 6-2 Quilcene River:

Permit Area: Clallam and Jefferson counties outside Olympic National Park, east of the Dungeness River and north of the Dosewallips River.

Goat Unit 6-3 Hamma Hamma River:

Permit Area: Jefferson and Mason counties outside Olympic National Park and south of the Dosewallips River.

MOOSE

Moose Unit 1 Selkirk Mountains:

Permit Area: (~~Pend Oreille County, east of the Pend Oreille River~~) GMU 113.

Moose Unit 2 Mt. Spokane:

Permit Area: (~~Spokane County~~) GMU 124.

Moose Unit 3 Chewelah:

Permit Area: GMU 118.

Moose Unit 4 Boyer:

Permit Area: GMU 119.

BIGHORN SHEEP

Sheep Unit 1 Okanogan:

Permit Area: Okanogan County west of the Okanogan River.

Sheep Unit 2 Vulcan Mountain:

Permit Area: Ferry County north of the Kettle River.

Sheep Unit 3 Tucannon River:

Permit Area: The Tucannon River drainage in Columbia and Garfield counties.

Sheep Unit 5 Umtaneum:

Permit Area: That part of Yakima County north of Wenas Creek and that part of Kittitas County south of Interstate 90.

Sheep Unit 6 Murray:

Permit Area: That part of Yakima County north of Wenas Creek and that part of Kittitas County south of Interstate 90.

Sheep Unit 9 Blackbutte:

Permit Area: That part of Asotin County within the following described boundary: All of GMU 184 (Joseph), 185 (Blackbutte), and that part of GMU 181 (Couse) that drains into the Grande Ronde River between the mouth of the Grande Ronde River and State Highway No. 129.

Sheep Unit 10 Mt. Hull:

Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along 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 Molson Grade Road; then west to Oroville and the point of beginning.

Sheep Unit 11 Wenaha Wilderness:

Permit Area: The Crooked Creek drainage in Asotin, Garfield, and Columbia counties within the boundary of GMU 169.

LYNX

Permit Area: That part of Okanogan County west of the Okanogan River except closed within the following described boundary: Beginning at Okanogan, then west along State Highway 20 to Twisp; then north along the Methow River to the Chewuch River; then north along the Chewuch River to the Pasayten Wilderness boundary; then east and north along boundary to the U.S.-Canada border; then east along said border to U.S. Highway 97; then south along U.S. Highway 97, to Okanogan and point of beginning.

COUGAR PERMIT AREA DESCRIPTIONS

Unit	Description
1	Pend Oreille—GMU 113
2	Colville—GMUs 108, 111, 118, and 119
3	Republic—GMUs 100, 103, 105, 200, and 206
4	Spokane—GMUs 121 and 124
5	Blue Mountains—GMUs 145 through 185
6	Okanogan—GMUs 203, 209-242, and 300
7	Wenatchee—GMUs 301-368
8	Nooksack—GMU 418

9	Skagit—GMUs 426, 433, 440-448, and 450
10	Snoqualmie—GMUs 454, 460, 466, 472, 490
11	Olympic Peninsula—GMUs 601-651, and 663
12	Rainier—GMUs 478, 484, 505, 510, 512, 514, 516, 666, and 667

PRIVATE LANDS WILDLIFE MANAGEMENT AREA

Area Description

PLWMA 201 - Wilson Creek (Grant County): This area surrounds Billy Clapp Lake directly north of the town of Stratford and northwest of the town of Wilson Creek. The legal description is T22N, R29E, south 1/2 and northwest 1/4 of Section 2; north 1/2 of Section 3, Sections 4*, 5, 6, 8, and 9. T23N, R29E, Sections 5, 7, 8, 13, 14, 17, and 18; Section 19 except for northwest 1/4 of the southwest 1/4; Sections 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29; southeast 1/4 of Section 30; Sections 31, 32*, 33, 34*, and 35. T23N, R28E, Section 2, Section 3 except west 1/4; Section 4 except east 1/2 of southeast 1/4; Section 5; Section 6 except west 1/4; Sections 7 and 8; Section 9 except east 1/2 of southeast 1/4; north 1/2 of Section 10 except west 1/4; Section 11 except south 1/4; Section 15; Section 16 except northeast 1/4; Sections 17, 18, 19, 20, 21, 22, and 23; west 1/4 of Section 24*; Sections 26*, 27, 28, 29, 30, and 33; Section 34 except south 1/4; Section 35. T24N, R29E, west 1/2 of Section 32. T24N, R28E, Section 35. *Public lands within the external boundaries are not part of the PLWMA.

WSR 92-06-018

PERMANENT RULES

WILDLIFE COMMISSION

[Order 534—Filed February 25, 1992, 9:33 a.m.]

Date of Adoption: February 8, 1992.

Purpose: To amend the 1992-93 and 1993-94 Turkey hunting seasons in Washington.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-228.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 92-02-087 on January 2, 1992.

Effective Date of Rule: Thirty-one days after filing.

February 24, 1992

Curt Smitch

Director

for Dean A. Lydig

Chair

AMENDATORY SECTION (Amending Order 500, filed 6/17/91)

WAC 232-28-228 1991-92, 1992-93, AND 1993-94 OFFICIAL HUNTING HOURS AND SMALL GAME SEASON.

1991-92 OFFICIAL HUNTING HOURS*
September 1, 1991 to January 31, 1992

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 - Fri. Oct. 11	6:50	6:30	6:40	6:20
Opening** Sat. Oct. 12	7:00	6:20	6:50	6:05
Weekend Sun. Oct. 13	7:00	6:20	6:50	6:05
Mon. Oct. 14 - Sun. Oct. 20	7:00	6:20	6:50	6:05
Mon. Oct. 21 - Sat. Oct. 26	7:10	6:05	7:00	5:55
Pacific Standard Time				
Sun. Oct. 27	6:10	5:05	6:00	4:55
Mon. Oct. 28 - Sun. Nov. 3	6:20	4:55	6:10	4:50
Mon. Nov. 4 - Sun. Nov. 10	6:30	4:45	6:20	4:30
Mon. Nov. 11 - Sun. Nov. 17	6:40	4:35	6:30	4:20
Mon. Nov. 18 - 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	5:00	7:00	4:50

*These are lawful hunting hours for all game animals and game birds during established seasons.

**Opening Day - In Eastern Washington, upland bird and waterfowl seasons open at noon. In Western Washington, upland bird and waterfowl seasons open at 8:00 a.m.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. on designated pheasant release sites.
- 2) Western Washington - Cottontail and snowshoe hare (Washington hare) hunting hours are 8:00 a.m. to 4:00 p.m. during the pheasant hunting season on designated pheasant release sites.
- 3) Before September 1 and after January 31, the lawful hunting hours for all game animals and game birds during their respective hunting seasons are one-half hour before sunrise to sunset.
- 4) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to sunset.
- 5) Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites.

1992-93 OFFICIAL HUNTING HOURS*
September 1, 1992 to January 31, 1993

Dates (Inclusive)	Western Washington		Eastern Washington	
	A.M.	to P.M.	A.M.	to P.M.
Daylight Savings Time				
Tue. Sept. 1 - Sun. Sept. 6	6:00	7:45	5:50	7:35
Mon. Sept. 7 - Sun. Sept. 13	6:10	7:35	6:00	7:20
Mon. Sept. 14 - Sun. Sept. 20	6:20	7:20	6:05	7:05
Mon. Sept. 21 - Sun. Sept. 27	6:30	7:05	6:15	6:50

Dates (Inclusive)	Western Washington			Eastern Washington		
	A.M.	to	P.M.	A.M.	to	P.M.
Mon. Sept. 28 – Sun. Oct. 4	6:40		6:50	6:25		6:35
Mon. Oct. 5 – Sun. Oct. 11	6:45		6:35	6:25		6:25
Mon. Oct. 12 – Fri. Oct. 16	6:55		6:20	6:45		6:10
Opening** Sat. Oct. 17	6:55		6:20	6:35		6:25
Weekend Sun. Oct. 18	6:55		6:20	6:35		6:25
Mon. Oct. 19 – Sat. Oct. 24	7:05		6:10	6:55		6:00
Pacific Standard Time						
Sun. Oct. 25	6:10		5:00	6:00		4:50
Mon. Oct. 26 – Sun. Nov. 1	6:20		4:55	6:05		4:45
Mon. Nov. 2 – Sun. Nov. 8	6:30		4:45	6:15		4:35
Mon. Nov. 9 – Sun. Nov. 15	6:40		4:35	6:30		4:25
Mon. Nov. 16 – Sun. Nov. 22	6:50		4:30	6:40		4:15
Mon. Nov. 23 – Sun. Nov. 29	7:00		4:25	6:50		4:10
Mon. Nov. 30 – Sun. Dec. 6	7:10		4:20	6:55		4:10
Mon. Dec. 7 – Sun. Dec. 13	7:15		4:20	7:05		4:05
Mon. Dec. 14 – Sun. Dec. 20	7:20		4:20	7:10		4:10
Mon. Dec. 21 – Sun. Dec. 27	7:25		4:20	7:15		4:10
Mon. Dec. 28 – Sun. Jan. 3	7:25		4:30	7:15		4:15
Mon. Jan. 4 – Sun. Jan. 10	7:25		4:35	7:15		4:25
Mon. Jan. 11 – Sun. Jan. 17	7:25		4:45	7:10		4:30
Mon. Jan. 18 – Sun. Jan. 24	7:20		4:55	7:05		4:40
Mon. Jan. 25 – Sun. Jan. 31	7:10		5:00	7:00		4:50

*These are lawful hunting hours for all game animals and game birds during established seasons.

**Opening Day – In Eastern Washington, upland bird and waterfowl seasons open at noon. In Western Washington, upland bird and waterfowl seasons open at 8:00 a.m.

Exceptions:

- 1) Western Washington – Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. on designated pheasant release sites.
- 2) Western Washington – Cottontail and snowshoe hare (Washington hare) hunting hours are 8:00 a.m. to 4:00 p.m. during the pheasant hunting season on designated pheasant release sites.
- 3) Before September 1 and after January 31, the lawful hunting hours for all game animals and game birds during their respective hunting seasons are one-half hour before sunrise to sunset.
- 4) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to sunset.
- 5) Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites.

1993-94 OFFICIAL HUNTING HOURS*
September 1, 1993 to January 31, 1994

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		7:45	5:45		7:35
Mon. Sept. 6 – Sun. Sept. 12	6:05		7:35	5:50		7:20
Mon. Sept. 13 – Sun. Sept. 19	6:15		7:20	6:05		7:10
Mon. Sept. 20 – Sun. Sept. 26	6:25		7:10	6:15		6:50
Mon. Sept. 27 – Sun. Oct. 3	6:35		6:50	6:25		6:40
Mon. Oct. 4 – Sun. Oct. 10	6:45		6:40	6:35		6:25
Mon. Oct. 11 – Fri. Oct. 15	6:50		6:25	6:45		6:15
Opening** Sat. Oct. 16	6:50		6:25	6:45		6:15
Weekend Sun. Oct. 17	6:50		6:25	6:45		6:15
Mon. Oct. 18 – Sun. Oct. 24	7:05		6:15	6:55		6:00
Mon. Oct. 25 – Sat. Oct. 30	7:15		6:00	7:05		5:45
Pacific Standard Time						
Sun. Oct. 31 – Sun. Nov. 7	6:25		4:45	6:15		4:35
Mon. Nov. 8 – Sun. Nov. 14	6:35		4:40	6:25		4:25
Mon. Nov. 15 – Sun. Nov. 21	6:50		4:30	6:35		4:20

Dates (Inclusive)	Western Washington			Eastern Washington		
	A.M.	to	P.M.	A.M.	to	P.M.
Mon. Nov. 22 – Sun. Nov. 28	7:00		4:25	6:45		4:10
Mon. Nov. 29 – Sun. Dec. 5	7:05		4:20	6:50		4:10
Mon. Dec. 6 – Sun. Dec. 12	7:10		4:20	7:00		4:05
Mon. Dec. 13 – Sun. Dec. 19	7:20		4:20	7:05		4:05
Mon. Dec. 20 – Sun. Dec. 26	7:25		4:25	7:10		4:10
Mon. Dec. 27 – Sun. Jan. 2	7:30		4:25	7:15		4:15
Mon. Jan. 3 – Sun. Jan. 9	7:30		4:35	7:15		4:20
Mon. Jan. 10 – Sun. Jan. 16	7:25		4:40	7:10		4:30
Mon. Jan. 17 – Sun. Jan. 23	7:20		4:50	7:05		4:45
Mon. Jan. 24 – Mon. Jan. 31	7:15		5:00	7:00		4:50

*These are lawful hunting hours for all game animals and game birds during established seasons.

**Opening Day – In Eastern Washington, upland bird and waterfowl seasons open at noon. In Western Washington, upland bird and waterfowl seasons open at 8:00 a.m.

Exceptions:

1) Western Washington – Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. on designated pheasant release sites.

2) Western Washington – Cottontail and snowshoe hare (Washington hare) hunting hours are 8:00 a.m. to 4:00 p.m. during the pheasant hunting season on designated pheasant release sites.

3) Before September 1 and after January 31, the lawful hunting hours for all game animals and game birds during their respective hunting seasons are one-half hour before sunrise to sunset.

4) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to sunset.

5) Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites.

Bobcat

Bag and Possession Limits: No limit.

Bobcat may be killed during archery deer or elk seasons with archery equipment if valid license and tags are in possession for deer or elk seasons, respectively. Archers may not kill bobcat with use of hounds during early archery seasons.

Bobcat may be killed during muzzleloader deer or elk seasons with muzzleloader equipment if valid license and tags are in possession for deer or elk seasons, respectively. Muzzleloaders may not kill bobcat with use of hounds during early muzzleloader seasons.

Eastern Washington

PURSUIT-ONLY SEASON

(Bobcat may not be killed or injured.)

Sept. 1-30, Nov. 20-Dec. 14, 1991 and Jan. 16-31, 1992; Sept. 1-30, Nov. 25-Dec. 14, 1992 and Jan. 16-31, 1993; Sept. 1-30, Nov. 24-Dec. 14, 1993 and Jan. 16-31, 1994; except closed to hound hunting in Walla

and Columbia counties outside of Umatilla National Forest Sept. 1-Oct. 11, 1991; Sept. 1-Oct. 16, 1992; and Sept. 1-Oct. 15, 1993.

OPEN SEASON

(Bobcat may be killed)

Oct. 12-31, 1991 and Dec. 15, 1991-Jan. 15, 1992; Oct. 17-31, 1992 and Dec. 15, 1992-Jan. 15, 1993; Oct. 16-31, 1993 and Dec. 15, 1993-Jan. 15, 1994.

Western Washington

PURSUIT-ONLY SEASON

(Bobcat may not be killed or injured.)

Aug. 1-Oct. 11, 1991; Aug. 1-Oct. 16, 1992; Aug. 1-Oct. 15, 1993; except CLOSED in GMU 522.

OPEN SEASON

(Bobcat may be killed.)

Oct. 12, 1991-Mar. 15, 1992; Oct. 17, 1992-March 15, 1993; Oct. 16, 1993-March 15, 1994; except CLOSED in GMU 522.

Hound Hunting During Deer and Elk Hunting Seasons

It is unlawful to hunt any wildlife at night or game animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season EXCEPT for the following areas and dates. (This does not permit the hunting of deer or elk with the use of hounds.)

Eastern Washington

	1991	1992	1993
GMUs 100-124.	Oct. 2-9	Oct. 7-14	Oct. 6-13
GMUs 127-185.	Nov. 14-21	Nov. 12-19	Nov. 11-18
Yakima County within two (2) miles of the Yakima River below Union Gap.	Oct. 12-29	Oct. 17-Nov. 3	Oct. 16-Nov. 2
Whitman and Lincoln counties.	Oct. 26-Nov. 10	Oct. 31-Nov. 15	Oct. 30-Nov. 14

Western Washington

Oct. 12-Nov. 24, 1991; Oct. 17-Nov. 22, 1992; Oct. 16-Nov. 21, 1993; in GMU 405 (west of Highway 9), GMUs 454, 627, 633, and the Columbia River Floodplain of Clark and Cowlitz counties with boundaries described as follows: beginning at the Longview/Columbia River Bridge, then north and west on Oregon Way (Highway 432) to Tennant Way (Highway 432) to Interstate Highway 5, then south on I-5 to State Highway 14 to the Skamania County line, then south on county line to the Columbia River on state line to the Longview Bridge and point of beginning.

RACCOON

Bag and Possession Limits: No Limit.

Raccoon may be killed during archery deer or elk seasons with archery equipment if valid license and tags are in possession for deer or elk seasons, respectively. Archers may not kill raccoon with use of hounds during early archery seasons.

Raccoon may be killed during muzzleloader deer or elk seasons with muzzleloader equipment if valid license and tags are in possession for deer or elk seasons, respectively. Muzzleloaders may not kill raccoon with use of hounds during early muzzleloader seasons.

Eastern WashingtonPURSUIT-ONLY SEASON

(Raccoon may not be killed or injured).

Sept. 1-Oct. 11, 1991; Sept. 1-Oct. 16, 1992; Sept. 1-Oct. 15, 1993; except CLOSED to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest.

Feb. 1-29, 1992; Feb. 1-28, 1993; and Feb. 1-28, 1994; in GMUs 111, 121, 148, and 154.

OPEN SEASON

(Raccoon may be killed)

Oct. 12, 1991-Jan. 15, 1992; Oct. 17, 1992-Jan. 15, 1993; Oct. 16, 1993-Jan. 15, 1994.

Western WashingtonPURSUIT-ONLY SEASON

(Raccoon may not be killed or injured).

Aug. 1-Oct. 11, 1991; Aug. 1-Oct. 16, 1992; Aug. 1-Oct. 15, 1993; except CLOSED on Long Island within Willapa National Wildlife Refuge and GMU 522.

OPEN SEASON

(Raccoon may be killed).

Oct. 12, 1991-Mar. 15, 1992; Oct. 17, 1992-Mar. 15, 1993; Oct. 16, 1993-Mar. 15, 1994; except CLOSED on Long Island within Willapa National Wildlife Refuge and GMU 522.

FOX

Bag and Possession Limits: No limits.

Statewide: Oct. 12, 1991-Mar. 15, 1992; Oct. 17, 1992-Mar. 15, 1993; Oct. 16, 1993-Mar. 15, 1994, except CLOSED within the exterior boundaries of the Mount Baker/Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 405, 410, and 522.

COYOTE

Coyotes are unclassified wildlife and, as such, may be taken year-round EXCEPT from September 15 to November 30 in the following closed areas: Pasayten Wilderness, Glacier Peak Wilderness, GMU 426, and those portions of GMUs 218, 304, and 448 within external boundaries of the Mount Baker-Snoqualmie, Okanogan and Wenatchee national forests.

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Forest Grouse may not be killed with centerfire rifles or centerfire pistols EXCEPT during modern firearm deer or elk seasons.

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

Statewide: Sept. 1-Dec. 31 during 1991, 1992, and 1993; except CLOSED in GMU 522.

UPLAND BIRDSEastern WashingtonRing-necked Pheasant

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Noon Oct. 12-Dec. 31, 1991; Noon Oct. 17-Dec. 31, 1992; Noon Oct. 16-Dec. 31, 1993.

Chukar and Gray (Hungarian) Partridge

Bag and Possession Limits: Six (6) chukar or gray partridges per day, with a total of eighteen (18) chukar or gray partridges in possession at any time; straight or mixed bag.

Early season in Asotin and Garfield counties; in that part of Whitman County south of the Washtucna - Colfax - Moscow Highway; in that part of Columbia County that is north and east of the Tucannon River: Sept. 21-Oct. 11, 1991; Sept. 26-Oct. 16, 1992; Sept. 25-Oct. 15, 1993.

Regular Season: Noon Oct. 12, 1991 - Jan. 12, 1992; Noon Oct. 17, 1992 - Jan. 10, 1993; Noon Oct. 16, 1993 - Jan. 9, 1994.

Quail

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time.

Noon Oct. 12, 1991 - Jan. 12, 1992; Noon Oct. 17, 1992 - Jan. 10, 1993; Noon Oct. 16, 1993 - Jan. 9, 1994.

Western WashingtonRing-necked Pheasant

Bag and Possession Limits: Two (2) pheasants of either sex per day on designated release sites, EXCEPT two (2) cock pheasants per day on other than designated release sites, with a total of fifteen (15) pheasants in possession at any time.

Sept. 28-Nov. 30, 1991; Oct. 3-Nov. 30, 1992; and Oct. 2-Nov. 30, 1993; 8 a.m. to 4 p.m.; except Voice of America site (Clallam County) starting Oct. 12, 1991; Oct. 17, 1992; Oct. 16, 1993; except CLOSED in GMU 522.

Special Restriction: Hunting is restricted on weekend mornings at Lake Terrell, Tennant Lake, Snoqualmie (including Stillwater, Cherry Valley, and Two Rivers segments) and Skagit (including headquarters and

Smith Farm segments) wildlife areas. Only hunters with western Washington upland bird licenses marked "odd" may hunt these sites from 8:00 a.m. until 12:00 noon on odd numbered weekend days. Only hunters with western Washington upland bird licenses marked "even" may hunt these sites from 8:00 a.m. until 12:00 noon on even numbered weekend days. Hunters 14 years of age or younger may hunt during either weekend day morning provided they are accompanied by an adult with appropriately marked upland bird license.

Quail

Bag and Possession Limits: Two (2) quail per day, with a total of thirty (30) quail in possession at any time.

Oct. 12–Nov. 30, 1991; Oct. 17–Nov. 30, 1992; Oct. 16–Nov. 30, 1993; except CLOSED in GMU 522.

TURKEY

Spring Season

Gobblers and Turkeys with Visible Beards Only.

Statewide: April 15–May 10, 1992; April 14–May 9, 1993; April 20–May 16, 1994.

~~((Bag and Possession Limits: One (1) turkey of either sex per calendar year (Jan. 1–Dec. 31).))~~

Fall Season

Either Sex

Klickitat and Skamania counties: Nov. 22–26, 1991; Nov. 20–24, 1992; Nov. 19–23, 1993.

~~((Special Restriction: Turkey season is open for shotgun and bow-and-arrow hunting only. Each successful hunter must complete and return a game harvest report card to the Department of Wildlife within ten days after taking a turkey.))~~

OFFICIAL HUNTING HOURS/BAG LIMITS:

Bag and Possession Limit: One turkey per calendar year.

Hunting Hours: One-half hour before sunrise to sunset during spring seasons and as noted under Official Hunting Hours during fall seasons.

SPECIAL REGULATIONS:

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey transport tag is required for hunting turkey.
3. Each successful hunter must complete and return a game harvest report card to the Department of Wildlife within ten days after taking a turkey.
4. It is unlawful to use dogs to hunt turkeys.

BIRD DOG TRAINING SEASON Aug. 1, 1991–Mar. 15, 1992; Aug. 1, 1992–Mar. 15, 1993; and Aug. 1, 1993–Mar. 15, 1994, except from Sept. 28–Nov. 30, 1991, Oct. 3–Nov. 30, 1992, and Oct. 2–Nov. 31, 1993, dog training is prohibited except from 8:00 a.m. to 4:00 p.m. on designated western Washington pheasant release

sites. Game birds may be taken only during established bird hunting seasons.

CANADA GOOSE SEPTEMBER SEASON

Early September Canada Goose season for portions of Clark, Cowlitz, Pacific, and Wahkiakum counties.

Bag and Possession Limits: Two (2) Canada geese per day with a total of four (4) in possession at any time.

Sept. 1–10, 1991; Sept. 1–10, 1992; Sept. 1–10, 1993.

Open Area: Those portions of Clark, Cowlitz, Pacific, and Wahkiakum counties within the following boundary: Beginning at the Washington–Oregon border on the Interstate 5 bridge near Vancouver, Washington, north on Interstate 5 to Kelso, west on Highway 4 from Kelso to Highway 401, south and west on Highway 401 to the Washington–Oregon border on the Astoria–Megler bridge, upstream along the Washington–Oregon border to the point of origin.

Permit Requirement: All hunters participating in this season are required to obtain written authorization from the Department of Wildlife. Application forms are available from Department offices and must be delivered to a Department office no later than 5:00 p.m. or postmarked on or before August 1 of the hunt year. With the authorization, hunters will receive a hunter activity and harvest report form. Return of the harvest report form is mandatory. Those hunters not returning the harvest report form to the Department of Wildlife by October 15 of the hunt year will be ineligible to participate in the following year September Canada goose season.

Steel Shot Requirement: It is unlawful to possess while hunting for or to take geese with shotshells or a muzzleloader shotgun loaded with any metal other than steel in the open area of the September Canada goose season.

BAND-TAILED PIGEON

Bag and possession limits: Two (2) band-tailed pigeons per day and in possession at any time.

Western Washington: Sept. 21–29, 1991; Sept. 19–27, 1992; Sept. 18–26, 1993, except CLOSED in GMU 522.

WRITTEN AUTHORIZATION REQUIRED: All hunters participating in this season are required to obtain written authorization from the Department of Wildlife. Application forms are available from Department offices and must be delivered to a Department office no later than 5:00 p.m. or postmarked on or before August 1, of the hunt year. With the authorization, hunters will receive a hunter activity and harvest report form. Return of the harvest report form is mandatory. Those hunters not returning the harvest report form to the Department of Wildlife by October 31 of the hunt year will be ineligible to participate in the following year band-tailed pigeon season.

MOURNING DOVE

Bag and Possession Limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1-15 during 1991, 1992, and 1993; except CLOSED in GMU 522.

RABBIT AND HARE

Cottontail, Snowshoe Hare (or Washington Hare), and White-tailed Jackrabbit.

Bag and Possession Limits: Ten (10) rabbits or hares per day, with a total of thirty (30) in possession at any time; straight or mixed bag.

Statewide: Sept. 1, 1991-March 15, 1992; Sept. 1, 1992-March 15, 1993; Sept. 1, 1993-March 15, 1994 except CLOSED in GMU 522.

Black-tailed Jackrabbit

Bag and Possession Limits: Ten (10) black-tailed jackrabbits per day, with a total of thirty (30) in possession at any time.

Statewide: Year-around.

FALCONRY SEASONS

Upland Game Bird - Falconry

Daily bag: Two (2) pheasants (either sex), six (6) partridge, five (5) quail, and three (3) forest grouse (blue, ruffed, spruce) per day.

Sept. 1, 1991-March 15, 1992; Sept. 1, 1992-March 15, 1993; Sept. 1, 1993-March 15, 1994.

Mourning Dove - Falconry

Daily Bag: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, and waterfowl during established seasons.

Statewide: Sept. 1-Oct. 11, 1991; Sept. 1-Oct. 16, 1992; Sept. 1-Oct. 15, 1993; and the month of December each year.

Rabbit and Hare - Falconry

Daily bag: Ten (10) rabbits or hares per day: Straight or mixed bag.

Statewide: Aug. 1, 1991-March 15, 1992; Aug. 1, 1992-March 15, 1993; Aug. 1, 1993-March 15, 1994, for cottontail, snowshoe hare (or Washington hare), white-tailed and black-tailed jackrabbits.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

WSR 92-06-019

PERMANENT RULES

WILDLIFE COMMISSION

[Order 535—Filed February 25, 1992, 9:36 a.m.]

Date of Adoption: February 8, 1992.

Purpose: To repeal WAC 232-28-714 1991 Spring turkey seasons.

Citation of Existing Rules Affected by this Order:
Repealing WAC 232-28-714.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 92-02-094 on January 2, 1992.

Effective Date of Rule: Thirty-one days after filing.

February 24, 1992

Curt Smitch

Director

for Dean A. Lydig

Chair

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-714 1991 SPRING TURKEY SEASONS

WSR 92-06-020

PERMANENT RULES

DEPARTMENT OF HEALTH

(Naturopathic Advisory Committee)

[Order 247—Filed February 25, 1992, 10:14 a.m.]

Date of Adoption: February 24, 1992.

Purpose: To clarify authority to use, prescribe, dispense and order medications within the naturopathic scope of practice.

Statutory Authority for Adoption: RCW 18.36A.060 [(1)](a).

Pursuant to notice filed as WSR 92-02-097 on January 2, 1992.

Changes Other than Editing from Proposed to Adopted Version: In subsection (3) the words "intra-dermal subcutaneous layers" were added to the second sentence. In subsection (9) "as identified by a list of substances to be developed by the secretary" was added.

Effective Date of Rule: Thirty-one days after filing.

February 24, 1992

Mimi Fields, MD, MPH

for Kristine M. Gebbie

Secretary

NEW SECTION

WAC 246-836-210 AUTHORITY TO USE, PRESCRIBE, DISPENSE AND ORDER. Licensed naturopaths may use, prescribe, dispense, and order certain medicines of mineral, animal, and botanical origin including the following:

(1) Nonlegend medicines derived from animal organs, tissues, and oils, minerals, and plants administered orally and topically.

(2) Legend topical ointments, creams, and lotions containing antiseptics.

(3) Legend topical, local anesthetics applied to superficial structures for use during minor office procedures as appropriate. Topical local anesthetic means the local application of anesthetic which may be injected into the intra-dermal subcutaneous layers of the skin only to the

extent necessary to care for superficial lacerations, abrasions and the removal of foreign bodies located in superficial structures not to include the eye.

(4) Legend vitamins, minerals, trace minerals, and whole gland thyroid.

(5) Non-drug contraceptive devices except intrauterine devices.

(6) All homeopathic preparations.

(7) Intramuscular injections limited to vitamin B-12 preparations and combinations when clinical or laboratory evaluation has indicated vitamin B-12 deficiency.

(8) Immunizing agents approved by the Bureau of Biologics, United States Food and Drug Administration and listed in the current Recommendations of the United States Public Health Services Immunizations Practices Advisory Committee (ACIP) or the Report of the Committee of Infectious Diseases published by the American Academy of Pediatrics.

(9) Legend substances as exemplified in traditional botanical and herbal pharmacopeia as identified by a list of substances to be developed by the Secretary.

WSR 92-06-021

PERMANENT RULES

INSURANCE COMMISSIONER'S OFFICE

[Order No. R 92-1—Filed February 25, 1992, 2:55 p.m.]

Date of Adoption: February 4, 1992.

Purpose: To adopt rules consistent with changes in federal standards for Medicare supplement insurance policies: Limit policy forms to 10 standardized packages; establish new disclosure requirements; establish regulatory oversight for Medicare SELECT policies; and clarify the existing prohibition on attained-age rating.

Citation of Existing Rules Affected by this Order: Repealing WAC 284-66-070, 284-66-090, 284-66-100, 284-66-140, 284-66-150, 284-66-180, 284-66-190 and 284-66-230; and amending WAC 284-66-010, 284-66-020, 284-66-030, 284-66-040, 284-66-050, 284-66-060, 284-66-080, 284-66-110, 284-66-120, 284-66-130, 284-66-160, 284-66-170, 284-66-200, 284-66-210, 284-66-220, 284-66-240, 284-66-250, 284-66-260, 284-66-270, 284-66-300, 284-66-310, 284-66-320, 284-66-330, 284-66-340, 284-66-350, and 284-66-400.

Statutory Authority for Adoption: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, and 48.46.200.

Pursuant to notice filed as WSR 92-01-045 on December 10, 1991.

Changes Other than Editing from Proposed to Adopted Version: WAC 284-66-203 (1)(d), this subsection was not amended to change the loss ratio for direct response insurance for individual policies. The loss ratio remains 65%; and WAC 284-66-203(2), it was apparent from the written and oral comments received that this section is confusing and at least one writer asked us to develop a form for submitting experience; such a form was created and added as subsection (6). All other

changes made corrected typographical errors and mistakes which occurred while converting the NAIC model to chapter 284-66 WAC.

Effective Date of Rule: Thirty-one days after filing.

February 4, 1992

Melodie G. Bankers

Assistant Deputy Commissioner

for Dick Marquardt

Insurance Commissioner

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-010 PURPOSE. The purpose of this chapter is to effectuate the provisions of RCW 48.20.450, 48.20.460 and 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, and to supplement the requirements of chapter 48.66 RCW, the Medicare Supplemental Health Insurance Act; to assure the orderly implementation and conversion of Medicare supplement insurance benefits and premiums due to changes in the federal Medicare program; to provide for the reasonable simplification and standardization of the coverage, terms, and benefits of Medicare supplement insurance policies and certificates, and to eliminate policy provisions which may duplicate Medicare benefits as the federal Medicare program changes; to facilitate public understanding and comparison of such policies and to eliminate provisions contained in such policies which may be misleading or confusing; to establish minimum standards for Medicare supplement insurance, an "outline of coverage" and other disclosure requirements; to prohibit the use of certain provisions in Medicare supplemental insurance policies; to define and prohibit certain acts and practices as unfair methods of competition or unfair or deceptive acts or practices; and to establish loss ratio requirements, policy reserves, filing and reporting procedures.

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-020 APPLICABILITY AND SCOPE. (1) Subject to subsection (2) of this section, except as provided by federal law, chapter 48.66 RCW, or as otherwise specifically provided by this chapter, this chapter shall apply to every group and individual policy of disability insurance and to every subscriber contract of an (~~insurer, fraternal benefit society, health care service contractor, or health maintenance organization~~) issuer (other than a policy issued pursuant to a contract under section 1876 or section 1833 of the Social Security Act [42 U.S.C. section 1395 et seq.] or an issued policy under a demonstration project authorized pursuant to amendments to the Social Security Act), which relates its benefits to Medicare, or which is advertised, marketed, or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical, or surgical expenses of persons eligible for Medicare (~~by reason of age~~). All such policies or contracts are referred to in this chapter as "Medicare supplemental insurance" or "Medicare supplement insurance policy" or "Medicare supplement coverage."

(2)(a) Medicare supplement insurance policies delivered prior to January 1, 1989, which are renewable solely at the option of the insured by the timely payment of premium shall be subject to the provisions of this chapter except with respect to WAC 284-66-060, 284-66-200, 284-66-210, 284-66-310, and 284-66-350. To the extent that the provisions of this chapter do not apply to such policies, chapter 284-55 WAC shall apply.

(b) Medicare supplement insurance policies delivered between January 1, 1989, and December 31, 1989, and which are renewable solely at the option of the insured by the timely payment of premium shall be governed by this chapter except with respect to the requirements of WAC 284-66-210 and 284-66-350.

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

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-030 DEFINITIONS. For purposes of this chapter:

(1) "Applicant" means:

(a) In the case of an individual Medicare supplement insurance policy, the person who seeks to contract for insurance benefits; and

(b) In the case of a group Medicare supplement insurance policy, the proposed certificate holder.

(2) "Certificate" means any certificate delivered or issued for delivery in this state under a group Medicare supplement insurance policy ~~((, which policy has been delivered or issued for delivery in this state))~~ regardless of the situs of the group master policy.

(3) "Certificate form" means the form on which the certificate is delivered or issued for delivery by the issuer.

(4) "Issuer" includes insurance companies, fraternal benefit societies, health care service contractors, health maintenance organizations, and any other entity delivering or issuing for delivery Medicare supplement policies or certificates.

(5) "Direct response ~~((insurer))~~ issuer" means an ~~((insurer))~~ issuer who, as to a particular transaction, is transacting insurance directly with a potential insured without solicitation by, or the intervention of, a licensed insurance agent.

~~((4))~~ (6) "Disability insurance" is insurance against bodily injury, disablement or death by accident, against disablement resulting from sickness, and every insurance appertaining thereto. For purposes of this chapter, disability insurance shall include policies or contracts offered by ~~((an insurer, fraternal benefit society, health care service contractor, or health maintenance organization))~~ any issuer.

~~((5))~~ (7) "Health care expense costs" means expenses of a health maintenance organization or health care service contractor associated with the delivery of health care services which expenses are analogous to incurred losses of insurers. Such expenses shall not include home office and overhead costs, advertising costs, commissions and other acquisition costs, taxes, capital costs, administrative costs, and "claims" processing costs.

~~((6))~~ "Insurer" includes insurance companies, fraternal benefit societies, health care service contractors, and health maintenance organizations.

~~((7))~~ (8) "Policy" includes agreements or contracts issued by ~~((insurers, health maintenance organizations, health care service contractors, and fraternal benefit societies))~~ any issuer.

~~((8))~~ (9) "Policy form" means the form on which the policy is delivered or issued for delivery by the issuer.

(10) "Premium" means all sums charged, received, or deposited as consideration for a Medicare supplement insurance policy or the continuance thereof. An assessment or a membership, contract, survey, inspection, service, or other similar fee or charge made by the ~~((insurer))~~ issuer in consideration for such policy is deemed part of the premium. "Earned premium" shall mean the "premium" applicable to an accounting period whether received before, during or after such period.

~~((9))~~ (11) "Replacement" means any transaction in which new Medicare supplement coverage is to be purchased, and it is known or should be known to the proposing agent or other representative of the ~~((insurer))~~ issuer, or to the proposing ~~((insurer))~~ issuer if there is no agent, that by reason of such transaction, existing Medicare supplement coverage has been or is to be lapsed, surrendered or otherwise terminated.

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-040 POLICY DEFINITIONS AND TERMS. No ~~((insurance))~~ policy or certificate may be advertised, solicited, issued for delivery in this state ~~((or renewed))~~ after July 1, 1992, as a Medicare supplement insurance policy or certificate unless such policy or certificate contains definitions or terms which conform to the requirements of this section.

(1) "Accident," "accidental injury," or "accidental means" shall be defined to employ "result" language and shall not include words which establish an accidental means test or use words such as "external, violent, visible wounds" or similar words or description or characterization.

(a) The definition shall not be more restrictive than the following: "Injury or injuries for which benefits are provided means accidental bodily injury sustained by the insured person which is the direct result of an accident, independent of disease or bodily infirmity or any other cause, and occurs while insurance coverage is in force."

(b) Such definition may provide that injuries shall not include injuries for which benefits are provided under any workers' compensation, employer's liability or similar law, or motor vehicle no-fault plan, unless prohibited by law.

(2) "Convalescent nursing home," "extended care facility," or "skilled nursing facility" shall not be defined ~~((in relation to its status, facilities and available services))~~ more restrictively than as defined in the Medicare program.

~~((a))~~ A definition of such home or facility shall not be more restrictive than one requiring that it:

(i) Be operated pursuant to law;

(ii) Be approved for payment of Medicare benefits or be qualified to receive such approval, if so requested;

(iii) Be primarily engaged in providing, in addition to room and board accommodations, skilled nursing care under the supervision of a duly licensed physician;

(iv) Provide continuous twenty-four hours a day nursing service by or under the supervision of a registered graduate professional nurse (R.N.); and

(v) Maintain a daily medical record of each patient.

(b) The definition of such home or facility may provide that such term shall not be inclusive of:

(i) Any home, facility or part thereof used primarily for rest;

(ii) A home or facility for the aged or for the treatment of chemical dependency; or

(iii) A home or facility primarily used for the care and treatment of mental diseases or disorders, or custodial or educational care.)

(3) "Hospital" may be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission on Accreditation of Health Care Organizations, but not more restrictively than as defined in the Medicare program.

~~((a) The definition of the term "hospital" shall not be more restrictive than one requiring that the hospital:~~

~~(i) Be an institution operated pursuant to law; and~~

~~(ii) Be primarily and continuously engaged in providing or operating, either on its premises or in facilities available to the hospital on a prearranged basis and under the supervision of a staff of duly licensed physicians, medical, diagnostic and major surgical facilities for the medical care and treatment of sick or injured persons on an inpatient basis for which charge is made; and~~

~~(iii) Provide twenty-four hour nursing services by or under the supervision of registered graduate professional nurses (R.N.'s):~~

~~(b) The definition of the term "hospital" may state that such term shall not be inclusive of:~~

~~(i) Convalescent homes, convalescent, rest, or nursing facilities;~~

~~(ii) Facilities primarily affording custodial, educational, or rehabilitative care;~~

~~(iii) Facilities for the aged or for the treatment of chemical dependency; or~~

~~(iv) Any military or veterans hospital or soldiers home or any hospital contracted for or operated by any national government or agency thereof for the treatment of members or ex-members of the armed forces, except for services rendered on an emergency basis where a legal liability exists for charges made to the individual for such services.)~~

(4) ~~((For purposes of exclusions from coverage, "mental or nervous disorders" shall not be defined more restrictively than a definition including neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder of any kind.~~

(5) "Nurses" may be defined so that the description of nurse is restricted to a type of nurse, such as registered graduate professional nurse (R.N.), a licensed practical nurse (L.P.N.), or a licensed vocational nurse (L.V.N.): If the words "nurse," "trained nurse," or "registered nurse" are used without specific instruction, then the use

of such terms requires the insurer to recognize the services of any individual who qualified under such terminology in accordance with the applicable statutes or administrative rules of the licensing or registry board of the state.

(6)) "Medicare" shall be defined in the policy and certificate. Medicare may be defined as "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 as then constituted or later amended" or "Title I, Part I of Public Law 89-97, as enacted by the Eighty-ninth Congress of the United States of America and popularly known as the Health Insurance for the Aged Act, as then constituted and any later amendments or substitutes thereof," or words of similar import.

(5) "Physician" ~~((may))~~ shall not be defined ~~((by including words such as "duly qualified physician" or "duly licensed physician."~~ The use of such terms requires an insurer to recognize and to accept, to the extent of its obligation under the contract, all providers of medical care and treatment when such services are within the scope of the provider's licensed authority and are provided pursuant to applicable laws) more restrictively than as defined in the Medicare program.

~~((7))~~ (6) "Sickness" shall not be defined to be more restrictive than the following: "Sickness means ~~((sickness))~~ illness or disease of an insured person which first manifests itself after the effective date of insurance and while the insurance is in force." The definition may be further modified to exclude sicknesses or diseases for which benefits are provided under any workers' compensation, occupational disease, employer's liability, or similar law.

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-050 ~~((PROHIBITED))~~ POLICY PROVISIONS. (1) No policy may be advertised, solicited, or issued for delivery ~~((, or renewed))~~ in this state as a Medicare supplement insurance policy unless such policy meets or exceeds the requirements for such policies imposed by chapter 48.66 RCW.

(2) No Medicare supplement policy or certificate in force in this state shall contain benefits which duplicate benefits provided by Medicare.

(3) ~~((No policy may be advertised, solicited, issued for delivery, or renewed in this state as a Medicare supplement policy if such policy limits or excludes coverage by type of illness, accident, treatment, or medical condition, except as follows:~~

~~(a) Foot care in connection with corn, calluses, flat feet, fallen arches, weak feet, chronic foot strain, or symptomatic complaints of the feet;~~

~~(b) Mental or emotional disorders and chemical dependency;~~

~~(c) Illness, treatment, or medical condition arising out of:~~

~~(i) War or act of war (whether declared or undeclared); participation in a felony, riot or insurrection; service in the armed forces or units auxiliary thereto;~~

~~(ii) Suicide (whether sane or insane); attempted suicide, or intentionally self-inflicted injury;~~

(iii) Aviation, other than as a fare-paying passenger on a scheduled or charter flight operated by a scheduled airline;

(d) Cosmetic surgery, except that "cosmetic surgery" shall not include reconstructive surgery when such service is incidental to or follows surgery resulting from trauma, infection, or other diseases of the involved part;

(e) Treatment provided in a governmental hospital; benefits provided under Medicare or other governmental program (except Medicaid), any state or federal workers' compensation, employer's liability or occupational disease law, or any motor vehicle no-fault law; services rendered by employees of hospitals, laboratories, or other institutions; services performed by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance;

(f) Dental care or treatment;

(g) Eye glasses, hearing aids, and examination for the prescription or fitting thereof;

(h) Rest cures, custodial care, transportation, and routine physical examinations;

(i) Territorial limitations outside the United States: **PROVIDED**, That Medicare supplement insurance policies may not contain, when issued or renewed, limitations or exclusions of the type enumerated in (a), (b), (h) or (i) of this subsection, that are more restrictive than those of Medicare. Medicare supplement policies may exclude coverage for any expense to the extent of any benefit available to the insured under Medicare.

(4) A "noncancellable," "guaranteed renewable," or "noncancellable and guaranteed renewable" Medicare supplement insurance policy shall not provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium, or be cancelled or nonrenewed by the insurer solely on the grounds of deterioration of health.

(5) Termination of a Medicare supplement policy shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits. Any provision to the contrary is prohibited.

(6) No Medicare supplement insurance policy shall restrict, exclude or limit benefits for a sickness through use of a probationary, or similar, provision.

(7) No insurer shall require any person covered under a Medicare supplement insurance policy to purchase additional coverage in connection with the amendment thereof:)) Except for permitted preexisting condition clauses as described in WAC 284-66-063 (1)(a) no policy or certificate may be advertised, solicited, or issued for delivery in this state as a Medicare supplement policy if such policy or certificate contains limitations or exclusions on coverage that are more restrictive than those of Medicare.

((8)) (4) The terms "Medicare supplement," "Medicare wrap-around," "Medigap," or words of similar

import shall not be used to describe an insurance policy unless such policy is issued in compliance with chapter 48.66 RCW and this chapter.

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-060 MINIMUM BENEFIT STANDARDS. ((Except as permitted by WAC 284-66-050(3), effective January 1, 1990, no insurance policy may be advertised, solicited, issued for delivery, or renewed in this state as a Medicare supplement policy unless it meets the following minimum standards. Further, all guaranteed renewable Medicare supplement insurance policies delivered to residents of this state during 1989 and which were subject to the minimum standards adopted by the commissioner pursuant to the Medicare Catastrophic Coverage Act shall be)) The requirements of this section apply to Medicare supplement policies and certificates issued or issued for delivery in this state during the period beginning January 1, 1990, and ending June 30, 1992, as well as all guaranteed renewable Medicare supplement policies delivered to residents of this state during 1989 and which were conformed to meet the minimum benefit standards of this section pursuant to the Medicare Catastrophic Coverage Act. Minimum standards for "standardized" policies and certificates are provided at WAC 284-66-063. Effective July 1, 1992, only policies meeting the standards of WAC 284-66-063 may be advertised, solicited, or issued for delivery in this state. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards:

(1) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

(2) Coverage for either all or none of the Medicare Part A inpatient hospital deductible amount;

(3) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;

(4) Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of ninety percent of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional three hundred sixty-five days;

(5) Coverage under Medicare Part A for the reasonable cost of the first three pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations or already paid for under Part B;

(6) Coverage for the coinsurance amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductible;

(7) Coverage under Medicare Part B for the reasonable cost of the first three pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations), unless replaced in accordance with

federal regulations or already paid for under Part A, subject to the Medicare deductible amount.

NEW SECTION

WAC 284-66-063 BENEFIT STANDARDS FOR POLICIES OR CERTIFICATES ISSUED OR DELIVERED ON OR AFTER JULY 1, 1992. Only Medicare supplement policies or certificates meeting the requirements of this chapter may be delivered or issued for delivery in this state on or after July 1, 1992. After that date, no policy or certificate may be advertised, solicited, delivered, or issued for delivery in this state as a Medicare supplement policy or certificate unless it complies with these benefit standards.

(1) General standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this regulation.

(a) A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six months from the effective date of coverage because it involved a preexisting condition. The policy or certificate may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six months before the effective date of coverage.

(b) No Medicare supplement policy or certificate shall provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.

(c) Each Medicare supplement policy shall be guaranteed renewable and:

(i) The issuer shall not cancel or nonrenew the policy solely on the ground of health status of the individual; and

(ii) The issuer shall not cancel or nonrenew the policy for any reason other than nonpayment of premium or material misrepresentation.

(iii) If the Medicare supplement policy is terminated by the group policy holder and is not replaced as provided under (c)(v) of this subsection, the issuer shall offer certificateholders an individual Medicare supplement policy which (at the option of the certificateholder) provides for continuation of the benefits contained in the group policy, or provides for such benefits as otherwise meets the requirements of this subsection.

(iv) If an individual is a certificateholder in a group Medicare supplement policy and the individual terminates membership in the group, the issuer shall offer the certificateholder the conversion opportunity described in (c)(iii) of this subsection, or at the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

(v) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the succeeding issuer shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

(d) Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be conditioned upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits.

(e)(i) A Medicare supplement policy or certificate shall provide that benefits and premiums under the policy or certificate shall be suspended at the request of the policyholder or certificateholder for the period (not to exceed twenty-four months) in which the policyholder or certificateholder has applied for and is determined to be entitled to medical assistance under Title XIX of the Social Security Act, but only if the policyholder or certificateholder notifies the issuer of such policy or certificate within ninety days after the date the individual becomes entitled to such assistance. Upon receipt of timely notice, the issuer shall return to the policyholder or certificateholder that portion of the premium attributable to the period of Medicaid eligibility, subject to adjustment for paid claims.

(ii) If such suspension occurs and if the policyholder or certificateholder loses entitlement to such medical assistance, such policy or certificate shall be automatically reinstated (effective as of the date of termination of such entitlement) as of the termination of such entitlement if the policyholder or certificateholder provides notice of loss of such entitlement within ninety days after the date of such loss and pays the premium attributable to the period, effective as of the date of termination of such entitlement.

(iii) Reinstitution of such coverages;

(A) Shall not provide for any waiting period with respect to treatment of preexisting conditions;

(B) Shall provide for coverage which is substantially equivalent to coverage in effect before the date of such suspension; and

(C) Shall provide for classification of premiums on terms at least as favorable to the policyholder or certificateholder as the premium classification terms that would have applied to the policyholder or certificateholder had the coverage not been suspended.

(2) Standards for basic ("core") benefits common to all benefit plans. Every issuer shall make available a policy or certificate including only the following basic "core" package of benefits to each prospective insured. An issuer may make available to prospective insureds any of the other Medicare supplement insurance benefit plans in addition to the basic "core" package, but not in lieu thereof.

(a) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the sixty-first day through the ninetieth day in any Medicare benefit period;

(b) Coverage of Part A Medicare eligible expenses incurred for hospitalization to the extent not covered by Medicare for each Medicare lifetime inpatient reserve day used;

(c) Upon exhaustion of the Medicare hospital inpatient coverage including the lifetime reserve days, coverage of the Medicare Part A eligible expenses for hospitalization paid at the diagnostic related group (DRG) day outlier per diem or other appropriate standard of payment, subject to a lifetime maximum benefit of an additional three hundred sixty-five days;

(d) Coverage under Medicare Parts A and B for the reasonable cost of the first three pints of blood (or equivalent quantities of packaged red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations;

(e) Coverage for the coinsurance amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible;

(3) Standards for additional benefits. The following additional benefits shall be included in Medicare supplement benefit plans "B" through "J" only as provided by WAC 284-66-066.

(a) Medicare Part A deductible: Coverage for all of the Medicare Part A inpatient hospital deductible amount per benefit period.

(b) Skilled nursing facility care: Coverage for the actual billed charges up to the coinsurance amount from the twenty-first day through the one hundredth day in a Medicare benefit period for posthospital skilled nursing facility care eligible under Medicare Part A;

(c) Medicare Part B deductible: Coverage for all of the Medicare Part B deductible amount per calendar year regardless of hospital confinement.

(d) Eighty percent of the Medicare Part B excess charges: Coverage for eighty percent of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.

(e) One hundred percent of the Medicare Part B excess charges: Coverage for all of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.

(f) Basic outpatient prescription drug benefit: Coverage for fifty percent of outpatient prescription drug charges, after a two hundred fifty dollar calendar year deductible, to a maximum of one thousand two hundred fifty dollars in benefits received by the insured per calendar year, to the extent not covered by Medicare.

(g) Extended outpatient prescription drug benefit: Coverage for fifty percent of outpatient prescription drug charges, after a two hundred fifty dollar calendar year deductible to a maximum of three thousand dollars in benefits received by the insured per calendar year, to the extent not covered by Medicare.

(h) Medically necessary emergency care in a foreign country: Coverage to the extent not covered by Medicare for eighty percent of the billed charges for Medicare-eligible expenses for medically necessary emergency hospital, physician, and medical care received in a foreign country, which care would have been covered by Medicare if provided in the United States and which care began during the first sixty consecutive days of each

trip outside the United States, subject to a calendar year deductible of two hundred fifty dollars, and a lifetime maximum benefit of fifty thousand dollars. For purposes of this benefit, "emergency care" shall mean care needed immediately because of an injury or an illness of sudden and unexpected onset.

(i) Preventive medical care benefit: Coverage for the following preventive health services:

(i) An annual clinical preventive medical history and physical examination that may include tests and services from (i)(ii) of this subsection and patient education to address preventive health care measures.

(ii) Any one or a combination of the following preventive screening tests or preventive services, the frequency of which is considered medically appropriate:

(A) Fecal occult blood test and/or digital rectal examination;

(B) Mammogram;

(C) Dipstick urinalysis for hematuria, bacteriuria, and proteinuria;

(D) Pure tone (air only) hearing screening test, administered or ordered by a physician;

(E) Serum cholesterol screening (every five years);

(F) Thyroid function test;

(G) Diabetes screening.

(iii) Influenza vaccine administered at any appropriate time during the year and Tetanus and Diphtheria booster (every ten years).

(iv) Any other tests or preventive measures determined appropriate by the attending physician.

Reimbursement shall be for the actual charges up to one hundred percent of the Medicare-approved amount for each service, as if Medicare were to cover the service as identified in American Medical Association Current Procedural Terminology (AMA CPT) codes, to a maximum of one hundred twenty dollars annually under this benefit. This benefit shall not include payment for any procedure covered by Medicare.

(j) At-home recovery benefit: Coverage for services to provide short term, at-home assistance with activities of daily living for those recovering from an illness, injury, or surgery.

(i) For purposes of this benefit, the following definitions shall apply:

(A) "Activities of daily living" include, but are not limited to bathing, dressing, personal hygiene, transferring, eating, ambulating, assistance with drugs that are normally self-administered, and changing bandages or other dressings.

(B) "Care provider" means a duly qualified or licensed home health aide/homemaker, personal care aide, or nurse provided through a licensed home health care agency or referred by a licensed referral agency or licensed nurses registry.

(C) "Home" shall mean any place used by the insured as a place of residence, provided that such place would qualify as a residence for home health care services covered by Medicare. A hospital or skilled nursing facility shall not be considered the insured's place of residence.

(D) "At-home recovery visit" means the period of a visit required to provide at home recovery care, without limit on the duration of the visit, except each consecutive

four hours in a twenty-four hour period of services provided by a care provider is one visit.

(ii) Coverage requirements and limitations.

(A) At-home recovery services provided must be primarily services which assist in activities of daily living.

(B) The insured's attending physician must certify that the specific type and frequency of at-home recovery services are necessary because of a condition for which a home care plan of treatment was approved by Medicare.

(C) Coverage is limited to:

(I) No more than the number and type of at-home recovery visits certified as necessary by the insured's attending physician. The total number of at-home recovery visits shall not exceed the number of Medicare approved home health care visits under a Medicare approved home care plan of treatment.

(II) The actual charges for each visit up to a maximum reimbursement of forty dollars per visit.

(III) One thousand six hundred dollars per calendar year.

(IV) Seven visits in any one week.

(V) Care furnished on a visiting basis in the insured's home.

(VI) Services provided by a care provider as defined in this section.

(VII) At-home recovery visits while the insured is covered under the policy or certificate and not otherwise excluded.

(VIII) At-home recovery visits received during the period the insured is receiving Medicare approved home care services or no more than eight weeks after the service date of the last Medicare approved home health care visit.

(iii) Coverage is excluded for: Home care visits paid for by Medicare or other government programs; and care provided by family members, unpaid volunteers, or providers who are not care providers.

(k) New or innovative benefits: An issuer may, with the prior approval of the commissioner, offer policies or certificates with new or innovative benefits in addition to the benefits provided in a policy or certificate that otherwise complies with the applicable standards. Such new or innovative benefits may include benefits that are appropriate to Medicare supplement insurance, new or innovative, not otherwise available, cost-effective, and offered in a manner which is consistent with the goal of simplification of Medicare supplement policies.

NEW SECTION

WAC 284-66-066 STANDARD MEDICARE SUPPLEMENT BENEFIT PLANS. (1) An issuer shall make available to each prospective policyholder and certificateholder a policy form or certificate form containing only the basic "core" benefits, as defined in WAC 284-66-063(2) of this regulation.

(2) No groups, packages, or combinations of Medicare supplement benefits other than those listed in this section shall be offered for sale in this state, except as may be permitted in WAC 284-66-063 (3)(k) and in WAC 284-66-073.

(3) Benefit plans shall be uniform in structure, language, designation, and format to the standard benefit

plans "A" through "J" listed in this subsection and conform to the definitions in WAC 284-66-030 and 284-66-040. Each benefit shall be structured in accordance with the format provided in WAC 284-66-063(2) and 284-66-063(3) and list the benefits in the order shown in this subsection. For purposes of this section, "structure, language, and format" means style, arrangement, and overall content of benefit.

(4) An issuer may use, in addition to the benefit plan designations required in subsection (3) of this section, other designations to the extent permitted by law.

(5) Make-up of benefit plans:

(a) Standardized Medicare supplement benefit plan "A" shall be limited to the basic ("core") benefits common to all benefit plans, as defined at WAC 284-66-063(2).

(b) Standardized Medicare supplement benefit plan "B" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible as defined at WAC 284-66-063 (3)(a).

(c) Standardized Medicare supplement benefit plan "C" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible and medically necessary emergency care in a foreign country as defined at WAC 284-66-063 (3)(a), (b), and (h), respectively.

(d) Standardized Medicare supplement plan "D" shall include only the following: The core benefit, as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, medically necessary emergency care in a foreign country and the at-home recovery benefit as defined at WAC 284-66-063 (3)(a), (b), (h), and (j), respectively.

(e) Standardized Medicare supplement benefit plan "E" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, medically necessary emergency care in a foreign country and preventive medical care as defined at WAC 284-66-063 (3)(a), (b), (h), and (i), respectively.

(f) Standardized Medicare supplement benefit plan "F" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, the skilled nursing facility care, the Part B deductible, one hundred percent of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined at WAC 284-66-063 (3)(a), (b), (c), (e), and (h), respectively.

(g) Standardized Medicare supplement benefit plan "G" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, eighty percent of the Medicare Part B excess charges, medically necessary emergency care in a foreign country, and the at-home recovery benefit as defined at WAC 284-66-063 (3)(a), (b), (d), (h), and (j), respectively.

(h) Standardized Medicare supplement benefit plan "H" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part

A deductible, skilled nursing facility care, basic prescription drug benefit, and medically necessary emergency care in a foreign country as defined at WAC 284-66-063 (3)(a), (b), (f), and (h), respectively.

(i) Standardized Medicare supplement benefit plan "I" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, one hundred percent of the Medicare Part B excess charges, basic prescription drug benefit, medically necessary emergency care in a foreign country, and at-home recovery benefit as defined at WAC 284-66-063 (3)(a), (b), (e), (f), (h), and (j), respectively.

(j) Standardized Medicare supplement benefit plan "J" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible, one hundred percent of the Medicare Part B excess charges, extended prescription drug benefit, medically necessary emergency care in a foreign country, preventive medical care, and at-home recovery benefit as defined at WAC 284-66-063 (3)(a), (b), (c), (e), (g), (h), (i), and (j), respectively.

NEW SECTION

WAC 284-66-073 MEDICARE SELECT POLICIES AND CERTIFICATES. (1)(a) This section shall apply to Medicare SELECT policies and certificates, as defined in this section.

(b) No policy or certificate may be advertised as a Medicare SELECT policy or certificate unless it meets the requirements of this section.

(2) For the purposes of this section:

(a) "Complaint" means any dissatisfaction expressed by an individual concerning a Medicare SELECT issuer or its network providers.

(b) "Grievance" means dissatisfaction expressed in writing by an individual insured under a Medicare SELECT policy or certificate with the administration, claims practices, or provision of services concerning a Medicare SELECT issuer or its network providers.

(c) "Medicare SELECT issuer" means an issuer offering, or seeking to offer, a Medicare SELECT policy or certificate.

(d) "Medicare SELECT policy" or "Medicare SELECT certificate" means respectively a Medicare supplement policy or certificate that contains restricted network provisions.

(e) "Network provider" means a provider of health care, or a group of providers of health care, which has entered into a written agreement with the issuer to provide benefits insured under a Medicare SELECT policy.

(f) "Restricted network provision" means any provision which conditions the payment of benefits, in whole or in part, on the use of network providers.

(g) "Service area" means the geographic area approved by the commissioner within which an issuer is authorized to offer a Medicare SELECT policy.

(3) The commissioner may authorize an issuer to offer a Medicare SELECT policy or certificate, pursuant to this section and section 4358 of the Omnibus Budget Reconciliation Act (OBRA) of 1990 if the commissioner finds

that the issuer has satisfied all of the requirements of this regulation.

(4) A Medicare SELECT issuer shall not issue a Medicare SELECT policy or certificate in this state until its plan of operation has been approved by the commissioner.

(5) A Medicare SELECT issuer shall file a proposed plan of operation with the commissioner in a format prescribed by the commissioner. The plan of operation shall contain at least the following information:

(a) Evidence that all covered services that are subject to restricted network provisions are available and accessible through network providers, including a demonstration that:

(i) Such services can be provided by network providers with reasonable promptness with respect to geographic location, hours of operation and after-hour care. The hours of operation and availability of after-hour care shall reflect usual practice in the local area. Geographic availability shall reflect the usual travel times within the community.

(ii) The number of network providers in the service area is sufficient, with respect to current and expected policyholders, either:

(A) To deliver adequately all services that are subject to a restricted network provision; or

(B) To make appropriate referrals.

(iii) There are written agreements with network providers describing specific responsibilities.

(iv) Emergency care is available twenty-four hours per day and seven days per week.

(v) In the case of covered services that are subject to a restricted network provision and are provided on a pre-paid basis, there are written agreements with network providers prohibiting such providers from billing or otherwise seeking reimbursement from or recourse against any individual insured under a Medicare SELECT policy or certificate. This paragraph shall not apply to supplemental charges or coinsurance amounts as stated in the Medicare SELECT policy or certificate.

(b) A statement or map providing a clear description of the service area.

(c) A description of the grievance procedure to be utilized.

(d) A description of the quality assurance program, including:

(i) The formal organizational structure;

(ii) The written criteria for selection, retention, and removal of network providers; and

(iii) The procedures for evaluating quality of care provided by network providers, and the process to initiate corrective action when warranted.

(e) A list and description, by specialty, of the network providers.

(f) Copies of the written information proposed to be used by the issuer to comply with subsection (9) of this section.

(g) Any other information requested by the commissioner.

(6)(a) A Medicare SELECT issuer shall file any proposed changes to the plan of operation, except for

changes to the list of network providers, with the commissioner prior to implementing such changes. Such changes shall be considered approved by the commissioner after thirty days unless specifically disapproved.

(b) An updated list of network providers shall be filed with the commissioner at least quarterly.

(7) A Medicare SELECT policy or certificate shall not restrict payment for covered services provided by nonnetwork providers if:

(a) The services are for symptoms requiring emergency care or are immediately required for an unforeseen illness, injury, or a condition; and

(b) It is not reasonable to obtain such services through a network provider.

(8) A Medicare SELECT policy or certificate shall provide payment for full coverage under the policy for covered services that are not available through network providers.

(9) A Medicare SELECT issuer shall make full and fair disclosure in writing of the provisions, restrictions, and limitations of the Medicare SELECT policy or certificate to each applicant. This disclosure shall include at least the following:

(a) An outline of coverage sufficient to permit the applicant to compare the coverage and premiums of the Medicare SELECT policy or certificate with:

(i) Other Medicare supplement policies or certificates offered by the issuer; and

(ii) Other Medicare SELECT policies or certificates.

(b) A description (including address, phone number, and hours of operation) of the network providers, including primary care physicians, specialty physicians, hospitals, and other providers.

(c) A description of the restricted network provisions, including payments for coinsurance and deductibles when providers other than network providers are utilized.

(d) A description of coverage for emergency and urgently needed care and other out-of-service area coverage.

(e) A description of limitations on referrals to restricted network providers and to other providers.

(f) A description of the policyholder's rights to purchase any other Medicare supplement policy or certificate otherwise offered by the issuer.

(g) A description of the Medicare SELECT issuer's quality assurance program and grievance procedure.

(10) Prior to the sale of a Medicare SELECT policy or certificate, a Medicare SELECT issuer shall obtain from the applicant a signed and dated form stating that the applicant has received the information provided pursuant to subsection (9) of this section and that the applicant understands the restrictions of the Medicare SELECT policy or certificate.

(11) A Medicare SELECT issuer shall have and use procedures for hearing complaints and resolving written grievances from the subscribers. Such procedures shall be aimed at mutual agreement for settlement and may include arbitration procedures.

(a) The grievance procedure shall be described in the policy and certificates and in the outline of coverage.

(b) At the time the policy or certificate is issued, the issuer shall provide detailed information to the policyholder describing how a grievance may be registered with the issuer.

(c) Grievances shall be considered in a timely manner and shall be transmitted to appropriate decision-makers who have authority to fully investigate the issue and take corrective action.

(d) If a grievance is found to be valid, corrective action shall be taken promptly.

(e) All concerned parties shall be notified about the results of a grievance.

(f) The issuer shall report no later than each March 31st to the commissioner regarding its grievance procedure. The report shall be in a format prescribed by the commissioner and shall contain the number of grievances filed in the past year and a summary of the subject, nature, and resolution of such grievances.

(12) At the time of initial purchase, a Medicare SELECT issuer shall make available to each applicant for a Medicare SELECT policy or certificate the opportunity to purchase any Medicare supplement policy or certificate otherwise offered by the issuer.

(13)(a) At the request of an individual insured under a Medicare SELECT policy or certificate, a Medicare SELECT issuer shall make available to the individual insured the opportunity to purchase a Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make such policies or certificates available without requiring evidence of insurability after the Medicare supplement policy or certificate has been in force for six months.

(b) For the purposes of this subsection, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare SELECT policy or certificate being replaced. For the purposes of this paragraph, a significant benefit means coverage for the Medicare Part A deductible, coverage for prescription drugs, coverage for at-home recovery services, or coverage for Part B excess charges.

(14) Medicare SELECT policies and certificates shall provide for continuation of coverage in the event the Secretary of Health and Human Services determines that Medicare SELECT policies and certificates issued pursuant to this section should be discontinued due to either the failure of the Medicare SELECT program to be reauthorized under law or its substantial amendment.

(a) Each Medicare SELECT issuer shall make available to each individual insured under a Medicare SELECT policy or certificate the opportunity to purchase any Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make such policies and certificates available without requiring evidence of insurability.

(b) For the purposes of this subsection, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare

SELECT policy or certificate being replaced. For the purposes of this paragraph, a significant benefit means coverage for the Medicare Part A deductible, coverage for prescription drugs, coverage for at-home recovery services, or coverage for Part B excess charges.

(15) A Medicare SELECT issuer shall comply with reasonable requests for data made by state or federal agencies, including the United States Department of Health and Human Services, for the purpose of evaluating the Medicare SELECT program.

NEW SECTION

WAC 284-66-077 OPEN ENROLLMENT. (1) No issuer shall deny or condition the issuance or effectiveness of any Medicare supplement policy or certificate available for sale in this state, nor discriminate in the pricing of such a policy or certificate because of the health status, claims experience, receipt of health care, or medical condition of an applicant where an application for such policy or certificate is submitted during the six-month period beginning with the first month in which an individual (who is sixty-five years of age or older) first enrolled for benefits under Medicare Part B. Each Medicare supplement policy and certificate currently available from an insurer shall be made available to all applicants who qualify under this subsection without regard to age.

(2) Subsection (1) of this section shall not be construed as preventing the exclusion of benefits under a policy, during the first six months, based on a preexisting condition for which the policyholder or certificateholder received treatment or was otherwise diagnosed during the six months before it became effective.

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-080 OUTLINE OF COVERAGE REQUIRED. (1) ~~((An agent or insurer initiating a sale of an individual or group Medicare supplement insurance policy in this state shall complete and sign a disclosure form, and deliver the completed form to the applicant not later than the time of application for the policy.))~~ Issuers shall provide an outline of coverage to all applicants at the time an application is presented to

the prospective applicant and, except for direct response policies and certificates, shall obtain an acknowledgment of receipt of such outline from the applicant.

(2) ~~The ((disclosure form to be used shall be the)) "outline of coverage," ((and)) shall be completed in substantially the form set forth in WAC ((284-66-090)) 284-66-092.~~ The form of outline of coverage shall be filed with the commissioner prior to use in this state.

(3) If an outline of coverage is provided at the time of application and the Medicare supplement policy or certificate is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy or certificate must accompany such policy or certificate when it is delivered and contain the following statement, in no less than twelve point type, immediately above the company name: "NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued."

(4) ~~((Except for direct response insurers, an insurer shall obtain an acknowledgment of receipt of such outline from the applicant.))~~ The outline of coverage provided to applicants pursuant to this section consists of four parts: A cover page, premium information, disclosure pages, and charts displaying the features of each benefit plan offered by the issuer. The outline of coverage shall be in the language and format prescribed in WAC 284-66-092 in no less than twelve point type. All plans A-J shall be shown on the cover page, and the plan(s) that are offered by the issuer shall be prominently identified. Premium information for plans that are offered shall be shown on the cover page or immediately following the cover page and shall be prominently displayed. The premium and mode shall be stated for all plans that are offered to the prospective applicant. All possible premiums for the prospective applicant shall be illustrated.

(5) Where inappropriate terms are used, such as "insurance," "policy," or "insurance company," a fraternal benefit society, health care service contractor, or health maintenance organization shall substitute appropriate terminology.

NEW SECTION

WAC 284-66-092 FORM OF "OUTLINE OF COVERAGE." (1) Cover page.

[COMPANY NAME]
 Outline of Medicare Supplement Coverage-Cover Page:
 Benefit Plan(s) _____ [insert letter(s) of plan(s) being offered]

Medicare supplement insurance can be sold in only ten standard plans. This chart shows the benefits included in each plan. Every company must make available Plan "A". Some plans may not be available in your state.

BASIC BENEFITS: Included in All Plans.
 Hospitalization: Part A coinsurance plus coverage for 365 additional days after Medicare benefits end.
 Medical Expenses: Part B coinsurance (20% of Medicare-approved expenses).
 Blood: First three pints of blood each year.

A	B	C	D	E	F	G	H	I	J
Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits
		Skilled Nursing Co-Insurance							
	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible
		Part B Deductible			Part B Deductible				Part B Deductible
					Part B Excess (100%)	Part B Excess (80%)		Part B Excess (100%)	Part B Excess (100%) -
		Foreign Travel Emergency							
			At-Home Recovery			At-Home Recovery		At-Home Recovery	At-Home Recovery
							Basic Drugs (\$1,250 Limit)	Basic Drugs (\$1,250 Limit)	Extended Drugs (\$3,000 Limit)
				Preventive Care					Preventive Care

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(2) Disclosure page(s):

PREMIUM INFORMATION [Boldface Type]

We [insert issuer's name] can only raise your premium if we raise the premium for all policies like yours in this state.

DISCLOSURES [Boldface Type]

Use this outline to compare benefits and premiums among policies.

READ YOUR POLICY VERY CAREFULLY [Boldface Type]

This is only an outline describing your policy's most important features. The policy is your insurance contract. You must read the policy itself to understand all of the rights and duties of both you and your insurance company.

RIGHT TO RETURN POLICY [Boldface Type]

If you find that you are not satisfied with your policy, you may return it to [insert issuer's address]. If you send the policy back to us within thirty days after you receive it, we will treat the policy as if it had never been issued and return all of your payments.

POLICY REPLACEMENT [Boldface Type]

If you are replacing another health insurance policy, do NOT cancel it until you have actually received your new policy and are sure you want to keep it.

NOTICE [Boldface Type]

This policy may not fully cover all of your medical costs.

[for agents:]

Neither [insert company's name] nor its agents are connected with Medicare.

[for direct response:]

[insert company's name] is not connected with Medicare.

This outline of coverage does not give all the details of Medicare coverage. Contact your local Social Security office or consult "The Medicare Handbook" for more details.

COMPLETE ANSWERS ARE VERY IMPORTANT [Boldface Type]

When you fill out the application for the new policy, be sure to answer truthfully and completely all questions about your medical and health history. The company may cancel your policy and refuse to pay any claims if you leave out or falsify important medical information. [If the policy or certificate is guaranteed issue, this paragraph need not appear.]

Review the application carefully before you sign it. Be certain that all information has been properly recorded.

[Include for each plan prominently identified in the cover page, a chart showing the services, Medicare payments, plan payments and insured payments for each plan, using the same language, in the same order, using uniform layout and format as shown in the charts below. No more than four plans may be shown on one chart. For purposes of illustration, charts for each plan are included in this regulation. An issuer may use additional

benefit plan designations on these charts pursuant to WAC 284-66-066(4).]

[Include an explanation of any innovative benefits on the cover page and in the chart, in a manner approved by the commissioner.]

(3) Charts displaying the feature of each benefit plan offered by the issuer:

PLAN A

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after, - While using 60 lifetime reserve days - Once lifetime reserve days are used: - Additional 365 days - Beyond the Additional 365 days	\$ 0 All but \$[163] a day All but \$[326] a day \$ 0 \$ 0	\$ 0 \$ [163] a day \$ [326] a day 100% of Medicare Eligible Expenses \$ 0	\$(652) (Part A Deductible) ** \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[81.50] a day \$ 0	\$ 0 \$ 0 \$ 0	\$ 0 Up to \$[81.50] a day All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare coinsurance and deductible amounts are subject to annual revision.

PLAN A

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physicians's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare Approved Amounts* (the Part B Deductible) Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$ 0 80% \$ 0	\$ 0 20% \$ 0	\$100 \$ 0 All Costs
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment First \$100 of Medicare Approved Amounts* Remainder	100% \$ 0 80%	\$ 0 \$ 0 20%	\$ 0 \$100 (Part B Deductible) \$ 0
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PLAN B

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after, - While using 60 lifetime reserve days - Once lifetime reserve days are used: - Additional 365 days - Beyond the Additional 365 days	\$ 0 All but \$[163] a day All but \$[326] a day \$ 0 \$ 0	\$ [652] (Part A Deductible) ** \$ [163] a day \$ [326] a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[81.50] a day \$ 0	\$ 0 \$ 0 \$ 0	\$ 0 Up to \$[81.50] a day All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare coinsurance and deductible amounts are subject to annual revision.

PLAN B

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physicians's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare Approved Amounts* (the Part B Deductible) Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$ 0 80% \$ 0	\$ 0 20% \$ 0	\$100 \$ 0 All Costs
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment first \$100 of Medicare Approved Amounts* -Remainder	100% \$ 0 80%	\$ 0 \$ 0 20%	\$ 0 \$100 (Part B Deductible) \$ 0
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PLAN C

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after, - While using 60 lifetime reserve days - Once lifetime reserve days are used: - Additional 365 days - Beyond the Additional 365 days	\$ 0 All but \$[163] a day All but \$[326] a day \$ 0 \$ 0	\$(652) (Part A Deductible) ** \$[163] a day \$[326] a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[81.50] a day \$ 0	\$ 0 Up to \$[81.50] a day \$ 0	\$ 0 \$ 0 All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare coinsurance and deductible amounts are subject to annual revision.

PLAN C

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physicians's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare Approved Amounts* (the Part B Deductible) Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$ 0 80% \$ 0	\$ 0 20% \$ 0	\$100 \$ 0 All Costs
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0

PARTS A & D

HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment first \$100 of Medicare Approved Amounts* -Remainder	100% \$ 0 80%	\$ 0 \$100 (Part B Deductible) 20%	\$ 0 \$ 0 \$ 0
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OTHER BENEFITS

FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care service during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$ 0 \$ 0	\$ 0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum
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PLAN D

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after, - While using 60 lifetime reserve days - Once lifetime reserve days are used: - Additional 365 days - Beyond the Additional 365 days	\$ 0 All but \$[163] a day All but \$[326] a day \$ 0 \$ 0	\$[652] (Part A Deductible) ** \$[163] a day \$[326] a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[81.50] a day \$ 0	\$ 0 Up to \$[81.50] a day \$ 0	\$ 0 \$ 0 All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co- insurance for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare coinsurance and deductible amounts are subject to annual revision.

PLAN D
 MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physicians's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare Approved Amounts* (the Part B Deductible) Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$ 0 80% \$ 0	\$ 0 20% \$ 0	\$100 \$ 0 All Costs
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment first \$100 of Medicare Approved Amounts* -Remainder	100% \$ 0 80%	\$ 0 \$ 0 20%	\$ 0 \$100 (Part B Deductible) \$ 0
AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan - Benefit for each visit - Number of visits covered (must be received within 8 weeks of last Medicare Approved visit) - Calendar year maximum	\$ 0 \$ 0 \$ 0	Actual Charges to \$40 a visit Up to the number of Medicare Approved visits, not to exceed 7 each week \$1,600	Balance

OTHER BENEFITS

FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care service during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$ 0 \$ 0	\$ 0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum
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PLAN E

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after, - While using 60 lifetime reserve days - Once lifetime reserve days are used: - Additional 365 days - Beyond the Additional 365 days	\$ 0 All but \$[163] a day All but \$[326] a day \$ 0 \$ 0	\$[652] (Part A Deductible) ** \$[163] a day \$[326] a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[81.50] a day \$ 0	\$ 0 Up to \$[81.50] a day \$ 0	\$ 0 \$ 0 All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare coinsurance and deductible amounts are subject to annual revision.

**PLAN E
MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR**

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physicians's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare Approved Amounts* (the Part B Deductible) Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$ 0 80% \$ 0	\$ 0 20% \$ 0	\$100 \$ 0 All Costs
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment First \$100 of Medicare Approved Amounts* Remainder	100% \$ 0 80%	\$ 0 \$ 0 20%	\$ 0 \$100 (Part B Deductible) \$ 0
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OTHER BENEFITS

PREVENTIVE MEDICAL CARE BENEFIT-NOT COVERED BY MEDICARE Annual physical and preventive tests and services, such as: fecal occult blood test, digital rectal exam, mammogram, hearing screening, dipstick urinalysis, diabetes screening, thyroid function test, influenza shot, tetanus and diphtheria booster and education administered or ordered by your doctor when not covered by Medicare First \$120 each calendar year Additional charges	\$ 0 \$ 0	\$120 \$ 0	\$ 0 All Costs
FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care service during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$ 0 \$ 0	\$ 0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum

PLAN F

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after, - While using 60 lifetime reserve days - Once lifetime reserve days are used: - Additional 365 days - Beyond the Additional 365 days	\$ 0 All but \$[163] a day All but \$[326] a day \$ 0 \$ 0	\$(652) (Part A Deductible) ** \$[163] a day \$[326] a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[81.50] a day \$ 0	\$ 0 Up to \$[81.50] a day \$ 0	\$ 0 \$ 0 All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare coinsurance and deductible amounts are subject to annual revision.

PLAN F

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physicians's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare Approved Amounts* (the Part B Deductible) Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$ 0 80% \$ 0	\$100 20% 100%	\$ 0 \$ 0 \$ 0
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment First \$100 of Medicare Approved Amounts* Remainder	100% \$ 0 80%	\$ 0 \$100 (Part B Deductible) 20%	\$ 0 \$ 0 \$ 0
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OTHER BENEFITS

FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care service during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$ 0 \$ 0	\$ 0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum
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PLAN G

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after, - While using 60 lifetime reserve days - Once lifetime reserve days are used: - Additional 365 days - Beyond the Additional 365 days	\$ 0 All but \$[163] a day All but \$[326] a day \$ 0 \$ 0	\$[652] (Part A Deductible) ** \$[163] a day \$[326] a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[81.50] a day \$ 0	\$ 0 Up to \$[81.50] a day \$ 0	\$ 0 \$ 0 All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare coinsurance and deductible amounts are subject to annual revision.

**PLAN G
MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR**

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physicians's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare Approved Amounts* (the Part B Deductible) Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$ 0 80% \$ 0	\$ 0 20% 80%	\$100 \$ 0 20%
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment First \$100 of Medicare Approved Amounts* -Remainder	100% \$ 0 80%	\$ 0 \$ 0 20%	\$ 0 \$100 (Part B Deductible) \$ 0
AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan - Benefit for each visit - Number of visits covered (must be received within 8 weeks of last Medicare Approved visit) - Calendar year maximum	\$ 0 \$ 0 \$ 0	Actual Charges to \$40 a visit Up to the number of Medicare Approved visits, not to exceed 7 each week \$1,600	Balance

OTHER BENEFITS

FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care service during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$ 0 \$ 0	\$ 0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum
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PLAN H

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after, - While using 60 lifetime reserve days - Once lifetime reserve days are used: - Additional 365 days - Beyond the Additional 365 days	\$ 0 All but \$[163] a day All but \$[326] a day \$ 0 \$ 0	\$[652] (Part A Deductible) ** \$[163] a day \$[326] a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[81.50] a day \$ 0	\$ 0 Up to \$[81.50] a day \$ 0	\$ 0 \$ 0 All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare coinsurance and deductible amounts are subject to annual revision.

PLAN H

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amount for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physicians's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare Approved Amounts* (the Part B Deductible) Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$ 0 80% \$ 0	\$ 0 20% \$ 0	\$100 \$ 0 All Costs
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment First \$100 of Medicare Approved Amounts* -Remainder	100% \$ 0 80%	\$ 0 \$ 0 20%	\$ 0 \$100 (Part B Deductible) \$ 0
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OTHER BENEFITS

BASIC OUTPATIENT PRESCRIPTION DRUGS-NOT COVERED BY MEDICARE First \$250 each calendar year Next \$2,500 each calendar year Over \$2,500 each calendar year	\$ 0 \$ 0 \$ 0	\$ 0 50% - \$1,250 calendar year maximum benefit \$ 0	\$250 50% All Costs
FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care service during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$ 0 \$ 0	\$ 0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum

PLAN I

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PLAN	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: -While using 60 lifetime reserve days -Once lifetime reserve days are used: -Additional 365 days -Beyond the Additional 365 days	\$ 0 All but \$(163) a day* All but \$(326) a day \$ 0 \$ 0	\$(652) (Part A Deductible) ** \$(163) a day \$(326) a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$(81.50) a day \$ 0	\$ 0 Up to \$(81.50) a day \$ 0	\$ 0 \$ 0 All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare coinsurance and deductible amounts are subject to annual revision.

PLAN I

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physicians's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare Approved Amounts* (the Part B Deductible) Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$ 0 80% \$ 0	\$ 0 20% 100%	\$100 \$ 0 \$ 0
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment First \$100 of Medicare Approved Amounts* -Remainder	100% \$ 0 80%	\$ 0 \$ 0 20%	\$ 0 \$100 (Part B Deductible) \$ 0
AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan - Benefit for each visit - Number of visits covered (must be received within 8 weeks of last Medicare Approved visit) - Calendar year maximum	\$ 0 \$ 0 \$ 0	Actual Charges to \$40 a visit Up to the number of Medicare approved visits, not to exceed 7 each week	Balance

PLAN I

OTHER BENEFITS

BASIC OUTPATIENT PRESCRIPTION DRUGS-NOT COVERED BY MEDICARE First \$250 each calendar year Next \$2,500 each calendar year Over \$2,500 each calendar year	\$ 0 \$ 0 \$ 0	\$ 0 50% - \$1,250 calendar year maximum benefit \$ 0	\$250 50% All Costs
FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care services during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$ 0 \$ 0	\$ 0 80% to a life time maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum

PLAN J

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: -While using 60 lifetime reserve days -Once lifetime reserves days are used: -Additional 365 days -Beyond the additional 365 days	\$ 0 All but \$[163] a day All but \$[326] a day \$ 0 \$ 0	\$[652] (Part A Deductible) ** \$[163] a day \$[326] a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[81.50] a day \$ 0	\$ 0 Up to \$[81.50] a day \$ 0	\$ 0 \$ 0 All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare coinsurance and deductible amounts are subject to annual revision.

PLAN J

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES-IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare Approved Amounts* (the Part B Deductible) Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$ 0 80% \$ 0	\$100 20% 100%	\$ 0 \$ 0 \$ 0
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment first \$100 of Medicare Approved Amounts* -Remainder	100% \$ 0 80%	\$ 0 \$100 (Part B Deductible) 20%	\$ 0 \$ 0
AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan -Benefit for each visit -Number of visits covered (must be received within 8 weeks of last Medicare approved visit) -Calendar year maximum	\$ 0 \$ 0 \$ 0	Actual Charges to \$40 a visit Up to the number of Medicare Approved visits, not to exceed 7 each week \$1,600	Balance

PLAN J

OTHER BENEFITS:

EXTENDED OUTPATIENT PRESCRIPTION DRUGS-NOT COVERED BY MEDICARE First \$250 each calendar year Next \$6,000 each calendar year Over \$6,000 each calendar year	\$ 0 \$ 0 \$ 0	\$ 0 50%-\$3,000 calendar year maximum benefit \$ 0	\$250 50% All Costs
PREVENTIVE MEDICAL CARE BENEFIT-NOT COVERED BY MEDICARE Annual physical and preventive tests and services, such as: fecal occult blood test, digital rectal exam, mammogram, hearing screening, dipstick urinalysis, diabetes screening, thyroid function test, influenza shot, tetanus and diphtheria booster and education administered or ordered by your doctor when not covered by Medicare First \$120 each calendar year Additional charges	\$ 0 \$ 0	\$ 120 \$ 0	\$ 0 All Costs
FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care services during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$ 0 \$ 0	\$ 0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum

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

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-110 BUYER'S GUIDE. (1) ((~~Insurers issuing~~)) Issuers of disability insurance policies or certificates that provide hospital or medical expense coverage on an expense incurred or indemnity basis, other than incidentally, to persons eligible for Medicare by reason of age must provide to all such applicants a Medicare supplement "Buyer's Guide."

(2) The "Buyer's Guide" required to be provided is the pamphlet "Guide to Health Insurance for People with Medicare," developed jointly by the National Association of Insurance Commissioners and Health Care Financing Administration, or any reproduction or official revision of that pamphlet. The guide shall be printed in a style and with a type character that is easily read by an average person eligible for Medicare supplement insurance and in no case may the type size be smaller than 12-point type. (Specimen copies may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C.)

(3) Delivery of the "Buyer's Guide" must be made whether or not such policies or certificates are advertised, solicited, or issued as Medicare supplement insurance policies or certificates.

(4) Except in the case of a direct response ((insurer)) issuers, delivery of the "Buyer's Guide" must be made to the applicant at the time of application and acknowledgement of receipt of the "Buyer's Guide" must be obtained by the ((insurer)) issuer. Direct response ((insurers)) issuers must deliver the "Buyer's Guide" to the applicant upon request but not later than at the time the policy is delivered.

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-120 NOTICE REGARDING POLICIES WHICH ARE NOT MEDICARE SUPPLEMENT POLICIES. Any disability insurance policy or certificate (other than a Medicare supplement policy or certificate or a policy issued pursuant to a contract under Section 1876 or 1833 of the Social Security Act (42 U.S.C. Section 1395 et seq.), disability income protection policy, basic or comprehensive or major medical expense policy, or other policy identified in RCW 48.66.020(1), whether issued on an individual or group basis, which policy purports to provide coverage to residents of this state eligible for Medicare by reason of age, shall notify policyholders or certificate holders that the policy is not a Medicare supplement insurance policy or certificate. Such notice shall be printed or attached to the first page of the outline of coverage or equivalent disclosure form, and shall be delivered to the policyholder or certificateholder. If no outline of coverage is delivered, the notice shall be attached to the first page of the policy or certificate delivered to insureds. Such notice shall be in no less than twelve point type and shall contain the following language: "This (policy, certificate or subscriber contract) is not a Medicare supplement (policy, certificate or subscriber contract). If you are eligible for Medicare, review the Medicare supplement Buyer's Guide available from the company."

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-130 REQUIREMENTS FOR APPLICATION FORMS AND REPLACEMENT OF MEDICARE SUPPLEMENT INSURANCE COVERAGE. (1) Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant has another Medicare supplement insurance or other disability policy or certificate in force or whether a Medicare supplement insurance policy or certificate is intended to replace any other policy or certificate of a health care service contractor, health maintenance organization, disability insurer, or fraternal benefit society presently in force. A supplementary application or other form to be signed by the applicant and agent containing such questions and statements, may be used: PROVIDED, HOWEVER, That where the coverage is sold without an agent, the

supplementary application shall be signed by the applicant.

~~((a)) "Do you have another Medicare supplement insurance policy or certificate in force (including coverage provided under risk sharing or reasonable cost basis contracts)?"~~

~~(b) "Did you have another Medicare supplement policy or certificate in force during the last twelve months?"~~

~~(i) "If so, with which company?"~~

~~(ii) "If that policy lapsed, when did it lapse?"~~

~~(c) "Are you covered by Medicaid?"~~

~~(d) "Do you intend to replace any of your medical or health insurance coverage with this (policy, certificate or subscriber contract)?"~~

[Statements]

(1) You do not need more than one Medicare supplement policy.

(2) If you are sixty-five or older, you may be eligible for benefits under Medicaid and may not need a Medicare supplement policy.

(3) The benefits and premiums under your Medicare supplement policy will be suspended during your entitlement to benefits under Medicaid for twenty-four months. You must request this suspension within ninety days of becoming eligible for Medicaid. If you are no longer entitled to Medicaid, your policy will be reinstated if requested within ninety days of losing Medicaid eligibility.

(4) Counseling services may be available in your state to provide advice concerning your purchase of Medicare supplement insurance and concerning Medicaid.

[Questions]

To the best of your knowledge.

(1) Do you have another Medicare supplement policy or certificate in force (including health care service contract, health maintenance organization contract)?

(a) If so, with which company?

(2) Do you have any other health insurance policies that provide benefits which this Medicare supplement policy would duplicate?

(a) If so, with which company?

(b) What kind of policy?

(3) If the answer to question 1 or 2 is yes, do you intend to replace these medical or health policies with this policy [certificate]?

(4) Are you covered by Medicaid?

(2) Agents shall list any other medical or health insurance policies sold to the applicant.

(a) List policies sold which are still in force.

(b) List policies sold in the past five years which are no longer in force.

(3) In the case of a direct response issuer, a copy of the application or supplemental form, signed by the applicant, and acknowledged by the insurer, shall be returned to the applicant by the insurer upon delivery of the policy.

(4) Upon determining that a sale will involve replacement of Medicare Supplement Coverage, an ((insurer)) issuer, other than a direct response ((insurer)) issuer, or its agent, shall furnish the applicant, prior to issuance or delivery of the Medicare supplement insurance policy or certificate, a notice regarding replacement of Medicare

supplement insurance coverage. One copy of such notice, signed by the applicant and the agent (except where the coverage is sold without an agent), shall be provided to the applicant and an additional signed copy shall be retained by the ((insurer)) issuer. A direct response ((insurer)) issuer shall deliver to the applicant at the time of the issuance of the policy the notice regarding replacement of Medicare supplement insurance coverage.

((4)) (5) The notice required by subsection ((3)) (4) of this section for an ((insurer, other than a direct response insurer)) issuer, shall be provided in substantially the form set forth in WAC ((284-66-140)) 284-66-142 in no smaller than ten point type, and shall be filed with the commissioner prior to use in this state.

((5)) (6) The notice required by subsection ((3)) (4) of this section for a direct response insurer shall be in substantially the form set forth in WAC ((284-66-150)) 284-66-142 and shall be filed with the commissioner prior to use in this state.

((6)) (7) A true copy of the application for a Medicare supplement insurance policy issued by a health maintenance organization or health care service contractor for delivery to a resident of this state must be attached to or otherwise physically made a part of the policy when issued and delivered.

((7)) (8) Where inappropriate terms are used, such as "insurance," "policy," or "insurance company," a fraternal benefit society, health care service contractor or health maintenance organization may substitute appropriate terminology.

(9) Paragraphs 1 and 2 of the replacement notice (applicable to preexisting conditions) may be deleted by an issuer if the replacement does not involve application of a new preexisting condition limitation.

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 284-66-142 FORM OF REPLACEMENT NOTICE.

NOTICE TO APPLICANT REGARDING REPLACEMENT OF MEDICARE SUPPLEMENT INSURANCE

[Insurance company's name and address]

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.

According to [your application] [information you have furnished], you intend to terminate existing Medicare supplement insurance and replace it with a policy to be issued by [Company name] Insurance Company. Your new policy will provide thirty days within which you may decide without cost whether you desire to keep the policy.

You should review this new coverage carefully. Compare it with all accident and sickness coverage you now have. Terminate your present policy only if, after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision

STATEMENT TO APPLICANT BY ISSUER, AGENT [BROKER OR OTHER REPRESENTATIVE]:

I have reviewed your current medical or health insurance coverage. The replacement of insurance involved in this transaction does not duplicate coverage, to the best of my knowledge. The replacement policy is being purchased for the following reason(s) (check one):

- Additional benefits.
- No change in benefits, but lower premiums.
- Fewer benefits and lower premiums.
- Other. (please specify)

1. If you have had your current Medicare supplement policy less than six months, health conditions which you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.
2. State law provides that your replacement policy or certificate may not contain new preexisting conditions, waiting periods, elimination periods or probationary periods. The insurer will waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, or probationary periods in the new policy (or coverage) to the extent such time was spent (depleted) under original policy.
3. If you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical and health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, review it carefully to be certain that all information has been properly recorded. [If the policy or certificate is guaranteed issue, this paragraph need not appear.]

Do not cancel your present policy until you have received your new policy and are sure that you want to keep it.

(Signature of Agent, Broker, or Other Representative)*

[Typed Name and Address of Issuer, Agent or Broker]

(Applicant's Signature)

(Date)

*Signature not required for direct response sales.

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

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-160 ADJUSTMENT NOTICE TO CONFORM EXISTING MEDICARE SUPPLEMENT POLICIES TO CHANGES IN MEDICARE. ((†)) As soon as practicable, but no later than thirty days prior to the effective date of any Medicare benefit changes, every insurer providing Medicare supplement insurance coverage to a resident of this state shall notify its insureds of modifications it has made to Medicare supplement policies. The adjustment notice is intended to be informational only and for the sole purpose of informing policyholders and certificate holders about changes in Medicare benefits, indexed deductible and copayment provisions, premium adjustments, and the like. The form of an adjustment notice provided to residents of this state shall be filed with the commissioner prior to use.

~~((2)) The form of such notice shall be substantially in the format prescribed by the commissioner for use in 1990 in WAC 284-66-100.~~

~~((a))~~ (1) The notice shall include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement insurance policy.

~~((b))~~ (2) The notice shall inform each covered person of the approximate date when premium adjustments due to changes in Medicare benefits will be made.

~~((c))~~ (3) The notice of benefit modifications and any premium changes shall be furnished in outline form and in clear and simple terms so as to facilitate comprehension.

~~((d))~~ (4) The notice shall not contain or be accompanied by any solicitation.

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-170 PROHIBITION AGAINST PREEXISTING CONDITIONS, WAITING PERIODS, ELIMINATION PERIODS, AND PROBATIONARY PERIODS IN REPLACEMENT POLICIES OR CERTIFICATES. (1) If a Medicare supplement policy or certificate replaces another Medicare supplement policy or certificate, the replacing ~~((insurer))~~ issuer shall waive any time periods applicable to preexisting conditions, waiting periods, elimination periods and probationary periods in the new Medicare supplement policy or certificate to the extent ~~((that similar exclusions have been satisfied))~~ such time was spent under the original policy.

(2) If a Medicare supplement policy or certificate replaces another Medicare supplement policy or certificate which has been in effect for at least six months, the replacing policy shall not provide any time period applicable to preexisting conditions, waiting periods, elimination periods, and probationary periods.

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-200 STANDARDS FOR LOSS RATIOS. The following standards apply to policies issued or delivered prior to July 1, 1992, unless such policies are approved under the standards of WAC 284-66-063 and 284-66-203. Medicare supplement insurance policies shall return to policyholders in the form of aggregated benefits under such policy, for the entire period for which rates are computed to provide coverage, loss ratios not less than those set forth in this section. Such loss ratios shall be on the basis of incurred claims losses and earned premiums for such period in accordance with accepted actuarial principles. The loss ratio standards of this section are more stringent and more appropriate than those imposed by RCW 48.66.100, and are necessary for the protection of the public interest.

(1) Where coverage is provided on a service rather than reimbursement basis, such loss ratios shall be on the basis of incurred health care expenses and earned premiums for such period.

(2) All filings of rates and rating schedules shall demonstrate that actual and expected losses in relation to premiums comply with the requirements of this chapter and are not excessive, inadequate or unfairly discriminatory.

(3) Every insurer providing Medicare supplement policies in this state shall annually file its rates, rating schedules, and supporting documentation including ratios of incurred losses to earned premiums demonstrating that it is in compliance with the applicable loss ratio standards and that the period for which the policy is rated is reasonable in accordance with accepted actuarial principles and experience. If the period for which the policy is initially rated is more than one year, ratios of incurred losses to earned premiums shall be filed by number of years of policy duration. Supporting documentation shall include the amounts of unearned premium reserve, policy reserves, and claim reserves and liabilities, both nationally and for this state. ~~((The form and instructions for filing this information are provided in WAC 284-66-220 through 284-66-230.))~~ This annual filing is in addition to filings made by insurers to establish initial rates or request rate adjustments required by WAC 284-66-240.

(4) Incurred losses shall include claims paid and the change in claim reserves and liabilities. Incurred losses shall not include policy reserves, home office or field overhead, acquisition and selling costs, taxes or other expenses, contributions to surplus, profit, or claims processing costs.

(5) The following criteria will be used to determine whether policy forms are in compliance with the loss ratio standards of this section:

(a) For the most recent year, the ratio of the incurred losses to earned premiums is greater than or equal to the applicable percentages contained in this section; and

(b) The expected losses in relation to premiums over the entire period for which the policy is rated complies with the requirements of this section, relying on the

judgment of the pricing actuary and acceptable to the commissioner; and

(c) For issue age level premium rated policies, an expected loss ratio for the third policy year, which is greater than or equal to the applicable percentage, shall be demonstrated for policies or certificates in force fewer than three years. For community rated policies the applicable percentage shall be demonstrated for the three most recent accounting periods. The applicable percentage shall be as defined in subsection((s)) (6)((:)) or (7)((, or (8))) of this section.

(d) For purposes of rate making and rate adjustments, similar policy forms shall be grouped together according to the rules set forth in WAC 284-60-040 ((and 284-66-240(6))). All Medicare supplement policies of an issuer issued for delivery between January 1, 1989, and July 1, 1992, are considered "similar policy forms" except those forms specifically approved under the standards of WAC 284-66-063 and 284-66-203.

(e) The commissioner may consider additional criteria including, but not limited to:

(i) Equitable treatment of policyholders; and

(ii) The amount of policy reserves as defined for the insurer's statutory annual statement.

(6) Medicare supplement insurance policies issued by authorized disability insurers and fraternal benefit societies shall be expected to return to a policyholder in the form of aggregated loss ratios under the policy, at least sixty-five percent of the earned premiums in the case of individual policies, and seventy-five percent in the case of group policies.

(7) The minimum anticipated loss ratio requirements for health maintenance organizations and health care service contractors shall be seventy percent for individual forms and eighty percent for group contract forms. The minimum anticipated loss ratios are deemed to be met if the health care expense costs of the health maintenance organization or health care service contractor are seventy percent or more of the earned premium charged individual subscribers, or eighty percent or more of the earned premium charged subscribers covered under a group contract.

NEW SECTION

WAC 284-66-203 LOSS RATIO AND RATING STANDARDS AND REFUND OR CREDIT OF PREMIUM. (1) Loss ratio and rating standards. For policies issued on or after July 1, 1992, and those policies specifically approved by the commissioner under WAC 284-66-063 prior to July 1, 1992:

(a) A Medicare supplement policy form or certificate form must be rated on an issue-age level premium basis or community rated basis, as described at WAC 284-66-243(6), in order to meet the standards of WAC 284-66-310.

(b) A Medicare supplement policy form or certificate form shall not be delivered or issued for delivery unless the policy form or certificate form can be expected, as estimated for the entire period for which rates are computed to provide coverage, to return to policyholders and certificateholders in the form of aggregate benefits (not

including anticipated refunds or credits) provided under the policy form or certificate form:

(i) At least seventy-five percent of the aggregate amount of premiums earned in the case of group policies; or

(ii) At least sixty-five percent of the aggregate amount of premiums earned in the case of individual policies, calculated on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a health maintenance organization or health care service contractor on a service rather than reimbursement basis and earned premiums for such period and in accordance with accepted actuarial principles and practices.

(c) All filing of rates and rating schedules shall demonstrate that expected claims in relation to premiums comply with the requirements of this section when combined with actual experience to date. Filings of rate revisions shall also demonstrate that the anticipated loss ratio over the entire future period for which the revised rates are computed to provide coverage can be expected to meet the appropriate loss ratio standards.

(d) For purposes of applying subsection (1)(b) of this section and WAC 284-66-243 (3)(c) only, policies issued as a result of solicitations of individuals through the mails or by mass media advertising (including both print and broadcast advertising) shall be deemed to be individual policies.

(2) Refund or credit calculation.

(a) An issuer shall collect and file with the commissioner by May 31 of each year the data contained in the reporting form contained in WAC 284-66-232 for each type in a standard Medicare supplement benefit plan.

(b) If on the basis of the experience as reported, the benchmark ratio since inception (ratio 1) exceeds the adjusted experience ratio since inception (ratio 3) in year three or later, then a refund or credit calculation is required. The refund calculation shall be done on a state-wide basis for each type in a standard Medicare supplement benefit plan. For purposes of the refund or credit calculation, experience on policies issued within the reporting year shall be excluded. This subsection applies only to annual experience reporting. Any revision of premium rates must be filed with and approved by the commissioner in accordance with WAC 284-66-243.

(c) A refund or credit shall be made only when the benchmark loss ratio exceeds the adjusted experience loss ratio and the amount to be refunded or credited exceeds a de minimis level. Such refund shall include interest from the end of the calendar year to the date of the refund or credit at a rate specified by the Secretary of Health and Human Services, but in no event shall it be less than the average rate of interest for 13-week Treasury notes. A refund or credit against premiums due shall be made by September 30 following the experience year upon which the refund or credit is based.

(3) Annual filing of premium rates.

On or before May 31 of each calendar year, an issuer of standardized Medicare supplement policies and certificates issued in accordance with WAC 284-66-063, shall file its rates, rating schedule, and supporting documentation including ratios of incurred losses to earned

premiums by policy duration for approval by the commissioner on the form provided at subsection (6) of this section. The supporting documentation shall also demonstrate in accordance with actuarial standards of practice using reasonable assumptions that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. Such demonstration shall exclude active life reserves. An expected third-year loss ratio which is greater than or equal to the applicable percentage shall be demonstrated for policies or certificates in force less than three years.

(4) As soon as practicable, but prior to the effective date of enhancements in Medicare benefits, every issuer of Medicare supplement policies or certificates in this state shall file with the commissioner, in accordance with the applicable filing procedures of this state:

(a)(i) Appropriate premium adjustments necessary to produce loss ratios as anticipated for the current premium for the applicable policies or certificates. Such supporting documents as necessary to justify the adjustment shall accompany the filing.

(ii) An issuer shall make such premium adjustments as are necessary to produce an expected loss ratio under such policy or certificate as will conform with minimum loss ratio standards for Medicare supplement policies and which are expected to result in a loss ratio at least as great as that originally anticipated in the rates used to produce current premiums by the issuer for such Medicare supplement policies or certificates. No premium adjustment which would modify the loss ratio experience under the policy other than the adjustments described herein shall be made with respect to a policy at any time other than upon its renewal date or anniversary date.

(iii) If an issuer fails to make premium adjustments acceptable to the commissioner, the commissioner may order premium adjustments, refunds, or premium credits deemed necessary to achieve the loss ratio required by this section.

(b) Any appropriate riders, endorsements, or policy forms needed to accomplish the Medicare supplement policy or certificate modifications necessary to eliminate benefit duplications with Medicare. Such riders, endorsements, or policy forms shall provide a clear description of the Medicare supplement benefits provided by the policy or certificate.

(5) Public hearings.

(a) The commissioner may conduct a public hearing to gather information concerning a request by an issuer for an increase in a rate for policy form or certificate form if the experience of the form for the previous reporting period is not in compliance with the applicable loss ratio standard. The determination of compliance is made without consideration of any refund or credit for such reporting period. Public notice of such hearing shall be furnished in a manner deemed appropriate by the commissioner.

(b) This section does not in any way restrict a commissioner's statutory authority to approve or disapprove rates.

(6) Annual Medicare supplement insurance reporting form:

**Annual Filing of Premium Rates and Experience
To be filed on or before May 31 of each calendar year**

Experience from January 1 to December 31, of 19 _____ reported by duration for all business from inception to December 31, 19 _____.

Company Name _____

Address _____

NAIC Group Code _____	NAIC Company Code _____	CIC Code _____
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Plan _____	Type _____	Form No. _____
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Premium Rates [Attach schedule]

Insurance is [check one] Group _____ or Individual _____

Washington Experience. [Show all experience for the reported calendar year (separately for each duration).]

<u>Policy</u>	<u>Incurred</u>	<u>Earned</u>	<u>Loss</u>	<u>Claim</u>
<u>Duration</u>	<u>Losses</u>	<u>Premiums</u>	<u>Ratio</u>	<u>Reserves</u>

I hereby certify that I have supervised the preparation of this experience exhibit, that all durational information has been furnished, and to the best of my knowledge the data is accurate and is in compliance with RCW 48.66.150 and WAC 284-66-203.

Signature of Officer

Date

Name and Title of Officer

Prepared by

Phone Number

Phone Number

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

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-210 POLICY RESERVES REQUIRED. This section shall apply to every group and individual policy of ~~((disability insurance and to every subscriber contract of an insurer, fraternal benefit society, health care service contractor, or health maintenance organization;))~~ an issuer which relates its benefits to Medicare. The term "policy reserve" is intended to apply to all types and forms of insurance equally, whether they are called policies, contracts, or certificates. For all forms which are issued on a level premium basis, policy reserves will be required. The policy reserve is in addition to claim reserves and premium reserves. The definition of the date of incurral must be the same for both claim reserves and policy reserves. Policy reserves shall be based upon the following minimum standards:

(1) Morbidity should be based upon a reasonable expectation of future claim costs for the benefits being provided. At time of policy issue this would be the morbidity assumptions used to price the contract. For later durations the morbidity should reflect the experience which emerges including the effects of inflation and utilization. All morbidity assumptions must be reasonable in the view of the commissioner.

(2) The interest rate used may not exceed the maximum rate permitted by statute in the valuation of ~~((whole))~~ life insurance issued on the same date as the Medicare supplement policy.

(3) Termination rates shall be on the same basis as the mortality table permitted by statute in the valuation of ~~((whole))~~ life insurance issued on the same date as the Medicare supplement policy or on another basis satisfactory to the commissioner.

(4) The minimum reserve is that calculated on the one-year full preliminary term method. This method produces a terminal reserve of zero at the first policy anniversary. The preliminary term method may be applied only in relation to the date of issue of a policy. Reserve adjustments introduced later as a result of rate increases, revisions in assumptions, or for other reasons, are to be applied immediately as of the effective date of adoption of the adjusted basis. Such adjustments shall be determined as follows:

(a) Present value of future payments of claim costs for benefits, determined using revised assumptions based on anticipated experience;

(b) Less the present value of future net premiums, determined using revised assumptions based on anticipated experience;

(c) Less the liability for contract reserves at the valuation date.

(5) Negative reserves on any benefit may be offset against positive reserves for other benefits in the same policy or contract, but the total policy reserve with respect to all benefits combined may not be less than zero.

(6) The minimum policy reserve shall include a reasonable margin for the risk of adverse selection.

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-220 MEDICARE SUPPLEMENT ~~((LOSS RATIO EXPERIENCE))~~ REFUND CALCULATION FORM REQUIRED. The form provided in WAC ~~((284-66-230))~~ 284-66-232 shall be filed with the commissioner annually not later than ~~((June))~~ May 30th of each calendar year beginning ~~((June))~~ May 30, ((1990)) 1993. The form is to be filed in addition to the NAIC experience exhibit and not in lieu thereof.

~~((The following instructions must be followed when completing the form:~~

~~(1) The data shall be furnished in the same format and order as that shown in WAC 284-66-230.~~

~~(2) The name of the insurer must be clearly shown at the top of each page.~~

~~(3) Separate data must be shown for each policy form number. For community rated policies, calendar year data for the most recent year should be furnished. For issue age level premium policies, data should be furnished separately for each policy duration of each form.~~

~~(4) The current filed rate schedule for each policy form number shall be attached to the experience form and shall show the policy form number for purposes of identification.~~

~~(5) Incurred losses shall include claims paid and the change in claim reserves and liabilities. A list of items that are not to be included in incurred losses is provided in WAC 284-66-200.~~

~~(6) The loss ratio shall be the ratio of incurred losses to earned premium.~~

~~(7) The experience form shall be certified by an officer of the insurer.~~

~~(8) Complete data is required for each policy form on both a national basis and for policies sold in the state of Washington.~~

~~(9) Policy reserves shall include:~~

~~(a) Active life reserves;~~

~~(b) Contingency and additional reserves; and~~

~~(c) Increased reserves which may be required by the commissioner.))~~

NEW SECTION

WAC 284-66-232 FORM FOR MEDICARE SUPPLEMENT REFUND CALCULATION.

MEDICARE SUPPLEMENT REFUND CALCULATION FORM
FOR CALENDAR YEAR _____

TYPE _____ SMSBP(w) _____
 For the State of _____
 Washington Policy or Certificate Form No(s). _____
 Company Name _____
 NAIC Group Code _____ NAIC Company Code _____
 Person Completing This Exhibit _____
 Title _____ Telephone Number _____

Line	(a) Earned Premium (x)	(b) Incurred Claims (y)
1. Current Year's Experience a. Total (all policy years) b. Current year's issues (z) c. Net (for reporting purposes = 1a - 1b)		
2. Past Years' Experience (All Policy Years)		
3. Total experience (Net Current Year + Past Years' Experience)		
4. Refunds Last year (Excluding Interest)		
5. Previous Since Inception (Excluding Interest)		
6. Refunds Since Inception (Excluding Interest)		
7. Benchmark Ratio Since Inception (SEE WORKSHEET FOR RATIO 1)		
8. Experienced Ratio Since Inception $\frac{\text{Total Actual Incurred Claims (line 3, col b)}}{\text{Total Earned Premium (line 3, col a) - Refunds Since Inception (line 6)}} = \text{Ratio 2}$		
9. Life Years Exposed Since Inception If the Experienced Ratio is less than the Benchmark Ratio, and there are more than 500 life years exposure, then proceed to calculation of refund.		
10. Tolerance Permitted (obtained from credibility table)		
11. Adjustment to incurred Claims for Credibility $\text{Ratio 3} = \text{Ratio 2} + \text{Tolerance}$ If Ratio 3 is more than benchmark ratio (ratio 1), a refund or credit to premium is not required. If Ratio 3 is less than the benchmark ratio, then proceed.		

MEDICARE SUPPLEMENT REFUND CALCULATION FORM
FOR CALENDAR YEAR _____

TYPE _____ SMSBP(w) _____
 For the State of _____
 Washington Policy or Certificate Form No(s). _____
 Company Name _____
 NAIC Group Code _____ NAIC Company Code _____
 Person Completing This Exhibit _____
 Title _____ Telephone Number _____

Line	(a) Earned Premium (x)	(b) Incurred Claims (y)
12. Adjust Incurred Claims = [Total Earned Premium (line 3, col. a) - Refunds Since Inception (line 6)] X Ratio 3 (line 11)		
13. Refund = Total Earned Premiums (line 3, col a) - Refunds Since Inception (line 6) - <u>Adjusted Incurred Claims (line 12)</u> <u>Benchmark Ratio (Ratio 1)</u> If the amount on line 13 is less than .005 times the annualized premium in force as of December 31 of the reporting year, then no refund is made. Otherwise, the amount on line 13 is to be refunded or credited, and a description of the refund and/or credit against premiums to be used must be attached to this form.		

Medicare Supplement Credibility Table

Life Year Exposed Since Inception	Tolerance
10,000 +	0.0%
5,000 - 9,999	5.0%
2,500 - 4,999	7.5%
1,000 - 2,499	10.0%
500 - 999	15.0%
If Less than 500	No credibility

MEDICARE SUPPLEMENT REFUND CALCULATION FORM
FOR CALENDAR YEAR _____

TYPE _____ SMSBP(w) _____
For the State of _____
Washington Policy or Certificate Form No(s). _____
Company Name _____
NAIC Group Code _____ NAIC Company Code _____
Person Completing This Exhibit _____
Title _____ Telephone Number _____

- (w) "SMSBP" = Standardized Medicare Supplement Benefit Plan
- (x) Includes modal loadings and fees charged.
- (y) Excludes Active Life Reserves.
- (z) This is to be used as "Issue Year Earned Premium" for Year 1 of next year's "Worksheet for Calculation of Benchmark Ratios"

I certify that the above information and calculations are true and accurate to the best of my knowledge and belief.

Signature

Name - Please Type

Title

Date

WORKSHEET #1 - INDIVIDUAL POLICIES

REPORTING FORM FOR TIME CALCULATION OF
BENCHMARK RATIO SINCE INCEPTION
FOR INDIVIDUAL POLICIES
FOR CALENDAR YEAR _____

TYPE _____ SMSBP (P) _____
FOR THE STATE OF WASHINGTON _____
Washington Policy or Certificate Form No. _____
Company Name _____
NAIC Group Code _____ NAIC Company Code _____
Address _____
Person Completing This Exhibit _____
Title _____ Telephone Number _____

(a) Year	(b) Earned Premium	(c) Factor	(d) (b) x (c)	(e) Cumulative Loss Ratio	(f) (d) x (e)	(g) Factor	(h) (b) x (g)	(i) Cumulative Loss Ratio	(j) (h) x (i)	(o) Policy Year Loss Ratio
1		2.770		0.442		0.000		0.000		0.40
2		4.175		0.493		0.000		0.000		0.55
3		4.175		0.493		1.194		0.659		0.65
4		4.175		0.493		2.245		0.669		0.67
5		4.175		0.493		3.170		0.678		0.69
6		4.175		0.493		3.998		0.686		0.71
7		4.175		0.493		4.754		0.695		0.73
8		4.175		0.493		5.445		0.702		0.75
9		4.175		0.493		6.075		0.708		0.76
10		4.175		0.493		6.650		0.713		0.76
11		4.175		0.493		7.176		0.717		0.76
12		4.175		0.493		7.655		0.720		0.77
13		4.175		0.493		8.093		0.723		0.77
14		4.175		0.493		8.493		0.725		0.77
15		4.175		0.493		8.684		0.725		0.77
Total:			(k):		(l):		(m):		(n):	

Benchmark Ratio Since Inception: $(l + n) / (k + m)$
(a) Year 1 is the current calendar year - 1
Year 2 is the current calendar year - 2 (etc.)
(Example: If the current year is 1991, then:
Year 1 is 1990; Year 2 is 1989; etc.)

(b) For the calendar year on the appropriate line in column (a),
the premium earned during that year for policies issued in that year.
(p) "SMSBP" = Standard Medicare Supplement Benefit Plan

k = Total of Column "d"
l = Total of Column "f"
m = Total of Column "h"
n = Total of Column "j"

(o) These loss ratios are not explicitly used in computing the benchmark loss ratios.
They are the loss ratios, on a policy year basis, which result in the cumulative

WORKSHEET #1 - GROUP POLICIES

REPORTING FORM FOR TIME CALCULATION OF
BENCHMARK RATIO SINCE INCEPTION
FOR GROUP POLICIES
FOR CALENDAR YEAR ____

TYPE _____ SMSBP (P) _____
 FOR THE STATE OF WASHINGTON _____
 Washington Policy or Certificate Form No. _____
 Company Name _____
 NAIC Group Code _____ NAIC Company Code _____
 Address _____
 Person Completing This Exhibit _____
 Title _____ Telephone Number _____

(a) Year	(b) Earned Premium	(c) Factor	(d) (b) x (c)	(e) Cumulative Loss Ratio	(f) (d) x (e)	(g) Factor	(h) (b) x (g)	(i) Cumulative Loss Ratio	(j) (h) x (i)	(n) Policy Year Loss Ratio
1		2.770		0.507		0.000		0.000		0.46
2		4.175		0.567		0.000		0.000		0.63
3		4.175		0.567		1.194		0.759		0.75
4		4.175		0.567		2.245		0.771		0.77
5		4.175		0.567		3.170		0.782		0.8
6		4.175		0.567		3.998		0.792		0.82
7		4.175		0.567		4.754		0.802		0.84
8		4.175		0.567		5.445		0.811		0.87
9		4.175		0.567		6.075		0.818		0.88
10		4.175		0.567		6.650		0.824		0.88
11		4.175		0.567		7.176		0.828		0.88
12		4.175		0.567		7.655		0.831		0.88
13		4.175		0.567		8.093		0.834		0.89
14		4.175		0.567		8.493		0.837		0.89
15		4.175		0.567		8.684		0.838		0.89
Total:			(k):		(l):		(m):		(n):	

Benchmark Ratio Since Inception: $(1 + n) / (k + m)$
 (a): Year 1 is the current calendar year - 1
 Year 2 is the current calendar year - 2 (etc.)
 (Example: If the current year is 1991, then:
 Year 1 is 1990; Year 2 is 1989; etc.)

(b): For the calendar year on the appropriate line in column (a),
 the premium earned during that year for policies issued in that year.

(p) "SMSBP" = Standard Medicare Supplement Benefit Plan

k = Total of Column "d"
 l = Total of Column "f"
 m = Total of Column "h"
 n = Total of Column "j"

(o): These loss ratios are not explicitly used in computing the benchmark loss ratios.
 They are the loss ratios, on a policy year basis, which result in the cumulative
 loss ratio displayed on this worksheet. They are shown here for informational purposes only.

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

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-240 FILING REQUIREMENTS AND PREMIUM ADJUSTMENTS. (1) ~~((Every insurer advertising, soliciting, renewing, or providing Medicare supplement insurance coverage in this state as of December 31, 1989, shall file with the commissioner, in accordance with the applicable filing procedures of this state:~~

~~(a) Policy forms, riders or endorsements required to accomplish the modifications necessary to eliminate benefit duplications with Medicare or to bring a Medicare supplement insurance policy form into conformity with amendments to this chapter, such forms providing a clear description of the Medicare supplement benefits provided by the policy; and~~

~~(b) Appropriate premium adjustments necessary to produce complying loss ratios originally anticipated for the applicable policies and such supporting documents necessary in the opinion of the commissioner to justify the adjustments, including the information set forth in WAC 284-66-200.~~

~~(2)) Unless such forms meet the standards of WAC 284-66-063 and 284-66-203, all policy forms((, riders, and rates filed for initial use)) issued or delivered on or after January 1, 1990, and before July 1, 1992, as well as any future rate adjustment thereto, shall demonstrate compliance with the loss ratio requirements of WAC 284-66-200 and policy reserve requirements of WAC 284-66-210. All filings of ((forms)) rate adjustments shall be accompanied by the proposed rate schedule and an actuarial memorandum completed and signed by a qualified actuary as defined in WAC 284-05-060. In addition to the actuarial memorandum, the following supporting documentation must be submitted to demonstrate to the satisfaction of the commissioner that rates are not excessive, inadequate, or unfairly discriminatory and otherwise comply with the requirements of this chapter. If any of the items listed below are inappropriate due to the pricing methodology utilized by the pricing actuary, the commissioner may waive the requirements upon request of the ((insurer)) issuer.~~

~~(a) Filings of issue age level premium rates shall be accompanied by the following:~~

~~(i) Anticipated loss ratios stated on a policy year basis for the period for which the policy is rated. Filings of future rate adjustments must contain the actual policy year loss ratios experienced since inception;~~

~~(ii) Anticipated total termination rates on a policy year basis for the period for which the policy is rated. The termination rates should be stated as a percentage and the source of the mortality assumption must be specified. Filings of future rate adjustments must include the actual total termination rates stated on a policy year basis since inception;~~

~~(iii) Expense assumptions including fixed and percentage expenses for acquisition and maintenance costs;~~

~~(iv) Schedule of total compensation payable to agents and other producers as a percentage of premium, if any;~~

~~(v) Specimen copy of the compensation agreements or contracts between the ((insurer)) issuer and its agents, brokers, general agents, or others whose compensation is based in whole or in part on the sale of Medicare supplement insurance policies, such agreements demonstrating compliance with WAC 284-66-350 (where appropriate);~~

~~(vi) Other data necessary in the reasonable opinion of the commissioner to substantiate the filing.~~

~~(b) Filings of community rated forms shall be accompanied by the following:~~

~~(i) Anticipated loss ratio for the accounting period for which the policy is rated. The duration of the accounting period must be stated in the filing, established based on the judgment of the pricing actuary, and must be reasonable in the opinion of the commissioner. Filings for rate adjustment must demonstrate that the actual loss ratios experienced during the three most recent accounting periods, on an aggregated basis, have been equal to or greater than the loss ratios required by WAC 284-66-200.~~

~~(ii) Expense assumptions including fixed and percentage expenses for acquisition and maintenance costs;~~

~~(iii) Schedule of total compensation payable to agents and other producers as a percentage of premium, if any;~~

~~(iv) Specimen copy of the compensation agreements or contracts between the insurer and its agents, brokers, general agents, or others whose compensation is based in whole or in part on the sale of Medicare supplement insurance policies, such agreements demonstrating compliance with WAC 284-66-350 (where appropriate);~~

~~(v) Other data necessary in the reasonable opinion of the commissioner to substantiate the filing.~~

~~((c) Filings of the rates for all risk sharing contracts shall include the following:~~

~~(i) All information filed with, and approved by, the Health Care Financing Administration;~~

~~(ii) Rate of per capita reimbursement by the Health Care Financing Administration;~~

~~(iii) Expense assumptions including fixed and percentage expenses for acquisition and maintenance costs;~~

~~(iv) Schedule of total compensation payable to agents and other producers as a percentage of premium, if any;~~

~~(v) Specimen copy of the compensation agreements or contracts between the insurer and its agents, brokers, general agents, or others whose compensation is based in whole or in part on the sale of Medicare supplement insurance policies, such agreements demonstrating compliance with WAC 284-66-350 (where appropriate);~~

~~(vi) Other data necessary in the reasonable opinion of the commissioner to substantiate the filing.~~

~~(3)) (2) Every ((insurer providing Medicare supplement coverage to residents of this state)) issuer shall make such premium adjustments as are necessary to produce an expected loss ratio under such policy as will conform with the minimum loss ratio standards of WAC 284-66-200.~~

~~((4)) (3) No premium adjustment which would modify the loss ratio experience under the policy, other~~

than the adjustments described in this section, may be made with respect to a policy at any time other than upon its renewal or anniversary date.

~~((5))~~ (4) Premium refunds or premium credits shall be made to the premium payer no later than upon renewal if a credit is given, or within sixty days of the renewal or anniversary date if a refund is provided.

~~((6))~~ (5) For purposes of rate making and requests for rate increases, all individual Medicare supplement policy forms of an ~~((insurer))~~ issuer are considered "similar policy forms" including forms no longer being marketed.

NEW SECTION

WAC 284-66-243 FILING AND APPROVAL OF POLICIES AND CERTIFICATES AND PREMIUM RATES. (1) An issuer shall not deliver or issue for delivery a policy or certificate to a resident of this state unless the policy form or certificate form has been filed with and approved by the commissioner in accordance with filing requirements and procedures prescribed by the commissioner.

(2) An issuer shall not use or change premium rates for a Medicare supplement policy or certificate unless the rates, rating schedule, and supporting documentation have been filed with and approved by the commissioner in accordance with the filing requirements and procedures prescribed by the commissioner.

(3)(a) Except as provided in (b) of this subsection, an issuer shall not file for approval more than one form of a policy or certificate of each type for each standard Medicare supplement benefit plan.

(b) An issuer may offer, with the approval of the commissioner, up to four additional policy forms or certificate forms of the same type for the same standard Medicare supplement benefit plan, one for each of the following cases:

- (i) The inclusion of new or innovative benefits;
- (ii) The addition of either direct response or agent marketing methods;
- (iii) The addition of either guaranteed issue or underwritten coverage;
- (iv) The offering of coverage to individuals eligible for Medicare by reason of disability.

(c) For the purposes of this section, a "type" means an individual policy, a group policy, an individual Medicare SELECT policy, or a group Medicare SELECT policy.

(4)(a) Except as provided in (a)(i) of this subsection, an issuer shall continue to make available for purchase any policy form or certificate form issued after the effective date of this regulation that has been approved by the commissioner. A policy form or certificate form shall not be considered to be available for purchase unless the issuer has actively offered it for sale in the previous twelve months.

(i) An issuer may discontinue the availability of a policy form or certificate form if the issuer provides to the commissioner in writing its decision at least thirty days prior to discontinuing the availability of the form of the policy or certificate. After receipt of the notice by

the commissioner, the issuer shall no longer offer for sale the policy form or certificate form in this state.

(ii) An issuer that discontinues the availability of a policy form or certificate form pursuant to (a)(i) of this subsection, shall not file for approval a new policy form or certificate form of the same type for the same standard Medicare supplement benefit plan as the discontinued form for a period of five years after the issuer provides notice to the commissioner of the discontinuance. The period of discontinuance may be reduced if the commissioner determines that a shorter period is appropriate.

(b) The sale or other transfer of Medicare supplement business to another issuer shall be considered a discontinuance for the purposes of this subsection.

(c) A change in the rating structure or methodology shall be considered a discontinuance under (a) of this subsection, unless the issuer complies with the following requirements:

(i) The issuer provides an actuarial memorandum, in a form and manner prescribed by the commissioner, describing the manner in which the revised rating methodology and resultant rates differ from the existing rating methodology and resultant rates.

(ii) The issuer does not subsequently put into effect a change of rates or rating factors that would cause the percentage differential between the discontinued and subsequent rates as described in the actuarial memorandum to change. The commissioner may approve a change to the differential which is in the public interest.

(5)(a) Except as provided in (b) of this subsection, the experience of all policy forms or certificate forms of the same type in a standard Medicare supplement benefit plan shall be combined for purposes of the refund or credit calculation prescribed in WAC 284-66-203.

(b) Forms assumed under an assumption reinsurance agreement shall not be combined with the experience of other forms for purposes of the refund or credit calculation.

(6) An issuer may set rates only on a community rated basis or on an issue-age level premium basis.

(a) Community rated premiums shall be equal for all individual policyholders or certificateholders under a standardized Medicare supplement benefit form. Such premiums may not vary by age or sex.

(b) Issue-age level premiums must be calculated for the lifetime of the insured. This will result in a level premium if the effects of inflation are ignored.

(7) All filings of policy or certificate forms shall be accompanied by the proposed application form, outline of coverage form, proposed rate schedule, and an actuarial memorandum completed, signed and dated by a qualified actuary as defined in WAC 284-05-060. In addition to the actuarial memorandum, the following supporting documentation must be submitted to demonstrate to the satisfaction of the commissioner that rates are not excessive, inadequate, or unfairly discriminatory and otherwise comply with the requirements of this chapter:

(a) Anticipated loss ratios stated on a calendar year basis by duration for the period for which the policy is rated. Filings of future rate adjustments must contain

the actual calendar year loss ratios experienced since inception, both before and after the refund required, if any;

(b) Anticipated total termination rates on a calendar year basis by duration for the period for which the policy is rated. The termination rates should be stated as a percentage and the source of the mortality assumption must be specified. Filings of future rate adjustments must include the actual total termination rates stated on a calendar year basis since inception;

(c) Expense assumptions including fixed and percentage expenses for acquisition and maintenance costs;

(d) Schedule of total compensation payable to agents and other producers as a percentage of premium, if any;

(e) A complete specimen copy of the compensation agreements or contracts between the issuer and its agents, brokers, general agents, as well as the contracts between general agents and agents or others whose compensation is based in whole or in part on the sale of Medicare supplement insurance policies. Such agreements shall demonstrate compliance with WAC 284-66-350 (where appropriate);

(f) Other data necessary in the reasonable opinion of the commissioner to substantiate the filing.

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-250 FILING REQUIREMENTS FOR OUT-OF-STATE GROUP POLICIES. Every ((insurer)) issuer providing group Medicare supplement insurance benefits to a resident of this state shall file with the commissioner, within thirty days of its use in this state, a copy of the master policy and any certificate used in this state, in accordance with the filing requirements and procedures applicable to Medicare supplement policies issued in this state.

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-260 RIDERS AND ENDORSEMENTS. (1) Effective January 1, 1990, subject to RCW 48.66.050(2), and except for riders or endorsements issued in accordance with subsection (2) of this section, no rider, endorsement, waiver, or any other means of modifying contractual benefits may be used by an ((insurer)) issuer to exclude, limit, or reduce the coverage or benefits of a Medicare supplement insurance policy or certificate issued to a resident of this state. Only riders or endorsements which increase benefits or coverage may be used in this state.

(2) Effective January 1, 1990, except for riders or endorsements issued to bring a policy into compliance with changes to the minimum benefit standards or other contractual benefits required by this chapter or as hereafter amended:

(a) An amendment to a Medicare supplement insurance policy ((amendment)) or certificate which increases the premium must be requested or accepted by the policyholder in writing; and

(b) Where separate additional premium is charged for a rider, endorsement or other amendment to the contractual benefits of a Medicare supplement insurance policy or certificate, the premium charged shall be set forth in the policy.

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-270 STANDARDS FOR CLAIMS PAYMENT: COMPLIANCE WITH OMNIBUS BUDGET RECONCILIATION ACT OF 1987. (~~Every insurer to whom it applies shall certify to the commissioner on the Medicare supplement experience exhibit of its annual statement that it has complied with Section 4081 of the Omnibus Budget Reconciliation Act of 1987.~~) (1) An issuer shall comply with Section 1882 (c)(3) of the Social Security Act (as enacted by Section 4081 (b)(2)(C) of the Omnibus Budget Reconciliation Act of 1987 (OBRA'87), P.L. 100-203) by:

(a) Accepting a notice from a Medicare carrier on dually assigned claims submitted by participating physicians and suppliers as a claim for benefits in place of any other claim form otherwise required and making a payment determination on the basis of the information contained in that notice;

(b) Notifying the participating physician or supplier and the beneficiary of the payment determination;

(c) Paying the participating physician or supplier directly;

(d) Furnishing, at the time of enrollment, each enrollee with a card listing the policy name, number, and a central mailing address to which notices from a Medicare carrier may be sent;

(e) Paying user fees for claim notices that are transmitted electronically or otherwise; and

(f) Providing to the Secretary of Health and Human Services, at least annually, a central mailing address to which all claims may be sent by Medicare carriers.

(2) Compliance with the requirements set forth in subsection (1) of this section shall be certified on the Medicare supplement insurance experience reporting form.

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-300 REQUIREMENTS FOR ADVERTISING. (1) At least thirty days prior to use in this state, every ((insurer)) issuer who provides Medicare supplement insurance coverage to a resident of this state shall provide the commissioner with a copy of any Medicare supplement advertisement (as advertisement is defined in WAC 284-50-030) intended for use in this state whether through written, radio, or television medium. In the case of radio or television advertising, an audio cassette or VHS cassette shall be supplied on request of the commissioner.

(2) Advertising shall comply with the standards of the Washington disability advertising regulation (WAC 284-50-010 through 284-50-230), and shall set forth the name in full of the ((insurer)) issuer and the location

of its home office or principal office in the United States (if an alien ((insurer)) issuer).

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-310 ATTAINED AGE RATING PROHIBITED. With respect to Medicare supplement insurance policies and certificates initially sold to residents of this state on or after January 1, 1989, the commissioner has found and hereby defines it to be an unfair act or practice and an unfair method of competition, and a prohibited practice, for any ((insurer)) issuer, directly or indirectly, to use the increasing age of an insured, subscriber, or participant as the basis for increasing premiums or prepayment charges. Accordingly, the rating practice commonly referred to as "attained age rating" is prohibited.

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-320 REPORTING OF MULTIPLE POLICIES. (1) On or before March 1st of each year, ~~((every insurer providing Medicare supplement insurance coverage in this state))~~ an issuer shall report to the commissioner the following information for every individual resident of this state for which the ((insurer)) issuer has in force more than one Medicare supplement ~~((insurance))~~ policy or certificate on a form approved by the commissioner, substantially in the form provided in WAC 284-66-323:

- (a) Policy and certificate number; and
 - (b) Date of issuance.
- (2) The items set forth above must be grouped by individual policyholder.

NEW SECTION

WAC 284-66-323 FORM FOR REPORTING MULTIPLE MEDICARE SUPPLEMENT POLICIES AND CERTIFICATES.
Medicare Supplement Regulation

FORM FOR REPORTING
MEDICARE SUPPLEMENT POLICIES

Company Name: _____

Address: _____

Phone Number: _____

Due: March 1, annually

The purpose of this form is to report the following information on each resident of this state who has in force more than one Medicare supplement policy or certificate. The information is to be grouped by individual policyholder.

Policy and
Certificate #

Date of
Issuance

Signature

Name and Title (please type)

Date

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-330 STANDARDS FOR MARKETING. (1) Every ~~((insurer))~~ issuer marketing Medicare supplement insurance coverage in this state, directly or through its producers, shall:

(a) Establish marketing procedures to assure that any comparison of policies or certificates by its agents or other producers will be fair and accurate.

(b) Establish marketing procedures to assure excessive insurance is not sold or issued.

(c) Display prominently by type, stamp or other appropriate means, on the first page of the ~~((outline of coverage and))~~ policy or certificate the following:

"NOTICE TO BUYER: THIS (POLICY, CONTRACT OR CERTIFICATE) MAY NOT COVER ALL OF ~~((THE COSTS ASSOCIATED WITH MEDICAL CARE INCURRED BY THE BUYER DURING THE PERIOD OF COVERAGE. THE BUYER IS ADVISED TO REVIEW CAREFULLY ALL POLICY LIMITATIONS))~~ YOUR MEDICAL EXPENSES."

(d) Inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for Medicare supplement insurance already has disability insurance and the types and amounts of any such insurance.

(e) ~~((Every insurer marketing Medicare supplement insurance in this state shall))~~ Establish auditable procedures for verifying compliance with this section.

(2) In addition to the acts and practices prohibited in chapter 48.30 RCW, chapters 284-30 and 284-50 WAC, and this chapter, the commissioner has found and hereby defines the following to be unfair acts or practices and unfair methods of competition, and prohibited practices for any ~~((insurer))~~ issuer, or their respective agents either directly or indirectly:

(a) Twisting. Making misrepresentations or misleading comparisons of any insurance policies or ~~((insurers))~~ issuers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, or convert any insurance policy.

(b) High pressure tactics. Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat whether explicit or implied, or otherwise applying undue pressure to coerce the purchase of, or recommend the purchase of, insurance.

(c) Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-340 APPROPRIATENESS OF RECOMMENDED PURCHASE AND EXCESSIVE INSURANCE. (1) In recommending the purchase or

replacement of any Medicare supplement policy or certificate an agent shall make reasonable efforts to determine the appropriateness of a recommended purchase or replacement.

(2) Any sale of Medicare supplement coverage which will provide an individual more than one Medicare supplement policy or certificate is prohibited ~~((PROHIBITED, HOWEVER, That additional Medicare supplement coverage may be sold if, when combined with that individual's coverage already in force, the combined coverages would insure, as to the individual, no more than one hundred percent of actual medical expenses. This subsection does not apply to forms of disability indemnity insurance, such as specified disease and hospital indemnity policies))~~.

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-350 ~~((PROHIBITED))~~ PERMITTED COMPENSATION ARRANGEMENTS. (1)(a) The commissioner has found and hereby defines it to be an unfair act or practice and an unfair method of competition, and a prohibited practice, for any ~~((insurer))~~ issuer, directly or indirectly, to provide commission to an agent or other representative for the solicitation, sale, servicing, or renewal of a Medicare supplement policy or certificate which is delivered or issued for delivery to a resident within this state unless the commission is identical as to percentage of premium for every policy year as long as the coverage under the policy or certificate remains in force with premiums being paid, or waived by the ~~((insurer))~~ issuer, for such coverage.

(b) Each commission payment must be made by the ~~((insurer))~~ issuer no later than sixty days following the date on which the applicable premiums, upon which the commission is calculated, were paid. Each such payment must be paid to either the producing agent who originally sold the policy or to a successor agent designated by the ~~((insurer))~~ issuer to replace the producing agent, or shared between them on some basis. The distribution of the commission payments shall be designated by the ~~((insurer))~~ issuer in its various agents' commission agreements and it may not terminate, reduce or retain the commission payment as long as the policy or certificate remains in force with premiums being paid, or waived by the ~~((insurer))~~ issuer, for the coverage thereunder.

(c) Where an ~~((insurer))~~ issuer provides a portion of the total commission for the solicitation, sale, servicing, or renewal of a Medicare supplement policy or certificate to a general agent, sales manager, district representative or other supervisor who has marketing responsibilities (other than a producing or successor agent), while such portion of total commissions continues to be paid it shall be identical as to percentage of premium for every policy year as long as coverage under the policy or certificate remains in force with premiums being paid, or waived by the ~~((insurer))~~ issuer, for such coverage.

(2) For purposes of this section, "commission" includes pecuniary or nonpecuniary remuneration of any

kind relating to the solicitation, sale, servicing, or renewal of the policy or certificate, including but not limited to bonuses, gifts, prizes, advances on commissions, awards and finders fees.

(3) This section shall not apply to salaried employees of an ((insurer)) issuer who have marketing responsibilities if the salaried employee is not compensated, directly or indirectly, on any basis dependent upon the sale of insurance being made, including but not limited to considerations of the number of applications submitted, the amount or types of insurance, or premium volume.

AMENDATORY SECTION (Amending Order R 90-4, filed 3/20/90, effective 4/20/90)

WAC 284-66-400 CHAPTER NOT EXCLUSIVE. Nothing contained in this chapter shall be construed to limit the authority of the commissioner to regulate ((a)) Medicare supplement insurance ((policy)) policies or certificates under other sections of Title 48 RCW.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284-66-070 RESERVED.

WAC 284-66-090 FORM FOR "OUTLINE OF COVERAGE."

WAC 284-66-100 FORM FOR 1990 ADJUSTMENT NOTICE TO ACCOMPANY OUTLINE OF COVERAGE.

WAC 284-66-140 FORM FOR "REPLACEMENT NOTICE TO APPLICANT" FOR OTHER THAN DIRECT RESPONSE INSURERS.

WAC 284-66-150 FORM FOR "REPLACEMENT NOTICE TO APPLICANT" BY DIRECT RESPONSE INSURERS.

WAC 284-66-180 CONTINUOUS RENEWABILITY REQUIRED.

WAC 284-66-190 OFFER OF REINSTITUTION OF COVERAGE.

WAC 284-66-230 FORM FOR REPORTING MEDICARE SUPPLEMENT LOSS RATIO EXPERIENCE.

WSR 92-06-022

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed February 25, 1992, 4:03 p.m.]

Date of Adoption: February 25, 1992.

Purpose: To generate funds for Washington state's 1992 apple maggot survey and detection program through a temporary assessment of fresh apple shipments.

Citation of Existing Rules Affected by this Order: Amending WAC 16-400-210.

Statutory Authority for Adoption: Chapters 15.17 and 17.24 RCW.

Pursuant to notice filed as WSR 92-02-069 on December 31, 1991.

Effective Date of Rule: Thirty-one days after filing.

February 25, 1992

Michael V. Schwisow

Deputy Director

for C. Alan Pettibone

Director

AMENDATORY SECTION (Amending Order 2031, filed 4/11/90, effective 5/12/90)

WAC 16-400-210 OTHER CHARGES. Other miscellaneous charges are listed below:

(1) Charges for platform inspection shall be:

(a) Platform inspections, time taking samples, extra time, phytosanitary and/or quarantine inspection, and all other services, shall be charged at the hourly rate of twenty dollars.

(b) Time allowance - Where a platform inspector is working full time at one house and also doing certification inspection, the inspector shall allow credit for the time according to limits outlined in the schedule for such certification at the hourly rate of twenty dollars.

Should the certificate charges divided by the respective hourly rates equal or exceed the number of hours worked, no platform charge shall be assessed. Should the certificate charges divided by the respective hourly rates be less than the number of hours worked, the platform charge shall be made to bring the total to the appropriate charge.

(2) Fumigation charges—The minimum charge for supervision of fumigation shall be eighteen dollars. Additional or unnecessary stand-by time shall be charged as specified in subsection (1)(a) of this section. In temporary, nonpermanent facilities or those lacking adequate devices for maintenance of acceptable treatment temperatures, no fumigations shall be started after 3:00 p.m. from October 1 to May 31, nor after 10:00 p.m. from June 1 to September 30.

(3) Field or orchard inspections made at the applicant's request for determination of presence or absence of disease or insect infestation, or for other reason, shall be at the rate of two dollars fifty cents per acre or fraction thereof or at the rate specified in subsection (1)(a) of this section except as otherwise provided in subsection (13) of this section.

(4) Seed sampling fees shall be arranged with the ((chemical and)) plant services division for services performed.

(5) Extra charges on services provided shall be assessed according to provisions listed below.

(a) The minimum inspection charge for each commodity and requested form shall be at the rate specified in subsection (1)(a) of this section.

(b) If, through no fault of the inspection service, time over the maximum allowance as supported by unit rates for each commodity and requested form is required, such excess time shall be at the rate as specified in subsection (1)(a) of this section.

(c) For all inspection services performed beyond a regularly scheduled eight-hour week day shift or on

Saturdays, or Sundays, or state legal holidays, an hourly charge shall be made equivalent to twenty-seven dollars.

These charges shall be made for actual hours spent in performance of duties. This shall include unit charges, plus, if necessary, overtime charges to equal the respective overtime hourly rates.

The following are state legal holidays: New Year's Day, Veteran's Day, Memorial Day (the last Monday of May), Independence Day, Labor Day (the first Monday in September), Thanksgiving Day (the fourth Thursday in November) and the day following Thanksgiving Day, Christmas Day, Martin Luther King, Jr. Day (third Monday in January), and Presidents' Day (third Monday in February).

(d) When the per unit charge for inspection in any one day equals or exceeds the basic hourly and/or overtime charge, no additional hourly or overtime charges shall be assessed.

(6) Mileage—Whenever necessary, mileage shall be charged at the rate established by the state office of financial management.

(7) Electronic transmission of documents—Telegrams, facsimile, or electronic transmission of inspection documents shall be charged at the rate of four dollars per transmission in addition to Western Union charges made directly to the applicant.

(8) Services provided to other agencies—Services provided to other agencies, commissions, and organizations shall be charged at the rate specified in subsection (1)(a) of this section.

(9) Timely payment—Payment of fees and charges is due within thirty days after date of statement, provided:

(a) If payment is not received within thirty days, service may be withheld until the delinquent account is paid; or

(b) In the case of such delinquent accounts, cash payment for subsequent service may be required; and

(c) A penalty of twelve percent per annum shall be assessed on the delinquent account balance.

(10) USDA positive lot identification—Certification utilizing positive lot identification shall be charged at the rates specified in this section and WAC 16-400-010, 16-400-040, and 16-400-100 with an additional charge of ten percent. The minimum shall be twelve dollars per inspection. Service will be provided first in those instances in which positive lot identification is a mandatory condition of the sales transaction. Other requests for positive lot identification will be serviced upon adequate notification to the inspection service and availability of inspection personnel.

(11) Controlled atmosphere license fee—The application for an annual license to engage in the business of operating a controlled atmosphere storage warehouse or warehouses shall be accompanied by an annual license fee of five dollars per room, with a minimum fee established at twenty-five dollars for five rooms or less.

(12) Inspection fees may be waived on inspections of fruits and vegetables when donated to bona fide non-profit organizations: PROVIDED, That shipping containers shall be conspicuously labeled or marked as "not for resale."

(13) For apple pest certification by survey method; one cent per cwt. or fraction thereof, on all fresh apples produced in the state of Washington or marketed under Washington state grades and standards. Such fee shall terminate on August 14, 1992.

WSR 92-06-023

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed February 25, 1992, 4:06 p.m.]

Date of Adoption: February 25, 1992.

Purpose: To repeal Washington state's varroa mite quarantine.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-470-600 through 16-470-635.

Statutory Authority for Adoption: Chapters 15.60 and 17.24 RCW.

Pursuant to notice filed as WSR 92-02-070 on December 31, 1991.

Effective Date of Rule: Thirty-one days after filing.

February 25, 1992

Michael V. Schwisow

Deputy Director

for C. Alan Pettibone

Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-470-600 QUARANTINE—VARROA MITE.

WAC 16-470-605 VARROA MITE—REGULATED ARTICLES.

WAC 16-470-610 VARROA MITE—AREA UNDER QUARANTINE—EXTERIOR.

WAC 16-470-615 VARROA MITE—CONDITIONS GOVERNING THE MOVEMENT OF REGULATED ARTICLES INTO WASHINGTON STATE.

WAC 16-470-620 VARROA MITE—ATTACHMENT AND DISPOSITION OF CERTIFICATES.

WAC 16-470-625 VARROA MITE—TREATMENT.

WAC 16-470-630 VARROA MITE—AREA UNDER QUARANTINE—INTERIOR.

WAC 16-470-635 VARROA MITE—RESTRICTIONS—INTERIOR.

WSR 92-06-024

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed February 25, 1992, 4:09 p.m.]

Date of Adoption: February 25, 1992.

Purpose: To repeal Washington state's internal quarantine on apple ermine moth.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 16-470-500 through 16-470-530.
 Statutory Authority for Adoption: Chapters 15.13 and
 17.24 RCW.

Pursuant to notice filed as WSR 92-02-071 on
 December 31, 1991.

Effective Date of Rule: Thirty-one days after filing.
 February 25, 1992
 Michael V. Schwisow
 Deputy Director
 for C. Alan Pettibone
 Director

REPEALER

The following sections of the Washington Adminis-
 trative Code are repealed:

- WAC 16-470-500 APPLE ERMINE MOTH—
 QUARANTINE.
- WAC 16-470-510 APPLE ERMINE MOTH—
 AREA UNDER QUARANTINE.
- WAC 16-470-520 APPLE ERMINE MOTH—
 COMMODITIES UNDER QUARANTINE.
- WAC 16-470-530 APPLE ERMINE MOTH
 QUARANTINE—RESTRICTIONS—
 REQUIREMENTS.

WSR 92-06-025
 NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
 [Memorandum—February 24, 1992]

The board of trustees of the Seattle Community College
 District will hold a work session, beginning at 4:30 p.m.
 on March 3, 1992, prior to the regular board meeting.

WSR 92-06-026
 NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
 (Fryer Commission)
 [Memorandum—February 24, 1992]

The following is a list of the remaining meetings for the
 Fryer Commission in 1992. The list fulfills the commis-
 sion's requirements for notification of regular meetings
 per RCW 42.30.075.

MEETING SCHEDULE

Thursday	May 14, 1992	Renton Office Boardroom	10 a.m.-3 p.m.
Thursday	Aug. 13, 1992	Renton Office Boardroom	10 a.m.-3 p.m.
Thursday	Dec. 10, 1992	Renton Office Boardroom	10 a.m.-3 p.m.

WSR 92-06-027
 PERMANENT RULES
 STATE BOARD
 OF EDUCATION

[Filed February 26, 1992, 10:52 a.m.]

Date of Adoption: January 24, 1992.

Purpose: Changes made to give colleges/universities
 more flexibility in evaluation plans, and to respond to
 new RCW mandates.

Citation of Existing Rules Affected by this Order:
 Amending WAC 180-78-165.

Statutory Authority for Adoption: RCW
 28A.410.010.

Other Authority: RCW 28A.70.005.

Pursuant to notice filed as WSR 91-20-152 on Octo-
 ber 2, 1991.

Changes Other than Editing from Proposed to Adopt-
 ed Version: Added provisions for colleges/universities to
 develop evaluation plan for WAC required course
 content.

Other Findings Required by Other Provisions of Law
 as Precondition to Adoption or Effectiveness of Rule:
 Adoption postponed to different time and place with due
 notice pursuant to RCW 34.05.325.

Effective Date of Rule: Thirty-one days after filing.
 February 25, 1992
 Dr. Monica Schmidt
 Executive Director

AMENDATORY SECTION (Amending Order 26-88,
 filed 12/14/88)

WAC 180-78-165 EVIDENCE OF COMPLI-
 ANCE WITH CANDIDATE KNOWLEDGE AND
 SKILLS POLICIES PROGRAM APPROVAL STAN-
 DARD. The following evidence shall be evaluated to de-
 termine whether each professional preparation program
 is in compliance with the candidate's knowledge and
 skills policies program approval standard of WAC 180-
 78-140(5):

(1) The applicable program approval requirements of
 WAC 180-78-210 through 180-78-300 are incorporat-
 ed into course and field experience requirements of all
 candidates in the professional preparation program.

(2) ~~((Courses and field experiences addressing the
 state standards are evaluated by the students as to the
 extent to which the required state standards have been
 covered and by the instructor as to the extent to which
 the candidates achieve and/or demonstrate mastery of
 the required standards.))~~ A written plan shall be adopt-
 ed for each program to provide for ongoing evaluation of
 the extent to which the candidates achieve and/or dem-
 onstrate mastery of the required state standards in indi-
 vidual courses, sections, and field experiences. Such
 evaluations shall be shared annually with the appropri-
 ate professional education advisory board for its review
 and recommendation. The written plan for evaluation
 shall be documented to the state board of education.

(3) Candidates complete the professional preparation
 program approved by the state board of education,
 which must include course work on issues of abuse. The
 content of the course work or in-service program shall

discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

(4) The programs of study for each endorsement area include the state's minimum essential areas of study. Any additional requirements for an endorsement are developed by using the national association of state directors of teacher education and certification (or other professional association) standards as guidelines. The recommended course of study, including alternatives, shall be available for students and evaluation pursuant to this section.

(5) Examples of test questions and answers, performance assessments, and other forms of evaluations used in courses, practica and other aspects of the program, verify the demonstration of all minimum state standards, including the respective general and role-specific minimum state standards.

(6) The required programs of study in each professional preparation program are designed to provide for individual differences in learner rate and style. The required course of study, including alternatives, for each professional preparation program—i.e., teacher, educational staff associate, and administrator—shall be available for students and evaluation pursuant to this section.

WSR 92-06-028
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed February 26, 1992, 1:58 p.m.]

Original Notice.

Title of Rule: Osteopathic fees, WAC 246-853-990.

Purpose: To implement legislation relative to temporary practice permits and inactive license renewals.

Statutory Authority for Adoption: RCW 43.70.250.

Statute Being Implemented: Chapters 18.57 and 18.130 RCW.

Summary: Fees are needed to implement legislation relative to temporary practice permits and inactive license renewals.

Reasons Supporting Proposal: Fees are required to support program activities.

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

Name of Proponent: Board of Osteopathic Medicine and Surgery, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule is intended to implement legislation for temporary permits which will encourage out-of-state applicants to locate in Washington and the inactive license renewal which is anticipated to retain some of the out-of-state revenue for the program.

Proposal Changes the Following Existing Rules: Revises fee category for temporary permits and adds new fee category for inactive license renewal.

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

Hearing Location: General Administration Auditorium, 11th and Columbia, Olympia, Washington 98504, on April 8, 1992, at 1:00 p.m.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, 1300 S.E. Quince Street, P.O. Box 47902, Olympia, WA 98504-7902, by April 6, 1992.

Date of Intended Adoption: April 15, 1992.

February 24, 1992
 Mimi L. Fields, MD, MPH
 for Kristine M. Gebbie
 Secretary

AMENDATORY SECTION (Amending Order 200, filed 10/10/91, effective 11/10/91)

WAC 246-853-990 OSTEOPATHIC FEES. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Osteopath:	
Renewal	\$410.00
Duplicate	15.00
Certification	25.00
Osteopathic physician:	
Endorsement application	500.00
License renewal	410.00
Inactive license renewal	270.00
Late renewal penalty	50.00
Flex exam/state exam application	600.00
Endorsement/state exam application	500.00
Retake flex I	300.00
Retake flex II	350.00
Reexam	100.00
Duplicate license	15.00
Certification	25.00
Limited license application	250.00
Limited license renewal	205.00
Temporary permit application	((+00.00)) 50.00
Impaired program surcharge	15.00
Osteopathic physician assistant:	
Application	150.00
Renewal	50.00
Duplicate license	15.00

WSR 92-06-029
PERMANENT RULES
DEPARTMENT OF HEALTH
(Board of Optometry)

[Order 246—Filed February 26, 1992, 2:02 p.m.]

Date of Adoption: February 24, 1992.

Purpose: To establish a fee for a temporary practice permit. To establish a fee for optometrists not licensed in Washington who attend the annual board continuing education seminar.

Citation of Existing Rules Affected by this Order: Amending WAC 246-851-990.

Statutory Authority for Adoption: RCW 43.70.250.

Pursuant to notice filed as WSR 92-01-071 on December 16, 1991.

Effective Date of Rule: Thirty-one days after filing.
February 24, 1992
Kristine M. Gebbie
Secretary

AMENDATORY SECTION (Amending Order 173, filed 6/6/91, effective 7/7/91)

WAC 246-851-990 OPTOMETRY FEES. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Application—Nonrefundable	\$100.00
Examination/initial license	250.00
Reexamination/initial license	250.00
Temporary permit	50.00
Out-of-state seminar	100.00
License renewal	160.00
Late renewal	45.00
Duplicate license	15.00
Certification	25.00

WSR 92-06-030

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board of Optometry)

[Order 248B—Filed February 26, 1992, 2:05 p.m.]

Date of Adoption: February 14, 1992.

Purpose: WAC 246-851-090, allows licensees who are residing out-of-state to meet Washington's continuing education standards through meeting their state of resident's requirements; WAC 246-851-440, sets forth the philosophy governing voluntary substance abuse monitoring programs; WAC 246-851-450, defines the terms relating to the substance abuse monitoring programs; WAC 246-851-460, sets forth the requirements for approval of substance abuse monitoring programs; WAC 246-851-470, outlines participation in substance abuse monitoring programs through either self referral or board referral; WAC 246-851-480, provides for a temporary permit for applicants licensed in another state with substantially the same requirements to practice in Washington while waiting to take the board administered examination, repeals WAC 246-851-030; and WAC 246-851-490, sets forth the examination and eligibility requirements, repeals WAC 246-851-050.

Citation of Existing Rules Affected by this Order: Amending WAC 246-851-090 Continuing education requirement; new WAC 246-851-440 Philosophy governing voluntary substance abuse monitoring programs, 246-851-450 Terms used, in WAC 246-851-440 through 246-851-470, 246-851-460 Approval of substance abuse monitoring programs, 246-851-470 Participation in substance abuse monitoring program, 246-851-480 Temporary practice permit and 246-851-490 Examination and licensure; and repealing WAC 246-851-030 and 246-851-050.

Statutory Authority for Adoption: RCW 18.54.070. In addition: For WAC 246-851-440, 246-851-450, 246-851-460 and 246-851-470 is RCW 18.130.050 and 18.130.186; and for WAC 246-851-480 is RCW 18.130.050 and 18.130.075.

Pursuant to notice filed as WSR 92-02-095 on January 2, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-851-490 (1)(b) was deleted because it appeared to exceed the statutory authority.

Effective Date of Rule: Thirty-one days after filing.
February 20, 1992
Nancy Torgerson, O.D.
Chair

AMENDATORY SECTION (Amending Order 119B, filed 2/26/91, effective 3/29/91)

WAC 246-851-090 CONTINUING EDUCATION REQUIREMENT. ((Each applicant for renewal of a license to practice optometry in the state of Washington must have completed fifty hours of continuing education within the two years previous to his first renewal date, and must complete fifty hours of continuing education within each successive two-year period. Applicants for renewal practicing only out of the state of Washington may petition the board for full recognition of the continuing education requirement through fulfillment of their state of practice's licensing and continuing education requirements. Failure to complete this requirement is cause for revocation of the license of any optometrist pursuant to RCW 18.130.180(7), or for refusal to renew the license of any optometrist, except that an optometrist applying for the first renewal of his license subsequent to his initial licensing will be exempt from this requirement.)) An optometrist licensed in the state of Washington shall complete fifty hours of continuing education each two-year period preceding license renewal, except:

(1) An optometrist applying for the first renewal subsequent to initial licensing is exempt from this requirement; and

(2) An optometrist practicing only out of the state of Washington may, in lieu of this requirement, fulfill the licensing and continuing education requirements of the state of practice.

NEW SECTION

WAC 246-851-440 PHILOSOPHY GOVERNING VOLUNTARY SUBSTANCE ABUSE MONITORING PROGRAMS. The board recognizes the need to establish a means of proactively providing early recognition and treatment options for optometrists whose competency may be impaired due to the abuse of drugs or alcohol. The board intends that such optometrists be treated and their treatment monitored so that they can return to or continue to practice their profession in a way which safeguards the public. To accomplish this the board shall approve voluntary substance abuse monitoring programs and shall refer optometrists impaired by substance abuse to approved programs as an alternative

to instituting disciplinary proceedings as defined in RCW 18.130.160.

NEW SECTION

WAC 246-851-450 TERMS USED IN WAC 246-851-440 THROUGH 246-851-470. (1) "Approved substance abuse monitoring program" or "approved monitoring program" is a program the board has determined meets the requirements of the law and the criteria established by the board in WAC 246-851-460 which enters into a contract with optometrists who have substance abuse problems regarding the required components of the optometrist's recovery activity and oversees the optometrist's compliance with these requirements. Substance abuse monitoring programs do not provide evaluation or treatment to participating optometrists.

(2) "Contract" is a comprehensive, structured agreement between the recovering optometrist and the approved monitoring program stipulating the optometrist's consent to comply with the monitoring program and its required components of the optometrist's recovery activity.

(3) "Approved treatment facility" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to RCW 70.96A.020(2) or 69.54.030 to provide intensive alcoholism or drug treatment if located within Washington state. Drug and alcohol treatment programs located out-of-state must be equivalent to the standards required for approval under RCW 70.96A.020(2) or 69.54.030.

(4) "Substance abuse" means the impairment, as determined by the board, of an optometrist's professional services by any addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

(5) "Aftercare" is that period of time after intensive treatment that provides the optometrist and the optometrist's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups and ongoing continued support of treatment program staff.

(6) "Support group" is a group of health care professionals meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced health care professional facilitator in which optometrists may safely discuss drug diversion, licensure issues, return to work and other professional issues related to recovery.

(7) "Twelve step groups" are groups such as alcoholics anonymous, narcotics anonymous and related organizations based on a philosophy of anonymity, belief in a power outside of oneself, a peer group association, and self-help.

(8) "Random drug screens" are laboratory tests to detect the presence of drugs of abuse in body fluids which are performed at irregular intervals not known in advance by the person being tested.

(9) "Health care professional" is an individual who is licensed, certified, or registered in Washington to engage in the delivery of health care to patients.

NEW SECTION

WAC 246-851-460 APPROVAL OF SUBSTANCE ABUSE MONITORING PROGRAMS. The board shall approve the monitoring program(s) which shall participate in the board's substance abuse monitoring program. A monitoring program approved by the board may be contracted with an entity outside the department but within the state, out-of-state, or a separate structure within the department.

(1) The approved monitoring program shall not provide evaluation or treatment to the participating optometrists.

(2) The approved monitoring program staff shall have the qualifications and knowledge of both substance abuse and the practice of optometry as defined in this chapter to be able to evaluate:

- (a) Clinical laboratories;
- (b) Laboratory results;
- (c) Providers of substance abuse treatment, both individuals and facilities;
- (d) Support groups;
- (e) The optometry work environment; and
- (f) The ability of the optometrist to practice with reasonable skill and safety.

(3) The approved monitoring program shall enter into a contract with the optometrist and the board to oversee the optometrist's compliance with the requirements of the program.

(4) The approved monitoring program may make exceptions to individual components of the contract on an individual basis.

(5) The approved monitoring program staff shall determine, on an individual basis, whether an optometrist will be prohibited from engaging in the practice of optometry for a period of time and what restrictions, if any, are placed on the optometrist's practice.

(6) The approved monitoring program shall maintain records on participants.

(7) The approved monitoring program shall be responsible for providing feedback to the optometrist as to whether treatment progress is acceptable.

(8) The approved monitoring program shall report to the board any optometrist who fails to comply with the requirement of the monitoring program.

(9) The approved monitoring program shall receive from the board guidelines on treatment, monitoring, and limitations on the practice of optometry for those participating in the program.

NEW SECTION

WAC 246-851-470 PARTICIPATION IN APPROVED SUBSTANCE ABUSE MONITORING PROGRAM. (1) In lieu of disciplinary action, the optometrist may accept board referral into the approved substance abuse monitoring program.

(a) The optometrist shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation

shall not also be the provider of the recommended treatment.

(b) The optometrist shall enter into a contract with the board and the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The optometrist shall undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The optometrist shall agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber as defined in RCW 69.41.030 and 69.50.101.

(iii) The optometrist shall complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The optometrist shall cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment, prognosis, and goals.

(v) The optometrist shall submit to random drug screening as specified by the approved monitoring program.

(vi) The optometrist shall attend support groups facilitated by a health care professional and/or twelve step group meetings as specified by the contract.

(vii) The optometrist shall comply with specified employment conditions and restrictions as defined by the contract.

(viii) The optometrist shall sign a waiver allowing the approved monitoring program to release information to the board if the optometrist does not comply with the requirements of this contract.

(c) The optometrist is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(d) The optometrist may be subject to disciplinary action under RCW 18.130.160 if the optometrist does not consent to be referred to the approved monitoring program, does not comply with specified employment restrictions, or does not successfully complete the program.

(2) An optometrist who is not being investigated by the board or subject to current disciplinary action or currently being monitored by the board for substance abuse may voluntarily participate in the approved substance abuse monitoring program without being referred by the board. Such voluntary participants shall not be subject to disciplinary action under RCW 18.130.160 for their substance abuse, and shall not have their participation made known to the board if they meet the requirements of the approved monitoring program:

(a) The optometrist shall undergo a complete physical and psychological evaluation before entering the approved monitoring program. This evaluation shall be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The optometrist shall enter into a contract with the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The optometrist shall undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The optometrist shall agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(iii) The optometrist shall complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The optometrist shall cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment, prognosis, and goals.

(v) The optometrist shall submit to random drug screening as specified by the approved monitoring program.

(vi) The optometrist shall attend support groups facilitated by a health care professional and/or twelve step group meetings as specified by the contract.

(vii) The optometrist shall comply with employment conditions and restrictions as defined by the contract.

(viii) The optometrist shall sign a waiver allowing the approved monitoring program to release information to the board if the optometrist does not comply with the requirements of this contract.

(c) The optometrist is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(3) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved monitoring programs shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplinary authority for cause as defined in subsections (1) and (2) of this section. Records held by the board under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder.

NEW SECTION

WAC 246-851-480 TEMPORARY PERMIT. A temporary permit to practice optometry may be issued to an individual licensed in another state that has licensing standards substantially equivalent to those in Washington.

(1) The temporary permit may be issued upon receipt of:

(a) Documentation from the state in which the applicant is licensed indicating that the state's licensing standards are substantially equivalent to the licensing standards currently applicable in Washington state;

(b) A completed application form together with application and temporary permit fees;

(c) Verification from all states in which the applicant holds a license, whether active or inactive, indicating that the applicant is not subject to charges or disciplinary action for unprofessional conduct or impairment.

(2) The holder of a temporary permit shall take the first board administered examination following issuance of the temporary permit. If the holder of a temporary

permit fails to apply for the first board administered examination following issuance of the temporary permit, the temporary permit shall expire on the next day following the application deadline. If the holder of a temporary permit takes and fails the board administered examination, the temporary permit shall expire upon computation of the examination results and shall not remain in effect during the pendency of any appeal. If the holder of a temporary permit takes and passes the board administered examination but has not met all other licensing requirements at the time the board administered examination result is computed, the temporary permit shall expire upon computation of the results of the board administered examination. If the holder of a temporary permit takes and passes the board administered examination and has met all other licensing requirements, the temporary permit shall remain effective until the permit holder receives a permanent license.

(3) A person may hold no more than one temporary permit.

NEW SECTION

WAC 246-851-490 EXAMINATION AND LICENSURE. (1) Except for a candidate seeking licensure by credential or a candidate seeking a temporary license, a candidate shall not be licensed in this state unless and until:

The candidate has successfully completed:

(a) All written parts of the International Association of Examiners in Optometry (IAB) examination in treatment and management of ocular disease;

(b) All written portions of the National Board of Examiners in Optometry (NBEO) examinations; and

(c) An examination written and administered by the board.

(2) To be eligible to take the board administered examination, a candidate shall:

(a) Be a graduate of a state accredited high school or equivalent;

(b) Be a graduate of a school or college of optometry accredited by the Council on Optometric Education of the American Optometric Association and approved by the Washington state board of optometry;

(c) Be of good moral character; and

(d) Have no contagious or infectious disease.

(3) Any candidate who has not successfully completed both the IAB and NBEO examination within two years of successfully completing the board administered examination will be required to reapply and retake the board administered examination.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-851-030 TEMPORARY PERMIT
POLICY RECOMMENDATION.

WAC 246-851-050 EXAMINATION
ELIGIBILITY.

WSR 92-06-031

NOTICE OF PUBLIC MEETINGS HUMAN RIGHTS COMMISSION

[Memorandum—February 25, 1992]

There has been a change in the location of the March 1992 Washington State Human Rights Commission meeting. The Washington State Human Rights Commission will hold its March regular commission meeting in Seattle instead of Longview on March 23 and 24, 1992. The meeting on March 23, will be held at the office of the Washington State Human Rights Commission, Melbourne Tower, 1511 Third Avenue, Suite 921, Seattle, and will be a planning and training session beginning at 7:00 p.m. The regular business meeting on March 24, will be held at the Port of Seattle, Third Floor Commission Chambers, Pier 66, Seattle, beginning at 9:30 a.m.

WSR 92-06-032

NOTICE OF PUBLIC MEETINGS PUBLIC WORKS BOARD

[Memorandum—February 26, 1992]

NOTICE OF MEETING CANCELLATION

The Public Works Board meeting scheduled for March 3, 1992, at 8:30 a.m. in SeaTac, Washington is cancelled.

The next scheduled meeting of the Public Works Board remains as published, April 7, 1992, at 8:30 a.m. in the City of SeaTac.

WSR 92-06-033

EMERGENCY RULES GAMBLING COMMISSION

[Filed February 27, 1992, 8:53 a.m.]

Date of Adoption: February 14, 1992.

Purpose: To adopt a form for summary suspension actions.

Citation of Existing Rules Affected by this Order: Amending WAC 230-50-580.

Statutory Authority for Adoption: RCW 9.46.0355, 9.46.070(14), and chapter 34.05 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: In compliance with APA requirements, chapter 34.05 RCW, this rule provides for completion of summary suspension actions.

Effective Date of Rule: Immediately.

February 27, 1992
Sharon M. Tolton
Rules Coordinator

AMENDATORY SECTION (Amending Order 200 [WSR 90-13-022], filed 11/27/89 [6/11/90], effective 12/28/89 [7/31/90])

WAC 230-50-580 ADJUDICATED PROCEEDINGS-HEARINGS-FORMS. The following formats shall be utilized in all adjudicated proceedings:

(1)

STATE OF WASHINGTON GAMBLING COMMISSION

In the Matter of the (Suspension/ Revocation/Denial) of the (License/Application) to Conduct Gambling Activities of (Licensee/Applicant's Name) Licensee. NO. NOTICE OF ADMINISTRATIVE CHARGES AND OPPORTUNITY FOR AN ADJUDICATED PROCEEDING

(Director's Name) alleges as follows:

I He is the Director of the Washington State Gambling Commission and makes these charges in his official capacity.

II Jurisdiction of this proceeding is based on Chapter 9.46 RCW, Gambling, Chapter 34.05 RCW, the Administrative Procedure Act, and Title 230 WAC.

III has been issued the following license(s) by the Washington State Gambling Commission, which license(s) (was/were) issued subject to compliance by the licensee with state laws and rules of the Commission.

- A. License Number Authorizing Activity
B. License Number Authorizing Activity
C. License Number Authorizing Activity

IV (Attach Recital of Charges) (Appropriate Roman Numeral)

The charges specified in paragraphs through above constitute grounds for the day suspension or revocation of the license(s) held by to conduct authorized gambling activity under authority of RCW 9.46.075 and WAC 230-04-400.

(Appropriate Roman Numeral)

The (Licensee/Applicant) shall be afforded the opportunity to have an Adjudicated Proceeding, which includes a hearing on the alleged violations. In order to commence an Adjudicative Proceeding, the enclosed APPLICATION FOR ADJUDICATED PROCEEDING AND REQUEST FOR HEARING MUST BE COMPLETED IN FULL by the LICENSEE OR REPRESENTATIVE and returned to the Gambling Commission within 20 days from the date of receipt of this notice. FAILURE TO RETURN THIS DOCUMENT WILL RESULT IN THE ENTRY OF A DEFAULT ORDER PURSUANT TO RCW 34.05.440 AND WAC 230-50-010, THE IMPOSITION OF THE PENALTY SET OUT ABOVE OR ONE OF LESSER DEGREE AND SHALL CONSTITUTE A WAIVER OF ANY FURTHER RIGHTS TO A HEARING OR REVIEW IN THIS MATTER.

STATE OF WASHINGTON }
COUNTY OF THURSTON } ss.

(Director's Name), being first duly sworn on oath, deposes and says: That he has read the foregoing Notice of Administrative Charges and Opportunity for Adjudicated Proceeding, knows the contents thereof, and believes the same to be true, and that he is the Acting Director of the Washington State Gambling Commission and in that capacity has executed said Statement of Charges.

(Director's Name)

SUBSCRIBED AND SWORN TO before me this day of 19((89))

NOTARY PUBLIC in and for the State of Washington residing at

(2)

STATE OF WASHINGTON GAMBLING COMMISSION

In the Matter of the (Suspension/ Revocation/Denial of the (License/Application) to Conduct Authorized Gambling Activities of (Licensee/Applicant) (Licensee/Applicant). No. APPLICATION FOR ADJUDICATED PROCEEDING AND REQUEST FOR HEARING

THIS IS AN IMPORTANT NOTICE WHICH DETERMINES WHETHER OR NOT YOU WILL HAVE THE RIGHT TO A HEARING IN THIS MATTER. PLEASE READ THIS NOTICE CAREFULLY. IF YOU HAVE ANY QUESTIONS REGARDING YOUR LEGAL RIGHTS IN THIS MATTER YOU SHOULD CONTACT AN ATTORNEY.

In order to request and preserve your right to a hearing you MUST complete and sign this form, then return it by mail within 20 days to:

The Washington State Gambling Commission Post Office Box 42400 4511 Woodview Drive SE ((Mail Stop QD-11)) (Lacey) Olympia, Washington ((98504-8121)) 98504-2400

FAILURE TO COMPLETE AND RETURN THIS FORM AS INSTRUCTED WILL RESULT IN THE ENTRY OF A DEFAULT ORDER AGAINST YOU PURSUANT TO RCW 34.05.400, and WAIVER of your rights to appeal in this matter.

YOU HAVE 20 DAYS FROM THE DATE OF RECEIPT OF THIS FORM TO COMPLETE AND RETURN IT TO THE ADDRESS ABOVE.

NO EXTENSIONS BEYOND THE 20 DAYS WILL BE GRANTED.

BRIEF EXPLANATION OF RIGHTS AND PROCEEDINGS:

You have the right to apply for an ADJUDICATIVE PROCEEDING, which includes a hearing on the allegations set forth in the notice of administrative charges. The hearing will be conducted by a state Administrative Law Judge pursuant to state law and administrative codes. You have the right to be represented by an attorney of your choice and at YOUR OWN EXPENSE.

You have the right to produce witnesses, and evidence relevant to the violations alleged. See WAC 230-50 for additional rights.

You have the right to have an interpreter for the proceedings if you or any witness which you will call is a limited English speaking person OR a hearing impaired person.

In order to request an interpreter, you MUST complete the attached REQUEST FOR INTERPRETER FORM and RETURN IT along with this form to the Gambling Commission. THIS SERVICE IS FREE OF CHARGE.

INSTRUCTIONS - Place a check mark and your signature next to the statement which describes your request(s) in this matter.

Check Mark Signature
1) I want to have a hearing in this Adjudicated Proceeding
2) I will be represented by an attorney in this matter, his/her name, address and phone number are as follows:
Name
Address
Phone Number

- 3) _____ I will NOT be represented by an attorney in this matter. _____
- 4) _____ I DO NOT want a HEARING AND WAIVE MY RIGHTS TO A HEARING IN THIS MATTER _____

Please indicate those charges, if any, which you admit occurred. _____

You may attach a letter or a statement of your position in this matter if you choose to do so. Please indicate whether or not you attached either.

I attached a letter or statement _____
I did NOT attach a letter or statement _____

A HEARING, if requested, shall be conducted by a state Administrative Law Judge in a location near your place of business or residence, but not necessarily in the city or county in which you do business or reside. You will be notified at least seven (7) days in advance of the proceeding.

If you do not understand any portion of these documents, you are strongly encouraged to contact an attorney.

You MUST complete, sign, date and then mail this document together with the REQUEST FOR INTERPRETER form, to the Washington State Gambling Commission at the address as stated on this form WITHIN 20 days of receipt of these documents. FAILURE TO DO SO WILL RESULT IN A WAIVER OF YOUR RIGHTS TO A HEARING IN THIS MATTER AND ENTRY OF A DEFAULT ORDER PURSUANT TO RCW 34.05.400 AND WAC 230-50-010.

Dated this _____ day of _____, 19((89)) _____

****SIGN HERE**** _____

LICENSEE OR REPRESENTATIVE

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the (Suspension/Revocation/Denial) of the (License/Application to Conduct Authorized Gambling Activities of	NO. _____
(Licensee/Applicant)	APPLICATION FOR ADJUDICATED PROCEEDING AND REQUEST FOR HEARING WITH OFFER OF SETTLEMENT
(Licensee/Applicant).	

THIS IS AN IMPORTANT NOTICE WHICH DETERMINES WHETHER OR NOT YOU WILL HAVE THE RIGHT TO A HEARING IN THIS MATTER. PLEASE READ THIS NOTICE CAREFULLY. IF YOU HAVE ANY QUESTIONS REGARDING YOUR LEGAL RIGHTS IN THIS MATTER YOU SHOULD CONTACT AN ATTORNEY.

In order to request and preserve your right to a hearing you MUST complete and sign this form, then return it by mail within 20 days to:

The Washington State Gambling Commission
Post Office Box 42400
4511 Woodview Drive SE ((Mail Stop QB-11))
((Lacey)) Olympia, Washington ((98504-0121)) 98504-2400

FAILURE TO COMPLETE AND RETURN THIS FORM AS INSTRUCTED WILL RESULT IN THE ENTRY OF A DEFAULT ORDER AGAINST YOU PURSUANT TO RCW 34.05.400, and WAIVER of your rights to appeal in this matter.

YOU HAVE 20 DAYS FROM THE DATE OF RECEIPT OF THIS FORM TO COMPLETE AND RETURN IT TO THE ADDRESS ABOVE.

NO EXTENSIONS BEYOND THE 20 DAYS WILL BE GRANTED.

BRIEF EXPLANATION OF RIGHTS AND PROCEEDINGS:

You have the right to apply for an ADJUDICATIVE PROCEEDING, which includes a hearing on the allegations set forth in the notice of administrative charges. The hearing will be conducted by a state Administrative Law Judge pursuant to state law and administrative codes. You have the right to be represented by an attorney of your choice and at YOUR OWN EXPENSE.

You have the right to produce witnesses, and evidence relevant to the violations alleged. See WAC 230-50 for additional rights.

You have the right to have an interpreter for the proceedings if you or any witness which you will call is a limited English speaking person OR a hearing impaired person.

In order to request an interpreter, you MUST complete the attached REQUEST FOR INTERPRETER FORM and RETURN IT along with this form to the Gambling Commission. THIS SERVICE IS FREE OF CHARGE.

INSTRUCTIONS - Place a check mark and your signature next to the statement which describes your request(s) in this matter.

- | Check Mark | Signature |
|---|-----------|
| 1) _____ I want to have a hearing in this Adjudicated Proceeding _____ | _____ |
| 2) _____ I will be represented by an attorney in this matter, his/her name, address and phone number are as follows:
Name _____
Address _____
Phone Number _____ | _____ |
| 3) _____ I will NOT be represented by an attorney in this matter. _____ | _____ |
| 4) _____ I DO NOT want a HEARING AND WAIVE MY RIGHTS TO A HEARING IN THIS MATTER. _____ | _____ |

Please indicate those charges, if any, which you admit occurred. _____

You may attach a letter or a statement of your position in this matter if you choose to do so. Please indicate whether or not you attached either.

I attached a letter or statement _____
I did NOT attach a letter or statement _____

A HEARING, if requested, shall be conducted by a state Administrative Law Judge in a location near your place of business or residence, but not necessarily in the city or county in which you do business or reside. You will be notified at least seven (7) days in advance of the proceeding.

If you do not understand any portion of these documents, you are strongly encouraged to contact an attorney.

You MUST complete, sign, date and then mail this document together with the REQUEST FOR INTERPRETER form, to the Washington State Gambling Commission at the address as stated on this form WITHIN 20 days of receipt of these documents. FAILURE TO DO SO WILL RESULT IN A WAIVER OF YOUR RIGHTS TO A HEARING IN THIS MATTER AND ENTRY OF A DEFAULT ORDER PURSUANT TO RCW 34.05.400 AND WAC 230-50-010.

Dated this _____ day of _____, 19((9+)) _____

****SIGN HERE**** _____

LICENSEE OR REPRESENTATIVE

I will agree to a stipulated settlement in this matter and the entry of the attached order on the following terms:

- _____ A suspension of _____ days for my _____ gambling license(s).
- _____ A fine of \$ _____ in lieu of the _____ day suspension of my _____ gambling license(s).

The order finds that the violation(s) were in fact committed.

The dates for the suspension or fine will be as stated in the order. (Insert name of commission staff member) of the staff of the Commission can be contacted regarding changing the dates of the suspension and/or payment of the fine before the order is signed.

The date of the suspension as set are no more than 90 calendar days from the date of mailing of this form to you and the fine is due PRIOR to the dates of suspension.

By signing as indicated I agree to this settlement.

SIGN HERE
LICENSEE OR REPRESENTATIVE
DATE

YOU MUST ALSO SIGN THE ORDER ON PAGE FOUR WHERE INDICATED

(4)

STATE OF WASHINGTON GAMBLING COMMISSION

An Adjudicated ((p))Proceeding in the ((m))Matter of the Suspension or Revocation of the License(s) to ((e))Conduct Gambling Activities of:
((Licensee.))
I

The licensee named ((hercon)) herein stipulates that the charges as set forth in the statement of charges attached hereto occurred and agrees to entry of a finding as such and conclusion of law or the violations.

II

That (Licensee's Name) has been issued (a) license(s) to conduct gambling activity(ies), as follows:

License Number Authorizing
(Insert License #) (Type of Activity)
(Insert License #) (Type of Activity)
(Insert License #) (Type of Activity)

III

That the following is entered as the Final Order on these charges.

That the license(s) of (Licensees Name) to conduct (Type of Activity) activity(ies) is hereby suspended for a term of ___ days commencing (date suspension to start) and running through and including (date suspension will end). Provided further, that in lieu of said suspension the licensee may pay a fine of (\$ amount) on or before (Date).

Signed and dated this ___ day of ____, 19((90))__.

James D. Stanford
Administrative Law Judge

(Licensee) or representative

(Asst. Attorney General)

(5)

STATE OF WASHINGTON GAMBLING COMMISSION

An Adjudicated Proceeding In the Matter of the (Suspension/Revocation/Denial) of the (License/Application) to Conduct Authorized Gambling Activities of:
(Licensee/Applicant).
NO.
NOTICE OF HEARING
I

(Attach Recital of Charges)

II

That the licensee(s) (was/were) previously notified of the administrative charges pending and (has/have) made a timely application for adjudicated proceeding and request for hearing. Based upon that request, a hearing will be conducted by ____, Administrative Law Judge of ____, phone number ____, on all charges as stated pursuant to WAC 230-50-010.

III

That the agency will be represented at the hearing by ____, Assistant Attorney General of ____, phone number ____. The licensee will be represented by ____ of ____, phone number ____.

IV

That the hearing is set for ____ at the hour of ____, in the city of ____ at ____. The hearing is being conducted under the authority of chapter 9.46 RCW and amendments thereto, and will be conducted pursuant to chapter 34.05 RCW and 230-50 WAC. Should the licensee and representatives fail to appear at the hearing as scheduled a default order pursuant to RCW 9.34.05.440 will be entered.

The proceeding will determine whether a (Suspension/Revocation/Denial) should be imposed.

(Director's Name)

(6)

STATE OF WASHINGTON GAMBLING COMMISSION

An Adjudicated Proceeding in the Matter of the (Suspension/Revocation/Denial) of the (License/Application) to Conduct Gambling Activities of:
Licensee.
NO.
REQUEST FOR INTERPRETER AND/OR TRANSLATION OF DOCUMENTS

I, ____, being a party in this proceeding hereby state that I am a limited English speaking person or hearing impaired person or that I will be calling a witness who is a limited English speaking or hearing impaired person and that (I/they) require an interpreter as indicated below:

(Check all items that apply and fill in the blank spaces.)

- I will require an interpreter for the ____ language.
I will require an interpreter for a hearing impairment.
I will be calling a limited English speaking witness who will require an interpreter in the ____ language.
I will be calling a hearing impaired person who will require an interpreter.
I request all documents in this proceeding be translated into the ____ language.

Signed:
Dated:

(7)

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Temporary
Summary Suspension of the
License(s) to Operate
of:

Licensee.

No.
FINDINGS, CONCLUSIONS, AND
ORDER OF TEMPORARY
SUMMARY SUSPENSION
OF LICENSES

Pursuant to RCW 9.46.070 and RCW 34.05.422(4), the Commission
may authorize the Director to temporarily suspend a license subject to
final action by the Commission. The Commission has authorized the
Director to temporarily suspend a license pursuant to WAC 230-50-
012. This matter then having been brought before the Director for a
summary disposition pursuant to this authority on ^C and the Direc-
tor acting pursuant to this authority has issued this order and caused it
to be served upon the licensee. The order contained herein shall be
deemed effective immediately upon its service to the licensee, author-
ized representative, or agent thereof unless otherwise specified herein.
By this authority, an authorized agent of the Commission shall under
the terms hereof seize all current licenses authorizing gambling activi-
ty and all such gambling activity shall cease as ordered herein.

FINDINGS OF FACT

I

That he is the Director of the Washington State Gambling Commis-
sion and issues this order in that capacity.

II

That (Licensee's Name) has been issued license(s) to operate the fol-
lowing authorized gambling activity(ies):

- License number 211-
License number 211-
License number 211-

which license(s) (was/were) issued subject to compliance with all of
the applicable statutes and regulations governing gambling activities.

III

After a thorough review of the affidavit(s) of the special agent(s) of
the Commission concerning the facts in this matter, which are at-
tached hereto and labelled as attachment(s), the Director ac-
cepts (this/these) as a verity and makes the determination that the ac-
tion as ordered herein is warranted.

IV

(State charge.) That the violation as stated requires the immediate
cessation of the gambling activity in that the (list from a, b, or c of
WAC 230-50-012) and the welfare of the community is affected as
follows: (State reason(s) affected.)

V

(State charge.) That the violation as stated requires the immediate
cessation of the gambling activity in that the (list from a, b, or c of
WAC 230-50-012) and the welfare of the community is affected as
follows: (State reason(s) affected.)

VI

(State charge.) That the violation as stated requires the immediate
cessation of the gambling activity in that the (list from a, b, or c of
WAC 230-50-012) and the welfare of the community is affected as
follows: (State reason(s) affected.)

CONCLUSIONS OF LAW

I

Based on the foregoing Findings of Fact, the Director, (Director's
name), makes the following CONCLUSIONS: (select (a), (b), (c) and/or
(d) as applicable.)

(a) The licensee or permittee has obtained the license or permit by
fraud, trick, misrepresentation, concealment, or through inadvertence
or mistake, or

(b) The licensee or permittee has engaged in any act, practice, or
course of operation as would operate as a fraud or deceit on any per-
son, or has employed any device, scheme, or artifice to defraud any
person; or

(c) The licensee or permittee has again violated, failed, or refused to
comply with any of the provisions, requirements, limitations or duties
imposed by Chapter 9.46 RCW and amendments thereto, or any rules
adopted by the Commission pursuant thereto, after having been previ-
ously notified by the Commission, its authorized representatives, or by
local law enforcement personnel, that a violation or violations of the
same or similar provisions had been, or were being, committed by the
licensee or permittee; or

(d) Immediate cessation of the licensed or permitted activities by the
licensee or permittee is necessary for the protection or preservation of
the welfare of the community within which these activities are being
conducted.

II

That the circumstances as set forth in paragraph(s) through
above constitute grounds for the suspension or revocation of the
license(s) issued by the Washington State Gambling Commission un-
der RCW 9.46.075 and WAC 230-04-400.

III

(Director's name), Director, has the authority pursuant to WAC 230-
50-012 to issue the following ORDER:

ORDER

Based upon the foregoing FINDINGS OF FACT AND CONCLUSIONS, it is
the ORDER of the undersigned Director, pursuant to authority granted
to him by RCW 9.46.070 and WAC 230-50-012:

(1) That the license of (Licensee's Name) to operate
within the state of Washington is hereby temporarily suspended pend-
ing a hearing by an Administrative Law Judge or the Commission for
revocation of said license, said suspension to be effective as of (date),
at (time).

(2) That said hearing, if the licensee requests one, shall be conducted
at the earliest convenience of the parties, not sooner than 7 days nor
later than 90 days from the date of service of this Order: PROVIDED,
That the licensee may waive the 7-day notice rule of WAC 230-50-
030(2) and request a hearing at an earlier date.

(3) The parties will be notified of the time and place of any hearing
upon submission of the attached application for adjudicated proceeding
and request for hearing.

(4) Failure to submit the application for adjudicated proceeding and
request for hearing form within the time prescribed shall result in a
waiver of the licensee's right to an adjudicated proceeding and entry of
an order in default under RCW 34.05.440.

DATED this day of , 19 .

(Director's Name)

STATE OF WASHINGTON
COUNTY OF THURSTON

ss.

(Director's Name), being first duly sworn on oath, deposes and says:

That he has read the foregoing Order of Temporary Suspension of Li-
cense and Notice of Hearing, knows the contents thereof, and believes
the same to be true, and that he is the duly appointed and qualified
Director of the Washington State Gambling Commission and in that
capacity has executed said Order of Temporary Suspension of the Li-
cense and Notice of Hearing.

(Director's Name)

SUBSCRIBED AND SWORN TO before me
this day of , 19 .

NOTARY PUBLIC in and for the State of
Washington residing at

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

WSR 92-06-034
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed February 27, 1992, 11:39 a.m.]

The Department of Labor and Industries, Industrial Insurance Division, is hereby withdrawing its proposal to revise chapter 296-17 WAC as contained in our filing of November 20, 1991, published in WSR 91-23-102.

The subject rule filing dealt with the forest services industry and specifically WAC 296-17-66003 Classification 5005, 296-17-885 Expected loss rates and D-ratios and 296-17-895 Industrial insurance base rate tables; and repealing WAC 296-17-66002 Classification 5004.

Should you have any questions regarding this change, Doug Connell, Assistant Director for Employer Services is available to provide the necessary explanation. Mr. Connell can be reached at 586-8401.

Joseph A. Dear
 Director

WSR 92-06-035
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION
 [Memorandum—February 21, 1992]

The April 1992 Washington State Transportation Commission meeting will be held on Thursday, April 16, 1992, at 9:00 a.m. in the Community Center, 1715 Maple Valley Highway, Renton, WA. There will be subcommittee meetings on Wednesday, April 15.

WSR 92-06-036
PROPOSED RULES
DEPARTMENT OF
SERVICES FOR THE BLIND
 [Filed February 27, 1992, 1:44 p.m.]

Original Notice.

Title of Rule: WAC 67-25-446 Vocational rehabilitation—Services to groups; 67-75-042 Certification for decision of eligibility or ineligibility; 67-75-044 Notice to applicant; 67-75-070 Administrative review; 67-75-075 Fair hearing; and 67-75-040 Eligibility for services—Criteria.

Purpose: Housekeeping.

Statutory Authority for Adoption: Chapter 74.18 RCW.

Summary: Clarify language.

Name of Agency Personnel Responsible for Drafting: John Olson, Independent Living Program Manager, Seattle, Washington, 721-4061; Implementation and Enforcement: Bonnie Jindra, Assistant Director—Administration, Olympia, Washington, 586-0275.

Name of Proponent: Department of Services for the Blind, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 67-25-446 Vocational rehabilitation—Services to groups, removes restrictive specifications to bring the WAC into compliance with the broad intent of the Rehabilitation Act; WAC 67-75-042 Certification for decision of eligibility or ineligibility, new section, this language parallels the vocational rehabilitation WAC on certification for decision on eligibility or ineligibility; WAC 67-75-044 Notice to applicant, this language parallels the vocational rehabilitation WAC on notice to applicant about their eligibility or ineligibility; WAC 67-75-070 Administrative review, adopts the procedures of the vocational rehabilitation WAC for administrative review; WAC 67-75-075 Fair hearing, adopts the procedures of the vocational rehabilitation WAC for fair hearing; and WAC 67-75-040 Eligibility for services—Criteria, this language parallels the vocational rehabilitation WAC on eligibility.

Proposal does not change existing rules.

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

Hearing Location: Department of Services for the Blind, 521 East Legion Way, Olympia, WA 98504-0933, on April 14, 1992, at 10:00 a.m.

Submit Written Comments to: Bonnie Jindra, by April 9, 1992.

Date of Intended Adoption: April 17, 1992.

February 27, 1992

Bonnie Jindra

Assistant Director—Administration

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-446 VOCATIONAL REHABILITATION—SERVICES TO GROUPS. ((+)) Services to groups of handicapped persons may be provided when such services will result in a benefit to the individual members' vocational rehabilitation.

(2) Members of such groups must be eligible for vocational rehabilitation services.

(3) Special services to groups may include but are not limited to the production of brailled and recorded materials.

(4) These services may include removal of architectural barriers.))

The department may provide for facilities and services that may be expected to contribute substantially to the rehabilitation of a group of individuals with handicaps but that are not related to the individualized written rehabilitation program of any one individual with handicaps.

AMENDATORY SECTION (Amending Order 83-11, filed 12/15/83)

WAC 67-75-040 ELIGIBILITY FOR SERVICES—CRITERIA. ((+)) Eligibility for independent living services shall be dependent on documentation of a visual impairment including one or more of the following conditions:

(a) Legal blindness or visually handicapped as they are customarily defined either in terms of a qualifying reduction in visual acuity and/or a qualifying reduction in visual field:

(b) A visual impairment which is progressive in nature and can be expected to lead to blindness within a reasonable period of time:

(c) Reduction in both visual acuity and visual fields is such that the effect is substantially that of legal blindness, or visual efficiency is reduced so as to have substantially the same effect as legal blindness:

(d) A visual impairment which makes it impossible for the individual to perform successfully in one or more of life's functions:

(2) In order to be eligible for the independent living program the department must show documented proof that the individual is not eligible for vocational rehabilitation services because of

(a) A condition related to advanced age;

(b) A progressive medical condition; or

(c) A multiple handicap:

(3) In order to be eligible, individuals must have a potential to benefit from services provided by independent living in terms of increased life options, greater participation in the community, or increased self-reliance.) (1) Eligibility requirements are applied without regard to sex, race, creed, color, marital status, sexual orientation, religion, or natural origin of the individual applying for service. No group of individuals is excluded from service solely on the basis of the type of disability or on the basis of age.

(2) No residence requirement is imposed which excludes from services any individual who is present in the state.

(3) Eligibility is based only upon:

(a) The presence of a severe physical or mental disability, which shall include a visual disability defined as follows:

(i) Legal blindness or visually handicapped as they are customarily defined either in terms of a qualifying reduction in visual acuity and/or a qualifying reduction in visual field.

(ii) A visual impairment which is progressive in nature and can be expected to lead to blindness within a reasonable period of time.

(iii) Reduction in both visual acuity and visual fields is such that the effect is substantially that of legal blindness, or visual efficiency is reduced so as to have substantially the same effect as legal blindness.

(iv) A visual impairment which makes it impossible for the individual to perform successfully in one or more of life's functions;

(b) The presence of a severe limitation in ability to function independently in family or community or to engage or continue in employment; and

(c) A reasonable expectation that independent living rehabilitation services will significantly assist the individual to improve his or her ability to function independently in family or community or to engage or continue employment.

For purposes of determining an individual's eligibility for independent living services, improvement in ability to function independently in family or community refers to a demonstration in functional and behavioral terms of an individual's greater independence or maintenance of independence in such areas as self-care, activities of daily living, driving, using public transportation, shopping, housekeeping, communicating, or living more independently.

NEW SECTION

WAC 67-75-042 CERTIFICATION FOR DECISION OF ELIGIBILITY OR INELIGIBILITY. (1) There will be a certification that the individual has met the basic eligibility criteria. The statement of eligibility will be dated and signed by the vocational rehabilitation counselor or rehabilitation teacher.

(2) Whenever it has been determined on the basis of clear evidence that an individual is ineligible for independent living services, there shall be a certification, dated and signed by the vocational rehabilitation counselor or rehabilitation teacher. Certifications of ineligibility shall indicate the reasons for the ineligibility determination and shall be made only after full consultation with the individual or, as appropriate, his or her parent, guardian, or other representative, or after giving a clear opportunity for this consultation.

NEW SECTION

WAC 67-75-044 NOTICE TO APPLICANT. (1) The individual shall be notified in writing of the action taken on eligibility or ineligibility.

(2) The individual shall be informed of the department's procedure for administrative review and fair hearings and the services available

through the client assistance program if he or she is dissatisfied with the department's decision.

(3) If the applicant was determined to be ineligible for independent living services, the certification shall clearly specify how he or she failed to meet the criteria of eligibility. The individual shall be notified in writing of the determination of ineligibility and of his or her rights and the means by which he or she may express and seek remedy for any dissatisfactions, including the department's procedures for administrative review and fair hearings and the services available through the client assistance program.

(4) If the applicant was determined to be eligible for independent living services, the notice shall clearly specify the date of certification of eligibility.

(5) If an applicant was determined ineligible, he or she shall be given a full opportunity to participate in the review and reconsideration of eligibility no later than twelve months after the determination was made. The review need not be conducted in situations where the individual refuses the review, the individual is no longer present in the state, or the individual's whereabouts is unknown.

AMENDATORY SECTION (Amending Order 83-11, filed 12/15/83)

WAC 67-75-070 ADMINISTRATIVE REVIEW. (1) Any client who feels aggrieved by, or is otherwise dissatisfied with, any decision or action by the department or its agents with regard to ~~((the))~~ his or her independent living case may file a request with the department for, and shall thereupon receive, an administrative review ~~((and redetermination of that decision or action))~~ by the director or his/her designee, or a fair hearing by an administrative law judge.

(2) ~~((A request for an administrative review may be made either verbally or in writing and may be filed in any office of the department. A verbal request shall promptly be reduced to writing.~~

~~((3) All requests for administrative review shall:~~

~~((a) Specify the date of the decision or action being appealed;~~

~~((b) Specify as precisely as possible the issue to be resolved by the administrative review;~~

~~((c) Set forth the address of the client or of his representative;~~

~~((d) Be signed by the client or by his representative;~~

~~((4) A request for an administrative review must be made within sixty days after receiving notice from the department of the decision or action by the department which is the basis for the request for review.~~

~~((5) An administrative review and redetermination shall be provided by the director's designee, and shall be provided within thirty days after the submission of the request for review.~~

~~((6) Within fifteen days after the conclusion of the administrative review the designee shall certify his findings to the client in writing specifying in reasonable detail the reasons for his findings and informing the client of his right to request and receive a fair hearing if dissatisfied with those findings.)) Clients of the department's independent living program will utilize the administrative review policies and time frames of the department's vocational rehabilitation program, covered in VR WAC 67-25-560.~~

AMENDATORY SECTION (Amending Order 83-11, filed 12/15/83)

WAC 67-75-075 FAIR HEARING. ~~((1))~~ Any client dissatisfied with the finding of an administrative review may request from the department, and shall thereupon be granted, a fair hearing. A client who desires a fair hearing shall request such hearing within thirty days after receiving notice from the department of the finding of the administrative review.

(2) A request for fair hearing shall be sent to the Department of Services for the Blind at 921 Lakeridge Drive, Olympia, WA 98504, who will forward it to the office of administrative hearings.

(3) The administrative law judge will make a proposed decision to the director of the department of services for the blind who will make a final determination.

(4) The client will be notified in writing by the director within fifteen days of receipt of the administrative law judge's proposed decision.)) (1) Any client who feels aggrieved by or is otherwise dissatisfied with any decision or action by the department or its agents with regard to his or her independent living plan or is dissatisfied with the results of an administrative review may request from the department, and shall thereupon be granted, a fair hearing.

(2) Clients of the department's independent living program will utilize the administrative review policies and time frames of the department's vocational rehabilitation program, covered in VR WAC 67-25-560.

WSR 92-06-037
PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE
 [Filed February 28, 1992, 9:03 a.m.]

Subject of Possible Rule Making: WAC 458-40-660 Stumpage value tables; and 458-40-670 Stumpage value adjustments.

Persons may comment on this subject in writing or by attending the public meetings. Public meetings scheduled at the Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on April 14, 1992, at 10:00 a.m. or at the Community Colleges of Spokane, Apprenticeship and Journeyman Training Center, North 2100 Fancher, Spokane, WA, on April 20, 1992, at 1:00 p.m. Written comments will be accepted to April 20, 1992, and should be addressed to Stephen Zagelow, Senior Administrative Law Judge or Gary O'Neil, Assistant Director, Department of Revenue, P.O. Box 47458, Olympia, WA 98504-7458.

Other Information or Comments by Agency at this Time, if any: The stumpage values adopted December 31, 1991, WSR 92-02-067, have been recalculated by the Department of Revenue to the amounts shown in the emergency adoption. The emergency filing and adoption is necessary to provide taxpayers with the proper values upon which to pay taxes for the period January 1, 1992, to June 30, 1992. The Department of Revenue is currently conducting a series of meetings with forest industry to consider issues of common interest such as this stumpage valuation method. Currently participating in the meeting for the industry is the Washington Forest Protection Association (WFPA) and its members. The department and the WFPA invite your participation. In addition to soliciting comments on the rule, a briefing will be given on the activities of the department and industry meetings.

February 28, 1992
 Stephen P. Zagelow
 Senior Administrative Law Judge

WSR 92-06-038
EMERGENCY RULES
DEPARTMENT OF REVENUE
 [Filed February 28, 1992, 9:09 a.m.]

Date of Adoption: February 28, 1992.

Purpose: To comply with newly enacted amendatory legislation.

Citation of Existing Rules Affected by this Order: Amending WAC 458-18-010 and 458-18-020.

Statutory Authority for Adoption: RCW 84.38.180.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the

public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Taxing officials must act on taxpayer applications immediately for taxes to be collected in the future.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The Department of Revenue has filed noticed of its intent to adopt these rules as permanent rules, and is actively undertaking the appropriate procedures to adopt the rules as permanent rules.

Effective Date of Rule: Immediately.

February 28, 1992
 William N. Rice
 Assistant Director
 by Linda L. Lethlean

AMENDATORY SECTION (Amending Order PT 88-9, filed 6/9/88)

WAC 458-18-010 DEFERRAL OF SPECIAL ASSESSMENTS AND/OR PROPERTY TAXES—DEFINITIONS. (1) "Claimant" means a person who (~~is receiving a property tax exemption under RCW 84-36.381 through 84.36.389 and who~~) either elects or is required under RCW 84.64.030 or 84.64.050 to defer payment of the special assessments and/or real property taxes on his or her residence. If two individuals of a household seek to defer, they must determine between them as to who the claimant shall be.

(2) "Department" means the Washington state department of revenue.

(3) "Equity value" means the amount by which the true and fair value of a residence as shown on the county property tax rolls for the year the deferral is to be made exceeds the total amount of all liens, obligations and encumbrances against the property excluding the deferral liens.

(4) "Special assessment" means the charge or obligation imposed by a city, town, county or other municipal corporation upon property specially benefited by a local improvement as provided in chapters:

(a) 35.44 RCW—Local improvements—Assessments and reassessments (cities and towns)

(b) 36.88 RCW—County road improvement districts (counties)

(c) 36.94 RCW—Sewer, water and drainage systems (counties)

(d) 53.08 RCW—Powers (port districts)

(e) 54.16 RCW—Powers (public utility districts)

(f) 56.20 RCW—Utility local improvement districts (sewer districts)

(g) 57.16 RCW—Comprehensive plan—Local improvement districts (water districts)

(h) 86.09 RCW—Flood control districts—1937 Act (flood control)

(i) 87.03 RCW—Irrigation districts generally (irrigation along with any others that may be relevant.

The term does not include the charge or obligation for services specially benefiting property not involving the

construction of permanent improvements to real property, e.g., mosquito control, weed control, etc.

(5) "Real property taxes" means ad valorem property taxes levied on a residence in this state. It includes foreclosure costs, interest and penalties accrued to the date the declaration for deferral is filed.

(6) "Fire and casualty insurance" means a policy with an insurer that is authorized to insure property in this state by the state insurance commission.

(7) "Lien" means any interest in property given to secure payment of a debt or performance of an obligation, and shall include a deed of trust. It shall include the total amount of assessments and/or property taxes deferred and the interest thereon.

AMENDATORY SECTION (Amending Order PT 88-9, filed 6/9/88)

WAC 458-18-020 DEFERRAL OF SPECIAL ASSESSMENTS AND/OR PROPERTY TAXES—QUALIFICATIONS FOR DEFERRAL. A person may defer payment of special assessments and/or real property taxes on (~~his property that is receiving an exemption under RCW 84.36.381 through 84.36.389 on~~) up to eighty percent of the amount of his equity value in said property if the following conditions are met:

(1) The claimant must have owned, at the time of filing, the residence on which the special assessment and/or real property taxes have been imposed. For purposes of this subsection a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse and cotenant. A claimant who has only a share ownership in cooperative housing, a life estate, a lease for life or a revocable trust does not satisfy the ownership requirement.

(2) If the amount deferred is to exceed one hundred percent of the claimant's equity value in the land or lot only, the claimant must have and keep in force fire and casualty insurance in sufficient amount to protect the interest of the state of Washington and shall designate the state as a loss payee upon said policy. In no case shall the deferred amount exceed the amount of the insured value of the improvement plus the land value.

(3) In the case of special assessment deferral, the claimant must have opted for payment of such special assessments on the installment method if such method was available.

(4) The claimant must meet all requirements for an exemption for the residence under RCW 84.36.381, other than the income requirements, and to the extent eligible, must have first applied for the exemptions under RCW 84.36.381 through 84.36.389 prior to filing a declaration to defer.

(5) The claimant must have a combined disposable income, as defined in RCW 84.36.383 and WAC 458-16-010 and 458-16-013, of thirty thousand dollars or less.

WSR 92-06-039
EMERGENCY RULES
DEPARTMENT OF REVENUE
[Filed February 28, 1992, 9:12 a.m.]

Date of Adoption: February 28, 1992.

Purpose: To comply with newly enacted amendatory legislation.

Citation of Existing Rules Affected by this Order: Amending WAC 458-16-013 and 458-16-020.

Statutory Authority for Adoption: RCW 84.36.389 and 84.36.865.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Taxing officials must act on taxpayer applications immediately for collection of future taxes.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The Department of Revenue has filed notice of its intent to adopt these rules as permanent rules, and is actively undertaking the appropriate procedures to adopt the rules as permanent rules.

Effective Date of Rule: Immediately.

February 28, 1992

William N. Rice

Assistant Director

by Linda L. Lethlean

AMENDATORY SECTION (Amending Order PT 83-5, filed 9/14/83)

WAC 458-16-013 SENIOR CITIZENS AND DISABLED PERSONS EXEMPTION—DISPOSABLE INCOME. "Disposable income" means the adjusted gross income as defined in WAC 458-16-012 and in the Federal Internal Revenue Code as amended prior to January 1, (~~1980~~) 1989, less certain income and expenses as defined below and plus other items to the extent they are not included in or have been deducted from adjusted gross income. (RCW 84.36.383)

(1) Disposable income is adjusted gross income plus the following to the extent they were deducted or not included in adjusted gross income:

(a) Capital gains, except gain from the sale of a principal residence to the extent such gain is reinvested in a different principal residence, including reinvestment in a life estate or lease for life in a retirement residence;

(b) Amounts deducted for loss;

(c) Amounts deducted for depreciation;

(d) Pension and annuity receipts;

(e) Military pay and benefits other than attendant-care and medical-aid payments;

(f) Veterans benefits other than attendant-care and medical-aid payments;

(g) Federal ((S)) social ((S)) security ((A)) act and ((R)) railroad ((R)) retirement((S-D)) benefits;

(h) Dividend receipts;

(i) Interest received on state and municipal bonds.

(2) Capital gains is the difference between the cost of real ((the)) property plus the cost of improvements, and the selling price of the property less any sales expense. If payment of the capital gain to the seller is over a period of time, the amount to be added to disposable income will be calculated over the same period.

(3) The exclusions contained in ((of)) subsections (1)(e) and (f) of this section for attendant-care and medical-aid payments and the amounts received as payment for the care of dependent children must be verified by the applicable branch of the military service or the veterans administration before the deduction is allowed. If the amount for the military and veterans attendant care and medical-aid payments in subsection (1)(e) and (f) of this section cannot be determined by the applicable branch of the military service or the veterans administration, then the actual amount expended by the military person or veteran for such care and aid, may be deducted from the amount received.

(4) The nonreimbursed amounts paid during the ((previous)) preceding calendar year for the care and treatment of either spouse, or cotenant, in a nursing home shall not be included in disposable income.

(5) The nonreimbursed amounts paid during the preceding calendar year for the treatment or care of either spouse, or cotenant, received in the home shall not be included in disposable income. Amounts paid for in-home treatment or care will be excluded if such treatment or care is the same as or similar to that which would be excluded if provided in the normal course of treatment or care in a nursing home.

(a) The payments must meet at least one of the following criteria:

(i) The payments were for medical treatment or care, or physical therapy received in the home; or

(ii) The payments were made for any of the following materials: food, oxygen or other lawful substances taken internally or applied externally, brought in to the home as part of a necessary or appropriate in-home service which is being rendered (such as a meals on wheels type program), necessary medical supplies, special needs furniture or equipment (such as wheel chairs, hospital beds, or therapy equipment); or

(iii) The payments were made for attendant care and/or to assist the claimant, or the claimant's spouse or cotenant, with household tasks, and such personal care tasks as meal preparation, eating, dressing, personal hygiene, specialized body care, transfer, positioning, ambulation, bathing, toileting, self-medication a person provides for himself or herself, or such other tasks as may be necessary to maintain a person in his or her own home, but shall not include amounts expended for improvements or repair of the home itself.

(b) Payments made for services received in the home must be in a reasonable amount and be paid at a rate comparable to the rate of pay normally paid in the local area for similar services.

(c) The person to whom the payments are made for services rendered need not be specially licensed to provide the services.

(6) Subsection (5) and the amendment to subsection (1)(a) of this section shall be effective for taxes payable in 1992, pursuant to the amendment to RCW 84.36.383 as amended in Chapter 213, Laws 1991.

AMENDATORY SECTION (Amending Order PT 83-5, filed 9/14/83)

WAC 458-16-020 SENIOR CITIZEN AND DISABLED PERSONS EXEMPTION—QUALIFICATIONS FOR EXEMPTION. A person shall be exempt from any legal obligation to pay all or a portion of the real property taxes due and payable in the years following the year in which a claim is filed if the following qualifications are met:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of January 1 of the year in which the claim is filed.

(2) The person claiming the exemption must have owned as defined in WAC 458-16-010, at the time of filing, the residence on which the property taxes have been imposed.

(3) The person claiming the exemption must ((have been)) be at the time of filing:

(a) Sixty-one years of age or older on ((January 1)) December 31 of the year in which the exemption claim is filed; or must have been

(b) Retired from regular gainful employment by reason of physical disability; or

(c) A surviving spouse of a person who was receiving the exemption at the time of ((their)) the person's death, if the surviving spouse was fifty-seven years old, or attains the age of fifty-seven in the year of the claimant's death, and otherwise meets the requirements contained in this section.

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383 and WAC 458-16-010 through 458-16-013. If the person claiming the exemption was retired for two months or more of the preceding year, the combined disposable income of such person including his or her spouse and any cotenant shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve.

(5) Confinement of the person to a hospital or nursing home will not jeopardize the exemption if the residence is temporarily unoccupied or if the residence is occupied by a spouse and/or person financially dependent on the claimant for support, or by a person residing there for caretaker or security reasons only and the claimant is not receiving monetary consideration for this occupancy.

WSR 92-06-040

EMERGENCY RULES

DEPARTMENT OF REVENUE

[Filed February 28, 1992, 9:16 a.m.]

Date of Adoption: February 28, 1992.

Purpose: To establish the stumpage values for the reporting and payment of the timber excise tax for the period January 1, 1992, through June 30, 1992, as required by RCW 84.33.091.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-660 and 458-40-670.

Statutory Authority for Adoption: RCW 84.33.091.

Other Authority: RCW 82.32.300 and 84.33.096.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The stumpage values adopted December 31, 1991, WSR 92-02-067, have been recalculated by the Department of Revenue to the amounts shown in this emergency adoption. This emergency filing and adoption is necessary to provide taxpayers with the proper values upon which to pay taxes for the period January 1, 1992, to June 30, 1992.

Effective Date of Rule: Immediately.

February 28, 1992
 Gary O'Neil
 Assistant Director
 Forest Tax

AMENDATORY SECTION (Amending Order FT-88-2 [WSR 92-02-067], filed 6/30/88 [12/31/91])

WAC 458-40-650 **TIMBER EXCISE TAX—TIMBER QUALITY CODES DEFINED.** The timber quality code numbers for each species of timber shown in the stumpage value tables contained in this chapter are defined as follows:

((TABLE 1—Timber Quality Code Table
 Stumpage Value Areas 1, 2, 3, 4, and 5

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Timber Quality Code Number	Species	Log Grade Specifications ¹
—	Douglas-Fir & Spruce	Over 50% No. 2 Sawmill & better log grade and over 40% Special Mill, No. 1 Sawmill & better log grade
1	Western Redcedar & Alaska-Cedar	Over 30% No. 2 Sawmill & better log grade and 15% & over Special Mill, No. 1 Sawmill, Peeler & better log grade
—	Western Hemlock, True Firs & Other Conifer	Over 50% No. 2 Sawmill & better log grade and over 25% Special Mill, No. 1 Sawmill & better log grade
—	Hardwoods	All No. 3 Sawmill logs & better log grades

TABLE 1—cont.

Timber Quality Code Number	Species	Log Grade Specifications ¹
—	Douglas-Fir & Spruce	Over 50% No. 2 Sawmill & better log grade and 15-40% inclusive Special Mill, No. 1 Sawmill & better log grade
2	Western Redcedar & Alaska-Cedar	Over 30% No. 2 Sawmill & better log grade and less than 15% Special Mill, No. 1 Sawmill, Peeler & better log grade
—	Western Hemlock, True Firs & Other Conifer	Over 50% No. 2 Sawmill & better log grade and 5-25% inclusive Special Mill, No. 1 Sawmill & better log grade
—	Douglas-Fir & Spruce	Over 50% No. 2 Sawmill & better log grade and less than 15% Special Mill, No. 1 Sawmill & better log grade
3	Western Redcedar & Alaska-Cedar	5-30% inclusive No. 2 Sawmill & better log grade
—	Western Hemlock, True Firs & Other Conifer	Over 50% No. 2 Sawmill & better log grade and less than 5% Special Mill, No. 1 Sawmill & better log grade
—	Douglas-Fir & Spruce	25-50% inclusive No. 2 Sawmill & better log grade
4	Western Redcedar & Alaska-Cedar	Less than 5% No. 2 Sawmill & better log grade
—	Western Hemlock & Other Conifer	25-50% inclusive No. 2 Sawmill & better log grade
—	Douglas-Fir & Spruce	5% to but not including 25% No. 2 Sawmill & better log grade
—	Western Hemlock & Other Conifer, except Western Redcedar & Alaska-Cedar	5% to but not including 25% No. 2 Sawmill & better log grade
5	Conifer Utility	All conifer logs graded as utility log grade
—	Hardwood Utility	All No. 4 Sawmill log grade and all hardwood logs graded as utility
6	Douglas-Fir, Spruce, Western Hemlock & Other Conifer, except Western Redcedar & Alaska-Cedar	Less than 5% No. 2 Sawmill & better log grade

¹ For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see WAC 458-40-680.

**TABLE 2—Timber Quality Code Table
Stumpage Value Areas 6 and 7**

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Timber Quality Code Number	Species	Log Grade Specifications
	Ponderosa Pine	Less than 10 logs 16 feet long per thousand board feet Scribner scale
1	All Conifers Other Than Ponderosa Pine	All log sizes
	Hardwoods	Sawlogs only
2	Ponderosa Pine	10 or more logs 16 feet long per thousand board feet Scribner scale
5	Utility	All logs graded as utility

**TABLE 3—Timber Quality Code Table
Stumpage Value Area 10**

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Timber Quality Code Number	Species	Log Grade Specifications
	Ponderosa Pine & Other Conifers	Less than 5 logs 16 feet long per MBF net log Scribner scale
1	Hardwoods	All logs graded as sawlogs
	Ponderosa Pine	5 to 9 logs inclusive 16 feet long per MBF net log Scribner scale
2	Other Conifer	5 to 12 logs inclusive 16 feet long per MBF net log scale
	Ponderosa Pine	More than 9 logs 16 feet long per MBF net log Scribner scale
3	Other Conifer	More than 12 logs 16 feet long per MBF net log Scribner scale
5	Utility	All logs graded as utility

**TABLE 1—Timber Quality Code Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10**

Species	Quality Code Number	Log grade specifications ¹
Douglas-fir	1	Over 50% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, and better log grade.
Douglas-fir	2	Over 50% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, and better log grade.
Douglas-fir	3	25-50% inclusive No. 2 Sawmill and better log grade.
Douglas-fir	4	Less than 25% No. 2 Sawmill and better log grade.

**TABLE 1—Timber Quality Code Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10**

Species	Quality Code Number	Log grade specifications ¹
Western Redcedar and Alaska-Cedar	1	Over 30% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, Peeler and better log grade.
Western Redcedar and Alaska-Cedar	2	Over 30% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, Peeler and better log grade.
Western Redcedar and Alaska-Cedar	3	5-30% inclusive No. 2 Sawmill and better log grade.
Western Redcedar and Alaska-Cedar	4	Less than 5% No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	1	Over 50% No. 2 Sawmill and better log grade, and 5% and over Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	2	Over 50% No. 2 Sawmill and better log grade, and less than 5% Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	3	25-50% inclusive No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	4	Less than 25% No. 2 Sawmill and better log grade.
Ponderosa Pine	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs 16 feet long per thousand board feet Scribner scale.
Lodgepole Pine	1	All log grades.
Hardwoods	1	All No. 3 Sawmill logs and better log grades.
Hardwood Utility	1	All No. 4 Sawmill log grade and all hardwood logs graded as utility.
Conifer Utility	1	All conifer logs graded as utility log grade.

¹ For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see WAC 458-40-680.

**TABLE 2—Timber Quality Code Table
Stumpage Value Areas 6 and 7**

Species	Quality Code Number	Log grade specifications ¹
Ponderosa Pine	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs 16 feet long per thousand board feet Scribner scale.
All conifers other than Ponderosa Pine	1	All log sizes.
Hardwoods	1	Sawlogs only.
Utility	5	All logs graded as utility.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 91-14-077 [92-02-067], filed 6/28/91 [12/31/91], effective 7/1/91 [1/1/92])

WAC 458-40-660 TIMBER EXCISE TAX—STUMPAGE VALUE TABLES. The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period (~~July~~) January 1 through (~~December 31, 1991~~) June 30, 1992:

**((TABLE 1—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1991**

**WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹**

Name	Species Code	Timber Quality Code Number	Hauling Distance—Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$440	\$433	\$426	\$419	\$412
		2	409	402	395	388	381
		3	382	375	368	361	354
		4	367	360	353	346	339
		5	131	124	117	110	103
		6	108	101	94	87	80
Western Redcedar ²	RC	1	428	421	414	407	400
		2	421	414	407	400	393
		3	267	260	253	246	239
		4	266	259	252	245	238
Sitka Spruce	SS	1	376	369	362	355	348
		2	372	365	358	351	344
		3	271	264	257	250	243
		4	200	193	186	179	172
		5	199	192	185	178	171
		6	198	191	184	177	170
Western Hemlock ³	WH	1	382	375	368	361	354
		2	322	315	308	301	294
		3	311	304	297	290	283
		4	269	262	255	248	241
		5	131	124	117	110	103
		6	108	101	94	87	80
Other Conifer	OC	1	382	375	368	361	354
		2	322	315	308	301	294
		3	311	304	297	290	283
		4	269	262	255	248	241
		5	131	124	117	110	103
		6	108	101	94	87	80
Red Alder	RA	1	173	166	159	152	145
Black Cottonwood	BC	1	158	151	144	137	130
Other Hardwood	OH	1	165	158	151	144	137
Hardwood Utility	HU	5	81	74	67	60	53
Conifer Utility	CU	5	40	33	26	19	12

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Alaska-Cedar.

³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.⁴

**TABLE 2—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1991**

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance—Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards	RCS	1	\$424	\$417	\$410	\$403	\$396
		1	150	143	136	129	122
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	150	143	136	129	122
		1	0.45	0.45	0.45	0.45	0.45
Douglas-Fir Christmas Trees	DFX	1	0.25	0.25	0.25	0.25	0.25
		1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

**TABLE 3—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1991**

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance—Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$512	\$505	\$498	\$491	\$484
		2	450	443	436	429	422
		3	400	393	386	379	372
		4	348	341	334	327	320
		5	196	189	182	175	168
		6	91	84	77	70	63
Western Redcedar ²	RC	1	474	467	460	453	446
		2	432	425	418	411	404
		3	418	411	404	397	390
		4	280	273	266	259	252
Sitka Spruce	SS	1	376	369	362	355	348
		2	372	365	358	351	344
		3	271	264	257	250	243
		4	200	193	186	179	172
		5	199	192	185	178	171
		6	198	191	184	177	170
Western Hemlock ³	WH	1	405	398	391	384	377
		2	332	325	318	311	304
		3	315	308	301	294	287
		4	265	258	251	244	237
		5	196	189	182	175	168
		6	91	84	77	70	63
Other Conifer	OC	1	405	398	391	384	377
		2	332	325	318	311	304
		3	315	308	301	294	287
		4	265	258	251	244	237
		5	196	189	182	175	168
		6	91	84	77	70	63

TABLE 3

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Red Alder	RA	1	129	122	115	108	101
Black Cottonwood	BC	1	158	151	144	137	130
Other Hardwood	OH	1	165	158	151	144	137
Hardwood Utility	HU	5	81	74	67	60	53
Conifer Utility	CU	5	75	68	61	54	47

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Alaska Cedar.

³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 4—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1991**

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$424	\$417	\$410	\$403	\$396
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	150	143	136	129	122
Western Redcedar & Other Posts ²	RCP	1	0.45	0.45	0.45	0.45	0.45
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

**TABLE 5—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1991**

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$563	\$556	\$549	\$542	\$535
		2	459	452	445	438	431
		3	357	350	343	336	329
		4	270	263	256	249	242
		5	196	189	182	175	168
		6	134	127	120	113	106

TABLE 5

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar ²	RC	1	475	468	461	454	447
		2	444	437	430	423	416
		3	334	327	320	313	306
		4	301	294	287	280	273
Western Hemlock ⁴	WH	1	408	401	394	387	380
		2	295	288	281	274	267
		3	282	275	268	261	254
		4	234	227	220	213	206
		5	197	190	183	176	169
		6	151	144	137	130	123
Other Conifer	OC	1	408	401	394	387	380
		2	295	288	281	274	267
		3	282	275	268	261	254
		4	234	227	220	213	206
		5	197	190	183	176	169
		6	151	144	137	130	123
Red Alder	RA	1	155	148	141	134	127
Black Cottonwood	BC	1	158	151	144	137	130
Other Hardwood	OH	1	165	158	151	144	137
Hardwood Utility	HU	5	81	74	67	60	53
Conifer Utility	CU	5	84	77	70	63	56

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska Cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 6—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1991**

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards	RCS	1	\$424	\$417	\$410	\$403	\$396
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	150	143	136	129	122
Western Redcedar & Other Posts ²	RCP	1	0.45	0.45	0.45	0.45	0.45
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1991

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$547	\$540	\$533	\$526	\$519
		2	466	459	452	445	438
		3	376	369	362	355	348
		4	289	282	275	268	261
		5	185	178	171	164	157
		6	134	127	120	113	106
Western Redcedar ³	RC	1	517	510	503	496	489
		2	465	458	451	444	437
		3	344	337	330	323	316
		4	288	281	274	267	260
Western Hemlock ⁴	WH	1	407	400	393	386	379
		2	320	313	306	299	292
		3	260	253	246	239	232
		4	253	246	239	232	225
		5	167	160	153	146	139
		6	134	127	120	113	106
Other Conifer	OC	1	407	400	393	386	379
		2	320	313	306	299	292
		3	260	253	246	239	232
		4	253	246	239	232	225
		5	167	160	153	146	139
		6	134	127	120	113	106
Red Alder	RA	1	152	145	138	131	124
Black Cottonwood	BC	1	158	151	144	137	130
Other Hardwood	OH	1	165	158	151	144	137
Hardwood Utility	HU	5	81	74	67	60	53
Conifer Utility	CU	5	80	73	66	59	52

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska Cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 8—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1991

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$424	\$417	\$410	\$403	\$396
Western Redcedar Flatsawn & Shingle Blocks ¹		1	150	143	136	129	122

TABLE 8—
Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar & Other Posts ¹	RCP	1	0.45	0.45	0.45	0.45	0.45
Douglas-Fir Christmas Trees ²		DFX	1	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 9—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1991

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$639	\$632	\$625	\$618	\$611
		2	455	448	441	434	427
		3	389	382	375	368	361
		4	312	305	298	291	284
		5	205	198	191	184	177
		6	160	153	146	139	132
Western Redcedar ³	RC	1	467	460	453	446	439
		2	444	437	430	423	416
		3	373	366	359	352	345
		4	227	220	213	206	199
Western Hemlock ⁴	WH	1	514	507	500	493	486
		2	353	346	339	332	325
		3	275	268	261	254	247
		4	252	245	238	231	224
		5	162	155	148	141	134
		6	160	153	146	139	132
Other Conifer	OC	1	514	507	500	493	486
		2	353	346	339	332	325
		3	275	268	261	254	247
		4	252	245	238	231	224
		5	162	155	148	141	134
		6	160	153	146	139	132
Red Alder	RA	1	179	172	165	158	151
Black Cottonwood	BC	1	158	151	144	137	130
Other Hardwood	OH	1	165	158	151	144	137
Hardwood Utility	HU	5	81	74	67	60	53
Conifer Utility	CU	5	76	69	62	55	48

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska Cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 10—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1991**

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards	RCS	1	\$424	\$417	\$410	\$403	\$396
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	150	143	136	129	122
Western Redcedar & Other Posts ²	RCP	1	0.45	0.45	0.45	0.45	0.45
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
Fir Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

**TABLE 11—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1991**

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$235	\$229	\$223	\$217	\$211
Engelmann Spruce	ES	1	151	145	139	133	127
Lodgepole Pine	LP	1	93	87	81	75	69
Ponderosa Pine	PP	1	277	271	265	259	253
		2	231	225	219	213	207
Western Redcedar ³	RC	1	305	299	293	287	281
Fir Firs ⁴	WH	1	198	192	186	180	174
Western White Pine	WP	1	197	191	185	179	173
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	44	38	32	26	20

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-Cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 12—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1991**

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$150	\$144	\$138	\$132	\$126
Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴Stumpage value per lineal foot.

**TABLE 13—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1991**

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$132	\$126	\$120	\$114	\$108
Engelmann Spruce	ES	1	119	113	107	101	95
Lodgepole Pine	LP	1	78	72	66	60	54
Ponderosa Pine	PP	1	277	271	265	259	253
		2	146	140	134	128	122
Western Redcedar ³	RC	1	130	124	118	112	106
Fir Firs ⁴	WH	1	109	103	97	91	85
Western White Pine	WP	1	276	270	264	258	252
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	19	13	7	1	1

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-Cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 14—Stumpage Value Table
Stumpage Value Area 7
 July 1 through December 31, 1991

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	\$150	\$144	\$138	\$132	\$126
Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

TABLE 15—Stumpage Value Table
Stumpage Value Area 10
 July 1 through December 31, 1991

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$308	\$302	\$296	\$290	\$284
		2	239	233	227	221	215
		3	171	165	159	153	147
Engelmann Spruce	ES	1	179	173	167	161	155
		2	160	154	148	142	136
		3	141	135	129	123	117
Lodgepole Pine	LP	1	188	182	176	170	164
		2	179	173	167	161	155
		3	171	165	159	153	147
Ponderosa Pine	PP	1	355	349	343	337	331
		2	318	312	306	300	294
		3	218	212	206	200	194
Western Redcedar ³	RC	1	220	214	208	202	196
		2	208	202	196	190	184
		3	165	159	153	147	141
True Firs ⁴	WH	1	205	199	193	187	181
		2	200	194	188	182	176
		3	195	189	183	177	171
Western White Pine	WP	1	355	349	343	337	331
		2	318	312	306	300	294
		3	218	212	206	200	194
Hardwoods	OH	1	58	52	46	40	34
Utility	CU	5	41	35	29	23	17

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble

Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as ¹White Fir.¹

TABLE 16—Stumpage Value Table
Stumpage Value Area 10
 July 1 through December 31, 1991

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$150	\$144	\$138	\$132	\$126
Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.)

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
 January 1 through June 30, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$420	\$413	\$406	\$399	\$392
		2	389	382	375	368	361
		3	305	298	291	284	277
		4	167	160	153	146	139
Western Redcedar ²	RC	1	497	490	483	476	469
		2	457	450	443	436	429
		3	450	443	436	429	422
		4	382	375	368	361	354
Western Hemlock ³	WH	1	286	279	272	265	258
		2	281	274	267	260	253
		3	235	228	221	214	207
		4	158	151	144	137	130
Other Conifer	OC	1	286	279	272	265	258
		2	281	274	267	260	253
		3	235	228	221	214	207
		4	158	151	144	137	130
Red Alder	RA	1	67	60	53	46	39
Black Cottonwood	BC	1	66	59	52	45	38
Other Hardwood	OH	1	66	59	52	45	38
Hardwood Utility	HU	1	33	26	19	12	5
Conifer Utility	CU	1	79	72	65	58	51
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45

**TABLE 1—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹**

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
DF Christmas Trees ²	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ²	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Alaska-Cedar.
³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁴Stumpage value per 8 lineal feet or portion thereof.
⁵Stumpage value per lineal foot.

**TABLE 2—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1992**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$466	\$459	\$452	\$445	\$438
		2	382	375	368	361	354
		3	346	339	332	325	318
		4	147	140	133	126	119
Western Redcedar ²	RC	1	453	446	439	432	425
		2	428	421	414	407	400
		3	418	411	404	397	390
		4	207	200	193	186	179
Western Hemlock ²	WH	1	300	293	286	279	272
		2	288	281	274	267	260
		3	259	252	245	238	231
		4	105	98	91	84	77
Other Conifer	OC	1	300	293	286	279	272
		2	288	281	274	267	260
		3	259	252	245	238	231
		4	105	98	91	84	77
Red Alder	RA	1	73	66	59	52	45
Black Cottonwood	BC	1	67	60	53	46	39
Other Hardwood	OH	1	66	59	52	45	38
Hardwood Utility	HU	1	40	33	26	19	12
Conifer Utility	CU	1	48	41	34	27	20
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Alaska-Cedar.
³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁴Stumpage value per 8 lineal feet or portion thereof.
⁵Stumpage value per lineal foot.

**TABLE 3—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1992**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$509	\$502	\$495	\$488	\$481
		2	398	391	384	377	370
		3	358	351	344	337	330
		4	234	227	220	213	206
Western Redcedar ²	RC	1	460	453	446	439	432
		2	457	450	443	436	429
		3	418	411	404	397	390
		4	350	343	336	329	322
Western Hemlock ²	WH	1	363	356	349	342	335
		2	274	267	260	253	246
		3	241	234	227	220	213
		4	162	155	148	141	134
Other Conifer	OC	1	363	356	349	342	335
		2	274	267	260	253	246
		3	241	234	227	220	213
		4	162	155	148	141	134
Red Alder	RA	1	67	60	53	46	39
Black Cottonwood	BC	1	55	48	41	34	27
Other Hardwood	OH	1	66	59	52	45	38
Hardwood Utility	HU	1	30	23	16	9	2
Conifer Utility	CU	1	53	46	39	32	25
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-Cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵Stumpage value per 8 lineal feet or portion thereof.
⁶Stumpage value per lineal foot.

**TABLE 4—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1992**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$426	\$419	\$412	\$405	\$398
		2	376	369	362	355	348
		3	340	333	326	319	312
		4	252	245	238	231	224
Lodgepole Pine	LP	1	146	139	132	125	118
Ponderosa Pine	PP	1	329	322	315	308	301
		2	204	197	190	183	176
Western Redcedar ²	RC	1	460	453	446	439	432
		2	447	440	433	426	419
		3	324	317	310	303	296
		4	322	315	308	301	294

TABLE 4—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Hemlock ⁴	WH	1	310	303	296	289	282
		2	298	291	284	277	270
		3	248	241	234	227	220
		4	174	167	160	153	146
Other Conifer	OC	1	310	303	296	289	282
		2	298	291	284	277	270
		3	248	241	234	227	220
		4	174	167	160	153	146
Red Alder	RA	1	73	66	59	52	45
Black Cottonwood	BC	1	67	60	53	46	39
Other Hardwood	OH	1	66	59	52	45	38
Hardwood Utility	HU	1	32	25	18	11	4
Conifer Utility	CU	1	45	38	31	24	17
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$549	\$542	\$535	\$528	\$521
		2	401	394	387	380	373
		3	308	301	294	287	280
		4	195	188	181	174	167
Lodgepole Pine	LP	1	146	139	132	125	118
Ponderosa Pine	PP	1	329	322	315	308	301
		2	204	197	190	183	176
Western Redcedar ³	RC	1	460	453	446	439	432
		2	457	450	443	436	429
		3	418	411	404	397	390
		4	350	343	336	329	322
Western Hemlock ⁴	WH	1	310	303	296	289	282
		2	260	253	246	239	232
		3	244	237	230	223	216
		4	138	131	124	117	110
Other Conifer	OC	1	310	303	296	289	282
		2	260	253	246	239	232
		3	244	237	230	223	216
		4	138	131	124	117	110
Red Alder	RA	1	67	60	53	46	39

TABLE 5—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Black Cottonwood	BC	1	67	60	53	46	39
Other Hardwood	OH	1	66	59	52	45	38
Hardwood Utility	HU	1	24	17	10	3	1
Conifer Utility	CU	1	53	46	39	32	25
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot.

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$300	\$293	\$286	\$279	\$272
Engelmann Spruce	ES	1	197	190	183	176	169
Lodgepole Pine	LP	1	146	139	132	125	118
Ponderosa Pine	PP	1	329	322	315	308	301
		2	204	197	190	183	176
Western Redcedar ³	RC	1	307	300	293	286	279
True Firs ⁴	WH	1	169	162	155	148	141
Western White Pine	WP	1	390	383	376	369	362
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	22	15	8	1	1
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁷ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$147	\$140	\$133	\$126	\$119
Engelmann Spruce	ES	1	90	83	76	69	62
Lodgepole Pine	LP	1	77	70	63	56	49
Ponderosa Pine	PP	1	314	307	300	293	286
		2	189	182	175	168	161
Western Redcedar ³	RC	1	265	258	251	244	237
True Firs ⁴	WH	1	101	94	87	80	73
Western White Pine	WP	1	235	228	221	214	207
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	15	8	1	1	1
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁷ Stumpage value per lineal foot.

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$412	\$405	\$398	\$391	\$384
		2	348	341	334	327	320
		3	312	305	298	291	284
		4	224	217	210	203	196
Lodgepole Pine	LP	1	146	139	132	125	118
Ponderosa Pine	PP	1	329	322	315	308	301
		2	204	197	190	183	176
Western Redcedar ³	RC	1	446	439	432	425	418
		2	419	412	405	398	391
		3	296	289	282	275	268
		4	294	287	280	273	266
Western Hemlock ⁴	WH	1	296	289	282	275	268
		2	270	263	256	249	242
		3	220	213	206	199	192
		4	146	139	132	125	118
Other Conifer	OC	1	296	289	282	275	268
		2	270	263	256	249	242
		3	220	213	206	199	192
		4	146	139	132	125	118

TABLE 8—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Red Alder	RA	1	59	52	45	38	31
Black Cottonwood	BC	1	53	46	39	32	25
Other Hardwood	OH	1	52	45	38	31	24
Hardwood Utility	HU	1	18	11	4	1	1
Conifer Utility	CU	1	31	24	17	10	3
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 91-14-077 [92-02-067], filed 6/28/91 [12/31/91], effective 7/1/91 [1/1/92])

WAC 458-40-670 **TIMBER EXCISE TAX—STUMPAGE VALUE ADJUSTMENTS.** Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in WAC 458-40-660 for the designated stumpage value areas with the following limitations:

(1) No harvest adjustment shall be allowed against special forest products.

(2) Stumpage value rates for conifer and hardwoods shall be adjusted to a value no lower than one dollar per MBF.

(3) Timber harvesters planning to remove timber from areas having damaged timber or other unforeseen materially increased harvesting costs may apply to the department for adjustment in stumpage values. Such applications should contain a map with the legal descriptions of the area, a description of the damage sustained by the timber or cause of additional costs, and a list of estimated costs to be incurred. Such applications shall be sent to the department before the harvest commences. Upon receipt of such application, the department will determine the amount of adjustment allowed, and notify the harvester. Such amount may be taken as a credit against tax liabilities or, if harvest is terminated, a refund may be authorized. In the event the extent of such

timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application not later than ninety days following completion of the harvest unit.

The following harvest adjustment tables are hereby adopted for use during the period of ~~((July))~~ January 1 through ((December 31, 1991)) June 30, 1992:

TABLE 1—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, ~~((and))~~ 5, and 10
~~((July))~~ January 1 through ((December 31, 1991)) June 30, 1992

~~((WESTERN WASHINGTON MERCHANTABLE SAWTIMBER))~~

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	– \$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	– \$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	– \$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	– \$10.00
II. Logging conditions		
Class 1	((Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.) Generally slopes less than 40%. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	((Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.) Generally slopes between 40% and 60%. Some rock outcrops or swamp barriers.	– \$17.00
Class 3	((Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.) Generally rough, broken ground with slopes in excess of 60%. Numerous rock outcrops and bluffs.	– \$25.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	– \$69.00
III. Remote island adjustment:		
	For timber harvested from a remote island	– \$50.00
IV. Thinning (see WAC 458-40-610(20))		
Class 1	Average log volume of 50 board feet or more.	– \$25.00
Class 2	Average log volume of less than 50 board feet.	– \$35.00

TABLE 2—Harvest Adjustment Table
Stumpage Value Areas 6(~~(;)~~) and 7(~~(; and 10))~~
~~((July))~~ January 1 through ((December 31, 1991)) June 30, 1992

~~((EASTERN WASHINGTON MERCHANTABLE SAWTIMBER))~~

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	– \$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	– \$10.00
II. Logging conditions		
Class 1	((Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.) Generally slopes less than 40%. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	((Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.) Generally slopes between 40% and 60%. Some rock outcrops or swamp barriers.	– \$18.00
Class 3	((Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.) Generally rough, broken ground with slopes in excess of 60%. Numerous rock outcrops and bluffs.	– \$25.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	– \$69.00
III. Remote island adjustment:		
	For timber harvested from a remote island	– \$50.00

Table 3—Domestic Market Adjustment

Public timber
 Harvest of timber not sold by a competitive bidding process which is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber which must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska Yellow Cedar. (Stat. Ref. – 36 CFR 223.10)

State, and other nonfederal, Public Timber Sales: Western Red Cedar only. (Stat. Ref. – 50 USC appendix 2406.1)

Private timber
Harvest of private timber which is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the Act of March 29, 1944, (16 U.S.C. Sec. 583-583i); or Washington Administration Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The adjustment amounts shall be as follows:

~~((Class 1: All eligible species in Western Washington (SVA's 1 through 5) – \$33.00 per MBF~~

Class 2:	All eligible species in Eastern Washington (SVA's 6, 7, and 10)	- \$15.00 per MBF)
Class 1:	SVA's 1 through 6, and 10	- \$8.00 per MBF
Class 2:	SVA 7	- \$0.00 per MBF

Note: The adjustment will not be allowed on special forest products.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 92-06-041
PERMANENT RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Banking)

[Filed February 28, 1992, 9:59 a.m.]

Date of Adoption: February 28, 1992.

Purpose: To provide guidelines for formation of mutual holding companies and define the powers of mutual holding companies.

Statutory Authority for Adoption: RCW 32.34.040 - [32.34.]050.

Pursuant to notice filed as WSR 92-01-093 on December 17, 1991.

Changes Other than Editing from Proposed to Adopted Version: There were some technical drafting revisions made, but no substantive changes. A few sections were moved and/or incorporated; the last section "Construction" was added.

Effective Date of Rule: Thirty-one days after filing.

February 28, 1992

John L. Bley

Supervisor of Banking

NEW SECTION

WAC 50-14-020 INTRODUCTION. This chapter implements the supervisor of banking's (the "supervisor") authority under chapter 34.05 RCW to enact regulations to regulate the establishment and operations of mutual holding companies. It addresses only those features of the organization and operation of mutual holding companies that are not governed by existing provisions of Title 32 RCW. Among the provisions that must be considered are the following: Chapters 32.08 and 32.32 RCW for the chartering of a mutual savings bank and its conversion to a stock-form savings bank subsidiary of a mutual holding company; Title 32 RCW generally for the operations of any such savings bank; chapter 32.34 RCW for any merger or acquisition of assets involving a mutual holding company or banking subsidiary of a mutual holding company.

NEW SECTION

WAC 50-14-030 DEFINITIONS—REGULATIONS NOT EXCLUSIVE. The definitions contained in RCW 32.32.025 shall apply to any transaction under

these rules unless the context requires otherwise and except as provided herein. The reorganization of a mutual savings bank into mutual holding company form (hereafter sometimes referred to as the "reorganization") and the conversion of a mutual holding company into a stock holding company (hereafter sometimes referred to as the "conversion") shall be governed by the rules prescribed in chapter 32.32 RCW, except to the extent such rules are inconsistent with the transaction and except as provided in these rules. Any savings bank or mutual holding company may apply to the supervisor, in connection with a transaction authorized by these rules, for such variations from the rules prescribed by chapter 32.32 RCW as are necessary and proper to effectuate the transaction.

NEW SECTION

WAC 50-14-040 AUTHORIZATION OF THE FORMATION OF MUTUAL HOLDING COMPANIES. (1) Notwithstanding any other provision of law, and in accordance with the general requirements of the supervisor set forth in WAC 50-14-050 through 50-14-150, a mutual savings bank may reorganize so as to cause its deposit-taking and one or more other activities to be conducted by a stock savings bank subsidiary of a mutual holding company, which subsidiary is formed for such purpose.

(2) Except to the extent that such provisions are inconsistent with these rules, the stock savings bank subsidiary of the mutual holding company shall be subject to the same provisions of Title 32 RCW as apply to other stock savings banks.

NEW SECTION

WAC 50-14-050 REQUIRED APPROVALS. (1) A reorganization of a mutual savings bank pursuant to these rules shall be approved by not less than two-thirds of the board of trustees of the mutual savings bank.

(2)(a) A mutual savings bank proposing a reorganization pursuant to these rules shall provide the supervisor with written notice of such proposed reorganization. Such notice shall include a copy of the plan of reorganization approved by the board of trustees pursuant to subsection (1) of this section, the proposed incorporation and authorization certificates for the mutual holding company and/or the stock savings bank subsidiary, as appropriate, and shall also contain such other information as the supervisor shall require. The supervisor shall approve or disapprove the plan of reorganization within sixty days of the submission of such plan, together with such other information as the supervisor shall require.

(b) In determining whether to approve the plan of reorganization, the supervisor shall consider:

(i) Whether the formation of the mutual holding company would not be detrimental to the interests of the depositors of the mutual savings bank proposing to reorganize as provided in WAC 50-14-040;

(ii) Whether disapproval is necessary to prevent unsafe or unsound banking practices;

(iii) Whether the interest of the public will be served by the proposed reorganization;

(iv) Whether the financial or management resources of the mutual savings bank proposing to reorganize as provided in WAC 50-14-040 warrant disapproval of the proposed plan of reorganization; and

(v) Whether the mutual savings bank proposing to reorganize as provided in WAC 50-14-040 fails to furnish any information required under (a) of this subsection or furnishes information containing any statement which, at the time and in the circumstances under which it was made, was false or misleading with respect to any material fact or omits to state any material fact necessary to make the statements therein not false or misleading.

(c) When the supervisor shall have determined to approve or disapprove the plan of reorganization, the supervisor shall so advise the mutual savings bank in writing and shall endorse approval on the incorporation and authorization certificates and cause the same to be filed in such manner and in the respective offices provided in chapter 32.08 RCW. Upon the filing of the authorization certificate as provided in RCW 32.08.080, the existence of the mutual holding company and/or stock savings bank, as appropriate, shall commence. As used in this chapter, the term "authorization certificate" shall include an amended authorization certificate.

NEW SECTION

WAC 50-14-060 FORMATION OF A MUTUAL HOLDING COMPANY. (1) The plan of reorganization may authorize the formation of a mutual holding company by:

(a)(i) The organization by the mutual savings bank of a stock savings bank subsidiary and the transfer to such stock savings bank of the substantial part of its assets and liabilities, including all of its deposit liabilities, in accordance with the general provisions of these rules;

(ii) The organization by the mutual savings bank of a mutual holding company and the organization by such mutual holding company of a stock savings bank subsidiary which merges with the mutual savings bank; or

(iii) The reorganization of the mutual savings bank under any other method approved by the supervisor.

(b) For the purposes of (a) of this subsection, WAC 50-14-080 permits the stock savings bank to issue to persons other than the mutual holding company of which it is a subsidiary, an amount of common stock and securities convertible into common stock which in the aggregate does not exceed forty-nine percent of the issued and outstanding common stock of such stock savings bank. Issued and outstanding securities that are convertible into common stock shall be considered issued and outstanding common stock for the purposes of computing the forty-nine percent limitations. This subsection shall not limit the authority of such stock savings bank to issue equity or debt securities other than common stock and securities convertible into common stock.

(2) In connection with the reorganization of a mutual savings bank as provided in WAC 50-14-040, the mutual holding company may retain or acquire assets of the mutual savings bank to the extent that such assets are not then required to be transferred to or retained by the stock savings bank in order to satisfy capital or reserve

requirements of any applicable state or federal law or regulation.

(3) A stock savings bank at least fifty-one percent but less than one hundred percent of the outstanding common stock of which is owned by a mutual holding company shall have at least one director, but no more than two-fifths of its directors, who are "unaffiliated directors" who shall represent the interests of the minority shareholders. An "unaffiliated director" is a director who is not:

(a) An officer or employee of the stock savings bank (or any affiliate thereof); or

(b) An officer, trustee, or employee of the mutual holding company.

If the incorporation certificate or bylaws of the stock savings bank provide that the board of directors shall be divided into two or more classes, then to the extent possible, each class shall contain the same number of unaffiliated directors as each other class.

NEW SECTION

WAC 50-14-070 MUTUAL HOLDING COMPANY POWERS. (1) Upon the formation of a mutual holding company by a mutual savings bank:

(a) The mutual holding company shall possess all the rights, powers, and privileges, except deposit-taking powers, and shall be subject to all the limitations, not inconsistent with these rules, of a mutual savings bank under Title 32 RCW; and

(b) The mutual holding company shall be subject to the limitations imposed by the Bank Holding Company Act of 1956 (12 U.S.C. Section 1841, et seq.) or, in the case of a mutual holding company resulting from the reorganization of a savings bank which has elected either prior or subsequent to such reorganization to be treated as a savings association as that term is defined in 12 U.S.C. Section 1467a, such mutual holding company shall be subject to the limitations imposed by the savings and loan holding company provisions of the Home Owners' Loan Act (12 U.S.C. Section 1467a).

(2) Notwithstanding any inconsistent provisions of Title 32 RCW, subject to the express approval of, or additional rules promulgated by, the supervisor, a mutual holding company may:

(a) Merge with, acquire, or purchase the assets of a mutual holding company established pursuant to these rules or the savings and loan holding company provisions of the Home Owners' Loan Act (12 U.S.C. Section 1467a);

(b) Acquire or purchase the assets or stock of a stock savings bank, commercial bank, credit union, stock savings and loan association, stock federal savings bank, or stock federal savings and loan association;

(c) Acquire a mutual savings bank, a mutual savings and loan association, a federal mutual savings bank, or a federal mutual savings and loan association through the merger of such institution with a stock subsidiary of such mutual holding company;

(d) Engage in any other acquisition or combination specifically permitted by the supervisor.

NEW SECTION**WAC 50-14-080 SUBSEQUENT OFFERING.**

(1) Any public offering of shares by a subsidiary of a mutual holding company, subsequent to the reorganization but after which the mutual holding company would retain at least fifty-one percent of the issued and outstanding shares of the stock savings bank (a "subsequent offering") shall be governed by the rules prescribed in chapter 32.32 RCW, except to the extent such rules are inconsistent with the transaction and except as provided in these rules.

(2) Any subsequent offering shall be made pursuant to an offering circular which complies with the terms and conditions prescribed in chapter 32.32 RCW and has been approved by the supervisor, whether the offering consists of newly issued shares being offered by the stock savings bank or previously issued shares being sold by the mutual holding company.

(3) The procedures to be followed in conducting a subsequent offering may, with the approval of the supervisor, differ from those set out in chapter 32.32 RCW so long as eligible account holders' subscription rights are not abrogated. Such differences may include, but need not be limited to, the distribution of offering circulars only to those eligible account holders who have requested them and combining a subscription offering with a public offering.

NEW SECTION**WAC 50-14-090 SUBSCRIPTION RIGHTS.** (1)

Except for shares issued to a mutual holding company, and except for the shares referred to in WAC 50-14-100, all shares of stock issued in connection with a reorganization or conversion shall be subject to subscription rights granted to eligible account holders of the subsidiary savings bank(s). As used in these rules, "shares of stock issued in connection with the reorganization or conversion of a mutual savings bank" include shares issued upon the reorganization, shares sold in any subsequent offering (whether shares held by the mutual holding company or shares newly issued by the stock savings bank), or shares sold in connection with the conversion. Also included are any securities convertible into shares of the stock-form savings bank.

(2) An "eligible account holder" for the purposes of this section is any depositor of a savings bank who owned in such bank one or more accounts valued in the aggregate of fifty dollars or more on the pertinent record date. In the case of the reorganization, the record date shall be the date established by the board of trustees, which date shall be no less than ninety days prior to the date on which the plan of reorganization is adopted by the trustees; in the case of any subsequent offering, the record date shall be the date established by the board of directors of the stock-form savings bank issuing new shares or the board of trustees of the mutual holding company selling shares, as the case may be, which date shall be no less than ninety days prior to the date on which the shares are offered; in the case of the conversion, the record date shall be the date established by the mutual holding company's board of trustees, which date

shall be no less than ninety days prior to the date on which the plan of conversion is adopted by the trustees.

NEW SECTION

WAC 50-14-100 STOCK OPTIONS AND STOCK GRANTS. Shares of stock issued in connection with the reorganization of a mutual savings bank may be reserved to satisfy a stock option plan and issued pursuant to a restricted stock plan approved by the savings bank's stockholder(s). The aggregate number of shares so reserved and issued shall be reasonably proportionate to the number of shares, if any, held by persons other than the mutual holding company.

NEW SECTION**WAC 50-14-110 LIQUIDATION ACCOUNT.**

(1) The entire unconsolidated net worth of a mutual holding company shall constitute a liquidation account for the benefit of the depositors of its subsidiary savings bank(s). The liquidation account shall not be a fixed amount but may increase or decrease over time. The function of the liquidation account is to establish that upon the complete liquidation of the mutual holding company, the entire net worth of the mutual holding company will be distributed among those persons who are the depositors of its subsidiary savings bank(s) as of the date of the liquidation. The designation of the mutual holding company's net worth as a liquidation account shall not operate to restrict the use or application of the mutual holding company's net worth accounts.

(2) In the event of a complete liquidation of a mutual holding company, the entire net worth of the mutual holding company shall be distributed ratably among all the depositors of its subsidiary savings bank(s) as of the date of the liquidation.

(3) Upon the conversion of a mutual holding company, the net worth of the holding company shall no longer be designated a liquidation account. Instead, each subsidiary savings bank shall at that time establish a liquidation account, which liquidation accounts shall in the aggregate equal the mutual holding company's liquidation account as of its last periodic report of condition immediately preceding its conversion into a stock-form holding company. The liquidation account established by each subsidiary savings bank shall be in the same proportion to the mutual holding company's liquidation account that the total deposits of that subsidiary savings bank bears to the total deposits of all subsidiary savings banks of the mutual holding company. The liquidation account established by a subsidiary savings bank shall comply with the rules contained in RCW 32.32.185 through 32.32.205.

NEW SECTION

WAC 50-14-120 REORGANIZATION INTO MUTUAL HOLDING COMPANY FORM. (1) The mutual holding company may retain or acquire assets of the mutual savings bank only to the extent permitted by the supervisor.

(2) A stock savings bank established in connection with a reorganization shall reserve no authorized but

unissued shares, except as necessary to satisfy a stock option plan or issue securities convertible into stock.

(3) A plan of reorganization shall contain the provisions referenced in RCW 32.32.035, except that it need not provide for the sale of any stock and the aggregate price of any stock sold shall bear the same proportion to total estimated pro forma market value of the subsidiary savings bank(s) determined by an independent appraisal that the shares sold bear to the total issued and outstanding shares of the savings bank(s).

NEW SECTION

WAC 50-14-130 CONVERSION OF MUTUAL HOLDING COMPANY INTO STOCK HOLDING COMPANY. (1) If approved by the supervisor, a mutual holding company may convert to a stock holding company in accordance with the provisions contained in these rules.

(2) If approved by the supervisor, the mutual holding company shall adopt a plan of conversion subject to and in accordance with the provisions of chapter 32.32 RCW.

(3) A plan of conversion must include a provision requiring the exchange of shares of the subsidiary savings bank(s) for shares of the resulting stock holding company in a proportion established by independent appraisals of the mutual holding company and the subsidiary savings bank(s).

(4) The limitation contained in RCW 32.32.075 shall continue until three years after conversion into a stock holding company.

NEW SECTION

WAC 50-14-140 CONSTRUCTION. Nothing contained in chapter 50-14 WAC shall be construed to prohibit the de novo chartering of a stock savings bank not intended to be in holding company form.

WSR 92-06-042
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed February 28, 1992, 10:30 a.m.]

Original Notice.

Title of Rule: WAC 388-49-410 Resources—Exempt.

Purpose: Subsection (3) is revised to delete the provisions requiring application of specific SSI and AFDC resource exemption rules and comparison of the person's income to the gross income standard before exempting the resources of an SSI or AFDC household member.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: WAC 388-49-410(3) requiring application of SSI and AFDC resource exemption rules and a comparison of the person's income to the gross income standard are deleted.

Reasons Supporting Proposal: Section 905 of Public Law 102-237 provides that a household member receiving SSI or AFDC benefits is resource eligible for the food stamp program and that the member's resources cannot be included when a household's total resources are calculated. The law removes other conditions for this resource exemption.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mike Arnaud, Division of Income Assistance, 438-8322.

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

Rule is necessary because of federal law, Section 905 of Public Law 102-237.

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on April 7, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop 5805, Olympia, Washington 98504, by April 7, 1992.

Date of Intended Adoption: April 21, 1992.

February 28, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3289, filed 11/19/91, effective 12/20/91)

WAC 388-49-410 RESOURCES—EXEMPT. (1) The department shall exempt the following resources:

(a) An occupied home and surrounding property not separated by intervening property owned by others;

(b) An unoccupied home and surrounding property if the household:

(i) Is making a good faith effort to sell; or

(ii) Intends to return to the home and the house is unoccupied due to:

(A) Employment;

(B) Training for future employment;

(C) Illness; or

(D) Uninhabitability due to casualty or natural disaster.

(c) A piece of land where the household is building or intends to build a permanent home, if the household does not own another home. The land must not be separated by intervening property owned by others;

(d) Personal effects;

(e) Household goods;

(f) One burial plot per household member;

(g) Cash value of:

(i) Life insurance policies; and

(ii) Pension funds.

(h) Vehicles as provided under WAC 388-49-430;

(i) That portion of real or personal property directly related to the maintenance or use of a vehicle excluded under WAC 388-49-430 (1)(a), (b), and (f);

(j) Property annually producing income consistent with its fair market value, even if only used on a seasonal basis;

(k) Rental homes used by household for vacation purposes during the year if the property annually produces income consistent with its fair market value;

(l) Property essential to the employment or self-employment of a household member. Property excluded under this provision because the property is used by a self-employed farmer shall retain its exclusion

for one year from the date the household member terminates self-employment from farming;

(m) Resources held separately by a nonhousehold member or an ineligible student;

(n) Indian lands:

(i) Held jointly with the tribe; or

(ii) Sold only with the approval of the Bureau of Indian Affairs.

(o) Resources prorated as income for self-employed persons or eligible students. These funds, if commingled in an account with nonexcluded funds, shall retain their exclusion for the period of time they are prorated as income;

(p) Cash value of resources not accessible to the household;

(q) Funds in a trust and the income produced by that trust, to the extent they are not available;

(r) Resources excluded by express provision of federal law from consideration in the food stamp program;

(s) Installment contracts or agreements for the sale of land or other property when it is producing income consistent with its fair market value;

(t) Value of the property sold under an installment contract;

(u) The value of property held for security if the purchase price is consistent with fair market value;

(v) Real or personal property when:

(i) Secured by a lien as a result of obtaining a business loan; and

(ii) The security or lien agreement prohibits the household from selling the asset or assets.

(w) Governmental payments designated for restoration of a home damaged in a disaster. The household must be subject to legal sanction if the funds are not used as intended;

(x) Energy assistance payments or allowances made under federal, state, or local laws;

(y) Resources of persons residing in shelters for battered women and children if:

(i) The resources are jointly owned with members of the former household; and

(ii) Access to the resources depends on the agreement of the joint owner.

(z) Payments received under the Puyallup Tribe of Indians Settlement Act of 1989, P.L. 101-41, as follows:

(i) Payments from the annuity fund established by P.L. 101-41 made to a Puyallup Tribe member upon reaching twenty-one years of age;

(ii) The investments or purchases made directly with the annuity payment up to the amount from the annuity fund payment; and

(iii) Payments from the trust fund established by P.L. 101-41 made to a Puyallup Tribal member.

(2) The department shall continue to exempt a household's funds commingled in an account with nonexempt funds for up to six months from the date the funds are commingled.

(3) The department shall exempt a resource of a household member who receives a supplemental security income (SSI) or aid to families with dependent children (AFDC) grant (when:

(a) The resource is exempt by SSI or AFDC rules; and

(b) Such household member's income does not exceed the one-person gross monthly income standard in WAC 388-49-516).

in additional revenue to the state to cover the rise in costs of operations.

Statutory Authority for Adoption: RCW 43.20B.325.

Statute Being Implemented: RCW 43.20B.325.

Summary: This WAC rate change increases the daily cost of hospital stays for state-operated mental health facilities, so that the rate reflects the cost of operations.

Reasons Supporting Proposal: RCW 43.20B.325 requires that charges for hospitalization of patients in state mental hospitals be based on cost of operations. Current operation costs increased due to state employee salary increases effective January 1, 1992. Daily rate costs are listed under WAC 275-16-030.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jan Wells, Mental Health Division, 753-2743.

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

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

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on April 7, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop 5805, Olympia, Washington 98504, by April 7, 1992.

Date of Intended Adoption: April 21, 1992.

February 28, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3267, filed 10/23/91, effective 11/23/91)

WAC 275-16-030 SCHEDULE OF CHARGES. Under RCW 43.20B.325, the department shall base hospitalization charges for patients in state hospitals on the actual operating costs of such hospitals. The department shall require patient's hospitalization charges due and payable on or before the tenth day of each calendar month for services rendered to department patients during the preceding month, based upon the following schedule:

(1) COSTING AND BILLING RATES

	Western State Hospital	Child Study and Treatment Center	Eastern State Hospital
(a) INPATIENT SERVICES -			
Hospital Costs Per Day	\$(243.84) 272.50	320.00	((251.17)) 265.75
Physician Costs	*	15.56	*
*The department shall bill the client for physician costs on a fee-for-service basis.			
(b) OUTPATIENT SERVICES -			
Per diem			
Outpatient	—	—	—
Day Care Per Day	—	80.48	—
Per Hour	—	11.50	—

WSR 92-06-043

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Institutions)

[Filed February 28, 1992, 10:31 a.m.]

Original Notice.

Title of Rule: WAC 275-16-030 Schedule of charges.

Purpose: This amendment revises the schedule of charges for the state-operated mental health facilities. The charges are based on the cost of operations. Costs rise due to staff compensation increases authorized by the legislature and due to inflation. Increased rates result

	Western State Hospital	Child Study and Treatment Center	Eastern State Hospital
(c) ANCILLARY SERVICES -			
Per relative value unit ^{1/}			
Radiology	4.91	4.91	7.70
Pathology	.42	.42	.31
Medical Clinics	1.89	1.89	8.66
Electroencephalogram	.93	.93	.93
Electrocardiogram	.18	.18	.52
Physical Therapy	5.74	5.74	12.91
Occupational Therapy	—	—	28.01
Speech Therapy	—	—	23.51
Dental	36.25	36.25	42.98
Podiatry	1.28	1.28	1.00

	Pals	Portal
(d) RESIDENTIAL SERVICES -		
Costs Per Day	133.22	83.70

(2) The department shall purchase services required by the patient, not provided by hospital staff, from private sources and the patient shall be charged actual cost of services.

^{1/}California Medical Association. Relative Value Studies. Fifth edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

WSR 92-06-044
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Filed February 28, 1992, 10:33 a.m., effective March 1, 1992, 12:01 a.m.]

Date of Adoption: February 28, 1992.

Purpose: This amendment revises the schedule of charges for the state-operated mental health facilities. The charges are based on the cost of operations. Costs rise due to staff compensation increases authorized by the legislature and due to inflation. Increased rates result in additional revenue to the state to cover the rise in operation costs.

Citation of Existing Rules Affected by this Order: Amending WAC 275-16-030 Schedule of charges.

Statutory Authority for Adoption: RCW 43.20B.325.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To comply with RCW 43.20B.325 and the state Medicaid plan which requires charges for hospitalization of patients in state-operated mental health facilities be based on the cost of operations.

Effective Date of Rule: March 1, 1992, 12:01 a.m.

February 28, 1992
 Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 3267, filed 10/23/91, effective 11/23/91)

WAC 275-16-030 SCHEDULE OF CHARGES. Under RCW 43.20B.325, the department shall base hospitalization charges for patients in state hospitals on the actual operating costs of such hospitals. The department shall require patient's hospitalization charges due and payable on or before the tenth day of each calendar month for services rendered to department patients during the preceding month, based upon the following schedule:

(1) COSTING AND BILLING RATES

	Western State Hospital	Child Study and Treatment Center	Eastern State Hospital
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(a) INPATIENT SERVICES -

Hospital Costs Per Day \$((243.84))	320.00	((251.17))
	<u>272.50</u>	<u>265.75</u>
Physician Costs	*	15.56

*The department shall bill the client for physician costs on a fee-for-service basis.

(b) OUTPATIENT SERVICES -
Per diem

Outpatient	—	—	—
Day Care Per Day	—	80.48	—
Per Hour	—	11.50	—

(c) ANCILLARY SERVICES -
Per relative value unit ^{1/}

Radiology	4.91	4.91	7.70
Pathology	.42	.42	.31
Medical Clinics	1.89	1.89	8.66
Electroencephalogram	.93	.93	.93
Electrocardiogram	.18	.18	.52
Physical Therapy	5.74	5.74	12.91
Occupational Therapy	—	—	28.01
Speech Therapy	—	—	23.51
Dental	36.25	36.25	42.98
Podiatry	1.28	1.28	1.00

(d) RESIDENTIAL SERVICES -

	Pals	Portal
Costs Per Day	133.22	83.70

(2) The department shall purchase services required by the patient, not provided by hospital staff, from private sources and the patient shall be charged actual cost of services.

^{1/}California Medical Association. Relative Value Studies. Fifth edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

WSR 92-06-045
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed February 28, 1992, 10:36 a.m., effective March 1, 1992, 12:01 a.m.]

Date of Adoption: February 28, 1992.

Purpose: WAC 388-49-410(3) is amended to delete the provisions requiring application of specific SSI and

AFDC resource exemption rules and comparison of the person's income to the gross income standard before exempting the resources of an SSI or AFDC household member.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-410 Resources—Exempt.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: Section 905 of Public Law 102-237.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Section 905 of Public Law 102-237 provides that a household member receiving SSI or AFDC benefits is resource eligible for the food stamp program and that the member's resources cannot be included when a household's total resources are calculated. The law removes other conditions for this resource exemption.

Effective Date of Rule: March 1, 1992, 12:01 a.m.

February 28, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3289, filed 11/19/91, effective 12/20/91)

WAC 388-49-410 RESOURCES—EXEMPT. (1) The department shall exempt the following resources:

(a) An occupied home and surrounding property not separated by intervening property owned by others;

(b) An unoccupied home and surrounding property if the household:

(i) Is making a good faith effort to sell; or

(ii) Intends to return to the home and the house is unoccupied due to:

(A) Employment;

(B) Training for future employment;

(C) Illness; or

(D) Uninhabitability due to casualty or natural disaster.

(c) A piece of land where the household is building or intends to build a permanent home, if the household does not own another home. The land must not be separated by intervening property owned by others;

(d) Personal effects;

(e) Household goods;

(f) One burial plot per household member;

(g) Cash value of:

(i) Life insurance policies; and

(ii) Pension funds.

(h) Vehicles as provided under WAC 388-49-430;

(i) That portion of real or personal property directly related to the maintenance or use of a vehicle excluded under WAC 388-49-430 (1)(a), (b), and (f);

(j) Property annually producing income consistent with its fair market value, even if only used on a seasonal basis;

(k) Rental homes used by household for vacation purposes during the year if the property annually produces income consistent with its fair market value;

(l) Property essential to the employment or self-employment of a household member. Property excluded

under this provision because the property is used by a self-employed farmer shall retain its exclusion for one year from the date the household member terminates self-employment from farming;

(m) Resources held separately by a nonhousehold member or an ineligible student;

(n) Indian lands:

(i) Held jointly with the tribe; or

(ii) Sold only with the approval of the Bureau of Indian Affairs.

(o) Resources prorated as income for self-employed persons or eligible students. These funds, if commingled in an account with nonexcluded funds, shall retain their exclusion for the period of time they are prorated as income;

(p) Cash value of resources not accessible to the household;

(q) Funds in a trust and the income produced by that trust, to the extent they are not available;

(r) Resources excluded by express provision of federal law from consideration in the food stamp program;

(s) Installment contracts or agreements for the sale of land or other property when it is producing income consistent with its fair market value;

(t) Value of the property sold under an installment contract;

(u) The value of property held for security if the purchase price is consistent with fair market value;

(v) Real or personal property when:

(i) Secured by a lien as a result of obtaining a business loan; and

(ii) The security or lien agreement prohibits the household from selling the asset or assets.

(w) Governmental payments designated for restoration of a home damaged in a disaster. The household must be subject to legal sanction if the funds are not used as intended;

(x) Energy assistance payments or allowances made under federal, state, or local laws;

(y) Resources of persons residing in shelters for battered women and children if:

(i) The resources are jointly owned with members of the former household; and

(ii) Access to the resources depends on the agreement of the joint owner.

(z) Payments received under the Puyallup Tribe of Indians Settlement Act of 1989, P.L. 101-41, as follows:

(i) Payments from the annuity fund established by P.L. 101-41 made to a Puyallup Tribe member upon reaching twenty-one years of age;

(ii) The investments or purchases made directly with the annuity payment up to the amount from the annuity fund payment; and

(iii) Payments from the trust fund established by P.L. 101-41 made to a Puyallup Tribal member.

(2) The department shall continue to exempt a household's funds commingled in an account with nonexempt funds for up to six months from the date the funds are commingled.

(3) The department shall exempt a resource of a household member who receives a supplemental security

income (SSI) or aid to families with dependent children (AFDC) grant ((when:

(a) ~~The resource is exempt by SSI or AFDC rules, and~~

(b) ~~Such household member's income does not exceed the one-person gross monthly income standard in WAC 388-49-510).~~

Fred Olson
Deputy Director

WSR 92-06-048

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Filed February 28, 1992, 2:53 p.m.]

Date of Adoption: February 28, 1992.

Purpose: To avoid conflicting language with WAC 16-494-001 through 16-494-170.

Citation of Existing Rules Affected by this Order: Amending WAC 16-316-266 through 16-316-290.

Statutory Authority for Adoption: Chapter 15.49 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To allow bean seed growers adequate time to test potential seedstock lots for May 1 planting.

Effective Date of Rule: Immediately.

February 28, 1992

Michael V. Schwisow

Deputy Director

for C. Alan Pettibone

Director

WSR 92-06-046

DEPARTMENT OF ECOLOGY

[Filed February 28, 1992, 12:57 p.m.]

Notice of Intention to Consider Application to Form a Joint Operating Agency, the "Conservation and Renewable Energy System"

The Washington State Department of Ecology hereby gives notice of its intention to consider the application of seven public utility districts for the formation of a joint operating agency. The application was made under the provisions of chapter 43.52 RCW. The proposed name of the joint operating agency is the "Conservation and Renewable Energy System."

Formation of the joint operating agency would create a new municipal corporation, which would have the powers listed in chapter 43.52 RCW. The application to form the operating agency describes its purpose as "developing and acquiring conservation, renewable and high efficiency resources consistent with the 1991 Northwest Conservation and Electric Power Plan. . . ." The plan is published by the Pacific Northwest Electric Power and Conservation Planning Council, which was created by the federal Regional Power Act.

The Department of Ecology will conduct two public hearings to consider the application at the following times and places: At 7:00 p.m. on April 6, 1991 [1992], at the Richland Public Library, 955 Northgate, Richland, WA; and at 7:00 p.m. on April 8, 1991 [1992], at the Attorney General Conference Room, Building One, Rowsix, 4224 Sixth Avenue, Lacey, WA.

A decision on the application will be made within thirty days of the second hearing. Interested persons may request additional information or submit data, views or comments in writing before April 8, 1991 [1992], to Curtis Eschels, Office of the Director, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

WSR 92-06-047

RULES COORDINATOR

DEPARTMENT OF ECOLOGY

[Filed February 28, 1992, 12:58 p.m.]

In accordance with RCW 34.05.310, the rules coordinator for the Department of Ecology is Paige Boule, Information and Education Office, P.O. Box 47600, Olympia, WA 98504-7600, (206) 438-7256 (SCAN 585).

NEW SECTION

WAC 16-316-266 DEFINITIONS. *The following definitions apply to the entire chapter.*

(1) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent, or employee thereof.

(2) "Department" means the Washington state department of agriculture.

(3) "Director" means the director of the department of agriculture or the director's duly authorized representative.

(4) "Common bean" means *Phaseolus vulgaris* L.

(5) "Adzuki bean" means *Vigna angularis*.

(6) "Bean" means common beans and adzuki beans.

(7) "Origin" means the county within the state of Washington, or the state, territory, or country where a specific seed lot was grown.

(8) "Approved trial grounds" means a specific parcel of land approved by the director for experimental or limited production or increase of bean seed.

(9) "University" means the Washington State University, college of agriculture and home economics.

(10) "Dominant I-gene cultivar" means a cultivar which has resistance to all known strains of bean common mosaic virus (B.C.M.V.) due to the presence of the dominant I-gene. Dominant I-gene cultivars will not show mosaic mottle symptoms or transmit the virus

through seed when inoculated with any strain of B.C.M.V.

(11) "Recessive I-gene cultivar" means a cultivar which may be susceptible to some strains of bean common mosaic virus and may show mosaic mottle symptoms.

(12) "Diseases" means those viral, fungal and bacterial diseases of beans enumerated in WAC 16-494-013 and any new variations or strains of these identified in the future.

(13) "Serology" means precipitation, agglutination, immunodiffusion, or labeled antibody test methods (such as ELISA) that use the specificity of antigen-antibody reactions to detect and identify antigenic substances and the organisms such as viruses and bacteria that carry them.

(14) "Official certificate" means a document issued by an official testing agency including but not limited to seed certification tags, bulk seed certification certificates, phytosanitary certificates, laboratory sanitary certificates, and other letters, tags, stamps or similar documents certifying seed quality or condition.

(15) "Seedborne viral diseases" includes bean common mosaic virus, adzuki common mosaic virus, and other similar viral diseases causing mosaic mottle and other symptoms similar to those of bean common mosaic virus.

AMENDATORY SECTION (Amending Order 2005, filed 5/22/89)

WAC 16-316-270 BEAN SEED CERTIFICATION FEES.

(1) Applications: Due July 1, however, may be accepted after due date at the discretion of the certifying agency.

(a) Application fee:
Per variety, per grower \$15.00

(b) Acreage fee:
(i) One inspection: (per acre) \$ 1.75

One inspection is required for certification of Great Northern, red Mexican, pinto, pink, and small white beans.

(ii) Two inspections: (per acre) \$ 3.50

Includes windrow inspection which is required for: Certification of snap beans, kidney beans, and eligibility for shipment into Idaho. For phytosanitary certification see WAC 16-316-327.

(iii) Acreage fee is refundable if acreage is withdrawn before inspection.

(c) Late application penalty fee: \$30.00

This additional fee shall be charged per grower for applications received after July 1.

(2) Reinspection: (each field) \$40.00

If a field is rejected for reasons other than ((bacterial)) seedborne diseases at the first inspection, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(3) Production fee includes sampling and tagging per cwt.: \$.40
The production fees shall be billed at the completion of the tests.

(4) Purity and germination tests: Fees as established by the director of agriculture.

(5) Fees for retagging or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(6) Bean seed entered into the certification program shall comply with bean seed quarantine rules. See WAC 16-494-001 through ((16-494-062)) 16-494-170.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 2078, filed 3/27/91, effective 4/27/91)

WAC 16-316-280 FIELD TOLERANCES. Field tolerances shall be as follows:

(1)

	Field Producing		
	Found- ation	Regis- tered	Certi- fied
Other varieties or off-type plants	none found	0.1%	0.2%
Other crops	none found	0.1%	0.1%
Total seed-borne diseases	none found	((0.5%)) none found	((1.5%)) none found

(Except as noted in (6) below)

((Bacterial bean blights and wilt	none	none	none
Anthracnose	none	none	none
Mosaic seed-borne	none	0.5%	0.5%

(2) Snap beans and kidney beans grown under sprinkler irrigation will not be eligible for certification. Further snap and kidney beans shall be isolated by 1320 feet from known bacterial blight.

(3) Fields must be rogued of weeds, off-type plants, volunteer plants, and plants showing symptoms of seed-borne diseases. Excessive night-shade shall be a cause for rejection.

(4) A field to be eligible for certification must have clean cultivated boundaries at least ten feet wide.

(5) Excessive weeds, poor stands, lack of vigor, or any other condition which is apt to make inspection inaccurate may be cause for rejection of the field.

(6) Bean fields, including those planted with a dominant I-gene cultivar, showing virus-like mosaic symptoms will not be accepted as free of ((Bean Common Mosaic Virus)) seedborne virus diseases until ((plant)) seed samples are tested serologically, or with serology and grow out test and found to be free of ((Bean Common Mosaic Virus)) seedborne virus diseases.

AMENDATORY SECTION (Amending Order 2078, filed 3/27/91, effective 4/27/91)

WAC 16-316-285 **INSPECTION REQUIREMENTS.** Inspection requirements shall be as follows: (1) When factors affecting certification are most evident. The 2nd inspection, when required, shall be a windrow inspection.

(2) A ((greenhouse)) grow out test to verify presence of seedborne diseases may be required if the certifying agency deems it necessary.

(3) A serology (ELISA) test or serology plus a grow out test for ((~~Bean Common Mosaic Virus or Adzuki Mosaic Virus disease~~) seedborne virus diseases is required to certify seed.

(4) The combined results of field inspections, laboratory test, and ((greenhouse)) grow out test, when required, will determine final certification.

AMENDATORY SECTION (Amending Order 2078, filed 3/27/91, effective 4/27/91)

WAC 16-316-290 **SEED STANDARDS.** Seed standards shall be as follows:

(1)

Purity		Found- ation	Regis- tered	Blue Tag Certi- fied
Pure seed	(Min.)	98%	98%	98%
Other crops & varieties	(Max.)	none <u>found</u>	none <u>found</u>	2/100 lbs.
Badly damaged seed	(Max.)		2%	2%
Inert matter	(Max.)		2%	2%
Splits & cracks	(Max.)		2%	2%
Weed seed	(Max.)		none <u>found</u>	none <u>found</u>
((Bean Common Mosaic Virus disease or Adzuki Mosaic Virus disease))	(Max.)	none <u>found</u>	none <u>found</u>	((0-0)) none <u>found</u>
<u>Seedborne virus diseases (based on an ELISA or ELISA and a grow out test)</u>				
Germination (minimum)			85%	85%

(2) Total inert matter, splits and cracks, and badly damaged seed shall not exceed 2% except for foundation class.

(3) Test reports will show percent of discolored beans for information only.

(4) Rough handling of bean seed in the combine or cleaning plant reduces germination materially. Precautions must be taken against such treatment and the seed safeguarded against high drops.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 92-06-049

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Filed February 28, 1992, 2:56 p.m.]

Date of Adoption: February 28, 1992.

Purpose: To establish new bean seed quarantine sections dealing specifically with seedborne viral diseases.

Citation of Existing Rules Affected by this Order: Amending WAC 16-494-100 through 16-494-170.

Statutory Authority for Adoption: Chapter 15.49 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To allow bean seed growers adequate time to test potential seedstock lots for May 1 planting.

Effective Date of Rule: Immediately.

February 28, 1992
Michael V. Schwisow
Deputy Director
for C. Alan Pettibone
Director

RULES RELATING TO BEAN SEEDBORNE VIRAL DISEASE QUARANTINE

NEW SECTION

WAC 16-494-100 **BEAN SEEDBORNE VIRAL DISEASE QUARANTINE — ESTABLISHING THE QUARANTINE.** The production of dry edible beans and bean seed is an important industry in the state of Washington. The economic well being of that industry is threatened by the introduction of bean seed infected with bean seedborne viral diseases. The director has determined that a quarantine is needed to protect the Washington dry bean industry and to provide the bean growers of this state a source of bean seed for planting purposes that is tested for the presence of these diseases and that bean seedborne viral diseases cannot be effectively regulated under the terms of the existing Bean Seed Quarantine.

NEW SECTION

WAC 16-494-110 **BEAN SEEDBORNE VIRAL DISEASE QUARANTINE — REGULATED ARTICLES.** Seeds of common beans intended for planting purposes, bean plants and parts of plants, and crop residue from the harvest of beans are regulated under the terms of this quarantine.

NEW SECTION

WAC 16-494-120 **BEAN SEEDBORNE VIRAL DISEASE QUARANTINE — REGULATED DISEASE.** Seedborne viral diseases of beans, such as but not limited to Bean Common Mosaic Virus, and Adzuki

Mosaic Virus are regulated under the terms of this quarantine.

NEW SECTION

WAC 16-494-130 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE — QUARANTINED AREA. The entire counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom in the state of Washington and all areas outside the state of Washington are established as a quarantine area.

NEW SECTION

WAC 16-494-140 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE — REGULATED AREA. The entire counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Walla Walla, Whitman, and Yakima are established as a protected area for bean seedborne viral diseases in Washington.

NEW SECTION

WAC 16-494-150 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE — REQUIREMENTS FOR PLANTING BEAN SEED IN THE REGULATED AREA. No bean seed shall be planted, or sold, shipped, or transported for seed purposes, or knowingly received, into the regulated area which are known to be contaminated with bean seedborne viral diseases and which do not comply with the requirements of the Bean Seed Quarantine in WAC 16-494-001 through WAC 16-494-064.

Bean seed, that otherwise qualifies, may be received for planting purposes, planted, sold, shipped, or transported if that seed meets one of the following criteria:

(1) The bean variety (cultivar) is known to be uniform for the dominant I-gene. Documentation of evidence of uniformity must accompany the seed shipment. Undocumented cultivars are subject to serology and/or grow out testing to determine freedom from bean seedborne viral diseases.

(2) The bean seed has been tested by the serology method (ELISA) and has been found to be free from bean seedborne viral diseases.

(3) The bean seed has been tested by the serology method and has been found to be positive for seedborne viral diseases and on a subsequent growout test, the sample is found free from bean seedborne viral diseases.

(4) All serology tests shall be based on an official one pound sample of untreated bean seed for each fifty thousand pounds of bean seed or fraction thereof.

(5) All bean seed from outside the regulated area shall be accompanied by an official certificate documenting compliance with this section.

NEW SECTION

WAC 16-494-160 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE — IDENTIFICATION

AND DISPOSITION OF DISEASED BEAN SEED. All bean seed that is determined to be contaminated by bean seedborne viral diseases and which does not meet the requirements of WAC 16-494-150 shall be destroyed or diverted to dry edible or other non-seed purposes. For seed that is diverted to dry edible or other non-seed purposes, documentation of disposition of the seed shall be provided to the Department of Agriculture upon request.

(1) Seed fields entered in the Washington state bean seed phyto-sanitary certificate inspection program or the Washington state seed certification inspection program as provided in WAC 16-316-270 and WAC 16-316-327 that display symptoms of bean seedborne viral diseases during the growing season shall be subject to testing provided in WAC 16-494-150 (3) and (4) to determine final disposition.

(2) When the director determines that it is probable, based on visual symptoms and serological analysis, that a seed field may be infected with bean seedborne viral diseases and determines that a threat of infection of other fields exists, the director may prescribe aphid control or other requirements, through a notice of destruction as provided in WAC 16-494-063, deemed necessary to prevent infection of adjacent properties.

(3) The true identity of bean seedborne viral diseases shall be based on testing methods recommended by the university results of which, when positive, will be evidence to identify the disease as being subject to the department's requirements. The owner of the seed, at owner's expense, may request verification of pathogenicity. Such verification shall be made using accepted scientific and professional techniques.

NEW SECTION

WAC 16-494-170 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE — PENALTIES. (1) Any bean field planted with seed in violation of the requirements of this quarantine shall be subject to destruction, in full or in part, or quarantined, as determined necessary by the director, to prevent the spread of bean seedborne viral diseases, at the option and the expense of the grower or their responsible agent.

(2) Any grower violating the terms of this quarantine, shall be subject to the criminal and or civil penalties provided in Chapter 17.24 RCW.

WSR 92-06-050

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Filed February 28, 1992, 3:00 p.m.]

Date of Adoption: February 28, 1992.

Purpose: To remove references to viral diseases from the bean seed quarantine.

Citation of Existing Rules Affected by this Order: Amending WAC 16-494-010, 16-494-013, 16-494-046, and 16-494-064.

Statutory Authority for Adoption: Chapter 15.49 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To allow bean seed growers adequate time to test potential seedstock lots for May 1 planting.

Effective Date of Rule: Immediately.

February 28, 1992
Michael V. Schwisow
Deputy Director
for C. Alan Pettibone
Director

AMENDATORY SECTION (Amending Order 2078, filed 3/27/91, effective 4/27/91)

WAC 16-494-010 DEFINITIONS. The following definitions apply to the entire chapter.

(1) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof.

(2) "Department" means the Washington state department of agriculture.

(3) "Director" means the director of the department of agriculture or the director's duly authorized representative.

(4) "Common bean" means *Phaseolus vulgaris* L.

(5) "Adzuki bean" means *Vigna angularis*.

(6) "Bean" means common beans and adzuki beans.

(7) "Origin" means the county within the state of Washington, or the state, territory, or country where a specific seed lot was grown.

(8) "Approved trial grounds" means a specific parcel of land approved by the director for experimental or limited production or increase of bean seed.

(9) "University" means the Washington State University, college of agriculture and home economics.

(10) "Dominant I-gene cultivar" means a cultivar which has resistance to all known strains of Bean Common Mosaic Virus (B.C.M.V.) due to the presence of the dominant I-gene. Dominant I-gene cultivars will not show mosaic mottle symptoms or transmit the virus through seed when inoculated with any strain of B.C.M.V.

(11) "Recessive I-gene cultivar" means a cultivar which may be susceptible to some strains of Bean Common Mosaic Virus and may show mosaic mottle symptoms.

(12) "Diseases" means those viral, fungal and bacterial diseases of beans enumerated in WAC 16-494-013 and any new variations or strains of these identified in the future.

(13) "Serology" means precipitation, agglutination, immunodiffusion, or labeled antibody test methods (such as ELISA) that use the specificity of antigen-antibody reactions to detect and identify antigenic substances and the organisms such as viruses and bacteria that carry them.

(14) "Official certificate" means a document issued by an official testing agency including but not limited to seed certification tags, bulk seed certification certificates, phyto-sanitary certificates, laboratory sanitary certificates, and other letters, tags, stamps or similar documents certifying seed quality or condition.

(15) "Quarantine Area I" means all areas west of the Continental Divide except those counties within the state of Washington subject to internal quarantine and the states of Alaska and Hawaii.

(16) "Quarantine Area II" means areas east of the Continental Divide, the counties in the state of Washington subject to internal quarantine, the states of Alaska and Hawaii and foreign countries.

(17) "Seedborne viral diseases" includes Bean Common Mosaic Virus, Adzuki Mosaic Virus and other similar viral diseases causing mosaic mottle and other symptoms similar to those of Bean Common Mosaic Virus.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 2078, filed 3/27/91, effective 4/27/91)

WAC 16-494-013 REGULATED DISEASES. The following viral, bacterial, and fungal diseases of beans, and any new strains or variations of these identified in the future, of beans are regulated under the provisions of this chapter:

~~((Bean Common Mosaic Virus
Adzuki Mosaic Virus))~~

Halo Blight (*Pseudomonas phaseolicola* (Burk.) Dows.)

Common Bean Blight (*Xanthomonas phaseoli* (E.F.S.M.) Dows.)

Fuscous Blight (*Xanthomonas phaseoli* var. *fuscans* (Burk.)

Bean anthracnose disease (*Colletotrichum lindemuthianum* (Sacc. & Magn.) Scrib.)

Brown spot disease (*Pseudomonas syringae* (Van Hall)) strains virulently pathogenic to *Phaseolus*

Bean Bacterial Wilt (*Corynebacterium flaccumfaciens* (Hedges) Dows.)

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 2078, filed 3/27/91, effective 4/27/91)

WAC 16-494-046 QUARANTINE—EXCEPTIONS AND EXEMPTIONS. (1) Bean seed planted for harvest as green beans for cannery or freezing, otherwise in compliance with this quarantine, is not required to be entered into an inspection program: **PROVIDED**, That the department reserves the right to request complete listing and location of all the plantings and other information the department may deem necessary. Further, if at any time prior to harvest, the grower decides that the plantings are not to be harvested as

green beans, the department shall be notified and the plantings placed under an inspection program.

(2) ~~((Bean varieties (cultivars) from a quarantine area that are known to be uniform for the dominant I-gene are exempt from the serology testing requirement for Bean Common Mosaic virus. Documentation or evidence of uniformity must accompany the seed shipment.~~

~~Undocumented cultivars are subject to a serology test to determine freedom from seedborne Bean Common Mosaic Virus based on a one-pound, untreated bean seed sample for each 50,000 pounds of bean seed or fraction thereof.))~~

~~(3)) This quarantine shall not apply to the shipment, movement, or transportation of beans prepackaged in packages of eight ounces or less for home garden use in the regulated area if the beans are free of diseases.~~

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

AMENDATORY SECTION (Amending Order 2078, filed 3/27/91, effective 4/27/91)

WAC 16-494-064 **PENALTIES.** In addition to actions specified in WAC 16-494-062, any grower violating the terms of this ~~((quarantine))~~ chapter, shall be subject to civil and/or criminal penalties provided in law.

WSR 92-06-051

ATTORNEY GENERAL OPINION

Cite as: AGO 1992 No. 1

[February 25, 1992]

COUNTIES—WEED CONTROL BOARD—POLICE POWER—DEPARTMENT OF AGRICULTURE—AUTHORITY OF COUNTIES TO REGULATE NOXIOUS WEEDS WITHOUT ACTIVATING WEED CONTROL BOARDS

1. Chapter 17.10 RCW establishes weed control boards to regulate noxious weeds. RCW 17.10.040 sets out the procedure to activate a county noxious weed control board. When a weed control board has not been activated, a county can nevertheless regulate noxious weeds under the authority of chapter 17.10 RCW, but only when a weed control board has been ordered to activate by the director of the Department of Agriculture. A county may not continue without a weed control board for a second consecutive year.

2. Article 11, section 11 of the Washington Constitution grants counties broad police power related to the general welfare of the people. This authority must be consistent with laws enacted by the Legislature. The Legislature has enacted a comprehensive system to regulate noxious weeds. A county's exercise of authority to regulate noxious weeds under the police power would be inconsistent with this system. Therefore, a county may not regulate noxious weeds pursuant to its police power authority.

Requested by:

The Honorable C. Alan Pettibone
Director
Washington State Department of Agriculture
406 General Administration Building
Mail Stop: 2561
Olympia, Washington 98504-2561

WSR 92-06-052

PROPOSED RULES

**SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed February 28, 1992, 4:15 p.m.]

Original Notice.

Title of Rule: WAC 392-105-007 - 392-105-060, access to public records.

Purpose: Clarify procedure for requesting agency public records.

Statutory Authority for Adoption: RCW 42.17.250 through [42.17].320.

Summary: See above.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Old Capitol Building, (206) 753-2298; Implementation: Ed Strozyk, Superintendent of Public Instruction, Old Capitol Building, (206) 753-1700; and Enforcement: Linda Hardy, Superintendent of Public Instruction, Old Capitol Building, (206) 753-1700.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Clarify procedure for requesting agency public records.

Proposal Changes the Following Existing Rules: Gives specific guidance as to appropriate form of request for records.

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

Hearing Location: Superintendent of Public Instruction, Old Capitol Building, Wanamaker Conference Room, P.O. Box 47200, Olympia, WA 98504-7200, on April 10, 1992, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, Superintendent of Public Instruction, Legal Services, Olympia, Washington 98504-7200, by April 7, 1992.

Date of Intended Adoption: April 17, 1992.

February 28, 1992
Judith A. Billings
Superintendent of
Public Instruction

NEW SECTION

WAC 392-105-007 **DEFINITIONS.** (1) Public records. As used in this chapter, "public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or

characteristics: PROVIDED, HOWEVER, That the personal and other records cited in RCW 42.17.310 are exempt from definition of public record.

(2) Writing. As used in this chapter, "writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sound or symbols, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums, and other documents.

AMENDATORY SECTION (Amending Order 80-5, filed 4/15/80)

WAC 392-105-015 (~~(COPYING AND MAILING)) PUBLIC RECORDS OFFICER.~~ ~~((1) Persons may obtain a copy or copies of any record which may be inspected. The superintendent of public instruction may charge a fee of ten cents per page for each copy made by agency copy machines.~~

~~(2) Actual mailing costs, if any, may be charged.~~

~~(3) Secretarial time, at any hourly rate equivalent to the salary of the employee, may be charged.~~

~~(4) When the provision of copies of public records requires computer operations, the superintendent of public instruction may make appropriate charges for programming and computer costs.~~

~~(5) The above charges shall not exceed the amount necessary to reimburse the agency for actual costs incident to fulfilling the request. Charges may be collected prior to the release of the copies of public records:)) The agency's public records shall be in the charge of the public records officer designated by the superintendent of public instruction. The person so designated shall be located in the Old Capitol Building, Olympia, Washington 98504-7200. The public records officer shall be responsible for the following: Implementation of the agency's rules and regulations regarding release of public records, coordinating the agency employees in this regard, and generally ensuring compliance by agency employees with the public records disclosure requirements in chapter 42.17 RCW.~~

AMENDATORY SECTION (Amending Order 80-5, filed 4/15/80)

WAC 392-105-020 (~~(PROTECTION OF RECORDS)) OFFICE HOURS.~~ ~~((No records shall be removed from any office of the superintendent of public instruction by anyone other than a staff member or other officially authorized person, unless a receipt for the records signed by the person taking them and giving the address where they will be kept has been approved and signed by the person in charge of the record. Staff members in charge of public records in the custody of the superintendent of public instruction comply with the provisions in chapter 40.14 RCW relating to the preservation and destruction of public records:)) Public records shall be available for inspection and copying during the customary office hours of the agency. For purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.~~

AMENDATORY SECTION (Amending Order 80-5, filed 4/15/80)

WAC 392-105-025 (~~(REVIEW OF DENIAL)) REQUESTS FOR PUBLIC RECORDS.~~ ~~((When an agency staff member believes that a request to inspect a record must be denied, the staff member shall immediately contact his or her supervisor and obtain concurrence from the supervisor before denying inspection. The supervisor shall then promptly issue, or cause to be promptly issued, a written statement as required by RCW 42.17.310(4) and 42.17.320 which shall identify the specific exemption authorizing the withholding of the record (or part) and provide a brief explanation of how the exemption applies to the record withheld. A copy of the statement shall be immediately transmitted to the superintendent of public instruction or his/her designee:)) In accordance with the requirements of RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:~~

~~(1) A request shall be made in writing. The written request shall be presented to the public records officer or designee at the information services office of the superintendent of public instruction during customary office hours or may also be mailed. The request shall include the following information:~~

~~(a) The name of the person requesting the record;~~

~~(b) The time of day and calendar date on which the request was made;~~

~~(c) The nature of the request;~~

~~(d) If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index;~~

~~(e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.~~

~~(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer, or person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.~~

AMENDATORY SECTION (Amending Order 39, filed 11/2/90, effective 12/3/90)

WAC 392-105-030 (~~(INDEX)) COPYING.~~ ~~((The superintendent of public instruction does maintain current indexes of public records as required by RCW 42.17.260(2) and 34.05.220. The indexes identify agency personnel authorized to release/copy public records as indexed and is available for inspection/copying in the offices of the superintendent of public instruction in Olympia, Washington. The indexes shall be kept current and maintained by the superintendent's designee(s), the information resource management office, or in the case of records of appeal and rules information, legal services, and shall be updated no less frequently than annually. All indexes maintained shall be categorized by party, calendar year, topic, or a combination of these, as appropriate:)) No fee shall be charged for the inspection of public records. SPI may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse SPI for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate official. All charges must be paid by money order, check, or cash in advance.~~

AMENDATORY SECTION (Amending Order 80-5, filed 4/15/80)

WAC 392-105-035 (~~(LIST OF EMPLOYEES AND ELECTED OFFICERS)) DETERMINATION REGARDING EXEMPT RECORDS.~~ ~~((Pursuant to RCW 42.17.260(5), the superintendent of public instruction or employees of the superintendent of public instruction will not give, sell or provide access to lists of names of agency employees, school district employees, or elected officers for commercial purposes except as otherwise now or hereafter provided by law:)) (1) SPI reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 392-105-025 is exempt pursuant to the provisions set forth in RCW 42.17.310 and 42.17.315. Such determination may be made in consultation with the public records officer, counsel for administrative law services, or an assistant attorney general assigned to the agency.~~

~~(2) Pursuant to RCW 42.17.260, SPI reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy: PROVIDED, HOWEVER, In each case, the justification for the deletion shall be explained fully in writing.~~

~~(3) Response to requests for a public record must be made promptly.~~

~~(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or his/her designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record, and a brief explanation of how the exemption applies to the public record withheld.~~

NEW SECTION

WAC 392-105-040 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the SPI or his or her designee.

(3) Within two business days after receiving the written request by a person petitioning for a prompt review of a decision denying a public record, SPI or his or her designee, shall complete such review.

(4) During the course of the review SPI or his or her designee shall consider the obligations of the agency fully to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in RCW 42.17.310 through 42.17.315, and the provisions of the statute which require the agency to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

NEW SECTION

WAC 392-105-045 RECORDS INDEX—INSPECTION. The superintendent of public instruction does maintain current indexes of public records as required by RCW 42.17.260(2) and 34.05.220. The indexes identify agency personnel authorized to release/copy public records as indexed and is available for inspection/copying in the offices of the superintendent of public instruction in Olympia, Washington. The indexes shall be kept current and maintained by the superintendent's designee(s), the information services office, or in the case of records of appeal and rules information, legal services, and shall be updated no less frequently than annually. All indexes maintained shall be categorized by program or section, title, and/or description, or a combination of these, as appropriate.

NEW SECTION

WAC 392-105-050 PROTECTION OF PUBLIC RECORDS. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 392-105-030.

NEW SECTION

WAC 392-105-055 LIST OF EMPLOYEES AND ELECTED OFFICERS. Pursuant to RCW 42.17.260(5), the superintendent of public instruction or employees of the superintendent of public instruction will not give, sell or provide access to lists of names of agency employees, school district employees, or elected officers for commercial purposes except as otherwise now or hereafter provided by law.

NEW SECTION

WAC 392-105-060 RECORDS INDEX. (1) The agency has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the agency after June 30, 1972:

- (a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudicated cases;
 - (b) Those statements of policy and interpretative policy, statute and the constitution which have been adopted by the agency;
 - (c) Administrative staff manuals and instructional staff that affect a member of the public;
 - (d) Planning policies and goals, and interim and planning decisions;
 - (e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and
 - (f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.
- (2) The current index maintained by the agency shall be available to all persons under the same rules and all the same conditions as are applied to public records available for inspection.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-105-013 REQUEST TO INSPECT AND COPY.

WSR 92-06-053

PROPOSED RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed February 28, 1992, 4:18 p.m.]

Original Notice.

Title of Rule: Chapter 392-175 WAC, Waiver of regulations pertaining to special education Chapter 1, and learning assistance programs.

Purpose: To establish procedures for granting waivers of program rules for programs for special needs students to districts implementing innovative practices.

Statutory Authority for Adoption: Chapters 28A.155 and 34.05 RCW.

Statute Being Implemented: RCW 28A.155.090 and 28A.165.090.

Summary: This regulation establishes a procedure for local school districts to request waivers of program requirements which in the district's view prevents development of better educational programs.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: John C. Brattain, Old Capitol Building, 753-6733; Implementation: Douglas H. Gill, Old Capitol Building, 753-6733; and Enforcement: John Pearson, Old Capitol Building, 753-1545.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: School districts will have a formal process for requesting waivers they need to develop innovative methods of delivering educational services to educationally at-risk students.

Proposal does not change existing rules.

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

Hearing Location: Superintendent of Public Instruction, Old Capitol Building, Wanamaker Conference Room, P.O. Box 47200, Olympia, WA 98504-7200, on April 10, 1992, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, Superintendent of Public Instruction, Legal Services, Olympia, Washington 98504-7200, by April 7, 1992.

Date of Intended Adoption: April 17, 1992.

February 28, 1992
Judith A. Billings
Superintendent of
Public Instruction

Chapter 392-175 WAC

WAIVER OF REGULATIONS PERTAINING TO SPECIAL EDUCATION, CHAPTER 1, AND LEARNING ASSISTANCE PROGRAMS

NEW SECTION

WAC 392-175-001 AUTHORITY. The authority for this chapter is RCW 28A.155.090(7) which authorizes the superintendent of public instruction to promulgate rules and regulations to implement chapter 28A.155 RCW. Such authority is supplemented by RCW 28A.300.070 which authorizes the superintendent of public instruction to receive federal funds in accordance with the provisions of federal

law. Inherent in the authority granted by RCW 28A.155.090(7), is the authority to waive, pursuant to chapter 34.05 RCW, any rule or regulation promulgated by the superintendent of public instruction.

NEW SECTION

WAC 392-175-005 PURPOSE. The purpose of this section is to establish procedures for the waiver of rules and regulations promulgated to govern special education, Chapter 1, and learning assistance programs to the extent requested by local school districts to provide improved programs for educationally at-risk students.

NEW SECTION

WAC 392-175-010 STANDARDS FOR THE MODIFICATION OR WAIVER OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION'S RULES. The superintendent of public instruction shall grant a request of the modification or waiver of a special education, Chapter 1, or learning assistance program rule which the superintendent determines meets each of the following standards:

- (1) The rule does not deal with public health, safety, or civil rights.
- (2) The school district has presented satisfactory reasons for the modification or waiver of the rule.
- (3) The rule is not required by federal statute or regulation which has not been waived by the United States Department of Education.

NEW SECTION

WAC 392-175-015 WAIVER OF STATE STATUTES. Statutory provisions that correspond to state administrative rule provisions which are modified or waived at the request of a school district pursuant to this chapter shall also be deemed to have been modified or waived to the same extent.

NEW SECTION

WAC 392-175-020 WAIVER OF FEDERAL RULES OR RULES OF ANOTHER STATE AGENCY. A school district may request the superintendent of public instruction to ask the United States Department of Education or another federal or state agency to modify or waive rules to the extent necessary to fully implement a demonstration project. Such requests shall include an explanation of the school district's justification for a rule modification or waiver, and shall be forwarded to the appropriate federal or state agency by the superintendent of public instruction.

NEW SECTION

WAC 392-175-025 RULES WAIVER PROCEDURES. Any local school district, governed by the regulations in this chapter, may request from the superintendent of public instruction, waiver of any regulation governed by this chapter. Such request for waiver will be transmitted to the superintendent of public instruction in writing and shall clearly state the regulation to be waived, and, as appropriate, the duration of the waiver, the section or sections of the district's educational program to be covered by the waiver, and anticipated effect of the waiver on the district's operations.

The superintendent shall respond in writing to the applicant district, granting or denying the waiver, and, if denying the waiver, reasons for such denial. If granted, the waiver shall state the duration of the waiver, and any limitations on the extent of the waiver.

The superintendent shall design a system of evaluation of the effect of the waiver on the school district's educational program, including as appropriate, a system of peer review, program evaluation, and a schedule for review of the appropriateness of the waiver. Each district receiving a waiver from these regulations shall be subject to any program review requirements which pertain to the programs subject to regulations being waived.

Should any waiver granted by the superintendent of public instruction be determined to be in conflict with federal or state statute or regulation, the superintendent shall give immediate notice to the district of revocation or revision of the waiver.

WSR 92-06-054

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 92-06—Filed March 2, 1992, 8:35 a.m., effective March 2, 1992, 12:01 a.m.]

Date of Adoption: February 28, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable surplus of sea urchins remains. The harvest model for District 1 anticipated a three-day per week fishery. The permanent regulation incorrectly provided for a two-day per week fishery, March 2 through March 31, 1992.

Effective Date of Rule: March 2, 1992, 12:01 a.m.

February 28, 1992
Judith Merchant
Deputy Director
for Joseph R. Blum
Director

NEW SECTION

WAC 220-52-07300H SEA URCHINS. *Notwithstanding the provisions of WAC 220-52-073, effective immediately until further notice it is unlawful to harvest red sea urchins size from Sea Urchin District 1 except as provided for in this section:*

1. Minimum size 4.0 inches, maximum size 5.5 inches.
2. Open to harvest March 2, 1992 through April 1, 1992 on Monday, Tuesday and Wednesday of each week; open to harvest April 2, 1992 through April 15, 1992 Monday and Tuesday of each week.

WSR 92-06-055

PROPOSED RULES

OFFICE OF

INSURANCE COMMISSIONER

[Filed March 2, 1992, 9:55 a.m.]

Original Notice.

Title of Rule: Participating provider contracts.

Purpose: Adopt WAC 284-46-575 to provide guidelines for the review and approval of participating provider contracts.

Other Identifying Information: Insurance Commissioner Matter No. R 92-3.

Statutory Authority for Adoption: RCW 48.46.200, 48.46.243, and 48.02.060.

Statute Being Implemented: RCW 48.46.243.

Summary: This rule designates the participating provider contract form which is required to be filed with the

commissioner. This rule also provides a lessened filing requirement for participating provider contracts which contain the approved participating provider contract form.

Reasons Supporting Proposal: Health maintenance organizations are currently required to file all participating provider contracts for approval prior to use. Those filings significantly adversely impact the companies' administrative procedures and expenses. Those filings have exceeded the commissioner's resources available to review those filings.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David H. Rodgers, Insurance Building, Olympia, Washington, (206) 753-7302.

Name of Proponent: Dick Marquardt, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule defines what will be considered to be a contract form for purposes of RCW 48.46.243, defines the extent of review of those forms by the insurance commissioner, and identifies with more particularity the extent to which participating provider contracts must be filed with the insurance commissioner. The purpose of this rule is to further define the review which was intended with the passage of RCW 48.46.243 and to which intent there was confusion between the health maintenance organizations and the insurance commissioner. It is anticipated that this rule will significantly reduce the number of participating provider contracts currently being filed. The reduction in the number of filings is anticipated to allow the insurance commissioner to reallocate staff time to other projects. It is also anticipated that the administrative expenses of health maintenance organizations will be reduced when the number of participating provider contract filings is reduced.

Proposal does not change existing rules.

Small business economic impact statement: It is anticipated that this rule will allow health maintenance organizations and their participating providers to develop and implement participating provider contracts more quickly and more cost efficiently. It is hoped that by doing so, the administrative cost increases of the health maintenance organization will be dampened. That dampening effect should result in smaller rate increases to subscribers. It is anticipated, but there is no data available to support the assumption, that the administrative costs of both the health maintenance organization and its participating providers will be significantly reduced by the use of preapproved forms and a corresponding significant reduction in the number of participating provider contracts which must be filed. The proposed rule may generate proportionately higher cost savings for larger health maintenance organizations simply because of the reduction in the volume of participating provider contracts currently being filed. There is no data available or easily obtainable by which to measure the

cost impact of this rule for health maintenance organizations or their participating providers by use of calculations of cost per employee, cost per hour of labor or cost per one hundred dollars of sales.

Hearing Location: Insurance Commissioner's Office, Insurance Building, Conference Room, Olympia, Washington, on April 7, 1992, at 9:45 a.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, P.O. Box 40255, Olympia, WA 98504-0255, by April 7, 1992.

Date of Intended Adoption: April 10, 1992.

February 28, 1992

Dick Marquardt
Insurance Commissioner
by David H. Rodgers
Chief Deputy
Insurance Commissioner

NEW SECTION

WAC 284-46-575 PARTICIPATING PROVIDER CONTRACTS. (1) Except for the provision of emergency services, out-of-area services, or in exceptional circumstances approved in advance by the commissioner, if the health maintenance organization is unable to negotiate reasonable and cost effective participating provider contracts, a health maintenance organization must have written contracts with its participating providers.

(2) A "participating provider contract form" is that portion of the participating provider contract described in subsection (4) of this section or any variation approved by the commissioner. Each participating provider contract form must be in writing and filed with the commissioner for approval at least fifteen days before use. Each filing shall include a transmittal page as prescribed by the commissioner.

(3) Each participating provider contract must contain a complete approved participating provider contract form before it is used. "Use" of a participating provider contract shall include, but not be limited to, execution by the health maintenance organization or the provider, effectuating the terms of the contract, or referring enrolled participants to the provider for nonemergent, in-area covered services. When an approved participating provider contract form is included verbatim in a participating provider contract, the contract shall be deemed to be approved, and need not be filed on an individual basis.

(4) Each participating provider contract form shall consist of the following provisions or variations approved by the commissioner:

(a) "{Name of Provider} hereby agrees that in no event, including, but not limited to nonpayment by {Name of HMO}, {Name of HMO}'s insolvency or breach of this contract shall {Name of Provider} bill, charge, collect a deposit from, seek compensation, remuneration or reimbursement from, or have any recourse against an enrolled participant or person, other than {Name of HMO}, acting on their behalf, for services provided pursuant to this contract. This provision shall not prohibit collection of {deductibles, copayments, co-insurance, and/or noncovered services}, which have not otherwise been paid by a primary or secondary carrier in accordance with regulatory standards for coordination of benefits, from enrolled participants in accordance with the terms of the enrolled participant's subscriber agreement."

(b) "{Name of Provider} agrees, in the event of {Name of HMO}'s insolvency, to continue to provide the services promised in this contract to enrolled participants of {Name of HMO} for the duration of the period for which premiums on behalf of the enrolled participant were paid to {Name of HMO} or until the enrolled participant's discharge from inpatient facilities, whichever time is greater."

(c) "Notwithstanding any other provision of this contract, nothing in this contract shall be construed to modify the rights and benefits contained in the enrolled participant's subscriber agreement."

(d) "{Name of Provider} may not bill the enrolled participant for covered services (except for deductibles, copayments or co-insurance) where {Name of HMO} denies payments because the provider has failed to comply with the terms of the participating provider contract."

(e) "{Name of Provider} further agrees (i) that the above provisions (a), (b), (c), and (d) of this subsection {or identifying citations appropriate to the contract form} shall survive termination of this contract regardless of the cause giving rise to termination and shall be construed to be for the benefit of {Name of HMO}'s enrolled participants,

and (ii) that this provision supersedes any oral or written contrary agreement now existing or hereafter entered into between {Name of Provider} and enrolled participants or persons acting on their behalf."

(f) "If {Name of Provider} contracts with other health care providers who agree to provide covered services to enrolled participants of {Name of HMO} with the expectation of receiving payment directly or indirectly from {Name of HMO}, such providers must agree to abide by the above provisions (a), (b), (c), (d), and (e) of this subsection {or identifying citations appropriate to the contract form}."

(5) When an approved participating provider contract is modified, the modified contract need not be filed with the commissioner unless any provision contained in the approved participating provider contract form is modified, other than the name of the provider, in which case the modified contract form must be filed with the commissioner for approval at least fifteen days prior to use.

(6)(a) Every participating provider contract entered into after the effective date of this regulation shall be amended to comply with this regulation no later than April 1, 1992.

(b) Participating provider contracts entered into prior to the effective date of these regulations that followed previously approved participating provider contract forms shall be amended upon renewal to comply with the provisions of subsections (3) and (4) of this section, but in no event later than March 31, 1993.

WSR 92-06-056
PROPOSED RULES
OFFICE OF
INSURANCE COMMISSIONER

[Filed March 2, 1992, 9:57 a.m.]

Original Notice.

Title of Rule: Participating provider contracts.

Purpose: Adopt WAC 284-44-240 to provide guidelines for the review and approval of participating provider contracts.

Other Identifying Information: Insurance Commissioner Matter No. R 92-2.

Statutory Authority for Adoption: RCW 48.44.050, 48.44.070, and 48.02.060.

Statute Being Implemented: RCW 48.44.020 and 48.44.070.

Summary: This rule designates the participating provider contract form which is required to be filed with the commissioner. This rule also provides a lessened filing requirement for participating provider contracts which contain the approved participating provider contract form.

Reasons Supporting Proposal: Health care service contractors are currently required to file all participating provider contracts for approval prior to use. Those filings significantly adversely impact the companies' administrative procedures and expenses. Those filings have exceeded the commissioner's resources available to review those filings.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David H. Rodgers, Insurance Building, Olympia, Washington, (206) 753-7302.

Name of Proponent: Dick Marquardt, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule defines what will be considered to be a contract form for purposes of RCW 48.44.070, defines

the extent of review of those forms by the insurance commissioner, and identifies with more particularity the extent to which participating provider contracts must be filed with the insurance commissioner. The purpose of this rule is to further define the review which was intended with the passage of RCW 48.44.070 and to which intent there was confusion between health care service contractors and the insurance commissioner. It is anticipated that this rule will significantly reduce the number of participating provider contracts currently being filed. The reduction in the number of filings is anticipated to allow the insurance commissioner to reallocate staff time to other projects. It is also anticipated that the administrative expenses of health care service contractors will be reduced when the number of participating provider contract filings is reduced.

Proposal does not change existing rules.

Small business economic impact statement: It is anticipated that this rule will allow health care service contractors and their participating providers to develop and implement participating provider contracts more quickly and cost efficiently. It is hoped that by doing so, the administrative cost increases of the health care service contractors will be dampened. That dampening effect should result in smaller rate increases to subscribers. It is anticipated, but there is no data available to support the assumption, that the administrative costs of both the health care service contractors and its participating providers will be significantly reduced by the use of preapproved forms and a corresponding significant reduction in the number of participating provider contracts which must be filed. The proposed rule may generate proportionately higher cost savings for larger health care service contractors simply because of the reduction in the volume of participating provider contracts currently being filed. There is no data available or easily obtainable by which to measure the cost impact of this rule for health care service contractors, their participating providers or their subscribers by use of calculations of cost per employee, cost per hour of labor or cost per one hundred dollars of sales.

Hearing Location: Insurance Commissioner's Office, Insurance Building, Conference Room, Olympia, Washington, on April 7, 1992, at 9:30 a.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, P.O. Box 40255, Olympia, WA 98504-0255, by April 7, 1992.

Date of Intended Adoption: April 10, 1992.

February 28, 1992

Dick Marquardt

Insurance Commissioner

by David H. Rodgers

Chief Deputy

Insurance Commissioner

NEW SECTION

WAC 284-44-240 PARTICIPATING PROVIDER CONTRACTS (1) A "participating provider contract form" is that portion of the participating provider contract described in subsection (3) of this section or any variation approved by the commissioner. Each participating provider contract form must be in writing and filed with the commissioner for approval at least fifteen days before use. Each filing shall include a transmittal page as prescribed by the commissioner.

(2) Each participating provider contract must contain a complete approved participating provider contract form before it is used. "Use" of the participating provider contract shall include, but not be limited to, execution by the health care service contractor or the provider, effectuating the terms of the contract, or referring enrolled participants to the participating provider for nonemergent, in area covered services. When an approved participating provider contract form is included verbatim in a participating provider contract, the contract shall be deemed to be approved, and need not be filed on an individual basis.

(3) Each participating provider contract form shall consist of the following provisions or variations approved by the commissioner:

(a) "[Name of Provider] hereby agrees that in no event, including, but not limited to nonpayment by [Name of HCSC], [Name of HCSC]'s insolvency or breach of this contract shall [Name of Provider] bill, charge, collect a deposit from, seek compensation, remuneration or reimbursement from, or have any recourse against an enrolled participant or person, other than [Name of HCSC], acting on their behalf, for services provided pursuant to this contract. This provision shall not prohibit collection of [deductibles, copayments, co-insurance, and/or noncovered services], which have not otherwise been paid by a primary or secondary carrier in accordance with regulatory standards for coordination of benefits, from enrolled participants in accordance with the terms of the enrolled participant's subscriber agreement."

(b) "[Name of Provider] agrees, in the event of [Name of HCSC]'s insolvency, to continue to provide the services promised in this contract to enrolled participants of [Name of HCSC] for the duration of the period for which premiums on behalf of the enrolled participant were paid to [Name of HCSC] or until the enrolled participant's discharge from inpatient facilities, whichever time is greater."

(c) "Notwithstanding any other provision of this contract, nothing in this contract shall be construed to modify the rights and benefits contained in the enrolled participant's subscriber agreement."

(d) "[Name of Provider] may not bill the enrolled participant for covered services (except for deductibles, copayments or co-insurance) where [Name of HCSC] denies payments because the provider has failed to comply with the terms of the participating provider contract."

(e) "[Name of Provider] further agrees (i) that the above provisions (a), (b), (c), and (d) of this subsection [or identifying citations appropriate to the contract form] shall survive termination of this contract regardless of the cause giving rise to termination and shall be construed to be for the benefit of [Name of HCSC]'s enrolled participants, and (ii) that this provision supersedes any oral or written contrary agreement now existing or hereafter entered into between [Name of Provider] and enrolled participants or persons acting on their behalf."

(f) "If [Name of Provider] contracts with other health care providers who agree to provide covered services to enrolled participants of [Name of HCSC] with the expectation of receiving payment directly or indirectly from [Name of HCSC], such providers must agree to abide by the above provisions (a), (b), (c), (d), and (e) of this subsection [or identifying citations appropriate to the contract form]."

(4) When an approved participating provider contract is modified, the modified contract need not be filed with the commissioner unless any provision contained in the approved participating provider contract form is modified, other than the name of the provider, in which case the modified contract form must be filed with the commissioner for approval at least fifteen days prior to use.

(5)(a) Every participating provider contract entered into after the effective date of this regulation shall be amended to comply with this regulation no later than April 1, 1992.

(b) Participating provider contracts entered into prior to the effective date of these regulations that followed previously approved participating provider contract forms shall be amended upon renewal to comply with the provisions of subsections (2) and (3) of this section, but in no event later than March 31, 1993.

WSR 92-06-057
EMERGENCY RULES
DEPARTMENT OF REVENUE
 [Filed March 2, 1992, 2:05 p.m.]

Date of Adoption: March 2, 1992.

Purpose: To establish the stumpage values for reporting and payment of the timber excise tax for the period

January 1, 1992, through June 30, 1992, as required by RCW 84.33.091. This filing amends first half 1992 stumpage values and is necessary to correct a previously adopted emergency rule that incorrectly amended second half 1991 values.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-660 and 458-40-670.

Statutory Authority for Adoption: RCW 84.33.091.

Other Authority: RCW 84.32.300 [82.32.300] and 84.33.096.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The stumpage values adopted December 31, 1991, WSR 92-02-067, have been recalculated by the Department of Revenue to the amounts shown in this emergency adoption. This emergency filing and adoption is necessary to provide taxpayers with the proper values upon which to pay taxes for the period January 1, 1992, to June 30, 1992.

Effective Date of Rule: Immediately.

March 2, 1992
 Gary O'Neil
 Assistant Director
 Forest Tax Division

AMENDATORY SECTION (Amending WSR 92-02-067, filed 12/31/91, effective 1/1/92)

WAC 458-40-650 TIMBER EXCISE TAX—TIMBER QUALITY CODES DEFINED. The timber quality code numbers for each species of timber shown in the stumpage value tables contained in this chapter are defined as follows:

((TABLE 1—Timber Quality Code Table
 Stumpage Value Areas 1, 2, 3, 4, 5, and 10

Species	Quality Code	Number	Log grade specifications ¹
Douglas-fir	1	Over 50% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, and better log grade.	
Douglas-fir	2	Over 50% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, and better log grade.	
Douglas-fir	3	25-50% inclusive No. 2 Sawmill and better log grade.	
Douglas-fir	4	Less than 25% No. 2 Sawmill and better log grade.	
Western Redcedar and Alaska Cedar	1	Over 30% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, Peeler and better log grade.	
Western Redcedar and Alaska Cedar	2	Over 30% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, Peeler and better log grade.	

(TABLE 1—Timber Quality Code Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10

Species	Quality Code	Number	Log grade specifications ¹
Western Redcedar and Alaska-Cedar	3	5-30% inclusive	No. 2 Sawmill and better log grade.
Western Redcedar and Alaska-Cedar	4	Less than 5%	No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	1	Over 50%	No. 2 Sawmill and better log grade, and 5% and over Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	2	Over 50%	No. 2 Sawmill and better log grade, and less than 5% Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	3	25-50% inclusive	No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	4	Less than 25%	No. 2 Sawmill and better log grade.
Ponderosa Pine	1	Less than 10 logs	16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs	16 feet long per thousand board feet Scribner scale.
Lodgepole Pine	1	All log grades.	
Hardwoods	1	All No. 3 Sawmill logs	and better log grades.
Hardwood Utility	5	All No. 4 Sawmill log grade	and all hardwood logs graded as utility.
Conifer Utility	5	All conifer logs	graded as utility log grade.

¹ For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see WAC 458-40-680.

TABLE 2—Timber Quality Code Table
Stumpage Value Areas 6 and 7

Species	Quality Code	Number	Log grade specifications ¹
Ponderosa Pine	1	Less than 10 logs	16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs	16 feet long per thousand board feet Scribner scale.
All conifers other than Ponderosa Pine	1	All log sizes.	
Hardwoods	1	Sawlogs only.	
Utility	5	All logs	graded as utility.

TABLE 1—Timber Quality Code Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10

Species	Quality Code	Number	Log grade specifications ¹
Douglas-fir	1	Over 50%	No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, and better log grade.
Douglas-fir	2	Over 50%	No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, and better log grade.
Douglas-fir	3	25-50% inclusive	No. 2 Sawmill and better log grade.
Douglas-fir	4	Less than 25%	No. 2 Sawmill and better log grade.
Western Redcedar and Alaska-Cedar	1	Over 30%	No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, Peeler and better log grade.
Western Redcedar and Alaska-Cedar	2	Over 30%	No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, Peeler and better log grade.
Western Redcedar and Alaska-Cedar	3	5-30% inclusive	No. 2 Sawmill and better log grade.
Western Redcedar and Alaska-Cedar	4	Less than 5%	No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	1	Over 50%	No. 2 Sawmill and better log grade, and 5% and over Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	2	Over 50%	No. 2 Sawmill and better log grade, and less than 5% Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	3	25-50% inclusive	No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	4	Less than 25%	No. 2 Sawmill and better log grade.
Ponderosa Pine	1	Less than 10 logs	16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs	16 feet long per thousand board feet Scribner scale.
Lodgepole Pine	1	All log grades.	
Hardwoods	1	All No. 3 Sawmill logs	and better log grades.
Hardwood Utility	1	All No. 4 Sawmill log grade	and all hardwood logs graded as utility.
Conifer Utility	1	All conifer logs	graded as utility log grade.

¹ For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see WAC 458-40-680.

**TABLE 2—Timber Quality Code Table
Stumpage Value Areas 6 and 7**

Species	Quality Code	Number Log grade specifications ¹
Ponderosa Pine	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs 16 feet long per thousand board feet Scribner scale.
All conifers other than Ponderosa Pine	1	All log sizes.
Hardwoods	1	Sawlogs only.
Utility	5	All logs graded as utility.

AMENDATORY SECTION (Amending WSR 92-02-067, filed 12/31/91, effective 1/1/92)

WAC 458-40-660 **TIMBER EXCISE TAX—STUMPAGE VALUE TABLES.** The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period January 1 through June 30, 1992:

**((TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1992**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$437	\$430	\$423	\$416	\$409
		2	380	373	366	359	352
		3	349	342	335	328	321
		4	195	188	181	174	167
Western Redcedar ²	RC	1	432	425	418	411	404
		2	412	405	398	391	384
		3	361	354	347	340	333
		4	217	210	203	196	189
Western Hemlock ³	WH	1	311	304	297	290	283
		2	285	278	271	264	257
		3	275	268	261	254	247
		4	251	244	237	230	223
Other Conifer	OC	1	311	304	297	290	283
		2	285	278	271	264	257
		3	275	268	261	254	247
		4	251	244	237	230	223
Red Alder	RA	1	89	82	75	68	61
Black Cottonwood	BC	1	66	59	52	45	38
Other Hardwood	OH	1	66	59	52	45	38
Hardwood Utility	HU	1	30	23	16	9	2
Conifer Utility	CU	1	79	72	65	58	51
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Alaska Cedar.
³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁴Stumpage value per 8 lineal feet or portion thereof.
⁵Stumpage value per lineal foot.

**TABLE 2—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1992**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$454	\$447	\$440	\$433	\$426
		2	380	373	366	359	352
		3	349	342	335	328	321
		4	195	188	181	174	167
Western Redcedar ²	RC	1	444	437	430	423	416
		2	444	437	430	423	416
		3	430	423	416	409	402
		4	205	198	191	184	177
Western Hemlock ³	WH	1	332	325	318	311	304
		2	320	313	306	299	292
		3	281	274	267	260	253
		4	247	240	233	226	219
Other Conifer	OC	1	332	325	318	311	304
		2	320	313	306	299	292
		3	281	274	267	260	253
		4	247	240	233	226	219
Red Alder	RA	1	82	75	68	61	54
Black Cottonwood	BC	1	66	59	52	45	38
Other Hardwood	OH	1	47	40	33	26	19
Hardwood Utility	HU	1	29	22	15	8	1
Conifer Utility	CU	1	48	41	34	27	20
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Alaska Cedar.
³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁴Stumpage value per 8 lineal feet or portion thereof.
⁵Stumpage value per lineal foot.

**TABLE 3—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1992**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$469	\$462	\$455	\$448	\$441
		2	396	389	382	375	368
		3	381	374	367	360	353
		4	195	188	181	174	167

TABLE 3—

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar ³	RC	1	444	437	430	423	416
		2	444	437	430	423	416
		3	364	357	350	343	336
		4	268	261	254	247	240
Western Hemlock ⁴	WH	1	409	402	395	388	381
		2	300	293	286	279	272
		3	258	251	244	237	230
		4	223	216	209	202	195
Other Conifer	OC	1	409	402	395	388	381
		2	300	293	286	279	272
		3	258	251	244	237	230
		4	223	216	209	202	195
Red Alder	RA	1	101	94	87	80	73
Black Cottonwood	BC	1	88	81	74	67	60
Other Hardwood	OH	1	80	73	66	59	52
Hardwood Utility	HU	1	29	22	15	8	1
Conifer Utility	CU	1	56	49	42	35	28
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-Cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵Stumpage value per 8 lineal feet or portion thereof.
⁶Stumpage value per lineal foot.

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$451	\$444	\$437	\$430	\$423
		2	374	367	360	353	346
		3	347	340	333	326	319
		4	195	188	181	174	167
Lodgepole Pine	LP	1	95	88	81	74	67
Ponderosa Pine	PP	1	360	353	346	339	332
		2	186	179	172	165	158
Western Redcedar ³	RC	1	444	437	430	423	416
		2	444	437	430	423	416
		3	314	307	300	293	286
		4	205	198	191	184	177
Western Hemlock ⁴	WH	1	396	389	382	375	368
		2	306	299	292	285	278
		3	254	247	240	233	226
		4	237	230	223	216	209

TABLE 4—

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Other Conifer	OC	1	396	389	382	375	368
		2	306	299	292	285	278
		3	254	247	240	233	226
		4	237	230	223	216	209
Red Alder	RA	1	95	88	81	74	67
Black Cottonwood	BC	1	88	81	74	67	60
Other Hardwood	OH	1	80	73	66	59	52
Hardwood Utility	HU	1	32	25	18	11	4
Conifer Utility	CU	1	47	40	33	26	19
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-Cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵Stumpage value per 8 lineal feet or portion thereof.
⁶Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$545	\$538	\$531	\$524	\$517
		2	380	373	366	359	352
		3	317	310	303	296	289
		4	195	188	181	174	167
Lodgepole Pine	LP	1	95	88	81	74	67
Ponderosa Pine	PP	1	360	353	346	339	332
		2	186	179	172	165	158
Western Redcedar ³	RC	1	444	437	430	423	416
		2	444	437	430	423	416
		3	369	362	355	348	341
		4	240	233	226	219	212
Western Hemlock ⁴	WH	1	311	304	297	290	283
		2	273	266	259	252	245
		3	267	260	253	246	239
		4	235	228	221	214	207
Other Conifer	OC	1	311	304	297	290	283
		2	273	266	259	252	245
		3	267	260	253	246	239
		4	235	228	221	214	207
Red Alder	RA	1	82	75	68	61	54
Black Cottonwood	BC	1	77	70	63	56	49
Other Hardwood	OH	1	77	70	63	56	49
Hardwood Utility	HU	1	29	22	15	8	1

TABLE 5—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	1	56	49	42	35	28
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska Cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as ¹White Fir.¹

⁵Stumpage value per 8 lineal feet or portion thereof.

⁶Stumpage value per lineal foot.

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$231	\$224	\$217	\$210	\$203
Engelmann Spruce	ES	1	153	146	139	132	125
Lodgepole Pine	LP	1	95	88	81	74	67
Ponderosa Pine	PP	1	360	353	346	339	332
		2	186	179	172	165	158
Western Redcedar ³	RC	1	307	300	293	286	279
True Firs ⁴	WH	1	162	155	148	141	134
Western White Pine	WP	1	382	375	368	361	354
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	46	39	32	25	18
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska Cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as ¹White Fir.¹

⁵Stumpage value per 8 lineal feet or portion thereof.

⁶Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁷Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$161	\$154	\$147	\$140	\$133
Engelmann Spruce	ES	1	121	114	107	100	93
Lodgepole Pine	LP	1	80	73	66	59	52
Ponderosa Pine	PP	1	322	315	308	301	294
		2	148	141	134	127	120
Western Redcedar ³	RC	1	259	252	245	238	231
True Firs ⁴	WH	1	111	104	97	90	83
Western White Pine	WP	1	322	315	308	301	294
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	21	14	7	1	1
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska Cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as ¹White Fir.¹

⁵Stumpage value per 8 lineal feet or portion thereof.

⁶Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁷Stumpage value per lineal foot.

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$437	\$430	\$423	\$416	\$409
		2	346	339	332	325	318
		3	319	312	305	298	291
		4	167	160	153	146	139
Lodgepole Pine	LP	1	95	88	81	74	67
Ponderosa Pine	PP	1	360	353	346	339	332
		2	186	179	172	165	158
Western Redcedar ³	RC	1	430	423	416	409	402
		2	416	409	402	395	388
		3	286	279	272	265	258
		4	177	170	163	156	149
Western Hemlock ⁴	WH	1	382	375	368	361	354
		2	278	271	264	257	250
		3	226	219	212	205	198
		4	209	202	195	188	181
Other Conifer	OC	1	382	375	368	361	354
		2	278	271	264	257	250
		3	226	219	212	205	198
		4	209	202	195	188	181

TABLE 8—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Red Alder	RA	1	81	74	67	60	53
Black Cottonwood	BC	1	74	67	60	53	46
Other Hardwood	OH	1	66	59	52	45	38
Hardwood Utility	HU	1	18	11	4	1	1
Conifer Utility	CU	1	33	26	19	12	5
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot.)

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$420	\$413	\$406	\$399	\$392
		2	389	382	375	368	361
		3	305	298	291	284	277
		4	167	160	153	146	139
Western Redcedar ²	RC	1	497	490	483	476	469
		2	457	450	443	436	429
		3	450	443	436	429	422
		4	382	375	368	361	354
Western Hemlock ³	WH	1	286	279	272	265	258
		2	281	274	267	260	253
		3	235	228	221	214	207
		4	158	151	144	137	130
Other Conifer	OC	1	286	279	272	265	258
		2	281	274	267	260	253
		3	235	228	221	214	207
		4	158	151	144	137	130
Red Alder	RA	1	67	60	53	46	39
Black Cottonwood	BC	1	66	59	52	45	38
Other Hardwood	OH	1	66	59	52	45	38
Hardwood Utility	HU	1	33	26	19	12	5
Conifer Utility	CU	1	79	72	65	58	51
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45

TABLE 1—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
DF Christmas Trees ²	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ²	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Alaska-Cedar.
³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁴ Stumpage value per 8 lineal feet or portion thereof.
⁵ Stumpage value per lineal foot.

TABLE 2—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$466	\$459	\$452	\$445	\$438
		2	382	375	368	361	354
		3	346	339	332	325	318
		4	147	140	133	126	119
Western Redcedar ²	RC	1	453	446	439	432	425
		2	428	421	414	407	400
		3	418	411	404	397	390
		4	207	200	193	186	179
Western Hemlock ³	WH	1	300	293	286	279	272
		2	288	281	274	267	260
		3	259	252	245	238	231
		4	105	98	91	84	77
Other Conifer	OC	1	300	293	286	279	272
		2	288	281	274	267	260
		3	259	252	245	238	231
		4	105	98	91	84	77
Red Alder	RA	1	73	66	59	52	45
Black Cottonwood	BC	1	67	60	53	46	39
Other Hardwood	OH	1	66	59	52	45	38
Hardwood Utility	HU	1	40	33	26	19	12
Conifer Utility	CU	1	48	41	34	27	20
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Alaska-Cedar.
³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁴ Stumpage value per 8 lineal feet or portion thereof.
⁵ Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$509	\$502	\$495	\$488	\$481
		2	398	391	384	377	370
		3	358	351	344	337	330
		4	234	227	220	213	206
Western Redcedar ³	RC	1	460	453	446	439	432
		2	457	450	443	436	429
		3	418	411	404	397	390
		4	350	343	336	329	322
Western Hemlock ⁴	WH	1	363	356	349	342	335
		2	274	267	260	253	246
		3	241	234	227	220	213
		4	162	155	148	141	134
Other Conifer	OC	1	363	356	349	342	335
		2	274	267	260	253	246
		3	241	234	227	220	213
		4	162	155	148	141	134
Red Alder	RA	1	67	60	53	46	39
Black Cottonwood	BC	1	55	48	41	34	27
Other Hardwood	OH	1	66	59	52	45	38
Hardwood Utility	HU	1	30	23	16	9	2
Conifer Utility	CU	1	53	46	39	32	25
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot.

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$426	\$419	\$412	\$405	\$398
		2	376	369	362	355	348
		3	340	333	326	319	312
		4	252	245	238	231	224
Lodgepole Pine	LP	1	146	139	132	125	118
Ponderosa Pine	PP	1	329	322	315	308	301
		2	204	197	190	183	176
Western Redcedar ³	RC	1	460	453	446	439	432
		2	447	440	433	426	419
		3	324	317	310	303	296
		4	322	315	308	301	294

TABLE 4—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Hemlock ⁴	WH	1	310	303	296	289	282
		2	298	291	284	277	270
		3	248	241	234	227	220
		4	174	167	160	153	146
Other Conifer	OC	1	310	303	296	289	282
		2	298	291	284	277	270
		3	248	241	234	227	220
		4	174	167	160	153	146
Red Alder	RA	1	73	66	59	52	45
Black Cottonwood	BC	1	67	60	53	46	39
Other Hardwood	OH	1	66	59	52	45	38
Hardwood Utility	HU	1	32	25	18	11	4
Conifer Utility	CU	1	45	38	31	24	17
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$549	\$542	\$535	\$528	\$521
		2	401	394	387	380	373
		3	308	301	294	287	280
		4	195	188	181	174	167
Lodgepole Pine	LP	1	146	139	132	125	118
Ponderosa Pine	PP	1	329	322	315	308	301
		2	204	197	190	183	176
Western Redcedar ³	RC	1	460	453	446	439	432
		2	457	450	443	436	429
		3	418	411	404	397	390
		4	350	343	336	329	322
Western Hemlock ⁴	WH	1	310	303	296	289	282
		2	260	253	246	239	232
		3	244	237	230	223	216
		4	138	131	124	117	110
Other Conifer	OC	1	310	303	296	289	282
		2	260	253	246	239	232
		3	244	237	230	223	216
		4	138	131	124	117	110
Red Alder	RA	1	67	60	53	46	39

**TABLE 5—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹**

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Black Cottonwood	BC	1	67	60	53	46	39
Other Hardwood	OH	1	66	59	52	45	38
Hardwood Utility	HU	1	24	17	10	3	1
Conifer Utility	CU	1	53	46	39	32	25
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot.

**TABLE 6—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1992**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$300	\$293	\$286	\$279	\$272
Engelmann Spruce	ES	1	197	190	183	176	169
Lodgepole Pine	LP	1	146	139	132	125	118
Ponderosa Pine	PP	1	329	322	315	308	301
		2	204	197	190	183	176
Western Redcedar ³	RC	1	307	300	293	286	279
True Firs ⁴	WH	1	169	162	155	148	141
Western White Pine	WP	1	390	383	376	369	362
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	22	15	8	1	1
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁷ Stumpage value per lineal foot.

**TABLE 7—Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 1992**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$147	\$140	\$133	\$126	\$119
Engelmann Spruce	ES	1	90	83	76	69	62
Lodgepole Pine	LP	1	77	70	63	56	49
Ponderosa Pine	PP	1	314	307	300	293	286
		2	189	182	175	168	161
Western Redcedar ³	RC	1	265	258	251	244	237
True Firs ⁴	WH	1	101	94	87	80	73
Western White Pine	WP	1	235	228	221	214	207
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	15	8	1	1	1
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁷ Stumpage value per lineal foot.

**TABLE 8—Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 1992**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$412	\$405	\$398	\$391	\$384
		2	348	341	334	327	320
		3	312	305	298	291	284
		4	224	217	210	203	196
Lodgepole Pine	LP	1	146	139	132	125	118
Ponderosa Pine	PP	1	329	322	315	308	301
		2	204	197	190	183	176
Western Redcedar ³	RC	1	446	439	432	425	418
		2	419	412	405	398	391
		3	296	289	282	275	268
		4	294	287	280	273	266
Western Hemlock ⁴	WH	1	296	289	282	275	268
		2	270	263	256	249	242
		3	220	213	206	199	192
		4	146	139	132	125	118
Other Conifer	OC	1	296	289	282	275	268
		2	270	263	256	249	242
		3	220	213	206	199	192
		4	146	139	132	125	118

TABLE 8—

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Red Alder	RA	1	59	52	45	38	31
Black Cottonwood	BC	1	53	46	39	32	25
Other Hardwood	OH	1	52	45	38	31	24
Hardwood Utility	HU	1	18	11	4	1	1
Conifer Utility	CU	1	31	24	17	10	3
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

The following harvest adjustment tables are hereby adopted for use during the period of January 1 through June 30, 1992:

TABLE 1—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
January 1 through June 30, 1992

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	-\$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	-\$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	-\$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	-\$10.00
II. Logging conditions		
Class 1	Generally slopes less than 40%. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Generally slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$17.00
Class 3	Generally rough, broken ground with slopes in excess of 60%. Numerous rock outcrops and bluffs.	-\$25.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	-\$69.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning (see WAC 458-40-610(20))		
Class 1	Average log volume of 50 board feet or more.	-\$25.00
Class 2	Average log volume of less than 50 board feet.	-\$35.00

TABLE 2—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
January 1 through June 30, 1992

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	-\$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	-\$10.00
II. Logging conditions		
Class 1	Generally slopes less than 40%. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Generally slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$18.00

AMENDATORY SECTION (Amending WSR 92-02-067, filed 12/31/91, effective 1/1/92)

WAC 458-40-670 TIMBER EXCISE TAX—STUMPAGE VALUE ADJUSTMENTS. Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in WAC 458-40-660 for the designated stumpage value areas with the following limitations:

(1) No harvest adjustment shall be allowed against special forest products.

(2) Stumpage value rates for conifer and hardwoods shall be adjusted to a value no lower than one dollar per MBF.

(3) Timber harvesters planning to remove timber from areas having damaged timber or other unforeseen materially increased harvesting costs may apply to the department for adjustment in stumpage values. Such applications should contain a map with the legal descriptions of the area, a description of the damage sustained by the timber or cause of additional costs, and a list of estimated costs to be incurred. Such applications shall be sent to the department before the harvest commences. Upon receipt of such application, the department will determine the amount of adjustment allowed, and notify the harvester. Such amount may be taken as a credit against tax liabilities or, if harvest is terminated, a refund may be authorized. In the event the extent of such timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application not later than ninety days following completion of the harvest unit.

TABLE 2—cont.

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 3	Generally rough, broken ground with slopes in excess of 60%. Numerous rock outcrops and bluffs.	- \$25.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	- \$69.00
III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00

Table 3—Domestic Market Adjustment

Public timber

Harvest of timber not sold by a competitive bidding process which is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber which must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska Yellow Cedar. (Stat. Ref. - 36 CFR 223.10)

State, and other nonfederal, Public Timber Sales: Western Red Cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

Private timber

Harvest of private timber which is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i); a Cooperative Sustained Yield Unit Agreement made pursuant to the Act of March 29, 1944, (16 U.S.C. Sec. 583-583i); or Washington ((Administration)) Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The adjustment amounts shall be as follows:

Class 1:	SVA's 1 through 6, and 10	((-\$12.00 per MBF)) - \$8.00 per MBF
Class 2:	SVA 7	- \$0.00 per MBF

Note: The adjustment will not be allowed on special forest products.

Name of Proponent: Podiatric Medical Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule is intended to implement legislation for temporary permits which will encourage out-of-state applicants to locate in Washington and the retired active status may provide the opportunity for some individuals to practice minimally after or when preparing to retire.

Proposal Changes the Following Existing Rules: Adds two new fee categories, temporary practice permits and retired active status.

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

Hearing Location: General Administration Auditorium, 11th and Columbia, Olympia, Washington 98504, on April 8, 1992, at 1:15 p.m.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, 1300 Quince Street S.E., P.O. Box 47902, Olympia, WA 98504-7902, by April 6, 1992.

Date of Intended Adoption: April 15, 1992.

March 2, 1992

Mimi L. Fields, MD, MPH
for Kristine M. Gebbie
Secretary

AMENDATORY SECTION (Amending Order 173, filed 6/6/91, effective 7/7/91)

WAC 246-922-990 **PODIATRY FEES.** The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Application (examination and reexamination)	\$500.00
Reciprocity application	400.00
License renewal	650.00
Inactive license renewal	135.00
Late renewal penalty	100.00
Duplicate license	15.00
Certification	25.00
Retired active status	150.00
Temporary practice permit	50.00

WSR 92-06-058

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed March 2, 1992, 2:11 p.m.]

Original Notice.

Title of Rule: Podiatry fees, WAC 246-922-990.

Purpose: To implement legislation relative to temporary practice permits and retired active status.

Statutory Authority for Adoption: RCW 43.70.250.

Statute Being Implemented: Chapters 18.22 and 18.130 RCW.

Summary: Fees are needed to implement legislation relative to temporary practice permits and retired active status.

Reasons Supporting Proposal: Fees are required to support program activities.

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

WSR 92-06-059

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Institutions)

[Filed March 3, 1992, 11:21 a.m.]

Original Notice.

Title of Rule: WAC 275-25-020 Plan development and submission; and 275-27-020 Definitions.

Purpose: WAC 275-25-020 is amended to improve rule clarity and reflect current practice; and WAC 275-27-020 is revised to ensure its compliance with Title 71A RCW.

Statutory Authority for Adoption: RCW 71A.14.030 and 71A.16.020.

Statute Being Implemented: RCW 71A.14.030 and 71A.16.020.

Summary: WAC 275-25-020 incorporates changes that reflect current practice; and WAC 275-27-020 ensures its compliance with Title 71A RCW.

Reasons Supporting Proposal: Ensures WAC 275-25-020 reflects current practice; and WAC 275-27-020 ensures its compliance with Title 71A RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tom Moore, Division of Developmental Disabilities, 753-4563.

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

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

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on April 7, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop 5805, Olympia, Washington 98504, by April 7, 1992.

Date of Intended Adoption: April 21, 1992.

March 3, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 1936, filed 1/12/83)

WAC 275-25-020 PLAN DEVELOPMENT AND SUBMISSION. (1) All dates in this section refer to the ~~((twelve))~~ twenty-four-month period prior to the start of the state fiscal biennium.

(2) ~~((The requirements of this section shall apply to the following program areas:~~

- ~~(a) Drug abuse;~~
- ~~(b) Developmental disabilities; and~~
- ~~(c) Alcoholism))~~ Before July 1, in the odd year of each biennium,

the department shall negotiate with and submit to counties the biennial plan guidelines.

(3) ~~((The secretary shall announce the amount of funds included in the department's biennial budget request to each county for each program area no later than December 15. The secretary shall announce the actual amount of funds appropriated and available to each county as soon as possible after final passage of the Biennial Appropriations Act))~~ Before July 1, the department shall submit to counties needs assessment data, and before December 31, updated needs assessment data in the odd year of each biennium.

(4) ~~((Each county shall submit a plan for each program area for the subsequent state fiscal biennium to the secretary no later than March 1, in the form and manner prescribed by the secretary in written guidelines issued no later than November 1. The plan shall include the following:~~

- ~~(a) A statement of priorities;~~
- ~~(b) A work statement, including a listing of program components, anticipated service volume, and other activities to be undertaken during the period covered by the plan;~~
- ~~(c) The relationship between the work statement and the priority statement;~~
- ~~(d) The method(s) for administering the various program components and services;~~
- ~~(e) A proposed budget;~~
- ~~(f) An evaluation of progress in meeting the work statement in the current contract; and~~
- ~~(g) Such other information as the secretary may require in the written guidelines))~~ Before April 1, of the even year of each biennium,

each county shall submit to the department a written plan for developmental disabilities services for the subsequent state fiscal biennium. The county's written plan shall be in the form and manner prescribed by the department in the written guidelines.

(5) ~~((The secretary shall send a written review of the plan to each county within thirty days after receipt of the plan. The review shall set forth the secretary's findings and conditions for final approval of the plan))~~ Within sixty days of receipt of the county's written plan, the department shall acknowledge receipt, review the plan, and notify the county of errors and omissions in meeting minimum plan requirements.

(6) ~~((Each county shall submit a response to the written review for each program area by May 15, or thirty days after receipt of the secretary's written review, whichever is later. The response to the written review shall include:~~

~~(a) Responses to all conditions set forth in the secretary's review of the plan;~~

~~(b) Any amendments to the plan desired by the county; and~~
~~(c) A letter by the county governing body or county executive indicating adoption of the plan as modified by the county's response to the written review))~~ Within thirty days after receipt, each county shall submit a response to the department's review when errors and omissions have been identified within the review.

(7) ~~((The secretary shall review the response submitted by the county pursuant to subsection (6) of this section and approve the plan if the response meets the conditions set forth in the written review. The secretary shall advise the county of approval or denial of approval within fifteen days after receipt of the response. The county may submit amendments or additional responses and ask for reconsideration at any time))~~ Before December 15 of the even year of each biennium, the department shall announce the amount of funds included in the department's biennial budget request to each county. The department shall announce the actual amount of funds appropriated and available to each county as soon as possible after final passage of the Biennial Appropriations Act.

(8) Each county shall submit to the department a contract proposal ((for each program area)) within ((forty-five)) sixty days of the announcement by the ((secretary)) department of the actual amount of funds appropriated and available((, pursuant to subsection (3) of this section. The contract proposal shall include:

(a) A work statement, as described in subsection (4)(b) of this section;

(b) A list of the intended subcontractors, if any, and the services to be provided by each;

(c) A budget for the contract period; and

(d) A letter from the county governing body or county executive indicating approval of the contract proposal).

(9) The ((secretary)) department may modify deadlines for submission of county plans((;)) and responses to ((written)) reviews or contract proposals when, in the ((secretary's)) department's judgment, the modification ((would)) enables the county to improve the program or planning process.

(10) The ((secretary)) department may authorize the county to continue providing services in accordance with the previous plan and contract, and reimburse at the average level of the previous contract, in order to continue services until the new contract is executed.

AMENDATORY SECTION (Amending Order 3230, filed 8/9/91, effective 9/9/91)

WAC 275-27-020 DEFINITIONS. (1) "Best interest" includes, but is not limited to, individual client-centered benefits designed to:

- (a) Achieve or maintain economic self-support;
- (b) Achieve or maintain self-sufficiency;
- (c) Prevent or remedy neglect, abuse, or exploitation of individuals unable to protect their own interest;
- (d) Preserve or reunite families; and
- (e) Prevent or reduce inappropriate institutional care by providing the least-restrictive setting, such as community-based services, home-based services, or other forms of less-intensive service, to meet the individual's medical and personal needs.

(2) "Client or person" means a person the division determines under RCW 71A.16.040 and WAC 275-27-026 eligible for division-funded services.

(3) "Department" means the department of social and health services of the state of Washington.

(4) "Director" means the director of the division of developmental disabilities.

(5) "Division" means the division of developmental disabilities of the department of social and health services.

(6) "Emergency" means a sudden, unexpected occurrence demanding immediate action.

(7) "Exemption" means the department's approval of a written request for an exception to a rule in this chapter.

(8) "ICF/MR" means a facility certified as an intermediate care facility for the mentally retarded by Title XIX to provide services to the mentally retarded or persons with related conditions.

(9) "Individual" means the person for whom division services are requested.

(10) "Informed consent" means an agreement obtained from a person or the person's authorized representative, for such person's participation in an activity other than health care. Informed consent for health care shall be provided (~~(pursuant to)~~ under RCW 7.70.065. The following information is necessary to informed consent:

(a) An explanation of the procedures to be followed including an identification of experimental procedures;

(b) A description of the attendant discomforts and risks;

(c) A description of the expected benefits;

(d) A disclosure of appropriate alternative procedures;

(e) An offer to answer inquiries concerning the procedures; and

(f) Instruction that consent may be withdrawn and participation discontinued at any time.

(11) "Intelligence quotient score" means a full scale score on the Wechsler, or the intelligence quotient score on the Stanford-Binet or the Leiter International Performance Scale.

(12) "Nonresidential programs" means programs including, but not limited to, county-funded habilitation services.

(13) "Residential programs" means those programs providing domiciliary care and other services, including, but not limited to, state residential facilities, group homes, (~~(skilled)~~ nursing (~~(facilities)~~ homes, (~~(intermediate care facilities)~~ tenant support services, congregate care facilities, boarding homes, children's foster homes, adult family homes, and group training homes.

(14) "Respite care" means temporary services provided to a developmentally disabled person and the person's family on either an emergency or planned basis without which the individual may need an alternative living environment.

(15) "Secretary" means the secretary of the department of social and health services or the secretary's designee.

Name of Proponent: Pollution Liability Insurance Agency, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 70.148 RCW provides . . . "The director may design the program to cover the costs incurred in determining whether a proposed applicant for pollution insurance under the program meets the underwriting standards of the insurer . . ." The rule, therefore, establishes a program in which the Pollution Liability Insurance Agency will participate in paying a portion of the costs incurred in testing a site for its insurability. In covering such costs, the director shall consider the financial resources of the applicant, shall take into consideration the economic impact of the discontinued use of the applicants' storage tank upon the affected community and shall provide such coverage within the revenue limits established.

Proposal does not change existing rules.

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

Hearing Location: Pollution Liability Insurance Agency, 1015 10th Avenue S.E., P.O. Box 40930, Olympia, WA 98504, on April 7, 1992, at 2:00 p.m.

Submit Written Comments to: James M. Sims, Director, Pollution Liability Insurance Agency, by April 6, 1992.

Date of Intended Adoption: April 8, 1992.

March 2, 1992

James M. Sims

Director

Chapter 374-50 WAC
INSURANCE ELIGIBILITY ASSESSMENT REIMBURSEMENT

NEW SECTION

WAC 374-50-010 AUTHORITY AND PURPOSE. This chapter is promulgated under the authority of RCW 70.148.040. Its purpose is to implement those provisions of RCW 70.148.035 relating to covering insurers' costs of determining the eligibility of applicants for pollution liability insurance under the pollution liability program.

NEW SECTION

WAC 374-50-020 DEFINITIONS. Unless the context requires otherwise, the following definitions shall apply:

(1) "Agency" means the pollution liability insurance agency created by chapter 70.148 RCW.

(2) "Director" means the director of the pollution liability insurance agency.

(3) "Insurer" means a commercial property and casualty insurance company or risk retention group with whom the agency has a contract to provide reinsurance.

(4) "Insurance eligibility assessment" means those actions required to determine the eligibility of an owner or operator for pollution liability insurance coverage by an insurer including, but not limited to, evaluation of inventory control records, tightness testing of tanks and connected piping, soil sampling, and other physical or chemical tests.

(5) "Operator" means a person in control of, or having responsibility for, the daily operation of a petroleum underground storage tank.

(6) "Owner" means a person who owns a petroleum underground storage tank.

(7) "Person" means an individual, trust, firm, joint stock company, corporation (including government corporations), partnership, association, consortium, joint venture, commercial entity, state, municipality, commission, political subdivision of a state, interstate body, the federal

WSR 92-06-060

PROPOSED RULES

**POLLUTION LIABILITY
INSURANCE AGENCY**

[Order 92-01—Filed March 3, 1992, 2:28 p.m.]

Original Notice.

Title of Rule: Chapter 374-50 WAC, Insurance eligibility assessment reimbursement.

Purpose: Provides for the program to cover the costs incurred in determining applicants' eligibility for pollution liability insurance.

Statutory Authority for Adoption: RCW 70.148.040.

Statute Being Implemented: Chapter 70.148 RCW as amended by chapter 64, Laws of 1990.

Summary: The rule provides for a program that covers the costs incurred in determining an applicants' eligibility for obtaining pollution liability insurance for their underground storage tanks.

Reasons Supporting Proposal: To determine that the state of Washington is reinsuring a viable risk.

Name of Agency Personnel Responsible for Drafting: Deanna Bourgault, 1015 10th Avenue S.E., Olympia, WA, 586-5997; Implementation and Enforcement: James M. Sims, 1015 10th Avenue S.E., Olympia, WA, 586-5997.

government or any department or agency of the federal government, or an Indian tribe or agency or entity of an Indian tribe.

(8) "Substantial economic impact" means elimination or substantial reduction of the availability of petroleum products or other goods or services in which petroleum products are a necessary part of the production or distribution process within a community or an area resulting from closure of one or more petroleum underground storage tanks.

NEW SECTION

WAC 374-50-030 ELIGIBILITY FOR REIMBURSEMENT PROGRAM—WHO MAY APPLY. Any person who is required to demonstrate financial responsibility for one or more petroleum underground storage tanks under 40 C.F.R. Parts 280.90, 280.91, and 280.92 (the federal underground storage tank regulations), chapter 90.76 RCW, or other applicable laws, ordinances, or rules and who satisfies the criteria set forth in WAC 374-50-040 may apply for assistance in covering an insurer's costs of an insurance eligibility assessment under the program established by this chapter, except for:

- (1) Persons whose compliance dates under 40 C.F.R. Part 280.91 as now or hereafter amended, chapter 90.76 RCW or other laws, ordinances, or rules precede the effective date of this chapter;
- (2) The federal government or entities of the state of Washington;
- (3) The state of Washington or entities of the state of Washington;
- (4) Indian tribes or entities of Indian tribes;
- (5) Counties, cities, towns, or special purpose districts including, but not limited to, fire districts, hospital districts, library districts, metropolitan park districts, park and recreation districts, school districts, or entities of such governmental units; and
- (6) Owners or operators of farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes.

NEW SECTION

WAC 374-50-040 ELIGIBILITY CRITERIA. (1) Persons eligible to apply for participation in the program established by this chapter must satisfy the following criteria:

- (a) The applicant is eligible under WAC 374-50-030;
- (b) The applicant is the owner or operator of one or more petroleum underground storage tanks located in the state of Washington;
- (c) The applicant's tank or tanks are registered with the department of ecology and all required fees due under chapter 90.76 RCW, local ordinances if applicable, and any other applicable laws, ordinances, or fees have been paid;
- (d) The applicant is in compliance with all applicable technical and operating requirements of 40 C.F.R. Part 280, Subparts B, C, and D, applicable requirements of chapter 90.76 RCW, and rules adopted thereunder, and other applicable laws, ordinances, or rules effective on the date of application;
- (e) The applicant is responsible for demonstrating financial responsibility for the tank or tanks under 40 C.F.R. Parts 280.90, 280.91, and 280.92, chapter 90.76 RCW or other laws, ordinances, or rules;
- (f) The applicant has applied for pollution liability insurance from an insurer with whom the agency has a contract to provide reinsurance;
- (g) The applicant affirms that he or she intends to purchase such insurance coverage if the tank, tanks, site, or sites to be insured satisfy the underwriting requirements of the insurer; and
- (h) The applicant's net worth is five hundred thousand dollars or less, except as provided for in subsection (2) of this section.

(2) Additional consideration may be given to applications for reimbursement of insurance eligibility assessment costs when:

- (a) The applicant fails to satisfy the net worth criterion in subsection (1)(h) of this section, but can demonstrate through income tax returns or other acceptable means that such costs would result in unfair economic hardship; or
- (b) The applicant demonstrates that closure of the petroleum underground storage tank or tanks would impose a substantial economic impact upon the community or area in which it is located.

NEW SECTION

WAC 374-50-050 REIMBURSEMENT LIMITS. (1) Insurers will be reimbursed for insurance eligibility assessment costs incurred on behalf of persons whose applications for participation in the program established by this chapter are approved according to the following schedule:

(a) For costs incurred on behalf of persons with net worth of two hundred fifty thousand dollars or less — seventy-five percent of the first three thousand five hundred dollars of eligible costs up to a reimbursement limit of two thousand six hundred twenty-five dollars;

(b) For costs incurred on behalf of persons with net worth greater than two hundred fifty thousand dollars, but less than or equal to five hundred thousand dollars — fifty percent of the first three thousand five hundred dollars of eligible costs up to a reimbursement limit of one thousand seven hundred fifty dollars;

(c) For costs incurred on behalf of persons with net worth greater than five hundred thousand dollars whose applications for participation in this program have been accepted on the basis of WAC 374-50-040(2) — twenty-five percent of the first three thousand five hundred dollars of eligible costs up to a reimbursement limit of eight hundred seventy-five dollars.

(2) Within the limits of subsection (1) of this section, reimbursement for the following specific insurance eligibility assessment costs will be made at the indicated percentages of the following maximum amounts:

- (a) Inventory control records evaluation — one hundred fifty dollars per site;
- (b) Tank tightness testing — five hundred dollars per tank;
- (c) Line tightness testing — one hundred fifty dollars per product line; and
- (d) Soil or ground water sampling — two hundred fifty dollars per sample.

(3) It is the intent of the program established by this chapter to assist as many owners or operators of petroleum underground storage tanks with limited economic resources as possible. Therefore, not more than one application for participation in the program established by this chapter will be approved for each such natural person or entity, regardless of the number of underground storage tanks owned or operated, whether directly or indirectly.

NEW SECTION

WAC 374-50-060 PROGRAM SCHEDULE. (1) The program established by this chapter will proceed according to the following schedule: Applications will be accepted for those owners and operators with twelve or fewer tanks beginning on the effective date of chapter 374-50 WAC until the official financial responsibility compliance date established by the United States Environmental Protection Agency or the Washington department of ecology, whichever date is first.

(2) Approval of applications and payments are contingent upon the availability of revenue. The director reserves the right to order termination of the program at any time that reimbursement commitments or payments exhaust the revenue available for the reimbursement program.

NEW SECTION

WAC 374-50-070 APPLICATION PROCEDURE. (1) Information concerning the insurance eligibility assessment cost reimbursement program and forms or materials necessary for application may be obtained from:

Pollution Liability Insurance Agency
PO BOX 40930
1015-10th Avenue S.E.
Olympia, WA 98504-0930

(2) Application for participation in the program established by this chapter requires preparation and submission of the following: A completed asset and liability statement on a form provided by the agency.

(3) The agency will act upon applications as expeditiously as feasible unless additional information is required. If this is the case, the applicant will be notified and the application will be acted upon as expeditiously as feasible after receipt of the required additional information by the agency.

(4) Applicants will be notified of agency approval or disapproval by return mail. Persons whose applications are disapproved will be informed of the reason for such action.

(5) An applicant who disagrees with the disapproval of his or her application may request review of the agency decision by the director. The applicant will be notified by mail of the director's decision as expeditiously as feasible after receipt by the agency of the request for review unless additional time is required. If additional time is required in order for the review to be completed, the applicant will be notified by mail.

NEW SECTION

WAC 374-50-080 PAYMENT OF REIMBURSEMENT. (1) Reimbursement of insurers for approved insurance eligibility assessment costs incurred on behalf of applicants accepted under the program established by this chapter will be made as expeditiously as feasible after receipt by the agency of the following information:

(a) A copy of the notification of agency approval of the applicant's application for the program established by this chapter;

(b) A copy of the invoice(s) from the person or firm performing the insurance eligibility assessment services with a breakdown showing the cost of each test or service performed separately and an indication thereon, or by separate receipt, that payment in full has been made by the insurer;

(c) A copy of the face sheet of an issued pollution liability insurance policy if the applicant's tank, tanks, site, or sites have satisfied the insurer's underwriting requirements.

(2) Persons on whose behalf reimbursement under the program created by this chapter has been made are required to maintain their insurance coverage in force for at least one year. If insurance coverage is not maintained for this period, the person is required to return a pro rata share of the reimbursement to the agency, with the share being that fraction of one year for which insurance coverage was not maintained in force.

(3) Persons who have applied for insurance in good faith, but whose tank, tanks, site, or sites fail to satisfy the insurer's underwriting requirements will not be required to return reimbursement payments.

NEW SECTION

WAC 374-50-090 OTHER RESTRICTIONS. (1) Persons whose applications for the program established by this chapter are accepted will be responsible for the cost of all fuels or products required for tank or connected piping tightness testing.

(2) All testing and sampling must be performed by persons who are registered with the Washington department of ecology.

WSR 92-06-061

ATTORNEY GENERAL OPINION

Cite as: AGO 1992 No. 2

[February 27, 1992]

COLLECTION AGENCIES—CRIMES—ABILITY OF COLLECTION AGENCIES TO USE STATUTORY NOTICE OF DISHONOR OF CHECK

RCW 19.16.250 prohibits licensed debt collection agencies from threatening a debtor with criminal prosecution. This does not prevent an agency from including in the notice of dishonor of check the statutory language in RCW 62A.3-520 that cautions that law enforcement agencies may be provided with a copy of the notice.

Requested by:

The Honorable Leo Thorsness
State Senator, District 11
110 Institutions Building, AS-33
Olympia, Washington 98504

Reviser's note: The spelling error in the above material occurred in the copy filed by the Attorney General's Office and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 92-06-062

ATTORNEY GENERAL OPINION

Cite as: AGO 1992 No. 3

[February 28, 1992]

STATE—LANDS—ENABLING ACT—TRUSTS—WASHINGTON TERRITORY—FEDERAL GRANTS—APPLICABILITY OF TRUST REQUIREMENT OF ARTICLE 16, SECTION 1 OF THE WASHINGTON CONSTITUTION TO LAND GRANTED TO WASHINGTON TERRITORY

1. The Enabling Act and article 16, section 1 of the Washington Constitution constitute a declaration of trust with regard to the property granted to the State by the United States in the Enabling Act. The constitutional trust established in article 16, section 1 does not apply to land donated to the Washington Territory that was not confirmed or reconveyed to the State in the Enabling Act.
2. The State's ability to use or transfer property acquired from the United States by grant is limited by any restrictions contained in the federal grant. However, since title to the property rests with the State, it may use or transfer the property as it chooses, so long as the State's use or transfer conforms to the restrictions in the grant.
3. Under RCW 79.01.006(2), federal restrictions on property, that limit its use to public recreational and other specific purposes, are binding conditions that conflict with other provisions of RCW 79.01.006. Therefore, property subject to such restrictions is not included in the corpus of the educational, penal, and reformatory institution account pursuant to chapter 79.01 RCW.

Requested by:

The Honorable R. Lorraine Wojahn
State Senator, District 27
407-A Legislative Building, AS-32
Olympia, Washington 98504

WSR 92-06-063

WITHDRAWAL OF PROPOSED RULES

DEPARTMENT OF HEALTH

(Dental Disciplinary Board)

[Filed March 3, 1992, 2:58 p.m.]

This is notice that the infection control rules, WSR 91-24-078, filed with the Code Reviser's Office on December 3, 1991, is being withdrawn and has been referred back to the Dental Disciplinary Board for further review and/or revisions. The rules being withdrawn are: WAC 246-816-701 Purpose; 246-816-710 Definitions; 246-816-720 Use of barriers and sterilization techniques; 246-816-730 Management of single use items; and 246-816-740 Effective date.

Linda McCue
Program Manager

WSR 92-06-064
PROPOSED RULES
DEPARTMENT OF HEALTH
(Dental Disciplinary Board)
 [Filed March 3, 1992, 3:01 p.m.]

Original Notice.

Title of Rule: Infection control, new sections WAC 246-816-701 Purpose; 246-816-710 Definitions; 246-816-720 Use of barriers and sterilization techniques; 246-816-730 management of single use items; and 246-816-740 Effective date.

Purpose: To establish requirements for infection control in dental offices to protect the health and well-being of the people of the state of Washington.

Statutory Authority for Adoption: RCW 18.32.640.

Statute Being Implemented: RCW 18.32.725.

Summary: The proposed rules establish requirements for infection control in dental offices and identify required procedures to prevent disease transmission from patient to doctor and staff, doctor and staff to patients, and from patient to patient via a vector such as instruments or supplies.

Reasons Supporting Proposal: The Dental Disciplinary Board seeks to identify basic requirements for infection control in dental offices, therefore it is necessary to adopt rules addressing requirements for infection control.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Linda McCue, 1300 Quince Street S.E., EY-26, P.O. Box 47867, Olympia, WA 98504-7867, (206) 753-1156.

Name of Proponent: Dental Disciplinary Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules identify barriers and sterilization techniques for dental offices and the management of single use items. The purpose of the rules is to protect the health and well-being of the people of the state of Washington.

Proposal does not change existing rules.

Small Business Economic Impact Statement: The rules will impact dental offices that need to buy additional handpieces so they can heat sterilize handpieces between patients. The cost will depend on the number of dental operatories a dentist has in use at one time. The cost of one dental handpiece is approximately \$550.00 to \$650.00.

Introduction: The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than twenty percent of all industry or more than ten percent of any one industry, be reviewed and altered to minimize their impact on small business. This review is reported in this small business economic impact statement. The Regulatory Fairness Act requires that a small business economic impact statement (SBEIS) "include a brief description of the reporting, record keeping, and other compliance requirements of the rule, and the kinds of professional services" needed

to comply with those requirements. It also must "analyze, based on existing data, the costs of compliance for businesses required to comply with the provisions of (the) rule . . . including costs of equipment, supplies, labor and increased administrative costs." The cost of compliance for small and large businesses are to be compared. A small business is defined as a corporation, partnership, sole proprietorship, or other legal entity which has the purpose of making a profit, which is independently owned and operated from all other businesses, and which has fifty or fewer employees.

Background on the Proposed Infection Control Rules: The Dental Disciplinary Board seeks to identify basic requirements for infection control in dental offices, therefore it is necessary to adopt rules addressing requirements for infection control.

Requirements of the Proposed Rule: The proposed rules establish requirements for infection control in dental offices regarding use of barriers and sterilization techniques and identify required procedures to prevent disease transmission from patient to doctor and staff, doctor and staff to patients, and from patient to patient via a vector such as instruments or supplies.

Economic Analysis: The impact on dentists will depend on the number of dental operatories they have in use at one time. The costs of compliance could mean an increase in equipment, specifically dental handpieces. The cost of one dental handpiece is approximately \$550 - \$650. The rules cannot be altered to minimize their impact on small business as it has been determined that all dental offices in the state of Washington meet the definition of small business.

Mitigation: It has been determined that despite the possible proportionately higher impact on some dentists (depends on number of operatories in use) this impact will not be mitigated because of the public health protection.

Hearing Location: Seattle Marriott Sea-Tac Airport Hotel, Bremerton Suite, 3201 South 176th Street, Seattle, WA 98188, on April 10, 1992, at 9:00 a.m. Public testimony will be limited to three minutes per person per section.

Submit Written Comments to: Linda McCue, Program Manager, 1300 Quince Street S.E., EY-26, P.O. Box 47867, Olympia, WA 98504-7867, by March 31, 1992.

Date of Intended Adoption: April 10, 1992:

January 30, 1992

Linda McCue
Program Manager

NEW SECTION

WAC 246-816-701 PURPOSE. The purpose of WAC 246-816-701 through 246-816-730 is to establish requirements for infection control in dental offices to protect the health and well-being of the people of the state of Washington. For purposes of infection control, all dental staff members and all patients shall be considered potential carriers of communicable diseases. Infection control procedures are required to prevent disease transmission from patient to doctor and staff, doctor and staff to patient, and from patient to patient. Every dentist is required to comply with the applicable standard of care in effect at the time of treatment. At a minimum, the dentist must comply with the requirements defined in WAC 246-816-720, WAC 246-816-730 and WAC 246-816-740.

NEW SECTION

WAC 246-816-710 DEFINITIONS. (1) "Direct care staff" are the dental staff who directly provide dental care to patients.

(2) "Communicable diseases" means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water or air.

(3) "Decontamination" means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use or disposal.

(4) "Sterilize" means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

NEW SECTION

WAC 246-816-720 USE OF BARRIERS AND STERILIZATION TECHNIQUES. The use of barriers and sterilization techniques is the primary means of assuring that there is the least possible chance of the transmission of communicable diseases from doctor and staff to patients, from patient to patient and from patient to doctor and staff. To prevent patient to patient cross contamination, instruments and supplies contaminated or likely to be contaminated with blood or saliva and touched during treatment must be sterilized between patients or discarded except as otherwise set forth below. Surfaces and equipment which are likely to be contaminated with blood or saliva and touched during treatment must be decontaminated or covered with a barrier which is discarded and replaced between patients except as otherwise set forth below:

(1) Dentists shall comply with the following barrier techniques:

(a) Gloves shall be used by the dentist and direct care staff during treatment which involves intraoral procedures or contact with items potentially contaminated with the patient's bodily fluids. Fresh gloves shall be used for every intraoral patient contact. Gloves shall not be washed or reused for any purpose. The same pair of gloves shall not be used, removed, and reused for the same patient at the same visit or for any other purpose. Gloves that have been used for dental treatment shall not be reused for any non-dental purpose.

(b) Masks shall be worn by the dentist and direct care staff when splatter or aerosol is likely. Masks shall always be worn during surgical procedures.

(c) Unless effective surface decontamination methods are used, protective barriers shall be placed over areas of the dental operatory which are likely to be touched during treatment, not removable to be sterilized, and likely to be contaminated by blood or saliva. These procedures must be followed between each patient. These include but are not limited to:

- i. delivery unit
- ii. chair controls (not including foot controls)
- iii. light handles
- iv. high volume evacuator and air-water syringe controls
- v. x-ray heads and controls
- vi. head rest
- vii. instrument trays
- viii. low speed handpiece motors

(d) Protective eyewear shall be worn by the dentist and direct care staff and offered to all patients during times when splatter or aerosol is expected.

(2) Dentists shall comply with the following sterilization requirements:

(a) Every dental office shall have the capability to ultrasonically clean and sterilize contaminated items by autoclave, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave[®]) or ethylene oxide. Sterilizers shall be tested by biological indicator test or its equivalent on at least a monthly basis. In the event of a positive biological indicator test, the dentist will take immediate remedial action to ensure the objectives of 2(a) are accomplished. Documentation shall be maintained either in the form of a log reflecting dates and person(s) conducting the testing or copies of reports from an independent testing entity. The documentation shall be maintained for a period of at least five years.

(b) The following items shall be sterilized by an appropriate autoclave, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave[®]) or ethylene oxide sterilization method between patients:

- i. low speed handpiece contra angles, prophyl angles and nose cone sleeves
- ii. high speed handpieces
- iii. hand instruments
- iv. burs
- v. endodontic instruments
- vi. air-water syringe tips
- vii. high volume evacuator tips
- viii. surgical instruments
- ix. sonic or ultrasonic periodontal scalers and tips
- x. surgical handpieces

(c) Gross debris shall be removed from items prior to sterilization. Ultrasonic cleaning shall be used whenever possible.

(d) Non-disposable items used in patient care which cannot be autoclaved, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave[®]) or ethylene oxide sterilized shall be immersed in a chemical sterilant. If such a technique is used, the solution shall be approved by the Environmental Protection Agency and used in accordance with the manufacturer's directions for sterilization.

(e) Items such as impressions contaminated with blood or saliva shall be thoroughly rinsed, placed in and transported to the dental laboratory in an appropriate case containment device that is properly sealed and labeled.

NEW SECTION

WAC 246-816-730 MANAGEMENT OF SINGLE USE ITEMS. (1) Sterile disposable needles shall be used. The same needle may be recapped with a single-handed recapping technique or recapping device and subsequently reused for the same patient during the same visit.

(2) Single use items used in patient treatment which have been contaminated by saliva or blood shall be discarded and not reused. These include, but are not limited to, disposable needles, local anesthetic carpules, saliva ejectors, polishing discs, bonding agent brushes, prophyl cups, prophyl brushes, fluoride trays and interproximal wedges.

NEW SECTION

WAC 246-816-740 EFFECTIVE DATE. This chapter shall become effective on May 15, 1992.

WSR 92-06-065
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed March 3, 1992, 3:04 p.m.]

Original Notice.

Title of Rule: Peer review fees.

Purpose: To set fees for the Chiropractic Peer Review Committee.

Statutory Authority for Adoption: RCW 18.26.110.

Statute Being Implemented: RCW 18.26.340.

Summary: Pursuant to legislation passed last session, the committee has been formed, has met and must be able to collect the fees in order to proceed.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Connie Glasgow, 1300 S.E. Quince Street, Olympia, WA 98504, 586-1931.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To set up fees for the Chiropractic Peer Review Committee.

Proposal does not change existing rules.

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

Hearing Location: West Coast Sea-Tac Hotel, 18220 Pacific Highway South, Seattle, WA 98188, on April 16, 1992, at 1:00 p.m.

Submit Written Comments to: Connie Glasgow, 1300 Quince Street, Olympia, WA 98504, by April 14, 1992.

Date of Intended Adoption: April 16, 1992.

March 2, 1992
Connie M. Glasgow
Program Manager

NEW SECTION

WAC 246-807-480 PEER REVIEW FEES. The Peer Review Committee shall conduct the reviews as provided by RCW 18.26.340 and 18.26.350. At the time of submission for review, the applicant shall pay a fee of one-hundred fifty dollars (\$150.00). If the costs for processing the review exceeds one hour, the Peer Review Committee shall assess additional fees in the amount of fifty dollars (\$50.00) per hour of review process, not to exceed four-hundred fifty dollars (\$450.00) total.

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

WSR 92-06-066

EMERGENCY RULES

DEPARTMENT OF HEALTH

[Order 250B—Filed March 3, 1992, 3:06 p.m.]

Date of Adoption: February 21, 1992.

Purpose: To set fees for the Chiropractic Peer Review Committee.

Statutory Authority for Adoption: RCW 18.26.110.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Pursuant to legislation passed last session, the committee has been formed, has met and must be able to collect the fees in order to proceed.

Effective Date of Rule: Immediately.

February 21, 1992
Connie M. Glasgow
Program Manager

NEW SECTION

WAC 246-807-480 PEER REVIEW FEES. The Peer Review Committee shall conduct the reviews as provided by RCW 18.26.340 and 18.26.350. At the time of submission for review, the applicant shall pay a fee of one-hundred fifty dollars (\$150.00). If the costs for processing the review exceeds one hour, the Peer Review Committee shall assess additional fees in the amount of fifty dollars (\$50.00) per hour of review process, not to exceed four-hundred fifty dollars (\$450.00) total.

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

WSR 92-06-067

PERMANENT RULES

DEPARTMENT OF HEALTH

(Parent-Child Health Services)

[Order 249B—Filed March 3, 1992, 3:08 p.m.]

Date of Adoption: February 12, 1992.

Purpose: To implement the mandate that the Superintendent of Public Instruction shall provide screening for scoliosis of school children.

Citation of Existing Rules Affected by this Order: Amending WAC 246-762-010, 246-762-020, and 246-762-040.

Statutory Authority for Adoption: RCW 28A.210.200 and [28A.210].220.

Pursuant to notice filed as WSR 92-02-096 on January 2, 1992.

Effective Date of Rule: Thirty-one days after filing.

February 26, 1992

Sylvia Beck

Executive Director

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-762-010 EXAMINATIONS OF SCHOOL CHILDREN FOR SCOLIOSIS—DEFINITIONS. (1) "Proper training" means instruction and training provided by, or under the supervision of, physicians licensed pursuant to chapters 18.57 or 18.71 RCW specializing in orthopedic, physiatric, or rehabilitative medicine, or a registered nurse licensed pursuant to RCW 18.88.130 who has had specialty training in scoliosis detection, and appropriate for persons who perform the screening procedures referred to in WAC ((248-150-050)) 246-762-040.

(2) "Pupil" means a student enrolled in the public school system in the state.

(3) "Public schools" means common schools referred to in Article IX of the state Constitution and those schools and institutions of learning having a curriculum below the college or university level as now or may be established by law and maintained at public expense.

(4) "Qualified licensed health practitioners" means physicians licensed pursuant to chapters 18.57 and 18.71 RCW, registered nurses licensed pursuant to RCW 18.88.130, and physical therapists licensed pursuant to chapter 18.74 RCW, practicing within the scope of their field as defined by the appropriate regulatory authority.

(5) "Scoliosis" includes idiopathic scoliosis and kyphosis.

(6) "Screening" means a procedure to be performed ((on all pupils in grades five through ten)) for the purpose of detecting the possible presence of the condition known as scoliosis, except as provided for in WAC ((248-150-080)) 246-762-070.

(7) "Superintendent" means the superintendent of public instruction pursuant to Article III of the state Constitution or his or her designee.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-762-020 CRITERIA FOR SELECTION OF CHILDREN FOR SCOLIOSIS SCREENING. All children in grades five (~~(through ten)~~), seven, and nine shall be screened annually except as provided for in (~~(section 5, chapter 216, Laws of 1985)~~) RCW 28A.210.240.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-762-040 SCREENING PROCEDURES. The screening procedures shall be consistent with nationally accepted standards for scoliosis screening and published by the American Academy of Orthopedic Surgeons as contained in (~~(Spinal Screening Program Handbook, 1st edition, 1979)~~) Screening Procedure Guidelines, to be obtained from the Scoliosis Research Society.

WSR 92-06-068

PERMANENT RULES

WESTERN WASHINGTON UNIVERSITY

[Order 92-01—Filed March 3, 1992, 3:24 p.m., effective March 31, 1992]

Date of Adoption: March 2, 1992.

Purpose: To establish a dismount zone for bicycles to be walked rather than ridden in specified areas on campus at specific time periods, and establishing an enforcement policy.

Citation of Existing Rules Affected by this Order: Amending chapter 516-12 and 516-13 WAC.

Statutory Authority for Adoption: RCW 28B.35.120(11).

Pursuant to notice filed as WSR 92-01-073 on December 16, 1991.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: These new rules need to have an effective date of March 31, 1992, which is the first day of school for Spring Quarter 1992 on the Western Washington University campus. Enforcement of the new regulations can begin at that time in order to best protect and promote the public health, safety and welfare of the university.

Effective Date of Rule: March 31, 1992.

March 2, 1992

Kenneth P. Mortimer
President

AMENDATORY SECTION (Amending Resolution No. 6-04-87, filed 8/20/87)

WAC 516-12-400 DEFINITIONS. As used in this chapter, and chapters 516-13 and 516-14 WAC, the following words and phrases mean:

(1) "Area designator": A tag affixed to a permit indicating a parking lot assignment for a vehicle.

(2) "Automobile": Any motorized vehicle having four or more wheels.

(3) "Board": The board of trustees of Western Washington University.

(4) "Campus": All state lands devoted to the educational or research activities of the university.

(5) "Dismount zone": Any area designated by signs or symbols as a place where bicycles shall not be ridden but may be walked.

(6) "Employee": Any individual appointed to the faculty, staff, or administration of the university.

~~((6))~~ (7) "Habitual offender": Any vehicle license number or permit number accruing ten or more paid or unpaid parking citations.

~~((7))~~ (8) "Motorcycle": Any two or three wheeled motorized vehicle.

~~((8))~~ (9) "Motor vehicle" or "vehicle": Any automobile or motorcycle.

~~((9))~~ (10) "Parking appeals board": The board which hears parking citation appeals.

~~((10))~~ (11) "Parking manager": The person appointed parking manager of the university by the president or designee.

~~((11))~~ (12) "Parking space": A parking area designated by a sign, wheelstop, white-painted lines, and/or white traffic buttons.

~~((12))~~ (13) "Permit": Any special or temporary parking permit authorized by the parking manager.

~~((13))~~ (14) "President": The president of Western Washington University.

~~((14))~~ (15) "Public safety department": The university public safety department.

~~((15))~~ (16) "Student": Any person enrolled in the university as a student.

~~((16))~~ (17) "Transportation and parking department": The transportation and parking department of the university.

~~((17))~~ (18) "Time-limited parking space": A space in which parking is allowed for a specific time period.

~~((18))~~ (19) "University": Western Washington University.

~~((19))~~ (20) "Valid permit": An unexpired parking permit authorized by the parking manager, properly registered and displayed on the vehicle.

~~((20))~~ (21) "Wheelstop": A cement, metal, or wood barrier approximately eight inches high.

AMENDATORY SECTION (Amending WSR 90-17-032, filed 8/9/90, effective 9/9/90)

WAC 516-12-430 GENERAL REGULATIONS.

(1) The registered owner(s) and [the] operator of a vehicle or the person to whom a permit is issued involved in a violation of these regulations will be jointly and severally responsible for the violation.

(2) All vehicles, attended or unattended, must display a valid Western Washington University parking permit when parked on the campus unless parked in a metered parking space (with meter payment), a time-limited space, or (~~(with approval [by] [of] the parking services office;)~~) a visitor's space (~~(designated for visitors)~~) (with a visitor's permit).

(3) Policy on assignments to parking lots will be established by the parking manager.

(4) If a parking permit holder cannot locate a parking space in the assigned lot, he/she may park in the nearest visitor area and then must call the parking services office. Motorcycle permit holders will go to the next nearest motorcycle lot.

(5) The university reserves the right to refuse parking privileges to anyone who has

(a) Had a permit revoked.

(b) Falsified a parking application or registration.

(c) Counterfeited or altered an area designator or permit.

(d) Failed to pay outstanding citations.

(e) Been identified as a habitual offender.

(f) Been found to be in possession of or using a lost or stolen permit.

(6) The speed limit on campus is 10 mph or as posted. Vehicles must be operated in a careful and prudent manner at all times and must be operated in compliance with established speed limits. Drivers of vehicles must obey all regulatory signs and comply with directions given by members of the transportation and parking department and officers of the public safety department in the control and regulation of parking and traffic.

(7) The operator of a vehicle must yield the right-of-way to pedestrians crossing streets and roadways within the campus, and at intersections or clearly marked crosswalks or city streets which cross the campus. Pedestrians must not cross any street or roadway except at an intersection or clearly marked crosswalk. Pedestrians must utilize sidewalks where provided on streets and roadways. If no sidewalk is provided, pedestrians will utilize the extreme left-hand side and move to their left and clear of the roadway or street upon meeting an oncoming vehicle.

(8) Vehicles owned by or assigned on a permanent basis to administrative units on campus and bearing "E," "B" or "M" license plates or a university insignia may be parked in "G" or "C" lots for brief periods while the driver is on university business. Long-term parking is not permitted, nor is any parking allowed in reserved spaces except when a space is designated for that specific vehicle. University vehicles may be parked in metered spaces provided that meter regulations are observed. Violations incurred will be the responsibility of the driver. All operators of these or other state vehicles will abide by all traffic and parking regulations.

(9) No person may utilize any vehicle parked on campus as a living unit without specific approval from the parking manager. Violators will be cited and/or towed.

(10) Vehicles are to be maintained in operating condition at all times on university property. Repairs will not be made on campus unless authorization has been received in advance from the parking manager. A vehicle which appears to be abandoned, with or without current Western Washington University registration or license plates, may be impounded after an attempt is made to locate and notify the owner of the impending action.

(11) The university rents space to individuals who wish to park on campus and who are issued a parking

permit. The university assumes no responsibility or liability under any circumstances for vehicles or bicycles parked on campus nor does it assume any personal liability in connection with its parking program. No bailment of any sort is created by the issuance of a permit.

(12) The person who obtains a permit is responsible for assuring that the vehicle, regardless of who drives it, is parked in conformance with these regulations.

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

AMENDATORY SECTION (Amending Order 6-02-83, Motion No. 6-02-83, filed 6/28/83, effective 9/19/83)

WAC 516-13-080 OPERATION. (1) Pedestrians have the right-of-way on all sidewalks, pathways, and plaza areas on campus. Bicyclists will use due caution when riding bicycles on campus.

(2) It is prohibited for bicycles to be ridden in areas specifically designated as permanent and/or temporary dismount zones during the ten minutes prior to and until the hour from 8:00 a.m. to 5:00 p.m. during regular class days or at other times when so posted.

NEW SECTION

WAC 516-13-090 ENFORCEMENT. A bicycle rider who refuses to abide by these regulations will be asked to leave the campus. A person who refuses to obey the request is subject to being cited for criminal trespass under the provisions of chapter 9A.52 RCW. Enforcement described in this chapter does not preclude other established university disciplinary procedures.

WSR 92-06-069

RULES COORDINATOR HIGHER EDUCATION PERSONNEL BOARD

[Filed March 3, 1992, 4:34 p.m.]

In accordance with RCW 34.05.310(3), the following information is provided for publication in the Washington State Register: Agency rules coordinator, Carol-Anne Boysen, 1202 Black Lake Boulevard, P.O. Box 40918, Olympia, WA 98504-0918.

John A. Spitz
Director

WSR 92-06-070

PROPOSED RULES ENERGY FACILITY SITE EVALUATION COUNCIL

[Filed March 3, 1992, 4:46 p.m.]

Original Notice.

Title of Rule: Pertinent federal, state and local requirements.

Purpose: To require applicants to identify other agencies' requirements for a proposed project.

Other Identifying Information: Proposed WAC 463-42-685.

Statutory Authority for Adoption: RCW 80.50.040(1).

Statute Being Implemented: Chapter 80.50 RCW.

Summary: Applicants would need to list all pertinent federal, state and local requirements affecting a proposed project.

Reasons Supporting Proposal: This will assist the council in assessing the impact of a proposed project.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jason Zeller, 809 Legion Way S.E., Olympia, WA 98504, 956-2047.

Name of Proponent: Energy Facility Site Evaluation Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule requires a listing of federal, state and local requirements that could affect a project. The rule will assist the council's review of a proposed site application. The anticipated effect will be a more comprehensive review of the impact of the proposed energy facility.

Proposal does not change existing rules.

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

Hearing Location: Conference Room, Rowsix Building 1, 4224 6th Avenue S.E., Lacey, WA, on April 14, 1992, at 2:00 p.m.

Submit Written Comments to: Jason Zeller, 809 Legion Way S.E., Olympia, WA 98504, by April 13, 1992.

Date of Intended Adoption: April 14, 1992.

March 3, 1992

John H. Keith

Assistant Attorney General

NEW SECTION

WAC 463-42-685 PERTINENT FEDERAL, STATE AND LOCAL REQUIREMENTS. (1) Each application submitted to the council for site certification shall include a list of all applicable federal, state, and local codes, ordinances, statutes, rules, regulations and permits that would apply to the project if it were not under council jurisdiction. For each listed code, ordinance, statute, rule, regulation and permit, the applicant shall describe how the project would comply or fail to comply with each requirement. If the proposed project does not comply with a specific requirement, the applicant shall discuss why such compliance should be excused.

(2) Inadvertent failure to discover a pertinent provision after a reasonable search shall not invalidate the application, but may delay processing the application as necessary to gather and consider relevant information.

WSR 92-06-071

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed March 4, 1992, 9:31 a.m.]

Original Notice.

Title of Rule: Amending chapter 16-532 WAC, Washington Hop Commission.

Purpose: Correct term expiration dates; amend the rules regarding assessments; provide for board members to participate in proceedings concerning agriculture chemicals used on hops; and provide for promotional hosting.

Statutory Authority for Adoption: RCW 15.65.280.

Statute Being Implemented: Chapter 15.65 RCW.

Summary: Correct term expiration dates; amend the rules regarding assessments; provide for board members to participate in proceeding concerning agriculture chemicals used on hops; and provide for promotional hosting.

Name of Agency Personnel Responsible for Drafting: Stormy Martin, 406 General Administration Building, Olympia, 753-5057; **Implementation and Enforcement:** Hop Commission, 504 North Naches Avenue, Suite 5, Yakima, (509) 453-4749.

Name of Proponent: Washington Hop Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Correct term expiration dates; amend the rules regarding assessments; provide for board members to participate in proceedings concerning agricultural chemicals used on hops; and provide for promotional hosting.

Proposal Changes the Following Existing Rules: Same as above.

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

Hearing Location: Holiday Inn, 9 North 9th Street, Yakima, WA 98901, on April 7, 1992, at 3:30.

Submit Written Comments to: Richard L. Cissell, P.O. Box 42560, Olympia, WA 98504-2560, by April 7, 1992.

Date of Intended Adoption: April 13, 1992.

March 4, 1992

Richard L. Cissell

Assistant Director

AMENDATORY SECTION (Amending Marketing Order Article I, filed 7/1/64)

WAC 16-532-010 DEFINITIONS. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington State Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association or corporation.

(5) "Affected producer" means any person who produces hops in commercial quantities in the state of Washington.

(6) "Commercial quantity" means any hops produced for market by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing hops not produced by him.

(8) "Hop commodity board" hereinafter referred to as "board" means the commodity board formed under the provisions of WAC 16-532-020.

(9) "Hops" means and includes all kinds and varieties of "humulus lupulus" grown, picked and dried in the state of Washington, whether loose, packaged or baled and all oils, extracts and/or lupulin derived therefrom.

(10) "Marketing season" or "fiscal year" means the twelve month period beginning with July 1 of any year and ending with the last day of June, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to hops. A producer-handler shall be deemed to be a producer with respect to the hops which he produces and a handler with respect to the hops which he handles, including those produced by himself.

(12) "Affected area" means the state of Washington.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(14) "Affected unit" means two hundred pounds net of hops, or the amount of lupulin, extract or oil produced from two hundred pounds net of hops.

(15) "Promotional hosting" as used in these rules means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the purpose of cultivating trade relations and promoting sales of Washington grown hops.

(16) "Hosting" may include providing meals, refreshments, lodging, transportation, gifts of nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.

AMENDATORY SECTION (Amending Order 1992, filed 12/2/88)

WAC 16-532-020 HOP BOARD. (1) Administration. The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of ten members. Nine members shall be affected producers elected as provided in this section. The director shall appoint one member of the board who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the entire state of Washington.

(3) Board membership qualifications.

The affected producer members of the board shall be practical producers of hops and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing hops within the state of Washington for a period of five years and has during that time derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

(4) Term of office.

(a) The term of office for members of the board shall be three years and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through nine and the member appointed by the director position ten.

(c) The term of office for the initial board members shall be as follows:

Positions one, two, three and ten - until June 30, 1967

Positions four, five and six - until June 30, 1966

Positions seven, eight and nine - until June 30, 1965

(d) Terms of office for the board members serving at the time of the ((1988)) 1992 amendment of this section shall be as follows:

Positions one, two, three and ten - until December 31, ((1991)) 1994

Positions four, five and six - until December 31, ((1989-1990)) 1993

Positions seven, eight and nine - until December 31, ((1990-1989)) 1992

(5) Nomination and election of board members. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meetings. Nominations may also be made within five days after any such meetings by

written petition filed with the director signed by not less than five affected producers. At the inception of this order nominations may be made at the issuance hearing.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of November under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board member.

(7) Vacancies prior to election. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) Board compensation. No member of the board shall receive any salary or other compensation, but each member shall be reimbursed for actual subsistence and traveling expenses incurred through attendance at meetings or other board activities: PROVIDED, That such expenses shall be authorized by resolution by unanimous approval of the board at a regular meeting.

(10) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. Such expenses and costs may be paid by check, draft or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited money with the director in order to defray the costs of formulating the order.

(f) To establish a "hop board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys and other financial transactions made and done pursuant to this order. Such records, books and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board.

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular wire news services and radio-television press.

(c) The board shall establish by resolution, the time, place and manner of calling special meetings of the board with reasonable notice to the members: PROVIDED, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

AMENDATORY SECTION (Amending Marketing Order Article III, filed 7/1/64)

WAC 16-532-030 **MARKETING ORDER PURPOSES.** The order is to promote the general welfare of the state, to enable producers of hops to help themselves establish orderly, fair, sound, efficient, unhampered marketing and standardization of hops and regulate unfair trade practices within the industry.

(1) To carry out the purposes of the order the board may provide for a program in one or more of the following areas:

(a) Establish plans and conduct programs for advertising, sales, promotion and/or other programs for maintaining present markets and/or creating new or larger markets for hops. Such programs shall be directed toward increasing the sale of hops without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of hops nor disparage the quality, value, sale or use of any other agricultural commodity.

(b) Provide for research in the production, processing and/or distribution of hops and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(c) Provide by rules and regulations for:

(i) Establishing uniform labels and labeling requirements for hops or any products thereof, requiring producers, handlers and other persons to conform to standards for the placing of labels, trademarks, insignia or brands on bales or packages, provided, that all licensed hop dealers or brokers are entitled to use on the face of their product any particular trademark, insignia, brand or label that they may now have or will have. That established brands, labels, trademarks or insignias may be properly used in selling or commercially disposing of hops and hop products or in offering the same for sale, advertising and/or delivering said hops or hop products;

(ii) Providing for inspection and enforcement to ascertain and effectuate compliance;

(iii) Establishing rules and regulations respecting the foregoing.

(d) Prohibit and/or otherwise regulate any one or more or all of the practices listed to the extent that such practices affect, directly or indirectly, hops or any product thereof, but only with respect to persons who engage in such practices with the intent of or with the reasonably foreseeable effect of inducing any purchaser to become his customer or his supplier or of otherwise dealing or trading with him or of diverting trade from a competitor, to wit:

(i) Paying rebates, commissions or unearned discounts;

(ii) Unfairly extending privileges or benefits (pertaining to price, to credit, to the loan, lease or giving away of facilities, equipment or other property or to any other matter or thing) to any customer, supplier or other person;

(iii) Discriminating between customers, or suppliers of a like class;

(iv) Making or publishing false or misleading advertising. Such regulation may authorize uniform trade practices applicable to all similarly situated handlers and/or other persons.

(e) The board may authorize use of any money received and of any persons employed thereunder for legal proceedings, of any type and in the name of any person, directed to enforcement of this or any other law in force in the state of Washington relating to the prevention of unfair trade practices.

(f) Provide for marketing information and services to affected producers for the verification of grades, standards, weights, tests and sampling of quality and quantity of hops purchased by handlers from affected producers.

(g) Participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.58.030(29) or any agricultural chemical which is of use or potential use in producing hops.

NEW SECTION

WAC 16-532-065 **RULES FOR IMPLEMENTATION OF PROMOTIONAL HOSTING BY THE WASHINGTON HOP COMMISSION.** The laws of section 1, chapter 26, Laws of 1985 (RCW 15.04.200) provide that agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents, or commissioners. The rules governing promotional hosting expenditures for the Washington hop commission shall be as follows:

(1) Budget approval. Commission expenditures for agricultural development or trade promotion and promotional hosting shall be pursuant to specific budget items as approved by the commission at annual public hearings on the commission budget.

(2) Officials and agents authorized to make expenditures. The following officials and agents are authorized to make expenditures for agricultural development or trade promotion and promotional hosting in accordance with the provisions of these rules:

(a) Commissioners;

(b) Administrators.

Individual commissioners shall make promotional hosting expenditures, or seek reimbursements for those expenditures, only in those instances where the expenditures have been approved by the commission.

(3) Payment and reimbursement. All payments and reimbursements shall be identified and supported by vouchers to which receipts are attached. Voucher forms will be supplied by the commission, and shall require the following information:

(a) Name and position of each person hosted, provided that in case of a group of twenty-five or more persons, then only the name of the group hosted shall be required;

(b) General purpose of the hosting;

(c) Date of hosting;

(d) Location of the hosting;

(e) To whom payment was or will be made;

(f) Signature of person seeking payment or reimbursement.

(4) The chairman of the commission and administrator are authorized to approve direct payment or reimbursements submitted in accordance with these rules.

(5) The following persons may be hosted when it is reasonably believed such hosting will cultivate trade relations and promote sales of Washington-grown hops, provided that such hosting shall not violate federal or state conflict of interest laws:

(a) Individuals from private business;

(b) Foreign government officials;

(c) Federal and state officials, provided lodging, meals, and transportation will not be provided when such officials may obtain reimbursement for these expenses from their government employer;

(d) The general public, at meetings and gatherings open to the general public;

(e) Commissioners and employees of the commission when their attendance at meetings, meals, and gatherings at which the persons described in subsection (3) (a) through (f) of this section are being hosted will cultivate and promote sales of Washington-grown hops.

AMENDATORY SECTION (Amending Regulation 1, filed 10/16/64)

WAC 16-532-110 REQUIREMENTS FOR COLLECTION OF ASSESSMENTS. (1) Assessments on all hops marketed shall be paid at the rate ~~((of twenty cents per bale (two hundred pounds)))~~ specified in WAC 16-532-040 to the hop commodity board (commission) by the first handler receiving or handling such hops for or from a producer. Such assessments shall be deducted from the payment to be made by such handler to the producer.

(2) Payment of such assessment shall be due and payable on the tenth day of the second calendar month following the receiving or delivery to said first handler or the assumption of control of a producer's hops, by said first handler.

(3) Any handler failing to pay on or before the due date set forth for payment in this regulation, shall add ten percent to the total amount due as a cost for collection as prescribed in RCW 15.65.440.

WSR 92-06-072
PROPOSED RULES
DEPARTMENT OF WILDLIFE
[Filed March 4, 1992, 9:38 a.m.]

Original Notice.

Title of Rule: Amending WAC 232-12-147 Maximum number of lines and hooks—Snagging and gaffing fish unlawful.

Purpose: To correct a change in the law pertaining to the number of hooks allowed while fishing.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The hook law was originally changed on October 5, 1991, as part of a package to help bring about some consistency between Washington's laws and Oregon's laws on the Columbia River. The package the Wildlife Commission received stated that the law being changed was WAC 232-12-001, which only dealt with definitions. An additional law also applies to the number of hooks, which is WAC 232-12-147 Maximum number of fishing lines and hooks—Snagging and gaffing unlawful. This change request corrects that oversight.

Reasons Supporting Proposal: The public needs and has requested identical laws on the Columbia River between Oregon and Washington, to reduce confusion and prevent inadvertent violation of the laws. This change attempts to honor those requests while still meeting the biological needs of the fish populations.

Name of Agency Personnel Responsible for Drafting and Implementation: Bruce Crawford, AD, Fisheries Management Division, Olympia, (206) 753-5713; and Enforcement: Tony de la Torre, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This will modify WAC 232-12-147 to read "it is

unlawful to fish for game fish with a line having attached to it more than 3 hooks." The rule currently reads, "it is unlawful to fish for game fish with a line having attached to it more than 2 hooks or lures." This will make WAC 232-12-147 consistent with WAC 232-12-001. No resource impacts are anticipated. Financial impacts will be very minor, but there may be beneficial impacts for the law enforcement staffs of Washington and Oregon due to less need to check anglers who may be in violation of one state's laws but not the others, and perhaps less court time due to people challenging citations issued under questionable circumstances.

Proposal Changes the Following Existing Rules: Changes the number of hooks allowed while fishing.

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

Hearing Location: Tulalip Inn, 6128 Marine Drive, Marysville, WA 98270, on April 10, 1992, at 8:00 a.m.

Submit Written Comments to: Pam Madson, 600 Capitol Way North, Olympia, WA 98501-1091, by April 1, 1992.

Date of Intended Adoption: April 10, 1992.

March 1, 1992
Pamela K. Madson
Administrative Regulations Officer

AMENDATORY SECTION (Amending Order 174, filed 10/22/81)

WAC 232-12-147 MAXIMUM NUMBER OF FISHING LINES AND HOOKS—SNAGGING AND GAFFING FISH UNLAWFUL. It is unlawful to:

(1) Fish for game fish or attempt to take game fish in a manner other than with one line which must be under the immediate control of the angler.

(2) Fish for game fish with a line having attached to it more than ~~(2)~~ 3 hooks ~~((or lures))~~.

(3) Snag or attempt to snag game fish.

A gaff or landing net may be used to land game fish lawfully hooked.

Fresh water ling may be taken during the open season set for that species by use of set lines and multiple hooks as prescribed in current season's regulations. Set lines must have securely affixed a metal tag legibly stating the fisherman's name and address.

WSR 92-06-073
PROPOSED RULES
DEPARTMENT OF WILDLIFE
[Filed March 4, 1992, 9:41 a.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-61907 1992-94 Washington game fish seasons and catch limits—Bass daily catch limits (Region 4).

Purpose: To make permanent the new language adopted by emergency measure of the Wildlife Commission on February 8, 1992, on daily catch limits and possession limits for bass in Region Four.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: At its February 8, 1992, meeting, the Wildlife Commission adopted an emergency change in the wording of bass regulations in Region Four to meet

pamphlet publication deadlines. The changes made Region Four bass regulations read the same as bass regulations in the rest of the state, to the extent those regulations are the same. A second action taken by the Wildlife Commission at its February 8, 1992, meeting was to change the possession limit for bass in Region Four to one equal to two days daily catch limit, the same as for the rest of the state. This change also needs to be made permanent.

Reasons Supporting Proposal: The public has repeatedly requested simpler fishing regulations to avoid unintentional violations of the law. This proposal would help maintain consistency in the pamphlet, making it easier for the public to understand.

Name of Agency Personnel Responsible for Drafting and Implementation: Bruce Crawford, AD, Fisheries Management Division, Olympia, (206) 753-5713; and Enforcement: Tony de la Torre, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will provide consistency statewide on bass daily catch limits and will change the possession limit for bass in Region Four to one equal to two days daily catch limit. No negative impacts to the resource are expected as a result of this change.

Proposal does not change existing rules.

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

Hearing Location: Tulalip Inn, 6128 Marine Drive, Marysville, WA 98270, on April 10, 1992, at 8:00 a.m.

Submit Written Comments to: Pam Madson, 600 Capitol Way North, Olympia, WA 98501-1091, by April 1, 1992.

Date of Intended Adoption: April 10, 1992.

February 26, 1992

Pamela K. Madson

Administrative Regulations Officer

NEW SECTION

WAC 232-28-61907 1992-94 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS—BASS DAILY CATCH LIMITS (REGION 4). Notwithstanding the provisions of WAC 232-28-619, the following regulations will apply to bass limits in Region 4 (that area of the state contained within the boundaries of Island, King, San Juan, Skagit, Snohomish, and Whatcom counties and that portion of Pierce County east of a line from the mouth of the Nisqually River through Drayton Passage, Pitt Passage, Carr Inlet and the Tacoma Narrows).

GAME FISH SPECIES	DAILY CATCH LIMITS	MINIMUM SIZE LIMITS	POSSESSION LIMITS
Bass	Five, not more than two over fifteen inches	Only bass less than twelve inches or over fifteen inches may be kept	Ten—not more than four over fifteen inches

**WSR 92-06-074
PROPOSED RULES
DEPARTMENT OF WILDLIFE**

[Filed March 4, 1992, 9:42 a.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-61908 1992-94 Washington game fish seasons and catch limits—Kettle River.

Purpose: To allow fishing in the tributaries to the Kettle River during the open season of June 1 through October 31.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The Kettle River tributaries are closed to fishing effective April 16, 1992. In previous years, the game fishing season on Kettle River tributaries was June 1 through October 31. This change will return the game fish season closed to open during the period June 1 through October 31.

Reasons Supporting Proposal: Additional public input received from Kettle River area residents exposed concerns about the necessity of the tributary closure. Additional review of the biological assessment shows that the tributary closure may not be necessary.

Name of Agency Personnel Responsible for Drafting and Implementation: Bruce Crawford, AD, Fisheries Management Division, Olympia, (206) 753-5713; and Enforcement: Tony de la Torre, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This regulation will open the Kettle River tributaries to fishing during the June 1 through October 31 period. This will allow area residents to fish the tributaries. Minimal adverse impacts to the resource are expected.

Proposal Changes the Following Existing Rules: Opens tributaries that were previously closed to fishing.

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

Hearing Location: Tulalip Inn, 6128 Marine Drive, Marysville, WA 98270, on April 10, 1992, at 8:00 a.m.

Submit Written Comments to: Pam Madson, 600 Capitol Way North, Olympia, WA 98501-1091, by April 1, 1992.

Date of Intended Adoption: April 10, 1992.

February 26, 1992

Pamela K. Madson

Administrative Regulations Officer

NEW SECTION

WAC 232-28-61908 1992-94 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS—KETTLE RIVER. Notwithstanding the provisions of WAC 232-28-619, the game fish season for the Kettle River is as follows:

Kettle River: From the Burlington-Northern Railroad Bridge at Twin Bridges upstream to Napoleon Bridge: June 1 through March 31 season. Walleye - catch limit - 8, no more than one over 20 inches. Only walleye less than 16 inches or over 20 inches may be kept. Trout - catch limit - 2, minimum length 12 inches.

From Napoleon Bridge upstream: June 1 through October 31 season. Trout - catch limit - 2, minimum length 12 inches; bait prohibited. Only single pointed hooks may be used. Additional season: November 1 through May 31, catch and release only, barbless hooks, bait prohibited. Exception: Bait and single pointed barbed hook may be used for whitefish only November 1 through March 31.

WSR 92-06-075
PROPOSED RULES
DEPARTMENT OF WILDLIFE
 [Filed March 4, 1992, 9:43 a.m.]

Original Notice.

Title of Rule: Amending WAC 232-28-226 1991-92, 1992-93, 1993-94 Deer and bear hunting seasons and regulations.

Purpose: To amend WAC 232-28-226 1991-92, 1992-93, 1993-94 Deer and bear hunting seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This amendment will modify the 1992-93 and 1993-94 Deer and bear hunting seasons and regulations. This amendment will concentrate on minor date corrections and hunt locations.

Reasons Supporting Proposal: Advises hunters of the proper time, place, and manner for hunting deer and bear.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Tony de la Torre, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amends the time, place, and manner for public hunting opportunities of deer and bear in Washington.

Proposal Changes the Following Existing Rules: Minor date corrections and hunt locations.

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

Hearing Location: Tulalip Inn, 6128 Marine Drive, Marysville, WA 98270, on April 10, 1992, at 8:00 a.m.

Submit Written Comments to: Pam Madson, 600 Capitol Way North, Olympia, WA 98501-1091, by April 1, 1992.

Date of Intended Adoption: April 10, 1992.

February 25, 1992

Pamela K. Madson

Administrative Regulations Officer

AMENDATORY SECTION (Amending Order 494, filed 5/2/91)

WAC 232-28-226 1991-92, 1992-93, 1993-94 DEER AND BEAR HUNTING SEASONS AND REGULATIONS

DEER

Bag Limit: One (1) deer per hunter during an annual (July 1-March 31) hunting season except special permit hunters may be allowed two (2) deer.

Hunting Method: Hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Buck Deer Seasons: Open only to the taking of male deer with visible antlers (buck fawns illegal).

Definition: Visible antler is a horn-like growth projecting above the hairline.

Branched Antler Restriction GMUs: APPLIES TO ALL HUNTERS DURING ANY OPEN SEASON! Buck deer taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be at least one inch long. The following GMUs have 2 or 3 point minimum requirements on buck deer taken.

2 Point GMUs: 433, 478, 558, 574, 576, 584, 586, 588, 636, 681, and GMU 485 (by permit only).

3 Point GMUs: 103, 127, 130, 133, 136, 139, 142, 145, 148, 151, 154, 160, 161, 163, 166, 169, 172, 175, 178, 181, 184, 185, 203, 231, 306, and 450.

Modern Firearm Deer Seasons

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

Hunting Method: Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow or muzzleloader, but only during modern firearm seasons.

High Buck Hunt

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	Dates			Legal Deer
	1991	1992	1993	
203, 301, 302, 450	Sept. 15-25	Sept. 15-25	Sept. 15-25	3-Pt. min.
Deer Areas 010, 040, 060	Sept. 15-25	Sept. 15-25	Sept. 15-25	3-Pt. min.

General Modern Firearm Deer Seasons

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	Dates			Legal Deer
	1991	1992	1993	
Northeastern 100	Oct. 12-27	Oct. 17-Nov. 1	Oct. 16-31	Buck only
103	Oct. 12-27	Oct. 17-Nov. 1	Oct. 16-31	3 Pt. min.
105-124	Oct. 12-Nov. 24	Oct. 17-Nov. 22	Oct. 16-Nov. 21	Buck only

GMUs	Dates			Legal Deer
	1991	1992	1993	
Southeastern 127-185 Except closed in 157	Oct. 12-20	Oct. 17-25	Oct. 16-24	3-Pt. min.
Okanogan 200-242	Oct. 12-Nov. 1	Oct. 17-Nov. 6	Oct. 16-Nov. 5	Buck only except 3 pt. min. in GMU 203 and 231.
Columbia Basin 248-278, 284 281	Oct. 12-20 Oct. 12-20	Oct. 17-25 Oct. 17-25	Oct. 16-24 Oct. 16-24	Buck only Either sex
Chelan 300-316	Oct. 12-Nov. 8	Oct. 17-Nov. 13	Oct. 16-Nov. 12	Buck only except 3 pt. min. in GMU 306
Colockum and Central 328-334 335-370	Oct. 12-22 Oct. 12-31	Oct. 17-27 Oct. 17-Nov. 4	Oct. 16-26 Oct. 16-Nov. 4	Buck only Buck only
Western 405-572, 580, 600-684 Closed in GMU 522. Permit only in GMU 485.	Oct. 12-27	Oct. 17-Nov. 1	Oct. 16-31	Buck only except either sex in GMUs 410, 480, and 564; and 2 pt. min. in GMUs 433, 478, 558, 636, and 681; and 3 pt. min. in GMU 450.
574, 576, 584, 586, 588	Oct. 12-Nov. 10	Oct. 17-Nov. 15	Oct. 16-Nov. 14	2-Pt. min.

Late Buck Season

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	Dates			Legal Deer
	1991	1992	1993	
All 400, 500, & 600 Except closed in: GMUs 480, 485, 522, 574, 576, 580, 584, 586, 588.	Nov. 21-24	Nov. 19-22	Nov. 18-21	Buck only except 2 pt. min. in GMUs 433, 478, 558, 636, and 681 and 3 pt. min. in GMU 450 and either sex in GMU 410 and 564.

Archery Deer Seasons

Tag Required: Deer hunter must have a current valid, unaltered, unnotched archery deer tag on his/her person.

Special Notes: Archery tag holders can only hunt with archery equipment during archery seasons.

Early Archery

GMUs	Dates			Legal Deer
	1991	1992	1993	
100-118, 121-154, 160-169, 175-200, 206, 215-239, 248-300, 306, 308, 316-340, 352-356, 364, 370, 405-442,	Sept. 11-Oct. 8	Sept. 16-Oct. 13	Sept. 15-Oct. 12	Either sex except 3 pt. or antlerless in GMUs 103, 127-185, 231, and 306,

GMUs	Dates			Legal Deer
	1991	1992	1993	
454-478, 490, 504, 505, 510, 512, 514, 516, 520, 524, 530, 550, 554-560, 568-588, 601, 602, 607, 615, 618, 621, 627-633, 638, 639, 642-663, 667-669, 678, 681				and 2 pt. or antlerless in GMUs 433, 478, 558, 574, 576, 584, 586, 588, and 681.
203, 301, 450	Sept. 15-Oct. 8	Sept. 15-Oct. 13	Sept. 15-Oct. 12	3 Pt. min. or antlerless
302	Sept. 15-24	Sept. 15-29	Sept. 15-28	3 Pt. min. or antlerless
119, 172, 242, 304, 360, 448, 484, 564, 603, 612, 624, 636, 666, 672, 684	Sept. 11-24	Sept. 16-29	Sept. 15-28	Either sex except 2 pt. or antlerless in GMU 636 and 3 pt. min. or antlerless in GMU 172.
501, 506	Sept. 11-Oct. 1	Sept. 16-Oct. 6	Sept. 15-Oct. 5	Either sex
480	Sept. 27-Oct. 8	Sept. 25-Oct. 6	Oct. 1-12	Either sex
Bow Area 802	Sept. 11-Oct. 8	Sept. 16-Oct. 13	Sept. 15-Oct. 12	Either sex
<u>Late Archery</u>				

GMUs	Dates			Legal Deer
	1991	1992	1993	
103	Nov. 13-Dec. 8	Nov. 11-Dec. 8	Nov. 10-Dec. 8	Whitetail only antlerless or 3-pt. min.
118, 121, 124	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Whitetail only; either sex
127, 166, 178	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Antlerless or 3 pt. min.
209, 215, 233, 242, 272, 300, 304, 316, 346, 352, 364	Nov. 27-Dec. 8	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Either sex
584, 588	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Antlerless or 2-pt. min.
418, 426, 440, 448, 450, 460, 466, 480, 510, 512, 514, 516, 520, 524, 530, 556, 558, 560, 572, 601, 607, 612, 615, 618, 636, 638, 639, 648, 666, 669, 678, 681 deer areas 041, and 042	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex except antlerless or 2 pt. min. in GMUs 433, 558, 636, and 681.

Bow Areas	Dates			Legal Deer
	1991	1992	1993	
802	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
806, 807	Nov. 27-Dec. 8	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Either sex
820	Dec. 21-Jan. 5, 1992	Dec. 26-Jan. 10, 1993	Dec. 25-Jan. 9, 1994	Either sex

Extended Late Archery

GMUs	Dates			Legal Deer
	1991	1992	1993	
405, 410, 433, 442, 454, 484, 505, 506, 564, 568, 603, 624, 627*, 642, 660, 663, 667, 672	Nov. 27-Dec. 31	Nov. 25-Dec. 31	Nov. 24-Dec. 31	Either sex except antlerless or 2 pt. min. in GMU 433.

* Submarine Base Bangor within GMU 627 is antlerless only.

Muzzleloader Deer Seasons

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched muzzleloader deer tag on his/her person.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment. Muzzleloader deer tag holders may apply for all either sex, antlerless only, and branched antler deer special hunting permits.

High Buck Hunt

GMUs	Dates			Legal Deer
	1991	1992	1993	
203, 301, 302, 450	Sept. 15-25	Sept. 15-25	Sept. 15-25	3-Pt. min.
Deer Areas 010, 040, 060	Sept. 15-25	Sept. 15-25	Sept. 15-25	3-Pt. min.

Early Muzzleloader

GMUs	Dates			Legal Deer
	1991	1992	1993	
119, 209, 242, 302, 304, 360, 368, 564, 666	Sept. 25-Oct. 8	Sept. 30-Oct. 13	Sept. 29-Oct. 12	Either sex
506	Oct. 5-11	Oct. 8-14	Oct. 8-14	Buck only
484, 603, 612, 624, 672	Sept. 25-Oct. 8	Sept. 30-Oct. 13	Sept. 29-Oct. 12	Buck only

Late Muzzleloader

GMUs	Dates			Legal Deer
	1991	1992	1993	
113	Nov. 27-Dec. 8	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Whitetail only either sex
181	Nov. 27-Dec. 8	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Antlerless or 3 pt. min.
304	Nov. 9-17	Nov. 14-22	Nov. 13-21	Buck only
410	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
478	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Antlerless or 2-pt. min.
501, 504, 550	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
580	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Buck only
576, 586	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	2-Pt. min.
602, 633 651, 684	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
Muzzleloader Area 925	Dec. 1-31	Dec. 1-31	Dec. 1-31	Antlerless only

Firearm Restricted Deer Hunts Open To All Deer Hunters

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm, archery or muzzleloader deer tag on his/her person.

Hunting Method: Must use weapon in compliance with tag. Firearm restrictions apply in some GMUs.

GMUs	Weapon Permitted	Dates			Legal Deer
		1991	1992	1993	
410	Archery, Muzzleloader	Oct. 12-27	Oct. 17-Nov. 1	Oct. 16-31	Either sex
480	Archery, Shotgun, Muzzleloader	Oct. 12-27	Oct. 17-Nov. 1	Oct. 16-31	Either sex
564	Archery, Shotgun, Muzzleloader	Nov. 21-Dec. 15	Nov. 19-Dec. 15	Nov. 18-Dec. 15	Either sex
625	Archery, Shotgun	Sept. 11-Dec. 15	Sept. 16-Dec. 15	Sept. 15-Dec. 15	Either sex

BLACK BEAR

Bag Limit: Fall General - One (1) black bear.

Tag Sale Deadline: Bear tags must be purchased by midnight of the day, preceding modern firearm deer season opener. Actual dates are: Oct. 11, 1991; Oct. 16, 1992; Oct. 15, 1993.

PURSUIT ONLY SEASON

It is lawful to pursue or tree black bears during established pursuit-only seasons, provided any bear pursued or treed is NOT killed or injured.

Aug. 1-31, 1991, 1992, and 1993, in GMUs 100-((H2)) 111, GMU 113 outside of Grizzly Bear Recovery Zone*, 118-124 and GMUs 200 and 206.

OPEN SEASON

(Bear may be killed.)

Eastern Washington*

Sept. 1-Oct. 25, 1991, 1992, and 1993, except restrictive season below in Walla Walla and Columbia counties outside of Umatilla National Forest and CLOSED to hunting with hounds Sept. 1-5 in GMUs 203, 218, 224, 231, 239, and 242.

Oct. 12-25, 1991; Oct. 17-25, 1992; Oct. 16-25, 1993; in Columbia and Walla Walla counties outside Umatilla National Forest.

Use of hounds and bait to hunt black bear prohibited in that part of GMU 113 within the Grizzly Bear Recovery Zone.

*Grizzly Bear Recovery Zone (Pend Oreille County): Beginning at the junction of the Canadian-Washington border and State Route 31 by Boundary Lake; then east along the Canadian border to the Idaho border; then south along the Idaho-Washington border to the ridge top between Bath Creek and Lamb Creek at Section 1, Township 35 North, Range 45 East; then west along said ridge top to USFS Road 310; then west along USFS Road 310 to the peak of Gleason Mountain; then west along USFS Trail 162 to Hungry Mountain; then south and west along the ridge top between Fourth of July Creek and Middle Creek to the mouth of LeClerc Creek; then north along the ridge top between the Pend Oreille River and the West Branch LeClerc Creek (Dry Canyon Ridge) to Sullivan Lake Road; then north and east along Sullivan Lake Road to Sullivan Lake; then north along the east shoreline of Sullivan Lake to Sullivan Lake Road; then north and west along Sullivan Lake Road to the city limits of Metaline Falls; then north along the city limits of Metaline Falls to State Route 31; then north along State Route 31 to the point of beginning. (See Washington Atlas & Gazetteer or Colville National Forest map.)

Western Washington((*))

Aug. 1-Oct. 27, 1991; Aug. 1-Nov. 1, 1992; Aug. 1-Oct. 31, 1993, EXCEPT Sept. 1-Oct. 27, 1991; Sept. 1-Nov. 1, 1992; Sept. 1-Oct. 31, 1993; in GMUs 669, 678, and 681 and Sept. 11-Oct. 27, 1991; Sept. 16-Nov. 1, 1992; and Sept. 15-Oct. 31, 1993, in Bow Area 802. CLOSED in GMUs 485 and 522.

((*GMU 460 hunting limited by written authorization:))

HOUND HUNTING CLOSURES

Use of hounds is prohibited in GMU 684, and Bow Area 802.

TOOTH SUBMITTAL

Bear: Each hunter who takes a bear must submit the small premolar tooth behind the canine tooth of upper and lower jaw for age determination. Tooth envelopes are available from Department of Wildlife regional offices.

REPORT CARDS

Each successful hunter must fill out and return a Game Harvest Report Card to the Department of Wildlife within ten days after taking a deer or bear.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 92-06-076

PROPOSED RULES

DEPARTMENT OF WILDLIFE

[Filed March 4, 1992, 9:44 a.m.]

Original Notice.

Title of Rule: Amending WAC 232-28-227 1991-92, 1992-93, 1993-94 Elk hunting seasons and regulations.

Purpose: To amend WAC 232-28-227 1991-92, 1992-93, 1993-94 Elk hunting seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This amendment will modify the 1992-93 and 1993-94 Elk hunting seasons and regulations. This amendment concentrates on minor changes to seasons and regulations.

Reasons Supporting Proposal: Advises hunters of the proper time, place and manner for hunting elk.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Tony de la Torre, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amends the time, place, and manner for public hunting opportunities of elk in Washington.

Proposal Changes the Following Existing Rules: Minor changes to seasons and regulations.

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

Hearing Location: Tulalip Inn, 6128 Marine Drive, Marysville, WA 98270, on April 10, 1992, at 8:00 a.m.

Submit Written Comments to: Pam Madson, 600 Capitol Way North, Olympia, WA 98501-1091, by April 1, 1992.

Date of Intended Adoption: April 10, 1992.

February 25, 1992

Pamela K. Madson

Administrative Regulations Officer

AMENDATORY SECTION (Amending Order 509, filed 9/10/91)

WAC 232-28-227 1991-92, 1992-93, 1993-94 ELK HUNTING SEASONS AND REGULATIONS

ELK SEASONS

Bag Limit: One (1) elk per hunter during the annual (July 1-March 31) hunting season.

Hunting Method: Elk hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Tag Required: Elk hunters must choose one of the four elk hunting areas (Blue Mountains, Yakima, Colockum or Western Washington) to hunt in and buy the appropriate tag for that area. (Archery elk hunters may hunt in any tag area in late seasons.)

Bull Elk Seasons: Open only to the taking of male elk with visible antlers (bull calves are illegal).

Definition: Visible Antler is defined as a horn-like growth projecting above the hairline.

Spike Bull Restriction GMUs: Bull elk taken in these GMUs must have at least one antler that is a spike above the ears (does not branch above the ears). An animal with branch antlers on both sides is illegal but an animal with a spike on one side is legal in spike only units.

Spike Only GMUs: 145-185 and 472.

Branched Antler Restriction GMUs: Bull elk taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be at least one inch long. Antler restrictions apply to all hunters during any open season.

3 Point GMUs: 418, 460, 466, ((472)) 478, 490, 506, 524, 530, 556, 558, 572, 601, 602, 607, 621, 636, 638, 639, 681; and GMUs 157 and 485 by permit only.

Special Permits: Modern firearm late season elk tag holders along with muzzleloader tag holders may apply to be drawn in special elk permit seasons. Blue Mountain archery, muzzleloader, and early modern firearm tag holders may apply for bull permits in the Blue Mountains. Western Washington archery, muzzleloader, and early modern firearm tag holders may apply for bull permits in GMU 472 (White River). Hunters drawn for a special permit may hunt only with a weapon in compliance with their tag. Hunters drawn for bull permits in the Blue Mountains may hunt bulls during the following season for their user group. Modern Firearm - during early Blue Mountain season. Archery - during early Blue Mountain archery season. Muzzleloader - during any Blue Mountain muzzleloader season.

Modern Firearm Elk Information

Modern firearm elk hunters have early and late hunts in all elk areas. Those who choose the early tag have the first opportunity to hunt bulls, but only those who choose the late tag are able to apply for special elk permits except as outlined above for the Blue Mountains bull permits.

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched modern firearm elk tag as listed below on his/her person.

Hunting Method: May use rifle, bow and arrow, or muzzleloader, but only during modern firearm seasons.

Modern Firearm Elk Seasons

Legal Elk: Male elk with visible antlers are legal throughout the state except in GMUs 145-185 and 472 only spike bull restrictions apply and in branched-antler areas branched antler restrictions apply.

Blue Mountains - Open Area: 100 series GMUs; GMU 157 limited to permit hunters only. GMUs 145-185 are spike bull only, except by permit.

- BE - Blue Mountain Early Tag
- BL - Blue Mountain Late Tag
- BA - Blue Mountain Archery Tag
- BM - Blue Mountain Muzzleloader Tag

Colockum - Open Area: GMUs 300, 301, Chelan County portion of 302, 304, 306, 308, 314, 316, 328, 329, 330 (permit only in GMU 330), and the portion of GMU 334 north of I-90 (modern firearm restrictions in GMU 334).

- CE - Colockum Early Tag
- CL - Colockum Late Tag
- CA - Colockum Archery Tag
- CM - Colockum Muzzleloader Tag

Yakima - Open Area: GMUs Kittitas County portion of 302, 335, 336, 340, 342, 346, 352, 356, 360, 364, 366, 368, 370, and that portion of GMU 334 South of I-90 (modern firearm restrictions in GMU 334).

- YE - Yakima Early Tag
- YL - Yakima Late Tag
- YA - Yakima Archery Tag
- YM - Yakima Muzzleloader Tag

Western Washington - Open Area: All 400, 500, and 600 GMUs except closed in GMU 522. Permit only in GMUs 485, 524, 554, 556, and 602. GMU 472 is spike bull only, except by permit.

- WE - Western Washington Early Tag
- WL - Western Washington Late Tag
- WA - Western Washington Archery Tag
- WM - Western Washington Muzzleloader Tag

	Year		
	1991	1992	1993
Blue Mountains			
BE - Blue Mountains Early Elk Tag	Oct. 30-Nov. 10	Oct. 28-Nov. 8	Oct. 27-Nov. 7
BL - Blue Mountains Late Elk Tag	Nov. 2-10	Oct. 31-Nov. 8	Oct. 30-Nov. 7
Colockum			
CE - Colockum Early Elk Tag	Oct. 23-29	Oct. 28-Nov. 3	Oct. 27-Nov. 2
CL - Colockum Late Elk Tag	Oct. 26-29	Oct. 31-Nov. 3	Oct. 30-Nov. 2
Yakima			
YE - Yakima Early Elk Tag	Nov. 5-13	Nov. 5-13	Nov. 5-13
YL - Yakima Late Elk Tag	Nov. 8-13	Nov. 8-13	Nov. 8-13
Western Washington			
WE - Western Washington Early Elk Tag	Nov. 6-17	Nov. 4-15	Nov. 3-14
WL - Western Washington Late Elk Tag	Nov. 9-17	Nov. 7-15	Nov. 6-14

Archery Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched archery elk tag on his/her person.

Hunting Method: Bow and arrow only.

Special Notes: Archery tag holders can only hunt during archery seasons. Only Blue Mountain archers may apply for Blue Mountains bull archery permits. Only western Washington archers may apply for GMU 472 bull archery permits. If drawn, archers must hunt with archery equipment and only during the permit archery season.

Early Archery Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched archery elk tag on his/her person for the area hunted: Blue Mountain (BA), Colockum (CA), Yakima (YA), or Western Washington (WA).

GMUs	Elk Tag	Dates			Legal Elk
		1991	1992	1993	
100-118, 121-142	BA	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Either sex
145-154, 160-169, 175-185	BA	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Antlerless or spike only
300, 306, 308, 316, 329,330	CA	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Either sex
<u>Bow Area 832 (Coleman)</u>					
((328, 329, 334*))	CA	Oct. 5-11	Oct. 5-14	Oct. 4-14	Either sex
((334**)), 335, 336-340, 352-356, 364, 370	YA	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Either sex
405-410, 426-466, 472 478, 490, 504, 505, 510, 512, 514, 516, 520, 530, 550, 554, 558, 560, 568, 572, 574, 576, 580, 586, 588-601, 607, 615, 618, 638-663, 667 669, 678, 681	WA	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Either sex except antlerless or 3 pt. min. in GMUs ((418;)) 460, 466, 478, 490, 530, 558, 572, 601, 607, 638, 639 and 681; antlerless or spike only in 472.
484	<u>WA</u>	Sept. 28-Oct. 4	Oct. 1-7	Oct. 1-7	Either sex
418 ((472)), 621	<u>WA</u>	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	3-pt. min.
Bow Area 802	<u>WA</u>	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Either sex
((<u>*</u> That part of GMU 334 north of Interstate 90.))					
((<u>**</u> That part of GMU 334 south of Interstate 90.))					

Late Archery Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched archery elk tag on his/her person for any area.

GMUs	Dates			Legal Elk
	1991	1992	1993	
118, 121, 124, 127, 178	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
166	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Antlerless only
328(<u>*</u>), 334, 336, 346, 352	Nov. 27-Dec. 8	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Either sex
405, 433, 454, 484, 505, 520, 564, 588, 603, 612, 615, 648, 672	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex

GMUs	Dates			Legal Elk
	1991	1992	1993	
506, 530, 638, 681*(*)	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Antlerless or 3-pt. min.
636	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	3-Pt. min.
((*) Portion of GMU 328 in the Caribou and Reecer elk areas will overlap with modern firearm permit hunt:))				
((*)*) Except closed between U.S. Highway 101 and the Columbia River from Astoria-Megler toll bridge to the Wallicut River.				
Bow Areas				
802	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
806, 807	Nov. 27-Dec. 8	Nov. 25-Dec. 8	Nov. 23-Dec. 8	Either sex
808	Feb. 1-7, 1992	Feb. 1-7, 1993	Feb. 1-7, 1994	Either sex
831	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Antlerless or 3-pt. min.

Muzzleloader Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as listed below on his/her person.

Hunting Method: Muzzleloader only.

Special Notes: Hunters selecting the muzzleloader elk tag may apply for special hunt permit seasons, if eligible.

Early Muzzleloader Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as designated below on his/her person.

GMUs	Elk Tag	Dates			Legal Elk
		1991	1992	1993	
172	BM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Spike bull only
302	CM, YM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Bull only
314*	CM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Bull only
342	YM		Oct. 8-14	Oct. 8-14	Antlerless only
368	YM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Bull only
603, 612	WM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Bull only
460, 506, 636	WM	Oct. 5-11	Oct. 8-14	Oct. 8-14	3-Pt. min.
484, 501, 564, 684	WM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Either sex
Muzzleloader Area 910	YM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Either sex

* ((Closed in that)) The portion of GMU 314 bounded by the ((north of the)) Colockum Pass Road (Road 10), ((and)) Naneum Ridge Road (Road 9), and ((east and south of the)) Ingersol Road (Road 1) is closed.

Late Muzzleloader Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as designated below on his/her person.

GMUs	Elk Tag	Dates			Legal Elk
		1991	1992	1993	
130, 133, 136	BM	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
184	BM	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Antlerless only
346	YM		Nov. 17-20	Nov. 16-19	Antlerless only
484	WM	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
501, 568, 574, 576, 580, 586	WM	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
505	WM	Nov. 19-24	Nov. 17-22	Nov. 16-21	Either sex
504, 550	WM	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Bull only
601	WM	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	3-Pt. bull min.
684	WM	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex

GMUs	Elk Tag	Dates			Legal Elk
		1991	1992	1993	
((Elk Area 003	EM	Dec. 7-22	Dec. 5-20	Dec. 4-19	Antlerless only)
Muzzleloader Areas					
908	WM	Jan 1-31, 1992	Jan 1-31, 1993	Jan 1-31, 1994	Either sex
910	YM	Nov. 17-Dec. 8	Nov. 17-Dec. 6	Nov. 17-Dec. 5	Antlerless only
944	YM	Nov. 17-20	Nov. 17-20	((Nov. 17-20)) Nov. 16-19	Either sex

Special Elk Hunts Open to Specified Tag Holders

Tag Required: Proper elk tags are listed with each GMU below.

Hunting Method: Hunters must use method listed on their tag, except in Firearm Restriction Areas, where some types of weapons are banned from use. See elk tag required, dates, and legal elk in table below.

Antlerless or Either Sex Elk Hunts

GMUs	Elk Tag	Dates			Legal Elk
		1991	1992	1993	
100, 103, 105, 108, 121, 124 west of SR 395, ((127, 130,)) 133, 136	BE, BL	Nov. 2-10	Oct. 31-Nov. 8	Oct. 30-Nov. 7	Either sex
178	BE, BL	Nov. 9-10	Nov. 7-8	Nov. 6-7	((Antlerless or spike-bull only)) <u>Either Sex</u>
200-284	Any elk tag	Oct. 24-Nov. 15	Oct. 24-Nov. 15	Oct. 24-Nov. 15	Either sex
370	CM, YE, YL, YM	Nov. 1-30	Nov. 1-30	Nov. 1-30	Either sex
564*	WA, WM, WE, WL	Nov. 6-17	Nov. 4-15	Nov. 3-14	Either sex
501, 568, 574, 576, 586, 588	WE, WL	Nov. 6-17	Nov. 4-15	Nov. 3-14	Either sex
GMUs 300, 304, 306, 308, 316, and that part of GMU 302 in Chelan County ((and Elk Areas 032 and 033)).	CE, CL, CM	Dec. 7-22	Dec. 5-20	Dec. 4-19	Antlerless only

* Archery or Muzzleloader Equipment Only. Modern Firearm elk tag holders may hunt but must use primitive weapons.

Report Cards

Each successful hunter must fill out and return a Game Harvest Report Card to the Department of Wildlife within 10 days after taking an elk.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 92-06-077
PROPOSED RULES
DEPARTMENT OF WILDLIFE
 [Filed March 4, 1992, 9:45 a.m.]

Original Notice.

Title of Rule: Amending WAC 232-28-228 1991-92, 1992-93, 1993-94 Official hunting hours and small game seasons.

Purpose: To amend WAC 232-28-228 1991-92, 1992-93, 1993-94 Official hunting hours and small game seasons.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This amendment will modify the 1992-93 and 1993-94 Small game seasons. It will concentrate on the establishment of season dates for early and late season options for western Washington pheasant hunting; adds fall turkey hunting seasons for graduates of an advanced hunter education course; and maintains the season closure on band-tailed pigeon.

Reasons Supporting Proposal: Within small game hunting seasons, advises hunters of the proper time, place, and manner.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Tony de la Torre, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amends the time, place, and manner for public hunting opportunities of small game in Washington.

Proposal Changes the Following Existing Rules: Modification of seasons.

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

Hearing Location: Tulalip Inn, 6128 Marine Drive, Marysville, WA 98270, on April 10, 1992, at 8:00 a.m.

Submit Written Comments to: Pam Madson, 600 Capitol Way North, Olympia, WA 98501-1091, by April 1, 1992.

Date of Intended Adoption: April 10, 1992.

February 25, 1992

Pamela K. Madson

Administrative Rules Officer

AMENDATORY SECTION (Amending Order 534, filed 2/25/92)

WAC 232-28-228 1991-92, 1992-93, AND 1993-94 OFFICIAL HUNTING HOURS AND SMALL GAME SEASONS

1991-92 OFFICIAL HUNTING HOURS*
September 1, 1991 to January 31, 1992

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 - Fri. Oct. 11	6:50	6:30	6:40	6:20
Opening** Sat. Oct. 12	7:00	6:20	6:50	6:05
Weekend Sun. Oct. 13	7:00	6:20	6:50	6:05
Mon. Oct. 14 - Sun. Oct. 20	7:00	6:20	6:50	6:05
Mon. Oct. 21 - Sat. Oct. 26	7:10	6:05	7:00	5:55
Pacific Standard Time				
Sun. Oct. 27	6:10	5:05	6:00	4:55
Mon. Oct. 28 - Sun. Nov. 3	6:20	4:55	6:10	4:50
Mon. Nov. 4 - Sun. Nov. 10	6:30	4:45	6:20	4:30
Mon. Nov. 11 - Sun. Nov. 17	6:40	4:35	6:30	4:20
Mon. Nov. 18 - 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	5:00	7:00	4:50

*These are lawful hunting hours for all game animals and game birds during established seasons.

**Opening Day - In Eastern Washington, upland bird and waterfowl seasons open at noon. In Western Washington, upland bird and waterfowl seasons open at 8:00 a.m.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. on designated pheasant release sites.
- 2) Western Washington - Cottontail and snowshoe hare (Washington hare) hunting hours are 8:00 a.m. to 4:00 p.m. during the pheasant hunting season on designated pheasant release sites.
- 3) Before September 1 and after January 31, the lawful hunting hours for all game animals and game birds during their respective hunting seasons are one-half hour before sunrise to sunset.
- 4) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to sunset.
- 5) Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites.

1992-93 OFFICIAL HUNTING HOURS*
September 1, 1992 to January 31, 1993

Dates (Inclusive)	Western Washington		Eastern Washington	
	A.M.	to P.M.	A.M.	to P.M.
Daylight Savings Time				
Tue. Sept. 1 - Sun. Sept. 6	6:00	7:45	5:50	7:35
Mon. Sept. 7 - Sun. Sept. 13	6:10	7:35	6:00	7:20
Mon. Sept. 14 - Sun. Sept. 20	6:20	7:20	6:05	7:05
Mon. Sept. 21 - Sun. Sept. 27	6:30	7:05	6:15	6:50
Mon. Sept. 28 - Sun. Oct. 4	6:40	6:50	6:25	6:35
Mon. Oct. 5 - Sun. Oct. 11	6:45	6:35	6:25	6:25

Dates (Inclusive)	Western Washington		Eastern Washington	
	A.M.	to P.M.	A.M.	to P.M.
Mon. Oct. 12 - Fri. Oct. 16	6:55	6:20	6:45	6:10
Opening** Sat. Oct. 17	6:55	6:20	6:35	6:25
Weekend Sun. Oct. 18	6:55	6:20	6:35	6:25
Mon. Oct. 19 - Sat. Oct. 24	7:05	6:10	6:55	6:00
Pacific Standard Time				
Sun. Oct. 25	6:10	5:00	6:00	4:50
Mon. Oct. 26 - Sun. Nov. 1	6:20	4:55	6:05	4:45
Mon. Nov. 2 - Sun. Nov. 8	6:30	4:45	6:15	4:35
Mon. Nov. 9 - Sun. Nov. 15	6:40	4:35	6:30	4:25
Mon. Nov. 16 - Sun. Nov. 22	6:50	4:30	6:40	4:15
Mon. Nov. 23 - Sun. Nov. 29	7:00	4:25	6:50	4:10
Mon. Nov. 30 - Sun. Dec. 6	7:10	4:20	6:55	4:10
Mon. Dec. 7 - Sun. Dec. 13	7:15	4:20	7:05	4:05
Mon. Dec. 14 - Sun. Dec. 20	7:20	4:20	7:10	4:10
Mon. Dec. 21 - Sun. Dec. 27	7:25	4:20	7:15	4:10
Mon. Dec. 28 - Sun. Jan. 3	7:25	4:30	7:15	4:15
Mon. Jan. 4 - Sun. Jan. 10	7:25	4:35	7:15	4:25
Mon. Jan. 11 - Sun. Jan. 17	7:25	4:45	7:10	4:30
Mon. Jan. 18 - Sun. Jan. 24	7:20	4:55	7:05	4:40
Mon. Jan. 25 - Sun. Jan. 31	7:10	5:00	7:00	4:50

*These are lawful hunting hours for all game animals and game birds during established seasons.

**Opening Day - In Eastern Washington, upland bird and waterfowl seasons open at noon. In Western Washington, upland bird and waterfowl seasons open at 8:00 a.m.

- Exceptions:
- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. on designated pheasant release sites.
 - 2) Western Washington - Cottontail and snowshoe hare (Washington hare) hunting hours are 8:00 a.m. to 4:00 p.m. during the pheasant hunting season on designated pheasant release sites.
 - 3) Before September 1 and after January 31, the lawful hunting hours for all game animals and game birds during their respective hunting seasons are one-half hour before sunrise to sunset.
 - 4) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to sunset.
 - 5) Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites.

1993-94 OFFICIAL HUNTING HOURS*
September 1, 1993 to January 31, 1994

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	7:45	5:45	7:35
Mon. Sept. 6 - Sun. Sept. 12	6:05	7:35	5:50	7:20
Mon. Sept. 13 - Sun. Sept. 19	6:15	7:20	6:05	7:10
Mon. Sept. 20 - Sun. Sept. 26	6:25	7:10	6:15	6:50
Mon. Sept. 27 - Sun. Oct. 3	6:35	6:50	6:25	6:40
Mon. Oct. 4 - Sun. Oct. 10	6:45	6:40	6:35	6:25
Mon. Oct. 11 - Fri. Oct. 15	6:50	6:25	6:45	6:15
Opening** Sat. Oct. 16	6:50	6:25	6:45	6:15
Weekend Sun. Oct. 17	6:50	6:25	6:45	6:15
Mon. Oct. 18 - Sun. Oct. 24	7:05	6:15	6:55	6:00
Mon. Oct. 25 - Sat. Oct. 30	7:15	6:00	7:05	5:45
Pacific Standard Time				
Sun. Oct. 31 - Sun. Nov. 7	6:25	4:45	6:15	4:35
Mon. Nov. 8 - Sun. Nov. 14	6:35	4:40	6:25	4:25
Mon. Nov. 15 - Sun. Nov. 21	6:50	4:30	6:35	4:20
Mon. Nov. 22 - Sun. Nov. 28	7:00	4:25	6:45	4:10
Mon. Nov. 29 - Sun. Dec. 5	7:05	4:20	6:50	4:10
Mon. Dec. 6 - Sun. Dec. 12	7:10	4:20	7:00	4:05
Mon. Dec. 13 - Sun. Dec. 19	7:20	4:20	7:05	4:05
Mon. Dec. 20 - Sun. Dec. 26	7:25	4:25	7:10	4:10
Mon. Dec. 27 - Sun. Jan. 2	7:30	4:25	7:15	4:15
Mon. Jan. 3 - Sun. Jan. 9	7:30	4:35	7:15	4:20
Mon. Jan. 10 - Sun. Jan. 16	7:25	4:40	7:10	4:30
Mon. Jan. 17 - Sun. Jan. 23	7:20	4:50	7:05	4:45
Mon. Jan. 24 - Mon. Jan. 31	7:15	5:00	7:00	4:50

*These are lawful hunting hours for all game animals and game birds during established seasons.

**Opening Day - In Eastern Washington, upland bird and waterfowl seasons open at noon. In Western Washington, upland bird and waterfowl seasons open at 8:00 a.m.

- Exceptions:
- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. on designated pheasant release sites.

- 2) Western Washington - Cottontail and snowshoe hare (Washington hare) hunting hours are 8:00 a.m. to 4:00 p.m. during the pheasant hunting season on designated pheasant release sites.

- 3) Before September 1 and after January 31, the lawful hunting hours for all game animals and game birds during their respective hunting seasons are one-half hour before sunrise to sunset.

- 4) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is

open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to sunset.

5) Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites.

Bobcat

Bag and Possession Limits: No limit.

Bobcat may be killed during archery deer or elk seasons with archery equipment if valid license and tags are in possession for deer or elk seasons, respectively. Archers may not kill bobcat with use of hounds during early archery seasons.

Bobcat may be killed during muzzleloader deer or elk seasons with muzzleloader equipment if valid license and tags are in possession for deer or elk seasons, respectively. Muzzleloaders may not kill bobcat with use of hounds during early muzzleloader seasons.

Eastern Washington

PURSUIT-ONLY SEASON

(Bobcat may not be killed or injured.)

Sept. 1-30, Nov. 20-Dec. 14, 1991 and Jan. 16-31, 1992; Sept. 1-30, Nov. 25-Dec. 14, 1992 and Jan. 16-31, 1993; Sept. 1-30, Nov. 24-Dec. 14, 1993 and Jan. 16-31, 1994; except closed to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest Sept. 1-Oct. 11, 1991; Sept. 1-Oct. 16, 1992; and Sept. 1-Oct. 15, 1993.

OPEN SEASON

(Bobcat may be killed)

Oct. 12-31, 1991 and Dec. 15, 1991-Jan. 15, 1992; Oct. 17-31, 1992 and Dec. 15, 1992-Jan. 15, 1993; Oct. 16-31, 1993 and Dec. 15, 1993-Jan. 15, 1994.

Western Washington

PURSUIT-ONLY SEASON

(Bobcat may not be killed or injured.)

Aug. 1-Oct. 11, 1991; Aug. 1-Oct. 16, 1992; Aug. 1-Oct. 15, 1993; except CLOSED in GMU 522.

OPEN SEASON

(Bobcat may be killed.)

Oct. 12, 1991-Mar. 15, 1992; Oct. 17, 1992-March 15, 1993; Oct. 16, 1993-March 15, 1994; except CLOSED in GMU 522.

Hound Hunting During Deer and Elk Hunting Seasons

It is unlawful to hunt any wildlife at night or game animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season EXCEPT for the following areas and dates. (This does not permit the hunting of deer or elk with the use of hounds.)

Eastern Washington

	1991	1992	1993
GMUs 100-124.	Oct. 2-9	Oct. 7-14	Oct. 6-13
GMUs 127-185.	Nov. 14-21	Nov. 12-19	Nov. 11-18
Yakima County within two (2) miles of the Yakima River below Union Gap.	Oct. 12-29	Oct. 17-Nov. 3	Oct. 16-Nov. 2
Whitman and Lincoln counties.	Oct. 26-Nov. 10	Oct. 31-Nov. 15	Oct. 30-Nov. 14

Western Washington

Oct. 12-Nov. 24, 1991; Oct. 17-Nov. 22, 1992; Oct. 16-Nov. 21, 1993; in GMU 405 (west of Highway 9), GMUs 454, 627, 633, and the Columbia River Floodplain of Clark and Cowlitz counties with boundaries described as follows: beginning at the Longview/Columbia River Bridge, then north and west on Oregon Way (Highway 432) to Tennant Way (Highway 432) to Interstate Highway 5, then south on I-5 to State Highway 14 to the Skamania County line, then south on county line to the Columbia River on state line to the Longview Bridge and point of beginning.

RACCOON

Bag and Possession Limits: No Limit.

Raccoon may be killed during archery deer or elk seasons with archery equipment if valid license and tags are in possession for deer or elk seasons, respectively. Archers may not kill raccoon with use of hounds during early archery seasons.

Raccoon may be killed during muzzleloader deer or elk seasons with muzzleloader equipment if valid license and tags are in possession for deer or elk seasons, respectively. Muzzleloaders may not kill raccoon with use of hounds during early muzzleloader seasons.

Eastern Washington

PURSUIT-ONLY SEASON

(Raccoon may not be killed or injured.)

Sept. 1-Oct. 11, 1991; Sept. 1-Oct. 16, 1992; Sept. 1-Oct. 15, 1993; except CLOSED to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest.

Feb. 1-29, 1992; Feb. 1-28, 1993; and Feb. 1-28, 1994; in GMUs 111, 121, 148, and 154.

OPEN SEASON

(Raccoon may be killed)

Oct. 12, 1991-Jan. 15, 1992; Oct. 17, 1992-Jan. 15, 1993; Oct. 16, 1993-Jan. 15, 1994.

Western Washington

PURSUIT-ONLY SEASON

(Raccoon may not be killed or injured.)

Aug. 1-Oct. 11, 1991; Aug. 1-Oct. 16, 1992; Aug. 1-Oct. 15, 1993; except CLOSED on Long Island within Willapa National Wildlife Refuge and GMU 522.

OPEN SEASON

(Raccoon may be killed.)

Oct. 12, 1991-Mar. 15, 1992; Oct. 17, 1992-Mar. 15, 1993; Oct. 16, 1993-Mar. 15, 1994; except CLOSED on Long Island within Willapa National Wildlife Refuge and GMU 522.

FOX

Bag and Possession Limits: No Limits.

Statewide: Oct. 12, 1991-Mar. 15, 1992; Oct. 17, 1992-Mar. 15, 1993; Oct. 16, 1993-Mar. 15, 1994, except CLOSED within the exterior boundaries of the Mount Baker/Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 405, 410, and 522.

COYOTE

Coyotes are unclassified wildlife and, as such, may be taken year-round EXCEPT from September 15 to November 30 in the following closed areas: Pasayten Wilderness, ((~~Glacier Peak Wilderness~~)), GMUs 426 and 450, and those portions of GMUs 218, 304, and 448 within external boundaries of the Mount Baker-Snoqualmie, Okanogan and Wenatchee national forests.

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Forest grouse may not be killed with centerfire rifles or centerfire pistols EXCEPT during modern firearm deer or elk seasons.

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

Statewide: Sept. 1-Dec. 31 during 1991, 1992, and 1993; except CLOSED in GMU 522.

UPLAND BIRDS

Eastern Washington

Ring-necked Pheasant

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Noon Oct. 12-Dec. 31, 1991; Noon Oct. 17-Dec. 31, 1992; Noon Oct. 16-Dec. 31, 1993.

Chukar and Gray (Hungarian) Partridge

Bag and Possession Limits: Six (6) chukar or gray partridges per day, with a total of eighteen (18) chukar or gray partridges in possession at any time; straight or mixed bag.

Early season in Asotin and Garfield counties; in that part of Whitman County south of the Washtucna - Colfax - Moscow Highway; in that part of Columbia County that is north and east of the Tucannon River: Sept. 21-Oct. 11, 1991; Sept. 26-Oct. 16, 1992; Sept. 25-Oct. 15, 1993.

Regular Season: Noon Oct. 12, 1991 – Jan. 12, 1992; Noon Oct. 17, 1992 – Jan. 10, 1993; Noon Oct. 16, 1993 – Jan. 9, 1994.

Quail

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time.

Noon Oct. 12, 1991 – Jan. 12, 1992; Noon Oct. 17, 1992 – Jan. 10, 1993; Noon Oct. 16, 1993 – Jan. 9, 1994.

Western Washington

Ring-necked Pheasant

Bag and Possession Limits: Two (2) pheasants of either sex per day on designated release sites, EXCEPT two (2) cock pheasants per day on other than designated release sites, with a total of fifteen (15) pheasants in possession at any time.

Sept. 28–Nov. 30, 1991; Oct. 3–Nov. 30, 1992; and Oct. 2–Nov. 30, 1993; 8 a.m. to 4 p.m.; except Voice of America site (Clallam County) starting Oct. 12, 1991; Oct. 17, 1992; Oct. 16, 1993; except CLOSED in GMU 522.

During the 1992 hunting season, three season options are available for hunters:

- (1) Season Long Option – Oct. 3–Nov. 30, 1992
- (2) Early Season Option – Oct. 3–Oct. 25, 1992
- (3) Late Season Option – Oct. 26–Nov. 30, 1992

A hunter may select one or more options at the time they purchase their western Washington upland bird permit.

Special Restriction: Hunting is restricted on weekend mornings at Lake Terrell, Tennant Lake, Snoqualmie (including Stillwater, Cherry Valley, and Two Rivers segments) and Skagit (including headquarters and Smith Farm segments) wildlife areas. Only hunters with western Washington upland bird licenses marked "odd" may hunt these sites from 8:00 a.m. until 12:00 noon on odd numbered weekend days. Only hunters with western Washington upland bird licenses marked "even" may hunt these sites from 8:00 a.m. until 12:00 noon on even numbered weekend days. Hunters 14 years of age or younger may hunt during either weekend day morning provided they are accompanied by an adult with appropriately marked upland bird license.

Quail

Bag and Possession Limits: Two (2) quail per day, with a total of thirty (30) quail in possession at any time.

Oct. 12–Nov. 30, 1991; Oct. 17–Nov. 30, 1992; Oct. 16–Nov. 30, 1993; except CLOSED in GMU 522.

TURKEY

Spring Season

Gobblers and Turkeys with Visible Beards Only.

Statewide: April 15–May 10, 1992; April 14–May 9, 1993; April 20–May 16, 1994.

Fall Season

Either Sex

Klickitat and Skamania counties: Nov. 22–26, 1991; Nov. 20–24, 1992; Nov. 19–23, 1993.

Asotin, Columbia, Garfield, and Walla Walla counties: Nov. 20–24, 1992; Nov. 19–23, 1993. Only hunters that successfully complete the Department of Wildlife's Advanced Hunter Education (AHE) program will be eligible to hunt turkeys during this season. A certification card will be issued to all AHE graduates and must be in possession in addition to a valid hunting license and turkey transport tag while hunting in this area.

OFFICIAL HUNTING HOURS/BAG LIMITS:

Bag and Possession Limit: One (1) turkey per calendar year.

Hunting Hours: One-half hour before sunrise to sunset during spring seasons and as noted under Official Hunting Hours during fall seasons.

SPECIAL REGULATIONS:

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey transport tag is required for hunting turkey.
3. Each successful hunter must complete and return a game harvest report card to the Department of Wildlife within ten days after taking a turkey.
4. It is unlawful to use dogs to hunt turkeys.

BIRD DOG TRAINING SEASON Aug. 1, 1991–Mar. 15, 1992; Aug. 1, 1992–Mar. 15, 1993; and Aug. 1, 1993–Mar. 15, 1994, except from Sept. 28–Nov. 30, 1991, Oct. 3–Nov. 30, 1992, and Oct. 2–Nov. 31, 1993, dog training is prohibited except from 8:00 a.m. to 4:00 p.m. on designated western Washington pheasant release sites. Game birds may be taken only during established bird hunting seasons.

CANADA GOOSE SEPTEMBER SEASON

Early September Canada Goose season for portions of Clark, Cowlitz, Pacific, and Wahkiakum counties.

Bag and Possession Limits: Two (2) Canada geese per day with a total of four (4) in possession at any time.

Sept. 1–10, 1991; Sept. 1–10, 1992; Sept. 1–10, 1993.

Open Area: Those portions of Clark, Cowlitz, Pacific, and Wahkiakum counties within the following boundary: Beginning at the Washington–Oregon border on the Interstate 5 bridge near Vancouver, Washington, north on Interstate 5 to Kelso, west on Highway 4 from Kelso to Highway 401, south and west on Highway 401 to the Washington–Oregon border on the Astoria–Megler bridge, upstream along the Washington–Oregon border to the point of origin.

Permit Requirement: All hunters participating in this season are required to obtain written authorization from the Department of Wildlife. Application forms are available from Department offices and must be delivered to a Department office no later than 5:00 p.m. or postmarked on or before August 1 of the hunt year. With the authorization, hunters will receive a hunter activity and harvest report form. Return of the harvest report form is mandatory. Those hunters not returning the harvest report form to the Department of Wildlife by October 15 of the hunt year will be ineligible to participate in the following year September Canada goose season.

Steel Shot Requirement: It is unlawful to possess while hunting for or to take geese with shotshells or a muzzleloader shotgun loaded with any metal other than steel in the open area of the September Canada goose season.

BAND-TAILED PIGEON

Bag and possession limits: Two (2) band-tailed pigeons per day and in possession at any time.

Western Washington: Sept. 21–29, 1991; (~~Sept. 19–27, 1992~~) Closed Season Statewide; Sept. 18–26, 1993, except CLOSED in GMU 522.

WRITTEN AUTHORIZATION REQUIRED: All hunters participating in this season are required to obtain written authorization from the Department of Wildlife. Application forms are available from Department offices and must be delivered to a Department office no later than 5:00 p.m. or postmarked on or before August 1, of the hunt year. With the authorization, hunters will receive a hunter activity and harvest report form. Return of the harvest report form is mandatory. Those hunters not returning the harvest report form to the Department of Wildlife by October 31 of the hunt year will be ineligible to participate in the following year band-tailed pigeon season.

MOURNING DOVE

Bag and possession limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1–15 during 1991, 1992, and 1993; except CLOSED in GMU 522.

RABBIT AND HARE

Cottontail, Snowshoe Hare (or Washington Hare), and White-tailed Jackrabbit.

Bag and Possession Limits: Ten (10) rabbits or hares per day, with a total of thirty (30) in possession at any time; straight or mixed bag.

Statewide: Sept. 1, 1991-March 15, 1992; Sept. 1, 1992-March 15, 1993; Sept. 1, 1993-March 15, 1994 except CLOSED in GMU 522.

Black-tailed Jackrabbit

Bag and Possession Limits: Ten (10) black-tailed jackrabbits per day, with a total of thirty (30) in possession at any time.

Statewide: Year-around.

FALCONRY SEASONS

Upland Game Bird - Falconry

Daily bag: Two (2) pheasants (either sex), six (6) partridge, five (5) quail, and three (3) forest grouse (blue, ruffed, spruce) per day.

Sept. 1, 1991-March 15, 1992; Sept. 1, 1992-March 15, 1993; Sept. 1, 1993-March 15, 1994.

Mourning Dove - Falconry

Daily Bag: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, and waterfowl during established seasons.

Statewide: Sept. 1-Oct. 11, 1991; Sept. 1-Oct. 16, 1992; Sept. 1-Oct. 15, 1993; and the month of December each year.

Rabbit and Hare - Falconry

Daily bag: Ten (10) rabbits or hares per day: Straight or mixed bag.

Statewide: Aug. 1, 1991-March 15, 1992; Aug. 1, 1992-March 15, 1993; Aug. 1, 1993-March 15, 1994, for cottontail, snowshoe hare (or Washington hare), white-tailed and black-tailed jackrabbits.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

WSR 92-06-078
PROPOSED RULES
DEPARTMENT OF WILDLIFE

[Filed March 4, 1992, 9:46 a.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-233 1992-93 Special closures and firearm restriction areas; and repealing WAC 232-28-229 1991-92 Special closures and firearm restriction areas.

Purpose: To establish 1992-93 special closure areas and firearm restriction areas.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This rule restricts the use of firearms in specified geographic areas for public safety and establishes hunting closure areas for resource management.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Tony de la Torre, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

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

Proposal does not change existing rules.

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

Hearing Location: Tulalip Inn, 6128 Marine Drive, Marysville, WA 98270, on April 10, 1992, at 8:00 a.m.

Submit Written Comments to: Pam Madson, 600 Capitol Way North, Olympia, WA 98501-1091, by April 1, 1992.

Date of Intended Adoption: April 10, 1992.

February 25, 1992

Pamela K. Madson

Administrative Regulations Officer

NEW SECTION

WAC 232-28-233 1992-93 SPECIAL CLOSURES AND FIREARM RESTRICTION AREAS

SPECIAL CLOSURES

HUNTING PROHIBITED AREAS

IT IS UNLAWFUL TO HUNT WILD ANIMALS OR WILD BIRDS AS PROVIDED IN THE FOLLOWING AREAS:

1. Little Pend Oreille Wildlife Area: The southern part of the Little Pend Oreille Wildlife Area in Stevens County is closed to hunting and discharge of firearms except during the period of Oct. 1-Dec. 31, 1992. This closure is south of a boundary beginning at the west project boundary in Section 3, Township 34 N, R 40 EWM, thence easterly along Road 1.0 to the intersection with Road 2.0 in Section 2, thence easterly along Road 2.0 to the easterly boundary in Section 8, Township 34 N, R 42 EWM.

The Little Pend Oreille Wildlife Area north of the preceding boundary is open to all legally established hunting seasons during September and October.

2. Parker Lake: All lands south of Ruby Creek Road (USFS Road 2489), north of Tacoma Creek Road (USFS Road 2389) and west of Bonneville Power Administration power lines are designated as "CLOSED AREA" to the hunting of wild animals and wild birds EXCEPT during the period Aug. 1-Sept. 30, 1992. The above closures were established to provide a protected area for the Air Force Military Survival Training Program.
3. Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds.
4. Green River (GMU 485): Except for special permit hunts, all lands within GMU 485 are designated as a "CLOSED AREA" to the hunting of big game throughout the year. During the general westside elk season and general and late deer seasons, all lands within GMU 485 are also designated as a "CLOSED AREA" to the hunting of all wild animals and wild birds. The City of Tacoma enforces trespass within GMU 485 on lands owned or controlled by the City during all times of the year.
5. McNeil Island: McNeil Island (part of GMU 480) is closed to the hunting of all wild animals and wild birds year around.

BIG GAME CLOSURES

1. Cathlamet: Those lands between State Highway 4 and the Columbian River between Cathlamet and Skamokawa, and all of Puget Island in Wahkiakum County; closed to all deer hunting. This closure is established to protect the endangered Columbian Whitetail Deer.
2. Clark, Cowlitz, Pacific, and Wahkiakum counties area closed to Columbian Whitetail Deer hunting.
3. Willapa National Wildlife Refuge: Except for Bow Area No. 802 (Long Island), Willapa National Wildlife Refuge is closed to all big game hunting.

4. Walla Walla Mill Creek Watershed (GMU 157): All lands in the Mill Creek Watershed are designated as a "CLOSED AREA" to the hunting of all wild animals and wild birds except for holders of special elk permits during the established open season. This area is closed to motorized vehicles.
5. Colockum elk hunting restrictions: No entry in GMU 330 (West Bar) except permit holders, Oct. 25-27, 1992. Closed to entry (no trespassing) Oct. 28-Nov. 8, 1992.
6. Westport: Closed to hunting of all big game animals on that part of Westport Peninsula lying north of State Highway 105 from the west end of the Elk River Bridge and the Schafer Island Road to the ocean beach.
7. Baleville: Closed to hunting of all big game animals on those lands between State Highway 105 and the Willapa River west of Raymond.

UPLAND BIRD CLOSURES

It is unlawful to hunt game birds on the Columbia River or from any island in the Columbia River in the following areas:

1. From the mouth of Glade Creek (River Marker 57) to the old townsite of Paterson (River Marker 67) in Benton County, except the hunting of game birds is permitted from the main shoreline of the Columbia River in this area. (Check with Umatilla National Wildlife Refuge for other federal regulations for this area.)
2. Between the public boat launch at Sunland Estates in Grant County (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.

HORSE RESTRICTIONS

Colockum horse restrictions: GMU 330 (West Bar)—It is unlawful to ride horses, mules, or other livestock during any open elk season in GMU 330 PROVIDED, however, that livestock may be used for transporting camp gear and elk carcasses. GMU 329 (Quilomene)—It is unlawful to allow a horse to enter the Brushy and Cape Horn agricultural fields prior to 9 a.m. from Oct. 25-Nov. 3, 1992.

HUNTING FIREARM RESTRICTION AREAS

In firearm restriction areas, centerfire and rimfire rifles are not legal for hunting during any time of the year. Hunters may hunt only during the season allowed by their tag. Archery tag holders may hunt during archery seasons with archery equipment. Muzzleloaders may hunt during muzzleloader seasons with muzzleloader equipment except in GMU 484 restriction area outlined for King County. Modern firearm tag holders may hunt during modern firearm seasons with bows and arrows, muzzleloader or shotguns firing slugs or legal buckshot. Shotguns are not legal for hunting elk.

County	Area
Clallam	That portion of GMU 624 (Coyle) located within Clallam County
Clark	GMU 564 (Battleground)
Cowlitz	GMU 554 (Yale) GMU 504 (Stella)
Franklin,	Those portions of GMU 281 (Ringold) and GMU 278
Grant, Adams Area.	(Wahluke) known as the Wahluke Slope Wildlife Area.
Grays Harbor	That portion of GMU 658 (North River) beginning at Bay City; then west along Highway 105 to Twin Harbors State Park; then south along Highway 105 to Grayland; then east on Smith Road to the Bayview Road; then north on the Bayview Road to Mallard Slough; then east and south along the Bayview Road to Andrews Creek; then north along main channel of Andrews Creek to Grays Harbor; then north and west along the main navigation channel to Bay City and point of beginning.

County	Area
Island	That portion of GMU 410 (Island) located on Camano and Whidbey islands
Jefferson	Indian and Marrowstone islands
King	The area west of Highway 203 (Monroe-Fall City-Preston) to Interstate 90 (I-90), I-90 to Highway 18, Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; Vashon and Maury Islands
King	The following portion of GMU 484 (Puyallup): Beginning at the intersection of State Highway 410 and the southeast Mud Mountain Dam Road near the King/Pierce County line north of Buckley; then east along the southeast Mud Mountain Road to 284th Avenue southeast; then north along 284th Avenue southeast to State Highway 410; then west along Highway 410 to the point of the beginning. (This restriction includes high power rifles and muzzleloaders.)
Kitsap	East of State Highway 16 originating at the Tacoma Narrows Bridge to Gorst, and east of Highway 3 to North Lake Way, north of North Lake Way and the Bremerton-Seabeck Highway to Big Beef Creek bridge; all of Bainbridge Island and Bangor Military Reservation
Kittitas	GMU 334 (Ellensburg) Closed to high power rifles during deer and elk seasons.
Mason	GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Hartstene Island
Pacific	GMU 684 (Long Beach) west of Sand Ridge Road
Pierce	GMU 480 (Anderson and Ketron Islands) limited to archery, shotgun, and muzzleloader shotgun. McNeil Island closed to hunting. <u>See GMU 484 restriction area outline for King County.</u>
San Juan	Select areas in GMU 410 may be limited to archery, shotgun, and muzzleloader.
Snohomish	West of Highway 9
Skagit	Guemes Island and March Point north of State Highway 20
Thurston	GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5 between Oyster Bay and the mouth of the Nisqually River
Whatcom	Area west of I-5 and north of Bellingham city limits including Point Roberts.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-229 1991-92 Special Closures and Firearm Restriction Areas

WSR 92-06-079
PROPOSED RULES
DEPARTMENT OF WILDLIFE
[Filed March 4, 1992, 9:47 a.m.]

Original Notice.
Title of Rule: Adopting WAC 232-28-234 1992-93 Deer and elk permit hunting seasons; and repealing

WAC 232-28-230 1991-92 Deer and elk permit hunting seasons.

Purpose: To establish 1992-93 Special permit seasons for hunting deer and elk.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This regulation establishes the 1992-93 special permit seasons for hunting deer and elk and provides for recreational opportunity, population management, and wildlife damage control in specified areas of the state.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Tony de la Torre, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

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

Proposal does not change existing rules.

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

Hearing Location: Tulalip Inn, 6128 Marine Drive, Marysville, WA 98270, on April 10, 1992, at 8:00 a.m.

Submit Written Comments to: Pam Madson, 600 Capitol Way North, Olympia, WA 98501-1091, by April 1, 1992.

Date of Intended Adoption: April 10, 1992.

February 25, 1992

Pamela K. Madson

Administrative Regulations Officer

NEW SECTION

WAC 232-28-234 1992-93 DEER AND ELK PERMIT HUNTING SEASONS

Application Instructions

NOTE: Hunt numbers and GMU numbers are not the same.

A permit gives a hunter additional opportunity but it does not give him/her an extra deer or elk, EXCEPT that special deer permit holders for Hunts 1001 through 1010, Hunt 1025, and Hunt 1047 will be eligible to purchase a second deer transport tag and harvest a second antlerless deer (see Special Deer Permit Hunting Seasons).

To apply for Special Deer Permit: You must have a valid 1992 Washington hunting license and a modern firearm or muzzleloader deer tag. Only those hunters with a Washington Disabled Hunter Permit may apply for the special hunt for disabled. You may submit one (only one) special deer permit application for 1992.

To apply for Special Elk Permit: You must have a valid 1992 Washington hunting license and a valid late modern firearm, muzzleloader, or archery elk tag; EXCEPT Colockum archery tag holders may apply for elk permits in Bow Area 832-Coleman. Western Washington archery tag holders may apply for branched antler permits in GMU 472. Blue Mountain archery tag holders and early Blue Mountain modern firearm tag holders may apply for branched antler permits in the Blue Mountains. Only those hunters with a Washington Disabled Hunter Permit may apply for the special hunt for the disabled. You may submit one (only one) special permit application for elk. You may not submit an elk permit application if you were drawn for any elk permit during 1990 or 1991. Permit hunters may hunt only with a weapon in compliance with their tag.

Application Deadline: To qualify for the drawing all applications must be postmarked no later than July 30, 1992 or received no later than 5:00 p.m. on July 30, 1992 at the Department of Wildlife headquarters in Olympia or at any of the regional Department of Wildlife offices.

- Permits will be drawn by random computer selection.

- There are no refunds or exchanges for deer or elk tags for persons applying for special permits.

Special Hunting Season Permits

You MUST have a valid hunting license and tag to apply for any special hunting season set by the Wildlife Commission. (Special hunting seasons do not include hunts open to all hunters.)

**SPECIAL DEER PERMIT HUNTING SEASONS
(Open to Permit Holders Only)**

Hunters must purchase a hunting license and deer tag prior to purchase of a permit application. Only modern firearm deer tag holders and muzzleloader deer tag holders may apply for the following permit hunts.

Hunters successfully drawing a special deer permit for Hunts 1001 through 1010, Hunt 1025, and Hunt 1047 will be eligible to purchase a second deer transport tag and harvest a second antlerless deer. To take advantage of this opportunity, successful applicants must mail their original deer transport tag and a check or money order for \$18.00 (resident) or \$60.00 (nonresident) to the Department of Wildlife, 600 Capitol Way N., Olympia, WA 98501-1091 and be postmarked no later than October 13, 1992. When these items are received, the original deer transport tag will be stamped "ANTLERLESS ONLY", a second deer transport tag will be issued and stamped "ANTLERLESS ONLY", and returned to the successful applicant. These "validated" deer transport tags will only be valid for use within the special permit season. It is ILLEGAL for hunters with "ANTLERLESS ONLY" transport tags to kill a buck. Successful applicants not desiring to take advantage of this opportunity can take an antlerless deer during the permit season OR take a buck during the general season.

Use the FOUR DIGIT HUNT NUMBER on your application.

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Boundary Description
1000	Curlew A	25	Dec. 7-13	Whitetail, Either Sex	GMU 100
1001	Curlew B	300	Oct. 14- Nov. 11	Whitetail, Antlerless Only	GMU 100
1002	Boulder	150	Oct. 14- Nov. 11	Whitetail, Antlerless Only	GMU 103
1003	Kellyhill	350	Oct. 14- Nov. 11	Whitetail, Antlerless Only	GMU 105
1004	Douglas	900	Oct. 14- Nov. 11	Whitetail, Antlerless Only	GMU 108
1005	Aladdin	400	Oct. 14- Nov. 11	Whitetail, Antlerless Only	GMU 111
1006	Selkirk	100	Oct. 14- Nov. 11	Whitetail, Antlerless Only	GMU 113
1007	Chewelah	450	Oct. 14- Nov. 11	Whitetail, Antlerless Only	GMU 118

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Boundary Description
1008	Boyer	500	Oct. 14– Nov. 11	Whitetail, Antlerless Only	GMU 119
1009	Huckleberry	1,800	Oct. 14– Nov. 11	Whitetail, Antlerless Only	GMU 121
1010	Mt. Spokane	1,200	Oct. 14– Nov. 11	Whitetail, Antlerless Only	GMU 124
1011	Roosevelt	500	Nov. 11–22	Antlerless Only	GMU 133
1012	Harrington	150	Nov. 11–22	Antlerless Only	GMU 136
1013	Steptoe	200	Nov. 11–22	Antlerless Only	GMU 139
1014	Almota	400	Nov. 11–22	Antlerless Only	GMU 142
1015	Mayview	400	Oct. 17–25	Antlerless Only	GMU 145
1016	Starbuck	200	Nov. 11–22	Antlerless Only	GMU 148
1017	Bluecreek A	150	Nov. 11–22	Whitetail, Antlerless Only	GMU 154
1018	Touchet	75	Nov. 11–22	Whitetail, Antlerless Only	GMU 160
1019	Eckler	75	Nov. 11–22	Whitetail, Antlerless Only	GMU 161
1020	Marengo A	125	Nov. 11–22	Whitetail, Antlerless Only	GMU 163
1021	Marengo B	100	Nov. 11–22	Antlerless Only	GMU 163
1022	Mountain View	50	Nov. 11–22	Antlerless Only	GMU 172
1023	Lick Creek	50	Nov. 11–22	Antlerless Only	GMU 175
1024	Peola	200	Nov. 11–22	Antlerless Only	GMU 178
1025	Couse	200	Nov. 11–22	Whitetail, Antlerless Only	GMU 181
1026	Blue Mtn. Foothills A	70	Nov. 11–24	Whitetail, Antlerless or 3–Pt. Min.	GMUs 148, 154, 160, 161, 163, 166
1027	Blue Mtn. Foothills B	70	Nov. 11–24	Whitetail, Antlerless or 3–Pt. Min.	GMUs 145, 172, 175, 178, 181
1028	Tunk	50	Dec. 7–13	Whitetail, Either Sex	GMU 200
1029	Bonaparte	50	Dec. 7–13	Whitetail, Either Sex	GMU 206
1030	Wannacut	100	Nov. 7–13	Antlerless Only	GMU 209
1031	Sinlahekin A	200	Nov. 7–13	Antlerless Only	GMU 215
1032	Sinlahekin B	25	Dec. 14–20	Whitetail, Either Sex	GMU 215
1033	Chewuch A	400	Nov. 7–13	Antlerless Only	GMU 218
1034	Chewuch B	25	Dec. 7–13	Whitetail, Either Sex	GMU 218
1035	Pearrygin A	700	Nov. 7–13	Antlerless Only	GMU 224
1036	Pearrygin B	25	Dec. 7–13	Whitetail, Either Sex	GMU 224
1037	Gardner A	400	Nov. 7–13	Antlerless Only	GMU 231
1038	Gardner B	50	Dec. 7–13	Whitetail, Either Sex	GMU 231
1039	Pogue A	500	Nov. 7–13	Antlerless Only	GMU 233
1040	Pogue B	25	Dec. 14–20	Whitetail, Either Sex	GMU 233
1041	Bigbend A	200	Oct. 20–25	Either Sex	GMU 248
1042	Bigbend B	75	Oct. 20–25	Either Sex	GMU 248*
1043	Saint Andrews	100	Oct. 20–25	Either Sex	GMU 254
1044	Foster Creek	200	Oct. 20–25	Either Sex	GMU 260
1045	Withrow	100	Oct. 20–25	Either Sex	GMU 262
1046	Badger	100	Oct. 20–25	Either Sex	GMU 266
1047	Moses Coulee A	200	Oct. 17–25	Antlerless Only	GMU 269
1048	Beezley	200	Oct. 24– Nov. 1	Antlerless Only	GMU 272
1049	Kahlotus	150	Oct. 24– Nov. 1	Antlerless Only	GMU 284
1050	Wenatchee	100	Nov. 14–22	Antlerless Only	Portion of GMU 314
1051	Naneum	75	Nov. 4–11	Either Sex	GMU 328
1052	Olalla	150	Nov. 14–22	Antlerless Only	Portion of GMU 316
1053	Quilomene	75	Nov. 4–11	Either Sex	GMU 329
1054	Teanaway	150	Nov. 14–20	Either Sex	GMU 335
1055	Naches	75	Oct. 28–31	Either Sex	GMU 346
1056	Bethel	50	Oct. 28–31	Either Sex	GMU 360
1057	Rimrock	25	Oct. 28–31	Either Sex	GMU 364
1058	Squaw Creek	50	Oct. 28–31	Either Sex	Deer Area 030
1059	Champion North	250	Dec. 4–8	Antlerless Only	Deer Area 001
1060	Champion South	100	Dec. 5, 6 and 12, 13	Antlerless Only	Deer Area 002*
1061	Green River A	45	Oct. 24–30	Antlerless or 2–Pt. Buck Min.	GMU 485
1062	Green River B	30	Oct. 24–30	Antlerless Only	GMU 485
1063	Lincoln	100	Oct. 26– Nov. 1	Either Sex	GMU 501
1064	Mossyrock	100	Oct. 26– Nov. 1	Either Sex	GMU 505
1065	Willapa Hills	75	Oct. 26– Nov. 1	Either Sex	GMU 506

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Boundary Description
1066	Stormking	50	Oct. 26- Nov. 1	Either Sex	GMU 510
1067	Sawtooth	50	Oct. 26- Nov. 1	Either Sex	GMU 512
1068	Packwood	30	Oct. 26- Nov. 1	Either Sex	GMU 516
1069	Ryderwood	50	Oct. 26- Nov. 1	Either Sex	GMU 530
1070	Coweeman	60	Oct. 26- Nov. 1	Either Sex	GMU 550
1071	Lewis River	50	Oct. 26- Nov. 1	Either Sex	GMU 560
1072	Siouxon	50	Oct. 26- Nov. 1	Either Sex	GMU 572
1073	White Salmon	100	Oct. 26- Nov. 1	Antlerless or 2-Pt. Min.	GMU 576
1074	Goodnoe	100	Oct. 26- Nov. 1	Antlerless or 2-Pt. Min.	GMU 584
1075	Grayback	200	Oct. 26- Nov. 1	Antlerless or 2-Pt. Min.	GMU 588
1076	Hoko	50	Oct. 26- Nov. 1	Either Sex	GMU 601
1077	Pysht	100	Oct. 26- Nov. 1	Either Sex	GMU 603
1078	Soleduck	20	Oct. 26- Nov. 1	Either Sex	GMU 607
1079	Goodman	50	Oct. 26- Nov. 1	Either Sex	GMU 612
1080	Clearwater	50	Oct. 26- Nov. 1	Either Sex	GMU 615
1081	Olympic	150	Oct. 26- Nov. 1	Either Sex	GMU 621
1082	Coyle	125	Oct. 26- Nov. 1	Either Sex	GMU 624
1083	Mason Lake	25	Oct. 26- Nov. 1	Either Sex	GMU 633
1084	Skokomish	125	Oct. 26- Nov. 1	Antlerless or 2-Pt. Buck Min.	GMU 636
1085	Wynoochee	75	Oct. 26- Nov. 1	Either Sex	GMU 648
1086	North River	25	Oct. 26- Nov. 1	Either Sex	GMU 658
1087	Capitol Peak	30	Oct. 26- Nov. 1	Either Sex	GMU 663
1088	Deschutes	75	Oct. 26- Nov. 1	Either Sex	GMU 666
1089	Skookumchuck	250	Oct. 26- Nov. 1	Either Sex	GMU 667
1090	Palix	20	Oct. 26- Nov. 1	Either Sex	GMU 669
1091	Fall River	75	Oct. 26- Nov. 1	Either Sex	GMU 672
1092	Nemah	25	Oct. 22- Nov. 1	Either Sex	GMU 678
1093	Marrowstone Island	20	Oct. 26- Nov. 1	Either Sex	Deer Area 061
1094	Minot Peak	75	Oct. 26- Nov. 1	Either Sex	GMU 660

*Young hunter opportunity. Applicants must be 16 years old or younger and must be accompanied by an adult.

SPECIAL HUNT FOR DISABLED

Hunters must purchase a hunting license and modern firearm or muzzleloader deer tag prior to purchase of a special hunting season permit application. Only those hunters with a Washington Disabled Hunter Permit may apply.

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Boundary Description
1095	Big Bend C	25	Oct. 20-25	Antlerless Only Disabled Hunter Only	GMU 248
1096	Stillaguamish A	25	Nov. 28-29	Antlerless Only, Disabled Hunter Only	GMU 448

DEER MUZZLELOADER ONLY

Hunters must purchase a hunting license and muzzleloader deer tag prior to submitting an application for a muzzleloader permit hunt.

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Boundary Description
1097	Blue Creek B	50	Nov. 25- Dec. 6	Whitetail - Antlerless or 3-Pt. Min.	GMU 154
1098	Wannacut	100	Nov. 14-22	Either Sex	GMU 209
1099	Chiliwist	200	Nov. 14-22	Either Sex	GMU 239
1100	Alta	300	Nov. 14-22	Either Sex	GMU 242
1101	Moses Coulee B	25	Nov. 28- Dec. 20	Antlerless Only	GMU 269
1102	Manson	200	Nov. 14-22	Either Sex	GMU 300
1103	Stillaguamish B	100	Dec. 5-14	Antlerless Only	GMU 448
1104	Yale	50	Nov. 25- Dec. 15	Either Sex	GMU 554

PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Elk Tag Prefix	Boundary Description
1105	Wilson Creek Buck*	1	Oct. 17-25	Buck Only		PLWMA 201
1106	Wilson Creek A**	25	Oct. 26- Nov. 1	Antlerless Only		PLWMA 201
1107	Wilson Creek B*	25	Nov. 2-8	Antlerless Only		PLWMA 201
1108	Wilson Creek C***	25	Nov. 9-15	Antlerless Only		PLWMA 201
1109	Wilson Creek D***	25	Nov. 16-22	Antlerless Only		PLWMA 201

*Applicants must be 16 years or younger and accompanied by an adult during the hunt.

**Only disabled, blind, or visually handicapped hunters may apply for these permits.

***Only hunters who have successfully completed the Department of Wildlife's Advance Hunter Education (AHE) Program will be eligible to hunt deer during these seasons. A certification card will be issued to all AHE graduates and must be in possession while hunting during these seasons.

WILSON CREEK PRIVATE LANDS MANAGEMENT AREA

There will be nine hunters authorized to participate in a special hunt for which an access fee will be charged. The hunter must have a valid hunting license, transport tag, and written authorization from the landowner to participate in this hunt. All other hunting regulations apply.

Season Dates: Oct. 17-25 Buck Only PLWMA

DAMAGE CONTROL (HOT SPOT) HUNTS

As a means of relieving deer, elk, and black bear damage to agricultural and timber products, damage control (hot spot) hunts earlier and later than established hunting seasons may be established each year. Hunters with a Washington hunting license may obtain a free application from any Regional Department of Wildlife office. Hunters may submit only one application for deer, one for elk, and one for black bear. Deer and elk hot spot applications must be postmarked or received at the Regional Department of Wildlife office in which the hunter wishes to participate, no later than 5:00 p.m. on June 15. Black bear hot spot applications must be postmarked or received at the Regional Department of Wildlife office no later than 5:00 p.m. on April 1. When a hot spot hunt is authorized, a drawing will be conducted and successful applicants notified.

Following are hot spots hunts which have already been established for 1992.

Regional Office	No. Permits	Species	Open Season	Special Restrictions	Boundary Description
Yakima	100	Elk	Sept. 1-Oct. 7	Either Sex	Elk Area 032
Yakima	150	Elk	Sept. 1-Oct. 7	Either Sex	Elk Area 033

Other hunts may be established by Regional Department of Wildlife offices as significant wildlife damage situations arise. Hot spot hunts may not be held in every region.

Special Elk Hunting Seasons
(Open to Permit Holders Only)

Hunters must purchase a hunting license and elk tag prior to purchase of a permit application. Permit hunters may hunt only with a weapon in compliance with their tag. Applicants must have purchased the proper area tag for these hunts (see Elk Tag Prefix required to apply for each hunt). Hunters drawing a permit for a hunt after the first of the year can use their 1992 license and tag during the hunt. Only hunters who purchase an Early Blue Mountain elk tag (BE) may apply for special Blue Mountain bull permits. Blue Mountain hunters must have the appropriate elk tag prefix for the hunt they are applying for.

Use the FOUR DIGIT HUNT NUMBER on your application.

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2000	Aladdin	15	Oct. 31- Nov. 8	Either Sex	BL or BM	GMU 111
2001	Selkirk	30	Oct. 31- Nov. 8	Either Sex	BL or BM	GMU 113
2002	Mt. Spokane	30	Oct. 31- Nov. 8	Antlerless Only	BL or BM	GMU 124
2003	Mica, Cheney	150	Oct. 31- Nov. 8	Either Sex	BL or BM	GMU 127, 130
2004	Blue Creek A	75	Oct. 31- Nov. 8	Spike Bull or Antlerless	BL or BM	GMU 154

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2005	Blue Creek B	15	Oct. 28– Nov. 8	Any Bull	BE	GMU 154
2006	Watershed	100	Oct. 31– Nov. 8	Antlerless or 3–Pt. Bull Min.	BL or BM	GMU 157
2007	Touchet	15	Oct. 28– Nov. 8	Any Bull	BE	GMU 160
2008	Eckler	15	Oct. 28– Nov. 8	Any Bull	BE	GMU 161
2009	Touchet, Eckler, Marengo	50	Dec. 15– Jan. 15, 1993	Antlerless Only	BL or BM	GMUs 160*, 161*, 163*
2010	Tucannon	20	Oct. 28– Nov. 8	Any Bull	BE	GMU 166
2011	Wenaha	20	Oct. 28– Nov. 8	Any Bull	BE	GMU 169
2012	Mountain View A	125	Oct. 31– Nov. 8	Spike Bull or Antlerless	BL or BM	GMU 172
2013	Mountain View B	75	Dec. 15– Jan. 15, 1993	Antlerless Only	BL or BM	GMU 172
2014	Mountain View C	15	Oct. 28– Nov. 8	Any Bull	BE	GMU 172
2015	Lick Creek	100	Oct. 31– Nov. 8	Spike Bull or Antlerless	BL or BM	GMU 175
2016	Peola A	50	Nov. 11–22	Either Sex	BL or BM	GMU 178
2017	Peola B	5	Oct. 28– Nov. 8	Any Bull	BE	GMU 178
2018	Couse A	75	Oct. 31– Nov. 8	Spike Bull or Antlerless	BL or BM	GMU 181
2019	Couse B	3	Oct. 28– Nov. 8	Any Bull	BE	GMU 181
2020	Joseph/Black Butte	1	Oct. 28– Nov. 8	Any Bull	BE	GMUs 184–185
2021	Naneum	250	Oct. 25–27	Antlerless Only	CL or CM	GMU 328
2022	Malaga A	300	Nov. 4– Dec. 20	Either Sex	CL or CM	Elk Area 032
2023	Peshastin	150	Nov. 4– Dec. 20	Antlerless Only	CL or CM	Elk Area 033
2024	West Bar A	25	Oct. 25	Antlerless Only	CL or CM	GMU 330
2025	West Bar B	25	Oct. 26	Antlerless Only	CL or CM	GMU 330
2026	West Bar C	25	Oct. 27	Antlerless Only	CL or CM	GMU 330
2027	Park Creek	25	Nov. 25– Dec. 15	Antlerless Only	CL or CM	Elk Area 034
2028	Taneum	200	Nov. 1–4	Antlerless Only	YL or YM	GMU 336
2029	Manastash	250	Nov. 1–4	Antlerless Only	YL or YM	GMU 340
2030	Umtanum	200	Nov. 1–4	Antlerless Only	YL or YM	GMU 342
2031	Naches A	250	Nov. 14–16	Antlerless Only	YL or YM	GMU 346
2032	Naches B	25	Oct. 3–16	3–Pt. Bull Min.	YL or YM	GMU 346
2033	Nile	75	Nov. 1–4	Antlerless Only	YL or YM	GMU 352
2034	Bumping	350	Nov. 1–4	Antlerless Only	YL or YM	GMU 356
2035	Bethel	150	Nov. 1–4	Antlerless Only	YL or YM	GMU 360
2036	Rimrock	300	Nov. 1–4	Antlerless Only	YL or YM	GMU 364
2037	Cowiche	150	Nov. 1–4	Antlerless Only	YL or YM	GMU 368
2038	White River	25	Nov. 4–15	Any Bull	WE or WM	GMU 472
2039	Green River Cow	30	Nov. 14–18	Antlerless Only	WL or WM	GMU 485
2040	Green River Bull	15	Nov. 14–18	Antlerless or 3–Pt. Bull Min.	WL or WM	GMU 485
2041	Green River Spike	5	Nov. 14–18	Spike or Antlerless Only	WL or WM	GMU 485
2042	Lincoln	25	Nov. 17–22	Antlerless Only	WL or WM	GMU 501
2043	Willapa Hills	50	Nov. 17–22	Antlerless Only	WL or WM	GMU 506
2044	Packwood	75	Nov. 17–22	Antlerless Only	WL or WM	GMU 516
2045	Margaret Cow	30	Nov. 17–22	Antlerless Only	WL or WM	GMU 524
2046	Margaret Bull	30	Nov. 4–15	3–Pt. Bull Min.	WL or WM	GMU 524
2047	Toutle Cow	75	Nov. 17–22	Antlerless Only	WL or WM	GMU 556
2048	Ryderwood	50	Nov. 17–22	Antlerless Only	WL or WM	GMU 530
2049	Toutle Bull	200	Nov. 4–15	3–Pt. Bull Min.	WL or WM	GMU 556
2050	Marble	60	Nov. 17–22	Antlerless Only	WL or WM	GMU 558
2051	Lewis River	125	Nov. 17–22	Antlerless Only	WL or WM	GMU 560
2052	Siouxon	50	Nov. 17–22	Antlerless Only	WL or WM	GMU 572
2053	Doty	50	Jan. 2– 17, 1993	Antlerless Only	WL or WM	Elk Area 051
2054	Dickey Cow	30	Nov. 10–15	Antlerless Only	WL or WM	GMU 602

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2055	Dickey Bull A	10	Oct. 4-16	3-Pt. Bull Min.	WL or WM	GMU 602
2056	Dickey Bull B	75	Oct. 28- Nov. 8	3-Pt. Bull Min.	WL or WM	GMU 602
2057	Soleduck	30	Nov. 10-15	Antlerless Only	WL or WM	GMU 607
2058	Goodman	50	Nov. 10-15	Antlerless Only	WL or WM	GMU 612
2059	Matheny	50	Nov. 10-15	Antlerless Only	WL or WM	GMU 618
2060	Quinault Ridge	5	Oct. 4-16	3-Pt. Bull Min.	WL or WM	GMU 638
2061	Humptulips	15	Nov. 10-15	Antlerless Only	WL or WM	GMU 639
2062	Wynoochee	50	Nov. 10-15	Antlerless Only	WL or WM	GMU 648
2063	Minot Peak	20	Nov. 10-15	Antlerless Only	WL or WM	GMU 660
2064	Palix	40	Nov. 10-15	Antlerless Only	WL or WM	GMU 669
2065	Nemah	50	Nov. 10-15	Antlerless Only	WL or WM	GMU 678
2066	Backbone	55	Nov. 25- Dec. 13	Either Sex	WL or WM	Elk Area 025
2067	Curtis	50	Dec. 21-31	Antlerless Only	WL or WM	Elk Area 050
2068	Boistfort	25	Jan. 2- 17, 1993	Antlerless Only	WL or WM	Elk Area 054
2069	Carlton	5	Oct. 4-16	3-Pt. Bull Min.	WL or WM	Elk Area 057
2070	West Goat Rocks	5	Oct. 4-16	3-Pt. Bull Min.	WL or WM	Elk Area 058
2071	Mt. Adams	5	Oct. 4-16	3-Pt. Bull Min.	WL or WM	Elk Area 059
2072	Mt. Tebo	5	Oct. 4-16	3-Pt. Bull Min.	WL or WM	Elk Area 061
2073	Willapa Valley	25	Jan. 1- 15, 1993	Antlerless Only	WL or WM	Elk Area 065
2074	Twin Valleys A	20	Jan. 1- 15, 1993	Antlerless Only	WL or WM	Elk Area 066
2075	South Willapa	10	Jan. 1- 15, 1993	Antlerless Only	WL or WM	Elk Area 067

*Outside of Umatilla National Forest.

SPECIAL HUNT FOR DISABLED

Hunters must purchase a hunting license and modern firearm or muzzleloader elk tag prior to purchase of a special hunting season permit application. Note elk tag required. Only those hunters with a Washington Disabled Hunter Permit may apply.

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2076	Naches Disabled	5	Oct. 3-16	Either Sex	YL or YM	GMU 346
2077	Centralia Mine	20	Nov. 18- Dec. 1	Antlerless Only, Disabled Hunter Only	WL or WM	Portion of GMU 667

MUZZLELOADER ONLY

Hunters must purchase a hunting license and muzzleloader elk tag prior to purchase of a special hunting season permit application. Note the elk tag required for each hunt.

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2078	Bluecreek	50	Dec. 1- Jan. 31, 1993	Antlerless Only	BM	GMU 154
2079	Mountain View A	50	Oct. 8-14	Spike Bull or Antlerless	BM	GMU 172
2080	Mountain View B	6	Oct. 5-11	Any Bull	BM	GMU 172
2081	Malaga B	150	Sept. 15- Oct. 14 Nov. 4- Dec. 20	Either Sex	CM	Elk Area 032
2082	Twin Valleys B	20	Jan. 16- Feb. 15, 1993	Antlerless Only	WM	Elk Area 066
2083	Coal Creek	35	Nov. 21- Dec. 9	Antlerless Only	WM	ML Area 940
2084	Yale	75	Nov. 25- Dec. 15	Either Sex	WM	GMU 554
2085	Hoko River A	15	Jan. 1- 15, 1993	Antlerless Only	WM	ML Area 961
2086	Hoko River B	15	Jan. 16- Feb. 15, 1993	Antlerless Only	WM	ML Area 961
2087	Chinook	10	Jan. 16- Feb. 15, 1993	Antlerless Only	WM	Elk Area 069
2088	North River	30	Nov. 20- Dec. 8	Antlerless Only	WM	GMU 658
2089	Elwha A	5	Dec. 15- Jan. 15, 1993	Antlerless Only	WM	ML Area 962

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2090	Elwha B	5	Jan. 16- Feb. 15, 1993	Antlerless Only	WM	ML Area 926
2091	Stella	50	Nov. 25- Dec. 15	Either Sex	WM	GMU 504
2092	Boistfort	50	Nov. 16-24	Antlerless Only	WM	Elk Area 054

ARCHERY ONLY

Hunters must purchase a hunting license and the appropriate archery elk tag prior to purchase of a special hunting season permit application.

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2093	Blue Mountains West	11	Sept. 28- Oct. 11	Either Sex	BA	GMUs 154, 160 161, 166, 169
2094	Blue Mountains East	5	Sept. 28- Oct. 11	Either Sex	BA	GMUs 178, 181 184, 185
2095	Coleman	250	Oct. 1-14	Either Sex	CA	Elk Area 832
2096	White River	5	Oct. 1-14	Either Sex	WA	GMU 472

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-230 1991-92 Deer and Elk Permit Hunting Seasons

Submit Written Comments to: Pam Madson, 600 Capitol Way North, Olympia, WA 98501-1091, by April 1, 1992.

Date of Intended Adoption: April 10, 1992.

February 25, 1992

Pamela K. Madson

Administrative Rules Officer

WSR 92-06-080

PROPOSED RULES

DEPARTMENT OF WILDLIFE

[Filed March 4, 1992, 9:48 a.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-235 1992-93 Special species hunting seasons and regulations; and repealing WAC 232-28-231 1991-92 Special species hunting and trapping permits.

Purpose: To establish 1992-93 special permit seasons for hunting moose, mountain sheep, mountain goat, and cougar.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This regulation establishes the 1992-93 special permit seasons for hunting moose, mountain sheep, mountain goat, and cougar and provides for recreational opportunity and population management.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Tony de la Torre, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

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

Proposal does not change existing rules.

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

Hearing Location: Tulalip Inn, 6128 Marine Drive, Marysville, WA 98270, on April 10, 1992, at 8:00 a.m.

NEW SECTION

WAC 232-28-235 1992-93 SPECIAL SPECIES HUNTING SEASONS AND REGULATIONS

PERMIT APPLICATION INSTRUCTIONS

You must have a valid 1992 Washington hunting license to apply for any special hunting season permit.

Application Deadline: Applications must be postmarked no later than July 2 1992, or received not later than 5:00 p.m., July 2, 1992, at the Washington Department of Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, or any Department of Wildlife regional office.

Computer Drawing: Drawings for goat, bighorn sheep, moose, and cougar will be done by computer selection. All applicants will be notified by August 10, 1992.

Disqualification: Anyone who submits more than one application for each species will be disqualified for drawings for that species.

Incomplete Applications: To be eligible for the permit drawing, applications must contain unit number and unit name, date of birth, and hunting license number. Applicant's complete name and address including zip code.

Permit Hunting Report: A hunter questionnaire report will be sent to each permittee. This questionnaire must be returned to the Department of Wildlife within ten days after the close of the hunting season.

MOOSE

Open Season: Oct. 1 to Nov. 30, 1992, both dates inclusive.

Who may apply: Anyone with a 1992 Washington hunting license. Only one moose permit will be issued during an individual's lifetime.

Bag Limit: One moose of either sex.

Moose Unit 1
GMU 113
5 Special Moose Permits will be issued.

Moose Unit 2
GMU 124
4 Special Moose Permits will be issued.

Moose Unit 3
GMU 118
2 Special Moose Permits will be issued.

Moose Unit 4
GMU 119
2 Special Moose Permits will be issued.

MOUNTAIN SHEEP (BIGHORN)

Open Season: Separate seasons are indicated for each bighorn sheep unit.

Who may apply: Anyone with a valid 1992 Washington hunting license; EXCEPT those who drew a bighorn permit during 1987, 1988, 1989, 1990, or 1991, or have been successful in taking a bighorn in Washington State.

Bag Limit for Permit Holders: One bighorn ram.

Any Legal Weapon

Sheep Unit 1
Okanogan:
Open Season: Sept. 5-27, 1992, both dates inclusive.
1 Special Permit will be issued.

Sheep Unit 2
Vulcan Mountain Area:
Open Season: Sept. 26-Oct. 11, 1992, both dates inclusive.
3 Special Permits will be issued.

Sheep Unit 3
Tucannon River Area:
Open Season: Sept. 5-27, 1992, both dates inclusive.
2 Special Permits will be issued.

Sheep Unit 5
Umtanum Area:
Open Season: Sept. 26-Oct. 11, 1992, both dates inclusive.
3 Special Permits will be issued.

Sheep Unit 9
Blackbutte:
Open Season: Sept. 1-18, 1992, both dates inclusive.
2 Special Permits will be issued.

Sheep Unit 10
Mt. Hull:
Open Season: Sept. 5-27, 1992, both dates inclusive.
2 Special Permits will be issued.

Sheep Unit 11
Wenaha Wilderness:
Open Season: Sept. 5-27, 1992, both dates inclusive.
3 Special Permits will be issued.

Sheep Unit 12
Mountainview:
Open Season: Sept. 5-27, 1992, both dates inclusive
1 Special Permit will be issued.

MOUNTAIN GOAT

Open Season: Sept. 19-Oct. 31, 1992, both dates inclusive, in all goat units.

Who may apply: Anyone with a valid 1992 Washington hunting license; EXCEPT those who drew goat permits in 1987, 1988, 1989, 1990, or 1991.

Bag Limit: One (1) adult goat of either sex with horns four(4) inches or longer. The Department of Wildlife urges hunters to refrain from shooting nannies with kids.

Any Legal Weapon

Goat Unit 2-1
Mount Chopaka Area:
2 Special Permits will be issued.

Goat Unit 2-2
Methow Area:
5 Special Permits will be issued.

Goat Unit 3-2
North Wenatchee Mountains Area:
5 Special Permits will be issued.

Goat Unit 3-4
Snoqualmie:
5 Special Permits will be issued.

Goat Unit 3-6
Naches Pass Area:
8 Special Permits will be issued.

Goat Unit 3-7
Bumping River Area:
5 Special Permits will be issued.

Goat Unit 3-9
Tieton River Area:
5 Special Permits will be issued.

Goat Unit 4-1
Ruth Creek Area:
10 Special Permits will be issued.

Goat Unit 4-3
Chowder Ridge Area:
2 Special Permits will be issued.

Goat Unit 4-4
Lincoln Peak Area:
2 Special Permits will be issued.

Goat Unit 4-6
Dillard Creek Area:
5 Special Permits will be issued.

Goat Unit 4-7
Avalanche Gorge Area:
5 Special Permits will be issued.

Goat Unit 4-8
East Ross Lake Area:
10 Special Permits will be issued.

Goat Unit 4-9
Jack Mountain Area:
2 Special Permits will be issued.

Goat Unit 4-16
Glacier Peak Area:
5 Special Permits will be issued.

Goat Unit 4-32
Foss River Area:
10 Special Permits will be issued.

Goat Unit 4-34
Pratt River Area:
10 Special Permits will be issued.

Goat Unit 5-2
Tatoosh Area:
5 Special Permits will be issued.

Goat Unit 5-4
Goat Rocks Area:
10 Special Permits will be issued.

Muzzleloading Goat Hunts

Goat Unit 3-5
Cle Elum:
5 Special Permits will be issued.

Goat Unit 3-8
Bumping River Area:
5 Special Permits will be issued.

Goat Unit 4-24
Sloan Peak Area:
3 Special Permits will be issued.

Archery Goat Hunts

Goat Unit 3-3
Goat and Davis Mountains Area:
10 Special Permits will be issued.

Goat Unit 4-18
Sauk River Area:
4 Special Permits will be issued.

Goat Unit 4-21
Liberty Mountain Area:
8 Special Permits will be issued.

Goat Unit 4-23
Twin Peaks Area:
4 Special Permits will be issued.

Goat Unit 4-38
Corral Pass Area:
4 Special Permits will be issued.

Goat Unit 6-1
Elwha River Area:
3 Special Permits will be issued.

Goat Unit 6-2
Quilcene River Area:
25 Special Permits will be issued.

Goat Unit 6-3
Hamma Hamma River Area:
10 Special Permits will be issued.

NATIVE CATS

A valid hunting license is required to hunt (including pursuit seasons) native cats. A hound stamp is required for all hunters if dogs are used to hunt any native cats.

COUGAR

Pursuit-Only Season (Cougar may not be killed or injured.): Sept. 1-30 and Nov. 25, 1992-Jan. 31, 1993 in the cat units listed below, EXCEPT closed to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest Sept. 1-Oct. 16, 1992.

Open Season (Cougar may be killed by permit holders only.): Nov. 25, 1992-Jan. 31, 1993.

Who May Apply: Anyone with a valid 1992 Washington hunting license may submit one special permit application for cougar during the 1992-93 season. Successful cougar applicants must purchase a cougar tag by October 1, 1992. Special permits assigned to those hunters failing to purchase a cougar tag by the deadline will be voided and cougar permits will be issued to other applicants. Cougar permit hunters failing to return their cougar hunting questionnaire by February 15, 1993, will be ineligible to apply for a permit the following season.

Bag Limit: One (1) cougar during the 1992-93 hunting season except that it is unlawful to kill or possess spotted cougar kittens or adult cougar accompanied by spotted kittens.

Unit	Description	Permits
1	Pend Oreille	30
2	Colville	40
3	Republic	25
4	Spokane	10
5	Blue Mountains	40
6	Okanogan	25
7	Wenatchee	25
8	Nooksack	10
9	Skagit	5
10	Snoqualmie	8
11	Olympic Peninsula	30
12	Rainier	10
13	St. Helens	4

LYNX

Season closed statewide.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-231 1991-92 Special Species Hunting and Trapping Permits

WSR 92-06-081
PERMANENT RULES
DEPARTMENT OF REVENUE
[Filed March 4, 1992, 10:15 a.m.]

Date of Adoption: March 4, 1992.

Purpose: To implement chapter 321, Laws of 1986, which became effective July 1, 1991, due to the sunseting of chapter 286, Laws of 1957. This rule implements the licensing obligations of chapter 321, Laws of 1986 on wholesale and retail sellers and distributors of cigarettes. The provision of chapter 458-24 WAC are being repealed due to the sunseting of the Unfair Cigarette Sales Below Cost Act as provided in chapter 19.91 RCW.

Citation of Existing Rules Affected by this Order: Amending [new section] WAC 458-20-18601.

Statutory Authority for Adoption: RCW 82.32.300.

Pursuant to notice filed as WSR 92-03-065 on January 14, 1992.

Effective Date of Rule: Thirty-one days after filing.

March 4, 1992

Edward L. Faker
Assistant Director

NEW SECTION

WAC 458-20-18601 WHOLESALE AND RETAIL CIGARETTE VENDOR LICENSES. (1) Definitions. For purposes of this section, the following terms mean:

(a) "Wholesaler" is any person who purchases, sells, or distributes cigarettes to retailers for the purpose of resale only.

(b) "Retailer" is any person, other than a wholesaler, who purchases, sells, offers for sale or distributes cigarettes at retail and all persons operating under a retailer's registration certificate.

(c) "Place of business" is any location where business is transacted with, or sales are made to, customers. The term also includes any vehicle, truck, vessel, or the like at which sales are made.

(d) "Department" is the department of revenue.

(2) Wholesale License. Prior to the sale or distribution of cigarettes at wholesale, each wholesaler must first be issued a wholesale cigarette license from the department of licensing.

(a) Applications for license or renewal of license shall be made on forms supplied by the department of licensing and shall be accompanied by the annual license fee of \$650. A wholesale cigarette license shall be valid for one year from the date of issuance.

(b) If the wholesaler sells, or intends to sell, cigarettes at more than one place of business, whether temporary or established, a separate license with a license fee of \$115 shall be required for each additional place of business. Each license shall be exhibited in the place of business for which it is issued.

(c) Each licensed wholesaler shall file a bond with the department in an amount determined by the department, which amount shall not be less than \$5,000. The bond shall be executed by the wholesaler as principal, and by a corporation approved by the department of licensing

and authorized to engage in business as a surety company in this state, as surety. The bond shall run concurrently with the wholesaler's license.

(3) Retail License. Prior to the retail sale or distribution of cigarettes, each retailer must first be issued a retail cigarette license from the department of licensing.

(a) Applications for license or renewal of license shall be made on forms supplied by the department of licensing and shall be accompanied by the annual license fee of \$10. A retail cigarette license shall be valid for one year from the date of issuance.

(b) Retailers operating cigarette vending machines are required to pay an additional fee of \$1 for each such vending machine.

(4) Persons Acting as Wholesalers and Retailers. Persons may sell cigarettes both as retailers and wholesalers only if appropriate licenses are first secured for sales in both capacities. The sale of cigarettes by any person who does not possess a valid license authorizing such sale shall be considered a violation of this section.

(5) Revocation or Suspension of License. The department shall revoke or suspend the license of any wholesale or retail cigarette dealer found to have violated the provisions of chapter 82.24 RCW, WAC 458-20-186, or this section. Upon a finding by the department of a failure to comply with the provisions of chapter 82.24 RCW, WAC 458-20-186, or this section, it shall:

(a) For the first offense, suspend the license or licenses of the offender for a period of not less than thirty consecutive business days;

(b) In the case of a second or multiple offense, suspend the license or licenses of the offender for not less than ninety consecutive business days nor more than twelve months;

(c) In the case of a finding that the offender is guilty of wilful and persistent violations, revoke the offender's license or licenses.

(6) Revocation or Suspension Hearing.

(a) If the department determines that a license holder has violated the provisions of chapter 82.24 RCW, WAC 458-20-186, or this section, a hearing will be scheduled to consider the license revocation or suspension of such license holder. In the event of such a determination, the department shall so notify the license holder in writing of its intent to revoke or suspend the license. Such notice shall inform the license holder of the date scheduled for hearing and shall also contain the information specified in RCW 34.05.434.

(b) Revocation or suspension hearings shall be held before the assistant director of the miscellaneous tax division or his or her designee in the department's offices in Olympia unless a different location is specified in the notice of hearing. The department shall schedule the hearing no earlier than twenty days from the date of mailing of notice of the hearing.

(c) The hearing will be conducted in accordance with the provisions of chapter 34.05 RCW (Administrative Procedure Act). Following the hearing the department shall issue a written order revoking or suspending the license or finding in favor of the license holder. The order

of the department shall represent the final decision of the department and shall be binding unless the license holder files a timely petition for review with the department's interpretation and appeal division. (See WAC 458-20-100 for appeal procedures.)

(d) The license holder may seek review of any order revoking or suspending a license by filing a petition for review with the department's interpretation and appeals division within thirty days from the date of the order of revocation or suspension. The decision of the interpretation and appeals division shall represent the final position of the department and shall be binding unless timely appealed.

(e) Appeals from orders of the department revoking or suspending a license may be appealed to the superior court of Thurston County.

(7) Reinstatement of License.

(a) Any person whose license or licenses have been revoked may apply to the department at the expiration of one year for a reinstatement of the license or licenses. The license or licenses may be reinstated by the department if it appears to the satisfaction of the department that the license holder will comply with the provisions of chapter 82.24 RCW, WAC 458-20-186, and this section.

(b) Application for reinstatement is to be made to the miscellaneous tax division of the department. Upon receipt of an application for reinstatement of license, the department shall schedule a hearing for consideration of the application and shall notify the applicant of the date and time of the hearing. Such notice shall be sent at least twenty days prior to the date set for the hearing.

(c) Hearings for consideration of reinstatement of a license shall be conducted as provided in subsection (6) of this section. Any applicant whose petition for reinstatement is denied may file a petition for review as provided in subsection (6)(d) of this section or appeal the denial to the superior court of Thurston County.

WSR 92-06-082

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed March 4, 1992, 10:16 a.m.]

Date of Adoption: March 4, 1992.

Purpose: To implement chapter 324, Laws of 1991, which includes certain persons licensed under chapter 18.16 RCW within the definition of "engaging in business"; and to cross reference amendments to WAC 458-20-164 which implement chapter 275, Laws of 1991.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-105.

Statutory Authority for Adoption: RCW 82.32.300.

Pursuant to notice filed as WSR 92-03-066 on January 14, 1992.

Effective Date of Rule: Thirty-one days after filing.

March 4, 1992
Edward L. Faker
Assistant Director

AMENDATORY SECTION (Amending Order 89-10, filed 8/1/89)

WAC 458-20-105 EMPLOYEES DISTINGUISHED FROM PERSONS ENGAGING IN BUSINESS. (1) The Revenue Act imposes taxes upon persons engaged in business but not upon persons acting solely in the capacity of employees.

(2) While no one factor definitely determines employee status, the most important consideration is the employer's right to control the employee. The right to control is not limited to controlling the result of the work to be accomplished, but includes controlling the details and means by which the work is accomplished. In cases of doubt about employee status all the pertinent facts should be submitted to the department of revenue for a specific ruling.

(3) **PERSONS ENGAGING IN BUSINESS.** The term "engaging in business" means the act of transferring, selling or otherwise dealing in real or personal property, or the rendition of services, for consideration except as an employee. The following conditions will serve to indicate that a person is engaging in business.

If a person is:

(a) Holding oneself out to the public as engaging in business with respect to dealings in real or personal property, or in respect to the rendition of services;

(b) Entitled to receive the gross income of the business or any part thereof;

(c) Liable for business losses or the expense of conducting a business, even though such expenses may ultimately be reimbursed by a principal;

(d) Controlling and supervising others, and being personally liable for their payroll, as a part of engaging in business;

(e) Employing others to carry out duties and responsibilities related to the engaging in business and being personally liable for their pay;

(f) Filing a Statement of Business Income and Expenses (Schedule C) for federal income tax purposes;

(g) A party to a written contract, the intent of which establishes the person to be an independent contractor;

(h) Paid a gross amount for the work without deductions for employment taxes (such as Federal Insurance Contributions Act, Federal Unemployment Tax Act, and similar state taxes).

(4) **EMPLOYEES.** The following conditions indicate that a person is an employee.

If the person:

(a) Receives compensation, which is fixed at a certain rate per day, week, month or year, or at a certain percentage of business obtained, payable in all events;

(b) Is employed to perform services in the affairs of another, subject to the other's control or right to control;

(c) Has no liability for the expenses of maintaining an office or other place of business, or any other overhead expenses or for compensation of employees;

(d) Has no liability for losses or indebtedness incurred in the conduct of the business;

(e) Is generally entitled to fringe benefits normally associated with an employer-employee relationship, e.g., paid vacation, sick leave, insurance, and pension benefits;

(f) Is treated as an employee for federal tax purposes;

(g) Is paid a net amount after deductions for employment taxes, such as those identified in subsection (3)(h) of this section.

(5) **FULL-TIME LIFE INSURANCE SALESPERSONS.** Chapter 275, Laws of 1991, effective July 1, 1991, provides that individuals performing services as full-time life insurance salespersons, as provided in section 3121(d)(3)(B) of the Internal Revenue Code, will be considered employees. Treatment as an employee under this subsection (5) applies only to persons engaged in the full-time sale of life insurance. The status of other persons, including others listed in section 3121(d) of the Internal Revenue Code, will be determined according to the provisions of subsections (1) and (2) of this section (See WAC 458-20-164 for the proper tax treatment of insurance agents, brokers, and solicitors.)

(6) ~~((5))~~ **OPERATORS OF RENTED OR OWNED EQUIPMENT.** Persons who furnish equipment on a rental or other basis for a charge and who also furnish the equipment operators, are engaging in business and are not employees of their customers. Likewise, persons who furnish materials and the labor necessary to install or apply the materials, or produce something from the materials, are presumed to be engaging in business and not to be employees of their customers.

(7) ~~((6))~~ **CASUAL LABORERS.** Persons regularly performing odd job carpentry, painting or paperhanging, plumbing, bricklaying, electrical work, cleaning, yard work, etc., for the public generally are presumed to be engaging in business. The burden of proof is upon such persons to show otherwise. However, refer to WAC 458-20-101 and 458-20-104 for registration and reporting requirements for such activities.

(8) ~~((7))~~ A corporation, joint venture, or any group of individuals acting as a unit, is not an employee.

(9) **BOOTH RENTERS.** For purposes of the business and occupation tax a "booth renter," as defined in RCW 18.16.020(19), is considered engaged in business and not an employee. A "booth renter" is any person who:

(a) performs cosmetology, barbering, esthetics, or manicuring services for which a license is required pursuant to chapter 18.16 RCW and

(b) pays a fee for the use of salon or shop facilities and receives no compensation or other consideration from the owner of the salon or shop for the services performed.

(c) See WAC 458-20-118 for the proper treatment of amounts received for the rental or licensing of real estate and WAC 458-20-200 for the proper treatment of amounts received for leased departments.

WSR 92-06-083

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed March 4, 1992, 10:35 a.m.]

Original Notice.

Title of Rule: Pesticide penalty matrix schedule in chapter 16-228 WAC.

Purpose: To adopt into rule a pesticide penalty assignment schedule used to determine penalties for violations of the pesticide laws and rules.

Statutory Authority for Adoption: Chapters 15.58 and 17.21 RCW.

Statute Being Implemented: RCW 15.58.260 and 17.21.315.

Summary: Chapters 17.21 and 15.58 RCW provide for civil penalties for violations of the pesticide laws and rules. These rules will provide a basis for setting penalties for certain violations.

Name of Agency Personnel Responsible for Drafting and Implementation: Cliff Weed, Program Manager, P.O. Box 42589, Olympia, WA 98504-2589, (206) 753-5062; and **Enforcement:** Art G. Losey, Assistant Director, P.O. Box 42589, Olympia, WA 98504-2589, (206) 753-5062.

Name of Proponent: Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To provide for a fair and uniform manner for the setting of penalties commensurate with the seriousness of the violation. These rules will place the department's pesticide penalty assignment schedule into rule.

Proposal does not change existing rules.

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

Hearing Location: April 14, 1992, at 2:30 p.m., General Administration 1st Floor Conference Room, Olympia, Washington 98504; and on April 16, 1992, at 7:00 p.m., Yakima Valley Inn, 1507 North First Street, Yakima, WA 98901.

Submit Written Comments to: Hearing Record, Pesticide Management Division, P.O. Box 42589, Olympia, WA 98504-2589, by April 16, 1992.

Date of Intended Adoption: April 24, 1992.

March 4, 1992

Art Losey
Assistant Director

NEW SECTION

WAC 16-228-905 STATEMENT OF PURPOSE—PENALTY ASSIGNMENT. For the purpose of fair, uniform determination of penalty as set forth in WAC 16-228-910 through 16-228-930, the director hereby declares:

(1) Enforcement action is necessary to deter violations of the pesticide laws and rules, and persons knowing the consequences of such violation(s) are less likely to commit a violation; and

(2) Any enforcement action taken by the department against any person who violates the provisions of chapter 17.21 RCW, chapter 15.58 RCW, and/or rules adopted thereunder shall be commensurate with the seriousness of the violation under the circumstances; and

(3) Each person shall be treated fairly in accordance with the rules set forth in this chapter.

NEW SECTION

WAC 16-228-910 DEFINITIONS—PENALTY ASSIGNMENT. In addition to the definitions set forth in RCW 17.21.020, RCW 15.58.030, and WAC 16-228-010, the following shall apply to WAC 16-228-905 through 16-228-930:

(1) "Adverse effect(s)" means the risk of pesticide exposure, damage or injury to humans, animals, or the environment.

(2) "Knowingly" means that the alleged violator knew or should have known that conditions existed that would result in adverse effect(s) or knew that a violation would occur.

(3) "Level of violation" means that the alleged violation is a first, second, third, fourth, fifth, or more violation(s).

(a) First violation. This means the alleged violator has committed no prior incident(s) which resulted in a violation or violations within three years of committing the current alleged violation.

(b) Second violation. This means the alleged violator committed one prior incident which resulted in a violation or violations within three years of committing the current alleged violation.

(c) Third violation. This means the alleged violator committed two prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.

(d) Fourth violation. This means the alleged violator committed three prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.

(e) Fifth or more violation. This means the alleged violator committed at least four prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.

(4) "Not probable" means that the alleged violator's conduct more likely than not would not have an adverse effect.

(5) "Probable" means that the alleged violator's conduct more likely than not would have an adverse effect.

(6) "Unknowingly" means that the alleged violator did not act knowingly.

(7) "Violation" means commission of an act or acts prohibited by chapter 17.21 RCW, chapter 15.58 RCW, and/or rules adopted thereunder.

NEW SECTION

WAC 16-228-915 CALCULATION OF PENALTY. (1) Median penalty selection. In the disposition of administrative cases, the department shall determine the penalty by first determining the penalty assignment schedule table listed in either WAC 16-228-920 or 16-228-925 that is applied based on the type of violation alleged. The department shall then determine the penalty range based on the level of violation, adverse effect(s), and the knowledge of the alleged violator. The median penalty is then selected as the penalty unless a proportionate adjustment is required and/or there are aggravating or mitigating factors as provided herein. The median penalty under Table A listed in WAC 16-228-920 may be proportionately adjusted and/or aggravated to a level more than the maximum penalty listed for the violation in the penalty assignment schedule table. The median penalty under Table B listed in WAC 16-228-925 may be proportionately adjusted and/or aggravated to a level more than the maximum penalty listed for the violation. The median penalty under Table A and B may not be proportionately adjusted and/or mitigated to a level less than the minimum penalty listed for the violation.

(2) Proportionate adjustment of median penalty. In the case of a median penalty selection which includes both a civil penalty assessment and a licensing action, the department reserves the right to proportionately increase the civil penalty and proportionately decrease the licensing action when circumstances in the particular case demonstrate the ineffectiveness of the licensing action as a deterrent, or proportionately decrease the civil penalty and proportionately increase the licensing action when circumstances in the particular case demonstrate the ineffectiveness of a civil penalty action as a deterrent.

(3) Aggravating factors. The department may consider circumstances enhancing the seriousness of the violation, including, but not limited to, the following:

(a) Each separate additional incident of violation(s) alleged within a single notice of intent to have been committed by the alleged violator within the same calendar year.

(b) The high magnitude of the harm, or potential harm, including quantity and/or degree, caused by the violation.

(c) The similarity of the current alleged violation to previous violations that occurred within three years of the current alleged violation.

(4) Mitigating factors. The department may consider circumstances reducing the seriousness of the violation including, but not limited to, the following:

(a) A voluntary disclosure of a violation by the alleged violator.

(b) The low magnitude of the harm, or potential harm, including quantity and/or degree, caused by the violation.

NEW SECTION

WAC 16-228-920 PENALTY ASSIGNMENT SCHEDULE—TABLE A—PESTICIDE USE, APPLICATION, DISPOSAL, LICENSING, DISTRIBUTION, RECOMMENDATION, AND LABEL VIOLATIONS.

Penalty Assignment Schedule—TABLE A
(Pesticide use, application, disposal, licensing, distribution, recommendation, and label violations)

LEVEL OF VIOLATION	ADVERSE EFFECT(S)	UNKNOWNLY			KNOWINGLY		
		MINIMUM	MEDIAN	MAXIMUM	MINIMUM	MEDIAN	MAXIMUM
First	a. Not probable	\$100 1 day	\$200 and 3 days SUSPENSION	\$300 5 days	\$200 3 days	\$300 and 5 days SUSPENSION	\$400 7 days
	b. Probable	\$150 1 day	\$250 and 3 days SUSPENSION	\$350 5 days	\$250 3 days	\$350 and 5 days SUSPENSION	\$450 7 days
Second	a. Not probable	\$200 3 days	\$300 and 5 days SUSPENSION	\$400 7 days	\$300 5 days	\$400 and 7 days SUSPENSION	\$500 9 days
	b. Probable	\$200 3 days	\$350 and 5 days SUSPENSION	\$450 7 days	\$350 5 days	\$450 and 7 days SUSPENSION	\$550 9 days
Third	a. Not probable	\$400 10 days	\$700 and 15 days SUSPENSION	\$1000 20 days	\$500 10 days	\$1000 and 20 days SUSPENSION	\$1500 30 days
	b. Probable	\$500 10 days	\$1000 and 15 days SUSPENSION	\$1500 20 days	\$600 10 days	\$1300 and 20 days SUSPENSION	\$2000 30 days
Fourth	a. Not probable	\$600 15 days	\$1800 and 20 days SUSPENSION	\$3000 25 days	\$700 20 days	\$2100 and 30 days SUSPENSION	\$3500 40 days
	b. Probable	\$700 20 days	\$2100 and 30 days SUSPENSION	\$3500 40 days	\$800 30 days	\$2400 and 40 days SUSPENSION	\$4000 50 days
Fifth or More	a. Not probable	\$800 20 days	\$3400 and 40 days SUSPENSION	\$6000 60 days	\$900 50 days	\$3700 and 60 days SUSPENSION	\$6500 70 days
	b. Probable	\$900 50 days	\$3700 and 60 days SUSPENSION OR DENIAL OR REVOCATION	\$6500 70 days	\$1000 50 days	\$4250 and 70 days SUSPENSION OR DENIAL OR REVOCATION	\$7500 90 days

NEW SECTION

WAC 16-228-925 PENALTY ASSIGNMENT SCHEDULE—TABLE B—OTHER PESTICIDE VIOLATIONS.

Penalty Assignment Schedule—TABLE B

(For example: Records, posting of storage for category one pesticides, removal of examination material, and impersonating state official)

LEVEL OF VIOLATION	ADVERSE EFFECT(S)	UNKNOWINGLY			KNOWINGLY		
		MINIMUM	MEDIAN	MAXIMUM	MINIMUM	MEDIAN	MAXIMUM
First	a. Not probable	\$100	\$150 and 2 days	\$200	\$150	\$200 and 3 days	\$250
	b. Probable	\$150	\$200 and 2 days	\$250	\$200	\$250 and 3 days	\$300
Second	a. Not probable	\$200	\$250 and 3 days	\$300	\$250	\$300 and 4 days	\$350
	b. Probable	\$250	\$300 and 3 days	\$350	\$300	\$350 and 4 days	\$400
Third	a. Not probable	\$300	\$350 and 4 days	\$400	\$350	\$400 and 5 days	\$450
	b. Probable	\$350	\$400 and 4 days	\$450	\$400	\$450 and 5 days	\$500
Fourth	a. Not probable	\$400	\$450 and 5 days	\$500	\$450	\$500 and 6 days	\$550
	b. Probable	\$450	\$500 and 5 days	\$550	\$500	\$550 and 6 days	\$600
Fifth or More	a. Not probable	\$500	\$550 and 6 days	\$600	\$550	\$600 and 7 days	\$650
	b. Probable	\$550	\$600 and 6 days	\$650	\$600	\$650 and 7 days	\$750

NEW SECTION

WAC 16-228-930 OTHER DISPOSITIONS OF ALLEGED VIOLATIONS—PENALTY ASSIGNMENT. Nothing herein shall prevent the department from:

- (1) Choosing not to pursue a case administratively.
- (2) Issuing a warning letter in lieu of pursuing administrative action.
- (3) Negotiating settlement(s) of cases on such terms as it deems appropriate. Prior violation(s) covered by a prior settlement agreement may be used by the department for the purpose of determining the appropriate penalty for the current alleged violation(s) if not prohibited by the agreement.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-228-900 PENALTIES.

WSR 92-06-084
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed March 4, 1992, 10:38 a.m.]

Original Notice.

Title of Rule: Rights of persons aggrieved by pesticide violations in chapter 16-10 WAC.

Purpose: To adopt into rule procedures for persons aggrieved of pesticide violations in order to work within the Administrative Procedure Act, chapter 34.05 RCW.

Statutory Authority for Adoption: Chapter 17.21 RCW.

Statute Being Implemented: RCW 17.21.310.

Summary: These rules outline procedures and rights of a person aggrieved by a pesticide violation.

Reasons Supporting Proposal: RCW 17.21.340 provides for certain rights for persons aggrieved by a pesticide violation.

Name of Agency Personnel Responsible for Drafting: Dannie McQueen, Rules Coordinator, P.O. Box 42560, Olympia, WA, (206) 753-5035; Implementation and Enforcement: Art G. Losey, Assistant Director, P.O. Box 42589, Olympia, WA, (206) 753-5062.

Name of Proponent: Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 17.21.340 provides certain rights for persons aggrieved by a pesticide violation. These rules will provide the procedures for an aggrieved person of a pesticide violation to file a petition for reconsideration on a final order issued by the department and at the same time work within the requirements of the Administrative Procedure Act, chapter 34.05 RCW.

Proposal does not change existing rules.

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

Hearing Location: General Administration Building, 1st Floor Conference Room, Olympia, Washington 98504, on April 14, 1992, at 1:30 p.m.

Submit Written Comments to: Dannie McQueen, Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, by April 14, 1992.

Date of Intended Adoption: April 24, 1992.

March 4, 1992

Michael V. Schwisow
Deputy Director

Chapter 16-10 WAC
RIGHTS OF PERSONS AGGRIEVED PESTICIDE VIOLATIONS

NEW SECTION

WAC 16-10-010 DEFINITIONS. The following definitions are applicable to sections of this chapter concerning rights of persons aggrieved by violations under chapter 17.21 RCW and rules adopted under chapter 17.21 RCW.

(1) A "person aggrieved" by a violation is defined as a person who has reasonable grounds to believe that he or she has been directly or indirectly subjected to harm or potential harm by such violation.

(2) A "complainant" is defined as a person or persons aggrieved who has requested an inspection of an area in which a pesticide violation is believed to have occurred.

(3) "Person" is defined as any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

NEW SECTION

WAC 16-10-020 RIGHTS OF COMPLAINANTS. If an inspection is conducted by the department of an area in which a pesticide violation is believed to have occurred, a complainant shall:

(1) Be promptly provided with the department's decision, as set forth in the "notice of intent to assess civil penalty and/or deny, suspend, or revoke a license," or in any document issuing a warning or determining no action; the department will endeavor to provide notice concurrently with the department's service of such document on the alleged violator.

(2) Be entitled, upon written request to the department, to have his or her name protected from disclosure in any communication with persons outside the department and in any record published, released, or made available pursuant to chapter 17.21 RCW: PROVIDED, That in any adjudicative proceeding under chapter 34.05 RCW the identity of complainant shall be disclosed to the alleged violator upon request of the alleged violator.

(3) Be otherwise entitled to those rights of persons aggrieved as set forth in WAC 16-10-030, except that the complainant shall be provided, automatically without request, a copy of the final order referred to therein.

NEW SECTION

WAC 16-10-030 RIGHTS OF PERSON AGGRIEVED. A person aggrieved shall:

(1) Be entitled to be notified promptly of any final action taken by the department pursuant to an investigation under chapter 17.21 RCW; the department will provide notice concurrently with service of notice on the violator: PROVIDED, That such person has made timely written application to the department requesting such notice. Written application to the department requesting such notice shall be received no later than the date of service of a final order.

(2) Within thirteen days of the date of mailing of a final order to a person aggrieved, the person aggrieved may request in writing that the director reconsider the matter, shall specify in writing why said person believes the penalty decision is inappropriate, and shall serve such request on the violator.

(3) Upon reconsideration, the director will reconsider the entire matter including any written statement submitted by any party, and may adjust the penalty decision set forth in the final order if the director finds that the penalty was inappropriate.

(4) If such person is aggrieved by the director's order on reconsiderations, within twenty days of service of the order he or she may request in writing an adjudicative proceeding under chapter 34.05 RCW, shall specify in writing why the person believes the penalty decision is inappropriate, and shall serve such request on the alleged violator. The

subject of such proceeding shall be limited to the appropriateness of the penalty decision of the director on reconsideration based on a review of the record as supplemented by any new evidence received by the presiding officer. The alleged violator shall be given notice and an opportunity to participate in the proceeding by the department. The proceeding shall be heard by a presiding officer who has not heard the adjudicative proceeding on the merits against the alleged violator. Chapter 34.05 RCW and chapter 16-08 WAC shall govern the conduct of such proceeding and any review thereon.

(5) Upon the filing of any request for proceeding pursuant to subsection (2) of this section, any final order of the director shall be automatically stayed pending resolution of such request and expiration of any time period for pursuing additional relief. The director shall provide written notice to the alleged violator of any such resolution, thereby reinstating the rights of the alleged violator to seek further relief.

WSR 92-06-085

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed March 4, 1992, 10:41 a.m.]

Date of Adoption: March 4, 1992.

Purpose: To update and revise the existing rule to more accurately reflect conditions of industry practices.

Citation of Existing Rules Affected by this Order: Amending chapter 16-461 WAC.

Statutory Authority for Adoption: Chapter 15.17 RCW.

Pursuant to notice filed as WSR 92-01-121 on December 19, 1991.

Changes Other than Editing from Proposed to Adopted Version: Reworded terminology of the title of chapter 16-461 WAC to more clearly reflect the intent of this chapter.

Effective Date of Rule: Thirty-one days after filing.

March 4, 1992

Michael V. Schwisow
Deputy Director
for C. Alan Pettibone
Director

Chapter 16-461 WAC

~~((MOVEMENT OF))~~ INSPECTION REQUIREMENTS FOR FRUITS AND VEGETABLES ~~((FROM AREA OF PRODUCTION))~~

NEW SECTION

WAC 16-461-006 DEFINITIONS. Commercial lot shall mean any number of any type of containers or any quantity in bulk of agricultural products listed in WAC 16-461-010, which are sold or bartered: PROVIDED, That quantities of less than five hundred pounds net weight, when sold by any producer where grown by the producer and sold directly to the ultimate consumer, shall not be considered as a commercial lot.

AMENDATORY SECTION (Amending Order 1788, filed 3/1/83)

WAC 16-461-010 INSPECTION CERTIFICATE AND/OR PERMIT REQUIRED. (1) No person shall ship, transport ~~((or))~~, accept for shipment, ~~((transportation from the area of production))~~ accept delivery

of, any commercial lot of the following agricultural products without an inspection and the issuance of a certificate and/or a permit ~~((, allowing such shipment or movement by the division of plant industry of the department of agriculture, any of the following agricultural products))~~ by the commodity inspection division of the department of agriculture allowing such shipment, movement or delivery:

(a) Apricots – in closed or open containers for fresh ~~((shipment))~~ market.

(b) Italian prunes – in closed or open containers for fresh ~~((shipment))~~ market.

(c) Peaches – in closed or open containers for fresh ~~((shipment))~~ market.

(d) ~~((Potatoes – in closed or open containers, or bulk, for certified seed:~~

~~((e)))~~ Cherries – in closed or open containers for fresh market: PROVIDED, That no permit shall be issued on cherries infested with live cherry fruit fly larvae.

~~((ff))~~ (e) Apples – ~~((Pears (summer, fall and winter =))~~ in closed or open containers ~~((, or bulk for shipment))~~ for fresh market: PROVIDED, That ~~((pears for processing entering intrastate commerce will not require a permit for shipment. PROVIDED FURTHER, That))~~ apples ~~((and/or pears))~~ may be shipped or transported if accompanied by a certificate ~~((s))~~ of compliance issued by the shipper or packer of apples ~~((and/or pears,))~~ having the approval of the director to issue the certificates of compliance.

(f) Pears – in closed or open containers for fresh market: PROVIDED, That pears may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of pears having the approval of the director to issue the certificates of compliance.

(g) Asparagus – in closed or open containers for fresh ~~((shipment))~~ market: PROVIDED, That asparagus may be shipped or transported if accompanied by certificates of compliance issued by the shipper or packer of the asparagus, having the approval of the director to issue the certificates of compliance.

(h) Apples in containers or bulk, for processing: PROVIDED, That apples for processing may be shipped or transported if accompanied by a certificate of compliance issued by the shipper of apples having the approval of the director to issue the certificates of compliance: PROVIDED FURTHER, That apples for processing entering intrastate commerce shall not require a permit.

(i) Pears in containers or bulk, for processing: PROVIDED, That pears for processing may be shipped or transported if accompanied by a certificate of compliance issued by the shipper of pears having the approval of the director to issue the certificates of compliance: PROVIDED FURTHER, That pears for processing entering intrastate commerce shall not require a permit.

(2) Exemptions – Fruits and vegetables listed in WAC 16-461-010 shall be exempted from requirements for inspection and issuance of a certificate or permit:

(a) When the product is being transported from the premises where grown or produced to a horticultural facility other than wholesale or retail for the purpose of

storing, grading, packing, packaging, labelling, or processing; prior to entering commercial channels for resale;

(b) When transportation is between horticultural facilities other than those facilities which sell at wholesale or retail level, for the purposes set forth in (a) of this subsection.

~~((2))~~ (3)(a) Any shipper or packer of apples, apricots, cherries, pears, peaches, prunes, or asparagus may petition the director for authority to issue certificates of compliance for each season. The director may issue certificate of compliance agreements, granting such authority, on such terms and conditions as he may deem appropriate. The authority shall be limited to the issuance of certificates of compliance for apples, apricots, cherries, pears, peaches, prunes, and asparagus under the applicant's direct control or being handled at the shipper's or packer's facilities.

(b) The certificate of compliance shall be issued at time of shipment by the shipper or packer authorized to do so: **PROVIDED**, That the apples and/or pears and asparagus about to be shipped or transported are in full compliance with the requirements of chapter 15.17 RCW, regulations adopted thereunder and administrative directives of the director: **PROVIDED FURTHER**, That apricots, cherries, peaches, ~~((or))~~ prunes, or pears about to be shipped or transported are in full compliance with the federal marketing order requiring quality and condition certification and Washington state lot identification or federal-state lot identification.

(c) The director's approval to issue certificates of compliance ~~((shall))~~ may be suspended, revoked, or denied for cause, subject to RCW 34.05.422(3) and that cause shall be the shipper's or packer's failure to comply with the requirements of ~~((paragraph (2)))~~ subsection (3)(b) of ~~((these regulations))~~ this section, or for the shipper's or packer's actions which impede the department's abilities to ascertain full compliance with requirements of chapter 15.17 RCW or rules adopted thereunder, or for violation of the terms of the certificate of compliance agreement. The period of any suspension shall be determined by the director and shall be commensurate with the seriousness of the violation. ~~((The revocation shall be for the current season.))~~

(d) Any shipper or packer whose authority to issue certificates of compliance has been suspended, revoked, or denied by the director shall be subject to those provisions of chapter 15.17 RCW and the regulations requiring the issuance of a shipping permit by the director before apples, apricots, cherries, pears, peaches, prunes, and asparagus may be shipped or transported.

(e) Certificates of compliance shall be on forms approved and issued by the director of agriculture. ~~((Each certificate of compliance shall be stamped with a number assigned to the authorized shipper or packer.))~~

(f) Any shipper or packer authorized to issue certificates of compliance shall deposit with the director of agriculture at the regular base fee equivalent to that charged by the director for a shipping permit, for each certificate of compliance issued by the authorized shipper or packer. The base fees shall be deposited with the director of agriculture in the same manner as fees for shipping permits.

WSR 92-06-086

PROPOSED RULES

UTILITIES AND TRANSPORTATION
COMMISSION

[Filed March 4, 1992, 10:46 a.m.]

Original Notice.

Title of Rule: Revises gas safety rules, chapter 480-93 WAC, shown below as Appendix A, Docket No. UG-911261.

Purpose: Updates and clarifies existing gas safety rules and adds provisions affecting gas odorization, design and construction procedures, maps and drawings of gas facilities, employee qualifications, facilities not under cathodic protection, investigating corrosive conditions, pipeline casings, increasing maximum allowable operating pressure, internal inspection devices, and pressure reporting, for the protection of public safety.

Statutory Authority for Adoption: RCW 80.01.040.

Statute Being Implemented: RCW 80.28.010 and 80.28.210.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary, and Utility Staff, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization as reflected in RCW 80.01.040.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

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

Negligible effect on small business as defined in chapter 19.85 RCW.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on May 13, 1992, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250, comments by April 17, reply comments by May 27.

Date of Intended Adoption: June 17, 1992.

March 4, 1992

Paul Curl
Secretary

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-99, filed 5/18/77)

WAC 480-93-002 APPLICATION OF RULES. These rules shall apply to ~~((all gas companies))~~ every gas company, as that term is defined by WAC 480-93-005, and shall ~~((be complied with in))~~ apply

to the construction, operation, ~~((and))~~ maintenance, and safety of gas facilities ~~((for))~~ used in the ~~((transmission and))~~ gathering, storage, distribution, and transmission of gas in this state ~~((by those gas companies)).~~

AMENDATORY SECTION (Amending Order R-100, filed 5/18/77)

WAC 480-93-005 DEFINITIONS. (1) ~~((Gas company — the term "gas company" shall mean:~~

~~(a) Every gas company otherwise subject to the jurisdiction of the commission as to rates and service; or~~

~~(b) Every person, corporation, city or town, transporting natural gas by pipeline, or having for one or more of its principal purposes the construction, maintenance or operation of pipelines for transporting natural gas in this state, even though such person, corporation, city or town not be a public service company under chapter 80.28 RCW, and even though such person, corporation, city or town does not deliver, sell or furnish any such gas to any person or corporation within this state.~~

~~((2))~~ Bar hole — a hole that has been made in the soil or paving for the specific purpose of testing the subsurface atmosphere with a ~~((CGI))~~ combustible gas indicator.

~~((3))~~ (2) Building — any structure which is normally or occasionally entered by humans for business, residential, or other purposes and ~~((m))~~ within which gas could accumulate.

~~((4))~~ (3) Combustible gas indicator (CGI) — a device capable of detecting and measuring gas concentrations of the gas being transported.

~~((5))~~ (4) Confined space — any subsurface structure of sufficient size which could accommodate a person and ~~((m))~~ within which gas could accumulate, e.g., vaults, catch basins, manholes, etc.

~~((6))~~ (5) Follow-up inspection — an inspection performed after a repair has been completed in order to determine the effectiveness of the repair.

(6) Gas — natural gas, flammable gas, or gas which is toxic or corrosive.

(7) Gas associated substructures — those devices or facilities utilized by a gas company which are not intended for storing, transmitting, or distributing gas, such as valve boxes, vaults, test boxes, and vented casing pipe.

(8) Gas company — the term "gas company" shall mean:

(a) Every gas company otherwise subject to the jurisdiction of the commission as to rates and service; and

(b) Every person, corporation, city, or town transporting gas by pipeline in this state, even though such person, corporation, city, or town is not a public service company under chapter 80.28 RCW, and even though such person, corporation, city, or town does not deliver, sell, or furnish gas to any person or corporation within this state.

(9) Gathering line — a gas pipeline which transports gas from the outlet of a well and any associated compressor to the connection with a second gathering line or with a transmission line.

(10) Indication — ~~((an indication is))~~ a response indicated by a gas detection instrument that has not been verified as a reading.

~~((9))~~ (11) L.E.L. — the lower explosive limit of the gas being transported.

~~((10))~~ (12) Main — a gas pipeline, not a gathering or transmission line:

(a) Which serves as a common source of gas for more than one service line;

(b) Which crosses a public right of way; or

(c) Which crosses property not owned by the gas company.

(13) Prompt action — ~~((this action))~~ shall consist of dispatching qualified personnel without undue delay for the purpose of evaluating and where necessary abating ~~((the))~~ an existing or probable hazard.

~~((11))~~ (14) Reading — ~~((a reading is))~~ a repeatable deviation on a combustible gas indicator or equivalent instrument expressed in percent L.E.L. or gas-air ratio. Where the reading is in an unvented, confined space, consideration shall be given to the rate of dissipation when the space is ventilated and the rate of accumulation when the space is resealed.

~~((12))~~ (15) Service line — a gas pipeline, not a main, gathering or transmission line, which provides service to one building.

(16) Transmission line — a gas pipeline which connects to an existing transmission line without pressure regulation to lower the pressure; which is downstream of the connection of two or more gathering lines; and as defined in 49 CFR, Part 192, section 192.3.

~~((13))~~ (17) Tunnel — a subsurface passageway large enough for a man to enter and ~~((m))~~ within which gas could accumulate.

~~((14))~~ (18) Other terms which correspond to those used in 49 CFR, Part 192 (Minimum Federal Safety Standards for Gas Pipelines) shall be construed as used therein.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-010 COMPLIANCE WITH FEDERAL STANDARDS. Gas gathering, storage, distribution, and transmission facilities shall be constructed, maintained, and operated in compliance with the provisions of 49 CFR ~~((49))~~, Part 192 — Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (effective November 12, 1970, except for those provisions applicable to design, installation, construction, initial inspection, and initial testing of new pipelines which become effective March 13, 1971) as developed and issued by the office of pipeline safety (OPS), United States Department of Transportation (DOT), under Public Law (PL) 90-481, and as published in the Federal Register, Vol. 35, No. 161, dated August 19, 1970, and all subsequent additions, deletions, or amendments thereto when appropriately authorized, issued, and made official by OPS-DOT.

NEW SECTION

WAC 480-93-015 ODORIZATION OF GAS. All gas being transported by pipeline in this state, except gas directly transported for injection into a gas storage facility, shall be odorized in accordance with 49 C.F.R., Part 192.625, unless waiver is approved in advance of such transportation, in writing, by the commission.

NEW SECTION

WAC 480-93-017 DESIGN, SPECIFICATION, AND CONSTRUCTION PROCEDURES. The design, specification, and construction procedures for all gas facilities to be constructed in this state must be submitted to the commission. Every gas company must submit to the commission at least thirty days prior to the initiation of any construction activity, all proposed construction plans not in conformance with a gas company's design, specification, and construction procedures on file with the commission. No facilities may be constructed without first obtaining written commission acceptance of the design, specification, and construction procedures to be utilized.

NEW SECTION

WAC 480-93-018 MAPS AND DRAWINGS OF GAS FACILITIES. All gas companies shall prepare, maintain, and provide to the commission, upon request, copies of maps and drawings of the company's gas facilities. The maps and drawings shall be of such scale and detail as is necessary to show the size and type of material of all facilities, whether or not the facilities are cathodically-protected, and the maximum allowable operating pressure. The maps and drawings shall indicate all district regulator stations and gate stations; the approximate location of all valves, identifying those valves classified as emergency valves in the company's emergency procedures. The gas company shall provide key sheets for ready reference as needed.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-020 PROXIMITY CONSIDERATIONS. Gas ~~((pipelines to be operated at pressures in excess of))~~ facilities having a maximum allowable operating pressure greater than 500 psig ~~((and to be designed and constructed for operation in a Class 1 or 2 location))~~ shall not be ~~((constructed))~~ operated within 500 feet of the places described below without ~~((the authority))~~ prior written authorization of ~~((this))~~ the commission:

(1) ~~((A place of residence:))~~ A building intended for human occupancy which is in existence or under construction prior to the date authorization for construction is filed with the commission, and which is not owned and used by the petitioning gas company in its gas operations;

(2) Property which has been zoned as residential~~((:))~~ or commercial;

(3) ~~((A building used for public gatherings, including railroad stations:))~~ A well-defined outside area, such as a playground, recreation area, outdoor theater, or other place of public assembly, which is occupied by twenty or more people, sixty days in any twelve-month period; and

(4) ~~((Any school building, hospital, public building or any playground:))~~

~~(5) A building devoted to a business in which more than three people are employed.~~

~~(6)) A public highway, as defined in WAC 480-81-080.~~

In requesting ~~((such authority))~~ prior written authorization of the commission, the petitioning gas company shall certify ((to the commission)) that it is not practical to select an alternative route which will avoid such locations and further certify that management has given due consideration to the possibility of the future development of the area and ((that there is no justification for the pipeline to be designed and constructed to meet Class 3 or 4 requirements at such locations)) has designed its facilities accordingly. The petition shall include, upon request of the commission, an aerial photograph showing the exact location of the pipeline in reference to places listed above that are within five hundred feet of the pipeline right of way.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-030 PROSCRIBED AREAS. Gas ~~((pipelines which are to be operated at a maximum pressure in excess of 250))~~ facilities having a maximum allowable operating pressure between 251 psig and 499 psig shall not be ((instated)) operated within 100 feet of ((any building intended for human occupancy which is in existence or under construction prior to or at the date of execution of the right-of-way agreement or at the date of filing of a petition in condemnation unless such installation is authorized and approved by the commission)) the places described below without prior written authorization of the commission:

(1) A building intended for human occupancy which is in existence or under construction prior to the date authorization for construction is filed with the commission, and which is not owned and used by the petitioning gas company in its gas operations; and

(2) A well-defined outside area, such as a playground, recreation area, outdoor theater, or other place of public assembly which is occupied by twenty or more people, sixty days in any twelve-month period.

The petition shall include, upon request of the commission, an aerial photograph showing the exact location of the pipeline in reference to the places listed above that are within one hundred feet of the pipeline right of way.

NEW SECTION

WAC 480-93-082 QUALIFICATION OF EMPLOYEES. Every gas company that operates a gas facility in this state shall prepare, maintain, and provide to the commission, upon request, evidence of the qualifications of employees to perform all duties assigned in the operation, maintenance, inspection, and construction of gas facilities. This evidence of an employee's qualifications shall specify the type of all training received, when and where such training was received, and the length of time the employee has performed the specific duties assigned. On the job training, under the supervision of qualified personnel, in a company-certified, company-sponsored training program, may satisfy the requirements of this section.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-110 CORROSION CONTROL. Every gas company must ensure that all of its metallic gas pipelines are protected by a recognized method or combination of methods of cathodic protection. Every gas company shall record and retain all cathodic protection test readings taken and complete remedial action within ninety days to correct any cathodic protection deficiencies known and indicated by the company's records.

Whenever a gas company finds from investigation as required by 49 CFR ((49)), Part 192, that ((corrosion)) cathodic protection of gas pipelines ((located within a Class 3 or 4 location)) is not needed, ((such)) the company shall submit to the commission a report setting forth good and sufficient reasons why such protection is not required((; such)). The report ((to)) shall include the results of soil tests and other supporting data((; otherwise all gas pipelines located in a Class 3 or 4 location shall be protected by a recognized method or combination of methods of corrosion protection)).

NEW SECTION

WAC 480-93-111 NONCATHODICALLY PROTECTED GAS FACILITIES. Every gas company that has metallic gas facilities which are not now, or have never been, under cathodic protection or are not under adequate cathodic protection, shall semiannually provide to the commission, upon request, drawings which show the location of

such facilities, and a description of their size and material. The drawings and associated documentation will indicate the approximate date by which cathodic protection will be applied or the facilities will be replaced. If the gas company can prove, through electrical test data and other means, that the gas facilities are not in a corrosive environment, then neither cathodic protection nor replacement will be required.

NEW SECTION

WAC 480-93-112 CORROSIVE CONDITION INVESTIGATION. Whenever a gas company finds the presence of active corrosion; that the surface of the gas facility is generally pitted; or that corrosion has caused a leak, the company shall investigate further to determine the extent of the corrosion. Within ninety days after the discovery of a corrosive situation, action shall be taken to correct any unsafe condition. The company shall record the condition of all underground gas facilities each time such facility is exposed and retain those records for the life of that facility.

NEW SECTION

WAC 480-93-115 CASING OF PIPELINES. When casing is required or installed by a gas company, the casing shall be designed to withstand the superimposed load. Plastic pipe shall not be used as casing for steel pipe, but may be used as a sleeve. Steel pipe shall only be encased in a steel casing. A separate test lead wire shall be attached to the casing and the steel gas pipeline to verify that no electric short exists between the two. Tests shall be performed annually on all encased gas pipelines. Whenever a short exists between a pipeline and its casing, the condition shall be alleviated within ninety days. Thereafter, leak tests shall be conducted on a ninety day schedule until the condition is corrected. Every gas company shall develop procedures to ensure that whenever plastic pipe is encased, suitable precautions shall be taken to prevent crushing or shearing of the plastic pipe where it exits the casing.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-120 EXPOSED PIPELINES. Proper warning signs shall be placed ~~((or))~~ and other adequate protective measures taken at any point where gas pipelines ((or mains or)) and any associated equipment and facilities are exposed ((and/or because of)), and where their location presents an unusually hazardous situation((;)). ((; i.e., river crossings, road crossings, railroad crossings, etc. especially where pressures in excess of 100 psig are involved.)) All gas pipelines attached to bridges or otherwise spanning an area shall have proper warning signs at both ends of the suspended pipeline. The gas company shall keep these signs visible and readable, and inspect all signs annually; signs which are reported damaged and missing shall be replaced promptly.

NEW SECTION

WAC 480-93-124 PIPELINE MARKERS. All buried gas pipelines shall have pipeline markers placed and maintained as close as practical over each main and transmission line as required by 49 C.F.R., Part 707. Off-set pipeline markers may be used only if they indicate the distance from and direction to the pipeline. The pipeline markers shall be double-faced signs. Single-faced signs may be used on posts of distinctive color and shall meet the requirements of 49 C.F.R., Part 192.707(d). Pipeline markers shall be placed at all water crossings, railroad crossings, road crossings, drainage ditch crossings, and at all fence lines where a pipeline crosses private property. Pipeline markers required by 49 C.F.R., Part 707(a), shall be placed approximately five hundred yards apart if practical and at points of deflection of the pipeline. Exceptions to this rule must conform with 49 C.F.R., Part 192.707(b).

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-140 HOUSE REGULATORS. Gas companies that have customers with electronic ignition appliances shall have house regulators with relief valves, monitors, or safety shut-off valves. Gas companies that have customers with standing pilots may use house regulators that do not use relief valves, monitors, or safety shut-off valves ((on house regulators shall certify, through responsible officers thereof, to the commission they have given)), if responsible officers of the gas company certify to the commission that due consideration has

been given to the possible existence of foreign matter in their distribution system and other factors that might interfere with the proper operation of service regulators and they believe that under such conditions relief valves, monitors, or safety shut-off valves are not required or appropriate for safe operation.

NEW SECTION

WAC 480-93-155 INCREASING MAXIMUM ALLOWABLE OPERATING PRESSURE. The commission shall be furnished complete written plans and drawings of each pressure uprating to a maximum allowable operating pressure greater than sixty psig, at least thirty days prior to raising the pressure. The plan shall include a review of the following:

- (1) All affected gas facilities, including pipe, fittings, valves, and other associated equipment, with their manufactured maximum operating pressure and specifications;
- (2) Original design and construction standards;
- (3) All previous operating pressures and length of time at that pressure;
- (4) All leaks, regardless of cause, and the date and method of repair;
- (5) All upstream and downstream regulators and relief valves; and
- (6) All cathodic protection readings on mains for the past three years or three most recent inspections, whichever is longer, and the most recent inspection on each attached service line, which is electrically isolated.

The plan shall conform with the requirements of C.F.R. 49 Part 192.

NEW SECTION

WAC 480-93-161 PASSAGE OF INSTRUMENTED INTERNAL INSPECTION DEVICES. All new construction and replacement of transmission pipelines must be designed and constructed to accommodate the passage of an instrumented internal inspection device ("smart pigs") except at manifolds, station piping, and branch line junctures, such as "tees" and other lateral connections. However, in the case of fittings providing branch line junctures, other than in manifolds and station piping, restraining elements would have to be added to the fittings so that smart pigs can pass in the direction of straight flow.

NEW SECTION

WAC 480-93-175 MOVING AND LOWERING GAS PIPELINES. A gas company shall prepare a study, prior to the moving or lowering of every gas pipeline, except plastic mains and service lines, to determine whether the proposed action will cause an unsafe condition. This study will be reviewed and certified by the gas company's senior engineer and retained in the gas company's files for the life of the pipeline. The study shall include, but not be limited to the following criteria:

- (1) The required deflection of the pipeline;
- (2) The diameter, wall thickness, and grade of the pipe;
- (3) The characteristics of the pipeline;
- (4) The terrain and class location;
- (5) The soil conditions, including the Ph;
- (6) The current condition of the pipeline;
- (7) The safe stress of the pipeline; and
- (8) The toughness of the steel.

If the toughness of the pipe is unknown, it shall be considered to be brittle, and the pipeline shall not be moved.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-180 PLAN OF OPERATIONS AND MAINTENANCE PROCEDURES ~~((AND REPORTS THEREON))~~; EMERGENCY POLICY; REPORTING REQUIREMENTS. In compliance with the provisions and general intent of the federal "Natural Gas Pipeline Safety Act," ~~((see))~~ 49 C.F.R. ~~((49))~~, Part 192, ~~((Sections 192.603 and 192.605 each))~~ every gas company shall develop appropriate operating, maintenance ~~((and/or))~~, safety, and inspection plans and ~~((/or))~~ procedures and an emergency policy. Such plans and ~~((/or))~~ procedures, ~~((as well as))~~ and all subsequent changes ~~((thereto))~~ and amendments, initiated by the gas company or pursuant to changes in state and federal rules and regulations, shall be promptly filed with the commission, for review and ~~((for))~~ determination as to ~~((the))~~ their

adequacy ~~((of such))~~, when properly executed, to achieve an acceptable level of safety. The commission may, after notice and opportunity for ~~((a))~~ hearing, require such plans and ~~((/or))~~ procedures to be revised. Such plans and ~~((/or))~~ procedures will be furnished to the appropriate federal agency upon request. ~~((Operational, maintenance and inspection plans and/or procedures will be considered as having been filed with the commission when such have been officially issued by the company and made available to commission personnel at a mutually acceptable filing location and so certified to in writing to the commission. The file designated for commission use will be officially designated or identified by the company as the "WUTC official file." Such files will be kept current and will not be removed from the agreed location except by authorized commission personnel and/or for purposes of proper file maintenance.))~~ The plans and ~~((/or))~~ procedures required by the commission shall be practicable and designed to meet the needs of safety. In determining the adequacy of such plans and ~~((/or))~~ procedures to achieve an acceptable level of safety, the commission shall consider:

- (1) Relevant available pipeline safety data ~~((:))~~;
- (2) Whether the plans and ~~((/or))~~ procedures are appropriate for the particular type of pipeline operations being ~~((engaged in))~~ performed by the gas company, taking into consideration company size, geographical area of operation, and the public interest ~~((:))~~;
- (3) The reasonableness of the plans and ~~((/or))~~ procedures ~~((:))~~; and
- (4) The extent to which the plans ~~((or))~~ and procedures, if properly executed, will contribute to ~~((assuring))~~ an acceptable level of public safety being ~~((maintained))~~ achieved by the company.

Furthermore, ~~((each))~~ every gas company shall be responsible for establishing and maintaining such records, making such reports, and providing such information as the commission may reasonably require to enable it to determine whether the gas company has acted ~~((or))~~ and is acting in compliance with these rules and regulations and the standards established thereunder. ~~((Each))~~ Every gas company shall, upon request of the commission ~~((or))~~ and its authorized representatives, permit the commission ~~((or))~~ and its authorized representatives to inspect books, papers, records, and documents relevant to determining whether the gas company ~~((or))~~ and its agents have acted ~~((or))~~ and are acting in compliance with these rules and regulations and ~~((/or))~~ the standards established ~~((hereunder))~~ thereunder. Such commission inspections shall be conducted at reasonable times, within reasonable limits, and in a reasonable manner, and each inspection shall be commenced and completed with reasonable promptness.

NEW SECTION

WAC 480-93-183 PIPELINE AND SYSTEM PRESSURE REPORTING. All gas companies shall establish a maximum allowable operating pressure for a pipeline or system, to meet 49 C.F.R., Part 192, and notify the commission of the following pressure related changes:

- (1) When a pipeline or system pressure exceeds the approved maximum allowable operating pressure, the commission shall be notified within six hours, to be followed by written explanation within thirty days;
- (2) When a gas company proposes to raise any pipeline's pressure above two hundred fifty psig, the gas company shall petition the commission for a waiver of WAC 480-93-030, if applicable, before increasing the pressure;
- (3) When a gas company proposes to raise any pipeline's pressure above five hundred psig, the gas company shall petition the commission for a waiver of WAC 480-93-020, if applicable, before increasing the pressure;
- (4) When the pipeline or system operating pressure drops below the safe operating conditions of attached appliances and gas equipment; and
- (5) When a pipeline, operating in excess of two hundred fifty psig, is taken out of service for any reason the commission shall be notified within six hours, to be followed by written explanation within thirty days.

AMENDATORY SECTION (Amending Order R-102, filed 5/18/77)

WAC 480-93-185 GAS LEAK INVESTIGATION. Any notification of a leak, explosion, or fire, which may involve gas pipelines or other gas facilities, received from an outside source such as a police or fire department, other utility, contractor, customer, or the general public, shall be investigated promptly by the gas company. Where the

investigation reveals a leak, the leak shall be graded pursuant to WAC 480-93-186 and appropriate action shall be taken in accordance with these rules.

When leak indications are found to originate from a foreign source or facility, such as gasoline vapors, sewer or marsh gas, or customer-owned piping, prompt action shall be taken at that time, where appropriate, to protect life and property. Leaks that ((are)) represent an on-going, potentially hazardous situation shall be reported promptly to the owner or operator of the source facility and, where appropriate, to the police department, or other appropriate governmental agency. In all cases, the property owner or the adult person occupying the premises shall be notified of the leak conditions. If no methane indication is found, the gas company employee on-site shall so inform the property owner or the adult person occupying the premises, and shall request the adult person occupying the premises sign the gas company work order indicating that a gas leak was not the source of the leak indication. The gas company employee shall provide the adult person occupying the premises an odor sniff card which identifies the odor of natural gas and indicates the name, address, and telephone number of the gas company representative to be contacted if the leak indications are again noticed. If the property owner or an adult person occupying the premises is not available, the gas company shall, within twenty-four hours of the leak notification, send by first-class mail addressed to the person occupying the premises, a copy of the investigation report and an odor sniff card. A copy of the letter shall be retained by the gas company and kept with the leak report. A leak investigation report form shall be maintained in the gas company's leak report files for all leaks investigated, indicating gas company employee making the initial leak evaluation.

AMENDATORY SECTION (Amending Order R-103, filed 5/18/77)

WAC 480-93-18601 TABLE I—LEAK CLASSIFICATION AND ACTION CRITERIA—GRADE—DEFINITION—PRIORITY OF LEAK REPAIR—EXAMPLES.

TABLE I—LEAK CLASSIFICATION AND ACTION CRITERIA

GRADE 1 DEFINITION	
A leak that represents an existing or probable hazard to persons or property and requires immediate repair or continuous action until the conditions are no longer hazardous.	
PRIORITY OF LEAK REPAIR	EXAMPLES
Requires prompt action* to protect life and property and continuous action until the conditions are no longer hazardous.	Leaks requiring prompt action:
*The prompt action in some instances may require one or more of the following:	1. Any leak which, in the judgment of operating personnel at the scene, is regarded as an immediate hazard.
a. Implementation of company emergency plan (192.615).	2. Escaping gas that has ignited unintentionally.
b. Evacuating premises.	3. Any indication of gas which has migrated into or under a building or tunnel.
c. Blocking off an area.	4. Any reading at the outside wall of a building or where the gas would likely migrate to the outside wall of a building.
d. Rerouting traffic.	5. Any reading of 80% LEL or greater in a confined space.
e. Eliminating sources of ignition.	6. Any reading of 80% LEL, or greater in small substructures not associated with gas facilities where the gas would likely migrate to the outside wall of a building.
f. Venting the area, or	7. Any leak that can be seen, heard, or felt and which is in a location that may endanger the general public or property.
g. Stopping the flow of gas by closing valves or other means.	
h. Notifying police and fire ((department[s])) departments.	

**GRADE 2
DEFINITION**

A leak that is recognized as being nonhazardous at the time of detection but justifies scheduled repair based on probable future hazard.

PRIORITY OF LEAK REPAIR	EXAMPLES
Leaks should be repaired or cleared in one year but shall not exceed fifteen months from the date reported. If a Grade 2 leak occurs in a segment of pipeline which is under consideration for replacement, an additional 6 months may be added to the 15 months maximum time for repair noted above. In determining the repair priority, criteria such as the following should be considered:	A. Leaks requiring action ahead of ground freezing or other adverse changes in venting conditions:
a. Amount and migration of gas.	1. Any leak, which under frozen or other adverse soil conditions, would likely migrate to the outside of a building.
b. Proximity of gas to buildings and subsurface structures.	B. Leaks requiring action within six months:
c. Extent of pavement, and	1. Any reading of 40% LEL or greater under a sidewalk in a wall-to-wall paved area that does not qualify as a Grade 1 leak and where gas is likely to migrate to the outside wall of a building.
d. Soil type and conditions, such as frost cap, moisture and natural venting.	2. Any reading of 100% LEL or greater under a street in a wall-to-wall paved area that does not qualify as a Grade 1 leak and where the gas is likely to migrate to the outside wall of a building.
Grade 2 leaks shall be re-evaluated at least once every six months until cleared. The frequency of reevaluation should be determined by the location and magnitude of the leakage condition.	3. Any reading less than 80% LEL in small substructures not associated with gas facilities where gas would likely migrate creating a probable future hazard.
It should be recognized that Grade 2 leaks will vary greatly in degree of potential hazard. There will be some Grade 2 leaks, which when evaluated by the above criteria, will justify scheduled repair within the next 5 working days. Others will justify repair within 30 days. These situations shall be brought to the attention of the individual responsible for scheduling leakage repair at the end of the working day.	4. Any reading between 20% LEL and 80% LEL in a confined space.
On the other hand, there will be many Grade 2 leaks, which because of their location and magnitude, can be scheduled for repair on a normal routine basis with periodic reinspection as necessary.	5. Any reading on a pipeline operating at 30% SMYS or greater in Class 3 or 4 locations that does not qualify as a Grade 1 leak.
	6. Any leak which in the judgment of operating personnel at the scene is of sufficient magnitude to justify scheduled repair.

**GRADE 3
DEFINITION**

A leak that is nonhazardous at the time of detection and can reasonably be expected to remain nonhazardous.

PRIORITY OF LEAK REPAIR	EXAMPLES
Grade 3 leaks should be re-evaluated during the next scheduled survey, or within 15 months of the reporting date, whichever occurs first, until the leak is regraded or no longer results in a reading.	Leaks requiring reevaluation at periodic intervals:
	1. Any reading of less than 80% LEL in small gas associated substructures such as small meter boxes or gas valve boxes.
	2. Any reading under a street in areas without wall-to-wall paving where it is unlikely the gas could migrate to the outside wall of a building.
	3. Any reading of less than 20% LEL in a confined space.

AMENDATORY SECTION (Amending Order R-104, filed 5/18/77)

WAC 480-93-187 RECORDS AND SELF AUDIT. (1) Gas leak records. (~~Historical gas leak repair records shall be maintained by each~~) Every gas company shall prepare and maintain permanent gas leak repair records. Sufficient data and information shall be (available so that) included in leak repair records to permit the commission to assess the adequacy of the company maintenance programs (can be demonstrated) and to provide the data and information needed to complete (department of transportation leak report forms DOT) every required RSPA F-7100.1, (DOT) F-7100.1-1, (DOT) F-7100.2, and (DOT) F-7100.2-1 leak report.

The following data and information shall be recorded and maintained (~~but need not be in any specific format or retained at one location. Environmental description records are required only for those leaks which are reported to a regulatory agency~~). Every gas company which by law must report leaks to a regulatory agency charged by law with environmental protection shall file copies of those records with the commission. Data and information which cannot reasonably be expected to be available under the particular circumstances (existing) of a leak situation need not be reported(;;), but at a minimum will include the following:

(a) Date (detected, time reported, time dispatched, time investigated and by whom;) and time detected, date and time reported, date and time and name of employees dispatched, and the date and time the leak was investigated;

(b) Date and time the leak was reevaluated before repair, and (by whom;) the name of the employee involved;

(c) Date (repaired;) and time of repair, when a Grade 1 leak is involved, and (by whom;) the name of the employee in charge of repair;

(d) Date and time the leak was rechecked after repair and (by whom;) the employee involved;

(e) If leak was reportable (leak) to an environmental agency, date and time (of telephone) report made to regulatory authority and (by whom;) name of reporting employee;

(f) Location of leak(;;) (sufficiently described to allow ready location by other competent personnel(;;));

(g) Leak grade(;;);

(h) Line use(;;) (distribution, transmission, etc.);

(i) Method of leak detection(;;) (if reported by outside party, list name and address(;;));

(j) Part of system where leak occurred(;;) (main, service, etc.);

(k) Part of system which leaked(;;) (pipe, valve, fitting, compressor or regulator station, etc.);

(l) Material which leaked(;;) (steel, plastic, cast iron, etc.);

(m) Origin of leak(;;);

(n) Pipe description(;;);

(o) Type repair(;;);

(p) Leak cause(;;);

(q) Date pipe installed (if known)(;;);

(r) Under cathodic protection? Yes - No(;;); and

(s) Magnitude of CGI readings at appropriate locations which are a part of the classification procedures contained in Table 1 of WAC 480-93-186 [codified as WAC 480-93-18601].

The data to be recorded on leaks which have been appropriately (~~graded~~) classified as "Grade 3" may be at the company's discretion, but must include, (~~as~~) at a minimum, information necessary to allow for proper follow-up action to be accomplished.

(2) Self audits. In order that the effectiveness of the leak repair program may be evaluated, the following self audits shall be performed by (~~each~~) every gas company:

(a) Repair scheduling - assure that repairs are made within the time specified(;;);

(b) Repair effectiveness - assure that leak repairs are effective(;;); and

(c) Check adequacy of records.

AMENDATORY SECTION (Amending Order R-105, filed 5/18/77)

WAC 480-93-188 GAS LEAK SURVEYS. (1) Types of gas leak surveys and test methods. (~~Leak surveys and test methods as set forth in the most currently published issue of the American Society of Mechanical Engineers Guide for Gas Transmission and Distribution Systems, Guide Material Appendix G-11 subsection 3.4, entitled Leakage Surveys and Test Methods shall be employed at the discretion of the~~

~~operator either singly or in combination. Other survey and test methods may be employed if they are authorized by an appropriate governmental agency.) Every gas company shall have a leak control program, which shall be determined by the nature of the gas company's system and by existing physical and operating conditions, and which must meet the following minimum requirements. During a gas leak survey, a gas detection instrument shall be conducted over all mains and services, including the testing of the atmosphere:~~

(a) In gas, electric, telephone, sewer, water, and other underground structures;

(b) At cracks in paving, and in wall-to-wall paved areas, the cracks in sidewalks;

(c) At building walls; and

(d) At other opportune locations for discovering gas leaks.

(2) Maintenance and calibration of instruments. All instruments used in leak detection and evaluation shall be maintained, calibrated, and operated in accordance with the latest applicable manufacturers' specifications, methods, and procedures unless alternative specifications, methods, and procedures have been approved by an appropriate governmental agency.

(3) Frequency of surveys in designated areas. Gas leakage surveys shall be conducted according to the following specified frequencies:

(a) Business areas - at (least annually;) intervals not exceeding fifteen months, but at least once each calendar year;

(b) Residential areas - (at least every) as frequently as necessary, but at intervals not exceeding five years(;;);

(c) Buildings of public assembly - at (least annually;) intervals not exceeding fifteen months, but at least once each calendar year;

(d) Special surveys (or abnormal areas) - as required;

(e) Where the gas system has cast iron, wrought iron, or ductile iron, or noncathodically protected bare steel, galvanized steel, or coated steel pipe - at intervals not exceeding eight months, but at least twice each calendar year.

(4) Business areas and buildings of public assembly. Leakage surveys of business areas and public buildings shall be conducted on the following basis:

(a) All business structures and buildings of public assembly within 100 feet of an active pipeline, whether or not served with gas, shall be considered for survey.

(b) Where gas service lines exist, a survey shall be conducted at the building wall at the point of entrance, using a bar hole if necessary.

(c) Surveys shall be conducted within all buildings where leakage has been detected at the outside wall at all points where escaping gas could be expected to penetrate into and accumulate inside the building.

(d) Service piping, riser piping and meter(s) shall be checked with soap solution or by use of a gas (detector) detection instrument.

(5) Special surveys. Special leakage surveys shall be conducted in the following circumstances:

(a) Prior to paving or resurfacing, following street alterations or repairs, where gas facilities are under the area to be paved, and where there is a substantial probability that damage could have occurred to the gas facilities, an appropriate gas survey, including manholes and other street openings, shall be made.

(b) In areas of sewer, water, or other substructure construction adjacent to underground gas facilities, where there is a substantial probability that damage could have occurred to the gas facilities, an appropriate gas detection survey shall be made following the completion of installation but prior to paving.

(c) Unstable soil areas where active gas lines could be affected.

(d) Special surveys shall be made annually of places of public congregation when an active gas service line serves the building or where active gas service lines or mains are located with such close proximity as to present a possible hazard should leakage occur, for example:

~~(+) Churches;~~

~~(2) Schools;~~

~~(3) (i) Churches;~~

~~(ii) Schools; and~~

~~(iii) Hospitals.~~

(e) Special surveys shall be made of abnormal areas. Special surveys shall be conducted in areas of unusual activity, including, but not limited to, foreign construction, possible ground movement, flooding, earthquake, and explosions.

(6) Leak survey records. For the most current and immediately (previous) preceding survey of an area, the following information shall be maintained:

(a) Description of system and area surveyed. (This could include maps and(;/or) leak survey logs.)

- (b) Survey results.
- (c) Survey method.
- (d) Names of those making survey.
- (e) Survey dates.
- (f) In addition to the above, the following records shall be kept for pressure drop test:

(i) The ~~((operator's name, the name of the operator's))~~ name of the gas company, the name of the gas company employee responsible for making the test, and the name of any test company used.

- (ii) Test medium used.
- (iii) Test pressure.
- (iv) Test duration.
- (v) Pressure recording charts, or other record of pressure readings.
- (vi) Test results.

(7) Self audits. In order that the effectiveness of the leak detection and repair program may be evaluated, the following self audits shall be performed ~~((periodically))~~ as frequently as necessary, but at intervals not exceeding three years:

(a) Leak survey schedule – assure that it is commensurate with the Minimum Federal Safety Standards for gas lines, Subpart M–Maintenance, and the general condition of the pipeline system as required by other applicable regulations.

(b) Survey effectiveness – evaluate survey results to assure that a consistent evaluation of leaks is being made throughout the system.

(c) Check adequacy of records.

AMENDATORY SECTION (Amending Order R–28, filed 7/15/71)

WAC 480-93-190 BEING AWARE OF CONSTRUCTION WORK NEAR COMPANY GAS FACILITIES. ~~((A definite program shall be adopted by))~~ All gas companies shall subscribe to the available "one call locating service" in every area their facilities are located. Every gas company shall establish procedures for obtaining prompt notice and full information concerning the commencement and progress of all construction work in areas in close proximity to ((pipes, mains or)) gathering lines, mains, service lines, transmission lines, and other gas facilities. The object of such a program will be to lessen the probability of incurring damage to the company's underground facilities.

AMENDATORY SECTION (Amending Order R–28, filed 7/15/71)

WAC 480-93-200 ~~((REPORTING ACCIDENTS))~~ REPORTS ASSOCIATED WITH GAS COMPANY FACILITIES AND OPERATIONS. (1) ~~((Each))~~ Every gas company shall give prompt telephonic notice to the commission, within six hours of occurrence, of every accident ((or), incident, or hazardous condition, arising out of its ((facilities employed in the transmission, supply, storage, distribution or company use of gas)) operations which:

(a) Results in a fatality or personal injury requiring hospitalization; ~~((or))~~

(b) Results in damage to the property of the company and others of a combined total exceeding ~~(((\$1,000))~~ five thousand dollars (automobile collisions and other equipment accidents not involving gas or gas handling equipment need not be reported under this rule); ~~((or))~~

(c) Requires the taking of any segment of a transmission or a major distribution supply pipeline out of service; ~~((or))~~

(d) Results in gas escaping and igniting; ~~((or))~~

(e) Is significant, in the judgment of the company, even though it does not meet the criteria of ~~((subparagraphs))~~ (a) through (d) of this subsection;

(f) Results in the taking of a high pressure supply or transmission pipeline out of service or lowering its pressure fifty percent or more below its normal operating pressure; or

(g) Results in the news media reporting the occurrence, even though it does not meet the criteria of (a) through (f) of this subsection.

(2) Such reports shall be verified in detail in writing if not so reported initially and shall include at least the following:

(a) Name(s) and address(es) of any person or persons injured or killed or whose property was damaged; ~~((and))~~

(b) The extent of such injuries and ~~((/or))~~ damage; ((and))

(c) A description of the accident ~~((or), incident, or hazardous condition to include date, time, and place;~~

(d) A description of the gas facilities implicated in the accident, incident, or hazardous condition and the system operating pressure at that time, and the maximum allowable operating pressure of the facilities implicated;

(e) The date and time the gas facility was made safe;

(f) The date, time, and type of any temporary or permanent repair made; and

(g) A report, within three months, of the failure analysis of any accident, incident, or hazardous condition which was due to construction or material failure.

Routine or planned maintenance and operational activities of the company which result in company controlled plant and equipment shut downs, reduction in system pressures except as noted above, flaring or venting of gas, ~~((taking a segment of pipeline out of service))~~ and normal leak repairs are not to be considered reportable items under this ~~((rule))~~ section.

~~((Reference CFR 49, Part 191 (OPS Leak Reporting Requirements – Docket No. OPS-2) Sections 191.5, 191.7, 191.9, 191.11, 191.13, 191.15 & 191.17. Unless otherwise directed by the commission, the Washington utilities and transportation commission elects to follow the filing of written leak reports as specified under Section 191.7 as a part of its Section 5(a) agreement. A))~~ Every gas company ((may)) shall file ((the original and one)) a copy of ((each)) every required RSPA F-7100.1-1 and F-7100.2-1 leak report with the ((WUTC which will in turn (within 10 days) forward a copy to the OPS or it may file one copy directly with the OPS and one copy with the WUTC. Telephonic reporting as required by Section 191.5 will be made to the WUTC who will, if the company desires, relay the reported information to OPS. In the event that WUTC personnel cannot be contacted, then direct reporting to OPS is required)) commission. Names and ((phone)) telephone numbers of ((WUTC)) commission personnel authorized to take telephonic leak reports will be furnished and kept current under a separate letter to ((each)) every company.

~~((Every))~~ All gas ((company operating such system in this state)) companies shall file with ((this)) the commission, and with appropriate officials of all municipalities within which such gas ((pipelines are located)) companies have facilities, the names, addresses, and telephone numbers of responsible officials of such gas companies who may be contacted in the event of an emergency. In the event of any changes in gas company personnel, immediate notification thereof shall be given to ((this)) the commission and ((such)) municipalities.

AMENDATORY SECTION (Amending Order R–28, filed 7/15/71)

WAC 480-93-210 INTERRUPTIONS TO SERVICE. Interruptions to the service furnished by any gas ~~((pipeline or main affecting a wholesale))~~ company to an industrial customer, a master meter customer, or ((25)) twenty-five or more ((distributor)) distribution customers, or the failure of any ((major equipment thereof)) gas facilities, shall be ((promptly)) reported to the commission within six hours. When service has been restored, a written report shall be submitted promptly to the commission detailing the cause of the interruption or failure and steps taken to prevent any recurrence.

This requirement shall not apply to interruptions to service made by gas companies in accordance with the provisions of contracts between such companies and their customers or other planned interruptions carried out in conjunction with normal operational and maintenance requirements of the company.

AMENDATORY SECTION (Amending Order R–28, filed 7/15/71)

WAC 480-93-230 MODIFICATION/WAIVERS. If ~~((in the opinion of the))~~ a gas company ((it is determined)) determines that an undue hardship or an unsafe condition may result from the application of any rule ((herein prescribed because of special facts)) in this chapter, application may be made to the commission to deviate from the ((order)) rule. ((Each)) Every request for a deviation shall be accompanied by a full and complete justification for such requested deviation ((, together with a proposed alternate rule which will be applicable to the conditions requiring the deviation)). The petitioning company shall describe how it will meet the requirements of this chapter in the absence of the waived rule, which may include proposed amendments to this chapter. Requests for waiver will be ((reduced to writing)) written, properly documented, and submitted to the commission ((in sufficient time to allow a 60-day advanced notice to the office of pipeline safety prior to such a waiver becoming effective)). A gas company shall not file a petition for waiver with the federal government or other governmental authority without first having filed and received approval of the waiver from the commission.

WSR 92-06-087

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 91-59—Filed March 4, 1992, 11:19 a.m.]

Original Notice.

Title of Rule: Chapter 173-180D WAC, Facility oil spill prevention plan standards.

Purpose: To implement the provisions of RCW 90.56.200, to establish onshore and offshore facility oil spill prevention plan requirements to minimize the likelihood that a facility oil spill will occur, to minimize the size and impact of spills which do occur, and provide improved protection of Washington waters.

Statutory Authority for Adoption: RCW 90.56.300, 90.56.200, and 90.56.310.

Statute Being Implemented: RCW 90.56.200.

Summary: The Department of Ecology is required by RCW 90.56.200 to establish standards for oil spill prevention plans to be prepared by onshore and offshore facilities which handle oil (as defined by RCW 90.56.010).

Reasons Supporting Proposal: To provide minimum oil spill prevention planning standards.

Name of Agency Personnel Responsible for Drafting: Paul Heimowitz, Ecology Headquarters, Mailstop PV-11, 493-2819; Implementation and Enforcement: Greg Sorlie, Ecology Headquarters, P.O. Box 47600, Olympia, Washington 98504-7600, 459-6037.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule requires facilities which handle oil (as defined by RCW 90.56.010) to meet minimum standards in preparing oil spill prevention plans. At a minimum, these standards when followed, are expected to help minimize the likelihood that facility oil spills will occur, minimize the size and impacts of spills which do occur, and provide improved protection of Washington waters and natural resources from the impacts of oil spills.

Proposal does not change existing rules.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT

The proposed facility prevention plan standards rule, chapter 173-180D WAC, is one of several rules required by the Oil Spill Prevention and Response Act in 1991. These rules comprise a comprehensive effort whose goal is the protection of the state's natural resources, with spill prevention being recognized as a critical component of such an effort. The facility prevention plan standards are designed to minimize the likelihood of oil spill occurrence from facilities, minimize the size and impacts of facility oil spills which do occur, and support coordination with other spill prevention and contingency plans.

The proposed rule sets standards for preparing, evaluating, and periodically reviewing site-specific spill prevention plans for facilities that transfer oil to or from a tank vessel or pipeline. Broadly speaking, facility prevention plans describe the existing spill prevention measures at the facility, as well as provide a record of past significant oil spills and means of assessing the potential

for future spill from the facility. More specifically, plans must include descriptions of current spill prevention technology, spill prevention training, on-going maintenance and inspection programs, alcohol and drug abuse awareness programs, and facility site security measures. In addition, plans must also include a detailed and comprehensive facility site risk analysis and describe how the facility will provide best achievable protection to address the spill risks identified in the risk analysis. Facilities must also document previous significant oil spills from the facility during the five year period prior to submitting the plan and provide evidence that they are in compliance with certain state and federal laws.

The Regulatory Fairness Act (RFA) chapter 19.85 RCW, requires that rules promulgated under the Administrative Procedure Act be reviewed in light of their economic impact on small businesses in the state. One goal of such a review is to ensure that a proposed rule does not place a proportionally higher burden on small businesses in an affected industry. To meet this goal, the RFA requires that a small business economic impact statement (SBEIS) be performed if a rule affects more than 20 percent of all businesses in the state or more than 10 percent of the businesses in any one industry, as identified by a three-digit standard industrial classification (SIC) code. The facility prevention plan standards have been reviewed and is likely to affect some businesses in the following industries: SIC 261 Pulp Mills; SIC 262 Paper Mills; SIC 291 Petroleum Refining; SIC 295 Asphalt Paving and Roofing Products; SIC 461 Pipelines except Natural Gas; SIC 517 Petroleum and Petroleum Products; SIC Grocery Stores; SIC 598 Fuel Dealers; and SIC 738 Miscellaneous Business Services.

The facility prevention plan standards apply to firms with any facility that is on or near the navigable water of the state that transfers oil in bulk to or from a tank vessel or pipeline and is used for producing, handling, transferring, processing, or transporting oil in bulk. Exemptions from the rule include motor vehicle fuel outlets, rolling stock (including railroad cars and motor vehicles) while transporting oil over highways or rail lines in the state, and agricultural facilities.

Estimated costs of preparing a prevention plan under the proposed rule will, on a cost-per-employee basis, proportionately impact small businesses more than large businesses. However, several factors tend to minimize the potential economic impacts of these costs and their relative impacts on small versus large firms.

First, although the cost-per-employee is higher for small firms, the cost in absolute terms of preparing a prevention plan will be lower for small firms than for large firms. Survey results indicate that the cost of preparing a prevention plan for small firms that are in compliance with federal spill prevention regulations will likely be less than \$5,000. Costs estimates for large firms in compliance are generally two to four times as much. Virtually all of the facilities affected by the proposed rule are required to have a federal spill prevention control and countermeasure plan (SPCC plan). Under 40 CFR 112, much of the information required under the facility prevention plan standards is required to be included in SPCC plans. SPCC plans are to be reviewed

and evaluated at least every three years. Thus, for a small firm with a recent and detailed SPCC plan, the additional economic burden imposed by the proposed rule is likely to be low.

Second, for facilities with SPCC plans that do not meet federal standards (for example by being out of date or lacking in detail), the cost of preparing a prevention plan is correlated to the size of the facility, which in turn is correlated to the number of employees in the firm. Survey results indicate that the cost of preparing a prevention plan for facilities with substandard SPCC plans range between \$10,000 and \$70,000 depending on facility size and complexity. The lower end of this range is associated with small facilities. Medium to large facilities, all of which are owned by firms with more than 50 employees, are likely to have costs near the upper end of this range. Further, a substantial part of the increased costs for facilities with dated or substandard SPCC plans can be attributed to those firms having avoided the costs of preparing and updating detailed SPCC plans in the past.

Third, much of the cost of preparing a prevention plan under the proposed rule results from the requirement of such plans to have a facility site risk analysis and description of best achievable protection measures under chapter 173-180D WAC (16 and 17). These are not a major part of the current requirements for SPCC plans, but similar requirements are included in the proposed updating of 40 CFR 112. Thus, preparation of a prevention plan under the proposed rule will likely reduce costs of meeting federal requirements in the future.

Copies of the full SBEIS are available from Denise Clifford, Department of Ecology, Central Programs, PV-11, Olympia, Washington 98504-8711.

Hearing Location: On April 13, at 6:30 p.m., Central Wastewater Treatment Facility, Main Conference Room, 2201 Portland Avenue, Tacoma, WA; on April 14, at 6:30 p.m., Spokane County Public Health District, Room 140, 1101 West College Avenue, Spokane, WA; on April 20, at 6:30 p.m., Skagit County Administration Building, Room C, 700 South 2nd, Mt. Vernon, WA; and on April 21, at 6:30 p.m., Port Angeles High School Library, 304 East Park Avenue, Port Angeles, WA.

Submit Written Comments to: Paul Heimowitz, Department of Ecology, PV-11, P.O. Box 47600, Olympia, WA 98504-7600, by April 24, 1992.

Date of Intended Adoption: July 7, 1992.

March 4, 1992
Fred Olson
Deputy Director

Chapter 173-180D WAC
FACILITY OIL SPILL PREVENTION PLAN STANDARDS

NEW SECTION

WAC 173-180D-010 PURPOSE. The purpose of this chapter is to establish onshore and offshore facility oil spill prevention plan requirements which, when followed, will:

- (1) Minimize the likelihood that facility oil spills will occur;
- (2) Minimize the size and impacts of those facility oil spills which do occur;
- (3) Facilitate coordination of local, state, regional, tribal, and other prevention and contingency plans;

(4) Provide improved protection of Washington waters and natural resources from the impacts of oil spills; and

(5) Emphasize that oil spill prevention is the top priority strategy for protecting Washington waters and natural resources from the impacts of oil spills.

NEW SECTION

WAC 173-180D-020 AUTHORITY. RCW 90.56.200, 90.56.300, and 90.56.310 provide statutory authority for the prevention plan preparation and review requirements established by this chapter.

NEW SECTION

WAC 173-180D-030 DEFINITIONS. (1) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering:

- (a) The additional protection provided by the measures;
- (b) The technological achievability of the measures; and
- (c) The cost of the measures.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection, taking into consideration processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(4) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of greater than three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(5) "Department" means the state of Washington department of ecology.

(6) "Director" means the director of the state of Washington department of ecology.

(7) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(8)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that both:

- (i) Transfers oil in bulk to or from a tank vessel or pipeline; and
- (ii) Is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any:

- (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state;
- (ii) Underground storage tank regulated by the department or a local government under chapter 90.76 RCW;
- (iii) Motor vehicle motor fuel outlet;

(iv) Facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or

(v) Marine fuel outlet that dispenses three thousand gallons or less of fuel in a single transaction to a ship other than a tank vessel, cargo vessel, or passenger vessel. Marine fuel outlets that dispense more than three thousand gallons of fuel to any vessel in a single transaction do not meet this exemption.

(9) "Gross ton" means a vessel's approximate volume as defined in Title 46, United States Code of Federal Regulations, Part 69.

(10) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(11) "Maximum extent practicable" means the highest level of effectiveness that can be achieved through the use of facility personnel and best achievable technology. In determining what is the maximum extent practicable, the director shall consider, at a minimum, the effectiveness, engineering feasibility, commercial availability, safety, and the cost of the measures.

(12) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past,

or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(13) "Offshore facility" means any facility, as defined in subsection (8) of this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(14) "Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

(15) "Onshore facility" means any facility, as defined in subsection (8) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(16)(a) "Owner or operator" means:

(i) In the case of an onshore or offshore facility, any person owning or operating the facility; and

(ii) In the case of an abandoned onshore or offshore facility, the person who owned or operated the facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(17) "Passenger vessel" means a ship of greater than three hundred or more gross tons or five hundred or more international gross tons carrying passengers for compensation.

(18) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(19) "Pipeline" means, for the purposes of subsection (8)(a) (i) of this section, a pipeline connected to a marine facility, and not owned or operated by the facility referred to in subsection (8)(a) of this section.

(20) "Plan" means oil spill prevention plan.

(21) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(22) "Spill" means an unauthorized discharge of oil which enters waters of the state.

(23) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(24) "Transporting" means, for the purposes of subsection (8)(b)(i) of this section, the act of moving oil over the highways or rail lines of this state, and the act of transferring oil to or from the rolling stock.

(25) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

NEW SECTION

WAC 173-180D-040 APPLICABILITY. Oil spill prevention plans for onshore and offshore facilities must be prepared, submitted, and implemented, pursuant to requirements in this chapter.

NEW SECTION

WAC 173-180D-050 PLAN PREPARATION. (1) Each onshore and offshore facility shall prepare a plan for prevention of oil spills from the facility into the waters of the state, and for the protection of fisheries and wildlife, other natural resources, and public or private property from oil spills.

(2) Plans shall be thorough and contain enough information, analyses, supporting data, and documentation to demonstrate the plan holder's ability to meet the requirements of this chapter.

(3) Spill Prevention Countermeasure and Control Plans, Operation Manuals, and other prevention documents which meet federal requirements under 33 C.F.R. 154, 33 C.F.R. 156, 40 C.F.R. 109, 40 C.F.R. 112, or the Federal Oil Pollution Act of 1990 may be submitted to

satisfy plan requirements under this chapter if the department deems that such federal requirements equal or exceed those of the department, or if the plans are modified or appended to satisfy plan requirements under this chapter.

(4) Plans which meet requirements of other states may be submitted to satisfy plan requirements under this chapter if the department deems that such state requirements equal or exceed those of the department, or if the plans are modified or appended to satisfy plan requirements under this chapter.

(5) Prevention plans may be combined with contingency plans required by chapter 173-181 WAC.

(6) Plans, when implemented, shall be designed to be capable of providing the best achievable protection from damages caused by the discharge of oil into the waters of the state. At a minimum, plans shall meet the criteria specified in this chapter.

NEW SECTION

WAC 173-180D-055 PLAN FORMAT REQUIREMENTS. (1) Plans shall be organized in a format which provides easy access to prevention information. Plans shall be divided into a system of chapters and sections. Chapters and sections shall be numbered and identified with a system of index tabs.

(2) Plans shall be formatted to allow replacement of chapter and appendix pages with revisions, without requiring replacement of the entire plan.

(3) If combined with a contingency plan, the prevention plan shall be clearly separated from contingency plan elements.

(4) Prevention plan content requirements specified in WAC 173-180D-060 are presented in suggested but not requisite order.

(5) Computerized plans, in addition to a hard copy, may be submitted to the department.

NEW SECTION

WAC 173-180D-060 PLAN CONTENT REQUIREMENTS.

(1) Each plan shall contain a submittal agreement which:

(a) Includes the name, address, and phone number of submitting party;

(b) Verifies acceptance of the plan by the owner or operator of the facility by either signature of the owner or operator or signature by a person with authority to bind the corporation which owns or operates the facility;

(c) Commits the owner or operator of the facility to execution of the plan, and verifies that the plan holder is authorized to make appropriate expenditures in order to execute plan provisions; and

(d) Includes the name, location, and address of the facility, type of facility, starting date of operations, types of oil(s) handled, and oil volume capacity.

(2) Each plan shall include a log sheet to record amendments to the plan. The log sheet shall be placed at the front of the plan. The log sheet shall provide for a record of the section amended, the date that the old section was replaced with the amended section, verification that the department was notified of the amendment pursuant to WAC 173-180D-085, and the initials of the individual making the change. A description of the amendment and its purpose shall also be included in the log sheet, or filed in the form of an amendment letter immediately after the log sheet.

(3) Each plan shall include a detailed table of contents based on chapter, section, and appendix numbers and titles, as well as tables and figures.

(4) Each plan shall describe its purpose and scope, including but not limited to:

(a) The onshore facility or offshore facility operations covered by the plan;

(b) The relationship of the prevention plan to other oil spill plans and operation manuals held by the facility; and

(c) The relationship of the plan to all applicable local, state, regional, tribal, and federal government prevention plans.

(d) Information required under facility oil spill contingency plan standards in WAC 173-181-050(4); spill prevention, countermeasure, and control plan standards in 40 C.F.R. 112.4(a); or facility operations manual standards in 33 C.F.R. 154.310(1-4) may be used to address (a) of this subsection.

(5) Each plan shall describe the procedures and time periods for updating the plan and distributing the plan and updates to appropriate parties.

(6) Each plan shall provide evidence, such as a certificate, that the facility is in compliance with the Federal Oil Pollution Act of 1990, including but not limited to, financial responsibility requirements specified in Section 1016 of that act.

(7) Each plan, in accordance with standards and deadlines established by rules adopted by the department pursuant to chapter 88.44 RCW, shall provide evidence that the facility is in compliance with state financial responsibility requirements.

(8) Each plan shall describe the types and frequency of spill prevention training provided to personnel. In accordance with standards and deadlines established by rules adopted by the department pursuant to RCW 90.56.220, the plan shall confirm that all applicable supervisory and key personnel have been certified.

(9) Each plan, in accordance with standards and deadlines established by rules adopted by the department pursuant to RCW 90.56.230, shall provide evidence that the facility has an approved operations manual.

(10) Each plan shall provide evidence that the facility has an approved oil spill contingency plan in accordance with standards and deadlines established by chapter 173-181 WAC.

(11) Each plan shall address the facility's alcohol and drug use awareness and treatment program for all facility personnel.

(a) The plan shall include at a minimum:

(i) Documentation of an alcohol and drug awareness program. The awareness program shall provide training and information materials to all employees on recognition of alcohol and drug abuse; treatment opportunities, including opportunities under the Alcohol and Drug Addiction Treatment and Support Act pursuant to chapter 388-40 WAC; and applicable company policies;

(ii) A description, if applicable, of the facility's drug and alcohol treatment programs; and

(iii) A description, if applicable, of provisions for the screening of supervisory and key employees for alcohol and drug abuse and related work impairment.

(b) Evidence of conformance with applicable federal "Drug-Free Workplace" guidelines or other federal or state requirements may be used to address (a) of this subsection.

(12) Each plan shall describe the facility's maintenance and inspection program.

(a) The description shall summarize, if applicable:

(i) Frequency and type of all regularly scheduled inspection and preventive maintenance procedures for tanks; pipelines; other key storage, transfer, or production equipment, including associated pumps, valves, and flanges; and overpressure safety devices and other spill prevention equipment;

(ii) Hydrostatic and other integrity testing of storage tanks and pipelines, including but not limited to frequency; pressures used (including ratio of test pressure to maximum operating pressure); duration of pressurization; means of identifying that a leak has occurred; and measures to reduce spill risk if test material is product;

(iii) External and internal corrosion detection and repair;

(iv) Damage criteria for equipment repair or replacement; and

(v) Any other aspect of the maintenance and inspection program.

(b) The plan shall include a current index of maintenance and inspection records of the storage and transfer facilities and related equipment.

(c) Documentation required under 40 C.F.R. 112.7(e) or 33 C.F.R. 154 Subparts C and D may be used to address elements of this subsection.

(d) Copies of the facility's maintenance and inspection records shall be available for inspection if requested by the department.

(13) Each plan shall describe spill prevention technology currently installed and in use, including if applicable:

(a) Tank and pipeline materials and design;

(b) Storage tank overflow alarms, low level alarms; tank overflow cut-off switches; automatic transfer shut-down systems; methods to alert operators; system accuracy; and tank fill margin remaining at time of alarm activation in terms of vertical distance, quantity of liquid, and time before overflow would occur at maximum pumping rate;

Documentation required under 40 C.F.R. 112.7(e)(2)(viii) or 33 C.F.R. 154.310(a)(12-13) may be used to address some or all of these elements;

(c) Leak detection systems for both active and nonactive pipeline conditions, including detection thresholds in terms of duration and percentage of pipeline flow; limitations on system performance due to normal pipeline events; and procedures for operator response to leak alarms;

Documentation required under 40 C.F.R. 112.7(e)(3) may be used to address some or all of these elements;

(d) Rapid pump and valve shutdown procedures, including means of ensuring that surge and over-pressure conditions do not occur; rates of valve closure; sequence and time duration (average and maximum) for entire procedure; automatic and remote control capabilities; and displays of system status for operator use;

Documentation required under 40 C.F.R. 112.7(e)(3) may be used to address some or all of these elements;

(e) Methods to minimize of post-shutdown residual drain-out from pipes, including criteria for locating valves; identification of all valves (including types and means of operation) that may be open during a transfer process; and any other techniques for reducing drain-out;

(f) Means of relieving pressure due to thermal expansion of liquid in pipes during quiescent periods;

(g) Secondary containment, including capacity, permeability, and material design;

Documentation required under 40 C.F.R. 112.7(e)(1) and (2)(iii-iv) may be used to address some or all of these elements;

(h) Internal and external corrosion control coatings and monitoring;

(j) Storm water and other drainage retention, treatment, and discharge systems, including maximum storage capacities and identification of any applicable discharge permits;

Documentation required under 40 C.F.R. 112.7(e)(1) and (2)(iii and ix) may be used to address some or all of these elements; and

(k) Criteria for suspension of operations while leak detection or other spill control systems are inoperative.

(14) Each plan shall describe measures taken to ensure facility site security, including if applicable:

(a) Procedures to control and monitor facility access;

(b) Facility lighting (documentation required under 33 C.F.R. 154.570 may be used to address some or all of this element);

(c) Signage; and

(d) Right-of-way identification to prevent third-party damage (documentation required under 40 C.F.R. 112.7(e)(3)(v) and (9) may be used to address some or all of this element).

(15) Each plan shall list any discharges of oil in excess of twenty-five barrels (one thousand fifty gallons) to the land or waters of the state which occurred during the five-year period prior to the plan submittal date. For each discharge, the plan shall describe:

(a) Quantity;

(b) Type of oil;

(c) Geographic location;

(d) Analysis of cause, including source(s) of discharged oil and contributing factors (e.g., third party human error, adverse weather, etc.); and

(e) Measures taken to remedy the cause and prevent a reoccurrence.

(16) Each plan shall include a detailed and comprehensive analysis of facility spill risks based on the information required in subsections (11) through (15) of this section, and other relevant information.

(a) The risk analysis shall:

(i) Evaluate the construction, age, corrosion, inspection and maintenance, operation, and oil spill risk of the transfer, production, and storage systems in the facility, including piping, tanks, pumps, valves, and associated equipment;

(ii) Evaluate spill minimization and containment systems within the facility;

(iii) Be prepared under the supervision of (and bear the seal of) a professional engineer licensed in accordance with chapter 18.43 RCW, or another individual which the department has deemed to have an acceptable level of expertise.

(b) Documentation required under 40 C.F.R. 112.7(b) and (e) may be used to address some or all of the elements of this subsection.

(17) Each plan shall describe how the facility will incorporate those measures that will provide best achievable protection to address the spill risks identified in the risk analysis required in subsection (16) of this section.

(a) Information documented pursuant to 40 C.F.R. 112.7(e) and 33 C.F.R. 154.310 may be used to address some or all of these elements of this subsection.

(b) Within six months after facility operation standards are adopted by rule by the department pursuant to RCW 90.56.220, the plan shall be updated to address how the facility will meet prevention standards and deadlines established by that rule.

(18) If the prevention plan is combined with a contingency plan, the prevention plan may incorporate information required in this section by reference if that information is provided in the contingency plan.

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

NEW SECTION

WAC 173-180D-065 PLAN SUBMITTAL. (1) Plans for onshore and offshore facilities shall be submitted to the department by January 1, 1993.

(2) Any onshore or offshore facility that first begins operating after the deadlines stated in subsection (1) of this section shall submit a plan to the department at least sixty-five calendar days prior to the beginning of operations.

(3) Three copies of the plan and appendices shall be delivered to:

Spill Management Section, Prevention Plan Review
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

(4) Onshore and offshore facility plans may be submitted by:

(a) The facility owner or operator; or

(b) A primary response contractor approved by the department pursuant to WAC 173-181-090, in conformance with signature requirements under WAC 173-180D-060(1).

(5) A single plan may be submitted for more than one facility, provided that the plan meets the requirements in this chapter for each facility listed.

(6) The plan submitter may request that proprietary information be kept confidential under RCW 43.21A.160.

NEW SECTION

WAC 173-180D-070 PLAN REVIEW. (1) The department shall endeavor to review each plan in sixty-five calendar days. If the plan is submitted in conjunction with a contingency plan required under chapter 173-181 WAC, the department may extend the prevention plan review period an additional sixty-five calendar days. Upon receipt of a plan, the department shall evaluate promptly whether the plan is incomplete. If the department determines that a plan is incomplete, the submitter shall be notified of deficiencies. The review period shall not begin until the department receives a complete plan.

(2) The department shall regularly notify interested parties of any prevention plans which are under review by the department, and make plans available for review by all department programs, other state, local, tribal, and federal agencies, and the public. The department shall accept comments on the plan from any interested party during the first thirty calendar days of review by the department.

(3) A plan shall be approved if, in addition to meeting criteria in WAC 173-180D-055 and 173-180D-060, it demonstrates that when implemented, it can:

(a) Provide best achievable protection from damages caused by the discharge of oil into the waters of the state;

(b) Provide for compliance with prevention standards and deadlines established by facility operation standards adopted by rule by the department pursuant to RCW 90.56.220;

(c) Provide, to the maximum extent practicable, protection from oil spill risk factors identified in the risk analysis required by WAC 173-180D-060(16), for those risk factors not addressed by facility operation standards adopted by rule by the department pursuant to RCW 90.56.220;

(d) Minimize the likelihood that facility oil spills will occur; and

(e) Minimize the size and impacts of those facility oil spills which do occur.

(4) When reviewing plans, the department shall, in addition to the above criteria, consider the following at a minimum:

(a) The volume and type of oil(s) addressed by the plan;

(b) The history and circumstances of prior spills by similar types of facilities, including spill reports by ecology on-scene coordinators;

(c) Inspection reports;

(d) The presence of operating hazards;

(e) The sensitivity and value of natural resources within the geographic area covered by the plan; and

(f) Any pertinent local, state, tribal, federal agency, or public comments received on the plan.

(5) The department, in order to facilitate a coordinate review, may base plan review on approval criteria of a federal agency or other state if the department has deemed such approval criteria to equal or exceed those of the department.

(6) The department shall endeavor to notify the facility owner or operator within five working days after the review is completed whether the plan has been approved.

(a) If the plan receives approval, the facility owner or operator shall receive a certificate of approval describing the terms of approval, including expiration dates pursuant to WAC 173-180D-085(4).

(b) The department may conditionally approve a plan by requiring a facility owner or operator to operate with specific precautionary measures until unacceptable components of the plan are resubmitted and approved.

(i) Precautionary measures may include, but are not limited to, reducing oil transfer rates, increasing personnel levels, or restricting operations to daylight hours or favorable weather conditions. Precautionary measures may also include additional requirements to ensure availability of response equipment.

(ii) A plan holder shall have thirty calendar days after the department gives notification of conditional status to submit to the department and implement required changes, with the option for an extension at the department's discretion. Plan holders who fail to meet conditional requirements or provide required changes in the time allowed shall lose conditional approval status.

(c) If plan approval is denied or revoked, the facility owner or operator shall receive an explanation of the factors for disapproval and a list of deficiencies. The facility shall not continue oil storage, transfer, production, or other operations until a plan for that facility has been approved.

(d) If a plan holder demonstrates an inability to comply with an approved prevention plan or otherwise fails to comply with requirements of this chapter, the department may, at its discretion:

(i) Place conditions on approval pursuant to (b) of this subsection; or

(ii) Revoke its approval pursuant to (c) of this subsection.

(e) Approval of a plan by the department does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under state law.

(7) The department shall prepare a manual to aid department staff responsible for plan review. This manual shall be made available to plan preparers. While the manual will be used as a tool to conduct review of a plan, the department will not be bound by the contents of the manual.

(8) The department shall work with the office of marine safety to ensure that no duplication of regulatory responsibilities occurs in the review of prevention plans from marine facilities.

NEW SECTION

WAC 173-180D-075 INSPECTIONS. (1) The department may verify compliance with this chapter by announced and unannounced inspections in accordance with RCW 90.48.090.

(2) During inspections, department staff may require the plan holder to test operations of spill prevention technology installed in the facility.

(3) The department shall endeavor to provide a completed inspection report to the facility owner and operator within thirty calendar days from the inspection date.

NEW SECTION

WAC 173-180D-080 PLAN MAINTENANCE AND USE. (1) Each facility covered by the plan shall possess a copy of the plan and keep it in a conspicuous and immediately accessible location.

(2) Facilities shall ensure that all employees involved in oil transfer, production, or storage operations are familiar with the plan provisions through regular training. Orientation materials for new employees involved in oil transfer, production, or storage operations shall contain a copy of the plan.

NEW SECTION

WAC 173-180D-085 PLAN UPDATE TIMELINE. (1) The department shall be notified in writing as soon as possible and prior to completion of any significant change which could affect the plan. If the change will reduce the facility's ability to implement the plan, the plan holder shall also provide a schedule for the return of the plan to full implementation capability.

(a) A significant change includes, but is not limited to:

(i) A change in the owner or operator of the facility;

(ii) A change in the types of oil handled at the facility;

(iii) A five percent or greater change in the facility's oil handling capacity;

(iv) Noncompliance with the Federal Oil Pollution Act of 1990;

(v) A substantial increase in the risk of an oil spill by that facility; and

(vi) A substantial change in oil spill prevention technology installed at the facility, or other substantial changes to facility equipment, operations, or personnel procedures, including compliance with amended or new rules adopted by the department.

(b) Changes which are not considered significant include, but are not limited to, minor variations (less than five percent) in oil handling capacity, maintenance schedules, and operating procedures, provided that none of these changes will increase the risk of a spill.

(c) The facility shall update the plan's list of discharges, as required by WAC 173-180D-060(15), within thirty calendar days after an oil discharge by the facility in excess of twenty-five barrels (one thousand fifty gallons).

(d) A facsimile will be considered written notice for the purposes of this subsection.

(e) Failure to notify the department of significant changes shall be considered noncompliance with this chapter and subject to provisions of WAC 173-180D-070 (6)(d).

(2) If the department finds that, as a result of the change, the plan no longer meets approval criteria pursuant to WAC 173-180D-070, the department may, at its discretion, place conditions on approval or revoke approval in accordance to WAC 173-180D-070 (6)(d). The department may also require the plan holder to amend its plan to incorporate the change.

(3) Within thirty calendar days of making a change to the prevention plan, the facility owner or operator shall distribute the amended page(s) of the plan to the department and other plan holders.

(4) Plans shall be reviewed by the department at least every five years pursuant to WAC 173-180D-070. Plans shall be submitted for reapproval unless the plan holder submits a letter requesting that the department review the plan already in the department's possession. The plan holder shall submit the plan or such a letter at least sixty-five calendar days in advance of the plan expiration date.

(5) The department may review a plan following any spill for which the plan holder is responsible.

NEW SECTION

WAC 173-180D-090 NONCOMPLIANCE WITH PLAN REQUIREMENTS. (1) Any violation of this chapter may be subject to the enforcement and penalty sanctions of RCW 90.56.300 and 90.56.310.

(2) The department may assess a civil penalty of up to one hundred thousand dollars against any person who violates this section. Each day that a facility or person violates this section shall be considered a separate violation.

NEW SECTION

WAC 173-180D-098 SEVERABILITY. If any provision of this chapter is held invalid, the remainder of the rule is not affected.

WSR 92-06-088

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 91-58—Filed March 4, 1992, 11:24 a.m.]

Original Notice.

Title of Rule: Chapter 173-492 WAC, Motor fuel specifications for oxygenated gasoline.

Purpose: The purpose of this new chapter is to reduce carbon monoxide emissions from gasoline powered motor vehicles, through the wintertime use of oxygenated gasolines, in areas that are either known or expected to exceed health-based air quality standards.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.011.

Summary: This rule is a new chapter in the Washington Administrative Code and is, in part, mandated by the federal Clean Air Act, which requires metropolitan areas which are out of attainment for carbon monoxide to implement an oxygenated fuel program.

Reasons Supporting Proposal: To bring nonattainment areas into attainment for carbon monoxide, and to prevent further degradation of air quality.

Name of Agency Personnel Responsible for Drafting: Carol Piening and Dan Johnson, P.O. Box 47600, (206) 438-8110; **Implementation and Enforcement:** Joseph Williams, P.O. Box 47600, (206) 459-6255.

Name of Proponent: Department of Ecology, governmental.

Rule is necessary because of federal law, 42 U.S.C. 7545 Sec. 211 (m).

Explanation of Rule, its Purpose, and Anticipated Effects: The federal Clean Air Act mandates the use of oxygenated fuels in areas that are out of attainment for carbon monoxide. The purpose of the proposed rule is to reduce carbon monoxide emissions from motor vehicles through the wintertime use of oxygenated gasolines in areas that are either known or expected to exceed health-based air quality standards. The proposed chapter establishes control areas and control periods for the use of oxygenated gasoline. It defines compliance requirements, including a minimum and an average oxygen content, and appropriate labeling. It also defines monitoring and enforcement requirements. It sets registration fees for the 1992-1993 control season. It gives ecology or the local air authority enforcement discretion in case of unforeseen circumstances. Local air authorities, where they have jurisdiction, are responsible for compliance monitoring and enforcement.

Proposal does not change existing rules.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT

The purpose of the proposed motor fuel specifications for oxygenated gasoline rule, chapter 173-492 WAC is to reduce carbon monoxide (CO) emissions from gasoline powered motor vehicles through the wintertime use of oxygenated gasolines in areas that are either known or expected to exceed health-based air quality standards. The federal Clean Air Act amendments of 1990 require states with areas not meeting national air quality standards for carbon monoxide emissions to implement oxygenated gasoline programs. The Environmental Protection Agency is empowered to enforce the Clean Air Act amendments.

The areas within Washington exceeding national ambient air quality standards for CO are the Seattle/Tacoma, Vancouver, and Spokane metropolitan areas. In accordance with instruction from the EPA, the counties within which these areas are located must serve as the control areas where oxygenated gasoline will be distributed. Oxygenated gasoline must be used in Clark, King, Pierce and Snohomish Counties from November 1 through February 29, and in Spokane County from September 1 through February 29 beginning in the fall of 1992. The Department of Ecology has determined that extending the control areas in November 1994, to include all counties in western Washington will help to

maintain healthful air quality and ease difficulties gasoline distributors may encounter in handling both oxygenated and nonoxygenated gasolines.

The Regulatory Fairness Act, chapter 19.85 RCW, was adopted in 1982 to reduce proportionately higher economic impacts of state regulations on small businesses. A small business is defined as any business which has fifty or fewer employees. The RFA requires that all state agencies proposing regulations having an economic impact on more than 10 percent of the businesses in any one industry and on more than 20 percent of all industries in the state prepare a small business economic impact statement (SBEIS). If a rule is found to place a disproportionate impact on small businesses, it must be modified in order to mitigate this effect.

Chapter 174-492 WAC has been reviewed and found to directly affect companies in the following standard industrial classification (SIC) codes: SIC 2911 Petroleum Refineries; SIC 5171 Petroleum Bulk Stations and Terminals; and SIC 554 Retail Gasoline Stations.

Businesses in these SIC codes may choose to become oxygenate blenders by paying a fee to register with the Department of Ecology or the local air authority. No petroleum refineries producing automobile gasoline in Washington are classified as small businesses and therefore are not disproportionately impacted by the rule. Small businesses in the categories for gasoline bulk stations and terminals and retail gasoline stations are disproportionately affected by the rule.

Small businesses in SIC 5171 will have a disproportionate impact resulting from the oxygenate blender registration fee. This effect can be moderated by utilizing a different fee structure in which the registration fee is determined according to a specified dollar amount per gallon of oxygenated gasoline produced for use in control areas.

Almost all retail gasoline stations in Washington are small businesses. Service stations located near control area borders which must compete with noncontrol area stations selling less expensive nonoxygenated products will suffer financial losses. The expansion of control areas to include all western Washington counties in November 1994, will help to mitigate this effect. However, the question remains as to whether all border stations in western Washington will survive until that time and what the net effect will be on stations near the borders of Spokane County.

Complete copies of the SBEIS may be obtained from: Carol Piening, Department of Ecology, Air Programs, P.O. Box 47600, Olympia, WA 98504-7600.

Hearing Location: On April 21, 1992, at 7:00 p.m., South Seattle Community College, 6000 16th S.W., Seattle, WA; on April 22, at 7:00 p.m., Ed Fisher Operations Center (Community Room), Clark County Public Utility, 8600 N.E. 117th Avenue, Vancouver, WA; and on April 28, at 7:00 p.m., Spokane County Public Health Center, District Auditorium, Room 140, West 1101 College Avenue, Spokane, WA.

Submit Written Comments to: Carol Piening, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, by May 5, 1992.

Date of Intended Adoption: July 21, 1992.

March 4, 1992

Fred Olson

Deputy Director

Chapter 173-492 WAC
MOTOR FUEL SPECIFICATIONS FOR OXYGENATED GASOLINE

NEW SECTION

WAC 173-492-010 POLICY AND PURPOSE. The purpose of this regulation is to reduce carbon monoxide emissions from gasoline powered motor vehicles, through the wintertime use of oxygenated gasolines, in areas that are either known or expected to exceed health-based air quality standards.

NEW SECTION

WAC 173-492-020 APPLICABILITY. This regulation shall apply to all gasoline offered for sale in the control areas and over the control periods defined in WAC 173-492-070.

NEW SECTION

WAC 173-492-030 DEFINITIONS. The following words and phrases shall have the following meanings:

"Authority" means an air pollution control authority activated pursuant to chapter 70.94 RCW that has jurisdiction over the subject source.

"Blender" means any person who blends oxygenate into gasoline intended for use in any control area during the applicable control period.

"Control area" means the area in which only oxygenated gasoline under the oxygenated gasoline program of this chapter may be sold or dispensed.

"Control period" means the period during which oxygenated gasoline must be sold or dispensed within the control area.

"Ecology" means the Washington state department of ecology.

"Gasoline" means any fuel sold for use in motor vehicles and motor vehicle engines, and commonly known or sold as gasoline.

"Large volume blender" means facilities that blend and offer for sale or sell one million gallons or more, but less than fifteen million gallons, of gasoline per month during the control period within the control area.

"Medium volume blender" means facilities that blend and offer for sale or sell one hundred thousand gallons or more, but less than one million gallons, of gasoline per month during the control period within the control area.

"Oxygenate" means any substance which, when added to gasoline, increases the amount of oxygen in the gasoline blend. Lawful use of any combination of these substances requires that they be "substantially similar" under section 211(f)(1) of the federal Clean Air Act (CAA), or be permitted under a waiver granted by the Administrator of the Environmental Protection Agency under the authority of section 211(f)(4) of the CAA.

"Oxygenated gasoline" means gasoline which contains a measurable amount of oxygenate, generally an alcohol or ether.

"Small volume blender" means facilities that blend and offer for sale or sell less than one hundred thousand gallons of gasoline per month during the control period within the control area.

"Very large volume blender" means facilities that blend and offer for sale fifteen million gallons or more of gasoline per month during the control period within the control area.

NEW SECTION

WAC 173-492-040 COMPLIANCE REQUIREMENTS. (1) Retail sales. No gasoline intended as a final product for fueling of motor vehicles within the control areas and control periods as defined in WAC 173-492-070 shall be offered for sale, sold or dispensed by any person unless the gasoline has at least 2.0% oxygen content by weight.

(2) Average blend requirements. Over each two-month interval during the control period, gasoline supplied by blenders to retail facilities within the control areas defined in WAC 173-492-070 shall average at least 2.7% oxygen by weight, and in no case be less than 2.0% oxygen content by weight.

(3) Reports. Blenders shall provide periodic reports, as stipulated in the blenders registration, to ecology or the authority summarizing how

the requirements of subsection (2) of this section were met. Out-of-state blenders shall report to ecology. With prior approval from ecology or the authority, a credit trading program may be used to comply with these requirements. Such reports shall be on forms provided by ecology or the authority.

NEW SECTION

WAC 173-492-050 REGISTRATION REQUIREMENTS. Each blender facility, including out-of-state facilities, shall register with ecology or the authority each year. The request for registration shall be on forms supplied by ecology or the authority and shall be accompanied by a fee to compensate for the cost of administering the registration program, including on-site inspections necessary to verify compliance with these requirements. The fees shall be based on the volume of oxygenated gasoline sold or offered for sale by the blender to comply with the provisions of WAC 173-492-040. The following fee table shall apply to blenders who register for the 1992-1993 control periods:

Small Volume Blender	\$ 500
Medium Volume Blender	\$ 1,000
Large Volume Blender	\$10,000
Very Large Volume Blender	\$50,000

Registration fees to cover the 1993-1994 control periods and beyond shall be set by regulation by ecology or the authority.

NEW SECTION

WAC 173-492-060 LABELING REQUIREMENTS. In addition to other labeling requirements, fuel dispensing systems delivering oxygenated gasoline shall be conspicuously labeled during the control periods and in the control areas stated in WAC 173-492-070 as follows:

"The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles."

NEW SECTION

WAC 173-492-070 CONTROL AREAS AND CONTROL PERIODS. Beginning in 1992, the oxygenated gasoline requirements of this chapter shall apply to the following control areas during the following control periods:

CONTROL AREA	CONTROL PERIOD	
	Beginning	Ending
County		
King	November 1	February 29
Pierce	November 1	February 29
Snohomish	November 1	February 29
Clark	November 1	February 29
Spokane	September 1	February 29

Beginning in November 1994, the control area shall expand to include Clallam, Clark, Cowlitz, Gray's Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom counties during a control period beginning November 1 and ending February 29. Spokane County shall remain a control area with a control period beginning September 1 and ending February 29.

These oxygenated fuel requirements apply only to the counties on the above list.

NEW SECTION

WAC 173-492-080 ENFORCEMENT AND COMPLIANCE.

(1) Compliance with the requirements of this section shall be monitored and enforced by ecology or the authority. Noncompliance shall be subject to the penalties and other remedies provided in chapter 70-94 RCW.

(2) Ecology or the authority may designate any appropriate agency of the state to assist in the compliance monitoring of this regulation.

Ecology shall make every effort to coordinate compliance monitoring of this regulation with the current duties of the department of agriculture division of weights and measures.

(3) Compliance with the standards set forth in this section shall be determined by use of testing methods approved by ecology. The maximum accuracy tolerance of this method shall be limited to +/- 0.3% oxygen by weight, or an equivalent tolerance when measured by volume.

NEW SECTION

WAC 173-492-090 UNPLANNED CONDITIONS. An unplanned condition, such as an unforeseen emergency or "act of God," which may interfere with compliance to this chapter, shall be reported to ecology or the authority as soon as possible. The responsible party shall also submit a full written report within ten days to ecology or the authority, including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence. Compliance with the requirements of this section does not relieve the responsible party from the responsibility to maintain continuous compliance with all the requirements of this chapter nor from the resulting liabilities for failure to comply. Ecology or the authority must consider the circumstances of the unplanned condition, and may use the circumstances when determining enforcement.

NEW SECTION

WAC 173-492-100 SEVERABILITY. The provisions of this regulation are severable and if any provision is held invalid, the application of such provision to the other circumstances and the remainder of this regulation shall not be affected.

WSR 92-06-089

PROPOSED RULES

PERSONNEL BOARD

[Filed March 4, 1992, 11:27 a.m.]

Original Notice.

Title of Rule: WAC 356-06-055 Exempt—Classified service—Movement between.

Purpose: This rule determines the rights of employees who are moving between exempt and classified service.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: The majority of this amendment is house-keeping in nature. It also clarifies existing language about determining to which agency and/or position an exempt employee has return rights.

Reasons Supporting Proposal: Some of the existing language is unclear. This amendment has been proposed to establish clarification of the intent of the language in this rule.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, 586-1770; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The current rule describes the rights of employees who are moving between exempt and classified service. The existing language about an exempt employee returning to classified service is sometimes confusing as far

as which agency and/or position the employee will return to. This proposal is anticipated to clarify this language to determine exactly where the employee shall be returned.

Proposal Changes the Following Existing Rules: This proposal is intended to clarify the intent of the existing rule along with general housekeeping changes.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, Board Room, Olympia, WA, on April 9, 1992, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by April 7, 1992.

Date of Intended Adoption: April 9, 1992.

March 3, 1992
Dee W. Henderson
Secretary

AMENDATORY SECTION (Amending Order 392, filed 10/18/91, effective 12/1/91)

WAC 356-06-055 EXEMPT-CLASSIFIED SERVICE—MOVEMENT BETWEEN. (1) Any ~~((classified))~~ employee having ~~((civil service))~~ status in a classified position who accepts an appointment in an exempt position shall have the right to return to classified service. Such employee shall have the right to return to the highest class of position in which the employee previously held permanent status, or to a position of similar nature and salary, provided the employee was not terminated from an exempt position for gross misconduct or malfeasance. The highest class of position does not necessarily mean return to the most recent agency. The return right will be to the most recent agency in which permanent status in the highest class was held. Such employee must apply to return to classified service within 30 calendar days of:

~~((1))~~ (a) Termination of employment in such exempt position, or
~~((2))~~ (b) Termination of employment in any other exempt position in which the employee subsequently served provided there was no break in his/her service with the state of more than 30 calendar days.

~~((2))~~ When a classified employee holds a position in the classified service which is exempted, the following provisions shall apply at the time of the exemption:

(a) If the employee is appointed to the exempted position or to another exempt position, the employee shall have the right to return to the classified service as specified in subsection (1) of this section:

(b) If the employee is not appointed to the exempted position or to another exempt position but has previously held permanent status in another classified position, the employee shall have the right to return to the highest class of position previously held, or to a position of similar nature and salary:)

~~((3))~~ (2) Employees exercising return rights within the time specified, as provided in subsection (1) of this section, shall return:

(a) At the time of separation or application, whichever is later.
(b) To a salary not less than the salary they left, adjusted according to salary changes made in the interim.
(c) With the same status they last held at the time they left the classified service.

(d) With their seniority credited with the full time of their absence from ~~((the))~~ classified service and with no break in service.

(3) When a classified employee holds a position in the classified service which is exempted, the following provisions shall apply at the time of the exemption:

(a) If the employee is appointed to the exempted position, or to another exempt position, the employee shall have the right to return to the classified service as specified above.

(b) If the employee is not appointed to the exempted position, or to another exempt position, but has previously held permanent status in another classified position, the employee shall have the right to return to the highest class of position held, or to a position of similar nature and salary.

(4) ~~((Present or past e))~~ Employees of the exempt service who have not previously left the classified service specifically to take an exempt

position shall not be entitled to move back into the classified service under the provisions of this section ~~((or WAC 356-30-330))~~ nor through the reduction in force process.

(5) Employees may replace incumbents currently in the position(s) to which they are returning. Seniority shall not be a factor in initially determining the position chosen for the returning employee. However, the replaced incumbent(s) ~~((are))~~ is entitled to the rights and options of the reduction in force procedures of their agency.

(6) Employees in the classified service whose positions have been exempted from the civil service law in accordance with RCW 41.06.070 (24), (25), or (28) and have not previously held other classified positions may return to the classified service in any vacant positions in their respective departments provided the employees:

(a) Meet the minimum qualifications;
(b) Have greater seniority than other employees who would be offered the vacancy(ies) as a reduction in force option or ~~((certifications))~~ as candidates certified from the reduction in force register.

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

WSR 92-06-090
PROPOSED RULES
PERSONNEL BOARD
[Filed March 4, 1992, 11:31 a.m.]

Original Notice.

Title of Rule: WAC 356-15-060 Shift premium provisions and compensation.

Purpose: This rule describes varied work schedules and determines which shifts are entitled to additional compensation and how the rates are established.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal is for housekeeping changes only.

Reasons Supporting Proposal: The amendment is intended to clarify the intent of the rule.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, 586-1770; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule describes under what circumstances employees are entitled to shift premium, the premium rates, and how they are applied. This proposal is expected to simplify the language and make this rule more self-explanatory.

Proposal Changes the Following Existing Rules: The proposal is not intended to change the intent of the rule and is general housekeeping and clarifying in nature.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, Board Room, Olympia, WA, on April 9, 1992, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by April 7, 1992.

Date of Intended Adoption: April 9, 1992.

March 3, 1992
Dee W. Henderson
Secretary

AMENDATORY SECTION (Amending Order 248, filed 5/28/86, effective 7/1/86)

WAC 356-15-060 SHIFT PREMIUM PROVISIONS AND COMPENSATION. (1) For purposes of this section, ~~((night shift and))~~ evening shift ~~((are))~~ is defined as work shift~~((s))~~ of eight or more hours which ~~((start by 3 a.m. or))~~ ends at or after 10 p.m. ~~((respectively:))~~ Night shift is defined as a work shift of eight or more hours which begins by 3:00 a.m.

(2) Employees are only entitled to shift premium in the amount specified in WAC 356-15-061 under the following circumstances ~~((only))~~:

(a) Scheduled standard work period employees:

(i) For ~~((their))~~ all hours of scheduled ~~((hours which extend before 6 a.m. or after 6 p.m.))~~ evening and/or night shift.

(ii) For ~~((all hours on their))~~ scheduled ~~((evening and/or night shift:))~~ hours which extend after 6:00 p.m. or before 6:00 a.m.

(iii) For all additional compensated hours worked by employees whose work schedules consist entirely of evening and/or night shifts.

(b) Scheduled alternate, unlisted, nonscheduled, exceptions, and law enforcement work period employees:

(i) ~~((For conditions mentioned in (a) of this subsection, shift premium is payable:))~~ Shift premium is payable under all circumstances listed above for scheduled standard work period employees.

(ii) Employees whose ~~((are scheduled to work at least one, but not all, night or evening shifts each week))~~ work schedules vary, are entitled to shift premium for those scheduled evening or night shifts, and for all adjoining hours which are worked and compensated.

(c) Part-time employees:

(i) For all assigned hours of work after 6 p.m. and before 6 a.m.

(ii) For assigned full ~~((night or))~~ evening or night shifts, as defined in subsection (1) of this section.

~~((d) Intermittent and temporary employees are entitled to shift premium depending on whether their assignment fits into the part-time category ((c) of this subsection) or into one of the full-time categories ((a) or (b) of this subsection:))~~

(3) Monthly shift premium rates: In cases where shift premium hours are regularly scheduled over a year, agencies may pay shift premium at a monthly rate which is equal for all months of the year. Such monthly rates shall be calculated by dividing twelve into the amount of shift premium an employee would earn in a year ~~((if the hourly rules in subsection (1) of this section were applied))~~. This option is granted to simplify bookkeeping and is not authorized to establish shift premium rates higher or lower than those set by the board.

(4) Shift premium and overtime: When an employee is compensated for working overtime during hours for which shift premium is authorized ~~((in subsection (2)(a) through (c) of this section))~~, the overtime rate shall be calculated using the "regular rate" as defined in WAC 356-05-353.

(5) Payment during leave periods: Employees eligible for shift premium for ~~((all or part of their regular))~~ their scheduled shifts will receive the same ~~((proportion))~~ amount of shift premium for ~~((authorized periods of paid leave, i.e., vacation leave, sick leave, military leave, holiday leave, etc.))~~ respective periods of authorized leave.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 92-06-091

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 91-17—Filed March 4, 1992, 11:35 a.m.]

Original Notice.

Title of Rule: Chapter 173-175 WAC, Dam safety regulations.

Purpose: Sections of chapter 508-12 WAC are being repealed. Content will be included in this new chapter with additional requirements to form dam safety regulations. Defines duties of owners of dams in Washington.

Statutory Authority for Adoption: RCW 43.21A.064.

Statute Being Implemented: Chapters 90.03, 86.16, and 90.54 RCW.

Summary: Agency policies are being written into rules for regulation of dam construction and operation.

Reasons Supporting Proposal: To define the responsibilities of dam owners and to provide safety for lives and property downstream of dams.

Name of Agency Personnel Responsible for Drafting: David Cummings, P.E., Lacey, (206) 459-6875; Implementation and Enforcement: Hedia Adelsman, Lacey, (206) 459-6056.

Name of Proponent: Department of Ecology, governmental.

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

Proposal Changes the Following Existing Rules: Proposal repeals sections of chapter 508-12 WAC that deal with dam safety. New chapter 173-175 WAC includes chapter 508-12 WAC, fee schedules (modified) and adds greater detail to previous text in chapter 508-12 WAC.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT

Introduction: The proposed rule supersedes and replaces the language in WAC 508-12-280 through WAC 508-12-410. Although apparently more lengthy than the previous language, much of the new rule simply makes concrete and explicit many elements of the process of submission, review, and approval of plans, specifications, construction and operation of new dams or modification of existing dams that were previously dealt with (often informally) through policies and procedures internal to the program. This is in keeping with the guidance in RCW 34.05.230(2) (the Administrative Procedure Act) encouraging agencies to take such action. Significantly changed or new elements of the rule likely to affect businesses include a revised fee schedule, a formal requirement for the development of operation and maintenance plans for all dams, and a requirement for development of emergency action plans for dams and other impoundments falling within the "high" and "significant" classifications of a downstream hazard classification system contained within the proposed rule.

Regulatory Fairness Act Analysis: Chapter 19.85 RCW, the Regulatory Fairness Act, requires that rules affecting more than 20 percent of all industries or more than 10 percent of any one industry in Washington be evaluated for disproportionate impacts on small versus large businesses, and that mitigation be provided if legally feasible. The new elements of the proposed rule have been so evaluated. The conclusion drawn from that analysis is that the Regulatory Fairness Act does not apply in any of the three cases. Nonetheless, substantial mitigation for impacts upon small businesses has been provided. These findings are described below.

Revised fee schedule, chapter 90.03 RCW requires that the Department of Ecology establish fees for the

review and approval of plans and specifications for the construction or modification of dams and other controlling works, and for inspection of completed works, equal to the actual cost of such review and approval or inspection. The proposed rule contains a fee schedule, based on the height and crest length of the dam involved, that replaces a similar fee schedule in the existing rule. Direct comparison between the two schedules is difficult, since the new schedule is much more condensed than the old. However, examination of a representative selection of comparable dam sizes indicates that average costs for new dams has risen by an overall average of 24 percent. The overall average increase in fees for modification of existing dams or impoundments ranges from 11 percent (appurtenances and minor elements) to 30 percent (significant capacity enlargement). Average fee increase for the most common size-classes of dams and modifications have risen somewhat more — by an average of approximately 45 percent.

These increases reflect the combined influence of three factors: General inflation in state and local government operating costs since the original fee schedule was developed in 1986 has amounted to some 31 percent alone; engineers (a significant part of program staff) have been granted additional pay increases by the state legislature as a recruitment and retention measure; and program time accounting records for the past six years have been evaluated, and the revised fee schedule more accurately reflects the actual cost of dealing with dams of various sizes.

As a result, the new fee schedule seeks to address to same statutory requirement as did the old, with adjustment for experience and the passage of time.

Program records indicate that applications for new dam construction permits and modifications have averaged some 20 per year in recent years. It is difficult to predict if this same pattern will hold into the future, or what industries applicants will fall into. However, it is most unlikely that — at these levels — more than 10 percent of any one industry will be affected. Mitigation for whatever disproportionate impacts there may be on small businesses includes: Outright exemption of impoundments of less than 10 acre feet of water (equal to a typical reservoir for a small city); lower fees for smaller sized and/or less technically complex classes of dams and impoundments; and either no increase or substantial decreases in the fees for the above as compared with the existing fee schedule.

Beneficiaries of the above are most likely to be small businesses.

Operation and maintenance plans/emergency actions plans — unlike the revised fee schedule, affecting new activity, these requirements will affect virtually all existing dams, or that subset of existing dams falling within the relevant downstream hazard categories. Evaluation of the small business impacts of these elements of the new rule proceeded from the data base of registered dams and impoundments currently maintained by the program.

The records in this data base were analyzed to eliminate dams owned by public agencies and other non-

profit entities, and those to which these rule elements did not apply due either to the impoundment not meeting the 10 acre feet threshold, not being in the appropriate hazard categories, or by virtue of existing operation and maintenance/emergency action plans (under federal regulatory requirements or for other reasons) that would satisfy the requirements of the proposed rule. An effort was made to sort the remaining dams and dam owners into three-digit SIC groupings. (In some cases, this involved a certain amount of judgment since dams would be listed under the ownership of individuals while relevant business-related sources of information would contain business names.)

The results of this effort were compared with information from the Washington State Department of Revenue, the Washington State Department of Employment Security, and the 1987 *Census of Agriculture*. Using reasonable assumptions, it does not appear that either the requirement for operation and maintenance plans or that for emergency action plans will impact more than 10 percent of the businesses in any one industry.

Nonetheless, mitigation for potential effects of these requirements upon small businesses include: Delayed implementation (until 1997 or later); lack of a requirement that a professional engineer prepare these plans, thus making it feasible for dam owners or existing staff to comply at minimal additional cost; and the availability of workshops and published *Dam Safety Guidelines* that will provide both information and "boilerplate" formats for these plans that will further reduce the additional cost to small public and private dam owners.

Hearing Location: On April 14, Grant County Public Utility District Auditorium, 312 West 3rd Street, Moses Lake, 2-5 p.m., question and answer period, 6 p.m. hearing; and on April 17, Attorney General Conference Center, Rowsix Building 1, 4224 6th Avenue S.E., Lacey, 2-5 p.m., question and answer period, 6 p.m. hearing.

Submit Written Comments to: David Cummings, P.E., P.O. Box 47600, Olympia, WA 98504-7600, by April 24, 1992.

Date of Intended Adoption: June 1, 1992.

March 3, 1992

Fred Olson

Deputy Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 508-12-280 STORAGE DAMS—CONSTRUCTION PERMIT.

WAC 508-12-290 STORAGE DAMS—COST OF EXPERT OPINION.

WAC 508-12-300 STORAGE DAMS—PLAN EXAMINATION AND CONSTRUCTION INSPECTION FEES—AUTHORITY.

WAC 508-12-310 STORAGE DAMS—PLAN EXAMINATION AND CONSTRUCTION INSPECTION FEES—PURPOSE.

WAC 508-12-320 STORAGE DAMS—PLAN EXAMINATION AND CONSTRUCTION INSPECTION FEES—APPLICABILITY.

WAC 508-12-330 STORAGE DAMS—PLAN EXAMINATION AND CONSTRUCTION INSPECTION FEES—DEFINITIONS.

WAC 508-12-340 STORAGE DAMS—PLAN EXAMINATION AND CONSTRUCTION INSPECTION FEES—NEW PROJECT FEES.

WAC 508-12-350 STORAGE DAMS—PLAN EXAMINATION AND CONSTRUCTION INSPECTION FEES—PROJECT MODIFICATION FEES.

WAC 508-12-360 STORAGE DAMS—PLAN EXAMINATION AND CONSTRUCTION INSPECTION FEES—MAINTENANCE.

WAC 508-12-370 STORAGE DAMS—PLAN EXAMINATION AND CONSTRUCTION INSPECTION FEES—FEE PAYMENT.

WAC 508-12-380 STORAGE DAMS—PLAN EXAMINATION AND CONSTRUCTION INSPECTION FEES—EFFECTIVE DATE.

Chapter 173-175 WAC DAM SAFETY

PART ONE GENERAL

NEW SECTION

WAC 173-175-010 PURPOSE AND AUTHORITY. These regulations provide for the comprehensive regulation and supervision of dams in order to reasonably secure safety to life and property pursuant to chapters 43.21A, 43.27A, 86.16, 90.03, 90.28, and 90.54 RCW. The purposes of these regulations are to:

- (1) Designate the types of dams to which these regulations are applicable;
- (2) Provide for the design, construction, operation, maintenance, and supervision of dams in a manner consistent with accepted engineering practice;
- (3) Establish and administer a program for permitting of construction work for new dams and for modifications of existing dams;
- (4) Establish a fee schedule based on dam size that will reflect the actual cost to the department of engineering review of plans and specifications and for construction inspections;
- (5) Establish the requirements and owner responsibilities for developing and executing plans for operation and maintenance, owner inspection and emergency actions; and
- (6) Encourage dam owners to establish a program for the periodic inspection of their projects.

NEW SECTION

WAC 173-175-020 APPLICABILITY. (1) These regulations are applicable to dams which can impound a volume of ten acre-feet or more of water as measured at the dam crest elevation. The ten acre-foot threshold applies to dams which can impound water on an intermittent or permanent basis. Only water that can be stored above natural ground level and which could be released by a failure of the dam is considered in assessing the storage volume.

The ten acre-foot threshold applies to any dam which can impound water of any quality, or which contains any substance in combination with sufficient water to exist in a liquid or slurry state at the time of initial containment.

(2) For a dam whose dam height is five feet or less and which meets the conditions of subsection (1) of this section, the department may elect to exempt the dam from these regulations.

The decision by the department to exempt a dam will be made on a case-by-case basis for those dams whose failure is not judged to pose a risk to life and minimal property damage would be expected (downstream hazard class 3).

(3) These regulations do not apply to dams that are, or will be, owned, by an agency of the federal government which has oversight on operation and maintenance and has its own dam safety program for periodic inspection of completed projects. The department will continue to be the state repository for pertinent plans, reports, and other documents related to the safety of federally owned dams.

(4) These regulations do not apply to transportation facilities such as roads, highways, or rail lines which cross watercourses and exist solely for transportation purposes and which are regulated by other governmental agencies.

Those transportation facilities which cross watercourses and which have been, or will be, modified with the intention of impounding water

on an intermittent or permanent basis and which meet the conditions of subsection (1) of this section shall be subject to these regulations.

(5) These regulations do not apply to dikes or levees constructed adjacent to or along a watercourse for protection from natural flooding or for purposes of floodplain management.

(6) These regulations do not apply to concrete or steel water storage tanks used as part of water distribution systems.

NEW SECTION

WAC 173-175-030 DEFINITIONS. As used in this chapter: "Acceptance" means acceptance by the department that the proposed plan(s) will satisfactorily address issues associated with proper operation, maintenance, inspection, or emergency action.

"Approval" means approval by the department that the proposed design, and plans and specifications conform to accepted engineering practice and department guidelines.

"Appurtenant works" means such structures as outlet works and associated gates and valves; water conveyance structures such as spillways, channels, fish ladders, tunnels, pipelines, or penstocks; powerhouse sections; and navigation locks, either in the dam or separate therefrom.

"Authorization" means written acknowledgement from the department to proceed with proposed actions.

"Construction change order" means revisions to the department approved plans and specifications that are initiated during construction.

"Construction permit" means the permit which authorizes construction and that the project's plans and specifications and construction inspection plan have been reviewed and approved by the department.

"Construction permit process" means the sequence of activities specified in WAC 173-175-110 inclusive, beginning with the application for construction permit and ending with the submission of a report summarizing construction records.

"Crest length" means the total horizontal distance measured along the axis of the dam, at the elevation of the top of the dam, between abutments or ends of the dam. Where applicable, this includes the spillway, powerhouse sections, and navigation locks, where they form a continuous part of the impounding structure.

"Critical project element" means an element of a project whose failure could result in the uncontrolled release of the reservoir.

"Dam" means any artificial barrier and/or any controlling works, together with appurtenant works that can or does impound or divert water.

"Dam abutment" means that contact location at either end and beneath the flanks of a dam where the artificial barrier joins or faces against the natural earth or rock foundation material upon which the dam is constructed.

"Dam height" means the effective hydraulic height of a dam as measured by the vertical distance from the natural bed of the stream or watercourse at the downstream toe of the impounding barrier to the maximum storage elevation. If the dam is not across a stream or watercourse, the height is measured from the lowest elevation of the outside limit of the impounding barrier to the maximum storage elevation.

"Department" means the department of ecology.

"Design step level" means an integer value between one and ten used to designate increasingly stringent design loadings and conditions for design of critical project elements.

"Downstream hazard classification" means a rating to describe the potential for loss of human life and/or property damage if the dam were to fail and release the reservoir onto downstream areas. Downstream hazard classifications of 3, 2 and 1C, 1B, 1A correspond to low, significant, and high downstream hazard classes respectively.

"Emergency condition" means a situation where life and property are at imminent risk and actions are needed within minutes or hours to initiate corrective actions and/or warn the public.

"Enlargement" means any modification of a project that will result in an increase in normal pool level and/or dam height.

"Exigency condition" means a situation where the impounding structure is significantly underdesigned according to generally accepted engineering standards or is in a deteriorated condition and life and property are clearly at risk. Although present conditions do not pose an imminent threat, if adverse conditions were to occur, the situation could quickly become an emergency.

"FERC licensed project" means a project whose operation is licensed by the Federal Energy Regulatory Commission (FERC).

"Freeboard" means the vertical distance between the dam crest elevation and some reservoir level of interest.

"Hydrograph" means a graphical representation of discharge, stage, or other hydraulic property with respect to time for a particular location on a watercourse.

"Impounding barrier" means the structural element of the dam that has the primary purpose of impounding or diverting water. It may be constructed of natural and/or man-made materials.

"Incident" means the occurrence of any dam-related event where problems or conditions arise which may have posed a threat to the safety or integrity of the project or which may have posed a threat of loss of life or which resulted in loss of life.

"Inflow design flood (IDF)" means the reservoir inflow flood hydrograph used for sizing the spillways and for determining freeboard. It represents the largest flood that a given project is designed to safely accommodate.

"Maintenance" means those tasks generally accepted as routine in keeping the project and appurtenant works in a serviceable condition.

"Maximum storage elevation" means the maximum attainable water surface elevation of the reservoir pool that could occur during extreme operating conditions. This elevation normally corresponds to the crest elevation of the dam.

"Miscellaneous construction elements" means a variety of construction elements or activities such as, but not limited to: Reservoir linings; parapet walls or low berms for wave containment; minor reconstruction of isolated portions of the impounding barrier; internal drainage improvements; and erosion protection.

"Modification" means any structural alteration of a dam, its reservoir, spillway(s), outlet(s), or other appurtenant works that could significantly influence or affect the project safety.

"Normal pool height" means the vertical distance between the lowest point of the upstream toe of the impounding barrier and the normal storage elevation.

"Normal storage elevation" means the normal maximum operating pool level in a reservoir. Where the principal spillway is ungated, the normal storage elevation is usually established by the level of the spillway crest.

"100-year floodplain" means the area inundated during the passage of a flood with a peak discharge having a one percent chance of being equalled or exceeded in any given year at a specified location on a watercourse.

"Outlet" means a conduit and/or channel structure for the controlled release of the contents normally impounded by a dam and reservoir.

"Owner" means the person holding lawful title to the dam or any person who owns or proposes to construct a dam.

"Periodic inspection" means a detailed inspection of the dam and appurtenant works conducted on regular intervals and includes, as necessary, associated engineering analyses to confirm the continued safe operation of the project.

"Person" means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

"Plans and specifications" means the detailed engineering drawings and specifications used to describe the layout, materials, construction methods, etc., for assembling a project or project element. These do not include shop drawings or other drawings prepared by the construction contractor for temporary construction support systems.

"Population at risk" means the number of people who may be present in areas downstream of a dam and could be at risk in the event of a dam failure.

"Project" means a dam and reservoir project.

"Project engineer" means the professional engineer licensed in Washington, having direct supervision, as defined in WAC 196-24-095, in managing the engineering aspects of the project as representative of the owner.

"Reservoir" means any basin that contains or will contain the water impounded by a dam.

"Reservoir routing" means the procedures used to determine the attenuating effect of reservoir storage on a flood as it passes through a reservoir.

"Rule curve" means the rules and procedures used to regulate reservoir levels and project operation for various reservoir inflows and for both normal and unusual seasonal conditions.

"Significant enlargement" means any alteration of an existing dam that results in the dam height or normal pool height being increased by an amount greater than 5.0 feet, and which also represents a ten percent or greater increase in dam height or normal pool height over that which existed prior to the modification.

"Spillway" means a channel structure and/or conduit for the safe release of surplus water or floodwater.

"Stop work order" means an administrative order issued to temporarily halt construction work until a problem can be resolved.

"Surficial inspection" means a visual inspection conducted to identify obvious defects or changed conditions.

NEW SECTION

WAC 173-175-040 ACTIVITIES THAT REQUIRE DEPARTMENT REVIEW, APPROVAL, ACCEPTANCE, AUTHORIZATION, OR NOTIFICATION. (1) Activities related to the safety of dams that require review and approval by the department as detailed in this chapter include:

- (a) Construction of a new dam;
- (b) Modification of an existing dam;
- (c) Removal or abandonment of an existing dam;
- (d) Construction change orders for project elements that could have an effect on public safety.

(2) Activities related to the safety of dams that require review and acceptance by the department as detailed in this chapter include:

- (a) Adoption of an operation and maintenance (O&M) plan;
- (b) Adoption of an emergency action plan (EAP);
- (c) Changes to existing operation and maintenance procedures or to an emergency action plan that could have an effect on public safety.

(3) Activities related to the safety of dams that require authorization from the department before proposed actions can proceed include:

- (a) Startup of construction: For a new dam; modifications to an existing dam; or removal or abandonment of an existing dam.

(b) Initial controlled filling of a reservoir following new dam construction and implementation of procedures for normal reservoir operation.

(c) Resumption of normal reservoir operation following dam modifications or emergency action.

(4) Activities related to the safety of dams that require a notification to the department as detailed in this chapter include:

- (a) Change of dam ownership;
- (b) Advance notice of the startup of dam construction;
- (c) Declaration by the project engineer of project completion in accordance with the department approved plans and specifications and construction change orders;
- (d) Advance notice of periodic inspection; and
- (e) The occurrence of an incident at the dam.

NEW SECTION

WAC 173-175-050 PROVISION OF GUIDELINES. The department will develop and maintain Dam Safety Guidelines to aid dam owners and project engineers in complying with the department requirements in developing, producing, or conducting:

- (1) Engineering design reports;
- (2) Construction plans and specifications;
- (3) Construction inspection plans;
- (4) Operation and maintenance plans;
- (5) Periodic inspections; and
- (6) Emergency action plans.

NEW SECTION

WAC 173-175-060 CHANGE OF OWNERSHIP. When a change of ownership of a dam occurs, the new owner shall notify the department within ninety days following the transaction and provide:

- (1) The mailing address and telephone number where the owner can be contacted.
- (2) The name(s) and telephone number(s) of the individual(s) who will be responsible for operation and maintenance of the dam.

NEW SECTION

WAC 173-175-070 EFFECTIVE DATE. The effective date of this chapter shall be July 1, 1992.

PART TWO CONSTRUCTION PERMIT PROCESS

NEW SECTION

WAC 173-175-100 CONSTRUCTION PERMIT. (1) Any person intending to construct or modify any dam shall, before beginning

said construction or modification, submit plans and specifications and a construction inspection plan for review and approval by the department.

(2) The approval of these documents will be indicated by the department's plan approval stamp on the cover sheet of the plans signed by the department's professional engineer who had primary responsibility for the engineering review.

(3) The return of the construction plans to the owner will be accompanied by a construction permit which authorizes construction and which must be prominently displayed at the construction site.

(4) A copy of the department approved plans and specifications shall be maintained at the construction site.

(5) Construction work shall not proceed until the plans, specifications, and construction inspection plan have been approved by the department.

NEW SECTION

WAC 173-175-110 SEQUENCE OF PERMITTING ACTIONS. The sequence of tasks required of the owner(s), the project engineer, and/or the owner's agent(s) and the actions taken by the department in permitting dam construction are outlined below. A more complete description of the required tasks, reports, and plans are described in later sections, and additional guidance in meeting department requirements is contained in the department document titled Dam Safety Guidelines. The following outline is listed to give an overview of the required sequence of actions:

- (1) Submission of application for construction permit, including initial nonrefundable fee payment.
- (2) Submission of engineering design report(s).
- (3) Submission of plans and specifications.
- (4) Payment of construction permit fee.
- (5) Submission of construction inspection plan.
- (6) Resolution of any outstanding engineering issues.
- (7) Department approves plans and specifications and issues construction permit.
- (8) Construction or modification of dam.
- (9) Submission of operation and maintenance (O&M) plan.
- (10) Submission of emergency action plan (EAP).
- (11) Department accepts O&M plan and EAP.
- (12) Declaration by project engineer that project was constructed or modified in accordance with approved plans and specifications and construction change orders.
- (13) Department concurs with project engineer that project was constructed or modified in accordance with approved plans and specifications and construction change orders.
- (14) Department authorizes filling of reservoir at new dam or resumption of normal operations at existing dam.
- (15) Submission of a report summarizing the construction records.

NEW SECTION

WAC 173-175-120 APPLICATION FOR CONSTRUCTION PERMIT. (1) The department shall supply an application form to be used to initiate the process for obtaining the construction permit.

(2) The application form shall be submitted to the department at the time that the first substantive information becomes available about the proposed project.

(3) An initial, nonrefundable payment of five hundred dollars, which may represent all or a portion of the construction permit fee, shall be included along with the application form.

NEW SECTION

WAC 173-175-130 ENGINEERING DESIGN REPORTS. (1) Engineering design reports summarizing the various engineering investigations and pertinent project information are an important element of the project design documents. All pertinent engineering design reports that have been prepared during project formulation shall be submitted for review. The design report(s) must bear the seal and signature of the project engineer.

(2) The engineering reports shall be sufficiently complete so as to support the development of plans and specifications without substantial change or additional information.

(3) The design report(s) shall be comprehensive in description of the various engineering investigations.

(a) For new project construction, the design report(s) shall include, as a minimum, the items listed in subsection (4) of this section:

(b) For modifications of existing dams, the design report(s) shall include, as a minimum, those items listed in subsection (4) of this section which represent changed conditions from original construction or which address items that have not been previously addressed in prior reports that were submitted to the department.

(4) Contents of engineering design report(s):

(a) A description of the basic purposes of the project, normal operational characteristics and any unique or important design considerations associated with the site or project configuration.

(b) A description of the site geology, seismicity and geotechnical considerations including: A presentation of the findings from subsurface explorations based on test pits and/or boring logs; field tests; laboratory testing and classification of samples; and an identification of the seismotectonic provinces that could generate earthquakes large enough to significantly affect the project site.

(c) A description of the climatic and hydrologic characteristics of the site and tributary watershed including the computation of the inflow design flood and, where applicable, a listing of the input and output data for the computer model used to determine the inflow design flood.

(d) A listing of all sources of inflow to the reservoir.

(e) The size classification of the proposed project as defined by Table 1.

TABLE 1. DAM SIZE CLASSIFICATION

SIZE CLASSIFICATION	DAM HYDRAULIC HEIGHT
Small Dam	Less than 15 feet
Intermediate Dam	15 feet or greater but less than 50 feet
Large Dam	50 feet or greater

(f) The reservoir operation classification of the proposed project as defined by Table 2.

TABLE 2. RESERVOIR OPERATION CLASSIFICATION

RESERVOIR OPERATION CLASSIFICATION	DETERMINING FACTOR
Permanent Pool or Seasonal Pool Operation	Steady state seepage or saturated flow conditions occur in impounding barrier and foundations at or near normal pool conditions.
Intermittent Operation	Duration of normal high pool condition is insufficient for steady state seepage conditions to develop in impounding barrier and foundations.

(g) An assessment of the consequences of dam failure on downstream areas, including:

(i) An estimation of the magnitude of the dam break flood hydrographs resulting from hypothetical dam failures occurring with the reservoir at normal storage elevation and maximum storage elevation;

(ii) A general description of the areas downstream of the dam that could be affected by floodwater from a dam failure;

(iii) If there is the potential for loss of life, an inundation map delineating the maximum areal extent of flooding that could be produced by a dam failure. Inundation mapping should extend to a point downstream where the inundation from the dam failure is within the 100-year floodplain for the affected watercourse;

(iv) The downstream hazard classification as defined by Table 3, which reflects the above conditions and those conditions that might be reasonably anticipated from future downstream development. The most serious potential consequences of failure of those listed in columns 3A, 3B, and 3C shall be used to establish the appropriate downstream hazard classification.

TABLE 3. DOWNSTREAM HAZARD CLASSIFICATION

Potential Downstream Hazard	Downstream Hazard Classification	Column 3A Population at Risk	Column 3B Economic Loss Generic Descriptions	Column 3C Environmental Damages
Low	3	0	Minimal. No inhabited structures. Limited agriculture development.	No deleterious materials in reservoir contents
Significant	2	1 to 6	Appreciable. 1 or 2 inhabited structures. Notable agriculture or work sites. Secondary highway and/or rail lines.	Limited water quality degradation from reservoir contents and only short term consequences.
High	1C	7 to 30	Major. 3 to 10 inhabited structures. Low density suburban area with some industry and work sites. Primary highways and rail lines.	Severe water quality degradation potential from reservoir contents and long term effects on aquatic and human life.
High	1B	31-300	Extreme. 11 to 100 inhabited structures. Medium density suburban or urban area with associated industry, property and transportation features.	
High	1A	More than 300	Extreme. More than 100 inhabited structures. Highly developed, densely populated suburban or urban area with associated industry, property, transportation and community life line features.	

(h) Engineering calculations and data supporting the detailed design of project elements. This would include, as a minimum:

(i) The design step levels used in design of the various critical project elements, based on guidance contained in the department's Dam Safety Guidelines;

(ii) Stability analyses corroborating the design of the proposed embankment/barrier section under static and seismic loadings and rapid drawdown conditions;

(iii) Calculations for the design of any hydraulic structures, which are subject to high lateral earth pressures, relatively large seismic loads and/or uplift pressures;

(iv) Computations for sizing the principal and emergency spillway, including, where applicable, reservoir routing computations defining the reservoir inflow and outflow design flood hydrographs.

NEW SECTION

WAC 173-175-140 PLANS AND SPECIFICATIONS. (1) Two copies of the plans and specifications, bearing the seal and signature of the project engineer, shall be submitted to the department for engineering review. Upon approval, one copy will be retained by the department and the other copy will be returned to the owner or the project engineer.

(2) For large or complex projects, one copy of the preliminary or intermediate level plans, in addition to the final plans, shall be submitted to the department for review.

(3) To be approved, the plans and specifications must contain sufficient detail to describe the proposed construction work.

(a) The following items, as a minimum, shall be included as part of the construction plans:

(i) Project location and vicinity maps;

(ii) Site map of dam, reservoir area, and appurtenances;

(iii) Sectional view along longitudinal axis of dam and foundation;

- (iv) Cross-sectional view of dam at location of maximum height;
 - (v) Cross-sectional views and profiles of spillway(s), outlet facilities, and other appurtenances;
 - (vi) Steel reinforcement placement and bar sizing for concrete construction must be shown in at least one section or profile; and
 - (vii) The plan for diversion and control of water during construction.
- (b) The following items, as a minimum, shall be included as part of the construction specifications:
- (i) Type, class, or description of all materials to be used;
 - (ii) The requirements for fill placement, moisture conditioning, and minimum level of compaction of all earthen zones;
 - (iii) The requirements, procedures, and minimum standards for concrete construction and/or structural details.

NEW SECTION

WAC 173-175-150 CONSTRUCTION PERMIT FEE. There is a fee for the review of plans and specifications and for construction inspections conducted by the department. The amount of the fee and requirements for fee payment are contained in WAC 173-175-350 through 173-175-400.

NEW SECTION

WAC 173-175-160 REVIEW STANDARDS. The department will review engineering design reports, plans, and specifications and the construction inspection plan to ascertain that the proposed project will be designed and constructed in a manner which will reasonably secure safety to life and property.

(1) The department's review is intended to address issues of safety directly related to the structural stability and integrity of the completed project. The review is not intended to extend to more general issues of safety not directly related to the structural stability and integrity of the project which are the purview of other governmental agencies such as the Washington department of labor and industries (L&I), which administers the Washington Industrial Safety and Health Act (WISHA).

(2) In addition to the above, the department will review documents submitted pursuant to this chapter to ascertain that they conform to accepted engineering and construction practice and are in conformance with guidance contained in the department's Dam Safety Guidelines.

(3) Those elements of a document(s) which are found not to be in conformance with the above will be identified to the owner or the project engineer and changes may be required as appropriate to conform to accepted engineering practice.

(4) Where differences of opinion arise on the suitability of certain engineering or construction practices and cannot be readily resolved, the burden of proof will rest on the owner and the project engineer to demonstrate the suitability of the proposed plan or action.

NEW SECTION

WAC 173-175-170 CONSTRUCTION INSPECTION PLAN.

(1) A detailed plan shall be submitted to the department describing how adequate and competent construction inspection will be provided.

(2) The construction inspection plan shall be prepared by a professional engineer.

(3) The construction inspection plan shall include, as a minimum:

(a) A listing of construction activities related to critical project elements and planned inspection effort including staffing levels, responsibilities, frequency, and duration of site visits;

(b) A description of the quality assurance testing program which describes the type of test, general frequency, acceptable results, handling of deficient materials, and the individual(s) responsible for overseeing the testing;

(c) Description of construction management organization, lines of communication, and responsibilities;

(d) Description of the change order process including who is responsible for coordinating the change order review process with the department;

(e) Description of the technical records handling and the content and frequency of construction progress reports.

NEW SECTION

WAC 173-175-180 ISSUANCE OF CONSTRUCTION PERMIT. (1) After the department has determined that the plans and

specifications and construction inspection plan conform to accepted engineering practice, these documents will be approved and a construction permit will be issued which authorizes construction to commence.

Construction shall not commence until the construction permit has been issued by the department.

Preliminary work such as mobilization of equipment, stripping and grubbing and other site preparation work is allowed prior to receipt of the construction permit, provided no permanent features of the dam are initiated.

(2) Receipt of the construction permit does not relieve the owner of the responsibility to secure all other necessary permits and approvals before proceeding with construction work.

NEW SECTION

WAC 173-175-190 CONSTRUCTION CHANGE ORDERS.

(1) All dam projects subject to the provisions of this regulation shall be constructed in accordance with the plans and specifications approved by the department. Any proposed changes to the department-approved plans which could have an effect on structural integrity or safe operations of the project must first be presented to the department for a determination if an approval is required.

(2) If the department determines that the proposed construction change order represents a significant modification of the approved plans or specifications that could have an effect on structural integrity or safe operations of the project, then approval of the change order will be required.

The department will review the construction change order and provide a response to the project engineer in a timely manner consistent with the complexity and safety concerns of the situation.

(3) No action can be taken by the owner to implement the construction change order until approval is given by the department.

NEW SECTION

WAC 173-175-200 DEPARTMENT ROLE IN CONSTRUCTION INSPECTION. (1) It will be the department's role during construction to confirm that the project engineer, as representative for the owner, is properly implementing the department approved construction inspection plan.

(2) The department will periodically observe the construction work to independently confirm that conditions assumed in the design stage are valid for field conditions and that construction is proceeding in accordance with the approved plans and specifications.

(3) Changes may be required by the department to be made to the approved plans and specifications to reasonably secure safety to life and property. Reasons for changes may include, but are not limited to the following:

(a) To address unanticipated field conditions;

(b) To correct omissions or errors in the approved plans and specifications;

(c) To correct situations where the construction work clearly is not being performed in a workmanlike manner and does not, in the opinion of the department, meet the performance intent of the specifications.

(4) Where deemed necessary by the department, a stop work order may be issued to temporarily halt construction until a problem can be resolved.

NEW SECTION

WAC 173-175-210 OPERATION AND MAINTENANCE PLAN. (1) An operation and maintenance (O&M) plan shall be developed and submitted to the department for review and acceptance.

The O&M plan shall outline and summarize how the project is to be operated and how the basic elements of monitoring, inspection and maintenance, as listed in WAC 173-175-500(1), are to be accomplished.

The department may issue an acceptance after determining the O&M plan is substantially complete.

(2) Owners are responsible for incorporating the details of the O&M plan into an O&M manual suitable for use by dam operators. Requirements associated with O&M manuals are listed in WAC 173-175-500.

NEW SECTION

WAC 173-175-220 EMERGENCY ACTION PLANS. In those cases where a failure of the dam could pose a risk to life based on the current level of development in downstream areas (downstream hazard

classes 1A, 1B, 1C, and 2, WAC 173-175-130), an emergency action plan (EAP) shall be developed and submitted to the department for review and acceptance. The purpose of the plan is to establish procedures for responding to unusual or emergency situations and procedures for detecting, evaluating, communicating and initiating notification or warning to individuals who may be at risk in downstream/upstream areas. Requirements associated with EAP's are listed in WAC 173-175-520.

The department may issue an acceptance after determining the EAP is substantially complete.

NEW SECTION

WAC 173-175-230 **DECLARATION OF CONSTRUCTION COMPLETION.** Within thirty days following substantial completion of construction or modification of a dam, the project engineer shall submit to the department:

A declaration stating the project was constructed in accordance with the department approved plans and specifications and construction change orders.

The department will provide a declaration form which may be used or altered, as appropriate, by the project engineer.

NEW SECTION

WAC 173-175-240 **AUTHORIZATION TO COMMENCE OR RESUME PROJECT OPERATION.** (1) Upon receipt of the project engineer's declaration of construction completion, the department will authorize the owner or the project engineer, as appropriate, to commence or resume normal project operation, provided that:

(a) The department concurs with the project engineer that the project was constructed in accordance with the approved plans and specifications and construction change orders;

(b) The proposed O&M plan is acceptable to the department;

(c) The proposed emergency action plan, if required (see WAC 173-175-220), is acceptable to the department.

(2) If the above conditions are not met, the owner shall not commence or resume normal operation of the project until all outstanding issues or problems are resolved. When issues are not resolved in a timely manner, the department may:

(a) Order the outlet works to remain fully open and not allow filling of the reservoir;

(b) Restrict reservoir water levels or reservoir operation;

(c) Order the breaching of the impounding barrier;

(d) Take other measures as appropriate to reasonably secure safety to life and property.

NEW SECTION

WAC 173-175-250 **CONSTRUCTION RECORDS SUMMARY.** Within one hundred twenty days following completion of construction or modification of a dam, the project engineer shall submit a report to the department on construction activities which includes:

(1) A summary of results from testing of all materials, procedures, completed project elements, etc. The summary shall identify both representative values and the range of test values;

(2) A discussion of any notable items encountered during construction;

(3) One set of drawings describing the as-built condition for those elements of the project which were constructed in a manner other than that shown on the construction plans approved by the department.

NEW SECTION

WAC 173-175-260 **EXCEPTIONS TO CONSTRUCTION PERMIT PROCESS.** If the department determines that emergency or exigency conditions exist at a dam and that it is in the best interests of public safety to expedite the construction or modification of a dam, the department may elect to temporarily suspend the normal construction permit process. To allow this exception, the department will issue a written conditional construction permit, which:

(1) May initially be oral;

(2) Will specify the construction activities to be allowed;

(3) May be terminated at a time deemed appropriate by the department;

(4) Shall incorporate, to the extent possible, and not inconsistent with the situation, all applicable requirements of this chapter.

NEW SECTION

WAC 173-175-270 **DEPARTMENT REVIEW RESPONSE TIME.** In reviewing the various documents required in the construction permit process, the department shall respond in a timely manner to the owner or project engineer with written review comments, approval, or acceptance as appropriate.

If the department response is anticipated to occur sixty days or more beyond the date of receipt of the document(s), the department shall notify the owner and/or project engineer in writing and advise them of the expected response date.

PART THREE CONSTRUCTION PERMIT FEES

NEW SECTION

WAC 173-175-350 **AUTHORITY FOR CONSTRUCTION PERMIT FEES.** It is required by RCW 90.03.470(9) that fees be collected by the department for the examination of plans and specifications. The fee shall be a minimum of ten dollars or the actual cost. In addition, the department is required by RCW 43.21A.064(2) to inspect the construction of all dams. It is required by RCW 90.03.470(8) that fees be collected for the actual cost to the department for inspection including the expense incident thereto.

NEW SECTION

WAC 173-175-360 **CONSTRUCTION PERMIT FEES FOR NEW PROJECT CONSTRUCTION.** Fees for the review of plans and specifications and for construction inspection for new project construction shall be the amounts shown in Table 4 as determined by the nearest values of dam height and crest length, in feet, which correspond to the project's planned dam height and crest length.

NEW SECTION

WAC 173-175-370 **CONSTRUCTION PERMIT FEES FOR MODIFICATIONS OF EXISTING DAMS.** (1) Fees for the review of plans and specifications and for construction inspections for project modifications involving significant enlargements shall be the greater of five hundred dollars or the amount determined by those applicable percentages shown in Table 5A of the fees in Table 4. The appropriate Table 4 fee amount is to be determined using the nearest values of dam height and crest length, in feet, which correspond to the overall dimensions of the modified dam.

TABLE 4. CONSTRUCTION PERMIT FEES - NEW PROJECT CONSTRUCTION

DAM HEIGHT (FEET)	DAM CREST LENGTH (FEET)															
	50	100	150	200	250	300	350	400	500	600	700	800	1000	1500	2000	4000
400	15810	17640	18320	18730	19060	19320	19540	19730	20000	20000	20000	20000	20000	20000	20000	20000
300	13680	16220	17320	17890	18240	18500	18720	18920	19240	19500	19720	19920	20000	20000	20000	20000
250	12150	15100	16370	17190	17620	17980	18210	18400	18720	18990	19210	19400	19720	20000	20000	20000
200	10100	13260	15300	15890	16610	17130	17420	17690	18090	18350	18570	18770	19090	19670	20000	20000
180	8930	12370	14090	15250	15940	16530	17030	17280	17720	18060	18280	18470	18790	19380	19790	20000
160	7730	11390	13140	14340	15230	15790	16280	16720	17270	17620	17930	18140	18460	19050	19460	20000
150	7150	10840	12590	13800	14770	15400	15880	16310	17030	17380	17680	17950	18280	18870	19280	20000
140	6570	10080	12000	13250	14180	14990	15460	15880	16600	17120	17420	17680	18090	18670	19090	20000
130	6010	9260	11400	12620	13570	14340	15020	15430	16130	16720	17140	17400	17830	18460	18880	19880
120	5450	8400	10670	11950	12930	13680	14340	14930	15630	16210	16720	17090	17530	18240	18650	19650
110	4900	7560	9740	11250	12180	12990	13620	14180	15120	15680	16170	16600	17200	18000	18410	19410
100	4370	6740	8680	10300	11400	12170	12850	13410	14350	15110	15580	16000	16730	17630	18140	19140
95	4110	6330	8160	9760	11010	11740	12410	13010	13920	14720	15280	15690	16400	17430	18000	19000
90	3850	5930	7640	9140	10410	11320	11950	12530	13490	14260	14940	15360	16060	17230	17790	18320
85	3590	5530	7130	8530	9800	10820	11490	12050	13040	13780	14450	15030	15710	17020	17320	17320
80	3340	5140	6630	7930	9120	10160	11020	11560	12510	13300	13940	14520	15350	16320	16320	16320
75	3090	4760	6130	7340	8440	9460	10320	11060	11970	12780	13420	13980	14960	15320	15320	15320
70	2840	4380	5640	6750	7770	8700	9580	10320	11420	12190	12870	13430	14320	14320	14320	14320
65	2600	4010	5160	6180	7100	7960	8770	9530	10780	11580	12240	12830	13320	13320	13320	13320
60	2360	3640	4690	5610	6450	7230	7970	8660	9930	10950	11590	12150	12320	12320	12320	12320
55	2130	3280	4230	5060	5820	6520	7180	7800	8970	10010	10880	11320	11320	11320	11320	11320
50	1900	2930	3770	4520	5190	5820	6410	6960	8010	8970	9860	10320	10320	10320	10320	10320
46	1720	2650	3420	4090	4700	5270	5800	6310	7250	8120	8950	9520	9520	9520	9520	9520
42	1540	2380	3070	3670	4220	4730	5210	5660	6510	7290	8030	8720	8720	8720	8720	8720
38	1370	2110	2720	3260	3750	4200	4630	5030	5780	6480	7130	7760	7920	7920	7920	7920
34	1200	1860	2390	2860	3290	3690	4060	4410	5070	5680	6260	6800	7120	7120	7120	7120
30	1040	1600	2060	2470	2840	3180	3500	3810	4380	4910	5400	5870	6320	6320	6320	6320
28	960	1480	1900	2280	2620	2940	3230	3510	4040	4530	4980	5420	5920	5920	5920	5920
26	880	1360	1750	2090	2400	2690	2960	3220	3700	4150	4570	4970	5520	5520	5520	5520
24	820	1230	1590	1900	2190	2450	2700	2940	3380	3780	4170	4530	5120	5120	5120	5120
22	770	1120	1440	1720	1980	2220	2440	2660	3050	3420	3770	4090	4710	4720	4720	4720
20	710	1000	1290	1540	1770	1990	2190	2380	2730	3070	3370	3670	4220	4320	4320	4320
18	660	890	1140	1370	1570	1760	1940	2110	2420	2720	2990	3250	3740	3920	3920	3920
16	610	800	1000	1200	1370	1540	1700	1840	2120	2370	2620	2840	3270	3520	3520	3520
15	590	770	930	1110	1280	1430	1580	1710	1970	2210	2430	2640	3040	3320	3320	3320
14	570	730	860	1030	1180	1320	1460	1580	1820	2040	2250	2440	2810	3120	3120	3120
13	550	690	810	950	1090	1220	1340	1460	1680	1880	2070	2250	2580	2920	2920	2920
12	540	650	770	870	1000	1110	1230	1330	1530	1720	1890	2060	2360	2720	2720	2720
11	530	620	720	810	910	1010	1110	1210	1390	1560	1720	1870	2150	2520	2520	2520
10	520	590	670	760	830	910	1000	1090	1250	1400	1550	1680	1930	2320	2320	2320
9	510	560	630	700	770	830	900	970	1120	1250	1380	1500	1720	2120	2120	2120
8	500	540	590	640	710	760	810	860	980	1100	1210	1320	1510	1920	1920	1920
7	500	520	550	600	640	690	740	780	850	950	1050	1140	1310	1690	1720	1720
6	500	510	530	560	590	630	660	700	770	820	890	970	1110	1430	1520	1520
5	500	500	510	530	550	570	600	620	680	730	780	820	920	1180	1320	1320

(2) Fees for the review of plans and specifications and for construction inspection for project modifications not involving significant enlargements shall be the greater of five hundred dollars or the amount determined by those applicable percentages shown in Table 5B of the fees in Table 4. The appropriate Table 4 fee amount is to be determined using the nearest values of dam height and crest length, in feet, which correspond to the overall dimensions of the modified dam.

(3) Fees for the review of plans and specifications and for construction inspection for the removal or partial removal of a dam with safety deficiencies for the purpose of eliminating a public safety hazard shall be the minimum fee of ten dollars.

(4) Fees for the review of plans and specifications and for construction inspection for the planned abandonment and reclamation of dams and reservoir areas used in mining operations shall be the minimum fee of five hundred dollars.

Table 5 - Fees for Modifications of Dams

MODIFICATION FEE AS PERCENTAGE OF FEE FOR NEW DAM CONSTRUCTION

Features Modified	TABLE 5A Modifications Involving Significant Enlargements	TABLE 5B Modifications Not Involving Significant Enlargements
Spillway(s)	35%	25%
Impounding Barrier	35%	25%
Appurtenant Works and Miscellaneous Construction Elements	10%	10%

NEW SECTION

WAC 173-175-380 MAINTENANCE. It will not be necessary to submit plans and specifications for review for routine maintenance, normal replacement, or repair of items to keep them in a serviceable condition, seasonal removal, or replacement of stoplogs, or other similar minor operational activities.

NEW SECTION

WAC 173-175-390 PAYMENT OF CONSTRUCTION PERMIT FEES. (1) The amount of the construction permit fee will be determined by the department based upon procedures contained in WAC 173-175-360 and 173-175-370 and information contained in the construction plans.

(a) The first five hundred dollars of the construction permit fee is to be paid in conjunction with the submittal of the construction permit application.

(b) The balance of the fee amount (less the five hundred dollars above) is to be paid following notification by the department of the balance due.

(c) All fees collected are nonrefundable.

(2) No fee shall be required for the review of conceptual plans which describe proposed repairs or improvements to existing dams to correct safety deficiencies. The normal construction permit process will apply at the time plans and specifications are submitted to the department.

(3) No additional fees shall be required for plan and specification changes and resubmittals required by the department as part of the review process.

(4) No additional fees shall be required for review of construction change orders.

NEW SECTION

WAC 173-175-400 COST OF EXPERT OPINION. In resolving differences of opinion on engineering issues between the department and project engineer or owner, it may be necessary for the department to employ an expert in dam design, analysis or construction.

(1) The expert which is chosen, the assigned tasks, and the estimated cost for the expert's services shall be determined by negotiation between the owner and the department.

(2) The cost associated with employing the expert shall be charged to the owner of the proposed or existing project.

NEW SECTION

WAC 173-175-500 OPERATION AND MAINTENANCE. (1) The owner shall develop and maintain a current operation and maintenance (O&M) manual.

The manual shall describe procedures for operation of the project under normal and extreme reservoir inflow conditions and provide technical guidance and procedures for monitoring, inspection, and long-term maintenance. Information on the development of the O&M manual is contained in the department's Dam Safety Guidelines. The O&M manual shall include, as a minimum, the following items:

(a) Identification of the individual(s) responsible for implementing the plan;

(b) A project data sheet describing the pertinent features of the dam and reservoir, including the spillway(s), outlet works, and appurtenant structures and their locations at the dam site;

(c) The rules and procedures (rule curve) used to regulate reservoir levels and project operation for various reservoir inflows and for both normal and unusual seasonal conditions;

(d) A description of each hydraulic element used to regulate or release water, including information on proper operation and scheduled maintenance;

(e) A listing of the items requiring periodic monitoring, the frequency of monitoring and procedures for monitoring, measurement, and recordkeeping;

(f) A listing of the items requiring periodic maintenance and procedures for conducting and documenting maintenance and recording of problems;

(g) A listing of items to be inspected or test operated, the frequency and procedures for conducting the same and for documenting the findings.

(2) It shall be the duty and responsibility of the owner or the owner's designated agent(s) to, at all times, operate and maintain the dam and all appurtenant works in a safe manner and condition and follow the method and schedule of operation of the dam as outlined in the O&M manual.

(3) For dams constructed before July 1, 1992, owners are required to develop an O&M manual by December 31, 1997.

In those cases where a failure of the dam could pose a threat to life (downstream hazard classes 1A, 1B, 1C, and 2), the O&M manual shall be submitted to the department for review and acceptance.

(4) Any proposed changes to the O&M manual which could have an effect on public or project safety must be submitted to the department for review and acceptance before implementation.

NEW SECTION

WAC 173-175-510 PERIODIC INSPECTION. (1) Owners are required to evaluate the safety of their dam(s) and all appurtenant works and to make modifications, as become necessary, to reasonably secure safety to life and property. To accomplish this, owners are:

(a) Required to conduct annual surficial inspections and to maintain records of their findings, including records of actions taken to correct problem conditions. Copies of such records shall be provided to the department upon request.

The annual surficial inspections may be conducted by the owner or by agent(s) designated by the owner.

(b) Encouraged to implement a program for the periodic inspection of their project(s) on a five-year frequency to be conducted by a professional engineer.

(c) Required to notify the department when periodic inspections are scheduled to allow department engineers to participate in the inspection.

(d) Required to submit a copy of the engineering report(s) and other documents which contain the findings, conclusions, and recommendations resulting from the periodic inspection within thirty days following the completion of the various documents.

(2) In order to correct safety deficiencies and exigency conditions, owners are required to take actions and make modifications as prescribed by the department to preserve the structural stability and integrity of the project and attain levels of safety in accordance with accepted engineering practice.

(3) The department may elect to conduct periodic inspections of particular projects to reasonably secure safety to life and property.

(a) The department will give at least thirty days advance notice of the date of the periodic inspection and advise the owner of any requirements such as gates or valves that are to be operated during the inspection.

(b) Owners are required to develop an Operation and maintenance manual (WAC 173-175-500) and an Emergency action plan (WAC 173-175-520) within one hundred eighty days following completion of a periodic inspection conducted by the department.

NEW SECTION

WAC 173-175-520 EMERGENCY ACTION. (1) In those cases where a failure of the dam could pose a threat to life (downstream hazard classes 1A, 1B, 1C, and 2), the owner shall develop and maintain an emergency action plan (EAP) acceptable to the department.

(a) The EAP shall describe procedures for responding to unusual or emergency situations and procedures for detecting, evaluating, communicating, and initiating notification or warning of individuals who may be at risk in downstream and upstream areas. Information on the development of an EAP is contained within the department's Dam Safety Guidelines.

(b) It shall be the duty and responsibility of the owner to implement the EAP when conditions warrant and to follow the method and schedule contained within the EAP.

(c) For dams constructed before July 1, 1992, owners are required to develop an EAP and to submit it to the department for review and acceptance by December 31, 1997.

(i) Owners are required to coordinate the development of the EAP with representatives from the local emergency services staff, state department of community development, emergency management division, and appropriate local authorities.

(ii) Copies of the completed EAP must be provided to the state emergency management division, local emergency services office, and to the department.

(2) Any proposed changes to the EAP which could have an affect on public or project safety must be submitted to the department for review and acceptance before implementation.

(3) Owners are required to exercise components of the EAP as needed to confirm the viability of the plan.

(4) The department will coordinate and solicit review comments from the local emergency services office and the state emergency management division on the acceptability of proposed EAPs. Those comments will constitute the primary basis for accepting or rejecting a proposed EAP.

(5) Owners are required to notify the department when incidents occur or when problems or conditions arise which may pose a threat to life or property or a threat to the integrity of the dam.

(a) The owner shall report by telephone to the department on any condition affecting the safety of the project or when an incident has

occurred. The initial oral report must be made as soon as practicable after the condition is discovered or following any incident.

(b) A written report shall be submitted to the department within thirty days following the discovery of the condition or after the incident. The report shall describe the condition affecting the safety of the project or the incident which has occurred and shall describe the preliminary plans for correcting the condition and for preventing the recurrence of a similar incident.

PART FIVE
COMPLIANCE AND ENFORCEMENT

NEW SECTION

WAC 173-175-600 RIGHT OF ENTRY. The department or its duly appointed agent(s) shall have the right to enter at all reasonable times in or upon property, public or private, for the purpose of inspecting and investigating conditions relating to the construction, operation, maintenance or performance of dams. The department shall comply with the owner's reasonable rules for access to the project.

NEW SECTION

WAC 173-175-610 EMERGENCIES. (1) When, in the opinion of the department, an emergency condition exists which poses an imminent threat to life, the department may take such action as necessary to eliminate or mitigate the hazard and potential consequences. The dam owner or the owner's agent(s) may be directed to take actions, or the department may take control of the project and take actions including, but not limited to:

- (a) Altering the operation of the project;
- (b) Lowering the reservoir water level;
- (c) Draining the reservoir;
- (d) Making emergency repairs or alterations to the project;
- (e) Enlisting the services of federal, state, or local authorities to make emergency repairs or alterations to the project;
- (f) Breaching the dam.

(2) All costs incurred by the department as a result of taking control of the project will be charged to the owner.

NEW SECTION

WAC 173-175-620 ENFORCEMENT. (1) In enforcement of this chapter, the department may impose such sanctions as appropriate under authorities vested in it, including but not limited to, the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

(2) Any dam which is found to be under construction or recently constructed without prior approval of the plans and specifications is in violation of RCW 90.03.350 and will be presumed to be a public nuisance. The owner will not be allowed to fill the reservoir or continue to operate the reservoir until the structural integrity and safety of the facility can be demonstrated to the satisfaction of the department. In addition:

(a) Regulatory orders may be issued to enforce the restriction of reservoir filling and fines may be levied at one hundred dollars per day up to an amount equal to one hundred fifty percent of the amount the owner would have been charged under the construction permit fee schedule listed in this chapter;

(b) Owners are required to submit as-built drawings and all available documentation describing the manner in which the dam or portion thereof was constructed;

(c) If the structural integrity and safety of a dam project cannot be demonstrated or confirmed to the satisfaction of the department, the owner shall not commence or resume normal operation of the project until all outstanding issues or problems are resolved to the satisfaction of the department. To accomplish the above, the department may:

- (i) Order the outlet works to remain fully open and not allow filling of the reservoir;
- (ii) Restrict reservoir water levels or reservoir operation;
- (iii) Order the breaching of the impounding barrier;
- (iv) Take other measures as appropriate to reasonably assure safety to life and property.

(d) If, in the opinion of the department, the owner is unwilling or incapable of resolving the outstanding safety issues in a timely manner, the department may take action to have the dam abated as prescribed by law under RCW 90.03.350.

NEW SECTION

WAC 173-175-630 APPEALS. All final written decisions of the department pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

WSR 92-06-092
PROPOSED RULES
DEPARTMENT OF FISHERIES
 [Filed March 4, 1992, 11:52 a.m.]

Original Notice.

Title of Rule: Commercial fishing rules.

Purpose: Amend marine fish harvest rules.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Sets upper size limit on Puget Sound lingcod and changes catch areas and seasons; eliminates bottomfish troll and commercial jig from waters inside the mouth of the Sekiu River.

Reasons Supporting Proposal: Lingcod populations in Puget Sound need protection. Reduction of permissible gear types eliminates gear that targets lingcod and rockfish.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, Mailstop AX-11, Olympia, 586-2429; Implementation: Judith Freeman, Mailstop AX-11, Olympia, 753-6749; and Enforcement: Dayna Matthews, Mailstop AX-11, Olympia, 753-6585.

Name of Proponent: Washington State Department of Fisheries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Lingcod protection measures in WAC 220-48-005 are intended to reduce the commercial catch of lingcod, as catch records show a decline. The upper size limit protects broodstock fish, and the later season protects nest-guarding male lingcod. Beam trawl changes provide for a potential pollock fishery and correct the designations of sections affected. Gear restrictions in WAC 220-48-042 and 220-48-052 eliminate the gear types most likely to take lingcod and rockfish from inside waters.

Proposal Changes the Following Existing Rules: See above.

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

These proposals do not affect 20% of all industries or 10% of the industries in any one three-digit industrial classification.

Hearing Location: Conference Room, Building 9, 7600 Sand Point Way N.E., Seattle, WA, on April 7, 1992, at 10:00 a.m.

Submit Written Comments to: Hearings Officer, 115 General Administration Building, Olympia, WA 98502, by April 6, 1992.

Date of Intended Adoption: April 14, 1992.

March 4, 1992
 Helen Small
 for Joseph R. Blum
 Director

AMENDATORY SECTION (Amending Order 85-24, filed 4/1/85)

WAC 220-48-005 PUGET SOUND BOTTOMFISH—GENERAL PROVISIONS. (1) It is unlawful to ~~((retain for commercial purposes))~~ possess any English sole less than 12 inches in length taken by any commercial bottomfish gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas ~~((except Areas 28A, 28B, 28C, and 28D))~~.

(2) It is unlawful to ~~((take, fish for, or))~~ possess ~~((for commercial purposes))~~ any starry flounder less than 14 inches in length taken by any commercial bottomfish gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

(3) It is unlawful to take or possess lingcod taken ~~((for commercial purposes))~~ with any commercial gear the entire year in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 23D, 24A, 24B, 24C, 24D, 25B, 25C, 25D, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D.

(4) It is unlawful to ~~((retain for commercial purposes))~~ possess any lingcod less than ~~((22))~~ 26 inches in length or greater than 40 inches in length taken by any commercial ~~((bottomfish))~~ gear in all state waters east of the mouth of the Sekiu River.

(5) It is unlawful to take or possess lingcod taken ~~((for commercial purposes))~~ with any commercial gear from December 1 through April 14 in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area ~~((s 20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B, 23C, 25A, 25E and))~~ 29.

(6) It is unlawful to take or possess lingcod taken by any commercial gear from June 16 through April 30 in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B, 23C, 25A, and 25E.

(7) It is unlawful to take, fish for or possess any species of shellfish taken with lawful bottomfish gear except as provided in WAC 220-52-053, 220-52-063, 220-52-066, 220-52-069, and 220-52-071.

AMENDATORY SECTION (Amending Order 91-39, filed 6/14/91, effective 7/15/91)

WAC 220-48-011 BEAM TRAWL AND OTTER TRAWL—GEAR. (1)(a) Mesh sizes. It is unlawful to use or operate beam trawls or otter trawls having mesh size in the codend section less than 4 1/2 inches in waters of Puget Sound, unless otherwise provided.

(b) It is lawful to use or operate pelagic trawl gear having mesh size in the codend section of not less than 3 inches while fishing ~~((for Pacific whiting))~~ during the seasons provided in WAC 220-48-017 (1) ~~((and (2)))~~ through (5).

(2) Chafing gear.

(a) For bottom trawls, chafing gear must have a minimum mesh size of 15 inches unless only the bottom one-half (underside) of the codend is covered by chafing gear.

(b) For roller trawls and pelagic trawls chafing gear covering the upper one-half (top side) of the codend must have a minimum mesh size of 6.0 inches.

(3) Roller trawl. It is unlawful to use a roller trawl equipped with rollers, bobbins, or cookie discs (excluding wing tip bobbins) greater than 4 inches in diameter.

AMENDATORY SECTION (Amending Order 83-200, filed 11/30/83, effective 1/1/84)

WAC 220-48-042 COMMERCIAL JIG—SEASONS. It shall be unlawful to ~~((take;))~~ fish for ~~((; and))~~ or possess bottomfish taken for commercial purposes with commercial jig gear ~~((except in the following))~~ in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas ~~((during the seasons designated below:~~

~~((1) Areas 20A, 21A, 21B, 23A, and 23B—Open April 15 through November 30;~~

~~((2) Areas 23C and 23D—Open December 1 through April 14;~~

~~((3))~~ except: Area 29—Open all year.

AMENDATORY SECTION (Amending Order 83-200, filed 11/30/83, effective 1/1/84)

WAC 220-48-052 ((TROLL—LINES—))BOTTOMFISH TROLL—SEASONS. (1) It is unlawful to ((take;)) fish for((; and)) or possess bottomfish((; unless otherwise provided, with troll lines)) taken for commercial purposes with bottomfish troll gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas except ((in the following Marine Fish-Shellfish Management and Catch Reporting Areas during the seasons designated below:

(a) Areas 20A, 21A, 21B, 23A, and 23B — Open April 15 through November 30.

(b)); Area 29 — Open all year.

(2) It is unlawful to ((take;)) fish for or possess salmon while fishing for bottomfish with troll line gear under authority of a bottomfish troll license((; provided;)).

(3) In any waters of Puget Sound it is lawful to retain for commercial purposes bottomfish taken with commercial salmon gear incidental to a lawful salmon fishery, except lingcod during closures provided in WAC 220-48-005.

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132K-12-050	REP	92-03-031	132K-12-630	REP	92-03-031	132M-400-020	NEW-P	92-04-060
132K-12-060	REP	92-03-031	132K-12-640	REP	92-03-031	132M-400-030	NEW-P	92-04-060
132K-12-070	REP	92-03-031	132K-12-650	REP	92-03-031	132M-400-040	NEW-P	92-04-060
132K-12-080	REP	92-03-031	132K-12-660	REP	92-03-031	132Y-100-008	AMD-P	92-04-067
132K-12-090	REP	92-03-031	132K-12-670	REP	92-03-031	132Y-100-010	REP-P	92-04-067
132K-12-100	REP	92-03-031	132K-12-680	REP	92-03-031	132Y-100-028	AMD-P	92-04-067
132K-12-110	REP	92-03-031	132K-12-690	REP	92-03-031	132Y-100-036	REP-P	92-04-067
132K-12-120	REP	92-03-031	132K-12-700	REP	92-03-031	132Y-100-040	REP-P	92-04-067
132K-12-130	REP	92-03-031	132K-12-710	REP	92-03-031	132Y-100-044	AMD-P	92-04-067
132K-12-140	REP	92-03-031	132K-12-720	REP	92-03-031	132Y-100-048	REP-P	92-04-067
132K-12-150	REP	92-03-031	132K-12-725	REP	92-03-031	132Y-100-066	NEW-P	92-04-067
132K-12-160	REP	92-03-031	132K-12-730	REP	92-03-031	132Y-100-072	AMD-P	92-04-067
132K-12-170	REP	92-03-031	132K-12-740	REP	92-03-031	132Y-100-100	AMD-P	92-04-067
132K-12-180	REP	92-03-031	132K-12-750	REP	92-03-031	132Y-100-104	AMD-P	92-04-067
132K-12-190	REP	92-03-031	132K-12-760	REP	92-03-031	132Y-100-112	AMD-P	92-04-067
132K-12-200	REP	92-03-031	132K-12-770	REP	92-03-031	132Y-100-116	AMD-P	92-04-067
132K-12-220	REP	92-03-031	132K-12-780	REP	92-03-031	132Y-100-120	AMD-P	92-04-067
132K-12-230	REP	92-03-031	132K-12-790	REP	92-03-031	172-04-010	NEW-P	92-04-085
132K-12-232	REP	92-03-031	132K-12-800	REP	92-03-031	172-06-010	NEW-P	92-04-083
132K-12-234	REP	92-03-031	132K-12-810	REP	92-03-031	172-65	AMD-P	92-05-054
132K-12-236	REP	92-03-031	132K-12-820	REP	92-03-031	172-65-010	AMD-P	92-05-054
132K-12-238	REP	92-03-031	132K-12-830	REP	92-03-031	172-65-020	AMD-P	92-05-054
132K-12-240	REP	92-03-031	132K-12-840	REP	92-03-031	172-65-030	AMD-P	92-05-054
132K-12-242	REP	92-03-031	132M-108-010	NEW-P	92-04-058	172-65-040	AMD-P	92-05-054
132K-12-244	REP	92-03-031	132M-108-020	NEW-P	92-04-058	172-65-050	AMD-P	92-05-054
132K-12-246	REP	92-03-031	132M-108-030	NEW-P	92-04-058	172-65-060	AMD-P	92-05-054
132K-12-248	REP	92-03-031	132M-108-040	NEW-P	92-04-058	172-65-070	AMD-P	92-05-054
132K-12-250	REP	92-03-031	132M-108-050	NEW-P	92-04-058	172-65-080	AMD-P	92-05-054
132K-12-252	REP	92-03-031	132M-108-060	NEW-P	92-04-058	172-65-090	AMD-P	92-05-054
132K-12-254	REP	92-03-031	132M-108-070	NEW-P	92-04-058	172-108-010	NEW-P	92-04-084
132K-12-256	REP	92-03-031	132M-108-080	NEW-P	92-04-058	172-108-020	NEW-P	92-04-084
132K-12-258	REP	92-03-031	132M-110-130	AMD-P	92-04-057	172-108-030	NEW-P	92-04-084
132K-12-268	REP	92-03-031	132M-112-010	REP-P	92-04-064	172-108-040	NEW-P	92-04-084
132K-12-270	REP	92-03-031	132M-112-011	REP-P	92-04-064	172-108-050	NEW-P	92-04-084
132K-12-272	REP	92-03-031	132M-113-010	AMD-P	92-04-065	172-108-060	NEW-P	92-04-084
132K-12-274	REP	92-03-031	132M-113-015	AMD-P	92-04-065	172-108-070	NEW-P	92-04-084
132K-12-276	REP	92-03-031	132M-113-020	AMD-P	92-04-065	172-108-080	NEW-P	92-04-084
132K-12-278	REP	92-03-031	132M-113-025	AMD-P	92-04-065	172-108-090	NEW-P	92-04-084
132K-12-280	REP	92-03-031	132M-113-030	AMD-P	92-04-065	172-124	AMD-P	92-05-056
132K-12-282	REP	92-03-031	132M-113-035	REP-P	92-04-065	172-124-010	AMD-P	92-05-056
132K-12-284	REP	92-03-031	132M-113-045	REP-P	92-04-065	172-124-020	AMD-P	92-05-056
132K-12-286	REP	92-03-031	132M-113-050	NEW-P	92-04-065	172-124-100	REP-P	92-05-056
132K-12-288	REP	92-03-031	132M-113-055	NEW-P	92-04-065	172-124-200	REP-P	92-05-056
132K-12-290	REP	92-03-031	132M-115-001	NEW-P	92-04-061	172-124-210	REP-P	92-05-056
132K-12-300	REP	92-03-031	132M-115-010	REP-P	92-04-061	172-124-220	REP-P	92-05-056
132K-12-310	REP	92-03-031	132M-115-020	REP-P	92-04-061	172-144-010	AMD-P	92-05-053
132K-12-320	REP	92-03-031	132M-115-030	REP-P	92-04-061	172-144-020	AMD-P	92-05-053
132K-12-330	REP	92-03-031	132M-115-040	REP-P	92-04-061	172-144-030	REP-P	92-05-053
132K-12-340	REP	92-03-031	132M-120	AMD-P	92-04-059	172-144-040	AMD-P	92-05-053
132K-12-350	REP	92-03-031	132M-120-010	AMD-P	92-04-059	172-144-045	NEW-P	92-05-053
132K-12-360	REP	92-03-031	132M-120-020	AMD-P	92-04-059	172-144-050	REP-P	92-05-053
132K-12-370	REP	92-03-031	132M-120-025	NEW-P	92-04-059	172-325-010	AMD-P	92-05-055
132K-12-380	REP	92-03-031	132M-120-030	AMD-P	92-04-059	173-19-1701	AMD	92-03-132
132K-12-390	REP	92-03-031	132M-120-040	AMD-P	92-04-059	173-19-230	AMD-P	92-04-080
132K-12-400	REP	92-03-031	132M-120-050	REP-P	92-04-059	173-19-2515	AMD-P	92-03-128
132K-12-410	REP	92-03-031	132M-120-065	NEW-P	92-04-059	173-19-2601	AMD	92-04-081
132K-12-420	REP	92-03-031	132M-120-070	REP-P	92-04-059	173-19-2602	AMD-P	92-03-129
132K-12-430	REP	92-03-031	132M-120-080	REP-P	92-04-059	173-19-4205	AMD-P	92-03-130
132K-12-440	REP	92-03-031	132M-120-095	NEW-P	92-04-059	173-175-010	NEW-P	92-06-091
132K-12-450	REP	92-03-031	132M-120-100	NEW-P	92-04-059	173-175-020	NEW-P	92-06-091
132K-12-460	REP	92-03-031	132M-120-110	NEW-P	92-04-059	173-175-030	NEW-P	92-06-091
132K-12-470	REP	92-03-031	132M-120-120	NEW-P	92-04-059	173-175-040	NEW-P	92-06-091
132K-12-480	REP	92-03-031	132M-120-130	NEW-P	92-04-059	173-175-050	NEW-P	92-06-091
132K-12-490	REP	92-03-031	132M-120-200	NEW-P	92-04-059	173-175-060	NEW-P	92-06-091
132K-12-500	REP	92-03-031	132M-120-210	NEW-P	92-04-059	173-175-070	NEW-P	92-06-091
132K-12-510	REP	92-03-031	132M-120-220	NEW-P	92-04-059	173-175-100	NEW-P	92-06-091
132K-12-520	REP	92-03-031	132M-120-300	NEW-P	92-04-059	173-175-110	NEW-P	92-06-091
132K-12-530	REP	92-03-031	132M-120-310	NEW-P	92-04-059	173-175-120	NEW-P	92-06-091
132K-12-540	REP	92-03-031	132M-120-320	NEW-P	92-04-059	173-175-130	NEW-P	92-06-091
132K-12-550	REP	92-03-031	132M-136-020	AMD-P	92-04-063	173-175-140	NEW-P	92-06-091
132K-12-560	REP	92-03-031	132M-136-060	AMD-P	92-04-063	173-175-150	NEW-P	92-06-091
132K-12-570	REP	92-03-031	132M-136-100	NEW-P	92-04-063	173-175-160	NEW-P	92-06-091
132K-12-580	REP	92-03-031	132M-140-010	REP-P	92-04-063	173-175-170	NEW-P	92-06-091
132K-12-590	REP	92-03-031	132M-160-010	AMD-P	92-04-062	173-175-180	NEW-P	92-06-091
132K-12-600	REP	92-03-031	132M-300-001	NEW-P	92-04-064	173-175-190	NEW-P	92-06-091
132K-12-610	REP	92-03-031	132M-300-010	NEW-P	92-04-064	173-175-200	NEW-P	92-06-091
132K-12-620	REP	92-03-031	132M-400-010	NEW-P	92-04-060	173-175-210	NEW-P	92-06-091

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173-175-230	NEW-P	92-06-091	180-77-100	NEW	92-05-039	220-57-195	AMD-W	92-04-011
173-175-240	NEW-P	92-06-091	180-77-105	NEW	92-05-039	220-57-205	AMD-P	92-03-151
173-175-250	NEW-P	92-06-091	180-77-110	NEW	92-05-039	220-57-205	AMD-W	92-04-011
173-175-260	NEW-P	92-06-091	180-78-165	AMD	92-06-027	220-57-210	AMD-P	92-03-151
173-175-270	NEW-P	92-06-091	180-79-047	AMD	92-04-044	220-57-210	AMD-W	92-04-011
173-175-350	NEW-P	92-06-091	180-79-049	AMD	92-04-044	220-57-255	AMD-P	92-03-151
173-175-360	NEW-P	92-06-091	180-79-075	AMD	92-04-044	220-57-265	AMD-W	92-04-011
173-175-370	NEW-P	92-06-091	180-79-080	AMD	92-04-044	220-57-385	AMD-P	92-03-151
173-175-380	NEW-P	92-06-091	180-79-086	AMD	92-04-044	220-57-405	AMD-P	92-03-151
173-175-390	NEW-P	92-06-091	180-79-115	AMD	92-04-044	220-57-425	AMD-P	92-03-151
173-175-400	NEW-P	92-06-091	180-79-120	AMD	92-04-044	220-57-430	AMD-P	92-03-151
173-175-500	NEW-P	92-06-091	180-79-123	NEW	92-04-044	220-57-430	AMD-W	92-04-011
173-175-510	NEW-P	92-06-091	180-79-129	REP	92-04-044	220-57-435	AMD-P	92-03-151
173-175-520	NEW-P	92-06-091	180-79-131	AMD	92-04-044	220-57-450	AMD-P	92-03-151
173-175-600	NEW-P	92-06-091	180-79-136	AMD	92-04-044	220-57-455	AMD-P	92-03-151
173-175-610	NEW-P	92-06-091	180-79-230	AMD	92-04-044	220-57-460	AMD-P	92-03-151
173-175-620	NEW-P	92-06-091	180-79-310	REP	92-04-044	220-57-465	AMD-P	92-03-151
173-175-630	NEW-P	92-06-091	180-79-311	NEW	92-04-044	220-57-470	AMD-W	92-04-011
173-180D-010	NEW-P	92-06-087	180-79-333	NEW	92-04-044	220-57-490	AMD-P	92-03-151
173-180D-020	NEW-P	92-06-087	180-79-379	NEW	92-04-044	220-57-490	AMD-W	92-04-011
173-180D-030	NEW-P	92-06-087	180-85-045	AMD	92-04-044	220-57A-180	AMD-P	92-03-151
173-180D-040	NEW-P	92-06-087	180-85-077	NEW	92-04-044	222-16-010	AMD	92-03-028
173-180D-050	NEW-P	92-06-087	180-85-115	AMD	92-04-044	222-16-010	AMD-E	92-06-004
173-180D-055	NEW-P	92-06-087	182-12-111	AMD	92-03-040	222-16-050	AMD-E	92-06-004
173-180D-060	NEW-P	92-06-087	182-12-115	AMD-P	92-04-001	222-16-070	NEW-E	92-06-004
173-180D-065	NEW-P	92-06-087	192-12-300	AMD-P	92-03-145	230-50-580	AMD-E	92-06-033
173-180D-070	NEW-P	92-06-087	192-12-305	AMD-P	92-03-145	232-12-021	AMD-P	92-02-086
173-180D-075	NEW-P	92-06-087	192-12-310	AMD-P	92-03-145	232-12-021	AMD-C	92-05-018
173-180D-080	NEW-P	92-06-087	192-12-320	AMD-P	92-03-145	232-12-074	AMD-P	92-02-086
173-180D-085	NEW-P	92-06-087	192-12-370	NEW-P	92-03-145	232-12-074	AMD-C	92-05-018
173-180D-090	NEW-P	92-06-087	192-32-120	NEW	92-05-051	232-12-077	AMD-P	92-02-086
173-180D-098	NEW-P	92-06-087	192-32-125	NEW	92-05-051	232-12-077	AMD-C	92-05-018
173-202-020	AMD-E	92-05-084	196-24-050	AMD-P	92-04-008	232-12-147	AMD-P	92-06-072
173-224-015	AMD	92-03-131	204-24-030	AMD	92-05-016	232-12-267	AMD-P	92-02-086
173-224-020	AMD	92-03-131	204-24-040	AMD	92-05-016	232-12-267	AMD-C	92-05-018
173-224-030	AMD	92-03-131	204-24-050	AMD	92-05-016	232-12-277	AMD-P	92-02-086
173-224-040	AMD	92-03-131	204-24-070	AMD	92-05-016	232-12-277	AMD-C	92-05-018
173-224-050	AMD	92-03-131	204-38-030	AMD-P	92-05-015	232-28-022	AMD-P	92-02-085
173-224-090	AMD	92-03-131	204-38-040	AMD-P	92-05-015	232-28-022	AMD	92-06-017
173-224-100	AMD	92-03-131	220-32-05100J	REP-E	92-04-051	232-28-226	AMD-P	92-06-075
173-224-120	AMD	92-03-131	220-32-05100K	NEW-E	92-04-051	232-28-227	AMD-P	92-06-076
173-303-145	AMD-P	92-03-127	220-32-05700I	NEW-E	92-03-022	232-28-228	AMD-P	92-02-087
173-305-060	REP-P	92-05-083	220-32-05700I	REP-E	92-05-004	232-28-228	AMD	92-06-018
173-305-070	REP-P	92-05-083	220-32-05700J	NEW-E	92-04-051	232-28-228	AMD-P	92-06-077
173-305-080	REP-P	92-05-083	220-33-01000D	REP-E	92-05-004	232-28-229	REP-P	92-06-078
173-305-090	REP-P	92-05-083	220-33-01000E	NEW-E	92-05-004	232-28-230	REP-P	92-06-079
173-492-010	NEW-P	92-06-088	220-44-030	AMD-P	92-03-150	232-28-231	REP-P	92-06-080
173-492-020	NEW-P	92-06-088	220-44-040	AMD-P	92-03-150	232-28-233	NEW-P	92-06-078
173-492-030	NEW-P	92-06-088	220-44-05000R	REP-E	92-03-030	232-28-234	NEW-P	92-06-079
173-492-040	NEW-P	92-06-088	220-44-05000S	NEW-E	92-03-030	232-28-235	NEW-P	92-06-080
173-492-050	NEW-P	92-06-088	220-48-005	AMD-P	92-06-092	232-28-61825	NEW-E	92-03-013
173-492-060	NEW-P	92-06-088	220-48-011	AMD-P	92-06-092	232-28-61826	NEW-E	92-05-022
173-492-070	NEW-P	92-06-088	220-48-042	AMD-P	92-06-092	232-28-61827	NEW-E	92-05-021
173-492-080	NEW-P	92-06-088	220-48-052	AMD-P	92-06-092	232-28-61828	NEW-E	92-05-019
173-492-090	NEW-P	92-06-088	220-52-07300H	NEW-E	92-06-054	232-28-61829	NEW-E	92-05-024
173-492-100	NEW-P	92-06-088	220-56-116	AMD-P	92-03-151	232-28-61901	NEW-P	92-02-088
178-01-010	NEW-C	92-03-055	220-56-145	AMD-P	92-03-151	232-28-61902	NEW-P	92-02-089
178-01-010	NEW-E	92-03-056	220-56-156	AMD-P	92-03-151	232-28-61903	NEW-P	92-02-090
180-16-200	AMD	92-05-047	220-56-160	AMD-P	92-03-151	232-28-61904	NEW-P	92-02-091
180-16-205	AMD	92-05-047	220-56-195	AMD-P	92-03-151	232-28-61905	NEW-P	92-02-092
180-16-222	AMD	92-04-044	220-56-205	AMD-P	92-03-151	232-28-61906	NEW-P	92-02-093
180-16-223	AMD	92-04-044	220-56-235	AMD-P	92-03-151	232-28-61907	NEW-E	92-05-020
180-25-031	NEW	92-04-043	220-56-240	AMD-P	92-03-151	232-28-61907	NEW-P	92-06-073
180-51-085	AMD-P	92-05-067	220-56-250	AMD-P	92-03-151	232-28-61908	NEW-P	92-06-074
180-75-016	NEW	92-04-044	220-56-282	AMD-P	92-03-151	232-28-714	REP-P	92-02-094
180-75-055	AMD	92-04-044	220-56-285	AMD-P	92-03-151	232-28-714	REP	92-06-019
180-75-065	AMD	92-04-044	220-56-310	AMD-P	92-03-151	236-12-001	AMD	92-04-036
180-75-080	REP	92-04-044	220-56-315	AMD-P	92-03-151	236-12-010	REP	92-04-036
180-75-085	AMD	92-04-044	220-56-320	AMD-P	92-03-151	236-12-011	REP	92-04-036
180-75-087	AMD	92-04-044	220-56-335	AMD-P	92-03-151	236-12-012	REP	92-04-036
180-75-089	NEW	92-04-044	220-56-350	AMD-P	92-03-151	236-12-013	REP	92-04-036
180-75-090	AMD	92-04-044	220-56-360	AMD-P	92-03-151	236-12-014	REP	92-04-036
180-75-110	NEW	92-04-044	220-56-380	AMD-P	92-03-151	236-12-015	NEW	92-04-036
180-77-040	AMD	92-05-039	220-56-400	AMD-P	92-03-151	236-12-040	REP	92-04-036
180-77-045	AMD	92-05-039	220-57-160	AMD-P	92-03-151	236-12-050	REP	92-04-036
180-77-050	AMD	92-05-039	220-57-16000L	NEW-E	92-04-050	236-12-060	REP	92-04-036

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236-12-120	REP	92-04-036	246-215-149	REP-P	92-03-142	246-816-210	AMD	92-05-012
236-12-130	REP	92-04-036	246-215-150	NEW-P	92-03-142	246-816-230	AMD	92-05-012
236-12-131	REP	92-04-036	246-215-159	REP-P	92-03-142	246-816-250	AMD	92-05-012
236-12-132	REP	92-04-036	246-215-160	NEW-P	92-03-142	246-816-260	AMD	92-05-012
236-12-133	REP	92-04-036	246-215-169	REP-P	92-03-142	246-816-301	AMD	92-05-012
236-12-185	NEW	92-04-036	246-215-170	NEW-P	92-03-142	246-816-310	AMD	92-05-012
236-12-186	NEW	92-04-036	246-215-179	REP-P	92-03-142	246-816-360	AMD	92-05-012
236-12-187	NEW	92-04-036	246-215-180	NEW-P	92-03-142	246-816-370	AMD	92-05-012
236-12-188	NEW	92-04-036	246-215-189	REP-P	92-03-142	246-816-390	AMD	92-05-012
236-12-189	NEW	92-04-036	246-215-190	NEW-P	92-03-142	246-816-410	AMD	92-05-012
236-12-190	NEW	92-04-036	246-215-199	REP-P	92-03-142	246-816-510	AMD	92-05-012
236-12-191	NEW	92-04-036	246-215-200	NEW-P	92-03-142	246-816-610	NEW-W	92-05-085
236-12-200	AMD	92-04-036	246-215-209	REP-P	92-03-142	246-816-620	NEW-W	92-05-085
236-12-220	AMD	92-04-036	246-215-210	NEW-P	92-03-142	246-816-620	NEW-W	92-05-085
236-12-225	REP	92-04-036	246-215-219	REP-P	92-03-142	246-816-630	NEW-W	92-05-085
236-12-290	AMD	92-04-037	246-215-220	NEW-P	92-03-142	246-816-640	NEW-W	92-05-085
236-12-300	AMD	92-04-037	246-215-229	REP-P	92-03-142	246-816-650	NEW-W	92-05-085
236-12-320	AMD	92-04-036	246-215-230	NEW-P	92-03-142	246-816-660	NEW-W	92-05-085
236-12-340	REP	92-04-036	246-215-239	REP-P	92-03-142	246-816-670	NEW-W	92-05-085
236-12-350	NEW	92-04-036	246-215-240	NEW-P	92-03-142	246-816-680	NEW-W	92-05-085
236-12-351	NEW	92-04-036	246-215-250	NEW-P	92-03-142	246-816-701	NEW-W	92-06-063
236-12-360	NEW	92-04-036	246-215-260	NEW-P	92-03-142	246-816-701	NEW-P	92-06-064
236-12-361	NEW	92-04-036	246-215-260	NEW-P	92-03-142	246-816-710	NEW-W	92-06-063
236-12-362	NEW	92-04-036	246-215-270	NEW-P	92-03-142	246-816-710	NEW-P	92-06-064
236-12-365	NEW	92-04-036	246-215-280	NEW-P	92-03-142	246-816-710	NEW-P	92-06-064
236-12-370	NEW	92-04-036	246-215-290	NEW-P	92-03-142	246-816-720	NEW-W	92-06-063
236-12-371	NEW	92-04-036	246-215-300	NEW-P	92-03-142	246-816-720	NEW-P	92-06-063
236-12-372	NEW	92-04-036	246-215-500	REP-P	92-03-142	246-816-730	NEW-W	92-06-063
236-48-190	AMD-P	92-05-042	246-215-900	REP-P	92-03-142	246-816-730	NEW-P	92-06-064
246-205	AMD-S	92-03-143	246-221-090	AMD	92-06-008	246-816-740	NEW-P	92-06-064
246-205	AMD-S	92-04-071	246-225-160	NEW	92-05-011	246-830-401	AMD-P	92-03-139
246-205-001	AMD-S	92-03-143	246-232-050	AMD	92-06-008	246-830-410	AMD-P	92-03-139
246-205-001	AMD-S	92-04-071	246-235-075	NEW	92-06-008	246-830-420	AMD-P	92-03-139
246-205-010	AMD-S	92-04-071	246-239-010	AMD	92-06-008	246-830-430	AMD-P	92-03-139
246-205-520	NEW-S	92-03-143	246-239-025	NEW	92-06-008	246-830-440	AMD-P	92-03-139
246-205-520	NEW-S	92-04-071	246-240-010	NEW	92-06-008	246-830-450	AMD-P	92-03-139
246-205-530	NEW-S	92-03-143	246-240-050	NEW	92-06-008	246-836-210	NEW-P	92-02-097
246-205-530	NEW-S	92-04-071	246-243-050	AMD	92-06-008	246-836-210	NEW	92-06-020
246-205-540	NEW-S	92-03-143	246-243-190	AMD	92-06-008	246-851-030	REP-P	92-02-095
246-205-540	NEW-S	92-04-071	246-290-010	AMD	92-04-070	246-851-030	REP	92-06-030
246-205-550	NEW-S	92-03-143	246-290-300	AMD	92-04-070	246-851-050	REP-P	92-02-095
246-205-550	NEW-S	92-04-071	246-290-310	AMD	92-04-070	246-851-050	REP	92-06-030
246-205-560	NEW-S	92-03-143	246-290-320	AMD	92-04-070	246-851-090	AMD-P	92-02-095
246-205-560	NEW-S	92-04-071	246-290-330	AMD	92-04-070	246-851-090	AMD	92-06-030
246-205-570	NEW-S	92-03-143	246-290-480	AMD	92-04-070	246-851-270	PREP	92-03-032
246-205-570	NEW-S	92-04-071	246-310-020	AMD	92-05-057	246-851-360	PREP	92-03-032
246-205-580	NEW-S	92-03-143	246-310-135	NEW	92-05-057	246-851-440	NEW-P	92-02-095
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246-215-001	AMD-P	92-03-142	246-358-001	AMD	92-04-082	246-851-440	NEW-P	92-02-095
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246-215-010	NEW-P	92-03-142	246-358-025	AMD	92-04-082	246-851-450	NEW-P	92-02-095
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246-215-029	REP-P	92-03-142	246-358-055	AMD	92-04-082	246-851-470	NEW	92-06-030
246-215-030	NEW-P	92-03-142	246-358-075	AMD	92-04-082	246-851-470	NEW-P	92-02-095
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246-215-059	REP-P	92-03-142	246-358-135	AMD	92-04-082	246-851-990	AMD-P	92-06-028
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246-215-100	NEW-P	92-03-142	246-762-040	AMD	92-06-067	246-861-090	AMD	92-03-029
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246-215-110	NEW-P	92-03-142	246-807-480	NEW-P	92-06-065	246-861-100	REP	92-03-029
246-215-119	REP-P	92-03-142	246-807-480	NEW-E	92-06-066	246-861-110	REP	92-03-029
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246-933-305	NEW	92-03-074	275-27-026	AMD	92-04-004	308-10-045	AMD-P	92-05-088
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308-96A-040	AMD	92-02-100	315-11-770	NEW-P	92-03-146	374-50-060	NEW-P	92-06-060
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308-96A-136	AMD	92-02-100	315-33B-010	NEW-P	92-03-146	374-50-090	NEW-P	92-06-060
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308-96A-205	AMD	92-02-100	315-33B-030	NEW-P	92-03-146	383-07-030	AMD-P	92-04-077
308-96A-206	NEW	92-02-100	315-33B-040	NEW-P	92-03-146	383-07-040	AMD-P	92-04-077
308-96A-207	NEW	92-02-100	315-33B-050	NEW-P	92-03-146	383-07-045	AMD-P	92-04-077
308-96A-208	NEW	92-02-100	315-33B-060	NEW-P	92-03-146	383-07-050	AMD-P	92-04-077
308-96A-210	AMD	92-02-100	315-33B-070	NEW-P	92-03-146	383-07-060	AMD-P	92-04-077
308-96A-220	AMD	92-02-100	315-34-040	AMD-P	92-03-146	383-07-070	AMD-P	92-04-077
308-96A-260	AMD	92-02-100	315-40-010	NEW	92-03-048	383-07-080	AMD-P	92-04-077
308-96A-275	AMD	92-02-100	315-40-020	NEW	92-03-048	383-07-090	AMD-P	92-04-077
308-96A-300	AMD	92-02-100	315-40-030	NEW	92-03-048	383-07-100	AMD-P	92-04-077
308-96A-306	AMD	92-03-076	315-40-040	NEW	92-03-048	383-07-115	NEW-P	92-04-077
308-96A-310	AMD	92-03-076	315-40-050	NEW	92-03-048	383-07-120	AMD-P	92-04-077
308-96A-315	AMD	92-03-076	315-40-060	NEW	92-03-048	383-07-130	AMD-P	92-04-077
308-96A-320	AMD	92-03-076	315-40-070	NEW	92-03-048	388-11	AMD-C	92-04-021
308-96A-325	AMD	92-03-076	315-40-080	NEW	92-03-048	388-24-074	AMD-C	92-04-024
308-96A-330	AMD	92-03-076	315-41-50100	NEW	92-03-048	388-24-250	AMD-P	92-03-113
308-96A-335	AMD	92-03-076	315-41-50110	NEW	92-03-048	388-24-252	NEW-P	92-03-114
308-96A-340	NEW	92-03-076	315-41-50120	NEW	92-03-048	388-24-253	AMD-P	92-03-115
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308-102-200	AMD-P	92-05-061	332-22-180	NEW	92-06-003	388-49-500	AMD-P	92-05-043
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315-11-712	NEW	92-03-048	356-47-040	AMD	92-03-100	388-51-132	NEW-P	92-04-013
315-11-730	NEW	92-03-048	365-180-030	AMD	92-03-019	388-51-132	NEW-E	92-04-014
315-11-731	NEW	92-03-048	365-180-060	AMD	92-03-019	388-51-135	NEW-P	92-04-013
315-11-732	NEW	92-03-048	365-180-090	AMD	92-03-019	388-51-135	NEW-E	92-04-014
315-11-740	NEW	92-03-048	365-200-010	NEW	92-06-005	388-51-140	NEW-P	92-04-013
315-11-741	NEW	92-03-048	365-200-020	NEW	92-06-005	388-51-140	NEW-E	92-04-014
315-11-742	NEW	92-03-048	365-200-030	NEW	92-06-005	388-73	AMD-C	92-04-035
315-11-750	NEW-P	92-03-146	365-200-040	NEW	92-06-005	388-73	AMD-C	92-06-011
315-11-750	NEW-W	92-05-069	365-200-050	NEW	92-06-005	388-77-256	REP	92-04-003
315-11-751	NEW-P	92-03-146	365-200-060	NEW	92-06-005	388-80-005	AMD-W	92-04-019
315-11-751	NEW-W	92-05-069	365-200-070	NEW	92-06-005	388-80-005	RESCIND	92-04-019
315-11-752	NEW-P	92-03-146	374-50-010	NEW-P	92-06-060	388-81-017	NEW	92-05-050
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388-86-080	AMD-P	92-03-041	392-122-301	NEW	92-03-138	392-140-474	NEW	92-03-023
388-86-080	AMD-E	92-03-043	392-122-302	NEW	92-03-138	392-140-475	NEW	92-03-023
388-86-09601	AMD	92-03-120	392-122-303	NEW	92-03-138	392-140-476	NEW	92-03-023
388-88-001	AMD-P	92-03-015	392-122-304	NEW	92-03-138	392-140-477	NEW	92-03-023
388-88-075	AMD-P	92-03-015	392-122-320	NEW	92-03-138	392-140-478	NEW	92-03-023
388-88-080	AMD-P	92-03-015	392-122-321	NEW	92-03-138	392-140-480	NEW	92-03-023
388-88-081	AMD-P	92-03-015	392-122-322	NEW	92-03-138	392-140-481	NEW	92-03-023
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388-88-083	REP-P	92-03-015	392-123-071	AMD	92-03-024	392-140-483	NEW	92-03-023
388-88-084	REP-P	92-03-015	392-123-072	AMD	92-03-024	392-140-485	NEW	92-03-023
388-88-095	AMD-P	92-03-015	392-123-074	AMD	92-03-024	392-140-486	NEW	92-03-023
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388-88-101	REP-P	92-03-015	392-140-068	NEW	92-03-023	392-140-494	NEW	92-03-023
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388-92-045	AMD-C	92-04-025	392-140-077	REP	92-03-023	392-141-120	AMD-P	92-04-009
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388-95-360	AMD-E	92-03-149	392-140-080	REP	92-03-023	392-141-135	NEW-P	92-04-009
388-99-030	AMD-P	92-03-111	392-140-081	REP	92-03-023	392-141-140	AMD-P	92-04-009
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392-122-202	NEW	92-03-045	392-140-443	NEW	92-03-023	392-196-090	REP	92-05-068
392-122-205	AMD	92-03-045	392-140-444	NEW	92-03-023	392-196-100	AMD	92-05-068
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399-30-065	AMD	92-03-052	434-640-020	NEW	92-05-060	463-47-090	AMD-P	92-02-099
399-40-020	AMD	92-03-051	434-640-030	NEW	92-05-060	468-66-010	AMD-P	92-06-010
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434-75-250	AMD-P	92-05-023	434-677-020	NEW-P	92-04-026	468-66-140	AMD-P	92-06-010
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434-166-020	NEW-E	92-02-103	434-677-050	NEW-P	92-04-026	480-80-049	NEW-P	92-05-089
434-166-020	NEW-P	92-02-104	434-677-060	NEW-P	92-04-026	480-92-011	NEW	92-03-050
434-166-030	NEW-E	92-02-103	434-677-070	NEW-P	92-04-026	480-92-021	NEW	92-03-050
434-166-030	NEW-P	92-02-104	434-677-080	NEW-P	92-04-026	480-92-031	NEW	92-03-050
434-166-040	NEW-E	92-02-103	458-16-013	PREP	92-04-069	480-92-050	NEW	92-03-050
434-166-040	NEW-P	92-02-104	458-16-013	AMD-P	92-04-079	480-92-060	NEW	92-03-050
434-166-050	NEW-E	92-02-103	458-16-013	AMD-E	92-06-039	480-92-070	NEW	92-03-050
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434-166-060	NEW-E	92-02-103	458-16-020	AMD-P	92-04-079	480-92-090	NEW	92-03-050
434-166-060	NEW-P	92-02-104	458-16-020	AMD-E	92-06-039	480-92-100	NEW	92-03-050
434-166-070	NEW-E	92-02-103	458-18-010	PREP	92-04-068	480-92-110	NEW	92-03-050
434-166-070	NEW-P	92-02-104	458-18-010	AMD-P	92-04-078	480-93-002	AMD-P	92-06-086
434-166-080	NEW-E	92-02-103	458-18-010	AMD-E	92-06-038	480-93-005	AMD-P	92-06-086
434-166-080	NEW-P	92-02-104	458-18-020	PREP	92-04-068	480-93-010	AMD-P	92-06-086
434-166-090	NEW-E	92-02-103	458-18-020	AMD-P	92-04-078	480-93-015	NEW-P	92-06-086
434-166-090	NEW-P	92-02-104	458-18-020	AMD-E	92-06-038	480-93-017	NEW-P	92-06-086
434-166-100	NEW-E	92-02-103	458-20-105	AMD-P	92-03-066	480-93-018	NEW-P	92-06-086
434-166-100	NEW-P	92-02-104	458-20-105	AMD	92-06-082	480-93-020	AMD-P	92-06-086
434-166-110	NEW-E	92-02-103	458-20-132	AMD	92-05-066	480-93-030	AMD-P	92-06-086
434-166-110	NEW-P	92-02-104	458-20-164	AMD-P	92-03-067	480-93-082	NEW-P	92-06-086
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434-166-120	NEW-P	92-02-104	458-20-18601	NEW-P	92-03-065	480-93-111	NEW-P	92-06-086
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434-166-160	NEW-P	92-02-104	458-30-262	AMD	92-03-068	480-93-175	NEW-P	92-06-086
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434-166-170	NEW-P	92-02-104	458-40-650	AMD-E	92-06-057	480-93-183	NEW-P	92-06-086
434-166-180	NEW-E	92-02-103	458-40-660	PREP	92-06-037	480-93-185	AMD-P	92-06-086
434-166-180	NEW-P	92-02-104	458-40-660	AMD-E	92-06-040	480-93-18601	AMD-P	92-06-086
434-166-190	NEW-E	92-02-103	458-40-660	AMD-E	92-06-057	480-93-187	AMD-P	92-06-086
434-166-190	NEW-P	92-02-104	458-40-670	PREP	92-06-037	480-93-188	AMD-P	92-06-086
434-166-200	NEW-E	92-02-103	458-40-670	AMD-E	92-06-040	480-93-190	AMD-P	92-06-086
434-166-200	NEW-P	92-02-104	458-40-670	AMD-E	92-06-057	480-93-200	AMD-P	92-06-086
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434-166-220	NEW-P	92-02-104	463-06-050	AMD-P	92-02-099	480-110-021	AMD-P	92-05-090
434-166-230	NEW-E	92-02-103	463-06-070	AMD-P	92-02-099	480-110-066	AMD-P	92-05-090
434-166-230	NEW-P	92-02-104	463-06-150	AMD-P	92-02-099	480-120-340	NEW	92-03-049
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434-166-250	NEW-P	92-02-104	463-39-030	AMD-P	92-02-099	508-12-300	REP-P	92-06-091
434-166-260	NEW-E	92-02-103	463-39-040	REP-P	92-02-099	508-12-310	REP-P	92-06-091
434-166-260	NEW-P	92-02-104	463-39-050	REP-P	92-02-099	508-12-320	REP-P	92-06-091
434-166-270	NEW-E	92-02-103	463-39-060	REP-P	92-02-099	508-12-330	REP-P	92-06-091
434-166-270	NEW-P	92-02-104	463-39-080	REP-P	92-02-099	508-12-340	REP-P	92-06-091
434-166-280	NEW-E	92-02-103	463-39-110	REP-P	92-02-099	508-12-350	REP-P	92-06-091
434-166-280	NEW-P	92-02-104	463-39-115	AMD-P	92-02-099	508-12-360	REP-P	92-06-091
434-166-290	NEW-E	92-02-103	463-39-120	AMD-P	92-02-099	508-12-370	REP-P	92-06-091
434-166-290	NEW-P	92-02-104	463-39-150	REP-P	92-02-099	508-12-380	REP-P	92-06-091
434-166-300	NEW-E	92-02-103	463-42-055	AMD-P	92-02-099	516-12-400	AMD	92-06-068
434-166-300	NEW-P	92-02-104	463-42-165	AMD-P	92-02-099	516-12-430	AMD	92-06-068
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434-166-330	NEW-P	92-02-104	463-42-455	AMD-P	92-02-099			
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