

CITY	SERVICES
Spokane 99205 Suite 510, North Town Office Bldg.	(a) Gambling commission audit and accounting. (b) Gambling commission law enforcement
Yakima 98901 Room 414 - 6 S. 2nd Street Larson Building Seattle 98115 444 N.E. Ravenna Blvd.	(a) Gambling commission law enforcement (b) Gambling commission audit and accounting (c) Gambling commission law enforcement
Tacoma 98405 The Pettibon Office Bldg. 1201 S. Proctor	(a) Gambling commission audit and accounting (b) Gambling commission law enforcement

All records of the commission are maintained in the administrative office in Olympia. [Statutory Authority: RCW 42.17.250 and 42.17.260. 79-07-019 (Order 90), § 230-60-015, filed 6/14/79; Order 75, § 230-60-015, filed 9/16/77.]

WAC 230-60-045 Copying. A fee, determined by actual cost for time and services rendered, for inspection of public records, may be charged. The commission shall charge a fee in the amount necessary to reimburse the commission for its actual costs incidental to providing copies of public records, except as noted in the following schedule of fees: *Provided, however,* That at the discretion of the director, or his designee, governmental agencies may be excluded from the payment of the fee for such service. The schedule of charges is:

ITEM	FEE
Copy of license application, supporting documents, correspondence, minutes of commission meetings, licenses approval list, list of commission licensees, reports required to be filed by the licensees on a periodic basis concerning the operation of licensed activity, commission legislative reports, and other similar material	\$.25 cents per page for first 10 pages, \$.10 cents per page for any pages thereafter
Application for license(s) and/or supporting forms	No fee
Letter of certification to accompany copy of record or document. (Governmental agencies - no fee)	\$2.00
Specially produced listing, magnetic tapes, or labels	Cost of services, including overhead
Record look up	No charge for requests taking five minutes or less, actual cost including overhead, for single requests or

ITEM	FEE
Postal charges	a combination of multiple requests taking longer than five minutes to complete Actual cost
Manual of commission rules (Includes supplemental mailings for licensees and governmental agencies and for others who make specific request therefor)	\$4.00 <i>Provided,</i> That there shall be no fee for commission licensees and governmental agencies up to two copies. The director may waive the fee for law enforcement agencies for copies above two upon a showing such agencies will actively use them

[Statutory Authority: RCW 42.17.300. 79-11-074 (Order 93), § 230-60-045, filed 10/19/79; Order 75, § 230-60-045, filed 9/16/77.]

**Title 232 WAC
GAME COMMISSION**

- Chapters**
232-12 Permanent regulations.
232-16 Game reserves.
232-18 State environmental policy act guidelines.
232-28 Seasons and limits.

**Chapter 232-12 WAC
PERMANENT REGULATIONS**

WAC	
232-12-010	Definition of terms.
232-12-065	Bobcat, Canada lynx and river otter pelt tagging requirements.
232-12-070	Game farmer license provisions.
232-12-130	Unlawful firearms for hunting.
232-12-201	Checking stations—Inspection of game and licenses.
232-12-205	Director empowered to alter seasons.
232-12-240	Permit to kill game—Game damage.
232-12-330	Repealed.
232-12-350	Definition of fly fishing.
232-12-360	Steelhead fishing permit punch card requirements.
232-12-405	Livestock grazing on department of game lands.
232-12-490	Possession of game off an Indian reservation legally possessed on reservation.
232-12-500	Firearm safety license requirement for juveniles.
232-12-510	Requirements of license dealers.

232-12-655 Definitions—Hydraulic project permits.
232-12-816 Copying.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

232-12-330 Use of artificial lights in fishing unlawful. [Regulation 33, effective 1/1/64; Regulation 13, filed 4/14/60; Regulation 14, filed 3/21/60.] Repealed by 78-11-057 (Order 127), filed 10/25/78. Statutory Authority: RCW 77.12.040.

WAC 232-12-010 Definition of terms. Unless the wording or context indicates that a different meaning is intended, the following words, terms and phrases shall, for the purposes of all rules and regulations of the state game commission, be given the meanings hereinafter subjoined to them.

- (1) "Director" means the director of game.
- (2) "Department" means the department of game.
- (3) "Commission" means the state game commission.
- (4) "Wildlife Agent" means any persons referred to in Title 77 RCW as "Game Protectors."
- (5) "Person" means and includes any individual, any corporation, or any group of two or more individuals acting in an individual, representative, or official capacity.
- (6) "Hunt" and its derivatives, "hunting," "hunted," etc., and "trap" and its derivatives, "trapping," "trapped," etc., means any effort to kill, injure, capture, or disturb a wild animal or wild bird.
- (7) "Fish" and its derivatives, "fishing," "fished," etc., means any effort made to kill, injure, disturb, capture, or catch a game fish.
- (8) "Closed season" means all of the time during the entire year excepting the "open season" as specified by rule and regulation of the commission.
- (9) "Open season" means the time specified by rule and regulation of the commission when it shall be lawful to hunt, trap, or fish for any game animals, fur-bearing animals, game birds, or game fish. Each period of time specified as an open season shall include the first and last days thereof.
- (10) "Closed area" means any place in the state described, or designated by rule or regulation of the commission wherein it shall be unlawful to hunt or trap for game animals, fur-bearing animals, or game birds.
- (11) "Closed waters" means any lake, river, stream, body of water, or any part thereof within this state described or designated by rule and regulation of the commission wherein it shall be unlawful to fish for any game fish.
- (12) "Game reserve" means any "closed area" designated by the commission as a game reserve.
- (13) "Game fish reserve" means any "closed waters" designated by the commission as a game fish reserve.
- (14) "Bag limit" means the maximum number of game animals, game birds, fur-bearing animals, or game fish which may be taken, caught, killed, or possessed by any licensee, specified and fixed by rule and regulation of the commission for any particular period of time, or so specified and fixed as to size, sex, or species.
- (15) "Valid deer or elk tag" shall mean a supplemental deer or elk tag issued for the current season that

has not been altered or notched. [Statutory Authority: RCW 77.12.040. 79-08-066 (Order 137), § 232-12-010, filed 7/23/79; Order 2, § 232-12-010, filed 4/20/70; Regulation 1, effective 1/1/64; Regulation 2, filed 4/14/60, 3/21/60.]

WAC 232-12-065 Bobcat, Canada lynx and river otter pelt tagging requirements. No person shall export from the state of Washington any raw bobcat, Canada lynx or river otter, pelts, or parts thereof, which do not have a metal department of game identification tag attached. Such tags are available from the department and can only be affixed to bobcat, Canada lynx or river otter pelts, or parts thereof, legally taken in Washington.

No person shall offer for out-of-state shipment by any common carrier any raw bobcat, Canada lynx or river otter pelts, or parts thereof, nor shall any common carrier, or its agent, ship or accept for shipment such pelts, or parts thereof, without identification tags attached as required by this section.

The provisions of this section shall not apply to raw bobcat, Canada lynx or river otter pelts, or parts thereof, which were not taken in Washington: *Providing*, That such shipments are tagged by the state of origin and accompanied by a declaration specifying the number of raw pelts in the shipment and attesting that they were legally taken: *Provided further*, That the applicable provisions of WAC 232-12-060 are followed.—(Filed January 1978) [Statutory Authority: RCW 77.12.040. 78-02-055 (Order 114), § 232-12-065, filed 1/20/78.]

WAC 232-12-070 Game farmer license provisions. (1) Game farmers heretofore licensed may continue to acquire, breed, grow, keep and sell the animals, birds and fish which they now lawfully possess by virtue of their license.

(2) All game farmers hereafter licensed may acquire, propagate, keep or dispose of the following game animals, furbearing animals[,] birds and fish:

- (a) Game animals – bullfrog
- (b) Fur-bearing animals – muskrat and beaver
- (c) Game birds – upland game birds and migratory game birds.
- (d) Game fish – trout and Atlantic salmon.

(3) No licensed game farmer may acquire, breed, grow, keep or dispose of classified wild animals as defined in WAC 232-12-040, wild birds or game fish other than those set forth in paragraph (2) of this regulation except as authorized by special permit issued by the Director upon approval of the Commission. Special permits issued under this paragraph shall allow the live sale or disposition of classified wild animals within the State only to another licensed game farmer currently authorized by special permit to keep the species of animal involved or to municipal, county, state, federal or other officially sanctioned zoo. Any such live sale or disposition shall comply with all reporting requirements of this chapter.

Special permits may be issued if it appears to the Commission that the acquisition, breeding, growing, keeping or disposition of the wild animal, wild bird or

game fish will not adversely affect any person or property and does not conflict with any plan, program or policy of the Department or principle of conservation.

Application for a special permit shall be made to the Director on forms supplied by the Department. The Director shall cause a report to be made to the Commission describing the property, the proposed method of operation, the effect upon neighboring waters and areas and providing such other information as may aid the Commission in its determination. The commission may request the licensee to appear before the Commission before a permit will be issued. [Statutory Authority: RCW 77.12.040, 79-08-066 (Order 137), § 232-12-070, filed 7/23/79; Order 95, § 232-12-070, filed 1/14/77; Regulation 7, effective 1/1/64; Regulation 52, filed 5/16/61; Regulation 8, filed 4/14/60 and 3/21/60.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 232-12-130 Unlawful firearms for hunting.

(1) No person shall hunt any deer, elk, bear, mountain goat, mountain sheep[,] moose, or caribou with the following:

(a) Any fully automatic firearm.

(b) Any pistol or revolver[.][.]

(c) Any rifle that fires a cartridge that: has a caliber diameter less than .240 of an inch (6mm); or has a bullet weight less than 85 grains; or develops less than 900 foot pounds of energy at 100 yards.

(d) Any rifle cartridge containing a bullet other than a mushrooming or expanding type designed for big game hunting.

[(e)][(3)] Any shotgun; except, shotguns 20 gauge or larger containing shells loaded with slugs or buckshot size "0" or larger may be used to hunt deer.

Provided, That muzzleloading rifles that meet the definition of muzzleloader as defined in WAC 232-12-135 may be used.

(2) No person shall hunt game birds with a shotgun having a capacity for holding more than three shells: *Provided,* An automatic or hand-operated repeating shotgun may be used if the magazine has been cut off or plugged with a plug incapable of removal through the loading end thereof, so that the capacity of said magazine is reduced to two shells.

(3) No person shall hunt game animals or game birds in any other manner than with a firearm held in the hand or fired from the shoulder, or with a bow and arrow, or by means of falconry.

(4) No person shall hunt any game animal or game bird with any shotgun larger than 10 gauge.

(5) No person shall hunt any game bird except blue grouse, spruce grouse, ruffed grouse with a rifle or pistol: *Provided,* That during extended grouse seasons rifles and pistols may be prohibited.

(6) No person shall hunt game animals or game birds with a crossbow. [Statutory Authority: RCW 77.12.040, 79-08-066 (Order 137), § 232-12-130, filed 7/23/79;

Order 110, § 232-12-130, filed 10/27/77; Order 2, § 232-12-130, filed 4/20/70; Regulation 13, filed 6/21/67; Regulation 13, filed 8/24/65; Regulation 13, effective 1/1/64; Regulation 34, filed 4/14/60; Regulations 36 and 46, filed 3/21/60.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 232-12-201 Checking stations--Inspection of game and licenses.

(1) The Department of Game is authorized to establish checking stations where deemed necessary to inspect licenses of hunters and fishermen and to inspect any game animals, game fish or fur-bearing animals in the possession of hunters and fishermen.

(2) Every person, upon the request of the director, or his authorized representative, or of any wildlife agent, shall produce for inspection any current fish and game license which has been issued to such person and shall produce for inspection any game animals, birds, fish or fur-bearing animals in his possession. Hunters or fishermen entering or leaving areas for which checking stations have been established must stop and report if a checking station is on the hunter's or fishermen's route of travel, to or from the hunting or fishing area. Failure to stop and report at a checking station, when personnel are on duty, shall constitute a misdemeanor. [Statutory Authority: RCW 77.12.040, 79-08-066 (Order 137), § 232-12-201, filed 7/23/79.]

WAC 232-12-205 Director empowered to alter seasons.

In accordance with the provisions of RCW 77.12-.150, the approval of the commission is given to the director during the period from November 1 to March 31 of each year to entirely close or shorten any season for game fish within the respective game areas; and after a season has been closed or shortened, reopen it, and also fix daily, weekly, or season bag limits on game fish within any game area. [Statutory Authority: RCW 77-12.040, 78-11-056 (Order 126), § 232-12-205, filed 10/25/78.]

WAC 232-12-240 Permit to kill game--Game damage.

The director, or his duly authorized agent, may issue a written permit authorizing the permittee to kill game animals or game birds if in his opinion the killing is necessary for the prevention of damage to agricultural or horticultural crops and real or personal property. The permit shall specify the number, species, duration of the permit and the disposition of the carcasses: *Provided,* That landowners may take jackrabbit or yellow-bellied marmot when such animals are causing damage to their property without obtaining a permit from the director. (Amended January 1978) [Statutory Authority: RCW 77.12.040, 78-02-055 (Order 114), § 232-12-240, filed 1/20/78; Order 7, § 232-12-240, filed 7/23/70; Regulation 24, effective 1/1/64; Regulation 18, filed 4/14/60; Regulation 19, filed 3/21/60.]

WAC 232-12-330 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-12-350 Definition of fly fishing. (1) In those waters restricted to fly fishing only, legal angling tackle is limited to dry flies, wet flies, bucktail flies, nymphs and streamers.

(2) It is unlawful for any person to fish for or to take game fish in or from waters restricted to fly fishing only by use of any metal, plastic, or wooden lure, plug, spinner, spinner fly, or to use tackle where a weight of any kind is attached either to the line or to the leader provided sinking fly lines or fly lines with lead or metal cores are lawful.

(3) Fixed spool reels and/or monofilament lines may not be used in fishing in those waters restricted to fly fishing only. Monofilament line may be used as a back-up line if it is attached to not less than twenty-five feet of conventional fly line at the terminal end.

(4) Any type of angling whereby the fly is cast directly from the reel shall be prohibited. [Statutory Authority: RCW 77.12.040. 78-02-055 (Order 114), § 232-12-350, filed 1/20/78; Order 2, § 232-12-350, filed 4/20/70; Regulation 35, effective 1/1/64; Regulation 15, filed 4/14/60; Regulation 16, filed 3/21/60.]

WAC 232-12-360 Steelhead fishing permit punch card requirements. (1) It shall be unlawful for any person, except a treaty Indian possessing a valid federal or treaty fishing identification card, to fish for steelhead trout over twenty inches in length without first having in his possession a valid steelhead fishing permit.

(2) Steelhead fishing permits shall bear a number, which number shall be entered by the dealer on the fishing license of the person holding the steelhead fishing permit.

(3) The number of the applicant's fishing license shall be copied by the dealer on the steelhead fishing permit and on the stub of the permit which stub shall be retained by the license dealer. The word "juvenile" shall be entered in lieu of the license number on cards issued to juveniles.

(4) Immediately upon taking a steelhead trout over twenty inches in length, the holder of a steelhead fishing permit shall completely remove from the card one punch and shall enter on the corresponding space the date of the catch and the name of the water in which the fish was caught.

(5) Every person possessing a steelhead fishing permit shall, by June 1, following the year of its issuance, return such card to any authorized license dealer or shall mail such permit card to the Department of Game. [Statutory Authority: RCW 77.12.040. 79-08-066 (Order 137), § 232-12-360, filed 7/23/79; Order 75, § 232-12-360, filed 10/17/75; Order 62, § 232-12-360, filed 10/9/74; Order 19, § 232-12-360, filed 9/2/71; Regulation 36, effective 1/1/64; Regulation 56, filed 10/13/61; Regulation 33, filed 4/14/60; Regulation 35, filed 3/21/60.]

WAC 232-12-405 Livestock grazing on department of game lands. No person(s) shall graze livestock on any land owned, or managed, by the department of game under lease or agreement, without obtaining a grazing land use license or agreement from the department. The department shall use the following procedures in administering the grazing program:

(1) A grazing land use license or agreement must be approved by the Washington state game commission.

(2) A proposal for a grazing land use license or agreement must demonstrate that the grazing will benefit wildlife or provide advantages to the public for hunting and fishing.

(3) For purposes of computing grazing charges and for clarification of procedures, the following definitions shall apply:

(a) Animal Unit (AU): Bull 1 AU;
Cow with calf under age 6 months 1 AU;
Animal age 6 months to yearling 0.6 AU.

Note: A cow with a calf under age 6 months when entering the range will be counted as one Animal Unit (AU) during that grazing period only.

(b) Animal Unit Month (AUM): One Animal Unit (AU), as defined above, grazing on the land for a period of thirty days or one calendar month.

(c) Preference right of renewal: Preference right of renewal is the right of the holder of a license, containing the provision, when said license is about to expire, to match a cash bonus bid made by a second party to acquire the license. By matching the bid, he retains the license subject to renewal approval by the game commission. Preference right of renewal is granted at the discretion of the game commission.

(d) Cash bonus bid: A bid made to acquire a new grazing license or against the preference right of renewal provided in a land use license about to expire.

(4) If the commission approves a new grazing land use license, the department shall advertise and sell the license at public auction to the highest bidder. Bidding will be on the basis and in the form of cash bonus bids to acquire the grazing rights provided in the new license. The cash bonus bid is paid only once at the time of the sale. Thereafter, the successful bidder must pay annual grazing charges as billed each year during the term of the land use license. The department is authorized to reject any and all cash bonus bids if it is determined to be in the best interest of the department.

(5) Renewals of existing but expiring licenses or agreements will be evaluated by the department and a recommendation made to the commission for approval or disapproval following receipt of notice from a licensee or holder of an agreement that he desires to renew the license or agreement.

(6) In the event another party, or parties, desires to acquire a license about to expire which contains a preference right of renewal, such person or persons must submit a cash bonus bid at least thirty days before the license expires. The current licensee is then notified of the bid, or the highest of several bids, and he is given the

opportunity to match the bid. If he does match, he retains the license subject to approval of the renewal by the commission. If he does not match the bid, the commission may authorize grant of the land use license to the party making the bid against the current licensee if there is only one party bidding, or the commission may authorize a sale at public auction if more than one party has made a bid.

(7) Land use licenses or agreements may be assigned with approval of the commission.

(8) Terms of approved land use licenses or agreements, or renewals thereof, shall not exceed five years.

(9) Each land use license or agreement will contain terms and conditions peculiar to the licensee and the area of the land use. However, any license or agreement shall contain the following mandatory conditions:

(a) If a full grazing plan is not attached as an exhibit to any land use license or agreement, the department reserves the right to formulate such a plan and add it as an exhibit to any license or agreement at any time. The grazing plan may contain provisions for use of different pastures, limitation of the number of Animal Units per pasture, deferred grazing use of pastures, and rotation grazing use of pastures.

(b) The department reserves the right to alter and change the provisions of any grazing use plan to include reduction in acres of pasture available and in number of Animal Units authorized when the state determines that such changes are required to benefit fish or wildlife management or public hunting or other recreational uses.

(c) Unless waived because of peculiar circumstances, all licensees or holders of agreements shall be required to report at the end of each thirty days, or calendar month, to the department the number of Animal Units grazed under the license or agreement and expected use for the next thirty days. The report need not be submitted for those thirty-day periods or calendar months cattle are not grazed on the area. At the discretion of the department, the licensee or holder of agreement may be required to round up all cattle for a count, not to exceed two counts per year.

(d) The licensee or holder of an agreement may or may not be required to maintain all fences to protect adjacent lands, public or private, from trespass by cattle.

(e) All lands covered by any license or agreement shall at all times be open to the public for lawful hunting and fishing and other recreation uses.

(f) The licensee or holder of an agreement, must agree to release, indemnify, and hold harmless the department, its officers, agents, and employees of any liability to persons or property, including, but not limited to livestock, by whomsoever made and of any nature whatsoever, arising out of or in any manner connected with the exercise of the privileges granted in the license or agreement or caused by or connected with the use by the public of the lands described in a license or agreement for recreational purposes.

(10) Annual grazing charges shall be computed on an Animal Unit month (AUM) basis. The AUM fee for grazing less accessible higher elevation ranges shall be

the same as charged by the department of natural resources for grazing on its permit ranges. This AUM fee will fluctuate from year to year, as it is calculated by formula using the average sale prices of cattle during the previous year. The charges for grazing more accessible lower elevation pastures, generally in agricultural areas (e.g., Columbia Basin Irrigation Project), shall be calculated by using DNR permit range AUM fee as a base and adding twenty-five percent of the base fee.

(11) Grazing licensees will be billed annually for grazing charges and taxes thereon, if any, at the conclusion of the authorized annual grazing period. Licensee shall make payment within thirty days following receipt of statement of grazing charges and leasehold excise tax or other taxes, if any.

(12) The cost of labor performed by licensees on approved range improvement projects may be credited toward grazing fees not to exceed twenty-five percent of the total grazing charges during the term of a license. Range improvement projects which may be approved for credit include range reseeding, fence construction and water development.

(13) The department may enter into agreements for exchange of land use allowing limited livestock grazing without charges on department of game land, with owners of land surrounding department of game land or adjacent thereto, subject to approval of the commission, when said exchange of land use is beneficial to wildlife management or provides advantage to the public for hunting, fishing and other recreational uses as agreed upon.

(14) The department is authorized to negotiate, subject to approval of the commission, grazing land use licenses with groups of cattlemen organized into associations when such arrangements on certain lands are beneficial to wildlife management, public hunting and fishing, public recreational use, range management and administration of grazing on the land.

(15) A penalty charge of \$1.00 per head per day may be charged for excess or trespass grazing. Excess grazing is grazing over the allotted number of AUMs or grazing contrary to a grazing plan such as using wrong pasture or not grazing within prescribed period. [Statutory Authority: RCW 77.12.040. 78-02-055 (Order 114), § 232-12-405, filed 1/20/78.]

WAC 232-12-490 Possession of game off an Indian reservation legally possessed on reservation. (1) An Indian who has lawfully acquired possession of any game animals, game birds, furbearing animals, or game fish, from within an Indian reservation may possess the same outside said reservation for his personal use only: *Provided*, That such game animals, game birds, furbearing animals or game fish shall, before leaving the reservation, be tagged or marked for identification by a wildlife agent or departmentally authorized agent. [Statutory Authority: RCW 77.12.040. 79-07-010 (Order 134), § 232-12-490, filed 6/8/79; Order 92, § 232-12-490, filed 10/13/76; Order 2, § 232-12-490, filed 4/20/70; Regulation 49, effective 1/1/64; Regulation 19, filed 4/14/60; Regulation 20, filed 3/21/60.]

WAC 232-12-500 Firearm safety license requirement for juveniles. (1) It shall be unlawful for any person under the age of 18 years to purchase a hunting license in the State of Washington without having completed 6 hours of firearm safety instructions and having been issued an accredited qualification certificate duly signed by an authorized instructor.

(2) It shall be unlawful for a license dealer to sell a hunting license to a person under 18 years of age unless a Firearm Safety Training Certificate issued to said person is presented at the time of the purchase.

(3) It shall be unlawful for a person under 18 years of age to purchase a hunting license unless a Firearm Safety Training Certificate issued to him is presented to the license dealer at the time of purchase. [Statutory Authority: RCW 77.12.040. 79-08-066 (Order 137), § 232-12-500, filed 7/23/79; Order 52, § 232-12-500, filed 5/27/74; Regulation 50, effective 1/1/64; Regulation 43, filed 4/14/60; Regulation 48, filed 3/21/60.]

WAC 232-12-510 Requirements of license dealers.

(1) The Director of Game, with the approval of the state game commission, may deputize persons, firms, or corporations as license dealers in such numbers as deemed necessary, for the purpose of issuing hunting and fishing licenses.

(2) All persons, firms, or corporations so deputized shall provide the Director of Game with a good and sufficient bond in such amount as the director shall determine, such bond to guarantee full and complete payment for any and all licenses sold or not remitted by the dealer.

(3) License dealers shall remit all moneys collected from the sale of completely sold books of hunting and fishing licenses by the 10th day of the following month in which the licenses are sold. At the end of each license year, license dealers shall remit for all remaining sold licenses by the final date specified by the Director of Game. Failure to comply with this regulation may result in the cancellation of a license dealership. [Statutory Authority: RCW 77.12.040. 79-02-008 (Order 129), § 232-12-510, filed 1/10/79; Regulation 51, effective 1/1/64; Regulation 39, filed 4/14/60; Regulation 40, filed 3/21/60.]

WAC 232-12-655 Definitions--Hydraulic project permits. For the purposes of RCW 75.20.100, a "river or stream" shall include waters located in a natural or man-made watercourse, including but not limited to all watercourses in which fish may spawn, reside, or through which they may pass, and those which will affect watercourses in which fish may spawn, reside or through which they may pass. This shall also include watercourses which exist on an intermittent basis or which fluctuate in level during the year and shall apply to the entire bed of such watercourse whether or not the water is at peak level.

For the purpose of RCW 75.20.100, the "natural flow or bed" of any such watercourse shall include any segment which has been altered by man. This definition is not meant to include irrigation ditches or canals or other

entirely artificial watercourses constructed for specific purposes not related to containing or directing the flow of water from a watershed or from another body of water. [Statutory Authority: RCW 77.12.040. 79-07-066 (Order 137), § 232-12-655, filed 7/23/79.]

WAC 232-12-816 Copying. No fee shall be charged for the inspection of public records. The department shall charge a fee of 10¢ per page for providing copies of public records and for use of the department's copy equipment, and \$2.00 for certification if requested. These charges are the amounts necessary to reimburse the department. [Statutory Authority: RCW 77.12.040. 79-08-066 (Order 137), § 232-12-816, filed 7/23/79; Order 42, § 232-12-816, filed 7/19/73.]

**Chapter 232-16 WAC
GAME RESERVES**

WAC

232-16-070 Arthur S. Coffin Game Reserve.
232-16-600 North Potholes Game Reserve.

WAC 232-16-070 Arthur S. Coffin Game Reserve. Arthur S. Coffin Game Reserve shall include those lands within the following described boundary: Beginning at the point where the Brewton road crosses the south line of Section 19, Twp. 20, N., R21E.W.M.; thence northwesterly along the Brewton road to the Colockum Pass road in Section 13, Twp. 20n., R.20E.; thence northerly on the Colockum Pass road to its junction with the Naneum Lookout road in Section 13, Twp. 20N., R.20E.; thence westerly along the Naneum Lookout road to where it crosses the Bonneville Power Line right-of-way in Section 16, Twp. 20N., R.20E.; thence southwest along the power line to the Colockum Wildlife Recreation Area boundary on the south line of Section 20, Twp. 20N., R.20E.; thence easterly along the south line of Sections 20, 21, 22, 23, 24, Twp. 20N., R.20E., and Section 19, Twp. 20N., R21E.W.M. to the Brewton road and the point of beginning. [Statutory Authority: RCW 77.12.040. 79-10-166 (Order 143), § 232-16-070, filed 10/3/79; Order 9, § 232-16-070, filed 9/25/70; Order, filed 7/29/64; Temporary regulation 194, filed 9/18/61; Resolution 152, filed 3/21/60.]

WAC 232-16-600 North Potholes Game Reserve. Those lands in Grant County within the following described boundary: In T19N, R27 EWM; the N.E. 1/4 of Section 32, and the N.E. 1/4 S.E. 1/4 of Section 32, all of Section 33, except the S.W. 1/4 S.W. 1/4, and all of Section 34.

In T18N, R27 EWM; all of Section 4, except the N.W. 1/4 and the N.W. 1/4 N.E. 1/4, all of Section 3 and 10, and that part of Section 9 east of the fenceline, beginning at the N.W. corner of Section 9, and then following said fenceline southeasterly to the northern section line of Section 16 near Dike Road. The east half of the N.E. 1/4 of Section 16. And that part of Section 15 lying north of a line starting from the northeast corner and running southwesterly to the midpoint of the

west section line of said section. [Statutory Authority: RCW 77.12.040. 79-09-082 (Order 141), § 232-16-600, filed 8/31/79.]

Chapter 232-18 WAC
STATE ENVIRONMENTAL POLICY ACT
GUIDELINES

WAC

232-18-025	Scope and coverage of this chapter.
232-18-040	Definitions.
232-18-050	Use of the environmental checklist form.
232-18-060	Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation.
232-18-100	Summary of information which may be required of a private applicant.
232-18-150	Exemptions exclusive—CEP approval of changes in exemptions.
232-18-190	Use and effect of categorical exemptions.
232-18-203	Determination of lead agency—Procedures.
232-18-205	Lead agency designation—Department proposals.
232-18-240	Agreements as to lead agency status.
232-18-300	Threshold determination requirement.
232-18-305	Timing for threshold determination.
232-18-310	Threshold determination procedures—Environmental checklist.
232-18-320	Threshold determination procedures—Initial review of environmental checklist.
232-18-330	Threshold determination procedures—Information in addition to checklist.
232-18-340	Threshold determination procedures—Negative declarations.
232-18-345	Assumption of lead agency status by department—Prerequisites, effect and form of notice.
232-18-350	Affirmative threshold determination.
232-18-355	Form of declaration of significance/non-significance.
232-18-360	Threshold determination criteria—Application of environmental checklist.
232-18-365	Environmental checklist.
232-18-370	Withdrawal of affirmative threshold determination.
232-18-375	Withdrawal of negative threshold determination.
232-18-400	Duty to begin preparation of a draft EIS.
232-18-410	Predraft consultation procedures.
232-18-420	Preparation of EIS by persons outside the department.
232-18-425	Organization and style of a draft EIS.
232-18-440	Contents of a draft EIS.
232-18-442	Special considerations regarding contents of an EIS on a nonproject action.
232-18-444	List of elements of the environment.
232-18-450	Public awareness of availability of draft EIS.
232-18-455	Circulation of the draft EIS—Review period.
232-18-460	Specific agencies to which draft EIS shall be sent.
232-18-470	Cost to the public for reproduction of environmental documents.
232-18-480	Public hearing on a proposal—When required.
232-18-485	Notice of public hearing on environmental impact of the proposal.
232-18-500	Department responsibilities when consulted as an agency with jurisdiction.
232-18-535	Cost of performance of consulted agency responsibilities.
232-18-540	Limitations on responses to consultation.
232-18-545	Effect of no written comment.
232-18-550	Preparation of the final EIS—Time period allowed.
232-18-570	Preparation of the final EIS—Contents—When no critical comments received on the draft EIS.
232-18-580	Preparation of the final EIS—Contents—When critical comments received on the draft EIS.
232-18-600	Circulation of the final EIS.
232-18-650	Effect of an adequate final EIS prepared pursuant to NEPA.

232-18-660	Use of previously prepared EIS for a different proposed action.
232-18-690	Use of another agency's EIS by the department.
232-18-695	Draft and final supplements to a revised EIS.
232-18-700	No action for seven days after publication of the final EIS.
232-18-830	Repealed.
232-18-835	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

232-18-830	Responsibility of department—SEPA public information center. [Order 79, § 232-18-830, filed 4/9/76.] Repealed by 79-08-116 (Order 138), filed 7/31/79. Statutory Authority: RCW 77.12.040.
232-18-835	Department responsibilities to regional SEPA public information centers. [Order 79, § 232-18-835, filed 4/9/76.] Repealed by 79-08-116 (Order 138), filed 7/31/79. Statutory Authority: RCW 77.12.040.

WAC 232-18-025 Scope and coverage of this chapter. (1) Compliance with the guidelines of this chapter shall constitute complete procedural compliance with SEPA for all actions as defined in WAC 232-18-040(2).

(2) This chapter applies to all "actions" as defined in WAC 232-18-040(2) and applies to all activities of Department of Game. Furthermore, although these guidelines do not apply to actions of the department exempted under WAC 232-18-150(2), the department accepts the responsibility of attempting to follow the intent of the SEPA, chapter 43.21C RCW, in its decision making process for exempt actions.

(3) To the fullest extent possible, Department of Game shall integrate the procedures required by this chapter with existing planning and licensing procedures. These procedures should be initiated early, and undertaken in conjunction with other governmental operations to avoid lengthy time delays and unnecessary duplication of effort.

(4) Decision-making occurring within Department of Game on all activities which may adversely impact the environment shall include identification and consideration of all reasonable alternatives and mitigative measures as specified in this chapter.

(5) As part of all authorizations made by Department of Game such conditions shall be imposed as may be warranted to mitigate adverse effects on the environment, when such authorization applies to an activity which may adversely affect the environment.

(6) In cases where Department of Game judges that an activity which the department is considering for authorization would cause serious, substantial, and long-term adverse environmental effect which outweigh in balance the beneficial effects of the activity Department of Game shall not authorize that activity. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-025, filed 7/31/79; Order 79, § 232-18-025, filed 4/9/76.]

WAC 232-18-040 Definitions. The following words and terms have the following meanings for the purposes of this chapter, unless the context indicates otherwise:

(1) Acting agency means an agency with jurisdiction which has received an application for a license, or which is the initiator of a proposed action.

(2) Action means an activity potentially subject to the environmental impact statement requirements of RCW 43.21C.030(2)(c) and (2)(d). (See WAC 197-10-170, 197-10-175 and 197-10-180 for activities that are exempted from the threshold determination and environmental impact statement requirements of SEPA guidelines.) All actions fall within one of the following subcategories:

(a) Governmental licensing of activities involving modification of the physical environment.

(b) Governmental action of a project nature. This includes and is limited to:

(i) the decision by an agency to undertake any activity which will directly modify the physical environment, whether such activity will be undertaken directly by the agency or through contract with another, and

(ii) the decision to purchase, sell, lease, transfer or exchange natural resources, including publicly owned land, whether or not the environment is directly modified.

(c) Governmental action of a nonproject nature. This includes and is limited to:

(i) the adoption or amendment of legislation, ordinances, rules or regulations which contain standards controlling use or modification of the physical environment;

(ii) the adoption or amendment of comprehensive land use plans or zoning ordinances;

(iii) the adoption of any policy, plan or program which will govern the development of a series of functionally related major actions, but not including any policy, plan or program for which approval must be obtained from any federal agency prior to implementation;

(iv) creation of, or annexations to, any city, town or district;

(v) adoptions or approvals of utility, transportation and solid waste disposal rates;

(vi) capital budgets; and

(vii) road, street and highway plans.

(3) Agency with expertise means an agency listed in WAC 197-10-465, unless it is also an agency with jurisdiction.

(4) Agency with jurisdiction means an agency from which a nonexempt license is required for a proposal or any part thereof; which will act upon an application for a grant or loan for a proposal; or which proposes or initiates any governmental action of a project or nonproject nature. The term does not include an agency authorized to adopt rules or standards of general applicability which govern the proposal in question, when no license or approval is required for a specific proposal. The term also does not include an agency involved in approving a grant or loan which serves only as a conduit between the primary administering agency and the recipient of the grant or loan. Federal agencies with jurisdiction are agencies of the federal government from which a license is required, or which will receive an application for a grant or loan for a proposal.

(5) Agency or agencies means all state agencies and local agencies as defined in this section. The term does not include any agency or division of the federal government. Whenever a specific agency has been named in these guidelines and the functions of that agency have been transferred to another agency, then the term shall mean the successor agency.

(6) CEP means the council on environmental policy. As directed by the legislature, the council on environmental policy ceased to exist on July 1, 1976, and its duties were transferred to the Department of Ecology (DOE). All references to CEP in these guidelines should be read to mean Department of Ecology.

(7) Consulted agency means any agency with jurisdiction or with expertise which is requested by the lead agency to provide information during a threshold determination or predraft consultation or which receives a draft environmental impact statement. An agency shall not be considered to be a consulted agency merely because it receives a proposed declaration of nonsignificance.

(8) Contact person means that person designated by the director of the department to carry out the duties, functions, and authority of the Department of Game when the department is acting as a consulted agency.

(9) County/city means a county, city or town. In this chapter, duties and powers are assigned to a county, city or town as a unit. The delegation of responsibilities among the various departments of a county, city or town is left to the legislative or charter authority of the individual counties, cities or towns.

(10) Declaration of nonsignificance means the written decision by the responsible official that a proposal will not have a significant adverse environmental impact and that therefore no environmental impact statement is required. A form substantially consistent with that in WAC 232-18-355 shall be used for this declaration when the department is acting as lead agency.

(11) Declaration of significance means the written decision by the responsible official that a proposal will or could have a significant adverse environmental impact and that therefore an environmental impact statement is required. A form substantially consistent with that in WAC 232-18-355 shall be used by the responsible official for this declaration.

(12) Department means Department of Game unless otherwise indicated.

(13) Draft EIS means an environmental impact statement prepared prior to the final detailed statement.

(14) EIS. EIS means the detailed statement required by RCW 43.21C.030(2)(c). This term may refer to either a draft or final environmental impact statement, or both, depending upon context.

(15) Environment means, and is limited to, those areas listed in WAC 232-18-444.

(16) Environmental checklist means the form contained in WAC 232-18-365.

(17) Environmental document means every written public document prepared or utilized as a result of the requirements of this chapter.

(18) Environmentally sensitive area means an area designated and mapped by a county/city pursuant to WAC 197-10-177. Certain categorical exemptions do not apply within environmentally sensitive areas.

(19) Final EIS means an environmental impact statement prepared to reflect comments to the draft EIS. It may be a new document, or the draft EIS supplemented by material prepared pursuant to WAC 232-18-570, 232-18-580 or 232-18-695.

(20) Lands covered by water means lands underlying the water areas of the state below the ordinary high water mark, including salt waters, tidal waters, estuarine waters, natural water courses, lakes, ponds, artificially impounded waters, marshes and swamps. Certain categorical exemptions do not apply to lands covered by water.

(21) Lead agency means the agency designated by WAC 197-10-200 through 197-10-270 or 197-10-345. The lead agency is responsible for making the threshold determination and preparing or supervising preparation of the draft and final environmental impact statements.

(22) License means any form of written permission given to any person, organization or agency to engage in any activity, as required by law or agency rule. A license thus includes all or part of any agency permit, certificate, approval, registration, charter, or plat approvals or rezones to facilitate a particular project. The term does not include a license required solely for revenue purposes.

(23) Licensing means the agency process in granting, renewing or modifying a license.

(24) List of elements of the environment means the list in WAC 232-18-444 which must be attached to every environmental impact statement.

(25) Local agency means any political subdivision, regional governmental unit, district, municipal or public corporation including cities, towns and counties. The term does not include the departments of a city or county.

(26) Major action means any "action" as defined in this section which is not exempted by WAC 197-10-170, 197-10-175 and 197-10-180.

(27) Nonproject EIS means an environmental impact statement prepared for a proposal for any governmental action of a nonproject nature as defined under "action" in this section.

(28) Physical environment means and is limited to those elements of the environment listed under "physical environment" in WAC 232-18-444(2).

(29) Private applicant means any person or entity, other than an agency as defined in this section, applying for a license from an agency.

(30) Private project means any proposal primarily initiated or sponsored by an individual or entity other than an "agency" as defined in this section.

(31) Proposal means a specific request to undertake any activity submitted to, and seriously considered by, an agency or a decision-maker within an agency, as well as any action or activity which may result from approval of any such request. The scope of a proposal for the

purposes of lead agency determination, the threshold determination, and impact statement preparation is further defined in WAC 232-18-060.

(32) Responsible official means the Director of the Department. The responsible official shall effect or direct accomplishment of the duties and functions of Department of Game when the department is acting as the lead agency under these guidelines pursuant to chapter 197-10 WAC.

(33) Responsible Official (R.O.) Aide means the chief of that division of the department possessing the greatest degree of authority over an "action". The R.O. Aide shall carry out duties and functions as directed by the responsible official, for purposes of assuring Department of Game's compliance with these guidelines and chapter 197-10 WAC when Department of Game is acting as lead agency. Although the R.O. Aide may delegate duties and functions assigned him/her under this chapter, the R.O. Aide, alone, is wholly responsible for the proper accomplishment of such duties and functions.

(34) SEPA means the state environmental policy act of 1971, chapter 43.21C RCW as amended.

(35) State agency means any state board, commission or department except those in the legislative or judicial branches. The term includes the office of the governor and the various divisions thereof, state universities, colleges and community colleges.

(36) Threshold determination means the decision by a lead agency whether or not an environmental impact statement is required for a proposal. [Statutory Authority: RCW 77.12.040, 79-08-116 (Order 138), § 232-18-040, filed 7/31/79; Order 79, § 232-18-040, filed 4/9/76.]

WAC 232-18-050 Use of the environmental checklist form. When the department is lead agency the form provided in WAC 232-18-365 for an environmental checklist is to be initially completed by an action proponent, whether public or private, either alone or together with the R.O. Aide, usually in conjunction with a license application. This form must be used in the threshold determination; it will also be helpful in making the lead agency designation and in predraft consultation. However, where there is an agreement between the proponent and the R.O. Aide that an EIS is required, the completion of the environmental checklist is unnecessary. [Statutory Authority: RCW 77.12.040, 79-08-116 (Order 138), § 232-18-050, filed 7/31/79; Order 79, § 232-18-050, filed 4/9/76.]

WAC 232-18-060 Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation. (1) The proposal considered by the department as the acting agency during the lead agency determination procedure, and by the Department as the lead agency during the threshold determination and EIS preparation, shall be the total proposal including its direct and indirect impacts. Whenever the word "proposal" or the term "proposed action" is used in this chapter, the discussion in subsection (2) of this section applies. In considering the

environmental impacts of a proposal during the threshold determination and EIS preparation, the discussion in subsection (3) of this section is applicable.

(2) The total proposal is the proposed action, together with all proposed activity functionally related to it. Future activities are functionally related to the present proposal if:

(a) The future activity is an expansion of the present proposal, facilitates or is necessary to operation of the present proposal; or

(b) The present proposal facilitates or is a necessary prerequisite to future activities.

The scope of the proposal is not limited by the jurisdiction of the department when the department is acting as lead agency. The fact that future parts of a proposal will require future approvals by the department or other governmental agencies shall not be a bar to their present consideration, so long as the plans for those future parts are specific enough to allow some evaluation of their potential environmental impacts. The department when it is an acting agency and/or lead agency should be alert to the possibility that a proposal may involve other agencies with jurisdiction which may not be taking any action until sometime in the future.

(3) The impacts of a proposal include its direct impacts as well as its reasonably anticipated indirect impacts. Indirect impacts are those which result from any activity which is induced by a proposal. These include, but are not limited to, impacts resulting from growth induced by the proposal, or the likelihood that the present action will serve as a precedent for future actions. (For example, adoption of a zoning ordinance will encourage or tend to cause particular types of projects.) Contemporaneous or subsequent development of a similar nature, however, need not be considered in the threshold determination unless there will be some causal connection between this development and one or more of the governmental decisions necessary for the proposal in question.

(4) The lead agency may divide proposals involving extensive future actions into segments with an EIS prepared for each segment. In such event, the earlier EIS shall describe the later segments of the proposal and note that future environmental analysis will be required for these future segments. The segmentation allowed by this subsection shall not be used at the threshold determination stage to determine that any segment of a more extensive significant proposal is insignificant; nor shall segmentation be applied so as to require significant duplication of analysis contained in an earlier EIS.

(5) For proposed projects, where the proposed action is related to a large existing or planned network, the department when acting as lead agency may at its option treat the present proposal as the total proposal, or select only some of the future elements for present consideration in the threshold determination and EIS. These categorizations shall be logical with relation to the design of the total system or network itself, and shall not be made merely to divide a larger system into exempted fragments. [Statutory Authority: RCW 77.12.040. 79-

08-116 (Order 138), § 232-18-060, filed 7/31/79; Order 79, § 232-18-060, filed 4/9/76.]

WAC 232-18-100 Summary of information which may be required of a private applicant. (1) There are three areas of these guidelines where the department is allowed to require information from a private applicant. These are:

- (a) Environmental checklist;
- (b) Threshold determination; and,
- (c) Draft and final EIS.

Further information may be required if the responsible official determines that the information initially supplied was not reasonably adequate to fulfill the purpose for which it was required. An applicant may voluntarily submit, at any time, information beyond that which may be required under these guidelines.

(2) Environmental checklist. A private applicant is required to complete an environmental checklist as set forth in WAC 232-18-365 either concurrently with or after filing the application. Explanations for each "yes" and "maybe" answer indicated thereon are required. The department may not require a complete assessment or "mini-EIS" at this stage. (See WAC 232-18-310.)

(3) Threshold determination. When the department is acting as lead agency it shall make an initial review of a completed checklist without requiring more information from a private applicant. After completing this initial review, the R.O. Aide may require further information from the applicant, including explanation of "no" answers on the checklist. This information shall be limited to those elements on the environmental checklist for which, as determined by the R.O. Aide, information accessible to the department is not reasonably sufficient to evaluate the environmental impacts of the proposal. Field investigations or research by the applicant reasonably related to determining the environmental impacts of the proposal may be required. (See WAC 232-18-330.)

(4) Draft and final EIS preparation. At the option of the department, an EIS may be prepared by the applicant or by a consultant acceptable to both the applicant and the responsible official. The EIS will be prepared under the direction of the responsible official at applicant's cost, including payment for agency consultation time and cost of any materials prepared by the agency for inclusion into the EIS. (See WAC 232-18-420). Alternatively, the responsible official may require a private applicant to provide data and information which is not in the possession of the department relevant to any or all areas to be covered by an EIS. A private applicant shall not be required to provide information which is the subject of a predraft consultation request until the consulted agency has responded, or the forty-five days allowed for response by the consulted agency has expired, whichever is earlier. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-100, filed 7/31/79; Order 79, § 232-18-100, filed 4/9/76.]

WAC 232-18-150 Exemptions exclusive—CEP approval of changes in exemptions. (1) The only actions exempt from the threshold determination requirements

of this chapter are those which are categorically exempted in WAC 197-10-170, 197-10-175 and 197-10-180. Except to specify emergencies as allowed in WAC 232-18-180, the department shall create additional exemptions in these guidelines only after obtaining approval of CEP in accordance with either subsection (2) or (3) of WAC 197-10-150.

(2) The following activities of the Department of Game are exempted by WAC 197-10-175(6):

(a) The establishment of hunting, trapping or fishing seasons, bag or catch limits, and geographical areas where such activities are permitted.

(b) The issuance of falconry permits.

(c) The issuance of all hunting or fishing licenses, permits or tags.

(d) Artificial game feeding.

(e) The issuance of scientific collector permits.

(f) All hydraulic project approvals (RCW 75.20.100) for activity incidental to a class I, II, III or IV forest practice as defined in RCW 76.09.050 and regulations adopted thereunder, (except those forest practices designated by the forest practices board as being special forest practices and therefore subject to SEPA evaluation); and hydraulic project approvals for removal of streambed materials where the cost or fair market value of the total project is one thousand dollars or less and other hydraulic project approvals where the cost of the total proposal is five thousand or less except for proposals involving realignment into a new channel. [Statutory Authority: RCW 77.12.040, 79-08-116 (Order 138), § 232-18-150, filed 7/31/79; Order 79, § 232-18-150, filed 4/9/76.]

WAC 232-18-190 Use and effect of categorical exemptions. (1) Those activities excluded from the definition of "action" in WAC 197-10-040(2), or categorically exempted in WAC 197-10-170, 197-10-175 and 197-10-180, and WAC 232-18-150(2) are exempt from the threshold determination (including completion of the environmental checklist) and EIS requirements of these guidelines, chapter 197-10 WAC and RCW 43.21C.030(2)(c) and (2)(d). The department in accordance with chapter 197-10 WAC shall allow no exemption for the sole reason that actions are considered to be of a "ministerial" nature or of an environmentally regulatory or beneficial nature.

(2) If a department proposal includes a series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not, the proposal is not exempt.

For these proposals exempt activities or actions may be undertaken prior to the threshold determination. For each such proposal the department shall determine a lead agency. If the department is acting as lead agency, a threshold determination shall be made prior to any major action with respect to the proposal, and prior to any decision by the department irreversibly committing itself to adopt or approve the proposal.

(3) If the proposal includes a series of exempt actions which are physically or functionally related to each

other, but which together may have a significant environmental impact, the proposal is not exempt. The determination that a proposal is not exempt because of this subsection shall be made only the R.O. Aide for that proposal. [Statutory Authority: RCW 77.12.040, 79-08-116 (Order 138), § 232-18-190, filed 7/31/79; Order 79, § 232-18-190, filed 4/9/76.]

WAC 232-18-203 Determination of lead agency--Procedures. (1) The first agency receiving or initiating a proposal for a major action, or for any part of a proposal when the total proposal involves a major action, shall determine the lead agency for that proposal. The R.O. Aide shall determine the lead agency for all proposals for a major action which are received, unless the lead agency has been previously determined or the department's R.O. Aide is aware that another agency is determining the lead agency. The lead agency shall be determined by using the criteria in WAC 232-18-205 through 232-18-245.

(2) If the R.O. Aide determines that another agency is the lead agency, a copy of the application received, together with the determination of lead agency and explanation thereof shall be mailed to such lead agency. If the agency receiving this determination agrees that it is the lead agency, it shall so notify the other agencies with jurisdiction. If it does not agree, and the dispute cannot be resolved by agreement, the agencies shall immediately petition CEP for a lead agency determination pursuant to WAC 197-10-260.

(3) If the department's R.O. Aide determines that the department is the lead agency, he/she shall immediately mail [a][of] copy of this determination and explanation thereof to all other agencies with jurisdiction over the proposal. The department shall then proceed, as the lead agency, to the threshold determination procedure of WAC 232-18-300 through 232-18-375. If another agency with jurisdiction objects to the lead agency determination, and the dispute cannot be resolved by agreement, the agencies shall immediately petition CEP for a lead agency determination pursuant to WAC 197-10-260.

(4) If the department receives a lead agency determination to which it objects the R.O. Aide shall either resolve the dispute, withdraw the department's objection, or petition to CEP for a lead agency determination within fifteen days of receiving the determination.

(5) To make the lead agency determination, the R.O. Aide must determine to the best of his/her ability the other agencies with jurisdiction over the proposal. This can be done by requesting the information from a private applicant, or through consultation with the information centers established pursuant to RCW 90.62.120, within the Environmental Coordination Procedures Act of 1973 (ECPA). [Statutory Authority: RCW 77.12.040, 79-08-116 (Order 138), § 232-18-203, filed 7/31/79; Order 79, § 232-18-203, filed 4/9/76.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 232-18-205 Lead agency designation--Department proposals. For all proposals initiated by the department, the department shall be the lead agency. In the event that two or more agencies share in the implementation of a proposal, the agencies shall [by][be] agreement determine which agency will be lead agency. For the purposes of this section, a proposal by the department does not include proposals to license private activity. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-205, filed 7/31/79; Order 79, § 232-18-205, filed 4/9/76.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 232-18-240 Agreements as to lead agency status. The department may assume lead agency if all agencies with jurisdiction agree. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-240, filed 7/31/79; Order 79, § 232-18-240, filed 4/9/76.]

WAC 232-18-300 Threshold determination requirement. (1) Except as provided in subsection (2) of this section, a threshold determination shall be made for every proposal for a major action. The responsible official shall be responsible for making the threshold determination.

(2) The threshold determination requirement may be omitted, unless predraft consultation occurs, when:

(a) Both the responsible official and the sponsor (public or private) of a proposal agree that an EIS is required, or

(b) The department is the sponsor and the responsible official and the department decide that an EIS is required. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-300, filed 7/31/79; Order 79, § 232-18-300, filed 4/9/76.]

WAC 232-18-305 Timing for threshold determination. The R.O. Aide shall insure that a completed threshold determination is listed within fifteen days after the checklist is initially filled out, unless further information is required. The initial review of a completed environmental checklist can usually be completed in a matter of hours. If further information is required to make the threshold determination, the time required will vary, depending upon the nature of the proposal and the information required. When a private applicant requests notification of the date when a threshold determination will be made, the R.O. Aide shall so notify the private applicant in writing. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-305, filed 7/31/79; Order 79, § 232-18-305, filed 4/9/76.]

WAC 232-18-310 Threshold determination procedures--Environmental checklist. (1) The R.O. Aide shall insure that an environmental checklist substantially in the form provided in WAC 232-18-365 is completed for any proposed major action before the responsible official

makes the threshold determination. Every "yes" and "maybe" answer on the checklist shall be explained. Persons completing the checklist may also explain "no" answers. Persons filling out an environmental checklist may make reference to studies or reports which are available to the agency to which the checklist is being submitted.

(2) No environmental checklist or threshold determination is required for proposals that are exempted by WAC 197-10-170, 197-10-175, 197-10-180 and 232-18-150(2). [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-310, filed 7/31/79; Order 79, § 232-18-310, filed 4/9/76.]

WAC 232-18-320 Threshold determination procedures--Initial review of environmental checklist. If the department is lead agency, the R.O. Aide shall conduct an initial review of the environmental checklist for the proposal together with any supporting documentation. This initial review shall be made without requiring further information from the applicant. In making this initial review, the R.O. Aide shall independently evaluate each item on the checklist and indicate the results of this evaluation. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-320, filed 7/31/79; Order 79, § 232-18-320, filed 4/9/76.]

WAC 232-18-330 Threshold determination procedures--Information in addition to checklist. (1) The threshold determination by the responsible official must be based upon information reasonably sufficient to determine the environmental impact of a proposal. If, after an initial review of the environmental checklist, the R.O. Aide determines the information available to him/her is not reasonably sufficient to make this determination, one or more of the following may be initiated:

(a) The applicant may be required to furnish further information. This additional information shall be limited to the subjects on the environmental checklist. An applicant may be required to provide explanations of any "no" answers to questions on the checklist.

(b) The R.O. Aide may initiate further studies, including physical investigations on the subject property, directed toward providing additional information on the environmental impacts of the proposal.

(c) The R.O. Aide may consult with other agencies with jurisdiction over the proposal, requesting substantive information as to potential environmental impacts of the proposal which lie within the area of expertise of the particular agency so consulted. Consulted agencies shall respond in accordance with the requirements of WAC 197-10-500 through 197-10-540.

(2) When, the R.O. Aide obtains information reasonably sufficient to assess the adverse environmental impacts of the proposal, the responsible official shall immediately make a threshold determination utilizing the criteria of WAC 232-18-360 and 232-18-365. In the event that the further investigations authorized by this section do not provide information reasonably sufficient to assess any potential adverse environmental impacts of the proposal, an EIS shall be prepared.

[Statutory Authority: RCW 77.12.040, 79-08-116 (Order 138), § 232-18-330, filed 7/31/79; Order 79, § 232-18-330, filed 4/9/76.]

WAC 232-18-340 Threshold determination procedures--Negative declarations. (1) In the event the responsible official determines a proposal will not have a significant adverse impact on the quality of the environment, the R.O. Aide shall prepare a proposed or final declaration of nonsignificance, as appropriate, substantially in the form provided in WAC 232-18-355.

(2) The R.O. Aide shall prepare a final declaration of nonsignificance for all proposals except for those listed in subsection (3) of this section.

(3) Upon making a threshold determination of nonsignificance for any of the following proposals the responsible official shall direct the R.O. Aide to prepare a proposed declaration of nonsignificance, and insure compliance with the requirements of subsections (4) through (6) of this section prior to taking any further action on the proposal:

(a) Proposals which have another agency with jurisdiction except that, when the hydraulic project approval (HPA) is the only license required by an applicant, and the Departments of Game and Fisheries are the only agencies with jurisdiction, written agreement may be obtained with Department of Fisheries to omit the proposed declaration of nonsignificance and issue a final declaration of nonsignificance.

(b) Proposals involving demolition of any structure or facility not exempted by WAC 197-10-170(1)(n) or 197-10-180.

(c) Proposals involving issuance of clearing or grading permits not exempted by WAC 197-10-170, 197-10-175 or 197-10-180.

(4) The R.O. Aide shall issue all proposed declarations of nonsignificance by sending the proposed declaration and environmental checklist to other agencies with jurisdiction.

(5) Any person or agency may submit written comments on the proposed declaration of nonsignificance to the R.O. Aide within fifteen days from the date of its issuance. The R.O. Aide shall take no further action on the proposal which is the subject of the proposed declaration of nonsignificance for fifteen days from the date of issuance. If comments are received, the responsible official shall reconsider his/her proposed declaration however, the responsible official is not required to modify the proposed declaration of nonsignificance to reflect the comments received.

(6) After the fifteen day time period has elapsed, and after considering any comments, the responsible official shall either direct adoption of the proposed declaration as a "Final Declaration of Non-Significance," or determine that the proposal is significant, or direct the R.O. Aide to initiate the additional information gathering mechanisms of WAC 232-18-330(1).

(7) When a final declaration of nonsignificance results from a proposed declaration of nonsignificance, that final declaration of nonsignificance shall be sent to the Department of Ecology headquarters office in Olympia.

The Department of Ecology shall list it on the "SEPA register" as specified in WAC 197-10-831. This subsection shall not apply to proposed declarations of nonsignificance, to final declarations of nonsignificance issued in accordance with WAC 232-18-340(2), or to final declarations of nonsignificance made under the "agreement with other agency" provision of WAC 232-18-340(3)(a). Checklists need not be sent.

(8) Issuance of proposed and final declarations of nonsignificance completes the procedural requirements of these guidelines unless another agency with jurisdiction assumes lead agency duties and responsibilities pursuant to WAC 197-10-345. [Statutory Authority: RCW 77.12.040, 79-08-116 (Order 138), § 232-18-340, filed 7/31/79; Order 79, § 232-18-340, filed 4/9/76.]

WAC 232-18-345 Assumption of lead agency status by department--Prerequisites, effect and form of notice.

(1) If the department has jurisdiction over a proposal and upon review of a proposed declaration of nonsignificance for that proposal, objects to the threshold determination, the responsible official may, at his/her discretion direct the R.O. Aide to transmit to the initial lead agency a completed "Notice of Assumption of Lead Agency Status". This notice shall be substantially similar to that described in subsection (4) of this section. Assumption of lead agency status, shall take place within fifteen days of issuance of the proposed declaration of nonsignificance, as provided for in WAC 232-18-340.

(2) The affirmative threshold determination by the department shall be based only upon information contained in the environmental checklist attached to the proposed declaration of nonsignificance transmitted by the lead agency and any other information possessed by the department.

(3) As a result of transmitting a completed form of the notice contained in subsection (4) of this section and attached declaration of significance, the department shall become the "new" lead agency and shall expeditiously prepare a draft and a final EIS. In addition, all other responsibilities and authority of a lead agency under this chapter shall be transferred to the department.

(4) The form of "Notice of Assumption of Lead Agency Status" is as follows:

FORM OF NOTICE OF ASSUMPTION OF LEAD AGENCY STATUS

Description of Proposal
Proponent
Location of Proposal
Initial Lead Agency
New Lead Agency

This proposal was determined by the (initial lead agency) to have no significant adverse impact upon the environment, according to the proposed declaration of nonsignificance dated A review of the information relative to the environmental checklist has

been made by the Department of Game and in its opinion an EIS is required for the proposal. Consequently, notice is hereby given that the department, a former consulted agency with jurisdiction assumes the responsibility of lead agency status from the initial lead agency, including, but not limited to, the duty to prepare a draft and final EIS on the proposal.

Responsible Official -----
Position/Title -----
Address/Phone -----
Date ----- Signature -----

(5) A completed form of notice, together with a declaration of significance, shall be transmitted to the initial lead agency, any other agencies with jurisdiction and the proponent of the proposal.

(6) The department may still comment critically upon a proposed declaration of nonsignificance without assuming lead agency status. The department has not assumed lead agency status unless a notice substantially in the form of subsection (4) of this section is completed and transmitted. The decision to not assume lead agency status pursuant to this section creates no new legal obligation upon the department. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-345, filed 7/31/79; Order 79, § 232-18-345, filed 4/9/76.]

WAC 232-18-350 Affirmative threshold determination. (1) In the event the responsible official determines that the proposal will have a significant adverse effect upon the quality of the environment, the responsible official shall direct the R.O. Aide to prepare a declaration of significance using the form in WAC 232-18-355. This form shall be retained in the files of the department with a copy sent to the applicant in the case of a private project. If the proposal is not modified by the applicant resulting in a withdrawal of the affirmative threshold determination as allowed by WAC 232-18-370, the R.O. Aide shall begin the EIS preparation procedures of WAC 232-18-400 through 232-18-695.

(2) If the additional information gathering mechanisms of WAC 232-18-330 have been utilized, and the responsible official reasonably believes that the proposal could have a significant adverse impact, the affirmative threshold determination shall be made. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-350, filed 7/31/79; Order 79, § 232-18-350, filed 4/9/76.]

WAC 232-18-355 Form of declaration of significance/non-significance. (1) A declaration substantially in the form set forth in subsection (2) of this section shall be used for declarations of nonsignificance. This form shall be attached to the environmental checklist together with any other information obtained pursuant to WAC 232-18-330, and maintained in the files of the department.

(2) The form is as follows:

FORM FOR (PROPOSED/FINAL)
DECLARATION
OF (SIGNIFICANCE/NONSIGNIFICANCE)

Description of Proposal -----
Proponent -----
Location of Proposal -----
Lead Agency -----

This proposal has been determined to (have/not have) a significant adverse impact upon the environment. An EIS (is/is not) required under RCW 43.21C.030(2)(c). This decision was made after review by the Department of Game of a completed environmental checklist and other information on file.

Responsible Official -----
Position/Title -----
Date ----- Signature -----

(3) If the form is for a declaration of environmental significance, the R.O. Aide may add to the information contained in subsection (2) of this section a listing of those environmental impacts which led to the responsible officials declaration, together with a brief explanation of what measures, if any, could be taken to prevent or mitigate the environmental impacts of the proposal to such an extent that the department would withdraw its declaration and issue a (proposed/final) declaration of nonsignificance. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-355, filed 7/31/79; Order 79, § 232-18-355, filed 4/9/76.]

WAC 232-18-360 Threshold determination criteria--Application of environmental checklist. (1) The responsible official shall apply the questions in the environmental checklist to the total proposal, including its indirect effects (See WAC 232-18-060), to determine whether the proposal will result in a significant adverse impact upon the quality of the environment. The threshold decision shall be based solely upon this process. The questions contained in the environmental checklist are exclusive, and factors not listed therein shall not be considered in the threshold determination.

(2) The questions in the environmental checklist are not weighted. While some yes answers to several of these questions are likely the proposal may still not have a significant adverse impact. However, a single affirmative answer could indicate a significant adverse impact, depending upon the nature of the impact and location of the proposal. The nature of the existing environment is an important factor. The same project may have a significant adverse impact in one location, but not in another location. The absolute quantitative effects of the proposal are also important, and may result in a significant adverse impact regardless of the nature of the existing environment. The responsible official shall also be alert to the possibility that several marginal impacts when taken together will result in a significant adverse environmental impact. For some proposals, it may be impossible to forecast the environmental impacts with

precision, often because some variables cannot be predicted. If, after the R.O. Aide has utilized the additional information gathering mechanisms of WAC 232-18-330, the impacts of the proposal are still in doubt, and there exists a reasonable belief by the responsible official that the proposal could have a significant adverse impact, an EIS is required.

(3) It should also be remembered that proposals designed to improve the environment (such as sewage treatment plants or fish hatcheries) may also have adverse environmental impacts. The question at the threshold determination level is not whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather if the proposal involves any significant adverse impacts upon the quality of the environment. If it does, an EIS is required. No test of balance shall be applied at the threshold determination level.

(4) Additional research or field investigations by either the department or by the private applicant is required when the information available to the department is not sufficient for it to make a determination of the potential adverse environmental impacts (See WAC 232-18-330). It is expected, however, that many proposals can be evaluated entirely through an office review (See WAC 232-18-320) of the environmental checklist, and that for other proposals, the majority of the questions in the environmental checklist may be answered in the same manner. [Statutory Authority: RCW 77.12-.040, 79-08-116 (Order 138), § 232-18-360, filed 7/31/79; Order 79, § 232-18-360, filed 4/9/76.]

WAC 232-18-365 Environmental checklist. (1) The form in subsection (2) of this section is the environmental checklist. The language of the questions shall not be changed. The questions appearing in the environmental checklist are exclusive, and considerations which do not appear in it or in WAC 232-18-360 shall not be used in making a threshold determination. This checklist does not supersede or void application forms required under any other federal or state statute or local ordinance, but rather is supplemental.

(2) Environmental checklist form:

Introduction: The State Environmental Policy Act of 1971, chapter 43.21C RCW, requires all state and local governmental agencies to consider environmental values both for their own actions and when licensing private proposals. The Act also requires that an EIS be prepared for all major actions significantly affecting the quality of the environment. The purpose of this checklist is to help the agencies involved determine whether or not a proposal is such a major action.

Please answer the following questions as completely as you can with the information presently available to you. Where explanations of your answers are required, or where you believe an explanation would be helpful to government decision makers, include your explanation in the space provided, or use additional pages if necessary. You should include references to any reports or studies of which you are aware and which are relevant to the

answers you provide. Complete answers to these questions now will help all agencies involved with your proposal to undertake the required environmental review without unnecessary delay.

The following questions apply to your total proposal, not just to the license for which you are currently applying or the proposal for which approval is sought. Your answers should include the impacts which will be caused by your proposal when it is completed, even though completion may not occur until sometime in the future. This will allow all of the agencies which will be involved to complete their environmental review now, without duplicating paperwork in the future.

NOTE: This is a standard form being used by all state and local agencies in the State of Washington for various types of proposals. Many of the questions may not apply to your proposal. If a question does not apply, just answer it "no" and continue on to the next question.

ENVIRONMENTAL CHECKLIST FORM

I. BACKGROUND

1. Name of Proponent -----
2. Address and Phone Number of Proponent:

3. Date Checklist Submitted -----
4. Agency Requiring Checklist -----
5. Name of Proposal, if applicable:

6. Nature and Brief Description of the Proposal (including but not limited to its size, general design elements, and other factors that will give an accurate understanding of its scope and nature):

7. Location of Proposal (describe the physical setting of the proposal, as well as the extent of the land area affected by any environmental impacts, including any other information needed to give an accurate understanding of the environmental setting of the proposal):

8. Estimated Date for Completion of the Proposal:

9. List of all Permits, Licenses or Government Approvals Required for the Proposal (federal, state and local—including rezones):

10. Do you have any plans for future additions, expansion, or further activity related to or

connected with this proposal? If yes, explain:

11. Do you know of any plans by others which may affect the property covered by your proposal? If yes, explain:

12. Attach any other application form that has been completed regarding the proposal; if none has been completed, but is expected to be filed at some future date, describe the nature of such application form:

Yes Maybe No

(b) The creation of objectionable odors? --- --- ---

(c) Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally? --- --- ---

Explanation: -----

(3) Water. Will the proposal result in:

(a) Changes in currents, or the course or direction of water movements, in either marine or fresh waters? --- --- ---

(b) Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff? --- --- ---

(c) Alterations to the course or flow of flood waters? --- --- ---

(d) Change in the amount of surface water in any water body? --- --- ---

(e) Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? --- --- ---

(f) Alteration of the direction or rate of flow of ground waters? --- --- ---

(g) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? --- --- ---

(h) Deterioration in ground water quality, either through direct injection, or through the seepage of leachate, phosphates, detergents, waterborne virus or bacteria, or other substances into the ground waters? --- --- ---

II. ENVIRONMENTAL IMPACTS

(Explanations of all "yes" and "maybe" answers are required)

Yes Maybe No

(1) Earth. Will the proposal result in:

(a) Unstable earth conditions or in changes in geologic substructures? --- --- ---

(b) Disruptions, displacements, compaction or overcovering of the soil? --- --- ---

(c) Change in topography or ground surface relief features? --- --- ---

(d) The destruction, covering or modification of any unique geologic or physical features? --- --- ---

(e) Any increase in wind or water erosion of soils, either on or off the site? --- --- ---

(f) Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake? --- --- ---

Explanation: -----

(2) Air. Will the proposal result in:

(a) Air emissions or deterioration of ambient air quality? --- --- ---

	Yes	Maybe	No		Yes	Maybe	No
(i) Reduction in the amount of water otherwise available for public water supplies?	---	---	---	(6) Noise. Will the proposal increase existing noise levels?	---	---	---
Explanation: -----				Explanation: -----			

(4) Flora. Will the proposal result in:				(7) Light and Glare. Will the proposal produce new light or glare?	---	---	---
(a) Change in the diversity of species, or numbers of any species of flora (including trees, shrubs, grass, crops, microflora and aquatic plants)?	---	---	---	Explanation: -----			
(b) Reduction of the numbers of any unique, rare or endangered species of flora?	---	---	---	-----			
(c) Introduction of new species of flora into an area, or in a barrier to the normal replenishment of existing species?	---	---	---	(8) Land Use. Will the proposal result in the alteration of the present or planned land use of an area?	---	---	---
(d) Reduction in acreage of any agricultural crop?	---	---	---	Explanation: -----			
Explanation: -----				-----			
-----				(9) Natural Resources. Will the proposal result in:			
(5) Fauna. Will the proposal result in:				(a) Increase in the rate of use of any natural resources?	---	---	---
(a) Changes in the diversity of species, or numbers of any species of fauna (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microfauna)?	---	---	---	(b) Depletion of any nonrenewable natural resource?	---	---	---
(b) Reduction of the numbers of any unique, rare or endangered species of fauna?	---	---	---	Explanation: -----			
(c) Introduction of new species of fauna into an area, or result in a barrier to the migration or movement of fauna?	---	---	---	-----			
(d) Deterioration to existing fish or wildlife habitat?	---	---	---	(10) Risk of Upset. Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	---	---	---
Explanation: -----				Explanation: -----			
-----				-----			
				(11) Population. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	---	---	---
				Explanation: -----			

Yes Maybe No

(12) **Housing.** Will the proposal affect existing housing, or create a demand for additional housing? --- --- ---

Explanation: -----

(13) **Transportation/Circulation.** Will the proposal result in:

(a) Generation of additional vehicular movement? --- --- ---

(b) Effects on existing parking facilities, or demand for new parking? --- --- ---

(c) Impact upon existing transportation system? --- --- ---

(d) Alterations to present patterns of circulation or movement of people and/or goods? --- --- ---

(e) Alterations to waterborne, rail or air traffic? --- --- ---

(f) Increase in traffic hazards to motor vehicles, bicyclists or pedestrians? --- --- ---

Explanation: -----

(14) **Public Services.** Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

(a) Fire protection? --- --- ---

(b) Police protection? --- --- ---

(c) Schools? --- --- ---

(d) Parks or other recreational facilities? --- --- ---

(e) Maintenance of public facilities, including roads? --- --- ---

(f) Other governmental services? --- --- ---

Explanation: -----

Yes Maybe No

(15) **Energy.** Will the proposal result in:

(a) Use of substantial amounts of fuel or energy? --- --- ---

(b) Demand upon existing sources of energy, or require the development of new sources of energy? --- --- ---

Explanation: -----

(16) **Utilities.** Will the proposal result in a need for new systems, or alterations to the following utilities:

(a) Power or natural gas? --- --- ---

(b) Communications systems? --- --- ---

(c) Water? --- --- ---

(d) Sewer or septic tanks? --- --- ---

(e) Storm water drainage? --- --- ---

(f) Solid waste and disposal? --- --- ---

Explanation: -----

(17) **Human Health.** Will the proposal result in the creation of any health hazard or potential health hazard (excluding mental health)? --- --- ---

Explanation: -----

(18) **Aesthetics.** Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? --- --- ---

Explanation: -----

Yes Maybe No

(19) **Recreation.** Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities? --- --- ---

Explanation: -----

(20) **Archeological/Historical.** Will the proposal result in an alteration of a significant archeological or historical site, structure, object or building? --- --- ---

Explanation: -----

III. SIGNATURE

I, the undersigned, state that to the best of my knowledge the above information is true and complete. It is understood that the lead agency may withdraw any declaration of nonsignificance that it might issue in reliance upon this checklist should there be any willful misrepresentation or willful lack of full disclosure on my part.

Proponent: -----

[Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-365, filed 7/31/79; Order 79, § 232-18-365, filed 4/9/76.]

WAC 232-18-370 Withdrawal of affirmative threshold determination. If at any time after the issuance of a declaration of significance, the proponent modifies the proposal so that, in the judgment of the responsible official, all significant adverse environmental impacts which might result are eliminated, the declaration of significance shall be withdrawn and a declaration of nonsignificance issued instead. If the proponent of a proposal is a private applicant, the proposal shall not be considered modified until all license applications for the proposal are revised to reflect the modification or other binding commitment is made by the applicant. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-370, filed 7/31/79; Order 79, § 232-18-370, filed 4/9/76.]

WAC 232-18-375 Withdrawal of negative threshold determination. (1) Except after a nonexempt license has been issued for a private project, the R.O. Aide with approval from responsible official may withdraw any proposed or final declaration of nonsignificance when new information becomes available indicating that the proposal may have significant adverse environmental impacts.

(2) The R.O. Aide with approval from responsible official may withdraw any proposed or final declaration of nonsignificance at any time when:

(a) The proposal has been modified after the threshold determination, and such modification may cause the proposed action to have significant adverse environmental impacts, or

(b) The negative threshold determination was procured by misrepresentation or lack of full disclosure by the proponent of the proposal.

(3) Whenever a negative threshold determination is withdrawn pursuant to this section, the responsible official shall immediately reevaluate the proposal and make a revised threshold determination pursuant to WAC 232-18-300 through 232-18-360.

(4) Whenever a final declaration of nonsignificance has been withdrawn for one of the reasons in subsection (2) of this section, and the responsible official after reevaluation determines that the proposal will have significant adverse environmental impacts, the department shall initiate procedures to suspend, modify or revoke, as appropriate, any nonexempt [licenses][license] issued for the proposal until compliance with the procedures of chapter 197-10 WAC is met. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-375, filed 7/31/79; Order 79, § 232-18-375, filed 4/9/76.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 232-18-400 Duty to begin preparation of a draft EIS. After compliance with WAC 232-18-350, relating to preparation of a declaration of significance the R.O. Aide with approval of the responsible official shall prepare the draft and final EIS in compliance with WAC 232-18-410 through 232-18-695. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-400, filed 7/31/79; Order 79, § 232-18-400, filed 4/9/76.]

WAC 232-18-410 Predraft consultation procedures.

(1) Predraft consultation occurs when the department consults with another agency with jurisdiction or expertise prior to completion of the draft EIS. Predraft consultation with another agency on proposals for private projects shall only be initiated by the department when requested by a private applicant participating in the preparation of the draft EIS. Predraft consultation with another agency on public proposals may be initiated at the option of the department.

(2) Predraft consultation is begun when the R.O. Aide sends to the consulted agency a packet of the following material related to the proposal:

(a) Any application for licenses for the proposal possessed by the department.

(b) A copy of the environmental checklist included in WAC 232-18-310, as reviewed pursuant to WAC 232-18-320.

(c) Any information in addition to the checklist resulting from application of WAC 232-18-330.

(d) Any other information deemed relevant to the proposal by the R.O. Aide such as:

- (i) Prior EISs;
- (ii) Portions of applicable plans or ordinances; or,
- (iii) Prior scientific studies applicable to the site.

(3) Chapter 197-10 WAC gives agencies so consulted forty-five days from receipt of the packet to respond in writing to the department. The required contents of the consulted agency response are governed by WAC 197-10-500 through 197-10-540.

(4) The R.O. Aide shall incorporate the relevant information received from other agencies during the pre-draft consultation stage into the draft EIS, by either summarizing the major findings which are contained in each of the consulted agency's responses or utilizing all of the data received. In the event the R.O. Aide disagrees with any conclusion expressed in the information received from the consulted agency, the conclusion shall be set forth together with the position of the department. The information required by this subsection may be placed wherever in the draft EIS the R.O. Aide deems most appropriate. There is no requirement that either the draft or final EIS include responses to predraft consultation in a separate "response" section. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-410, filed 7/31/79; Order 79, § 232-18-410, filed 4/9/76.]

WAC 232-18-420 Preparation of EIS by persons outside the department. (1) Preparation of the EIS is the responsibility of the R.O. Aide, under the direction of the responsible official. No matter who participates in the preparation of the EIS, it is nevertheless the EIS of the responsible official. The responsible official, prior to distributing the draft EIS, shall be satisfied that it complies with chapter 197-10 WAC and these guidelines.

(2) An EIS may be prepared by a private applicant or agent thereof, or by an outside consultant retained by either a private applicant or the department. If an outside consultant is retained by the private applicant, the consultant must be acceptable to both the applicant and the responsible official. The responsible official shall assure that the EIS is prepared in a responsible manner and with appropriate methodology. The responsible official shall direct the areas of research and examination to be undertaken, as well as the organization of the resulting document. The department reserves the option for payment as provided in WAC 232-18-100(4).

(3) If a person other than the department is preparing the EIS, the responsible official will coordinate any pre-draft consultation procedures so that the individual preparing the EIS immediately receives all substantive information submitted by consulted agencies. The responsible official shall also attempt to obtain any information needed by the person preparing the EIS which is on file with another agency or federal agency. The responsible official shall allow any private party preparing an EIS access to all public records of the lead agency which relate to the subject of the EIS, pursuant to chapter 42.17 RCW (Public Disclosure and Public Records Law; Initiative 276, 1973).

(4) The department may require or authorize a private applicant to participate in the preparation of an

EIS. The R.O. Aide may not require more information of a private applicant than allowed by this chapter, but may authorize a lesser degree of participation by a private applicant than allowed herein: *Provided*, That nothing herein shall be construed to prohibit the department from charging any fee of an applicant which the department is otherwise authorized to charge (See WAC 197-10-860).

(5) No private applicant shall be required to participate in the preparation of an EIS except when consistent with these guidelines. A private applicant may, however, volunteer to provide any information or effort desired, so long as the contents and organization of the resulting EIS are supervised and approved by the responsible official as required by this section.

(6) The provisions of this section apply to both the draft and final EIS. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-420, filed 7/31/79; Order 79, § 232-18-420, filed 4/9/76.]

WAC 232-18-425 Organization and style of a draft EIS. (1) The required contents of a draft EIS for proposals of both a project and nonproject nature are set forth in WAC 232-18-440. The contents of a draft EIS prepared pursuant to that section shall be organized as set forth in subsections (2) and (3) of this section.

(2) Each draft EIS shall begin with an introduction, table of contents, distribution list, summary, and a description of the proposed action. The information contained in each section shall conform to the applicable requirements set forth in WAC 232-18-440(1) through 232-18-440(6). Organization variation is not permitted for these portions of the draft EIS.

(3) The organization and style of the remaining content of the EIS may be varied, at the option of the R.O. Aide, from the format set forth in WAC 232-18-440(7) through (14): *Provided*, That all of the subject matters required by WAC 232-18-440 shall be contained somewhere within the draft EIS.

(4) The R.O. Aide who prepares a draft EIS should keep in mind that the purpose of a draft EIS is to aid decision-makers in considering the significant environmental impacts of their decisions. This purpose is not served by EISs which are excessively detailed and overly technical. Clarity and conciseness of presentation are of crucial importance in ensuring that EISs prepared under these guidelines are considered and actually utilized in decision-making processes. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-425, filed 7/31/79; Order 79, § 232-18-425, filed 4/9/76.]

WAC 232-18-440 Contents of a draft EIS. (1) The following subsections set forth the required contents of a draft EIS: *Provided*, That where the department is preparing a draft EIS in order to satisfy the requirements of NEPA, as well as SEPA, and the regulations of the applicable federal agency require items in addition to that set forth below, then the contents of the draft EIS may be modified as necessary to meet the requirements of that federal agency.

(2) Introduction. The following information shall be briefly given at the beginning of the draft EIS:

(a) Action sponsor, and a brief (one or two sentence) description of the nature of the proposal and its location (street address, or nearest crossroads or cross-streets).

(b) Name of department, responsible official, and the name and address of the R.O. Aide to whom comments, information and questions may be sent.

(c) Authors and principal contributors to the draft EIS and the nature or subject area of their contribution.

(d) List of all licenses which the proposal is known to require. The R.O. Aide shall attempt to make this list as complete and specific as possible. Licenses shall be listed by name and agency.

(e) Location of EIS background data.

(f) Cost to the public for a copy of the EIS pursuant to chapter 42.17 RCW.

(g) Date of issue of the draft EIS.

(h) Dates by which consulted agency and public comments must be received to be incorporated into the final EIS.

(3) Table of contents.

(4) Distribution list. The draft EIS shall include a list of the names of all agencies, federal agencies, organizations and persons to whom the draft EIS will be sent upon publication (See WAC 232-18-460).

(5) Summary of the contents of the draft EIS. Each draft EIS shall contain a summary of its contents as an aid to the agency decision-makers. The R.O. Aide is to bear in mind that agencies other than the Department may be utilizing the EIS as an aid in decision-making. Therefore, care should be taken to ensure that the scope of the summary and the EIS is sufficiently broad to be useful to those other agencies being requested to license or approve a proposal. The summary shall contain only a short restatement of the main points discussed in the EIS for each of the subjects covered. In the event impacts cannot be predicted with certainty, the reason for uncertainty together with the more likely possibilities should be concisely stated. The summary shall include a brief description of the following:

(a) The proposal, including the purpose or objectives which are sought to be achieved by the sponsor.

(b) The direct and indirect impacts upon the environment which may result from the proposal.

(c) The alternatives considered, together with any variation in impacts which may result from each alternative.

(d) Measures which may be effected by the applicant, the department, or other agency with jurisdiction to mitigate or eliminate adverse impacts which may result from the proposal.

(e) Any remaining adverse impacts which cannot or will not be mitigated.

(6) Description of the proposal. The draft EIS shall include a description of the total proposal, including, but not limited to, the following:

(a) The name of the proposal and sponsors.

(b) The location of the project, or area affected by a nonproject action, including an address, if any, and a legal description: *Provided*, That where the legal description is by metes and bounds, or is excessively lengthy, a map, in lieu of a legal description, shall be included which enables a lay person to precisely understand the location of the proposal.

(c) Reference to the file numbers, if known, of any other agencies involved so the proposal's location may be identified with precision by the consulted agency.

(d) If the proposal involves phased construction, the timing of each phase should be identified. If later phases of the proposal are expected to require future environmental analyses, these should be identified.

(e) A description of the major physical and engineering aspects of the proposal. This description should be tailored to the environmental impacts with those physical aspects of the proposal causing the greater impacts being given the more detailed description. Inclusion of detailed engineering drawings and technical data should normally be avoided. Material of this nature should be retained in department files and supplied to consulted agencies upon request.

(f) A brief description of existing comprehensive land use plans and zoning regulations applicable to the proposal, and how the proposal is consistent and inconsistent with them.

(g) Within the general guidelines of this subsection, the R.O. Aide has discretion to determine the content and level of detail appropriate to adequately describe the proposal.

(7) Existing environmental conditions. This section shall include the following:

(a) A general assessment of the existing environment, covering those areas of the environment listed in WAC 232-18-444.

(i) The level of detail used in presenting the existing environment should be proportionate to the impacts the proposal will have if approved.

(ii) Areas of the environment which are not relevant to the identified impacts need only be mentioned generally, or not at all.

(iii) Inventories of the species of flora and fauna present on the site should be avoided. Those species and habitats which may be significantly affected should be emphasized.

(iv) This subsection shall be brief, nontechnical, and easily understandable by lay persons, and provide the necessary background for understanding the proposal's impacts.

(b) Specific reference shall be made to those inventories and data studies which provided the informational source for part or all of the contents of this subsection.

(8) The impact of the proposal on the environment. The following items shall be included in this subsection:

(a) The known impacts resulting from the proposal within any element of the environment listed in WAC 232-18-444, the effects of which are either known to be, or which may be significant (whether beneficial or adverse), shall be discussed in detail; impacts which are

potential, but not certain to occur, shall be discussed within reason.

(b) Elements of the environment which will not be significantly affected shall be marked "N/A" (not applicable) as set forth in WAC 232-18-444(1).

(c) Direct and indirect impacts of the total proposal, as described in subsection (8)(a) of this section shall be examined and discussed (for example, cumulative and growth-inducing impacts).

(d) The possibility that effects upon different elements of the environment will interrelate to form significant impacts shall be considered.

(9) The relationship between local short-term uses of man's environment and maintenance and enhancement of long-term productivity. The following items shall be included in this subsection:

(a) An identification of the extent to which the proposal involves trade-offs between short-term gains at the expense of long-term environmental losses.

(i) The phrases "short-term" and "long-term" do not refer to any fixed time periods, but rather are to be viewed in terms of the significant environmental impacts of the proposal.

(ii) Impacts which will narrow the range and degree of beneficial uses of the environment or pose long-term risks to human health shall be given special attention.

(b) A discussion of the benefits and disadvantages of reserving for some future time the implementation of the proposal, as opposed to possible approval of the proposal at this time.

(i) The department perspective should be that each generation is, in effect, a trustee of the environment for succeeding generations.

(ii) Particular attention should be given to the possibility of foreclosing future options or alternatives by implementation of the proposal.

(10) Irreversible or irretrievable commitments of resources. The following items shall be included in this subsection:

(a) An identification of all substantial quantities of natural resources, including sources of energy and non-renewable materials, which will be committed by the proposal on a permanent or long-term basis. Commitment of natural resources also includes the lost opportunities to make other uses of the resources in question.

(b) This subsection may be integrated with subsection (9) of this section in order to more usefully present the information required by both sections.

(11) Adverse environmental impacts which may be mitigated. The following items shall be included in this subsection:

(a) A description of reasonable changes to the proposal which may avoid, mitigate, or reduce the risk of any adverse impacts.

(b) Energy conservation measures, including more efficient utilization of conventional techniques (e.g., insulation) as well as newer methods.

(c) Each alternative discussed in (a) and (b) of this subsection shall be evaluated in terms of its effect upon the environment, its technical feasibility, and its economic practicability.

(12) Alternatives to the proposal. This subsection shall include the following items:

(a) A description and objective evaluation of any reasonable alternative action which could feasibly attain the objective of the proposal.

(i) Reasonable alternatives shall include any action which might approximate the proposal's objective, but at a lower environmental cost or decreased level of environmental degradation.

(ii) Reasonable alternatives may be those which are capable of being effected by either the department or other agency having jurisdiction.

(b) The "no-action" alternative shall be evaluated and compared to the other alternatives.

(c) The adverse environmental effects of each alternative shall be identified.

(d) The analysis of alternatives should be sufficiently detailed to permit a comparative evaluation of each alternative and the proposal as described in subsection (6) of this section.

(e) When the proposal is for a private project on a specific site, the alternatives considered shall be limited to the "no-action" alternative plus other reasonable alternative means of achieving the objective of the proposal on the same site or other sites owned or controlled by the same proponent (which may include only alterations for mitigation under subsection (11) of this section). This limitation shall not apply when the project proponent is applying for a rezone or contract rezone.

(f) Subsection (12) may be integrated with subsection (11) of this section in order to more usefully present the information required by both subsections.

(g) The use of the term "reasonable" is intended to limit both the number and range of alternatives that shall be described and evaluated in this subsection, as well as the amount or level of detail which the EIS shall employ for each alternative that is discussed and evaluated.

(13) Unavoidable adverse impacts. This subsection shall include the following items:

(a) A listing of those impacts included in subsection (8) of this section which are adverse but cannot, or will not, be mitigated or avoided.

(b) For any impact discussed in subsection (8) of this section which is determined to be nonadverse, the rationale for such determination shall be clearly stated.

(c) A discussion of the relationship between the environmental cost of the unavoidable adverse environmental impacts and the expected beneficial environmental impacts which will result from the implementation of the proposed action.

(14) Other issues. A draft EIS may contain a section labeled "Other Issues" within which those other problems and issues not pertaining to any element listed in WAC 232-18-444, but which are relevant to the proposal, shall be identified. The section shall be limited to a brief identification of such problems or issues. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-440, filed 7/31/79; Order 79, § 232-18-440, filed 4/9/76.]

WAC 232-18-442 Special considerations regarding contents of an EIS on a nonproject action. (1) WAC 232-18-440 applies to the contents of a draft EIS for a nonproject action. The R.O. Aide, however, has greater flexibility in his/her approach to achieving compliance with the requirements of WAC 232-18-440 in writing an EIS for nonproject actions, because normally less specific details are known about the proposal and any implementing projects, as well as the anticipated impacts on the environment.

(2) The R.O. Aide should be aware that typically in developing and reviewing proposals for nonproject actions the range of alternatives is broader than in developing a proposal for a project action (which is often narrowed to a specific location and design). The proposal should be described in a manner which encourages consideration of a number of alternative methods of accomplishing its objective. For example, an objective of a department proposal should be stated as "increased opportunities for trout fishing in eastern Washington" rather than "the planting of one million additional trout in the Pend Oreille River basin." [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-442, filed 7/31/79; Order 79, § 232-18-442, filed 4/9/76.]

WAC 232-18-444 List of elements of the environment. (1) Every EIS shall have appended to it a list of the elements of the environment in subsections (2), (3) and (4) of this section. The R.O. Aide shall place "N/A" ("not applicable") next to an item when the proposal, including its indirect impacts, will not significantly affect the area (or subarea) of the environment in question. Items marked "N/A" need not be mentioned in the body of the EIS. Subsections (2) and (3) of this section correspond in subject matter to the questions contained in the environmental checklist used for threshold determination, and the questions in the checklist may be used to interpret this outline listing.

(2) ELEMENTS OF THE PHYSICAL ENVIRONMENT.

- (a) Earth.
 - (i) Geology.
 - (ii) Soils.
 - (iii) Topography.
 - (iv) Unique physical features.
 - (v) Erosion.
 - (vi) Accretion/avulsion.
- (b) Air.
 - (i) Air quality.
 - (ii) Odor.
 - (iii) Climate.
- (c) Water.
 - (i) Surface water movement.
 - (ii) Runoff/absorption.
 - (iii) Floods.
 - (iv) Surface water quantity.
 - (v) Surface water quality.
 - (vi) Ground water movement.

- (vii) Ground water quantity.
 - (viii) Ground water quality.
 - (ix) Public water supplies.
- (d) Flora.
 - (i) Numbers or diversity of species.
 - (ii) Unique species.
 - (iii) Barriers and/or corridors.
 - (iv) Agricultural crops.
 - (e) Fauna.
 - (i) Numbers or diversity of species.
 - (ii) Unique species.
 - (iii) Barriers and/or corridors.
 - (iv) Fish or wildlife habitat.
 - (f) Noise.
 - (g) Light and glare.
 - (h) Land use.
 - (i) Natural resources.
 - (i) Rate of use.
 - (ii) Nonrenewable resources.
 - (j) Risk of explosion or hazardous emissions.

(3) ELEMENTS OF THE HUMAN ENVIRONMENT.

- (a) Population.
- (b) Housing.
 - (c) Transportation/circulation.
 - (i) Vehicular transportation generated.
 - (ii) Parking facilities.
 - (iii) Transportation systems.
 - (iv) Movement/circulation of people or goods.
 - (v) Waterborne, rail and air traffic.
 - (vi) Traffic hazards.
- (d) Public services.
 - (i) Fire.
 - (ii) Police.
 - (iii) Schools.
 - (iv) Parks or other recreational facilities.
 - (v) Maintenance.
 - (vi) Other governmental services.
- (e) Energy.
 - (i) Amount required.
 - (ii) Source/availability.
- (f) Utilities.
 - (i) Energy.
 - (ii) Communications.
 - (iii) Water.
 - (iv) Sewer.
 - (v) Storm water.
 - (vi) Solid waste.
- (g) Human health (including mental health).
- (h) Aesthetics.
- (i) Recreation.
- (j) Archeological/historical.

(4) The following additional element shall be covered in all EISs, either by being discussed or marked "N/A", but shall not be considered part of the environment for other purposes:

(a) Additional population characteristics.

(i) Distribution by age, sex and ethnic characteristics of the residents in the geographical area affected by the environmental impacts of the proposal. [Statutory Authority: RCW 77.12.040, 79-08-116 (Order 138), § 232-18-444, filed 7/31/79; Order 79, § 232-18-444, filed 4/9/76.]

WAC 232-18-450 Public awareness of availability of draft EIS. The R.O. Aide shall use any reasonable method calculated to inform the public that the draft EIS is available and of the procedures for requesting a public hearing. [Statutory Authority: RCW 77.12.040, 79-08-116 (Order 138), § 232-18-450, filed 7/31/79; Order 79, § 232-18-450, filed 4/9/76.]

WAC 232-18-455 Circulation of the draft EIS-- Review period. (1) A consulted agency shall have thirty-five days from the date of receipt in which to review the draft and forward its comments and information to the department. If a consulted agency with jurisdiction requires additional time to develop and complete new data on the proposal, a fifteen day extension may be granted by the department. Extensions may not be granted for any other purpose.

(2) There shall be allowed a period of thirty-five days from the date of issuance for the public to forward to the department any comments upon or substantive information related to the proposal and the draft EIS. [Statutory Authority: RCW 77.12.040, 79-08-116 (Order 138), § 232-18-455, filed 7/31/79; Order 79, § 232-18-455, filed 4/9/76.]

WAC 232-18-460 Specific agencies to which draft EIS shall be sent. (1) The draft EIS shall be issued by mailing copies to the following:

(a) The Department of Ecology.

(b) Each federal agency having jurisdiction by law over a proposed action.

(c) Each agency having jurisdiction by law over, or environmental expertise pertaining to a proposed action, as defined by WAC 197-10-040 and 197-10-465 (required by RCW 43.21C.030(2)(d)).

(d) Each city/county in which adverse environmental effects identified in the draft EIS may occur if the proposed action is implemented. (This subsection does not apply to draft EISs for nonproject actions.)

(e) Each local agency or political subdivision which will be required to furnish additional public services as a result of implementation of the proposed action.

(f) The applicable regional planning commission, regional clearinghouse, statewide clearinghouse, or area-wide council of government which has been designated to review and coordinate local governmental planning under the A-95 review process and other federal regulations and programs (See RCW 36.64.080, 35.63.070 and 36.70.070).

(g) The department's SEPA public information center.

(h) Any person, organization or governmental agency that has expressed an interest in the proposal, or is known by the department to have an interest in the type of proposal being considered shall be sent a copy of the draft EIS.

(i) The public library serving the area in which a proposal is located.

(j) The principal daily newspaper(s) serving the area in which a proposal is located.

(2) An agency that receives a copy of the draft EIS does not become a "consulted agency" under these guidelines due to that factor alone. (See WAC 197-10-040, 197-10-465, 197-10-510 and 197-10-520 for those provisions that define a consulted agency.) [Statutory Authority: RCW 77.12.040, 79-08-116 (Order 138), § 232-18-460, filed 7/31/79; Order 79, § 232-18-460, filed 4/9/76.]

WAC 232-18-470 Cost to the public for reproduction of environmental documents. When the department is lead agency it shall provide a copy of any environmental document, in accordance with chapter 42.17 RCW, charging only those costs allowed therein plus mailing costs: However, no charge shall be levied for circulation of documents to other agencies as required by these guidelines. [Statutory Authority: RCW 77.12.040, 79-08-116 (Order 138), § 232-18-470, filed 7/31/79; Order 79, § 232-18-470, filed 4/9/76.]

WAC 232-18-480 Public hearing on a proposal-- When required. (1) If a public hearing on the proposal is held pursuant to some other requirement of law, such hearing shall be open to consideration of the environmental impact of the proposal, together with any available environmental document:

(2) When the department is lead agency in all other cases a public hearing on the environmental impact of a proposal shall be held whenever one or more of the following situations occur:

(a) The department determines, in its sole discretion, that a public hearing would assist the department in meeting its responsibility to implement the purposes and goals of SEPA and these guidelines; or,

(b) When fifty or more persons residing within the jurisdiction of the department, or who would be adversely affected by the environmental impact of the proposal, make written request to the department within thirty-five days of the issuance of the draft EIS; or,

(c) When two or more agencies with jurisdiction over a proposal make written request to the department within thirty-five days of the issuance of the draft EIS; or

(3) Whenever a public hearing is held under subsection (2) of this section, it shall occur no later than fifty-one days from the issuance of the draft EIS and no earlier than fifteen days from such date of issuance. [Statutory Authority: RCW 77.12.040, 79-08-116 (Order 138), § 232-18-480, filed 7/31/79; Order 79, § 232-18-480, filed 4/9/76.]

WAC 232-18-485 Notice of public hearing on environmental impact of the proposal. Notice of all public hearings to be held pursuant to WAC 232-18-480(2) shall be published in a newspaper of general circulation in the area where the project will be implemented. For nonproject actions the notice shall be published in the general area where the department has its principal office. The notice shall be published no later than five days preceding the hearing. For nonproject proposals having regional or statewide applicability, copies of the notice shall be transmitted to the Olympia bureaus of the associated press and united press international. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-485, filed 7/31/79; Order 79, § 232-18-485, filed 4/9/76.]

WAC 232-18-500 Department responsibilities when consulted as an agency with jurisdiction. The contact person when responding to a consultation request prior to a threshold determination, participating in predraft consultation, or reviewing a draft EIS, shall insure immediate commencement of the research and, if necessary, field investigations which the department would normally conduct in conjunction with whatever license the department requires for a proposal; or, in the event no license is involved the contact person shall direct the appropriate person to investigate the impacts of the activity the department will undertake which gives the department jurisdiction over a portion of the proposal. The end result of these investigations would be that the contact person will be able to transmit to the lead agency substantive information on those environmental impacts of the proposal which are within the scope of the license or activity of the department. The contact person, in his/her response to the lead agency, should also indicate which of the impacts the department has discovered may be mitigated or avoided and how this might be accomplished, and describe those areas of environmental risks which remain after the department has conducted the investigations that may have been required. The contact person must transmit a written response to the lead agency within the time limits specified in the sub-categories that follow:

(1) If a threshold determination consultation request is received by the contact person, the contact person must transmit a written response to the lead agency by such time as specified by the lead agency in the consultation request.

(2) If a predraft consultation request is received by the contact person, the contact person must transmit a written response to the lead agency within forty-five days of when the department received the consultation packet from the lead agency.

(3) If a draft EIS consultation request is received by the contact person. The contact person must transmit a written response to the lead agency within thirty-five days from receipt of the draft EIS. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-500, filed 7/31/79; Order 79, § 232-18-500, filed 4/9/76.]

WAC 232-18-535 Cost of performance of consulted agency responsibilities. The department shall not charge the lead agency for any costs incurred in complying with WAC 197-10-500 through 197-10-540, including, but not limited to, providing relevant data to the lead agency and the reproduction of various documents that are transmitted to the lead agency. This section shall not prohibit a consulted agency from charging those costs allowed by chapter 42.17 RCW, for the reproduction of any environmental document when the request for a copy of the document is from an agency other than the lead agency, or from an individual or private organization. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-535, filed 7/31/79; Order 79, § 232-18-535, filed 4/9/76.]

WAC 232-18-540 Limitations on responses to consultation. If part or all of the relevant data possessed by a consulted agency is voluminous in nature, extremely bulky or otherwise incapable of ready transmittal to the lead agency, or if it consists of a report or document published by another agency, or represents a standard text or other work obtainable at a public library, such data or information may be clearly identified or cited by the consulted agency in its comments to the lead agency and the data itself need not be transmitted. When the consulted agency identifies relevant data, files or other material pursuant to this section, it shall describe briefly the nature of such information and clearly indicate its relevance to the environmental analysis of the proposed action in question. If the details of the proposal supplied with the consultation request are not sufficient to allow a complete response, the consulted agency shall be required to transmit only that information it is capable of developing from the material sent to it with the consultation request. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-540, filed 7/31/79; Order 79, § 232-18-540, filed 4/9/76.]

WAC 232-18-545 Effect of no written comment. If a consulted agency does not respond with written comments within thirty-five days of the receipt of the draft EIS or fails to respond within the fifteen-day extension period which may have been granted by the department, the department may assume that the consulted agency has no information relating to the potential impact of the proposal upon the subject area of the consulted agency's jurisdiction or special expertise. Any consulted agency which fails to submit substantive information to the department in response to a draft EIS is thereafter barred from alleging any defects in the department's compliance with WAC 197-10-400 through 197-10-495, or with the contents of the final EIS. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-545, filed 7/31/79; Order 79, § 232-18-545, filed 4/9/76.]

WAC 232-18-550 Preparation of the final EIS-- Time period allowed. The R.O. Aide shall prepare a final EIS within seventy-five days of the issuance of the draft

EIS. The R.O. Aide may extend the time period whenever the proposal is unusually large in scope, or the environmental impact associated with the proposal is unusually complex. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-550, filed 7/31/79; Order 79, § 232-18-550, filed 4/9/76.]

WAC 232-18-570 Preparation of the final EIS--Contents--When no critical comments received on the draft EIS. (1) If the R.O. Aide does not receive any comments critical of the scope or content of the draft EIS, the R.O. Aide may prepare a statement to that effect and circulate that statement in the manner prescribed in WAC 232-18-600.

(2) The statement prepared and circulated pursuant to subsection (1) of this section, together with the draft EIS (which is not recirculated with the statement), shall constitute the "final EIS" for the proposal: *Provided*, That when the draft EIS was not circulated to the office of the governor or the ecological commission, then the draft EIS shall be attached only to the statement sent to these agencies. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-570, filed 7/31/79; Order 79, § 232-18-570, filed 4/9/76.]

WAC 232-18-580 Preparation of the final EIS--Contents--When critical comments received on the draft EIS. (1) When the R.O. Aide receives any comments critical of the scope or content of the draft EIS, whether made in writing or made orally at any public hearing on the environmental impact of the proposal, the R.O. Aide shall comply with either subsection (2) or (3) of this section.

(2) The R.O. Aide may determine that no changes or only minor changes are required in either the draft EIS or the proposal, despite the critical comments that were received during the commenting period. The R.O. Aide must prepare a document containing a general response to the comments that were received, any minor changes to the EIS or proposal the text or summary of written comments, and a summary of the oral comments made by the public at any hearing held on the proposal or its environmental impacts. The R.O. Aide shall then circulate the document in the manner prescribed in WAC 232-18-600: *Provided*, That when the draft EIS was not circulated to the office of the governor or the ecological commission, then the draft EIS shall be attached only to the statement sent to these agencies.

(3) The R.O. Aide may determine that it is necessary and appropriate to rewrite the contents of the draft EIS in order to respond to critical comments received during the commenting period. In such instances, the R.O. Aide shall circulate the rewritten EIS in the manner specified in WAC 232-18-600. The R.O. Aide shall ensure that the rewritten EIS evidences an affirmative response by the department to the critical comments, or alternatively, contains a summary of those critical comments with which it does not agree.

(4) A document prepared and circulated pursuant to subsection (2) or (3) of this section shall constitute the "final EIS" for the proposal. [Statutory Authority:

RCW 77.12.040. 79-08-116 (Order 138), § 232-18-580, filed 7/31/79; Order 79, § 232-18-580, filed 4/9/76.]

WAC 232-18-600 Circulation of the final EIS. The final EIS shall be issued by circulating it to the Department of Ecology, office of the governor or the governor's designee, the ecological commission, agencies with jurisdiction, and federal agencies with jurisdiction which received the draft EIS. It shall be made available to the public in the same manner and cost as the draft EIS. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-600, filed 7/31/79; Order 79, § 232-18-600, filed 4/9/76.]

WAC 232-18-650 Effect of an adequate final EIS prepared pursuant to NEPA. (1) The requirements of this chapter relating to the preparation of an EIS shall not apply when an adequate final EIS has been prepared pursuant to the national environmental policy act of 1969 (NEPA), in which event such EIS may be utilized in lieu of a final EIS separately prepared under SEPA.

(2) The final EIS of a federal agency shall be adequate unless:

(a) A court rules that it is inadequate; or,

(b) The administrator of the United States Environmental Protection Agency issues a written comment pursuant to the Federal Clean Air Act, 42 USC § 1857, which determines it to be inadequate; or,

(c) The environmental elements of WAC 197-10-444, when applied locally, are not adequately treated in it.

(3) If, after review thereof, the department determines that the federal EIS is adequate, a notice of this effect shall be circulated as in WAC 232-18-600.

(4) If a hearing open to public comment upon the adequacy of the federal EIS has not previously been held within the state of Washington, a public hearing on the sole issue of the adequacy of the content of a federal EIS shall be held if, within thirty-five days of the notice in subsection (3) of this section, at least fifty persons who reside within Washington state, or are adversely affected by the environmental impact of the proposal, make written request therefor. The department shall reconsider its determination of adequacy in view of comments received at any such public hearing. [Statutory Authority: RCW 77.12.040. 79-08-116 (Order 138), § 232-18-650, filed 7/31/79; Order 79, § 232-18-650, filed 4/9/76.]

WAC 232-18-660 Use of previously prepared EIS for a different proposed action. (1) The department may adopt and utilize a previously prepared EIS, or portion thereof, to satisfy certain of the EIS requirements applicable to a different proposed action, as set forth in subsections (2) and (3) of this section. In such event, two requirements shall be met:

(a) The previous EIS or portion thereof, together with any supplement to it, shall meet the requirements of these guidelines applicable to an EIS for the new proposed action, and

(b) Where any intervening change in conditions would make the previous EIS misleading when applied to the new proposed action, a previous EIS shall not be used without an explanatory supplement.

(2) When the new proposed action will have an impact on the environment that was not adequately analyzed in the previously prepared EIS, the R.O. Aide shall prepare a draft supplemental EIS and comply with the provisions of WAC 232-18-400 through 232-18-695. The contents of the draft and final supplemental EIS shall be limited to those impacts of the proposed action which were not adequately analyzed in the earlier EIS.

(3) When the new proposed action will not have an impact on the environment that is substantially different than the impacts of the earlier proposed action, the R.O. Aide may prepare a written statement setting forth the responsible official's decision under this subsection and circulate it as provided in WAC 232-18-600. The department shall not be required to prepare a new or supplemental draft or final EIS on the new proposed action when this subsection is determined to apply. However provisions of WAC 232-18-480 through 232-18-490, relating to a public hearing on the environmental impact of a proposal shall apply. [Statutory Authority: RCW 77.12.040, 79-08-116 (Order 138), § 232-18-660, filed 7/31/79; Order 79, § 232-18-660, filed 4/9/76.]

WAC 232-18-690 Use of another agency's EIS by the department. (1) When the department is considering an action which is part of a proposal covered by a final EIS of a lead agency, and the department was consulted as an agency with jurisdiction during the consultation process on the previous EIS because of the action it is now considering, the department must utilize the previous EIS unchanged when it is considering its present action except under the conditions of subsection (2) of this section.

(2) The department shall review and consider supplementing an EIS prepared by the lead agency only if:

(a) The proposal has been significantly modified since the lead agency prepared the EIS; or,

(b) The action now being considered was identified in the lead agency's EIS as one which would require further environmental evaluation; or,

(c) The level of design or planning for the proposal has become more detailed, revealing inadequately analyzed impacts; or,

(d) Technical data has become available which indicates the presence of a significant adverse environmental impact.

In such cases, the R.O. Aide shall prepare a supplement to the lead agency's EIS if, the R.O. Aide determines that significant adverse environmental impacts have been inadequately analyzed in the lead agency's EIS.

(3) If the department is not listed as a licensing agency in the draft EIS pursuant to WAC 197-10-440(2)(d) and did not receive a copy of the draft EIS, the department shall not be limited by the contents of the earlier EIS in preparing its statement. [Statutory Authority: RCW 77.12.040, 79-08-116 (Order 138), § 232-18-690, filed 7/31/79; Order 79, § 232-18-690, filed 4/9/76.]

WAC 232-18-695 Draft and final supplements to a revised EIS. (1) In any case where the R.O. Aide is preparing a supplement to an earlier EIS or to an EIS prepared pursuant to NEPA, R.O. Aide shall prepare a draft supplemental EIS and comply with WAC 232-18-450 through 232-18-470. Copies of both the prior and supplemental EIS shall be transmitted to the consulted agencies which had not previously received it.

(2) Upon preparation of the draft supplemental EIS, the R.O. Aide shall comply with WAC 232-18-550 through 232-18-580 and the final supplemental EIS, together with the prior EIS, shall be regarded as a final EIS for all purposes of these guidelines. [Statutory Authority: RCW 77.12.040, 79-08-116 (Order 138), § 232-18-695, filed 7/31/79; Order 79, § 232-18-695, filed 4/9/76.]

WAC 232-18-700 No action for seven days after publication of the final EIS. The department shall take no major action (as defined in WAC 232-18-040(26)) on a proposal for which an EIS has been required, prior to seven days from the issuance of the final EIS. [Statutory Authority: RCW 77.12.040, 79-08-116 (Order 138), § 232-18-700, filed 7/31/79; Order 79, § 232-18-700, filed 4/9/76.]

WAC 232-18-830 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-18-835 Repealed. See Disposition Table at beginning of this chapter.

Chapter 232-28 WAC SEASONS AND LIMITS

WAC

232-28-100	Repealed.
232-28-101	Repealed.
232-28-102	1979 Upland migratory game bird seasons.
232-28-200	Repealed.
232-28-201	Repealed.
232-28-202	1979 Hunting Seasons and Game Bag Limits.
232-28-300	Repealed.
232-28-301	Repealed.
232-28-302	1979 Game Management Unit and Area Legal Descriptions.
232-28-400	Repealed.
232-28-401	Repealed.
232-28-402	1979 Upland game birds and migratory waterfowl seasons.
232-28-500	Repealed.
232-28-501	Repealed.
232-28-502	1979-1980 Trapping seasons and regulations.
232-28-600	Repealed.
232-28-601	Repealed.

- 232-28-60101 Opening of South Warden and Warden Lakes in Grant County.
 232-28-60102 Closing of Medical Lake in Spokane County.
 232-28-602 1980 Game Fish Seasons and Catch Limits.
 232-28-700 Repealed.
 232-28-701 1979 Spring and summer hunting seasons.
 232-28-800 Repealed.
 232-28-801 1979 Mountain goat, sheep and moose hunting season.

057 (Order 116), § 232-28-800, filed 4/26/78.] Repealed by 79-05-037 (Order 133), filed 4/25/79. Statutory Authority: RCW 77.12.040.

WAC 232-28-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-101 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-102 1979 Upland migratory game bird seasons.

MOURNING DOVE:

Eastern Washington
September 1 - September 16, inclusive

Western Washington
September 1 - September 30, inclusive

Daily bag limit: 10
Possession limit: 20

BAND-TAILED PIGEON: (Statewide)

September 1 - September 30, inclusive
Daily bag limit: 5
Possession limit: 5

SHOOTING HOURS as follows:
(Daylight Saving Time)

DATES INCLUSIVE	Eastern Washington		Western Washington		
	From A.M.	To P.M.	From A.M.	To P.M.	
Sat. Sept. 1	Sun. Sept. 2	5:45	7:40	6:00	7:50
Mon. Sept. 3	Sun. Sept. 9	5:50	7:30	6:05	7:40
Mon. Sept. 10	Sun. Sept. 16	6:00	7:15	6:15	7:25
Mon. Sept. 17	Sun. Sept. 23	6:10	7:00	6:20	7:10
Mon. Sept. 24	Sun. Sept. 30	6:25	6:45	6:30	6:55

[Statutory Authority: RCW 77.12.040. 79-08-066 (Order 137), § 232-28-102, filed 7/23/79.]

WAC 232-28-200 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-201 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-202 1979 Hunting Seasons and Game Bag Limits. [Statutory Authority: RCW 77.12.040. 79-07-051 (Order 136), § 232-28-202, filed 6/25/79.]

Reviser's Note: The text and accompanying maps comprising the 1979 Hunting Seasons and Game Bag Limits adopted by the Department of Game have been omitted from publication in the Washington Administrative Code under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

WAC 232-28-300 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-301 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-302 1979 Game Management Unit and Area Legal Descriptions. [Statutory Authority: RCW 77.12.040. 79-07-051 (Order 136), § 232-28-302, filed 6/25/79.]

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 232-28-100 1977 Upland migratory game bird seasons. [Order 101, § 232-28-100, filed 7/22/77.] Repealed by 78-08-094 (Order 118), filed 7/31/78. Statutory Authority: RCW 77.12.040.
- 232-28-101 1978 Upland migratory game bird seasons. [Statutory Authority: RCW 77.12.040. 78-08-094 (Order 118), § 232-28-101, filed 7/31/78.] Repealed by 79-08-066 (Order 137), filed 7/23/79. Statutory Authority: RCW 77.12.040.
- 232-28-200 1977 Hunting seasons and bag limits. [Order 102, § 232-28-200, filed 7/22/77.] Repealed by 78-07-085 (Order 117), filed 7/5/78. Statutory Authority: RCW 77.12.040.
- 232-28-201 1978 Hunting seasons and bag limits. [Statutory Authority: RCW 77.12.040. 78-07-085 (Order 117), § 232-28-201, filed 7/5/78.] Repealed by 79-07-051 (Order 136), filed 6/25/79. Statutory Authority: RCW 77.12.040.
- 232-28-300 1977 Game management unit and area legal descriptions. [Order 103, § 232-28-300, filed 7/22/77.] Repealed by 78-07-085 (Order 117), filed 7/5/78. Statutory Authority: RCW 77.12.040.
- 232-28-301 1978 Game management unit and area legal descriptions. [Statutory Authority: RCW 77.12.040. 78-07-085 (Order 117), § 232-28-301, filed 7/5/78.] Repealed by 79-07-051 (Order 136), filed 6/25/79. Statutory Authority: RCW 77.12.040.
- 232-28-400 1977 Upland game bird and migratory waterfowl seasons. [Order 106A, § 232-28-400, filed 10/7/77; Order 106, § 232-28-400, filed 9/12/77.] Repealed by 78-10-086 (Order 122), filed 9/29/78. Statutory Authority: RCW 77.12.040.
- 232-28-401 1978 Upland game bird and migratory waterfowl seasons. [Statutory Authority: RCW 77.12.040. 78-10-086 (Order 122), § 232-28-401, filed 9/29/78.] Repealed by 79-10-035 (Order 142), filed 9/12/79. Statutory Authority: RCW 77.12.040.
- 232-28-500 Trapping seasons and regulations 1977-1978. [Order 108, § 232-28-500, filed 10/7/77.] Repealed by 78-09-093 (Order 120), filed 8/31/78. Statutory Authority: RCW 77.12.040.
- 232-28-501 1978-1979 Trapping seasons and regulations. [Statutory Authority: RCW 77.12.040. 78-09-093 (Order 120), § 232-28-501, filed 8/31/78.] Repealed by 79-09-050 (Order 140), filed 8/23/79. Statutory Authority: RCW 77.12.040.
- 232-28-600 1978 Washington game fish seasons and catch limits. [Order 111, § 232-28-600, filed 12/1/77.] Repealed by 79-01-047 (Order 128), filed 12/21/78. Statutory Authority: RCW 77.12.040.
- 232-28-601 1979 Game fish seasons and catch limits. [Statutory Authority: RCW 77.12.040. 79-01-047 (Order 128), § 232-28-601, filed 12/21/78.] Repealed by 79-11-112 (Order 144), filed 11/2/79. Statutory Authority: RCW 77.12.040.
- 232-28-700 1978 Spring and summer hunting seasons. [Statutory Authority: RCW 77.12.040. 78-03-087 (Order 115), § 232-28-700, filed 3/1/78.] Repealed by 79-03-039 (Order 130), filed 3/1/79. Statutory Authority: RCW 77.12.040.
- 232-28-800 1978 Mountain goat, sheep and moose hunting season. [Statutory Authority: RCW 77.12.040. 78-05-

Reviser's Note: The text and accompanying maps comprising the 1979 Game Management Unit and Area Legal Descriptions adopted by the Department of Game have been omitted from publication in the Washington Administrative Code under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

WAC 232-28-400 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-401 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-402 1979 Upland game birds and migratory waterfowl seasons. [Statutory Authority: RCW 77.12.040. 79-10-035 (Order 142), § 232-28-402, filed 9/12/79.]

Reviser's Note: The pamphlet comprising the 1979 Upland Game Birds and Migratory Waterfowl Seasons adopted by the Department of Game has been omitted from publication in the Washington Administrative Code under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

WAC 232-28-500 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-501 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-502 1979-1980 Trapping seasons and regulations. [Statutory Authority: RCW 77.12.040. 79-09-050 (Order 140), § 232-28-502, filed 8/23/79.]

Reviser's Note: The text in pamphlet form comprising the 1979-1980 Trapping Seasons and Regulations adopted by the Department of Game have been omitted from publication in the Washington Administrative Code under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

WAC 232-28-600 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-601 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-60101 Opening of South Warden and Warden Lakes in Grant County. Notwithstanding the provisions of WAC 232-28-601, South Warden and Warden Lakes in Grant County shall be open to fishing for all game fish April 22, 1979 to September 30, 1979. [Statutory Authority: RCW 77.12.040. 79-07-011 (Order 135), § 232-28-60101, filed 6/8/79.]

WAC 232-28-60102 Closing of Medical Lake in Spokane County. Notwithstanding the provisions of WAC 232-28-601, Medical Lake in Spokane County shall be closed to fishing for all game fish. [Statutory Authority: RCW 77.12.040. 79-07-011 (Order 135), § 232-28-60102, filed 6/8/79.]

WAC 232-28-602 1980 Game Fish Seasons and Catch Limits. [Statutory Authority: RCW 77.12.040. 79-11-112 (Order 144), § 232-28-602, filed 11/2/79.]

Reviser's note: The text, in pamphlet form, comprising the 1980 Game Fish Seasons and Catch Limits adopted by the Department of Game have been omitted from publication in the Washington Administrative Code under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

WAC 232-28-700 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-701 1979 Spring and summer hunting seasons. [Statutory Authority: RCW 77.12.040. 79-03-039 (Order 130), § 232-28-701, filed 3/1/79.]

Reviser's Note: The text and accompanying map comprising the 1979 Spring and Summer Hunting Seasons adopted by the Department of Game have been omitted from publication in the Washington Administrative Code under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the adopted rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington, 98504, and upon final adoption are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

WAC 232-28-800 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-801 1979 Mountain goat, sheep and moose hunting season. [Statutory Authority: RCW 77.12.040. 79-05-037 (Order 133), § 232-28-801, filed 4/25/79.]

Reviser's Note: The text and accompanying map comprising the 1979 Mountain Goat, Sheep and Moose Hunting Season rules adopted by the Department of Game have been omitted from publication in the Washington Administrative Code under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

Title 236 WAC

GENERAL ADMINISTRATION, DEPARTMENT OF

Chapters

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| 236-12 | State capitol grounds traffic and parking regulations. |
| 236-16 | Capitol Lake and adjoining lands and roadways. |