

day limit will be paid his or her prize in twenty-five annual installment payments.

[Statutory Authority: RCW 67.70.040, 99-19-103, § 315-34-057, filed 9/20/99, effective 10/21/99.]

317-100-090

Severability. [Statutory Authority: RCW 43.211.020 and 43.21C.120, 93-14-097, § 317-100-090, filed 7/1/93, effective 8/1/93.] Repealed by 99-07-076 (Order 98-25), filed 3/17/99, effective 4/17/99. Statutory Authority: RCW 34.05.354, 43.211.030 and chapter 43.21A RCW.

Title 317 WAC

ECOLOGY, DEPARTMENT OF (MARINE SAFETY, OFFICE OF)

Chapters

317-100

Sepa procedures.

**Chapter 317-100 WAC
SEPA PROCEDURES**

WAC

317-100-010

through 317-100-090 Repealed.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

- 317-100-010 Authority. [Statutory Authority: RCW 43.211.020 and 43.21C.120, 93-14-097, § 317-100-010, filed 7/1/93, effective 8/1/93.] Repealed by 99-07-076 (Order 98-25), filed 3/17/99, effective 4/17/99. Statutory Authority: RCW 34.05.354, 43.211.030 and chapter 43.21A RCW.
- 317-100-020 Adoption by reference. [Statutory Authority: RCW 43.211.020 and 43.21C.120, 93-14-097, § 317-100-020, filed 7/1/93, effective 8/1/93.] Repealed by 99-07-076 (Order 98-25), filed 3/17/99, effective 4/17/99. Statutory Authority: RCW 34.05.354, 43.211.030 and chapter 43.21A RCW.
- 317-100-030 Purpose. [Statutory Authority: RCW 43.211.020 and 43.21C.120, 93-14-097, § 317-100-030, filed 7/1/93, effective 8/1/93.] Repealed by 99-07-076 (Order 98-25), filed 3/17/99, effective 4/17/99. Statutory Authority: RCW 34.05.354, 43.211.030 and chapter 43.21A RCW.
- 317-100-040 Additional definitions. [Statutory Authority: RCW 43.211.020 and 43.21C.120, 93-14-097, § 317-100-040, filed 7/1/93, effective 8/1/93.] Repealed by 99-07-076 (Order 98-25), filed 3/17/99, effective 4/17/99. Statutory Authority: RCW 34.05.354, 43.211.030 and chapter 43.21A RCW.
- 317-100-050 Designation of responsible official. [Statutory Authority: RCW 43.211.020 and 43.21C.120, 93-14-097, § 317-100-050, filed 7/1/93, effective 8/1/93.] Repealed by 99-07-076 (Order 98-25), filed 3/17/99, effective 4/17/99. Statutory Authority: RCW 34.05.354, 43.211.030 and chapter 43.21A RCW.
- 317-100-060 EIS preparation. [Statutory Authority: RCW 43.211.020 and 43.21C.120, 93-14-097, § 317-100-060, filed 7/1/93, effective 8/1/93.] Repealed by 99-07-076 (Order 98-25), filed 3/17/99, effective 4/17/99. Statutory Authority: RCW 34.05.354, 43.211.030 and chapter 43.21A RCW.
- 317-100-070 Coordination of combined state-federal action. [Statutory Authority: RCW 43.211.020 and 43.21C.120, 93-14-097, § 317-100-070, filed 7/1/93, effective 8/1/93.] Repealed by 99-07-076 (Order 98-25), filed 3/17/99, effective 4/17/99. Statutory Authority: RCW 34.05.354, 43.211.030 and chapter 43.21A RCW.
- 317-100-080 Policies and procedures for conditioning or denying permits or other approvals. [Statutory Authority: RCW 43.211.020 and 43.21C.120, 93-14-097, § 317-100-080, filed 7/1/93, effective 8/1/93.] Repealed by 99-07-076 (Order 98-25), filed 3/17/99, effective 4/17/99. Statutory Authority: RCW 34.05.354, 43.211.030 and chapter 43.21A RCW.

WAC 317-100-010 through 317-100-090 Repealed.
See Disposition Table at beginning of this chapter.

Title 332 WAC

NATURAL RESOURCES, BOARD AND DEPARTMENT OF

Chapters

**332-24
332-30
332-52**

**Forest protection.
Aquatic land management.
Managed lands and roads—Use of.**

Chapter 332-24 WAC

FOREST PROTECTION

WAC

332-24-221

Specific rules for burning that requires a written burning permit.

WAC 332-24-221 Specific rules for burning that requires a written burning permit. Persons not able to meet the requirements of WAC 332-24-205 and 332-24-211 must apply for a written burning permit through the department. In addition to the rules outlined in WAC 332-24-205, the following are additional requirements for written permits:

(1) Written burning permits will be in effect for one year from the validation date, unless suspended or revoked.

(2) Fees for written burning permits will be charged and collected pursuant to chapter 70.94 RCW and shall be twenty-five dollars fifty cents for under one hundred tons of consumable debris; and for burns one hundred tons of consumable debris and greater as follows:

Consumable Debris	Fee schedule
100 - 500 tons	\$127
501 - 1,000 tons	391
1,001 - 1,500 tons	651
1,501 - 2,000 tons	914
2,001 - 2,500 tons	1,175
2,501 - 3,000 tons	1,438
3,001 - 3,500 tons	1,697
3,501 - 4,000 tons	1,959
4,001 - 4,500 tons	2,222
4,501 - 5,000 tons	2,483
5,001 - 5,500 tons	2,746
5,501 - 6,000 tons	3,007
6,001 - 6,500 tons	3,271
6,501 - 7,000 tons	3,532
7,001 - 7,500 tons	3,794
7,501 - 8,000 tons	4,056

Consumable Debris		Fee schedule
8,001	- 8,500 tons	4,318
8,501	- 9,000 tons	4,580
9,001	- 9,500 tons	4,843
9,501	- 10,000 tons	5,102
10,001	+ tons	5,365

For purposes of this section, consumable debris is the amount of debris that the department determines will be consumed by the proposed burning.

(3) Written burning permits are not considered valid unless all of the following conditions apply:

(a) The written permit has been signed by the applicant agreeing to follow all requirements of chapter 332-24 WAC, the smoke management plan in effect at the time of the burning, and any additional terms and conditions specified by the department in writing; and

(b) The required permit fee has been secured or paid according to approved department procedures; and

(c) The person doing the burning has the permit in possession while burning and is complying with all terms and conditions of such permit, the smoke management plan in effect at the time of the burning, and all applicable portions of chapter 332-24 WAC.

(4) Permits are written only for the burn site and fuel quantity that is presented at the time of the inspection. Addition of fuel, or changing the burn site after the site inspection has been made, is prohibited unless a new inspection is made and an added permit fee is paid, if required.

[Statutory Authority: RCW 70.94.660 and 76.04.205. 99-12-085, § 332-24-221, filed 6/1/99, effective 7/2/99; 98-13-068, § 332-24-221, filed 6/15/98, effective 8/1/98; 97-12-033 (Order 640), § 332-24-221, filed 5/30/97, effective 7/1/97; 96-12-020, § 332-24-221, filed 5/29/96, effective 7/1/96. Statutory Authority: RCW 70.94.660. 95-12-023 (Order 629), § 332-24-221, filed 5/31/95, effective 7/1/95; 94-14-063 (Order 619), § 332-24-221, filed 7/1/94, effective 8/1/94. Statutory Authority: RCW 76.04.015, 76.04.205 and 70.94.660. 92-14-096 (Order 599), § 332-24-221, filed 6/30/92, effective 7/31/92. Statutory Authority: RCW 76.04.015. 87-11-005 (Order 504), § 332-24-221, filed 5/8/87.]

Chapter 332-30 WAC

AQUATIC LAND MANAGEMENT

WAC

332-30-170

Tideland and shoreland exchange.

WAC 332-30-170 Tideland and shoreland exchange.

The department will use this rule when it considers exchanging tidelands or shorelands with private individuals or public entities pursuant to RCW 79.90.457. The department may exchange these aquatic lands if the exchange is in the public interest and will actively contribute to the public benefits established in RCW 79.90.455. Those benefits are: Encouraging direct public use and access; fostering water-dependent uses; ensuring environmental protection; utilizing renewable resources; and generating revenue in a manner consistent with these benefits. The department may not exchange state-owned harbor areas or waterways.

(1) **Eligibility criteria.** The department may consider exchanging ownership of tidelands or shorelands with private and other public landowners if the proposed exchange meets

the eligibility criteria set forth in (a) and (b) of this subsection.

(a) The economic values of the parcels must be equal or the exchange must result in a net economic gain to the state. The economic value must be determined by a qualified independent appraiser and/or economist and accomplished through a methodology accepted by the department.

(b) The tidelands or shorelands to be conveyed into state ownership must abut navigable water.

(2) **Evaluation criteria.** Subject to available funding, the department will evaluate eligible proposed exchanges according to the following criteria. The department will give priority and preference to proposed exchanges which, in the department's judgment, are in the public interest by providing the greatest public benefits, the least negative impacts, and the most appropriate resolution of other considerations, as set forth in (a), (b) and (c) of this subsection.

(a) The tidelands or shorelands to be conveyed into state ownership must have one or more of the following characteristics:

(i) Be or abut a critical and/or an essential habitat identified by the National Marine Fisheries Service, state natural resource management agency(s), and/or the United States Department of Fish and Wildlife;

(ii) Be or abut a critical area identified by jurisdictions under chapter 36.70A RCW;

(iii) Be an area beneficial to sediment transport and/or nearshore habitat function identified by the National Marine Fisheries Service, state natural resource management agency(s), and/or the United States Department of Fish and Wildlife;

(iv) Be actively used or abut a parcel used in the commercial production of food or fibre or other renewable resource production (for example, commercial grade beds of shellfish and aquaculture facilities);

(v) Abut a state or national wildlife refuge;

(vi) Abut an upland parcel with public upland ownership, easements, or some other formalized agreement that would allow direct public use of and access to the water;

(vii) Be actively used or abut parcel(s) actively used for water-dependent uses or allow for water dependent use;

(viii) Contain a historic or archaeological property listed on or eligible to be listed on the National Register of Historic Places; or

(ix) Generate or have the potential to generate higher revenues than the parcel being transferred out-of-state ownership in a manner consistent with the benefits listed in RCW 79.90.455.

(b) The proposed exchange must have beneficial or no negative impacts on:

(i) Navigation;

(ii) The diversity and health of the local environment including the production and utilization of renewable resources;

(iii) The quantity and quality of public access to the waterfront;

(iv) Treaty rights of federally recognized tribes. The department will solicit comments on a proposed exchange from affected tribes; and

(v) Hazardous waste and contaminated sediments liability issues.

(c) The following issues must also be considered:

(i) Consistency with plans and development guidelines of public ports, counties, cities and other local, state, and federal agencies;

(ii) The relative manageability of the tidelands or shorelands to be exchanged including, but not limited to, the effect of the exchange on management costs, liability and upland access, and the relative proximity of the tidelands or shorelands to be exchanged to other state-owned shorelands or tidelands; and

(iii) The cumulative impacts of similar exchanges on water dependent uses, nonrenewable and renewable natural resources, and total aquatic lands acreage managed by the department.

(3) **Recommendation to the board of natural resources.** The department will provide its recommendations to the board of natural resources in writing, addressing whether the exchange meets the criteria in this rule and the positive and negative impacts of the exchange on public benefits and resources. The department will provide copies of its recommendations to the proponent of the exchange. In general, an exchange should only be recommended by the department and approved by the board of natural resources when, in the department's and the board's judgment, the public benefits associated with the exchange outweigh the negative impacts or other diminution in public benefits.

[Statutory Authority: RCW 79.90.457, 99-07-034 (Order 640), § 332-30-170, filed 3/11/99, effective 4/11/99.]

Chapter 332-52 WAC

MANAGED LANDS AND ROADS—USE OF

WAC

332-52-065 Milwaukee Road Corridor—Recreational use.

WAC 332-52-065 Milwaukee Road Corridor—Recreational use. Motorized vehicles including snowmobiles are prohibited on the corridor at all times, except for motorized use for authorized administrative purposes or motorized use approved by the department for reasons of health and safety. The corridor is open for nonmotorized use, by permit only, year around, east of the Columbia River. The department may close portions of the corridor, at any time of the year, to reduce fire danger or protect public safety after consultation with local legislative authorities and fire districts. After December 31, 2000 the department may, if determined necessary to better carry out the purposes of chapter 174, Laws of 1984, adjust the designated periods of the year during which permits will be issued, after first giving public notice and holding at least one public hearing each in Eastern and Western Washington.

[Statutory Authority: RCW 79.08.277, 79.08.279 and 79.08.281, 99-24-029A (Order 701), § 332-52-065, filed 11/23/99, effective 12/24/99. Statutory Authority: RCW 79.08.277 and 79.08.279, 92-05-036 (Order 577), § 332-52-065, filed 2/11/92, effective 3/13/92; 87-18-035 (Order 516), § 332-52-065, filed 8/27/87; 84-21-038 (Order 435), § 332-52-065, filed 10/11/84.]

Title 352 WAC

PARKS AND RECREATION COMMISSION

Chapters

- 352-12** Moorage and use of marine and inland water facilities.
- 352-32** Public use of state park areas.

Chapter 352-12 WAC

MOORAGE AND USE OF MARINE AND INLAND WATER FACILITIES

WAC

- 352-12-005 Definitions.
- 352-12-010 Moorage and use of marine and inland water facilities.
- 352-12-020 Moorage fees.
- 352-12-030 Annual moorage permits.
- 352-12-040 Use of onshore campsites.
- 352-12-050 Self-registration.

WAC 352-12-005 Definitions. As used in this chapter, the following words and terms have the meanings indicated, unless the context clearly requires otherwise:

- (1) "Commercial vessel" shall mean a vessel which is used, rigged, or licensed for any commercial use or purpose, but shall not include vessels operated within the terms of a concession lease or agreement with the commission.
- (2) "Commission" shall mean the Washington state parks and recreation commission.
- (3) "Designated fee facility" shall mean any facility designated as a fee facility by the director or designee.
- (4) "Director" shall mean the director of the Washington state parks and recreation commission.
- (5) "Facility" shall mean state park floats, piers, mooring buoys, docks, pilings and linear moorage facilities.
- (6) "Length" shall mean the overall length of a vessel as measured in a straight line parallel to the keel from the foremost part of the vessel to the aftermost part, not including bowsprit or bumkin or as shown on vessel's state or coast guard registration certificate.
- (7) "Manager or ranger" shall mean a duly appointed Washington state parks ranger, or agent of the commission, who is vested with police powers under RCW 43.51.170.
- (8) "Night" shall mean the period between 3 p.m. and 8 a.m.
- (9) "Vessel" shall mean watercraft of every description, used or capable of being used as a means of transportation on the water.

[Statutory Authority: RCW 43.51.040, 99-04-117, § 352-12-005, filed 2/3/99, effective 3/6/99. Statutory Authority: RCW 43.51.040 and 43.51.060, 82-08-027 (Order 59), § 352-12-005, filed 3/31/82.]

WAC 352-12-010 Moorage and use of marine and inland water facilities. (1) Marine and inland water facilities of the state parks within the Washington state parks and recreation commission system are designed and administered specifically to provide recreational opportunities for park visitors. Use of park facilities for purposes which are of a non-