

## WSR 25-03-112

## EXPEDITED RULES

## OFFICE OF THE CODE REVISER

[Filed January 20, 2025, 9:41 a.m.]

Title of Rule and Other Identifying Information: Amending chapter 1-21 WAC, Rule making; WAC 1-21-008, 1-21-030, 1-21-040, 1-21-072, 1-21-074, and 1-21-076.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Recent updates to the Washington state legislature's website have resulted in some web address changes to the office of the code reviser's web pages. This rule making ensures the public and state agencies looking for rule-making guidance, code reviser (or CR) forms, closing and publication date calendars, Washington State Register publications, etc., can find the correct web addresses in chapter 1-21 WAC, Rule making. Also includes minor editorial changes in compliance with bill drafting style.

Reasons Supporting Proposal: See purpose above.

Statutory Authority for Adoption: RCW 34.08.020 and 34.08.040; chapter 34.05 RCW.

Statute Being Implemented: RCW 34.05.210, 34.05.385, 34.08.040, 1.08.080, and 1.08.110; chapter 34.05 RCW.

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

Name of Proponent: Office of the code reviser, governmental.

Name of Agency Personnel Responsible for Drafting: Jennifer Meas, Rules Coordinator, P.O. Box 40551, Olympia, WA 98504-0551, 360-786-6697; Implementation and Enforcement: Alice Im, Deputy Code Reviser, P.O. Box 40551, Olympia, WA 98504-0551, 360-786-6776.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: This rule making only updates the web addresses in chapter 1-21 WAC and will have no negative impact on the public or state agencies.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Alice Im, Deputy Code Reviser, Office of the Code Reviser, P.O. Box 40551, phone 360-786-6776, fax 360-786-1471, email Alice.Im@leg.wa.gov, BEGINNING the date and time of this filing, AND RECEIVED BY March 24, 2025, 5:00 p.m.

January 14, 2025  
Kathleen Buchli  
Code Reviser

**RDS-6136.1**

AMENDATORY SECTION (Amending WSR 19-21-072, filed 10/11/19, effective 11/11/19)

**WAC 1-21-008 Electronic filing.** Agencies are encouraged to use the office of the code reviser's electronic filing system for the filing of documents to be published in the *Washington State Register*.

(1) To participate in electronic filing, agencies must first complete and submit a physical copy of the registration letter for electronic filing, which may be found at the office of the code reviser's website in the *Washington State Register* section (~~((<http://leg.wa.gov/CodeReviser/Pages/E-Filing.aspx>))~~) <https://leg.wa.gov/state-laws-and-rules/washington-state-register/rule-making-help/rule-making-filing-instructions/>). The agency must designate a contact person, phone number, and the email address to receive all official stamped filings returned by the office of the code reviser. Only one registration letter per agency.

(2) To file electronically, agencies must submit only Word documents (CR forms or agency typed documents) and .pdfs of rules text prepared by a typing service (provided by our office), if applicable, to EFileWSR@leg.wa.gov. Submit only one filing per email (one filing may have multiple attachments). Documents in alternative formats will not be accepted. Required signatures must be affixed to the Word documents where applicable. After submitting an email to the electronic filing system, an automatically generated reply is sent from the electronic filing system to confirm that the agency email was received. **IMPORTANT:** If the auto-generated reply is not received within a matter of minutes, contact the office of the code reviser **immediately** by phone to ascertain if the electronic filing system is not functioning properly. **DO NOT** resend your document(s) until instructed to do so by code reviser staff.

(3) To correct or withdraw submitted document(s) before that filing has been published, the agency must contact the office of the code reviser's editor or assistant editor immediately. **IMPORTANT:** Do not send regular correspondence or questions to the electronic filing email address. For corrections to electronic filings or withdrawals from publication, contact the office of the code reviser for guidance on how to proceed.

(4) Electronic filings must be **received** by the office of the code reviser by noon on the cut-off date for inclusion in a particular issue. Filings received at 12:01 p.m. or later on the date of cutoff will appear in the next issue and hearing and adoption dates may need to be delayed so the agency is in compliance with the Administrative Procedure Act.

(5) If the official stamped copy from the office of the code reviser is not returned to the agency by 9:00 a.m. on the day after submitting the document(s), contact the office of the code reviser by phone to inquire regarding the status of the submission.

AMENDATORY SECTION (Amending WSR 19-21-072, filed 10/11/19, effective 11/11/19)

**WAC 1-21-030 Notice period—Washington State Register distribution date.** (1) Under RCW 34.05.320, notice of proposed rule making must be published in the *Washington State Register* at least (~~(twenty)~~)

20 days before the agency may hold a hearing on the proposal. The *Washington State Register* is distributed on the first and third Wednesdays of each month. If a distribution date falls on a state holiday as determined by RCW 1.16.050, the distribution date of that *Washington State Register* will be delayed until Thursday.

(2) In counting the (~~twenty~~) 20-day notice period, consider the distribution date of the pertinent *Washington State Register* as day (~~twenty~~) 20; count down to day zero to find the first day on which a hearing may be held; cf. RCW 1.12.040 and *State ex rel. Earley v. Batchelor*, 15 Wn.2d 149 (1942).

(3) The office of the code reviser provides a schedule of closing dates online at (~~http://leg.wa.gov/CodeReviser/Documents/basecalendar.pdf~~) <https://leg.wa.gov/media/04cbinv3/closing-date-calendar.pdf>; and on page 2 of each published *Washington State Register*. In case of a discrepancy between the WAC rules and the schedule, the rules have priority.

AMENDATORY SECTION (Amending WSR 19-21-072, filed 10/11/19, effective 11/11/19)

**WAC 1-21-040 *Washington State Register* material—Time for filing.** (1) To permit sufficient lead time for the editorial, data capture, and printing process, material to be published in a particular issue of the *Washington State Register* must be received by the office of the code reviser via the electronic filing email with attachment(s) or be in the physical possession of and filed in the office of the code reviser according to the following schedule:

(a) If the material has been prepared and completed by the office of the code reviser's (~~order typing service (OTS)~~) rule drafting service (RDS), by 12:00 noon on the (~~fourteenth~~) 14th day before the distribution date of that issue of the *Washington State Register*; or

(b) If the material has been prepared by any means other than (~~OTS~~) RDS and it contains:

(i) No more than (~~fourteen~~) 14 pages, by 12:00 noon on the (~~fourteenth~~) 14th day before the distribution date of that *Washington State Register*; or

(ii) More than (~~fourteen~~) 14 but less than (~~thirty-four~~) 34 pages, by 12:00 noon on the (~~twenty-eighth~~) 28th day before the distribution date of that *Washington State Register*; or

(iii) Thirty-four or more pages, by 12:00 noon on the (~~forty-second~~) 42nd day before the distribution date of that *Washington State Register*.

(2) The office of the code reviser's filing forms will be included in this page count.

(3) The office of the code reviser provides a schedule of closing dates online at (~~http://leg.wa.gov/CodeReviser/Documents/basecalendar.pdf~~) <https://leg.wa.gov/media/04cbinv3/closing-date-calendar.pdf>; and on page 2 of each published *Washington State Register*. In case of a discrepancy between the WAC rules and the schedule, the rules have priority.

AMENDATORY SECTION (Amending WSR 19-21-072, filed 10/11/19, effective 11/11/19)

**WAC 1-21-072 Rules coordinator designation.** Under RCW 34.05.312, each agency must designate a rules coordinator. The agency and mailing address of the rules coordinator must be submitted for publication in the *Washington State Register* at the time of designation and maintained thereafter on the office of the code reviser's website for the duration of the designation. To submit a new designation or make changes to an existing designation, send a Word document (preferably on the agency letterhead) to the electronic filing system or send the original and three copies to the office of the code reviser. An agency may use the template found on the office of the code reviser's website at (~~[http://leg.wa.gov/CodeReviser/Pages/Washington\\_State\\_Register.aspx](http://leg.wa.gov/CodeReviser/Pages/Washington_State_Register.aspx)~~) <https://leg.wa.gov/state-laws-and-rules/washington-state-register/rule-making-help/forms-and-templates/>.

AMENDATORY SECTION (Amending WSR 19-21-072, filed 10/11/19, effective 11/11/19)

**WAC 1-21-074 Public records officer designation.** Under RCW 42.56.580, each state and local agency must appoint and publicly identify a public records officer.

For state agencies, the name and contact information of the agency's public records officer must be published in the *Washington State Register* at the time of designation and maintained thereafter on the office of the code reviser's website for the duration of the designation. To submit a new designation or make changes to an existing designation, send a Word document (preferably on the agency letterhead) to the electronic filing system or send the original and three copies to the office of the code reviser. An agency may use the template found on the office of the code reviser's website at (~~[http://leg.wa.gov/CodeReviser/Pages/Washington\\_State\\_Register.aspx](http://leg.wa.gov/CodeReviser/Pages/Washington_State_Register.aspx)~~) <https://leg.wa.gov/state-laws-and-rules/washington-state-register/rule-making-help/forms-and-templates/>.

Local agencies are not required to publish their designations in the *Washington State Register*.

AMENDATORY SECTION (Amending WSR 19-21-072, filed 10/11/19, effective 11/11/19)

**WAC 1-21-076 Notices of public meetings.** (1) (a) Under RCW 42.30.075, state agencies that hold regular meetings must file with the office of the code reviser a schedule of the time and place of the public meetings on or before January 1st of each year for publication in the *Washington State Register*. To submit a public meetings notice, send a Word document (preferably on the agency letterhead) to the electronic filing system or send the original and three copies to the office of the code reviser. An agency may use the template found on the office of the code reviser's website at (~~[http://leg.wa.gov/CodeReviser/Pages/Washington\\_State\\_Register.aspx](http://leg.wa.gov/CodeReviser/Pages/Washington_State_Register.aspx)~~) <https://leg.wa.gov/state-laws-and-rules/washington-state-register/rule-making-help/forms-and-templates/>.

(b) Notice of any change to a public meetings schedule must be published in the *Washington State Register* for distribution at least ~~((twenty))~~ 20 days prior to the rescheduled meeting date. To submit a change to a public meetings notice already published, send a Word document (preferably on the agency letterhead) to the electronic filing system or send the original and three copies to the office of the code reviser. An agency may use the template found on the office of the code reviser's website at (~~(http://leg.wa.gov/CodeReviser/Pages/WashingtonStateRegister.aspx)~~) <https://leg.wa.gov/state-laws-and-rules/washington-state-register/rule-making-help/forms-and-templates/>.

(2) Agendas of public meetings are not published in the *Washington State Register*.

(3) Special meetings are not required to be published in the *Washington State Register*. For information on special meetings, see RCW 42.30.080.

(4) Local agencies are not required to publish their meetings in the *Washington State Register*.

**WSR 25-03-119**  
**EXPEDITED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 25-04—Filed January 21, 2025, 10:30 a.m.]

Title of Rule and Other Identifying Information: Amendments to coastal recreational bottomfishing in WAC 220-314-020 Possession limits—Bottomfish.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Washington department of fish and wildlife (WDFW) seeks to amend a rule affecting the coastal recreational bottomfish fishery so that it is consistent with regulations adopted by the Pacific Fishery Management Council (PFMC).

The rule change will decrease the daily possession limit for canary rockfish to five fish in the coastal (i.e., Marine Areas 1 through 4) recreational bottomfish fishery to reduce total catch consistent with the decline in the state-specific harvest guidelines for 2025. The coastal recreational bottomfish fishery season opens the second Saturday in March and closes the third Saturday in October.

Reasons Supporting Proposal: This rule change makes state regulations consistent with regulations recently adopted by PFMC and implemented into federal regulation by the National Marine Fisheries Service. Stakeholder feedback received from Washington recreational anglers was considered during the PFMC public hearing process and through public meetings sponsored by WDFW.

Statutory Authority for Adoption: RCW 77.040.020, 77.12.045, and 77.12.047.

Statute Being Implemented: RCW 77.040.020, 77.12.045, and 77.12.047.

Rule is necessary because of federal law, [no further information supplied by agency].

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Lorna Wargo, 1111 Washington Street S.E., Olympia, WA, 360-581-5611; Enforcement: Steve Bear, Police Chief, 1111 Washington Street S.E., Olympia, WA, 360-902-3463.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: These changes are consistent with the actions taken by PFMC, which includes an extensive stakeholder process. Through the delegation of authority provided by the Washington fish and wildlife commission to the director, WDFW regulatory changes

for consistency with PFMC actions may be approved by the director via expedited rule making.

## NOTICE

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January 20, 2025  
Scott Bird  
Rules Coordinator

**RDS-6120.1**

AMENDATORY SECTION (Amending WSR 23-07-086, filed 3/15/23, effective 4/15/23)

**WAC 220-314-020 Possession limits—Bottomfish.** It is unlawful for any person to fish for or take bottomfish for personal use except within the seasons, daily quantities, and possession limits prescribed as follows:

(1) Coastal areas (Marine Areas 1 through 3 and 4 west of the Bonilla-Tatoosh line):

(a) Bottomfish fishing is open the second Saturday in March through the third Saturday in October, except fishing for surfperch from the shore is allowed year-round.

(b) Limit of surfperch is 12 per person per day. For all other bottomfish, limit is 9 fish total per person per day, which may include no more than:

(i) Lingcod: 2 fish, no minimum length.

(ii) Rockfish: 7 fish in aggregate. The possession limit for yelloweye rockfish is 0. The possession limit for canary rockfish is 5. In May, June, and July the possession limit for copper rockfish, quillback rockfish, and vermilion rockfish is 0.

(iii) Wolf-eel: 0 fish from Catch Record Card Area 4.

(iv) Cabezon: Marine Areas 1 through 4: 1 fish, no minimum size.

(c) Additional flatfish: In addition to the bottomfish limit in (b) of this subsection, anglers may take 5 flatfish per person, per day, not to be counted towards the bottomfish limit but in addition to it.

(2) Inner Puget Sound (Marine Areas 4 east of the Bonilla-Tatoosh line, and 5 through 13):

(a) Marine Area 4 east of the Bonilla-Tatoosh line: Limit of surfperch is 12 per person per day. For all other bottomfish, 9 fish total, which may include no more than:

(i) Lingcod: 2 fish, no minimum length.

(ii) Rockfish: 7 fish. Only black, blue/deacon, yellowtail, and widow rockfish may be retained.

(iii) Wolf-eel: 0 fish.

(iv) Cabezon: 1 fish, no minimum size.

(b) Marine Areas 5 and 6: 15 fish total for all species and species groups of bottomfish, which may include no more than:

Rockfish in Marine Area 5 except	1 fish May 1 through September 30. Only black or blue/deacon rockfish may be retained.
in Marine Area 5 west of Slip Point	3 fish. Only black or blue/deacon rockfish may be retained.
in Marine Area 6.	0 fish
Surfperch	10 fish
Pacific cod	2 fish
Pollock	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	1 fish
Pacific hake	2 fish

(c) Marine Area 7: 15 fish total for all species of bottomfish, which may include no more than:

Rockfish	0 fish
Surfperch	10 fish
Pacific cod	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	1 fish
Pollock	2 fish
Pacific hake	2 fish

(d) Marine Areas 8-1 through 11, and 13: 15 fish total for all species and species groups of bottomfish, which may include no more than:

Rockfish	0 fish
Surfperch	10 fish
Pacific cod	0 fish
Pollock	0 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	1 fish
Pacific hake	0 fish

(e) Marine Area 12: 15 fish total for all species and species groups of bottomfish, which may include no more than:



Rockfish	0 fish
Surfperch	0 fish
Pacific cod	0 fish
Pollock	0 fish
Flatfish (except halibut) only in Dabob Bay north of Turner Creek	15 fish
Lingcod	0 fish
Wolf-eel	0 fish
Cabezon	0 fish
Pacific hake	0 fish

(f) The possession limit for lingcod taken by angling gear is 26 to 36 inches in length. For spear fishing, lingcod may not be possessed that exceed 36 inches in length but there is no minimum size limit.

(g) In Marine Areas 5 through 11, and 13, the minimum size limit for cabezon is 18 inches. All cabezon must be released in Marine Areas 5 through 11, and 13, from December 1 through April 30.

(h) In Marine Area 5, the daily limit for rockfish is the first legal rockfish caught, except that west of Slip Point, the daily limit for rockfish is the first three legal rockfish caught. Only black or blue/deacon rockfish may be retained. After the daily limit of rockfish is caught, all subsequent rockfish must be released.

(i) In Marine Area 5, it is unlawful to take rockfish by spear fishing except when this area is open to spear fishing for lingcod.

(3) The possession limit at any time may not exceed the equivalent of two daily limits in fresh, frozen or processed form.

(4) Unless otherwise provided, bottomfish fishing is open the entire year.

(5) Daily limits include bottomfish caught in adjacent areas bordering other states, such as Oregon.

(6) It is unlawful to fish for, retain, or possess sixgill, sevengill, or thresher sharks.

## WSR 25-03-144

## EXPEDITED RULES

## DEPARTMENT OF AGRICULTURE

[Filed January 22, 2025, 11:38 a.m.]

Title of Rule and Other Identifying Information: Chapter 16-585 WAC, Puget Sound salmon commission.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In response to a petition for rule making, the department of agriculture (department) is proposing to clarify current rule language by replacing all gender-specific pronouns with modern gender-inclusive pronouns.

Reasons Supporting Proposal: RCW 43.01.160 requires state agencies to use gender-neutral terms in rules unless a specification of gender is intended. Replacing gender-specific terminology supports the department's commitment to integrate inclusive policies and procedures.

Gender-inclusive pronouns are pronouns that are not specifically gendered and can be utilized when referring to each other in the third person. They are linguistic tools that we use to refer to people. Using gender-neutral pronouns can help create a more inclusive and welcoming environment and show respect for people's gender identities.

Statutory Authority for Adoption: RCW 43.23.025.

Statute Being Implemented: Chapter 15.65 RCW.

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

Name of Proponent: Puget Sound salmon commission, governmental.

Name of Agency Personnel Responsible for Drafting: Megan Finkenbinder, 1111 Washington Street S.E., Olympia, 360-902-1887; Implementation and Enforcement: Megan Johnson, 6601 West Deschutes Avenue, Suite C-2, Kennewick, 509-585-5460.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Expedited process is appropriate due to it being name changes and no impact to rule effects.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Megan Finkenbinder, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, phone 360-902-1887, fax 360-902-2092, email mfinkenbinder@agr.wa.gov, BEGINNING February 5, 8:00 a.m., AND RECEIVED BY March 25, 11:59 p.m.

January 22, 2025  
Derek I. Sandison  
Director

## RDS-6130.1

AMENDATORY SECTION (Amending WSR 17-05-036, filed 2/8/17, effective 3/11/17)

**WAC 16-585-010 Definitions.** Definitions for terms used in this chapter are also found in chapter 15.65 RCW, Washington State Agricultural Commodity Boards Act. For the purpose of this marketing order, the following additional definitions shall apply:

"Act" means the Washington Agricultural Commodity Boards Act or chapter 15.65 RCW.

"Affected area" means Western Washington.

"Affected commodity" means commercial quantities of Puget Sound gillnet salmon.

"Affected producer" means any person who is a commercial harvester of commercial quantities of Puget Sound gillnet salmon.

"Affected unit" means one pound landed weight of salmon.

"Commercial quantity" means any Puget Sound gillnet salmon produced for market.

"Commission" means the Puget Sound salmon commission.

"Department" means the department of agriculture of the state of Washington.

"Director" means the director of agriculture of the state of Washington or (~~his/her~~) the director's duly appointed representative.

"Disclosure" means inspection or copying.

"Fiscal year" means the (~~twelve~~) 12-month period beginning with July 1st of any year and ending with June 30th, both dates being inclusive.

"Handler" or "processor" shall mean those who purchase, process for market, or otherwise obtain from affected producers the affected commodity for further handling or sale in the course of commerce.

"Handler" and "processor" include those who commercially harvest and then obtain from themselves, process, or further handle for subsequent direct sale to the public the affected commodity after having themselves produced that commodity as affected producers. "Handler" does not include a common carrier used to transport an agricultural commodity. "To handle" means to act as a handler.

"Order" means this marketing order.

"Person" means any individual, firm, corporation, limited liability company, trust, association, partnership, society or any other organization of individuals, or any unit or agency of local or state government.

"Process" means to prepare the affected commodity or product therefrom by filleting, heading, gutting, canning, cooking, smoking, fermenting, dehydrating, drying or packaging.

"Production area" means the waters of the state of Washington in and adjacent to the areas of Puget Sound, the San Juan Islands, Georgia Strait, and the Strait of Juan de Fuca east of Cape Flattery, or other lawful areas in which fishing is permitted pursuant to a Puget Sound commercial salmon gillnet license.

"Public records" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the department regardless of physical form or characteristics.

"Puget Sound gillnet salmon" means salmon and salmon products which have been harvested by affected producers in the production area pursuant to Puget Sound commercial salmon gillnet license or taken with gear lawfully permitted for use pursuant to Puget Sound commercial salmon gillnet license. "Puget Sound gillnet salmon" does not include privately farmed or cultivated salmon or salmon products nor salmon harvested pursuant to license issued by the various treaty Indian tribes. Nothing herein shall prevent the board from engaging in cooperative marketing of tribal and nontribal salmon.

"Puget Sound salmon commodity board" hereinafter referred to as "board" or "commission" means the commodity board formed under the provisions of this marketing order.

"Purchase" means obtain through sale, exchange, barter, or trade.

"Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade, whether directly or through agents.

AMENDATORY SECTION (Amending WSR 21-18-047, filed 8/25/21, effective 9/25/21)

**WAC 16-585-020 Puget Sound salmon commodity board.** (1) Administration. The provisions of this marketing order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership. The board shall consist of seven members, six of whom shall be affected producers appointed or elected as provided in this section. The director shall appoint one additional member to the board who is not an affected producer to represent the director. The position representing the director shall be a voting member.

(a) Director-appointed affected producer positions on the board shall be designated as position one, position two, and position three.

(b) Elected affected producer positions on the board shall be designated as position four, position five, and position six.

(c) The position representing the director who is not an affected producer shall be designated as position seven.

(3) Qualifications for board membership. The producer members of the board must be practical producers of the affected commodity and must be a citizen and resident of this state, over the age of (~~eighteen~~) 18 years. Each affected producer board member must be and have been actually engaged in producing such commodity within the state of Washington for a period of five years and has during that period derived a substantial portion of (~~his/her~~) their income therefrom and who is not primarily engaged in business, directly or indirectly, as a handler or other dealer. The qualification of members of the board as herein set forth must continue during their terms of office.

(4) Term of office.

(a) The term of office for members of the board shall be three years. One-third of the membership as nearly as possible shall be appointed or elected each year.

(b) The term of office for the initial board members shall be as follows:

Positions one and four shall be for one year from the date of first election or until the first subsequent annual election is held.

Positions two and five shall be for two years from the date of first election or until the second subsequent annual election is held.

Positions three and six shall be for three years from the date of first election or until the third subsequent annual election is held.

(c) To accomplish the transition to a commodity board structure where the director appoints a majority of the board members, the names of the currently elected board members in positions one, two, and three shall be forwarded to the director for appointment within (~~(thirty)~~) 30 days of the effective date of this amended marketing order.

(5) Nominations of elected or director-appointed board members. Each year the director shall call a nomination meeting for elected or director-appointed affected producer board members. The meeting(s) shall be held at least (~~(thirty)~~) 30 days in advance of the date set by the director for the election or advisory vote of board members.

(a) Notice of every nomination meeting shall be published in a newspaper of general circulation within the affected area defined in this marketing order not less than (~~(ten)~~) 10 days in advance of the date of the meeting; and, in addition, written notice of every meeting shall be given to all affected producers according to the list maintained by the board pursuant to RCW 15.65.295.

(b) Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting.

(c) Any qualified affected producer may be nominated orally for membership on the board at a nomination meeting. Nominations may also be made within five days after the meeting by written petition filed with the director signed by not less than five affected producers.

(d) If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the open commission position(s) by mail to all affected producers. The notice shall call for nominations in accordance with this marketing order and shall give the final date for filing nominations which shall not be less than (~~(twenty)~~) 20 days after the notice was mailed.

(e) When only one nominee is nominated by the affected producers for any position, RCW 15.65.250 shall apply.

(f) As authorized under RCW 15.65.680, the voting board may appoint up to two additional nonvoting members to serve in an advisory capacity from among producers, handlers or others with expertise in the Puget Sound salmon industry including, but not limited to, state and tribal fisheries partners. Advisory board member appointments are for a three-year period. A nonvoting advisory member may serve additional consecutive terms of office if reappointed by the board.

(6) Election or advisory vote of board members.

(a) An election or advisory vote shall be conducted by secret ballot under the supervision of the director. Each affected producer shall be entitled to one vote.

(b) Elected affected producer members of the board shall be elected during the month of February of each year by a majority of the votes cast by the affected producers. If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) An advisory vote shall be conducted for affected producer board members appointed by the director under the provisions of RCW 15.65.243 during the month of January of each year. The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for potential appointment to the board. In the event there are only two candidates nominated for a board posi-

tion, an advisory vote may not be held and the candidates' names shall be forwarded to the director for potential appointment.

(d) Notice of every election or advisory vote for board membership shall be published in a newspaper of general circulation within the affected area defined in this marketing order not less than ~~((ten))~~ 10 days in advance of the date of the election or advisory vote. Not less than ~~((ten))~~ 10 days prior to every election or advisory vote for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of such affected producers maintained by the board pursuant to RCW 15.65.295. Any other producer entitled to vote may obtain a ballot by application to the director upon establishing ~~((his/her))~~ their qualifications.

(e) Nonreceipt of a ballot by any person entitled to vote shall not invalidate the election or advisory vote of a board member.

(7) Vacancies.

(a) In the event of a vacancy on the board in an elected position, the board shall appoint a qualified person to fill the unexpired term. The appointment shall be made at the board's first or second meeting after the position becomes vacant.

(b) In the event of a vacancy in a director-appointed position, the position shall be filled as specified in RCW 15.65.270.

(8) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) Board compensation. No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060. The board may adopt, by resolution, provisions for reimbursement of actual travel expenses incurred by members of the board in carrying out the provisions of this marketing order pursuant to RCW 15.65.270. A board member may, in the discretion of the board, serve and be compensated as an employee of the commission.

(10) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director;

(b) To elect a chairperson and other officers as it deems advisable;

(c) To employ and discharge at its discretion such assistance and personnel as the board determines necessary and proper to carry out the purpose of the order and to effectuate the policies of the act;

(d) To pay from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order and rules adopted under the order. Expenses may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe;

(e) To reimburse any applicant who has deposited funds with the director in order to defray the costs of formulating the order;

(f) To establish a fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except the amount of petty cash for each day's needs, not to exceed ~~((one hundred dollars))~~ \$100, shall be deposited each day;

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, disbursements, moneys, and other financial transactions made and done pursuant to this order. Records, books, and accounts shall be audited as provided in the act subject to procedures and methods lawfully prescribed by the state auditor. Books and accounts shall be closed as of the last day of each fiscal year. A copy of the audit shall be delivered within (~~thirty~~) 30 days after the completion thereof to the governor, the director, the state auditor, and each member of the board;

(h) To require bond of board members and employees of the board in positions of trust in an amount the board deems necessary. Premiums for a bond or bonds shall be paid by the board from assessments collected. A bond shall not be necessary if any board member or employee is covered by any blanket bond covering officials or employees of the state of Washington;

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year. At least (~~sixty~~) 60 days prior to the beginning of its fiscal year, the board shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget;

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters;

(k) To recommend to the director, administrative rules, orders and amendments thereto for the exercise of the director's power in connection with this marketing order;

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of this marketing order and the act, along with the necessary authority and procedure for obtaining such information;

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon the person by the act or this order;

(n) To confer with and cooperate with the legally constituted authorities of other states of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders;

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section;

(p) To sue or be sued;

(q) To borrow money and incur indebtedness;

(r) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in this order;

(s) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local. Personal service contracts must comply with chapter 39.29 RCW;

(t) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies;

(u) To enter into contracts or agreements for research in the production, processing, transportation, marketing, use, or distribution of Puget Sound gillnet salmon;

(v) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general;

(w) To engage in appropriate fund-raising activities for the purpose of supporting activities authorized by this marketing order;

(x) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, manufacture, regulation, transportation, distribution, sale, or use of Puget Sound gillnet salmon including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission;

(y) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the value of each affected producer's production for a minimum three-year period pursuant to RCW 15.65.280;

(z) To maintain a list of the names and addresses of persons who handle Puget Sound gillnet salmon within the affected area and data on the amount and value of the Puget Sound gillnet salmon handled for a minimum three-year period by each person pursuant to RCW 15.65.280;

(aa) To maintain a list of names and addresses of all affected persons who produce Puget Sound gillnet salmon and the amount, by unit, of Puget Sound gillnet salmon produced during the past three years pursuant to RCW 15.65.295;

(bb) To maintain a list of all persons who handle Puget Sound gillnet salmon and the amount of Puget Sound gillnet salmon handled by each person during the past three years pursuant to RCW 15.65.295;

(cc) To establish a foundation using commission funds as grant money for the purposes established in this marketing order pursuant to RCW 15.65.043.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act). Notice of the time and place of regular meetings shall be published on or before January of each year in the *Washington State Register*. Notice of any change to the meeting schedule shall be published in the state register at least (~~twenty~~) 20 days prior to the rescheduled meeting date.

(b) The board shall hold an annual membership meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least (~~ten~~) 10 days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the board members and affected producers. Notice for special meetings shall be in compliance with chapter 42.30 RCW.



## WSR 25-03-145

## EXPEDITED RULES

## DEPARTMENT OF AGRICULTURE

[Filed January 22, 2025, 11:39 a.m.]

Title of Rule and Other Identifying Information: Chapter 16-575 WAC, Washington wine commission.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In response to a petition for rule making, the department of agriculture (department) is proposing to clarify current rule language by replacing all gender-specific pronouns with modern gender-inclusive pronouns.

Reasons Supporting Proposal: RCW 43.01.160 requires state agencies to use gender-neutral terms in rules unless a specification of gender is intended. Replacing gender-specific terminology supports the department's commitment to integrate inclusive policies and procedures.

Gender-inclusive pronouns are pronouns that are not specifically gendered and can be utilized when referring to each other in the third person. They are linguistic tools that we use to refer to people. Using gender-neutral pronouns can help create a more inclusive and welcoming environment and show respect for people's gender identities.

Statutory Authority for Adoption: RCW 43.23.025.

Statute Being Implemented: Chapter 15.88 RCW.

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

Name of Proponent: Washington wine commission, governmental.

Name of Agency Personnel Responsible for Drafting: Megan Finkenbinder, 1111 Washington Street S.E., Olympia, 360-902-1887; Implementation and Enforcement: Kristina Kelley, 1201 Western Avenue, Suite 450, Seattle, 206-667-9463.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Expedited process is appropriate due to it being name changes and no impact to rule effects.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Megan Finkenbinder, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, phone 360-902-1887, fax 360-902-2092, email mfinkenbinder@agr.wa.gov, BEGINNING February 5, 8:00 a.m., AND RECEIVED BY March 25, 11:59 p.m.

January 22, 2025  
Derek I. Sandison  
Director

## RDS-6129.1

AMENDATORY SECTION (Amending WSR 03-01-048, filed 12/10/02, effective 1/10/03)

**WAC 16-575-030 Washington wine commission—Travel reimbursement policy.** ~~((1-))~~ (1) Except as provided in subsection (9) of this section ~~((9 below))~~, all travel by commissioners and by commission staff must be approved in advance of departure.

~~((2-))~~ (2) Except as provided in subsection (9) of this section ~~((9 below))~~, each commissioner or commission employee expecting to travel on official wine commission business shall prepare a detailed, written description of the purpose of the proposed trip together with an estimate of expenses to be incurred for transportation, lodging, meals, promotional hosting, and all other costs which ~~((he/she expects))~~ they expect to incur in connection with such travel.

~~((3-))~~ (3) Reimbursement for transportation expenses shall be at actual cost subject to the following limitations. Air travel must be on US carriers if available. No business or first class air travel will be approved or reimbursed. If a commissioner or commission employee uses ~~((his/her))~~ their automobile for transportation, mileage shall be reimbursed at the current rate established by the Internal Revenue Service for business travel.

~~((4-))~~ (4) Reimbursement for lodging expenses shall be at actual cost up to a maximum of ~~((two hundred))~~ 200 percent of the per diem lodging rates for ~~((US))~~ U.S. federal agency employees established by the ~~((US))~~ U.S. General Services Administration.

~~((5-))~~ (5) Reimbursement for meals shall be at actual cost, provided that such costs are reasonable for the particular market in which the expense is incurred.

~~((6-))~~ (6) Travel by commissioners and by the executive director of the Washington wine commission must be approved in advance by the chairperson of the commission. Travel by other commission staff must be approved in advance by the executive director of the commission.

~~((7-))~~ (7) Each person traveling on official commission business shall submit a written request for reimbursement within ~~((forty-five))~~ 45 days after returning to the office from such trip. Written receipts for each expense in excess of ~~((twenty-five dollars))~~ \$25 for which reimbursement is requested must accompany the reimbursement request. Expenses will not be reimbursed unless such a request, accompanied by receipts where required, is timely submitted.

~~((8-))~~ (8) Expenses which have not been approved in advance will not be reimbursed unless the employee establishes, to the satisfaction of the person who reviewed and approved the estimated expenses, that the expense was both unanticipated and reasonably incurred.

~~((9-))~~ (9) No advance approval of estimated travel expenses is required for attendance at a regular or special meetings of the commission or a committee thereof within the state of Washington. If attendance at such a meeting requires the commissioner/employee to travel at least ~~((one hundred))~~ 100 miles from ~~((his/her))~~ their usual place of business, ~~((he/she is))~~ they are entitled to be reimbursed for the actual cost of one night's lodging, subject to the limits set forth in subsection (4) of this section ~~((4 above))~~. ~~((He/she is))~~ They are also entitled to reimbursement for costs of transportation

and meals as provided in ((~~sections 3 and 5~~)) subsections (3) and (5)  
of this section.

## WSR 25-03-146

## EXPEDITED RULES

## DEPARTMENT OF AGRICULTURE

[Filed January 22, 2025, 11:39 a.m.]

Title of Rule and Other Identifying Information: Chapter 16-565 WAC, Washington cranberry commission.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In response to a petition for rule making, the department of agriculture (department) is proposing to clarify current rule language by replacing all gender-specific pronouns with modern gender-inclusive pronouns.

Reasons Supporting Proposal: RCW 43.01.160 requires state agencies to use gender-neutral terms in rules unless a specification of gender is intended. Replacing gender-specific terminology supports the department's commitment to integrate inclusive policies and procedures.

Gender-inclusive pronouns are pronouns that are not specifically gendered and can be utilized when referring to each other in the third person. They are linguistic tools that we use to refer to people. Using gender-neutral pronouns can help create a more inclusive and welcoming environment and show respect for people's gender identities.

Statutory Authority for Adoption: RCW 43.23.025.

Statute Being Implemented: Chapter 15.65 RCW.

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

Name of Proponent: Washington cranberry commission, governmental.

Name of Agency Personnel Responsible for Drafting: Megan Finkenbinder, 1111 Washington Street S.E., Olympia, 360-902-1887; Implementation and Enforcement: Matt Reichenberger, P.O. Box 597, Grayland, 360-902-1887.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Expedited process is appropriate due to it being name changes and no impact to rule effects.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Megan Finkenbinder, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, phone 360-902-1887, fax 360-902-2092, email mfinkenbinder@agr.wa.gov, BEGINNING February 5, 8:00 a.m., AND RECEIVED BY March 25, 11:59 p.m.

January 22, 2025  
Derek I. Sandison  
Director

**RDS-6128.1**

AMENDATORY SECTION (Amending WSR 22-12-077, filed 5/28/22, effective 6/28/22)

**WAC 16-565-010 Definition of terms.** For the purpose of this marketing order:

"Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

"Affected area" means the state of Washington.

"Affected producer" means any person who produces cranberries in the state of Washington, in commercial quantities for fresh market, for processing, or for sale to processors.

"Affected unit" means 100 pounds (barrel) net of cranberries.

"Commercial quantity" means any cranberries produced for a market, by a producer in any calendar year.

"Cranberries" means and includes all kinds, varieties, and hybrids of "*vaccinium macrocarpon*" grown and marketed in the state of Washington.

"Cranberry commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-565-020.

"Department" means the department of agriculture of the state of Washington.

"Director" means the director of agriculture of the state of Washington or ((his)) the director's duly appointed representative.

"Disclosure" means inspection or copying.

"Fiscal year" means the 12-month period beginning with September 1 of any year and ending with the last day of August following, both dates being inclusive.

"Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing cranberries not produced by the handler.

"Order" means marketing order.

"Person" means any person, firm, association, or corporation.

"Producer-handler" means any person who acts both as a producer and as a handler with respect to cranberries. A producer-handler shall be deemed to be a producer with respect to the cranberries which they produce and a handler with respect to the cranberries which they handle, including those they produced.

"Public records" include any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the commission regardless of physical form or characteristics.

"Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade, other than those sold retail by the producer.

"Substantial portion" means five percent or more.

AMENDATORY SECTION (Amending WSR 22-12-077, filed 5/28/22, effective 6/28/22)

**WAC 16-565-020 Cranberry commodity board. (1) Administration.** The provisions of this order and the applicable provisions of the act

shall be administered and enforced by the board as the designee of the director.

(2) **Board membership.**

(a) The board shall consist of eight members. Seven members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the state of Washington and shall be divided into three representative districts as follows:

District I shall have two board members, being Positions 1 and 2, and shall comprise that portion of Pacific County lying south of the Willapa River.

District II shall have four board members, being Positions 3, 4, 5, and 6, and shall comprise that portion of Pacific County and that portion of Grays Harbor County lying between the Willapa River and the Chehalis River.

District III shall have one board member, being Position 7, and shall comprise the rest of the state.

(3) **Board membership qualifications.** The affected producer members of the board shall be practical producers of cranberries and shall be citizens and residents of the state of Washington, over the age of 25 years, each of whom is and has been actually engaged in producing cranberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of their income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) **Term of office.**

(a) The term of office for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through seven and the member appointed by the director, position eight.

(5) **Nomination and election of board members.** Each year the director shall call for a nomination meeting. Such meeting shall be held at least 30 days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than 10 days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

(6) **Election of board members.**

(a) Members of the board shall be elected by secret mail ballot within the month of June under the supervision of the director. Affected producer members of the board shall be elected by a majority of

the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than 10 days in advance of the date of such election. Not less than 10 days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing (~~his~~) their qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) **Vacancies prior to election.** In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member may receive per diem in accordance with RCW 15.65.270 for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To accept grants and gifts and expend the same consistent with the policies and purpose of this order.

(f) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(g) To establish a "cranberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not-to-exceed \$100, shall be deposited each day or as advisable.

(h) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and

done pursuant to this order. Such records, books, and accounts shall be audited at least every five years subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within 30 days after the completion thereof to the governor, the director, the state auditor, and the board.

(i) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(j) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(k) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(l) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(m) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(n) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon (~~him/her~~) them by the act or the order.

(o) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

**(11) Procedures for board.**

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least 10 days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: Provided, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.



AMENDATORY SECTION (Amending WSR 80-13-037, filed 9/12/80, effective 10/13/80)

**WAC 16-565-060 Termination of the order.** The order shall be terminated if the director finds that (~~(fifty-one)~~) 51 percent by numbers and (~~(fifty-one)~~) 51 percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever (~~(twenty)~~) 20 percent by numbers and (~~(twenty)~~) 20 percent by volume of production of the affected producers file written application with (~~(him)~~) the director for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

**WSR 25-03-148**  
**EXPEDITED RULES**  
**BUILDING CODE COUNCIL**  
[Filed January 22, 2025, 11:46 a.m.]

Title of Rule and Other Identifying Information: Rescinding the 2021 Wildland-Urban Interface (WUI) Code amendments from chapter 51-55 WAC, and reserving the WAC sections for future rule making.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Rescinding the state amendments adopted for the 2021 WUI Code, based on legislation passed during the 2024 session (chapter 133, Laws of 2024), anticipating that new rule language will be adopted in the future.

Reasons Supporting Proposal: During the 2024 legislative session, a new law was passed (ESB 6120), which does not allow adoption of a WUI Code before new WUI maps are developed by the department of natural resources.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.074, and 19.27.560.

Statute Being Implemented: Chapter 19.27 RCW.

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

Name of Proponent: Washington state building code council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Dustin Curb, 1500 Jefferson Street S.E., Olympia, 360-972-4158.

This notice meets the following criteria to use the expedited adoption process for these rules:

Content is explicitly and specifically dictated by statute.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Dustin Curb, Washington State Building Code Council, 1500 Jefferson Street S.E., Olympia, phone 360-972-4158, email [dustin.curb@des.wa.gov](mailto:dustin.curb@des.wa.gov), AND RECEIVED BY March 25, 2025.

January 22, 2025  
Daimon Doyle  
Council Chair

**OTS-5271.1**

AMENDATORY SECTION (Amending WSR 23-02-056, 23-12-109, and 23-20-028, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

**WAC 51-55-001 Authority.** (~~(These rules are adopted under the authority of chapter 19.27 RCW.)~~) Reserved.

AMENDATORY SECTION (Amending WSR 23-02-056, 23-12-109, and 23-20-028, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

**WAC 51-55-002 Purpose.** (~~The purpose of these rules is to implement the provisions of chapter 19.27 RCW, which provides that the state building code council shall maintain the state building code in a status which is consistent with the purpose as set forth in RCW 19.27.020. In maintaining the codes the council shall regularly review updated versions of the codes adopted under the act, and other pertinent information, and shall amend the codes as deemed appropriate by the council.~~) Reserved.

AMENDATORY SECTION (Amending WSR 23-02-056, 23-12-109, and 23-20-028, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

**WAC 51-55-003 International Wildland-Urban Interface Code.** (~~The 2021 edition of the *International Urban Interface Code*, published by the International Code Council, is hereby adopted by reference with the following additions, deletions, and exceptions.~~) Reserved.

AMENDATORY SECTION (Amending WSR 23-23-107, filed 11/15/23, effective 3/16/24)

**WAC 51-55-008 Implementation.** (~~The International Wildland-Urban Interface Code adopted by this chapter shall become effective in all counties and cities of this state on March 15, 2024.~~) Reserved.

AMENDATORY SECTION (Amending WSR 23-02-056, 23-12-109, and 23-20-028, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

**WAC 51-55-0100 Scope and administration.**

~~((101 Scope and general requirements.~~

**101.2 Scope.** ~~The provisions of this code shall apply to the construction, alteration, movement, repair, maintenance and use of any building, structure, or premises within the wildland-urban interface areas in this jurisdiction.~~

~~Buildings or conditions in existence at the time of the adoption of this code are allowed to have their use or occupancy continued, if such condition, use or occupancy was legal at the time of the adoption of this code, provided that such continued use does not constitute an egregious danger to life or property.~~

~~Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures.~~

**101.4 Retroactivity.** ~~The provisions of the code shall apply to conditions arising after the adoption thereof, conditions not legally in existence at the adoption of this code and conditions that, as determined by the code official, constitute an egregious hazard to life or property.~~

EXCEPTION: Provisions of this code that specifically apply to existing conditions are retroactive.)

Reserved.

AMENDATORY SECTION (Amending WSR 23-02-056, 23-12-109, and 23-20-028, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

**WAC 51-55-0200 Chapter 2—Definitions.**

~~((202 Definitions.~~

~~**ACCESSORY STRUCTURE.** A building or structure used to shelter or support any material, equipment, chattel or occupancy other than a habitable building, or a habitable building or structure that is accessory to and incidental to that of the dwelling(s) and that is located on the same lot.~~

~~**BUILDING OFFICIAL.** Not adopted.~~

~~**EGREGIOUS DANGER.** A danger that if left unmitigated, places the occupants or property in immediate danger.~~

~~**FUEL, HEAVY.** Vegetation consisting of round wood 3 to 8 inches (76 to 203 mm) in diameter. See Fuel Models G, I, J, K, and U described in Chapter 9.~~

~~**FUEL, LIGHT.** Vegetation consisting of herbaceous plants and round wood less than 1/4-inch (6.4 mm) in diameter. See Fuel Models A, C, E, L, N, P, R, and S described in Chapter 9.~~

~~**FUEL, MEDIUM.** Vegetation consisting of round wood 1/4 to 3 inches (6.4 mm to 76 mm) in diameter. See Fuel Models B, D, F, H, O, Q, and T described in Chapter 9.~~

~~**HIGH-DENSITY VEGETATED AREA.** An area defined by a square determined in accordance with Section 302.3.1, with 75 percent or more vegetation.~~

~~**WASHINGTON WILDLAND-URBAN INTERFACE MAP (WA-WUI).** The Washington department of natural resources map designating urban areas, wildland-urban interface, wildland-urban intermix, wildlands, and long-term nonbuildable areas, designated as the Washington wildland-urban interface as mapped for 2019 by the Washington state department of natural resources wildfire and forest health divisions under consultation from the USFS Rocky Mountain Research Station.~~

~~**WILDLAND-URBAN INTERFACE/INTERMIX AREA.** That geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.) Reserved.~~

AMENDATORY SECTION (Amending WSR 23-23-107, filed 11/15/23, effective 3/16/24)

**WAC 51-55-0300 Wildland-urban interface areas.**

~~((301 General.~~

~~**301.1 Scope.** Wildland urban interface areas shall be determined using the Washington wildland urban interface map (WA-WUI). WA-WUI designa-~~

tions are permitted to be modified, upon approval of a finding of fact in accordance with Section 302.

**User note:** The WA-WUI map is available at <https://geo.wa.gov/maps/786aaaldbbd748e6ae04bc43e8f127fe/explore>.

**301.2 Construction in wildland-urban interface or intermix areas.**

Where a structure is proposed to be constructed in an area designated by the WA-WUI map as wildland-urban interface or intermix, the construction shall comply with the provisions of this code.

**301.3 Construction in wildlands areas.** Where a structure is proposed to be constructed in an area designated by the WA-WUI map as wildlands, the applicable wildland urban interface area designation shall be based on a finding of fact in accordance with Section 302.

**302 Wildland-urban interface area designations.**

**302.1 General.** Wildland urban interface area designations are permitted to be established in accordance with this section.

**302.2 Finding of fact.** The applicable wildland urban interface designation shall be based on a finding of fact. The finding of fact shall comply with the provisions of Appendix E or is permitted to be based on the worksheet and procedures in Section 302.3.

**302.3 Simplified wildland urban interface designation worksheet.** The wildland urban interface designation is permitted to be established using the procedure outlined in Table 302(1), using the worksheet in Table 302(2).

**302.3.1 Area to be evaluated.** For the purposes of establishing structure and vegetation densities, the area covered by a square of 1320 feet on a side (40 acres) shall be evaluated. The square area shall be located such that the site under consideration is in its center, except where the square would overlap a water body shown on the WA-WUI map with a surface area greater than 200,000 square feet, the location shall be adjusted such that no part of the square overlaps the water body.

**Table 302.3(1)  
Outline of Simplified Procedure for Determining Wildland Interface Designation**

<b>For the area to be evaluated in Section 302.3.1:</b>
1. Determine structure density category (uninhabited, very low, low, medium, or high):
2. Determine vegetation density category (nonvegetated or vegetated):
3. Determine proximity category (near or distant):
4. Based on structure density, vegetation density, and proximity categories, determine if compliance with this code is required (WUIC applies, WUIC does not apply):
5. Where compliance with this code is required, determine wildland urban interface area designation (intermix or interface):

**302.3.2 Structure density category.** The structure density category shall be determined by counting the number of structures within the area to be evaluated per Section 302.3.1. The structure density category shall be determined as follows:

UNINHABITED:	0 structures
VERY LOW:	1 structure
LOW:	2 to 8 structures

MEDIUM: 9 to 120 structures  
 HIGH: more than 120 structures

**302.3.3 Vegetation density category.** ~~Vegetation coverage within the area to be evaluated per Section 302.3.1 shall be determined in accordance with Chapter 9. Vegetation density shall be determined by dividing the vegetation coverage by 1,742,400 square feet (40 acres). Where the vegetation density is less than 50 percent, the vegetation density category for the site shall be nonvegetated. Where the vegetation density is 50 percent or more, the vegetation density category for the site shall be vegetated.~~

**302.3.4 Proximity category.** ~~The distance from the site being evaluated to a high-density vegetated area shall be measured from the closest edge of the site boundary to the closest edge of the nearest high-density vegetated area. Where the distance is less than 1.5 miles, the proximity category shall be near. Where the distance is 1.5 miles or more, the proximity category shall be distant.~~

**302.3.5 WUIC applicability.** ~~The WUIC shall apply, and the site shall be designated as intermix or interface in accordance with Section 302.3.6 under either of the following conditions:~~

- ~~1. The structure density category is very low to high, and the vegetation density category is vegetated.~~
- ~~2. The structure density category is very low to high, and the proximity category is near.~~

~~The WUIC shall not apply under either of the following conditions:~~

- ~~1. The structure density category is uninhabited, and the site is not located within an area designated as intermix or interface on the WA-WUI map.~~
- ~~2. The structure density category is uninhabited to high, the vegetation density category is nonvegetated, and the proximity category is distant.~~

**302.3.6 Wildland urban interface area designation.** ~~Where required by Section 302.3.5, the site shall be designated as intermix or interface in accordance with Section 302.3.6.1 or 302.3.6.2.~~

**302.3.6.1 Intermix designation.** ~~The site shall be designated as intermix where the structure density category is very low to high, and the vegetation density category is vegetated.~~

**302.3.6.2 Interface designation.** ~~The site shall be designated as interface where the structure density category is very low to high, and the proximity category is near.~~

**Table 302(1). Outline of simplified procedure for determining wildland interface designation**

1. Determine structure density category in accordance with Section 302.3.2. Numbers in table are the number of structures within the area determined by Section 302.3.1.

<b>UNINHABITED</b>		<b>VERY LOW</b>		<b>LOW</b>		<b>MEDIUM</b>		<b>HIGH</b>
0		1		2 TO 8		9 TO 120		MORE THAN 120

2. Determine vegetation density category within the area determined by Section 302.3.1.

	<b>NONVEGETATED</b>		<b>VEGETATED</b>
	Less than 50% vegetated		50% or more vegetated

3. Determine proximity category to the nearest high-density vegetated area.

	<b>NEAR</b>		<b>DISTANT</b>	
	Less than 1.5 mi (2.414 km)		1.5 mi (2.414 km) or more	

4. Use structure density, vegetation density, and proximity categories from above to determine if WUIC applies:

	<b>WUIC Applies</b>		<b>WUIC Does Not Apply</b>	
	<ul style="list-style-type: none"> <li>• Structure density category is very low to high; and</li> <li>• Vegetation density category is vegetated.</li> </ul>		<ul style="list-style-type: none"> <li>• Structure density category is uninhabited; and</li> <li>• The site is not located within an area designated as intermix or interface on the WA-WUI map.</li> </ul>	
	<ul style="list-style-type: none"> <li>• Structure density category is very low to high; and</li> <li>• Proximity category is near.</li> </ul>		<ul style="list-style-type: none"> <li>• Structure density category is uninhabited to high; and</li> <li>• Vegetation density category is nonvegetated; and</li> <li>• Proximity category is distant.</li> </ul>	

5. Where WUIC applies, the site shall be designated as intermix or interface as follows:

	<b>INTERMIX</b>		<b>INTERFACE</b>	
	<ul style="list-style-type: none"> <li>• Structure density category is very low to high; and</li> <li>• Vegetation density category is vegetated.</li> </ul>		<ul style="list-style-type: none"> <li>• Structure density category is very low to high; and</li> <li>• Proximity category is near.</li> </ul>	

~~**Table 302(2). Worksheet for simplified procedure for determining wildland interface designation**~~

~~**302.4 Review of wildland-urban interface areas.** The code official shall review for approval evaluated areas for new or modified findings of fact. Where a new or modified findings of fact are approved, the code official shall recommend to WADNR a modification to the wildland-urban interface areas mapping.)~~ Reserved.

AMENDATORY SECTION (Amending WSR 23-02-056, 23-12-109, and 23-20-028, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

**WAC 51-55-0400 Wildland-urban interface area requirements.**

~~**(401 General.**~~

~~**401.1 Scope.** Wildland-urban interface areas shall be provided with emergency vehicle access and water supply in accordance with this chapter.~~

~~**401.2 Objective.** This section is not adopted.~~

~~**401.3 General safety precautions.** This section is not adopted.~~

~~**402 Applicability.**~~

~~**402.1 Subdivisions.** Subdivisions shall comply with locally adopted standards.~~

~~**402.1.1 Access.** This section is not adopted.~~

~~**402.1.2 Water supply.** This section is not adopted.~~

~~**402.2 Individual structures.** Individual structures shall comply with Sections 402.2.1 and 402.2.2.~~

~~**402.2.1 Access.** Individual structures hereafter constructed or relocated into or within wildland-urban interface areas shall be provided~~

~~with driveways in accordance with Section 403.2 and locally adopted standards. Marking of fire protection equipment shall be provided in accordance with Section 403.5 and address markers shall be provided in accordance with Section 403.6.~~

~~**402.2.2 Water supply.** Individual structures hereafter constructed or relocated into or within *wildland urban interface* areas shall be provided with a conforming water supply in accordance with locally adopted standards.~~

EXCEPTION: Not adopted.

~~**402.3 Existing conditions.** This section is not adopted.~~

~~**403 Access.**~~

~~**403.2.1 Dimensions.** This section is not adopted.~~

~~**403.2.2 Length.** This section is not adopted.~~

~~**403.2.3 Service limitations.** This section is not adopted.~~

~~**403.2.4 Turnarounds and turnouts.** *Driveways* in excess of three hundred feet in length shall be provided with turnarounds. *Driveways* in excess of five hundred feet in length and less than twenty feet in width shall be provided with turnouts and turnarounds. Turnarounds and turnouts shall be designed as required by locally adopted standards.~~

~~**403.2.5 Turnouts.** This section is not adopted.~~

~~**403.3 Fire apparatus access road.** Where required, fire apparatus access roads shall be provided and maintained as required by locally adopted street, road, and access standards.~~

~~**403.4 Marking of roads.** This section is not adopted.~~

~~**403.4.1 Sign construction.** This section is not adopted.~~

~~**404 Water supply.**~~

~~**404.1 General.** Water supply shall be provided and maintained as required by locally adopted standards.~~

~~**404.2 Water sources.** This section is not adopted.~~

~~**404.3 Draft sites.** This section is not adopted.~~

~~**404.3.1 Access.** This section is not adopted.~~

~~**404.3.2 Pumper access points.** This section is not adopted.~~

~~**404.4 Hydrants.** This section is not adopted.~~

~~**404.5 Adequate water supply.** This section is not adopted.~~

~~**404.6 Fire department.** This section is not adopted.~~

~~**404.7 Obstructions.** This section is not adopted.~~

~~**404.8 Identification.** This section is not adopted.~~

~~**404.9 Testing and maintenance.** This section is not adopted.~~

~~**404.10 Reliability.** This section is not adopted.~~

~~**404.10.1 Objective.** This section is not adopted.~~

~~**404.10.2 Clearance of fuel.** This section is not adopted.~~

~~**404.10.3 Standby power.** This section is not adopted.)) Reserved.~~



AMENDATORY SECTION (Amending WSR 23-23-107, filed 11/15/23, effective 3/16/24)

**WAC 51-55-0500 Special building construction regulations.**

~~((Section 501 General.~~

~~**501.1 General.** Buildings and structures hereafter constructed, modified, or relocated into or within the *wildland-urban interface area* shall meet the construction requirements of Sections 501.4 through 501.8.~~

~~EXCEPTIONS:~~

- ~~1. Buildings and structures with fire hazard severity determined in Section 502 and with ignition-resistant construction classification determined in Section 503.~~
- ~~2. Accessory structures not exceeding 200 square feet (18.5 m<sup>2</sup>) in floor area and where located not less than 50 feet (15,240 mm) from buildings or structures containing habitable spaces.~~
- ~~3. Agricultural buildings located not less than 50 feet (15,240 mm) from buildings or structures containing habitable spaces.~~

~~**501.2 Objective.** This section is not adopted.~~

~~**501.4 Roof covering.** Roofs shall have a roof assembly that complies with a Class A rating when tested in accordance with ASTM E108 or UL 790. For roof assemblies where the profile allows a space between the roof covering and roof deck, the space at the eave ends shall be fire-stopped to preclude entry of flames or embers or have one layer of 72-pound (32.4 kg) mineral-surfaced, nonperforated cap sheet complying with ASTM D3909 installed over the combustible roof deck.~~

~~EXCEPTIONS:~~

- ~~1. Class A roof assemblies including those with coverings of brick, masonry, or an exposed concrete roof deck.~~
- ~~2. Class A roof assemblies also include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile or slate installed on noncombustible decks or ferrous, copper or metal sheets installed without a roof deck on noncombustible framing.~~
- ~~3. Class A roof assemblies include minimum 16 oz/sq. ft. (0.0416 kg/m<sup>2</sup>) copper sheets installed over combustible roof decks.~~

~~**501.4.1 Roof valleys.** Where provided, valley flashings shall be not less than 0.019-inch (0.48 mm) (No. 26 galvanized sheet gage) corrosion-resistant metal installed over a minimum 36-inch-wide (914 mm) underlayment consisting of one layer of 72-pound (32.4 kg) mineral-surfaced, nonperforated cap sheet complying with ASTM D3909 running the full length of the valley.~~

~~**501.5 Exterior walls and projections other than decks.** Exterior walls and projections other than decks, of buildings, or structures, or *accessory structures* attached to buildings or structures with habitable spaces, shall be constructed with one of the following methods, with materials extending from the top of the foundation to the underside of the roof sheathing:~~

- ~~1. Materials approved for not less than one hour fire-resistance rated construction on the exterior side;~~
- ~~2. Approved noncombustible materials;~~
- ~~3. Heavy timber or log wall construction;~~
- ~~4. Fire-retardant-treated wood on the exterior side. The fire-retardant-treated wood shall be labeled for exterior use and meet the requirements of Section 2303.2 of the International Building Code; or~~
- ~~5. Ignition-resistant materials, complying with Section 503.2 on the exterior side.~~

~~EXCEPTION:~~ Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, attached to the first floor of a building, if when the structure is built with building materials at least two inches nominal depth and the area below the unenclosed accessory structure is screened with material with openings no greater than 1/4-inch maximum to prevent accumulation of combustibles and to prevent embers from coming in underneath.

~~**501.6 Decks and appendages.** The material of decks, porches, balconies, and stairs shall be constructed with any of the following materials:~~

- ~~1. Ignition-resistant material that complies with the minimum performance requirement of Section 503.2.~~

~~2. Exterior fire-retardant-treated wood.~~

~~3. Noncombustible material.~~

~~4. Any material that complies with the minimum performance requirements of Section 503.2 when attached exterior wall covering is also either noncombustible or ignition-resistant material.~~

~~5. Heavy timber construction consisting of the following:~~

~~5.1. Posts shall be a minimum of 6 inches x 6 inches nominal dimension.~~

~~5.2. Beams shall be a minimum of 6 inches x 8 inches nominal dimension.~~

~~5.3. Joists shall be a minimum of 4 inches x 8 inches nominal dimension spaced at no greater than 24 inches on center.~~

**501.6.1 Clearance.** ~~Decks with less than 48 inches of clearance from finished grade to deck joists shall be enclosed with screen material with openings no greater than 1/4-inch maximum to prevent accumulation of combustibles and to prevent embers from coming in underneath.~~

**501.6.2 Walking surfaces.** ~~The walking surface material of decks, porches, balconies, and stairs shall be constructed with one of the following materials:~~

~~1. Ignition-resistant material that complies with the performance requirements of Section 503.2.~~

~~2. Exterior fire-retardant-treated wood.~~

~~3. Noncombustible material.~~

~~4. Where the deck, porch, balcony, or stairs are constructed of heavy timber in accordance with Section 501.6, natural wood decking products shall be:~~

~~4.1. 2-inch nominal dimension lumber; or~~

~~4.2. 1 1/4-inch nominal hardwood (i.e., teak, mahogany, or other approved hardwood).~~

~~5. Material that complies with the performance requirements of Section 501.6.2.1 when tested in accordance with ASTM E2632 and when attached exterior wall covering is also composed of only noncombustible or ignition-resistant materials.~~

EXCEPTION: ~~Wall material shall be permitted to be of any material that otherwise complies with Section 501.5 when the decking surface material complies with the performance requirements of ASTM E84 with a Class B flame spread index.~~

**501.6.2.1 Material in Section 501.6.2, Item 5.** ~~The walking surface material shall be tested in accordance with ASTM E2632 and shall comply with the following condition of acceptance. The ASTM E2632 test shall be conducted on a minimum of three test specimens and the peak heat release rate shall be less than or equal to 25 kW/ft<sup>2</sup> (269 kW/m<sup>2</sup>). If any one of the three tests does not meet the conditions of acceptance, three additional tests shall be run. All the additional tests shall meet the condition of acceptance.~~

**501.7 Exterior glazing.** ~~Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels, glass block, or have a fire protection rating of not less than 20 minutes.~~

**501.8 Vents.** ~~Attic ventilation openings, foundation or underfloor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m<sup>2</sup>) each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed 1/4 inch (6.4 mm), or shall be designed and approved to prevent flame or ember penetration into the structure.~~

~~1. Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located not less than 10 feet (3048 mm) from lot lines. Underfloor ventilation openings shall be located as close to grade as possible.~~

## ~~502 Fire hazard severity.~~

~~502.1 General.~~ The fire hazard severity of building sites for buildings hereafter constructed, modified, or relocated into *wildland-urban interface areas* shall be established in accordance with Table 502.1. See also Chapter 8.

~~502.2 Fire hazard severity reduction.~~ The fire hazard severity identified in Table 502.1 is allowed to be reduced by implementing a vegetation management plan in accordance with Chapter 7.

~~TABLE 502.1  
FIRE HAZARD SEVERITY  
(No change to the table)~~

## ~~504 Class 1 ignition-resistant construction.~~

~~504.7 Appendages and projections.~~ Accessory structures attached to buildings with habitable spaces and projections other than decks, porches, balconies, or stairs, shall be not less than 1-hour fire-resistance-rated construction, heavy timber construction, or constructed of one of the following:

- ~~1. Approved noncombustible materials.~~
- ~~2. Fire-retardant-treated wood identified for exterior use and meeting the requirements of Section 2303.2 of the *International Building Code*.~~
- ~~3. Ignition-resistant building materials in accordance with Section 503.2.~~

EXCEPTION: Not adopted.

~~504.8 Decks and appendages.~~ The material of decks, porches, balconies, and stairs shall be constructed with any of the following materials:

- ~~1. Ignition-resistant material that complies with the minimum performance requirement of Section 503.2.~~
- ~~2. Exterior fire-retardant-treated wood.~~
- ~~3. Noncombustible material.~~
- ~~4. Any material that complies with the minimum performance requirements of Section 503.2 when attached exterior wall covering is also either noncombustible or ignition-resistant material.~~
- ~~5. Heavy timber construction consisting of the following:~~
  - ~~5.1. Posts shall be a minimum of 6 inches x 6 inches nominal dimension.~~
  - ~~5.2. Beams shall be a minimum of 6 inches x 8 inches nominal dimension.~~
  - ~~5.3. Joists shall be a minimum of 4 inches x 8 inches nominal dimension spaced at no greater than 24 inches on center.~~

~~504.8.1 Clearance.~~ Decks with less than 48 inches of clearance from finished grade to deck joists shall be enclosed with screen material with openings no greater than 1/4-inch maximum to prevent accumulation of combustibles and to prevent embers from coming in underneath.

~~504.8.2 Walking surfaces.~~ The walking surface material of decks, porches, balconies, and stairs shall be constructed with one of the following materials:

1. Ignition-resistant material that complies with the performance requirements of Section 503.2.
2. Exterior fire-retardant-treated wood.
3. Noncombustible material.
4. Where the deck, porch, balcony, or stairs are constructed of heavy timber in accordance with Section 501.6, natural wood decking products shall be:
  - 4.1. 2-inch nominal dimension lumber; or
  - 4.2. 1 1/4-inch nominal hardwood (i.e., teak, mahogany, or other approved hardwood).
5. Material that complies with the performance requirements of Section 504.8.2.1 when tested in accordance with ASTM E2632 and when attached exterior wall covering is also composed of only noncombustible or ignition-resistant materials.

EXCEPTION: Wall material shall be permitted to be of any material that otherwise complies with Section 501.5 when the decking surface material complies with the performance requirements of ASTM E84 with a Class B flame spread index.

**504.8.2.1 Material in Section 504.8.2, Item 5.** The walking surface material shall be tested in accordance with ASTM E2632 and shall comply with the following condition of acceptance. The ASTM E2632 test shall be conducted on a minimum of three test specimens and the peak heat release rate shall be less than or equal to 25 kW/ft<sup>2</sup> (269 kW/m<sup>2</sup>). If any one of the three tests does not meet the conditions of acceptance, three additional tests shall be run. All the additional tests shall meet the condition of acceptance.

**504.9 Exterior glazing.** Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels, glass block or have a fire protection rating of not less than 20 minutes.

**504.10 Exterior doors.** Exterior doors shall be approved noncombustible construction, solid core wood not less than 1 3/4 inches thick (44 mm), or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 504.8.

EXCEPTION: Vehicle access doors.

**504.11 Vents.** Attic ventilation openings, foundation or underfloor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m<sup>2</sup>) each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed 1/4 inch (6.4 mm), or shall be designed and approved to prevent flame or ember penetration into the structure.

**504.11.1 Vent locations.** Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located not less than 10 feet (3048 mm) from lot lines. Underfloor ventilation openings shall be located as close to grade as practical.

**504.12 Detached accessory structures.** Detached accessory structures located less than 50 feet (15,240 mm) from a building containing habitable space shall have exterior walls constructed with materials approved for not less than 1-hour fire resistance-rated construction, heavy timber, log wall construction, or constructed with approved noncombustible materials or fire-retardant-treated wood on the exterior side. The fire-retardant-treated wood shall be labeled for exterior

use and meet the requirements of Section 2303.2 of the *International Building Code*.

**504.12.1 Underfloor areas.** Where the detached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have underfloor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction in accordance with Section 504.5 or underfloor protection in accordance with Section 504.6.

EXCEPTION: The enclosure shall not be required where the underside of exposed floors and exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour *fire-resistance-rated construction* or *heavy timber construction* or fire-retardant-treated wood on the exterior side. The fire-retardant-treated wood shall be labeled for exterior use and meet the requirements of Section 2303.2 of the *International Building Code*.

**505 Class 2 ignition-resistant construction.**

**505.7 Appendages and projections.** *Accessory structures* attached to buildings with habitable spaces and projections, other than decks, porches, balconies, or stairs, shall be not less than 1-hour *fire-resistance-rated construction*, *heavy timber construction* or constructed of one of the following:

1. *Approved noncombustible materials.*
2. *Fire-retardant-treated wood identified for exterior use and meeting the requirements of Section 2303.2 of the International Building Code.*
3. *Ignition-resistant building materials in accordance with Section 503.2.*

EXCEPTION: Not adopted.

**505.8 Decks and appendages.** The material of decks, porches, balconies, and stairs shall be constructed with any of the following materials:

1. *Ignition-resistant material that complies with the minimum performance requirement of Section 503.2.*
2. *Exterior fire-retardant-treated wood.*
3. *Noncombustible material.*
4. *Any material that complies with the minimum performance requirements of Section 503.2 when attached exterior wall covering is also either noncombustible or ignition-resistant material.*
5. *Heavy timber construction consisting of the following:*
  - 5.1. *Posts shall be a minimum of 6 inches x 6 inches nominal dimension.*
  - 5.2. *Beams shall be a minimum of 6 inches x 8 inches nominal dimension.*
  - 5.3. *Joists shall be a minimum of 4 inches x 8 inches nominal dimension spaced at no greater than 24 inches on center.*

**505.8.1 Clearance.** Decks with less than 48 inches of clearance from finished grade to deck joists shall be enclosed with screen material with openings no greater than 1/4-inch maximum to prevent accumulation of combustibles and to prevent embers from coming in underneath.

**505.8.2 Walking surfaces.** The walking surface material of decks, porches, balconies, and stairs shall be constructed with one of the following materials:

1. *Ignition-resistant material that complies with the performance requirements of Section 503.2.*
2. *Exterior fire-retardant-treated wood.*
3. *Noncombustible material.*

4. Where the deck, porch, balcony, or stairs are constructed of heavy timber in accordance with Section 501.6, natural wood decking products shall be:

4.1. 2-inch nominal dimension lumber; or

4.2. 5/4-inch nominal hardwood (i.e., teak, mahogany, or other approved hardwood).

5. Material that complies with the performance requirements of Section 505.8.2.1 when tested in accordance with ASTM E2632 and when attached exterior wall covering is also composed of only noncombustible or ignition-resistant materials.

EXCEPTION: Wall material shall be permitted to be of any material that otherwise complies with Section 501.5 when the decking surface material complies with the performance requirements of ASTM E84 with a Class B flame spread index.

**505.8.2.1 Material in Section 505.8.2, Item 5.** The walking surface material shall be tested in accordance with ASTM E2632 and shall comply with the following condition of acceptance. The ASTM E2632 test shall be conducted on a minimum of three test specimens and the peak heat release rate shall be less than or equal to 25 kW/ft<sup>2</sup> (269 kW/m<sup>2</sup>). If any one of the three tests does not meet the conditions of acceptance, three additional tests shall be run. All the additional tests shall meet the condition of acceptance.

**505.9 Exterior glazing.** Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels, glass block or have a fire protection rating of not less than 20 minutes.

**505.10 Exterior doors.** Exterior doors shall be approved noncombustible construction, solid core wood not less than 1 3/4 inches thick (45 mm), or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 505.8.

EXCEPTION: Vehicle access doors.

**505.11 Vents.** Attic ventilation openings, foundation or underfloor vents or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m<sup>2</sup>) each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed 1/4 inch (6.4 mm) or shall be designed and approved to prevent flame or ember penetration into the structure.

**505.11.1 Vent locations.** Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located not less than 10 feet (3048 mm) from lot lines. Underfloor ventilation openings shall be located as close to grade as practical.

**505.12 Detached accessory structures.** Detached accessory structures located less than 50 feet (15,240 mm) from a building containing habitable space shall have exterior walls constructed with materials approved for not less than 1-hour fire resistance-rated construction, heavy timber, log wall construction, or constructed with approved noncombustible materials or fire-retardant-treated wood on the exterior side. The fire-retardant-treated wood shall be labeled for exterior use and meet the requirements of Section 2303.2 of the *International Building Code*.

~~**505.12.1 Underfloor areas.** Where the detached *accessory structure* is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have underfloor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction in accordance with Section 505.5 or underfloor protection in accordance with Section 505.6.~~

EXCEPTION: The enclosure shall not be required where the underside of exposed floors and exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour *fire-resistance-rated construction* or heavy-timber construction or fire-retardant-treated wood on the exterior side. The fire-retardant-treated wood shall be labeled for exterior use and meet the requirements of Section 2303.2 of the *International Building Code*.

~~**507 Replacement or repair of roof coverings.**~~

~~**507.1 General.** The *roof covering* on buildings or structures in existence prior to the adoption of this code that are replaced or have 50 percent or more replaced in a 12-month period shall be replaced with a *roof covering* required by Section 501.4 or based on the type of ignition-resistant construction as determined by Section 501.1 Exception 1.)~~ Reserved.

AMENDATORY SECTION (Amending WSR 23-02-056, 23-12-109, and 23-20-028, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

**WAC 51-55-0600 Fire protection requirements.**

~~((**602 Automatic sprinkler systems.**~~

~~**602.1 General.** An *approved* automatic sprinkler system shall be installed when required by the authority having jurisdiction.)~~ Reserved.

AMENDATORY SECTION (Amending WSR 23-02-056, 23-12-109, and 23-20-028, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

**WAC 51-55-0700 Chapter 7—Vegetation management plan.**

~~((**User note:** *About this chapter: The purpose of this chapter is to provide criteria for submitting vegetation management plans, specifying their content and establishing a criterion for considering vegetation management as being a fuel modification.*~~

~~**701 General.**~~

~~**701.1 Scope.** Vegetation management plans shall be submitted to the code official where required for review and approval as part of the plans required for a permit.~~

~~**701.2 Plan content.** Vegetation management plans shall describe all actions that will be taken to prevent a fire from being carried toward or away from the building. A vegetation management plan shall include the following information:~~

- ~~1. A copy of the site plan.~~
- ~~2. Methods and timetables for controlling, changing or modifying areas on the property. Elements of the plan shall include removal of slash, snags, vegetation that may grow into overhead electrical lines, other ground fuels, ladder fuels and dead trees, and the thinning of live trees.~~

3. A plan for maintaining the proposed fuel-reduction measures.

~~701.3 Fuel and 6/7/23 modification.~~ To be considered a fuel modification for purposes of this code, continuous maintenance of the clearance is required.) Reserved.

AMENDATORY SECTION (Amending WSR 23-02-056, 23-12-109, and 23-20-028, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

**WAC 51-55-0800 Chapter 8—Fire hazard severity form.** ((**User note:** ~~About this chapter: The purpose of this chapter is to provide an alternative methodology to using Table 502.1 for analyzing the fire hazard severity of building sites using a preassigned value/scoring system for each feature that impacts the hazard level of a building site. Included in the evaluation are site access, types and management of vegetation, percentage of defensible space on the site, site topography, class of roofing and other construction materials used on the building (existing or to be constructed on the site), fire protection water supply, and whether utilities are installed above or below ground.~~

~~801 Fire hazard severity form.~~ Where adopted, Table 801.1 is permitted to be used as an alternative to Table 502.1 for analyzing the fire hazard severity of building sites.

**TABLE 801.1**  
**FIRE HAZARD SEVERITY FORM**  
~~(No change to the table.)~~ Reserved.

AMENDATORY SECTION (Amending WSR 23-02-056, 23-12-109, and 23-20-028, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

**WAC 51-55-0900 Chapter 9—Fire danger rating system.**

((**User note:** ~~About this chapter: The fuel models included in Chapter 9 are only general descriptions because they represent all wildfire fuels from Florida to Alaska and from the East Coast to California.~~

~~The National Fire Danger Rating System (NFDRS) is a set of computer programs and algorithms that allows land management agencies to estimate today's or tomorrow's fire danger for a given rating area. NFDRS characterizes fire danger by evaluating the approximate upper limit of fire behavior in a fire danger rating area during a 24-hour period based on fuels, topography and weather, or what is commonly called the fire triangle. Fire danger ratings are guides for initiating presuppression activities and selecting the appropriate level of initial response to a reported wildfire in lieu of detailed, site- and time-specific information.~~

~~Predicting the potential behavior and effects of wildland fire are essential tasks in fire management. Surface fire behavior and fire effects models and prediction systems are driven in part by fuelbed inputs such as load, bulk density, fuel particle size, heat content and moisture content. To facilitate use in models and systems, fuelbed inputs have been formulated into fuel models. A fuel model is a set of fuelbed inputs needed by a particular fire behavior or fire effects~~



~~model. Different kinds of fuel models are used in fire spread models in a variety of fire behavior modeling systems. The fuel models in this appendix correlate with the light, medium, and heavy fuel definitions found in Chapter 2 of the code.~~

~~901 Fuel models.~~

~~901.1 General. The Fuel Model Key is provided in Table 901.1. Fuel Models are described in Sections 901.1.1 through 901.1.20.~~

~~TABLE 901.1  
FUEL MODEL KEY  
(No change to the table)~~

~~901.1.1 FUEL MODEL A. (No change to the text)~~  
~~901.1.2 FUEL MODEL B. (No change to the text)~~  
~~901.1.3 FUEL MODEL C. (No change to the text)~~  
~~901.1.4 FUEL MODEL D. (No change to the text)~~  
~~901.1.5 FUEL MODEL E. (No change to the text)~~  
~~901.1.6 FUEL MODEL F. (No change to the text)~~  
~~901.1.7 FUEL MODEL G. (No change to the text)~~  
~~901.1.8 FUEL MODEL H. (No change to the text)~~  
~~901.1.9 FUEL MODEL I. (No change to the text)~~  
~~901.1.10 FUEL MODEL J. (No change to the text)~~  
~~901.1.11 FUEL MODEL K. (No change to the text)~~  
~~901.1.12 FUEL MODEL L. (No change to the text)~~  
~~901.1.13 FUEL MODEL N. (No change to the text)~~  
~~901.1.14 FUEL MODEL O. (No change to the text)~~  
~~901.1.15 FUEL MODEL P. (No change to the text)~~  
~~901.1.16 FUEL MODEL Q. (No change to the text)~~  
~~901.1.17 FUEL MODEL R. (No change to the text)~~  
~~901.1.18 FUEL MODEL S. (No change to the text)~~  
~~901.1.19 FUEL MODEL T. (No change to the text)~~  
~~901.1.20 FUEL MODEL U. (No change to the text))~~) Reserved.

AMENDATORY SECTION (Amending WSR 23-02-056, 23-12-109, and 23-20-028, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

**WAC 51-55-1000 Chapter 10—Referenced standards.**

( (**ASTM**

~~**E2632-2020: Standard Test Method for Evaluating the Under-Deck Fire Test Response of Deck Materials**~~

~~501.6))~~) Reserved.