

Title 232 WAC GAME COMMISSION

Chapters

232-12	Permanent regulations.
232-16	Game reserves.
232-18	State Environmental Policy Act guidelines.
232-24	Temporary regulations.
232-28	Seasons and limits.

Reviser's note: Regulations pertaining to game and game fish open and closed areas; seasons and bag and catch limits are customarily promulgated by the game commission as temporary regulations. See chapter 232-24 WAC.

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 232-20

GAME MANAGEMENT UNIT AREAS

232-20-010	Game management unit descriptions. [Order 276 (uncodified), filed 8/1/68; Temp regulation No. 216-A, filed 8/16/63; Temporary regulation 203, filed 8/4/62; Temporary regulation 189, filed 8/18/61; Temporary regulation 173-B, filed 8/10/60.] For later promulgation, see chapter 232-24 WAC.
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Chapter 232-12 WAC

PERMANENT REGULATIONS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

232-12-050	Game importer's license and fee—Permit required to import. [Regulation 5, effective 1/1/64; Regulation 6, filed 4/14/60 and 3/21/60.] Repealed by Order 80, filed 4/22/76.
232-12-175	Pursuit of bear without taking or killing. [Order 2, § 232-12-175, filed 4/20/70.] Repealed by Order 14, filed 5/27/71.
232-12-290	Trapping in muskrat houses unlawful. [Regulation 29, effective 1/1/64; Regulation 28, filed 4/14/60; Regulation 30, filed 3/21/60.] Repealed by Order 2, filed 4/20/70.
232-12-315	Planting or releasing fish in state waters. [Regulation 54, filed 1/25/67.] Repealed by Order 2, filed 4/20/70.
232-12-540	Juvenile fishing and catch limits. [Temporary Regulation No. 184, filed 4/14/61; Regulation 159, filed 3/21/60.] Now codified as WAC 232-24-010.
232-12-580	Registration of snowmobiles. [Emergency and Permanent Order 580, § 232-12-580, filed 1/20/70.] Repealed by Order 16, filed 6/30/71.

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

- (1) "Director" means the director of game.
- (2) "Department" means the department of game.
- (3) "Commission" means the state game commission.
- (4) "Wildlife Agent" means any persons referred to in Title 77 RCW as "Game Protectors."
- (5) "Person" means and includes any individual, any corporation, or any group of two or more individuals acting in an individual, representative, or official capacity.

(6) "Hunt" and its derivatives, "hunting," "hunted," etc., and "trap" and its derivatives, "trapping," "trapped," etc., means any effort to kill, injure, capture, or disturb a wild animal or wild bird.

(7) "Fish" and its derivatives, "fishing," "fished," etc., means any effort made to kill, injure, disturb, capture, or catch a game fish.

(8) "Closed season" means all of the time during the entire year excepting the "open season" as specified by rule and regulation of the commission.

(9) "Open season" means the time specified by rule and regulation of the commission when it shall be lawful to hunt, trap, or fish for any game animals, fur-bearing animals, game birds, or game fish. Each period of time specified as an open season shall include the first and last days thereof.

(10) "Closed area" means any place in the state described, or designated by rule or regulation of the commission wherein it shall be unlawful to hunt or trap for game animals, fur-bearing animals, or game birds.

(11) "Closed waters" means any lake, river, stream, body of water, or any part thereof within this state described or designated by rule and regulation of the commission wherein it shall be unlawful to fish for any game fish.

(12) "Game reserve" means any "closed area" designated by the commission as a game reserve.

(13) "Game fish reserve" means any "closed waters" designated by the commission as a game fish reserve.

(14) "Bag limit" means the maximum number of game animals, game birds, fur-bearing animals, or game fish which may be taken, caught, killed, or possessed by any licensee, specified and fixed by rule and regulation of the commission for any particular period of time, or so specified and fixed as to size, sex, or species. [Order 2, § 232-12-010, filed 4/20/70; Regulation 1, effective 1/1/64; Regulation 2, filed 4/14/60, 3/21/60.]

WAC 232-12-015 Classification of game fish. Game fish hereby classified to include any *Salmo gairdneri* commonly known as rainbow and steelhead trout, *Salmo clarkii* commonly known as cutthroat trout, *Salmo salar* commonly known as Atlantic salmon, *Salvelinus fontinalis* commonly known as eastern brook trout, *Oncorhynchus nerka* commonly known as kokanee or silver trout, *Salvelinus namaycush* commonly known as lake or mackinaw trout, *Salmo aquabonita* commonly known as golden trout, *Micropterus salmoides* commonly known as largemouth bass, *Micropterus dolomieu* commonly known as smallmouth bass, *Chaenobryttus gulosus* commonly known as warmouth bass, *Prosopium williamsoni* commonly known as mountain white fish, *Perca flavescens* commonly known as yellow perch, *Pomoxis annularis* commonly known as white crappie, *Pomoxis nigromaculatus* commonly known as black crappie, *Lepomis macrochirus* commonly known as bluegill sunfish, *Lepomis gibbosus* commonly known as pumpkinseed sunfish, *Ictalurus nebulosus* commonly known as brown bullhead catfish, *Ictalurus melas* commonly known as black bullhead catfish, *Ictalurus punctatus* commonly known as channel catfish, *Ictalurus furcatus* commonly known as blue catfish, *Thymallus*

articus commonly known as grayling *Salvelinus malma* commonly known as Dolly Varden, *Salmo trutta* commonly known as brown trout, *Ambloplites rupestris* commonly known as rock bass, *Coregonus clupeaformis* commonly known as lake whitefish, *Stizostedion vitreum vitreum* commonly known as walleye, *Lota lota* commonly known as freshwater ling (burbot), *Ictalurus natalis* commonly known as yellow bullhead catfish, *Lepomis cyanellus* commonly known as green sunfish. [Order 59, § 232-12-015, filed 9/4/74; Order 33, § 232-12-015, filed 7/10/72; Order 19, § 232-12-015, filed 9/2/71; Order 2, § 232-12-015, filed 4/20/70; Order 58, filed 9/11/69.]

WAC 232-12-020 Definition of eastern and western Washington counties. That eastern and western Washington shall, for purposes of all rules and regulations of the state game commission, be defined to include the following named counties:

(1) Eastern Washington: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima counties, and that part of Klickitat County lying east of the Big White Salmon River.

(2) Western Washington: Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum and Whatcom counties, and that part of Klickitat county lying west of the Big White Salmon River.

(3) The Big White Salmon River in Klickitat county shall be classified as part of eastern Washington. [Regulation 2, effective 1/1/64; Regulation 5, filed 4/14/60 and 3/21/60.]

WAC 232-12-030 Classification of wild birds. Wild birds are hereby classified into the following groups; game birds, including migratory game birds and upland game birds; predatory birds; nongame birds and harmless or song birds.

(1) Migratory game birds shall include the family Anatidae or waterfowl commonly known as geese, brant, swan, surface-feeding ducks, diving ducks and mergansers; the Rallidae commonly known as rails, gallinules and coots or mud hens; the Wilson's snipe or jacksnipe; the Columbidae commonly known as mourning doves and band-tailed pigeons.

(2) Upland game birds shall include: wild turkey; white-tailed ptarmigan; sage grouse (sage hen); sharp-tailed grouse; blue grouse; spruce grouse (Franklin grouse); ruffed grouse (native pheasant); ring-necked, Chinese, Mongolian mutant and all other pheasants of the genus Phasianus; gray or Hungarian partridge; chukar, red-legged and all other partridges of the genus Alectoris; Chilean tinamou of the genus Nothoprocta; bob-white quail and all other quail of the genus Colinus; California quail and all other quail of the genus Lophortyx; mountain quail and all other quail of the genus Oreortyx; scaled quail and all other quail of the genus Callipepla.

(3) Predatory birds shall include magpie, crow, English sparrow, starling.

(4) Nongame birds and harmless or song birds shall include all other wild birds not heretofore classified as game birds or predatory birds. Captive wild birds not classified above and foreign to the United States shall not be included within this classification. [Order 81, § 232-12-030, filed 5/26/76; Regulation 3, effective 1/1/64; Regulation 55, filed 9/14/61; Regulation 53, filed 5/16/61; Regulation 3, filed 4/14/60 and 3/21/60.]

WAC 232-12-040 Classification of wild animals. Certain wild animals are hereby classified as game animals, fur-bearing animals, and protected wildlife.

(1) Game animals shall include deer of the genus *Odocoileus*, commonly known as whitetail, blacktail, and mule deer; elk, *Cervus canadensis* including Roosevelt and Rocky Mountain races; moose, *Alces alces*; antelope, *Antilocapra americana*; mountain sheep, *Ovis canadensis*; mountain goat, *Oreamnos americanus*; black bear, *Euarctos americanus*; cougar, *Felis concolor*; bobcat, *Lynx rufus*; raccoon, *Procyon lotor*; cottontail rabbit, *Sylvilagus floridanus*, *nuttallii* and *audubonii*; snowshoe hare or rabbit, *Lepus americanus*; blacktailed jack rabbit, *Lepus californicus*; yellow-bellied marmot or rock chuck, *Marmota flaviventris*; bullfrog, *Rana catesbeiana*; and White Fallow deer, *Dama dama*, in Grant and Douglas counties: *Provided*, That failure to utilize all or part of cougar, bobcat, raccoon, jack rabbit, or yellow-bellied marmot shall not constitute [constitute] needless wastage under the provisions set forth in RCW 77.16.090.

(2) Fur-bearing animals shall include beaver, *Castor canadensis*; muskrat, *Ondatra zibethica*; mink, *Mustela vison*; otter (river), *Lutra canadensis*; marten, *Martes americana*; Canada lynx, *Lynx canadensis*; bobcat, *Lynx rufus*; badger, *Taxidea tazus*; raccoon, *Procyon lotor*; weasel, *Mustela erminea* and *frenata*; and fox including only those found within the National Forest Boundary, *Vulpes fulva*.

(3) Protected wildlife shall include grizzly bear, *Ursus chelan*; caribou, *Rangifer tarandus*; sea otter, *Enhydra lutris*; fur seal, *Callorhinus ursinus*; fisher, *Martes pennanti*; wolverine, *Gulo luscus*; timber wolf, *Canis lupus*; gray squirrel, *Sciurus griseus* and *carolinensis*; douglas squirrel, *Tamiasciurus douglasii*; red squirrel, *Tamiasciurus hudsonicus*; flying squirrel, *Glaucomys sabrinus*; golden-mantled ground squirrel, *Callospermophilus saturatus*; chipmunks, *Eutamias*, all species found wild in Washington; cony or pika, *Ochotona princeps*; whitetailed jackrabbit, *Lepus townsendii*; hoary marmot, *Marmota caligata* and *olympus*; pigmy rabbit, *Sylvilagus idahoensis*; fox squirrel, *Sciurus niger*; and all wild turtles in Western Washington including Pacific Terrapin, *Clemmys marmorata*; Western Painted Turtle, *Chrysemys picta*; and Green Turtle, *Chelonia mydas*. [Order 7, § 232-12-040, filed 7/23/70; Order 2, § 232-12-040, filed 4/20/70; Order 4, § 232-12-040, filed 7/31/69, effective 10/10/69; Regulation 4, filed 5/17/68; Regulation 4, filed 6/21/67, 5/31/66, 1/1/64; Order, filed 4/14/60 and 3/21/60.]

WAC 232-12-060 Report and permit required to import and retain game carcasses. (1) Any person who imports or brings the carcass of any game animal, fur-bearing animal, game bird or parts thereof into the state of Washington from any other state or country shall report such fact to the director or a game protector within three days thereafter.

(2) The director or any game protector may issue a permit authorizing retention of the carcass of any such game animals, game birds or parts thereof upon receipt of proof that such game was legally taken outside of this state. The permit so issued shall be kept with such animals, birds or parts thereof during the period of retention. [Regulation 6, effective 1/1/64; Regulation 7, filed 4/14/60 and 3/21/60.]

WAC 232-12-070 Game farmer license provisions.

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

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

- (a) Game animals ————— bullfrog
- (b) Fur-bearing animals ————— muskrat and
beaver
- (c) Game birds ————— Chinese pheasant
wild turkey
Hungarian
partridge
quail
chukar partridge
ducks
geese and
Brant
- (d) Game fish ————— trout

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

Special permits may be issued if it appears to the commission that the acquisition, breeding, growing, keeping or disposition of the wild animal, wild bird or game fish will not adversely affect any person or property and does not conflict with any plan, program or policy of the department or principle of conservation.

Application for a special permit shall be made to the director on forms supplied by the department. The director shall cause a report to be made to the commission describing the property, the proposed method of operation, the effect upon neighboring waters and areas and

providing such other information as may aid the commission in its determination. The commission may request the licensee to appear before the commission before a permit will be issued. [Order 95, § 232-12-070, filed 1/14/77; Regulation 7, effective 1/1/64; Regulation 52, filed 5/16/61; Regulation 8, filed 4/14/60 and 3/21/60.]

WAC 232-12-080 Game farmer invoice requirements. Any sale of game animals, game birds, or game fish (dead or alive) or the eggs thereof, made by a licensed game farmer shall be accompanied by an invoice. This invoice shall show the game farmer's name, his address, date of sale, number of each species sold, and name and address of purchaser. Said invoice shall be retained by the purchaser during the time such species are in his possession or under his control. [Regulation 8, effective 1/1/64; Regulation 9, filed 4/14/60 and 3/21/60.]

WAC 232-12-090 Acquisition of game by game farmer. A licensed game farmer may acquire such animals, birds or fish as he is entitled to possess, only from a licensed game farmer within the state or from a lawful private breeder outside the state. The director may issue a permit to any licensed game farmer which shall entitle the holder thereof to take from the wild any live game bird for propagation purposes: *Provided*, That said permit shall not exceed four birds of any species. [Regulation 9, effective 1/1/64; Regulation 10, filed 4/14/60 and 3/21/60.]

WAC 232-12-100 Shooting preserves—Licensing—Permits—Operation[s]. Any private game farm licensed under the provisions set forth in chapter 77.28 RCW may function as a private shooting preserve and dispose of such game birds that may be produced or acquired by releasing for the purpose of hunting. The permittee be required to abide by the following rules:

(1) Each person desiring to operate a private shooting preserve[s] shall make application to the director of game on forms supplied for this purpose. The application shall describe the location of the preserve, the total acreage, the species of game birds to be hunted, and such further information as the director may require.

(2) The director shall cause an investigation to be made of the property described in the application. This investigation shall also determine the number of wild game birds produced annually on the proposed shooting preserve area.

(3) Private shooting preserves will contain a minimum of one hundred acres and a maximum of one thousand acres in a contiguous block. The land must be owned by the applicant or leased by the applicant for a minimum of five years.

(4) Shooting preserves will not be licensed for shooting migratory waterfowl on areas that contain lakes or ponds in excess of two acres of surface water and will not be established within one half mile of bodies of water in excess of two acres.

(5) Shooting preserves will not be located on land having a projected fall population of wild upland game birds in excess of 20 birds per one hundred acres.

(6) Shooting preserves will not be located within one mile of a public hunting area owned or controlled by the Department of Game, except those lands controlled by year-to-year agreement.

(7) The boundary of [such] shooting preserve[s] shall be posted with signs[,] approved by the director of game, at such intervals and in such a manner as he may direct.

(8) The permittee shall release not less than one game bird per acre, annually.

(9) Any game bird taken from a private shooting preserve shall be accompanied by an invoice showing the permittee's name, address, date of sale, number of each species sold and the name and address of the hunter. Said invoice shall be retained by the hunter during the time such species are in his possession.

(10) The permittee shall during the months of September or October each year deliver to the department of game the specified number of live game birds as determined under subsection (2) or cause to be paid to the department of game the fair market value for the specified number of game birds at twelve weeks of age. Game birds delivered to the department of game shall be sixteen weeks of age, fully feathered and in a sound and healthy condition as determined by the department of game.

(11) If it appears that the applicant has complied with the laws and regulations, the applicant may appear before the commission and request a private shooting preserve permit be granted.

(12) Applications for private shooting preserve permits will be considered by the game commission only at the regular July or August commission meeting.

(13) The state game commission may revoke, cancel, or suspend the permit of any permittee who has been found guilty of any violation of the game laws or rules and regulations of the commission, or for failure to comply with the provisions heretofore set forth. The permittee shall first be given an opportunity to appear before the commission at one of its regular meetings and then be given a reasonable time, not to exceed ninety days, to dispose of his stock of game birds. [Order 98, § 232-12-100, filed 7/15/77; Regulation 10, filed 6/21/67; Regulation 10, effective 1/1/64; Regulation 46, filed 4/14/60; Regulation 51, filed 3/21/60.]

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

WAC 232-12-105 Shooting preserve for wild animals. A game farm licensed under the provisions set forth in chapter 77.28 RCW may function as a private shooting preserve for wild animals and may allow hunting of such animals under the following conditions, and it shall be unlawful to import or propagate wild animals for the purpose of hunting without obtaining such license.

(1) Each person desiring to operate a private shooting preserve for wild animals shall make application to the director on forms supplied by the department.

(2) Permission to keep wild animals for hunting must be obtained from the commission pursuant to the provisions of WAC 232-12-070.

(3) The following animals may not be kept or hunted on a private shooting preserve for wild animals: Classified native game animals, endangered species of wildlife, protected wildlife.

(4) No private shooting preserve for wild animals shall contain less than 300 acres, and the cover and terrain must be such that hunting skill is required to stalk and bag an animal.

(5) No wild animals shall be hunted on a shooting preserve unless they have been released on the preserve for at least one month.

(6) Perimeter fences or natural barriers sufficient to contain wild animals shall be required on all sides of a private shooting preserve for wild animals.

(7) Any wild animal taken from a private shooting preserve shall be accompanied by an invoice showing the game farmer's name, his address, date of sale, and the name and address of hunter. Said invoice shall be retained with the animal while in transportation to the hunter's home or taxidermist's shop.

(8) If it appears that an applicant can comply with the above provisions, the applicant shall appear before the commission and request that a private shooting preserve permit for wild animals be granted.

(9) The commission may revoke or cancel the permit or any permittee for failure to comply with the provisions set forth above: *Provided*, That the permittee shall first be given an opportunity to appear before the commission. [Order 26, § 232-12-105, filed 1/14/72.]

WAC 232-12-110 Permit for holding field trials.

(1) Except as authorized by permit issued by the director, no field trials for hunting dogs shall be held during the months of April, May, June and July. No field trials where live birds are used may be held without such permit.

(2) Applications for such permit shall be filed with the director at least fifteen days before the proposed date for holding such trials. Such application shall state the time and place the field trials will be held, the names of all sponsors and persons who will conduct the trials, whether or not live birds will be shot, and such other pertinent information as the director may require.

(3) The director shall make such additional investigation as he deems necessary and may issue the permit or may deny the same if good cause exists for so doing. [Regulation 11, effective 1/1/64; Regulation 23, filed 4/14/60; Regulation 24, filed 3/21/60.]

WAC 232-12-120 Use of game for training dogs or for field trials—Tagging requirements. (1) Any game bird or game animal legally acquired to be used for the purpose of training dogs or competitive field trials shall have attached a metal band or tag provided by the director of game for the purpose of identifying said game birds or game animals.

(2) The director of game shall furnish upon request to any game farmer or dog trainer such metal bands or tags to be used for identification. Such tag or band shall be furnished at cost by the department of game.

(3) Any game bird or game animal to be used for training or field trials shall be tagged before being transported to such trials or training areas. Any band or tag so used shall remain on the bird or animal so tagged. [Regulation 12, effective 1/1/64; Regulation 24, filed 4/14/60; Regulation 25, filed 3/21/60.]

WAC 232-12-130 Unlawful firearms for hunting.

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

(a) Any fully automatic firearm.

(b) Any pistol or revolver,

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

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

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

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

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

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

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

(5) No person shall hunt any game bird except blue grouse, spruce grouse, ruffed grouse with a rifle or pistol: *Provided*, That a rifle may be used to hunt wild turkey during the fall hunting season.

(6) No person shall hunt game animals or game birds with a crossbow. [Order 110, § 232-12-130, filed 10/27/77; Order 2, § 232-12-130, filed 4/20/70; Regulation 13, filed 6/21/67; Regulation 13, filed 8/24/65; Regulation 13, effective 1/1/64; Regulation 34, filed 4/14/60; Regulations 36 and 46, filed 3/21/60.]

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

WAC 232-12-135 Muzzle-loading rifles. (1) No person shall hunt any game animal during any special primitive muzzle-loading season with any firearm which does not meet the following definition of muzzle-loader:

(a) Muzzle-loader means any single or double barrel wheel lock, matchlock, flintlock or percussion rifle with exposed ignition in which the black powder and ball or bullet must be loaded from the muzzle. If the rifle has a removable breech plug, such removal must require the use of tools. Minimum barrel length is 20 inches and minimum caliber is .40, such measurement to be taken from land to land in the barrel. Ignition is to be wheel lock, matchlock, flintlock, or percussion using original style percussion caps that fit on the nipple and are exposed to the elements. Sights are to be iron sights. Telescopic sights or sights containing glass are prohibited.

(b) Only one barrel of a double barrel muzzle-loader may be loaded at one time while hunting in a special primitive muzzle-loading season. [Order 56, § 232-12-135, filed 7/11/74; Order 2, § 232-12-135, filed 4/20/70.]

WAC 232-12-140 Bow and arrow requirements. (1)

Any person hunting deer, bear, elk, mountain goat, mountain sheep or cougar with a bow and arrow must be equipped with a bow that possesses not less than 40 pounds of pull measured at 28 inches or less draw length, and it shall be unlawful for any person to hunt said animals with a bow and arrow unless he is so equipped.

(2) It shall be unlawful to hunt deer, bear, elk, mountain goat, mountain sheep or cougar with any arrows other than arrows having sharp broadhead blade or blades at least seven-eighths inches wide. The broadhead must be unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width, forming a smooth line toward the feather end of the shaft and such line shall not angle toward the point.

(3) It shall be unlawful to hunt wild animals with any firearm in any area designated for bow and arrow hunting only, during the bow and arrow season specified for that area. [Order 80, § 232-12-140, filed 4/22/76; Regulation 14, filed 6/21/67; Regulation 14, effective 1/1/64; Regulation 57, filed 8/1/63; Regulation 54, filed 7/3/61; Regulation 35, filed 4/14/60.]

WAC 232-12-150 Hunting from aircraft, boats, automobiles, etc.—Unlawful. (1) No person shall use any type of aircraft for the purpose of spotting, locating, or reporting the location of game animals, game birds, or game fish.

(2) No person shall shoot at or kill any game birds or game animals from any vehicle, aircraft, or from any boat propelled by motor unless the motor of such boat has been completely shut off and its progress therefrom has ceased.

(3) No person shall use any vehicle, aircraft, or motor-propelled boat for the purpose of pursuing, concentrating, stirring up, rallying, or disturbing any game animals or game birds. [Order 2, § 232-12-150, filed 4/20/70; Regulation 15, effective 1/1/64; Regulation 38, filed 4/14/60; Regulation 39, filed 3/21/60.]

WAC 232-12-160 Big game supplemental tag—Tagging requirements. (1) It shall be unlawful for any

person to hunt any deer, elk, mountain goat, mountain sheep, turkey or bear without first having procured from the director a tag to be known as a supplemental deer, elk, mountain goat, mountain sheep, turkey or bear tag, in addition to any other licenses required to hunt the above-mentioned game animals and birds.

(2) Any person who kills a deer, elk, mountain goat, mountain sheep, turkey or bear shall immediately remove by cutting out the designated notches from his own tag corresponding to the date of the kill. Any person who kills such animal or bird, shall immediately attach his own tag to the carcass of such animal or bird, and retain said tag attached to the carcass while transporting it and until such animal or bird is processed.

(3) A valid tag shall mean a tag issued to the bearer by an authorized agent and one which has not been altered in any manner prior to attaching the tag to the carcass of a legally killed deer, elk, mountain goat, mountain sheep, turkey or bear. [Order 2, § 232-12-160, filed 4/20/70; Regulation 16, filed 6/21/67; Regulation 16, effective 1/1/64; Regulation 45, filed 4/14/60; Regulation 50, filed 3/21/60.]

WAC 232-12-170 Holding game animals, furbearing animals or game birds in captivity, unlawful. It shall be unlawful for any person to take from the wild and/or hold in captivity any game animals, game fish, furbearing animals, or game birds unless such capture and/or holding is authorized by a permit issued by the director, or his designated representative or under the provisions of a game farmer license. [Order 80, § 232-12-170, filed 4/22/76; Order 68, § 232-12-170, filed 7/21/75; Order 14, § 232-12-170, filed 5/27/71; Order 2, § 232-12-170, filed 4/20/70; Regulation 17, effective 1/1/64; Regulations 10 and 11, filed 4/14/60 and 3/21/60.]

WAC 232-12-171 Commercial use of wildlife prohibited. It shall be unlawful for any person to possess, hold, or utilize any game animal, game bird, furbearing animal or protected wildlife as a commercial venture for financial gain except under the provisions of a Game Farmer's License: *Provided*, That this regulation does not apply to municipal, county, state, federal or other officially sanctioned zoo. [Order 95, § 232-12-171, filed 1/14/77.]

WAC 232-12-173 Catching, killing, taking, or holding protected wildlife in captivity, unlawful. It shall be unlawful to catch or kill or take from the wild or hold in captivity any animals classed as protected wildlife: *Provided*, That this section shall not prohibit the holding without a permit of such animals legally acquired. [Order 14, § 232-12-173, filed 5/27/71.]

WAC 232-12-180 Time limit for possession of game—Extensions. (1) Any person who has lawfully acquired possession of any game animals or game birds may retain possession thereof for purposes of human consumption until the subsequent first day of August.

(2) Any such person who desires to retain possession of any such game animals or game birds after said date

for the aforesaid purpose shall be required to submit a written declaration of the quantity, type and location of such game in his possession to any office of the department of game. [Regulation 18, effective 1/1/64; Regulation 20, filed 4/14/60; Regulation 21, filed 3/21/60.]

WAC 232-12-190 Tag required for storing or processing game. It shall be unlawful for any person to accept for storage, smoking, freezing or other processing any game animals, game birds or game fish, or parts thereof, without such animals, birds or fish, or parts thereof, having attached thereto a tag showing the owner's name and address or a seal or tag issued by the department. [Regulation 19, effective 1/1/64.]

WAC 232-12-200 Transportation of game taken by another. That no person shall transport game animals, game birds or game fish or parts thereof taken by another unless such game birds, game animals and game fish are clearly marked showing name, address and hunting or fishing license number of the taker and date taken.

When such game animals, game birds or game fish are marked as provided heretofore and are in transportation they shall not be construed to be in excess of the possession limit of the person transporting same. [Regulation 20, effective 1/1/64; Regulation 21, filed 4/14/60; Regulation 22, filed 3/21/60.]

WAC 232-12-210 Tagging requirements of game taken by another—Ownership. It shall be unlawful to accept as a gift or possess any game animals, game birds, or game fish taken by another person in the state of Washington unless said game animals, game birds, or game fish are accompanied by a written statement showing the taker's name, address, license number and date taken.

No person may claim ownership to or possess more game animals, game birds, or game fish, taken within the state of Washington than the possession limit established by the commission: *Provided*, That a person may possess more steelhead trout or other game fish than the possession limit if said steelhead or game fish were lawfully caught by a treaty Indian and are accompanied by a written statement showing taker's name, address, tribal affiliation and treaty fishing identification card, numbers of fish, location where taken, and date taken: *Provided*, further, that provisions of this regulation shall not apply to steelhead trout or other game fish purchased from a department of game licensed fish buyer. For purposes of this regulation, a licensed fish buyer means a person in possession of a valid department of game fish buyer's permit. [Order 62, § 232-12-210, filed 10/9/74; Regulation 21, effective 1/1/64; Regulation 22, filed 4/14/60; Regulation 23, filed 3/21/60.]

WAC 232-12-211 Requirements to possess Indian caught steelhead. No person other than a treaty Indian shall buy, accept as a gift or possess steelhead trout or other game fish that were lawfully caught by a treaty Indian unless said fish are accompanied by a written

statement showing taker's name, address, tribal affiliation and treaty fish identification card, number of fish, location where taken and date taken: *Provided*, That provisions of this regulation shall not apply to steelhead trout or other game fish purchased from a department of game licensed fish buyer. For purposes of this regulation, a licensed fish buyer means a person in possession of a valid department of game fish buyer's permit. [Order 62, § 232-12-211, filed 10/9/74.]

WAC 232-12-212 Commercial buying and processing of steelhead trout. (1) No person, firm, corporation engaged in business as a fish buyer, processor or distributor shall buy, sell or possess with intent to sell any steelhead trout or parts thereof, without having acquired and possessing a valid department of game fish buyer's permit: *Provided*, That the above provisions shall not apply to an individual buying lawfully caught treaty Indian steelhead trout for personal consumption.

(a) A department of game fish buyer's permit shall be issued annually and shall be in force for the fiscal year (July 1 to June 30).

(b) Such permit may be obtained by applying to the Department of Game, 600 North Capitol Way, Olympia, Washington. There shall be no fee for these permits.

(c) The permit, or a copy thereof, shall be in possession of person buying steelhead or parts thereof.

(d) Such permits are nontransferable.

(e) Such permits authorize a person, firm, or corporation to buy only those steelhead or parts thereof caught by treaty Indians possessing a valid federal or tribal fishing identification card during a lawful open season.

(2) A person, firm, or corporation holding a valid department of game fish buyer's permit at the time of receiving, possessing, or buying steelhead or parts thereof, directly from a treaty Indian must comply with the following:

(a) Fill out a department of game steelhead receiving ticket designating name of seller, tribal affiliation, treaty fishing identification card number, numbers of fish [and] or parts thereof, marine area or river where caught[,], signature of the person who is directly receiving, buying or picking up the fish.

(b) Transmit fish tickets daily to the department of game.

(c) Retain a copy of the steelhead receiving ticket with the steelhead or parts thereof as long as the fish are in the possession of the permittee or his designated representative.

(3) In addition to any other penalties provided by law, violations of any of these rules may result in the suspension and/or revocation of the fish buyer's permit. [Order 98, § 232-12-212, filed 7/15/77; Order 72, § 232-12-212, filed 8/22/75; Order 62, § 232-12-212, filed 10/9/74.]

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

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WAC 232-12-213 Records for purchase and receipt of steelhead trout. (1) Every fish canner, fish buyer, retail fish dealer, or wholesale fish dealer shall keep a record of the number of steelhead received and purchased in accordance with established rules and regulations.

(2) In addition to the records required in connection with the purchase of steelhead trout, a record of all sales of steelhead trout shall be maintained by licensed wholesale fish dealers, canners or buyers for a period of three years and shall be subject to inspection by the director of Game or his duly authorized representative. Such record of sales shall include:

(a) Name and address of each person to whom steelhead are sold.

(b) Number and pounds of each sale identified as whole or round weight or dressed weight.

(c) Date of each delivery.

(3) In addition to any other penalties provided by law, violation of this section may result in the suspension and/or revocation of the Fish Buyer's Permit. [Order 88, § 232-12-213, filed 9/13/76.]

WAC 232-12-214 Transportation of steelhead trout. (1) All transportation companies, common carriers, or other persons or agencies transporting steelhead trout as a commercial service shall require of the shipper, before accepting such shipments, a signed statement in writing showing:

(a) The name and address of the consignee.

(b) The name and address of the consignor.

(c) The net weight in pounds and number of steelhead specifying whole or dressed weight, in the shipment.

(d) The date of the shipment.

(2) A copy of the signed statement shall be forwarded by the carrier to the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, within seven days of said shipment. [Order 88, § 232-12-214, filed 9/13/76.]

WAC 232-12-215 Proper marking on packages and containers of steelhead trout. (1) Any package or container containing steelhead trout transported or delivered for transportation shall be clearly and conspicuously marked on the outside thereof indicating:

(a) Species.

(b) Number of steelhead trout contained therein.

(c) Name and address of the consignee.

(d) Name and address of the consignor.

(2) In addition, all shipments of steelhead trout shall be accompanied with a bill of lading indicating shippers name and address, number of steelhead trout being shipped and date and destination of shipment. [Order 88, § 232-12-215, filed 9/13/76.]

WAC 232-12-220 Possession of game unlawful. It shall be unlawful for any person to have in his possession or under his control any wild animal, wild bird, game fish, or parts thereof which was taken or possessed contrary to law or rule and regulation of the commission. [Order 38, § 232-12-220, filed 4/12/73; Regulation 22, effective 1/1/64; Regulation 47, filed 4/14/60.]

WAC 232-12-230 Falconry and captive propagation of raptors permitted. The director, or his authorized representative, may issue permits for the taking and possession of any raptor for the purpose of falconry, and for the possession of any raptor for the purpose of captive live propagation, and for the possession, transfer, use and disposition of adult birds and progeny thereof, except for those species restricted by the state or that appear on the federal endangered species list. However, any endangered raptor held legally before December 28, 1973 may be retained for falconry use under these regulations. Such permits will be restricted to residents of the state of Washington. [Order 88, § 232-12-230, filed 9/13/76; Order 68, § 232-12-230, filed 7/21/75; Order 50, § 232-12-230, filed 1/21/74, effective 3/1/74; Order 2, § 232-12-230, filed 4/20/70; Regulation 23, effective 1/1/64.]

WAC 232-12-231 Falconry definitions. (1) "Raptor" means a live migratory bird of the family *Accipitridae*, other than the bald eagle (*Haliaeetus leucocephalus*), or of the family *Falconidae*, or the great horned owl (*Bubo virginianus*), of the family *Strigidae* whether indigenous to the United States or foreign.

(a) "Eyas" means any raptor originally taken from the nest or fledgling raptor taken before the juvenile flight feathers have become hard panned (fully grown).

(b) "Passage hawk" means any raptor originally taken after the juvenile flight feathers have become hard panned and before attaining adult plumage.

(c) "Haggard" means any raptor originally taken after attaining adult plumage.

(d) "Captive-bred raptor" means any progeny of a mating of raptors in captivity.

(2) "Take" means to trap or capture or attempt to trap or capture a raptor from the wild for the purpose of falconry.

(3) "Falconry" means the possession and use of raptors for the purpose of hunting or free flight training.

(4) "Falconry facilities" mean the areas, mews, buildings, structures or enclosures or portions thereof designed for the purpose of providing shelter or housing for raptors held for the purpose of falconry, including all furnishings thereof.

(5) "Falconry equipment" mean the perches, swivels, jesses, leashes, lures, traps, snares, nets, harnessed bait bird or other implement utilized in trapping, transporting, keeping, training or flying raptors for the purpose of falconry. [Order 88, § 232-12-231, filed 9/13/76; Order 50, § 232-12-231, filed 1/21/74, effective 3/1/74.]

WAC 232-12-232 Falconry permits required. (1) It shall be unlawful for any person to possess any raptor for the purpose of falconry or to engage in the practice of falconry without first obtaining and having upon his person a valid "Falconry Permit".

(2) The director, or his authorized representative, may issue three classes of falconry permits as follows:

(a) "Novice Falconry Permits" may be issued to qualified applicants who show to the satisfaction of the

director, or his authorized representative, by written application on forms provided that the applicant:

(i) is at least fourteen years of age,

(ii) is sponsored by a holder of a "General or Master Falconry permit", who shall sign said application,

(iii) has an adequate knowledge of the care of raptors, of the practice of falconry, and of the Washington State Game Code and regulations pertaining to falconry, and

(iv) will provide adequate falconry facilities and equipment, feed, care and management.

(b) "General Falconry Permits" may be issued to qualified applicants who show to the satisfaction of the director, or his authorized representative, by written application on forms provided that the applicant:

(i) is at least eighteen years of age,

(ii) has had at least two years of falconry experience under a valid "Novice Falconry Permit" or its equivalent, and is sponsored by two holders of a General or Master category, who shall sign said application,

(iii) has a working knowledge and practical expertise in the care of raptors, of the practice of falconry and of the Washington State Game Code and regulations pertaining to falconry, and

(iv) will provide adequate falconry facilities and equipment, feed, care and management.

(c) "Master Falconry Permits" may be issued to qualified applicants who show to the satisfaction of the director, or his authorized representative, provided that the applicant:

(i) has had at least five years experience as a general falconer, or its equivalent, and

(ii) has a working knowledge and practical expertise in the care of raptors, of the practice of falconry and of the Washington State Game Code and regulations pertaining to falconry, and

(iii) passes a review board of not over four members made up of person appointed by the director or his authorized representative, and

(iv) will provide adequate falconry facilities and equipment, food, care and management.

(3) The director, or his authorized representative, may require any applicant or any person holding a valid falconry permit to satisfactorily complete written or oral examinations upon initial application. Said examinations shall be passed with a score of at least 80 percent.

(4) Facilities and equipment. The director or his authorized representative shall inspect and certify the applicant's raptor housing facilities and falconry equipment as meeting the following standards before any permit is issued.

(a) Facilities. The primary consideration for raptor housing facilities whether indoors (mews) or outdoors (weathering area) is protection from the environment, predators, or undue disturbance. The applicant shall have the following facilities, except that depending upon climatic conditions, the issuing authority may require only one of the facilities described below.

(i) Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one incompatible raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions and the area for each bird shall be

large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of bird's body, and a secure door that can be easily closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

(ii) Unsupervised outdoor facilities (weathering area) should be fenced or covered to protect the birds from disturbance and attack by predators. The enclosed area shall be large enough to insure the birds cannot strike the fence when flying from the perch. Adequate perches shall be provided.

(b) Equipment. The following items shall be in the possession of the applicant before he can obtain a permit or license.

(i) Jesses - At least one pair of Alymeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. (Traditional one-piece jesses may be used on raptors when not being flown.);

(ii) Leashes and swivels - At least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design;

(iii) Bath container - At least one suitable container, two to six inches deep and wider than the length of the raptor, for drinking and bathing for each raptor;

(iv) Outdoor perches - At least one weathering area perch of an acceptable design shall be provided for each raptor; and

(v) Weighing device - A reliable scale or balance suitable for weighting the raptor(s) held and graduated to increments of not more than 1/2 ounce (15 gram) shall be provided.

(c) Maintenance. All facilities and equipment shall be kept at or above the preceding standards at all times.

(d) Temporary holding facilities: A raptor may be transported or held by the permittee in temporary facilities which shall be provided with an adequate perch and protected from extreme temperatures and excessive disturbances for a period not to exceed 30 days.

(5) The director, or his authorized representative, may periodically inspect the falconry facilities and equipment and raptors of any applicant or holder of a falconry permit at reasonable times. [Order 88, § 232-12-232, filed 9/13/76; Order 50, § 232-12-232, filed 1/21/74, effective 3/1/74.]

WAC 232-12-233 Limitation on possession of raptors. (1) No holder of a "Novice Falconry Permit" shall have in his possession or under his control more than one raptor and such raptor shall be limited to the American Kestrel (*Falco sparverius*) or Red-Tailed Hawk (*Buteo jamaicensis*) and may not obtain more than one raptor for replacement in any 12 month period.

(2) No holder of a "General Falconry Permit" shall have in his possession or under his control for falconry purposes more than two raptors. A general permittee may not obtain more than one raptor for replacement in any 12 month period.

(a) A general permittee may not take, transport, or possess any species listed as threatened or endangered.

Except, that any endangered raptor legally held prior to December 28, 1973 may be transported or possessed.

(3) No holder of a "Master Falconry Permit" shall have in his possession or under his control for falconry purposes more than three raptors, and may not obtain more than one raptor for replacement during any 12 month period.

(a) A master permittee may not take, transport, or possess any species listed as endangered. Except, that any endangered raptor legally held prior to December 28, 1973 may be transported or possessed.

(4) It shall be unlawful for any holder of a falconry permit to have in his possession or under his control, or to capture or to attempt to capture, any species of raptor specifically prohibited by the director, or his authorized representative, on the holder's "Falconry Permit" or his "Raptor Capture Permit".

(5) Bald eagles, vultures, osprey and all owls, except the great horned owl, may not be possessed for falconry or propagation purposes. [Order 88, § 232-12-233, filed 9/13/76; Order 68, § 232-12-233, filed 7/21/75; Order 50, § 232-12-233, filed 1/21/74, effective 3/1/74.]

WAC 232-12-234 Permit required for capture, importation, exportation, and transfer of raptors. (1) It shall be unlawful for any person to trap, net or otherwise attempt to capture any raptor without first having in his possession and upon his person a valid "Raptor Capture Permit".

(2) The director, or his authorized representative, may issue "Raptor Capture Permits" to holders of valid falconry permits and may endorse upon the face of each "Raptor Capture Permit" any limitation thereon, including any prohibited species of raptor. Novice permittees may not take an eyas from the nest, general and master falconers will be allowed to take one eyas each year.

(3) It shall be unlawful for any person to import into the state of Washington any raptor for falconry purposes without first obtaining a "Raptor Importation Permit".

(4) The director, or his authorized representative, may issue "Raptor Importation or Exportation Permits" for the transfer of raptors into and out of the state of Washington upon such terms and conditions as may be designated thereon.

(5) It shall be unlawful to transfer ownership or possession of any raptor without first notifying the Department of Game and registering the proposed transfer with said department on appropriate forms to be provided; except a permittee may give temporary care of any raptor to another permittee holding a general or masters permit for a period not to exceed thirty days without prior notification or registration provided written authorization from the registered owner accompany the bird, and a copy thereof be submitted to the Department of Game within three days of said transfer. [Order 88, § 232-12-234, filed 9/13/76; Order 68, § 232-12-234, filed 7/21/75; Order 52, § 232-12-234, filed 5/27/74.]

WAC 232-12-235 Marking and identification of raptors required. (1) It shall be unlawful for any person to have in his possession or under his control any raptor

that does not bear an identifying band provided by the U.S. Fish and Wildlife Service and distributed by the Department of Game, provided that captive bred raptors whose hatching was reported to the Department of Game within 7 days of hatching may be possessed without such identifying band until the 35th day after hatching; and provided further, that raptors held in compliance with subpart (2) below may be possessed without such identifying band for up to 15 days after taking.

(2) It shall be unlawful to take any raptor without first having in his possession a capture permit and temporary holding permit. Any permittee, after capturing or acquiring a raptor, shall immediately fill out and remove the appropriate notches of the "Raptor Capture Permit". Said permit will be returned to the Department of Game office within five days of capture or acquisition.

(3) It shall be unlawful to remove or replace a raptor band without permission and/or supervision of the director or his authorized representative.

(4) It shall be unlawful to possess a raptor band in an altered condition. [Order 88, § 232-12-235, filed 9/13/76.]

WAC 232-12-236 Falconry reports required. (1) Any person holding a "Falconry Permit" shall be required to submit an annual report on forms supplied, disclosing such information as the director, or his authorized representative, may deem valuable and necessary to the proper management of raptors and the regulation of falconry. Such reports will be submitted by July 31 of each year.

(2) Any person shall report to the director, or his authorized representative, the loss, death or release of any raptor possessed by him within forty-eight hours of such loss, death or release. The carcass of any dead bird shall be returned to the nearest Department of Game office, unless authorized to be retained by the Department or the U.S. Fish and Wildlife Service.

(3) Any person who captures a raptor shall report such capture to the director, or his authorized representative, within forty-eight hours of the time of capture. [Order 88, § 232-12-236, filed 9/13/76; Order 68, § 232-12-236, filed 7/21/75; Order 50, § 232-12-236, filed 1/21/74, effective 3/1/74.]

WAC 232-12-237 Methods of capture and prohibitions in taking raptors. (1) It shall be unlawful for a person to remove more than one immature or fledgling raptor from any nest or to trap any haggard at any time of the year.

(2) It shall be unlawful to remove any immature or fledgling raptor from any nest unless one or more live immature or fledgling raptors remain in the nest after such removal.

(3) It shall be unlawful for a person to remove any egg from the nest of any wild raptor or to possess such egg or part thereof, unless specifically authorized by the director, or his authorized representative.

(4) It shall be unlawful to have or use any trap, snare, net, harnessed bait bird or other implement that is employed in an attempt to capture any raptor without said

equipment being plainly marked with the name and address of the user.

(5) It shall be unlawful for any person to leave unattended any trap, snare, harnessed bait bird, or other implement that is set for the purpose of capturing any raptor, except for the Swedish goshawk-type trap.

(6) It shall be unlawful to take any raptors from the wild, except during January 1-15 every day; on weekends and holidays (May 31 and July 4) from May 15 to July 31; and every day from August 15 to December 31.

(7) It shall be unlawful to retrap a marked raptor, which has been reported as lost, unless prior permission has been authorized by the director, or his authorized representative. Such permission may be granted to the permittee who lost the bird only. Any other bird incidentally trapped in the recapture attempt shall be immediately released.

(8) Feathers that are molted from birds held in captivity or that die, may be retained and exchanged by permittees only for imping purposes. [Order 88, § 232-12-237, filed 9/13/76; Order 68, § 232-12-237, filed 7/21/75; Order 50, § 232-12-237, filed 1/21/74, effective 3/1/74.]

WAC 232-12-238 Revocation, modifications or suspension of falconry permits. (1) Any permit issued hereunder may be revoked, modified or suspended for cause as follows:

(a) The director, or his authorized representative, shall revoke the permit and shall not reissue or reinstate any permit issued hereunder to any person for three years following the third conviction or forfeiture for violation of any provision of the Game Code of the state of Washington, Title 77 RCW, or of this chapter occurring within three years.

(b) The director, or his authorized representative, may revoke, modify or suspend any permit issued hereunder for a period not to exceed one year for cause as follows:

(i) For first or second conviction or forfeiture for violation of any provision of the Game Code of the state of Washington, Title 77 RCW, or of this chapter through the use of raptors or arising from falconry activities.

(ii) For failure to complete reexamination as may be required by this chapter.

(iii) For failure to timely submit reports required by this chapter.

(iv) For failure to provide adequate falconry facilities and equipment.

(v) For failure to provide adequate care, feed and maintenance for any raptor in the possession of the person against whom the proceeding is commenced or for inhumane treatment of any such raptors.

(2) Any proceeding to revoke, suspend or modify any permit issued hereunder, and any proceeding challenging the denial of a permit authorized hereunder shall be a "contested hearing" under chapter 34.04 RCW and all proceedings shall be conducted in compliance with that chapter. [Order 88, § 232-12-238, filed 9/13/76; Order 50, § 232-12-238, filed 1/21/74, effective 3/1/74.]

WAC 232-12-240 Permit to kill game—Game damage. The director or his duly authorized agent may

issue a written permit authorizing the permittee to kill game animals or game birds if in his opinion the killing is necessary for the prevention of damage to agricultural or horticultural crops. The permit shall specify the number, species, duration of the permit and the disposition of the carcasses: *Provided*, That landowners may kill jack rabbit or yellow-bellied marmot without obtaining a permit from the director when such animals are causing damage to their property. [Order 7, § 232-12-240, filed 7/23/70; Regulation 24, effective 1/1/64; Regulation 18, filed 4/14/60; Regulation 19, filed 3/21/60.]

WAC 232-12-250 Beaver tag required. (1) It shall be unlawful for any person to hunt, trap, take or kill a beaver without first having procured from the director a tag to be known as a supplemental beaver tag, as provided in RCW 77.20.015, in addition to any other license to hunt, trap, take or kill beaver required by law.

(2) It shall be unlawful for any person to be engaged in hunting, taking or trapping beaver without first having in his possession a valid supplemental beaver tag. Immediately after skinning the beaver he shall attach and securely lock one of his beaver tags to the skin thereof, said tag to remain on the skin until the tanning or dressing process has been completed.

(3) It shall be unlawful for any person to buy, sell, barter for, exchange or ship via commercial or contract carrier any beaver or beaver pelts taken in this state which do not have attached and securely locked thereon a supplemental beaver tag.

(4) It shall be unlawful for any person to have in his possession or under his control, beaver or beaver pelts taken by another person unless the person taking such beaver has first attached and securely locked thereon a supplemental beaver tag.

(5) A valid tag shall mean a tag issued to the bearer by an authorized agent and one which has not been altered in any manner prior to attaching the tag to the skin of any beaver taken. [Order 16, § 232-12-250, filed 6/30/71; Regulation 25, effective 1/1/64; Regulation 58, filed 8/1/63.]

WAC 232-12-255 Permits for controlled hunts. (1) Holders of a valid hunting license may apply for permits for controlled hunts on or before the closing dates for such permits; the closing dates being established and published annually by the commission.

(2) It shall be unlawful for any person receiving an elk or goat permit to apply for the next two succeeding years. Any person applying for an elk or goat permit during the period when ineligible shall automatically be disqualified for an additional two years.

(3) It shall be unlawful for any person receiving a mountain sheep (Bighorn sheep) permit to apply for the next five succeeding years. Any person applying for a controlled mountain sheep (Bighorn sheep) hunting permit within a period of five consecutive years after having been drawn for such a permit shall automatically be disqualified for two additional years. [Order 2, § 232-12-255, filed 4/20/70.]

WAC 232-12-260 Compensation to landowner for beaver pelts. The amount of each beaver pelt which may be paid by the department to any landowner for beaver trapped on his land under a cooperative agreement shall be determined by the average sales price for all pelts sold at any auction at which pelts of such landowner were sold. No landowner shall be paid more than forty percent of such average sales price for each beaver pelt taken from his land. [Regulation 26, effective 1/1/64; Regulation 25, filed 4/14/60; Regulation 26, filed 3/21/60.]

WAC 232-12-270 Affidavit required for transportation and possession of beaver pelts—Tagging requirements and fee. (1) No person shall ship or transport any beaver skins into this state either from an area outside the boundaries thereof or from a federal enclave within the state unless such skins were lawfully acquired and unless such shipment has attached thereto an affidavit stating the name and address of the shipper and consignee, a description of the area where the beaver were taken, and the number of pelts in each shipment. If the beaver were taken in an Indian Reservation within the boundaries of this state, the affidavit shall also state the names and addresses of the persons who trapped the beaver: *Provided*, That the beaver skins lawfully acquired from outside the state or from a federal enclave within the state which have permanently attached and locked identifying seal issued by authorized agents at point of origin, may be accepted in lieu of an affidavit.

(2) Every person receiving or possessing beaver skins transported into this state from an area outside the boundaries thereof, or from any federal enclave within this state, without having a permanently attached identifying seal, or metal locked seal, shall immediately after arrival of such skins, notify the director of the place where skins are stored or possessed. The director or his duly authorized representative shall inspect said skins and if satisfied from said affidavit and such examination that each skin was lawfully acquired outside the boundaries of the state, shall, upon payment of a fee of five cents for each skin, tag or mark each skin for identification. Each tag shall remain attached to each beaver skin until such time as each skin is manufactured into a garment or other articles.

(3) After said skins have been tagged, or marked, they may be offered for sale or shipped or transported to any person either within or without this state. All fees collected from such tagging or marking shall be paid into the state game fund. [Regulation 27, effective 1/1/64; Regulation 26, filed 4/14/60; Regulation 27, filed 3/21/60.]

WAC 232-12-280 Report required of licensed trappers. All licensed trappers shall, within thirty days after the close of each trapping season, report to the director on a form to be supplied by the director. Such form shall be signed by the trapper and shall show his full name and address and the number of each kind of animal taken by him during such season. [Regulation 28, effective 1/1/64; Regulation 27, filed 4/14/60; Regulation 28, filed 3/21/60.]

WAC 232-12-300 Edible flesh of game species unlawful for trap bait. It shall be unlawful to use the edible flesh of any game bird, or game animal, or game fish for trap bait in trapping. [Order 59, § 232-12-300, filed 9/4/74; Regulation 30, effective 1/1/64; Regulation 29, filed 4/14/60; Regulation 31, filed 3/21/60.]

WAC 232-12-310 Wild animal trapping. It shall be unlawful for any person to trap for wild animals:

(1) With any steel trap having a jaw spread exceeding seven and one-half inches, except an instant kill trap having a jaw spread exceeding seven and one-half inches shall be legal when set beneath the water surface.

(2) With a #3 size or larger steel trap not having a jaw spacing of at least 3/16 of one inch when the trap is sprung and when the set is not capable of drowning the trapped animal.

(3) With any contrivance not having securely affixed a metal tag legibly stating the trapper's name and address.

(4) With any contrivance for a period greater than 72 hours without visitation and removal of any trapped animal. [Order 59, § 232-12-310, filed 9/4/74; Order 2, § 232-12-310, filed 4/20/70; Regulation 31, filed 6/21/67; Regulation 31, effective 1/1/64; Regulation 30, filed 4/14/60; Regulation 32, filed 3/21/60.]

WAC 232-12-320 Use of live fish for bait unlawful. It shall be unlawful for any person to use live fish as bait while fishing for game fish or possess live fish with intent to use them as bait while so fishing. [Regulation 32, effective 1/1/64; Regulation 12, filed 4/14/60; Regulation 13, filed 3/21/60.]

WAC 232-12-330 Use of artificial lights in fishing unlawful. It shall be unlawful to fish for game fish in any waters of the state of Washington by the aid of, or use of, any artificial light. [Regulation 33, effective 1/1/64; Regulation 13, filed 4/14/60; Regulation 14, filed 3/21/60.]

WAC 232-12-340 Maximum number of fishing lines and hooks—Snagging and gaffing fish unlawful. It shall be unlawful for any person to snag, gaff, spear, trap, shoot, or attempt to snag, gaff, spear, trap or shoot any game fish. No person shall fish for game fish in any other manner than with one line or rod held in the hand, or that such line or rod shall be under his immediate and absolute control. For the purpose of this regulation, a hook means one single, double or treble fish hook. Any fishing line may have attached thereto any number of flashers or blades, but no more than two hooks, flies or artificial lures, or a combination of same. Artificial lures may have attached thereto any number of hooks: *Provided*, That fresh water ling cod may be taken from Lake Palmer in Okanogan County, Lake Kachess, Keechelus, Cle Elum in Kittitas County and Lake Chelan in Chelan County with no more than one set line having attached thereto any number of hooks. Any set line must have attached an indestructible tag with the true name and address of the owner in legible English.

Snagging or gaffing shall mean any activity whereby an effort is made to hook a game fish in any part of its body other than its mouth by constant jerking of a hook or hooks attached to a line, pole, rod or other device: *Provided*, That a person may use a gaff to land a game fish that is lawfully hooked on bait, lure or a fly.

Possession of game fish that have hook marks in any area of the body other than the head or mouth shall be prima facie evidence of snagging. [Order 75, § 232-12-340, filed 10/17/75; Order 46, § 232-12-340, filed 9/13/73; Order 11, § 232-12-340, filed 4/9/71; Order 7, § 232-12-340, filed 7/23/70; Order 2, § 232-12-340, filed 4/20/70; Regulation 34, effective 1/1/64; Regulation 14, filed 4/14/60; Regulation 15, filed 3/21/60.]

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

(2) It is unlawful for any person to fish for or to take game fish in or from waters restricted to fly fishing only by use of any metal, plastic, or wooden lure, plug, spinner, spinner fly, or any fly to which there is attached or tied any weight of any kind.

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

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

WAC 232-12-355 Juvenile fishing and catch limits. (1) It shall be unlawful for any person over fourteen years of age to fish in any water restricted to juvenile fishing only.

(2) The daily bag and possession limit on game fish taken from waters restricted to juvenile fishing shall not exceed four pounds and one fish: *Provided*, The numbers taken do not exceed eight fish. [Order 2, § 232-12-355, filed 4/20/70.]

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

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

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

(4) Immediately upon taking a steelhead trout over twenty inches in length, the holder of a steelhead fishing permit shall completely remove from the card one punch

and shall enter on the corresponding space the date of the catch and the name of the water in which the fish was caught.

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

WAC 232-12-365 Fishing guide reports. All licensed fishing guides on the last day of each month, during which steelhead fishermen are guided, shall report to the director on a form to be supplied by the director. Such form shall be signed by the guide and show the river, dates, number of fishermen guided and number of steelhead caught. [Order 80, § 232-12-365, filed 4/22/76.]

WAC 232-12-370 Fishing near dams, fish traps and hatcheries unlawful. No person shall fish for game fish within four hundred feet downstream from any man-made dam or other man-made obstruction or any fish way or fish ladder or in any waters used by the department for rearing ponds, broodstock ponds, raceways, fish hatcheries, or fish traps. [Regulation 37, effective 1/1/64; Regulation 16, filed 4/14/60; Regulation 17, filed 3/21/60.]

WAC 232-12-373 Unlawful to fish in irrigation ditches or canals when closure notice posted. It is unlawful to fish for game fish in any irrigation canal or ditch downstream from the point where said canal or ditch leaves any river, stream or lake, to the site of any fish screen or other fish protective device when such area is posted with signs or notices closing such water to fishing. [Order 56, filed 9/11/68.]

WAC 232-12-380 Hunting and fishing contests. (1) A hunting or fishing contest shall be defined as any hunting for wild animals or wild birds or fishing for game fish which involves any competitive arrangement that offers a prize or trophy. The assignment of an ornamental or symbolic award shall not be considered as awarding a prize.

(2) In any hunting or fishing contest[,] no person shall:

(a) offer or give in any one contest[,] prizes including trophies which have a total market value of more than four hundred dollars, [or]

(b) charge any fee of any kind for entrance to any such contest,

(c) promote any commercial purpose whatsoever.

(3) Any person desiring to conduct, hold, promote, or sponsor any such contest shall, not less than thirty days in advance thereof, file with the director an application for a permit to hold such contest. If, after receiving such application and after investigation, the director determines that the contest proposal complies with all rules

and regulations of the commission, he may issue a permit. If for any reason the director believes the application should be considered by the commission, he may refer the matter to the earliest commission meeting for hearing.

(4) It shall be the policy of the commission to generally deny all applications for hunting contests, provided anyone may seek a commission hearing on a specific proposal. [Order 98, § 232-12-380, filed 7/15/77; Regulation 38, effective 1/1/64; Regulation 17, filed 4/14/60; Regulation 18, filed 3/21/60.]

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

WAC 232-12-390 Domestic animals unattended on department lands. It shall be unlawful for any person to wilfully allow any domesticated animals to be unattended on, or to permit any cattle, horses, sheep or goats to graze on or across any land under the control of the department of game without written permit from the director of game. [Regulation 39, effective 1/1/64; Regulation 40, filed 4/14/60; Regulation 42, filed 3/21/60.]

WAC 232-12-400 Vehicles—Usage of well defined roads on Department of Game lands. It shall be unlawful for any person to operate a motor driven vehicle on any lands owned or controlled or managed by the Department of Game except:

(1) Well defined existing roads.

(2) On such lands as may be authorized by the Director of Game or his authorized agent.

Provided that this regulation shall not apply to those officers granted authority under RCW 77.12.070 who operate a motor vehicle on department lands for the purpose of enforcing game laws and rules and regulations of the commission. [Order 68, § 232-12-400, filed 7/21/75; Regulation 40, effective 1/1/64; Regulation 41, filed 4/14/60; Regulation 43, filed 3/21/60.]

WAC 232-12-410 Colockum airstrip—Authorized use only. Except as authorized by the director of game or the director of natural resources, it shall be unlawful for any person to land any aircraft on the Colockum airstrip located in Sec. 15 T.20N. Range 20 E.W.M. This is not to be construed to prohibit any aircraft from using the above airstrip in case of a bona fide emergency. [Regulation 41, effective 1/1/64.]

WAC 232-12-420 Access areas—Other department lands—Wildlife agent to control traffic thereon. It shall be unlawful for any person to fail, refuse or neglect to obey any signals or directions of a wildlife agent who is at the time directing traffic upon, or the use of, real property owned, leased, or held by the state for game department purposes, or to fail, refuse, or neglect to obey any notices which have been posted by the department thereon. [Order 2, § 232-12-420, filed 4/20/70; Regulation 42, effective 1/1/64; Regulation 42, filed 4/14/60; Regulation 47, filed 3/21/60.]

WAC 232-12-430 Three convictions forfeits privileges. Any person who has been convicted of three violations of the state game laws or rules and regulations of the commission in any consecutive ten years, shall forfeit all rights and privileges that are granted by any license issued by the department of game. Such person shall not obtain a license thereafter until the commission, after a hearing at one of its regular meetings, authorizes such rights and privileges be restored. Any license obtained contrary to the provisions of this regulation shall be null and void. [Regulation 43, effective 1/1/64; Regulation 31, filed 4/14/60; Regulation 33, filed 3/21/60.]

WAC 232-12-435 Procedure—Petitions for reissuance of hunting license—Time period for petition—Juvenile applicants. (1) A petition for reissuance of a license revoked under the terms of RCW 77.32.280 or 77.32.290 will not be considered by the commission until passage of at least one year from the date the license privilege was revoked.

(2) An applicant for reissuance of a license who is under the age of 18 years shall be accompanied by a parent, family member over the age of 18 years or legal guardian in any appearance before the commission for purposes of requesting reissuance of a hunting license.

(3) Reissuance hearings for a person under the age of 14 years shall be conducted by the commission in executive session.

(4) Upon motion of an applicant or a commission member, reissuance hearing for persons over the age of 14 years may be conducted by the commission in executive session. [Order 86, § 232-12-435, filed 7/15/76.]

WAC 232-12-440 Forfeiture of privileges—Subsequent convictions. Any person who is convicted of a violation of the state game laws or rules and regulations of the commission subsequent to restoration of rights and privileges by the commission pursuant to WAC 232-12-430 shall forfeit all rights and privileges granted by any license then issued and such person shall not obtain any license thereafter until the commission at one of its regular meetings authorizes such rights and privileges be restored. Any license obtained contrary to the provisions of this regulation shall be null and void. [Regulation 44, effective 1/1/64; Regulation 32, filed 4/14/60.]

WAC 232-12-450 Application for hearing. In any contested case application for hearing before the commission shall be made to the director by mail and shall clearly state the relief sought, and the grounds for relief. Upon the hearing thereon the issues may be limited to the grounds for relief stated in said application.

As soon as practicable the director shall note the application for hearing at a regular meeting of the commission, and shall give reasonable notice to the applicant by mail of the date, time, place of hearing and issue involved: *Provided*, That the commission may in its discretion permit a hearing to one appearing before it without filing application as aforesaid. [Regulation 45, effective 1/1/64; Regulation 48, filed 4/14/60.]

WAC 232-12-460 Notification of decision. The director shall notify the applicant of the decision of the commission by mail. Whenever a decision is adverse to the applicant and the applicant has formally and properly given notice of appeal, the director upon written application of the applicant shall mail a copy of the findings of fact, conclusions of law and decision to the applicant. [Regulation 46, effective 1/1/64; Regulation 49, filed 4/14/60.]

WAC 232-12-470 Petitions—Consideration by commission. A petition requesting the promulgation, amendment or repeal of any rule, regulation or order of the commission may be made in writing to the director and shall state that the same is made pursuant to this regulation. Such petition shall set forth the proposed rule in full or the existing rule with amendment, as the case may be, and shall include a statement of all reasons why said rule should be adopted, amended or repealed.

All petitions shall be considered by the director who may in his discretion note the petition for consideration at a regular meeting of the commission. The director shall notify the petitioning party of the disposition of the petition within a reasonable time. [Regulation 47, effective 1/1/64; Regulation 50, filed 4/14/60.]

WAC 232-12-480 Petitions—Form—Scheduling—Ruling. Petitions for declaratory rulings by the commission shall set forth the rule or statute brought into issue by the petition, the facts relied upon by the applicant, the prayer of the petitioner and shall generally conform to the form of complaints at law.

The petitions shall be submitted to the director who may in his discretion place the petition on the agenda of the commission at one of its regular meetings and shall give reasonable notice to the petitioner of the time and place for hearing by the commission. Petitioner may appear and present argument to the commission at any such hearing.

The commission after hearing, shall issue a binding declaratory rule, a nonbinding declaratory rule or notify the petitioner that no declaratory ruling is to be issued.

The director shall notify the petitioner of action taken with reference to the petition. [Regulation 48, effective 1/1/64; Regulation 51, filed 4/14/60.]

WAC 232-12-490 Possession of game off an Indian reservation legally possessed on reservation. (1) An Indian who has lawfully acquired possession of any game animals, game birds, fur-bearing animals, or game fish, from within an Indian reservation may possess the same outside said reservation for his personal use only: *Provided*, That such game animals, game birds, fur-bearing animals or game fish shall, before leaving the reservation, be tagged or marked for identification by a wildlife agent or departmentally authorized agent.

(2) Any person who has lawfully acquired possession of any game fish under a tribally authorized fishing ordinance or program, from within an Indian reservation, may possess the same outside said reservation for his personal use only: *Provided*, That such game fish shall, before leaving the reservation, be tagged or marked for

identification by a wildlife agent or departmentally authorized agent, or such person shall have in his possession off the reservation a permit form identifying the fish being possessed and signed by a wildlife agent or departmentally authorized agent. [Order 92, § 232-12-490, filed 10/13/76; Order 2, § 232-12-490, filed 4/20/70; Regulation 49, effective 1/1/64; Regulation 19, filed 4/14/60; Regulation 20, filed 3/21/60.]

WAC 232-12-500 Firearm safety license requirement for juveniles. It shall be unlawful for any person under the age of 18 years to purchase a hunting license in the state of Washington without having completed 6 hours of firearm safety instructions and having been issued an accredited qualification certificate duly signed by an authorized instructor. [Order 52, § 232-12-500, filed 5/27/74; Regulation 50, effective 1/1/64; Regulation 43, filed 4/14/60; Regulation 48, filed 3/21/60.]

WAC 232-12-510 Requirements of license dealers. (1) The director of game, with the approval of the state game commission, may deputize persons, firms, or corporations as license dealers in such numbers as deemed necessary, for the purpose of issuing hunting and fishing licenses.

(2) All persons, firms, or corporations so deputized shall provide the director of game with a good and sufficient bond in such amount as the director shall determine, such bond to guarantee full and complete payment for any and all licenses sold by the dealer.

(3) License dealers shall remit all moneys collected from the sale of hunting and fishing licenses on or before the end of each calendar month. Failure to comply with this regulation may result in the cancellation of a license dealership. [Regulation 51, effective 1/1/64; Regulation 39, filed 4/14/60; Regulation 40, filed 3/21/60.]

WAC 232-12-520 Hunting restrictions. During any open season for elk, it shall be unlawful to hunt any wild animals or wild birds with a rifle or a shotgun with slugs therein, in those areas where elk may reasonably be expected: *Provided*, That this regulation shall not apply to those persons who have in their possession a valid supplemental elk tag and other permits required by law to hunt elk: *Provided, further*, That this regulation shall not apply to persons hunting in areas open for the taking of both deer and elk. [Order 2, § 232-12-520, filed 4/20/70; Regulation 52, effective 1/1/64.]

WAC 232-12-530 Transmission lines—Unlawful hunting. It shall be unlawful for any person to hunt any wild bird while so perched on any telephone or electrical transmission line, the pole, crossarm or insulator thereof. [Order 2, § 232-12-530, filed 4/20/70; Regulation 53, effective 1/1/64.]

WAC 232-12-550 Collection of rock hound materials from department lands—Restrictions. (1) For the preservation of areas having scientific and historic values, it shall be unlawful for any person to engage in rock hounding, digging, excavating, collection or removal of petrified wood, rock hound materials and artifacts in the

following described land in Kittitas county: All of Sections 1, 11, 14 and 15 and that part of Section 22 lying north of the Vantage-Ellensburg Highway in Township 17 North, Range 22 E.W.M.

(2) The director is authorized to close additional areas for the preservation of scientific and historical values.

(3) Individual collection and removal of rock hound materials and petrified wood on department of game controlled land shall be open without charge to noncommercial collection by individuals subject to the following provisions:

(a) Only hand tools may be used for excavation. Use of explosives and power equipment is prohibited.

(b) The maximum amount of any material that may be taken per person is limited to twenty-five pounds per day plus one piece and two hundred fifty pounds per year.

(c) Any person wishing to remove a specimen weighing over two-hundred fifty pounds for display in a museum must obtain a permit from the director of game.

(4) Removal of artifacts found exposed on the surface of the ground only, without hand tools or other mechanical means, is permissible, subject to the restrictions found in RCW 27.53.060, as amended by section 2, chapter 82, Laws of 1975-'76 2nd ex. sess. [Order 92, § 232-12-550, filed 10/13/76; Regulation 55, § 232-12-550, filed 5/17/68 and 6/7/68.]

WAC 232-12-570 Discharge of litter on department lands—Unlawful. It shall be unlawful for any person to throw, to drop, or to leave any discarded object, garbage, debris, or any waste upon any of the properties owned, leased, or controlled by the department of game, except into a litter or garbage receptacle or container installed for that purpose on such property. [Order 2, § 232-12-570, filed 4/20/70.]

WAC 232-12-630 Control of unattended decoys. It shall be unlawful for any person to leave unattended any duck or goose decoy upon any lands or water owned, leased or controlled by the department. Any duck or goose decoy left unattended in excess of one hour shall be considered abandoned and may be removed by any wildlife agent. [Order 2, § 232-12-630, filed 4/20/70.]

WAC 232-12-640 Live decoys unlawful. It shall be unlawful for any person to hunt migratory waterfowl with the use or aid of live birds as decoys. [Order 20, § 232-12-640, filed 9/2/71.]

WAC 232-12-650 Baiting of migratory game birds unlawful. It shall be unlawful for any person to take migratory game birds by the aid of baiting on or over any baited area. As used in this act "baiting" shall mean the placing, exposing, depositing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat or other grain, salt or other feed so as to constitute for such birds a lure, attraction or enticement to, on or over any areas where hunters are attempting to take them, and "baited area" means any area where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed whatsoever capable of luring, attracting, or enticing such

birds is directly or indirectly placed, exposed, deposited, distributed or scattered: However nothing in this act shall prohibit the taking of all migratory game birds, including waterfowl, on or over standing crops, flooded standing crops (including aquatic), flooded harvested crop lands, grain crops properly shucked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting. [Order 20, § 232-12-650, filed 9/2/71.]

WAC 232-12-660 Managed marine mammals protected. It shall be unlawful to kill, injure, or capture any mammals of the order Cetacea including but not limited to whales and porpoises or of the suborder Pinnipedia including but not limited to seals and sea lions known as managed marine mammals, except under a permit issued by the director of Game or his authorized representative: *Provided*, That this section shall not apply to hair seals and sea lions which are threatening to damage or are damaging commercial fishing gear being utilized in a lawful manner or when said mammals are damaging or threatening to damage commercial fish being lawfully taken with commercial gear. [Order 20, § 232-12-660, filed 9/2/71.]

WAC 232-12-670 Deleterious species designated. The following species of wildlife are hereby designated to be deleterious and dangerous to the environment and native species of fish and wildlife of the state of Washington:

- (1) Walking catfish (*Clarias batrachus*)
- (2) Mongoose (all forms of the genus *Herpestes*)
- (3) Grass Carp (*Ctenopharyngodon idella*)

It shall be unlawful to import or have in possession any live specimens of such deleterious species. [Order 45, § 232-12-670, filed 9/13/73; Order 20, § 232-12-670, filed 9/2/71.]

WAC 232-12-675 Conditions for issuance of permits for planting of game fish, aquatic plants, release of wild animals or wild birds, and construction of enhancement facilities. No game fish, including anadromous game fish, aquatic plants, game animals, or game birds shall be planted or released within the state of Washington without obtaining a permit from the department. No permit shall be issued unless the following time periods are observed and information provided the department prior to the planting of game fish, aquatic plants or the release of wild animals or wild birds within the state of Washington.

(1) For game fish, including anadromous fish, thirty days prior to obtaining game fish, eggs, fry or fingerlings or importing the same with the eventual intent to plant in the waters of the state of Washington, the person, group, corporation, association, or governmental entity so intending to plant shall provide the department information as to the source of the game fish, eggs, fry or fingerlings, species, race, and time and place for the proposed release or other disposition and the size of the fish to be planted.

(2) Thereafter, the department shall examine the provided information and determine if a permit for the

planting of the fish shall be issued. If a proposed planting presents an important conflict or competition to established stocks in the waters to be planted, conflicts with the department's overall management plan for the waters to be planted, would cause a significant decrease in the abundance of stocks already present, or would significantly inhibit the ability to harvest existing stocks, a permit for planting shall not be issued.

(3) Thirty days prior to planting, and within ten days of the actual plant, the game fish to be released must be made available for department inspection for disease. If the department representative so inspecting is not satisfied the fish are disease free, or otherwise in a condition specified in paragraph (2) of this regulation, the fish shall not be released in the waters of the state, and any prior department approval for such planting is automatically withdrawn. The department will consider a certification by a department approved pathologist that the fish to be released are disease free in lieu of actual department inspection.

(4) Any person, group, corporation, association, or governmental entity intending to release game fish, including anadromous fish, in the waters of the state, shall report immediately to the department the outbreak of any disease among the fish, eggs, fry or fingerlings intended to be released. If such outbreak presents a threat to the game fish of the state, the department may immediately order such action as necessary to protect the state's fisheries, including quarantine or destruction of stock, sterilization of enclosures and facilities, cessation of activities, and disposal of dead fish in a manner satisfactory to the department.

(5) No game fish covered by a permit issued under this regulation shall be branded, tattooed, tagged, fin clipped or otherwise marked for identification without prior approval by the department.

(6) For the planting of aquatic plants, thirty days prior to such planting in the waters of the state of Washington, the person, group, corporation, association, or governmental entity so intending to plant shall provide the department with information as to the source of the plants, the biological identification of the plants, the location of planting, the reason for so planting and a certification as to the ownership of the beds or bottoms of any lake or stream to be planted.

(7) For releasing game animals and birds, thirty days prior to such releasing, the person, group, corporation, association or governmental entity intending to release such game animals or game birds shall provide the department with information as to the source of the birds or animals, the species, race, the time for so releasing, the place of the proposed release, and the maturity of the birds or animals to be released.

(8) Thereafter, the department shall examine the provided information and determine if the permit for releasing of the game birds or game animals shall be issued. If the proposed release presents an important conflict or competition to established birds or animals in the area to be planted, conflicts with the department's overall management plan for the area to be planted, would cause significant changes in the abundance of stocks already present in the area to be planted or would

significantly inhibit the ability to adequately utilize existing birds or game animals in the area to be planted, then a permit for such releasing shall not be issued.

(9) Thirty days prior to releasing of such game animals or game birds, and within ten days of the actual releasing, the animals or birds to be released must be made available for department inspection for disease. If the department representative so inspecting is not satisfied the animals or birds are not disease free, or otherwise in a condition specified in paragraph (8) of this regulation, then the animal or bird shall not be released within the state of Washington, and any prior departmental approval of such release is automatically withdrawn. The department will consider a certification by a department approved pathologist that the game animals or game birds to be released is disease free in lieu of actual department inspection.

(10) Any person, group, corporation, association, or governmental entity intending to release game animals or game birds within the state shall report immediately to the department the outbreak of any disease among the animals or birds. If such outbreak presents a threat to the game animals or game birds of the state, the department may immediately order such action as necessary to protect the state's wildlife, including quarantine or destruction of stock, sterilization of enclosures and facilities, cessation of activities, and disposal of dead animals and birds in a manner satisfactory to the department.

(11) No game animal or bird covered by a permit issued under this regulation shall be branded, tattooed, tagged, clipped or otherwise marked for identification without prior approval by the department.

(12) No facility shall be constructed or operated for the purpose of game fish propagation, including anadromous game fish, or propagation of game animals or game birds, without first obtaining a permit from the department. No permit shall be issued unless the following information is provided the department prior to construction of such facility:

(a) The person, group, corporation, association or governmental entity so intending to construct such facility shall provide the department information as to the species to be produced in the facility or otherwise affected by the facility, and a general plan of times and places for the proposed releases or other disposition and the size or maturity of the game fish or game animals or game birds to be released. Functional plans for construction of such facility shall also be provided to the department.

(b) Thereafter, the department shall examine the provided information and determine if a permit for the construction of the facility shall be issued. If the proposed planting, release, or operational scheme presents an important conflict or competition to established stocks of game fish, game animals or game birds, conflicts with the department's overall management plan for the waters or areas to be planted, would cause a significant decrease in the abundance of stocks already present, or would significantly inhibit the ability to harvest existing stocks, a permit for construction shall not be issued.

(c) A permit for construction or operation of a propagation facility will be revoked if any game fish, including anadromous game fish, game animals or game birds are planted, released or otherwise disposed of by any person, group, corporation, association or governmental entity the holder of a construction or operation permit under this paragraph if the holder does not, prior to planting or releasing, provide the department with the additional information and secure the additional permits required by this regulation. [Order 86, § 232-12-675, filed 7/15/76.]

WAC 232-12-676 Conditions for issuance of permits for scientific study, collection, release and research. No scientific study, research, collection or release of game fish, including anadromous game fish, animals or birds shall be conducted within the state of Washington without first obtaining a permit from the department. No permit shall be issued unless the following time periods are observed and information provided the department prior to any person, corporation, group, association or governmental entity commencing such scientific study, research, collection or release.

A request for a permit for scientific study, collection, release or research must be received by the department thirty days prior to the date such study, collection, release, or research is intended to be commenced.

(2) Each request must be accompanied by the following information:

- (a) a study title;
- (b) an introduction describing the management problems to be addressed and why resolution is necessary;
- (c) an objective(s) for the proposed project including defining an identifiable end point or conclusion toward which efforts are to be directed;
- (d) a justification which identifies the user(s) of the information and indicates how the findings will be implemented;
- (e) a procedure which explains the approach or plan of action and which provides the organizational framework and logical sequence of events that will lead to attainment of the study objective;
- (f) a location of the study area; and
- (g) an identification of supervisory and technical personnel responsible for the study.

(3) A final report must be submitted to the department upon completion of the study, research, collection or release and interim reports may be required.

(4) Permits will not be granted for request which do not in the opinion of the department beneficially increase the data base, avoid unnecessary duplication or conflicts with existing scientific information or address goals which will maximize the resource or avoid damage to the resource.

(5) Continuing studies or research or other scientific projects may be extended annually by concurrence of the director. [Order 86, § 232-12-676, filed 7/15/76.]

WAC 232-12-680 Rare and endangered species designated. The following species of wildlife are hereby declared to be rare and endangered:

Mammals: Southern planigale, *Planigale tenuirostris* (Australia); Little planigale, *Planigale subtilissima* (Australia); Dibbler, *Antechinus apicalis* (Australia); Large desert marsupial-mouse, *Sminthopsis psammophila* (Australia); Long tailed marsupial-mouse, *Sminthopsis longicaudata* (Australia); Eastern jerboa-marsupial, (*Antechinomys laniger* (Australia); Tasmanian tiger, *Thylacinus cynocephalus* (Australia); Rusty numbat, *Myrmecobius fasciatus rufus* (Australia); Barred bandicoot, *Perameles bougainville* (Australia); Rabbit-bandicoot, *Macrotis lagotis* (Australia); Lesser rabbit-bandicoot, *Macrotis leucura* (Australia); Pig-footed bandicoot, *Chaeropus ecaudatus* (Australia); Mountain pigmy-possum, *Burramys parvus* (Australia); Scaly-tailed possum, *Wyulda squamicaudata* (Australia); Barnard's wombat, *Lasiorhinus barnardi* (Australia); Brush-tailed rat-kangaroo, *Bettongia penicillata* (Australia); Lesueur's rat-kangaroo, *Bettongia lesueur* (Australia); Queensland rat-kangaroo, *Bettongia tropica* (Australia); Plain rat-kangaroo, *Caloprymnus campastri* (Australia); Banded hare-wallaby, *Lagostrophus fasciatus* (Australia); Western hare-wallaby, *Legochestes hirsutus* (Australia); Bridled nail-tail wallaby, *Onychogalea frenata* (Australia); Crescent nail-tail wallaby, *Onychogalea lunata* (Australia); Parma wallaby, *Macropus parma* (Australia); Cuban solenodon, *Atopogale cubana* (Cuba); Haitian solenodon, *Solenodon paradoxus* (Dominican Republic); Lemurs—all species, Lemuridae, all members of the genera *Lemur*, *Haplemur*, *Lepilemur*, *Cheirogaleus*, *Microcebus*, *Phaner* (Madagascar and Comoro Islands); *Indris*, *sifakas*, *avahis*—all species, *Indriidae* all members of the genera *Indri*, *Avahi*, *Propithecus* (Madagascar and Comoro Islands); Aye-aye, *Daubentonia madagascariensis* (Madagascar); Spider monkey, *Ateles geoffroyi frontatus* (Costa Rica, Nicaragua); Spider monkey, *Ateles geoffroyi panamensis* (Costa Rica, Panama); Red-backed squirrel monkey, *Saimiri oerstedii* ((*Saimiri sciureus oerstedii*)) (Costa Rica, Panama); Woolly spider monkey, *Brachyteles arachnoides* (Brazil); White-nosed saki, *Chiropotes albinasus* (Brazil); Uakari—all species, *Cuajao* spp. (Peru, Colombia, Venezuela, Brazil, Ecuador [Ecuador]); Goeldi's marmoset, *Callimico goeldii* (Brazil, Colombia, Ecuador [Ecuador], Peru); Golden-rumped tamarin, golden-headed tamarin, golden lion marmoset, *Leontideus* spp. (Brazil); Lion-tailed macaque, *Macaca silenus* (India); Tana River mangabey (*Cercocebus galeritus galeritus* (Kenya); Douc langur, *Pygathrix nemaeus* (Indochina ((Hainan Island)) China); Pagi Island langur, *Simias concolor* (Indonesia); Red Colobus, *Colobus badius rufomitrat* (Kenya); Zanzibar red colobus, *Colobus badius kirkii* (Zanzibar ((Tanzania))); Kloss' gibbon, *Hylobates klossi* (Indonesia); Pileated gibbon, *Hylobates pileatus* (Laos, Thailand, Cambodia) Orangutan, *Pongo pygmaeus* (Indonesia, Malaysia, Brunei) Gorilla, Gorilla gorilla (Central and Western Africa); Brazilian three-toed sloth, *Bradypus torquatus* (Brazil); Pink Fairy armadillo, *Chlamyphorus truncatus* (Argentina); Volcano rabbit, *Romerolagus diazi* (Mexico); Mexican prairie dog, *Cynomys mexicanus* (Mexico); False water-rat, *Xeromys myoides* (Australia); New Holland mouse,

Pseudomys novaeholiandiae (Australia); Shark Bay mouse, *Pseudomys praeconis* (Australia); Shortridge's mouse, *Pseudomys shortridgei* (Australia); Smoky mouse, *Pseudomys fumeus* (Australia); Western mouse, *Pseudomys occidentalis* (Australia); Field's mouse, *Pseudomys fieldi* (Australia); Thin-spined porcupine, *Chaetomys subspinosus* (Brazil); Bowhead whale, *Balaena mysticetus* (Oceanic); Right whales, *Eubalaena* spp. (Oceanic); Blue whale, *Balaenoptera musculus* (Oceanic); Sperm whale, *Physeter catodon* (Oceanic); Finback whale, *Balaenoptera musculus* (Oceanic); Set whale, *Balaenoptera musculus* (Oceanic); Humpback whale, *Megaptera* spp. (Oceanic); Gray whale, *Eschrichtius glaucus* (Oceanic); Northern kit fox, *Vulpes velox hebes* (Canada); Asiatic wild dog, *Cuon alpinus* (U.S.S.R., India, Central and Southeast Asia); Mexican grizzly bear, *Ursus arctos nelsoni* (Mexico); Formosan yellow-throated marten, *Martes flavigula chrysospila* (Formosa); Black-footed ferret, *Mustela nigripes* (United States, Canada); Cameroun clawless otter, *Paraonyx microdon* (Cameroon); La Plata otter, *Lutra platensis* (Uruguay, Argentina, Bolivia, Brazil); Maned wolf, *Chrysocyon brachyurus* (Brazil, Bolivia, Paraguay, Argentina); Giant otter, *Pteronura brasiliensis* (South America); Barbary hyaena, *Hyaena hyaena barbara* (Morocco); Brown hyaena, *Hyaena brunnea* (Southern Africa); Asiatic cheetah, *Acinonyx jubatus venaticus* (U.S.S.R., Afghanistan, Iran, Pakistan ((formerly India, Iraq, and Saudi Arabia))); Spanish lynx, *Felis lynx pardina* (Spain); Barbary serval, *Felis serval constantina* (Algeria); Formosan clouded leopard, *Neofelis nebulosa brachyurus* (Formosa); Asiatic lion, *Panthera leo persica* (India); Sinai leopard, *Panthera pardus jarvisi* (Sinai, Saudi Arabia); Barbary leopard, *Panthera pardus panthera* (Morocco, Algeria, Tunisia); Anatolian leopard, *Panthera pardus tulliana* (Lebanon, Israel, Jordan, Turkey, Syria); Bali tiger, *Panthera tigris balica* (Bali ((Indonesia))); Javan tiger, *Panthera tigris sondaica* (Indonesia); Caspian tiger, *Panthera tigris virgata* (Russia, Afghanistan, Iran); Sumatran tiger, *Panthera tigris sumatrae* (Indonesia); Mediterranean monk seal, *Monachus monachus* (Mediterranean, Northwest African coast, and Black Sea); Dugong, *Dugong dugon* (East Africa to Ryukyu Islands); West Indian (Florida) manatee, *Trichechus manatus* (Caribbean, northern South America); Amazonian manatee, *Trichechus inunguis* (Amazon Basin); Asian wild ass, *Equus hemionus* (Pakistan, Iran, India, China, Afghanistan, Central Asia); African wild ass, *Equus asinus* (Ethiopia, Somalia, Sudan); Mountain tapir, *Tapirus pinchaque* (Colombia, Ecuador, Peru); Brazilian tapir, *Tapirus terrestris* (Venezuela, Argentina, Brazil, Colombia); Central American tapir, *Tapirus bairdii* (Southern Mexico to Colombia and Ecuador); Sumatran rhinoceros, *Dicerorhinus sumatrensis* (Southeast Asia—East Pakistan to Vietnam to Indonesia, Borneo); Javan rhinoceros, *Rhinoceros sondaicus* (Indonesia, Burma, Thailand); Great Indian rhinoceros, *Rhinoceros unicornis* (India, Nepal); Northern white rhinoceros, *Ceratotherium simum cottoni* (Congo ((Kinshasa)), Uganda, Sudan, Central African Republic); Pygmy hog, *Sus salvanius* (India, Nepal, Bhutan, Sikkim); Vicuna,

Vicugna vicugna (Peru, Bolivia, Argentina); Swamp deer, *Cervus duvauceli* (India, Nepal); Kashmir stag, *Cervus elaphus hanglu* (Kashmir); Barbary stag, *Cervus elaphus barbarus* (Tunisia, Algeria); McNeill's deer, *Cervus elaphus macneilli* (China, Tibet); Shou, *Cervus elaphus wallichi* (Tibet, Bhutan); Brow-antlered deer, Eld's deer, *Cervus eldi* (India, Southeast Asia); Persian fallow deer, *Dama dama mesopotamica* (Iraq, Iran); Bawean deer, *Helaphus kuhli* (*Cervus kuhli*) (Indonesia); Marsh deer, *Biasiocerus dichotomus* (Argentina, Uruguay, Brazil, Paraguay); Sonoran pronghorn, *Antilocapra americana sonoriensis* (Mexico, United States); Black-faced impala, *Aepyceros melampus petersi* (Southwest Africa, Angola); Swayne's hartebeest, *Alcelaphus buselaphus swaynel* (Ethiopia), Anoa, *Anoa depressicornis* (Indonesia); Tamaraw, *Anoa mindorensis* (Philippines); Wood bison, *Bison tison athabascæ* (Canada); Seiadang (geur), *Bos gaurus* (India, Southeast Asia, East Pakistan); Wild yak, *Bos grunniuchus mutus* (Tibet, India), *Kouprey*, *Bos sauveli* (Cambodia); Banteng, *Bibos banteng* (Southeast Asia); Pyrenean ibex, *Capra pyrenaica pyrenaica* (Spain); Walia ibex, *Capra walie* (Ethiopia); Rio de Oro dama gazelle, *Gazella dama lozanoi* (Spanish Sahara); Mhorr gazelle, *Gazella dama mhorr* (Morocco); Moroccan dorcas gazelle, *Gazella dorcas massaesyala* (Morocco, Algeria); Cuvier's gazelle, *Gazella cuvieri* (Morocco, Tunisia); Slender-horned gazelle, *Rhim*, Loder's gazelle, *Gazella leptoceros* (Sudan, Algeria, Egypt, Libya); Black lechwe, *Kobus leche smithemani* (Zambia); Arabian Oryx, *Oryx leucoryx* (Arabian Peninsula); Clark's gazelle, *dibatag*, *Ammordorcas clarkii* (Somalia, Ethiopia)

Birds: Galapagos penguin, *Spheniscus mendiculus* (Galapagos); Arabian ostrich, *Struthio camelus syriacus* (Jordan or Saudi Arabia); West African ostrich, *Struthio camelus spatzi* (Spanish Sahara); Darwin's rhea, *Pterocnemia pennata* (Argentina, Peru, Uruguay, Bolivia); Atitlan grebe, *Podilymbus gigas* (Guatemala); Short-tailed albatross, *Diomedea albatrus* (Japan); Cahow, *Pterodroma cahow* (Bermuda); Brown pelican, *Pelecanus occidentalis* (Mexico, United States, Panama, Puerto Rico, etc.); Chinese egret, *Egretta eulophotes* (China, Korea); Oriental white stork, *Ciconia ciconia boyciana* (Japan, Korea, China, U.S.S.R.); Japanese crested ibis, *Nipponia nippon* (Japan, Korea, U.S.S.R., China); Aleutian Canada goose, *Branta canadensis leucopareia* (Japan, United States); White-winged wood duck, *Cairina scutulata* (India, Thailand, Malaysia, Burma, Indonesia ((to include Java))); American peregrine falcon, *Falco peregrinus anatum* (Canada, United States, Mexico); Christmas Island goshawk, *Accipiter fasciatus natalis* (Christmas Island ((Indian Ocean))); Anjouan Island sparrow hawk, *Accipiter francesii pusillus* (Comoro Islands); Galapagos hawk, *Buteo galapagoensis* (Galapagos); Monkey-eating eagle, *Pithecophaga jefferyi* (Philippines); Spanish Imperial eagle, *Aquila heliaca adalberti* (Spain, Morocco, Algeria); Grenada hook-billed kite, *Chondrohierax uncinatus mirus* (Grenada ((West Indies))); Cuba hook-billed kite, *Chondrohierax wilsonii* (Cuba); Andean condor, *Vultur gryphus* (Colombia to Chile, Argentina); Seychelles kestrel, *Falco araea* (Seychelles); Mauritius

kestrel, *Falco punctatus* (Mauritius); Horned guan, *Oreophasis derbianus* (Guatemala, Mexico); Trinidad white-headed curassow, *Pipile pipile pipile* (Trinidad); Red-billed curassow, *Crax biumenbachii* (Brazil); La-Perouse's megapode, *Megapodius laperouse* (Palau, Marianas); Maleo, *Macrocephalon maleo* (Celebes ((Indonesia))); Masked bobwhite, *Colinus virginianus ridgwayi* (United States, Mexico); White-eared pheasant, *Crossoptilon crossoptilon* (China, Tibet, India); Brown-eared pheasant, *Crossoptilon mantchuricum* (China); Chinese monal, *Lophophorus Lhuysii* (China); Sclater's monal, *Lophophorus sclateri* (China, Burma, India); Edward's pheasant, *Lophura edwardsi* (South Vietnam); Imperial pheasant, *Lophura imperialis* (Vietnam); Swinhoe's pheasant, *Lophura swinhoii* (Formosa); Palawan peacock pheasant, *Polyplectron emphanum* (Philippines); Mikado pheasant, *Syrmaticus mikado* (Formosa); Bar-tailed pheasant, *Syrmaticus humiae* (Burma, China); Blyth's tragopan, *Tragopan blythii* (Burma, China, India); Cabot's tragopan, *Tragopan caboti* (China); Western tragopan, *Tragopan melanocephalus* (India, West Pakistan); Whooping crane, *Grus americana* (Canada, United States); Japanese crane, *Grus japonensis* (Japan, China, Korea, U.S.S.R.); Siberian white crane, *Grus leucogeranus* (Siberia to India); Hooded crane, *Grus monachus* (Japan, U.S.S.R.); Auckland Island rail, *Rallus pectoralis muelleri* (New Zealand); Kagu, *Rhynchoceros jubatus* (New Caledonia); Great Indian bustard, *Choriotis nigripes* (India, Pakistan); New Zealand shore plover, *Thinornis novae-seelandiae* (New Zealand); Eskimo curlew, *Numenius borealis* (Canada to Argentina); Audouin's gull, *Larus audouinii* (Mediterranean); California least tern, *Sterna albifrons browni* (Mexico, United States); Cloven-feathered dove, *Drepanoptila holosericea* (New Caledonia); Chatham Island pigeon, *Hemiphaga novaeseelandiae chathamensis* (New Zealand); Azores wood pigeon, *Columba palumbus azorica* (Azores); Grenada dove, *Leptotila wellsi* (Grenada ((West Indies))); Palau ground dove, *Gallicolumba canifrons* (Palau Islands ((Marianas))); Ochre-marked parakeet, *Pyrrhura cruentata* (Brazil); Kakapo, *Strigops habroptilus* (New Zealand); Red-browed parrot, *Amazona rhodocorytha* (Brazil); Bahamas parrot, *Amazona leucocephala bahamensis* (Bahamas); St. Vincent parrot, *Amazona guildingii* St. Vincent ((West Indies))); St. Lucia parrot, *Amazona versicolor*, (St. Lucia ((West Indies))); Imperial parrot, *Amazona imperialis* (Dominica ((West Indies))); Night parrot, *Geopsittacus occidentalis* (Australia); Turquoise parakeet, *Neophema pulchella* (Australia); Orange-bellied parrot, *Neophema chrysogaster* (Australia); Scarlet-chested parrot, *Neophema splendida* (Australia); Beautiful parakeet, *Psephotus pulcherrimus* (Australia); Paradise parakeet, *Psephotus chrysopterygius* (Australia); Forbes' parakeet, *Cyanoramphus auriceps forbesi* (New Zealand); Mauritius ring-necked parakeet, *Psittacula krameri echo* (Mauritius); Thicket-billed parrot, *Rhynchopsitta pachyrhyncha* (Mexico, United States); Red-faced malkoha, *Phaenicophaeus pyrrhocephalus* (Ceylon); Seychelles owl, *Otus insularia* (Seychelles); Palau owl, *Otus podargina* (Palau Islands); Mrs. Morden's owlet,

Otus ireneae (Kenya); Anjouan scops owl, *Otus rutilus* capnodes (Comoro Islands); Long-tailed ground roller, *Uratelornis chimaera* (Madagascar); Imperial woodpecker, *Campephilus imperialis* (Mexico); Ivory-billed woodpecker, *Campephilus principalis* (Cuba, United States); Tristram's woodpecker, *Dryocopus javensis richardsi* (Korea); Euler's flycatcher, *Empidonax euleri johnstonei* (Grenada, West Indies); New Zealand bush wren, *Xenicus longipes* (New Zealand); Noisy scrub-bird, *Atrichornis clamosus* (Australia); Ponape Mountain starling, *Aplonis pelzelni* (Ponape Island ((Carolines))); Rothschild's starling, *Leucopsar rothschildi* (Bali ((Indonesia))); Kokako, *Callaeas cinerea* (New Zealand); Piopio, *Turnagra capensis* (Reunion Island); Reunion cuckoo shrike, *Coquus newtoni* (Reunion Island); Mauritius cuckoo shrike, *Coquus typicus* (Mauritius); Guadeloupe house wren, *Troglodytes aedon guadeloupensis* (Guadeloupe ((West Indies))); St. Lucia wren, *Troglodytes aedon mesoleucus* (St. Lucia, West Indies); Martinique brown trembler, *Cinlocerthia ruficauda gutturalis* (Martinique ((West Indies))); White-breasted thrasher, *Ramphocinclus brachyurus* (Martinique, St. Lucia); Mauritius olivaceous bulbul, *Hypsipetes borbonicus olivaceus* (Mauritius); Cebu black shama, *Copsychus niger cebuensis* (Philippines); Seychelles magpie-robin, *Copsychus sechellarum* (Seychelles); Western whipbird, *Psophodes nigrogularis* (Australia); Western bristlebird, *Dasyornis brachypterus longirostris* (Australia); Eyrean grass-wren, *Amytornis goyderi* (Australia); Palau fantail, *Rhipidura lepida* (Palau); White-necked rock-fowl, *Picathartes gymnocephalus* (Togo to Sierra Leone); Grey-necked rock-fowl, *Picathartes oreas* (Cameroon); Reed warbler, *Acrocephalus luscini* (Marianas Islands); Rodriguez warbler, *Bebornis rodericanus* (Rodriguez Island ((Indian Ocean))); Seychelles warbler, *Bebornis sechellensis* (Seychelles); Scarlet-breasted robin, *Petroica multicolor multicolor* (Norfolk Island ((Australia))); Chatham Island robin, *Petroica traversi* (New Zealand); Tahiti flycatcher, *Pomarae nigra nigra* (Tahiti); Tinian monarch, *Monarcha takatsukasae* (Tinian Island ((Marianas))); Helmeted honeyeater, *Meliphaga cassidix* (Australia); Seychelles black flycatcher, *Terpsiphone corvina* (Seychelles); Seychelles white-eye, *Zosterops modestus* (Seychelles); Ponape great white-eye, *Rukia sanfordi* (Ponape ((Carolines))); Semper's warbler, *Leucopoeza semperi* (St. Lucia ((West Indies))); Bachman's warbler, *Vermivora bachmanii* (Cuba, United States); Barbados yellow warbler, *Dendroica petechia petechia* (Barbados ((West Indies))); Kirtland's warbler, *Dendroica kirtlandii* (Bahamas, United States); Seychelles fody, *Foudia sechellarum* (Seychelles); Sao Miguel bullfinch, *Pyrrhula pyrrhula murina* (Azores); Slender-billed grackle, *Cassidix palustris* (Mexico)

Amphibians and Reptiles: Israel painted frog, *Discoglossus nigriventris* (Israel); Stephen Island frog, *Leiopelma hamiltoni* (New Zealand); River terrapin, *Pseudemys floridana* (Burma, India, Indonesia, Malaysia, Pakistan); Galapagos tortoise *Testudo elephantopus* (Galapagos ((Ecuador))); Madagascar radiated tortoise, *Testudo radiata* (Madagascar); Hawksbill

turtle, *Eretmochelys imbricata* (Tropical seas); Leatherback turtle, *Dermochelys coriacea* (Tropical and temperate seas); Atlantic ridley turtle, *Lepidochelys kempii* (Mexico); South American river turtle, *Podocnemis expansa* (Orinoco and Amazon River Basins); South American river turtle, *Podocnemis unifilis* (Orinoco and Amazon River Basins); Short-necked or swamp tortoise, *Pseudemys umbrina* (Australia); Yacare, Caiman yacare (Bolivia, Argentina, Peru, Brazil); Orinoco crocodile, *Crocodylus intermedius* (Orinoco River drainage); Cuban crocodile, *Crocodylus rhombifer* (Cuba); Morelet's crocodile, *Crocodylus moreletii* (Mexico, British Honduras, Guatemala); Nile crocodile, *Crocodylus niloticus* (Africa); Gaviol, *Gavialis gangeticus* (Pakistan); Round Island day gecko, *Phelsuma guentheri* (Mauritius); Day gecko, *Phelsuma newtoni* (Mauritius); Barrington land lizard, *Conolophus pallidus* (Galapagos); Tuatara, *Sphenodon punctatus* (New Zealand); Jamaica boa, *Epicrates subflavis* (Jamaica); Anegada ground iguana, *Cyclura pinguis* (Anegada Island)

Fish: Ala balik, *Salmo platycephalus* (Turkey); Cicek, *Acanthorutilus handlirschi* (Turkey); Miyako tanago, *Tanakia tanago* (Japan); Ayumodoki, *Hymenophysa curta* (Japan); Mexican blindcat, *Prietella phreatophia* (Mexico); Nekogigi, *Coreobagrus ichikawai* (Japan); Giant catfish, *Pangasianodon gigas* (Thailand); Catfish, *Pangasius sanitwongsei* (Thailand)

Mollusk: Mollusk, *Papustyla pulcherrina* (Manus Island ((Admiralty Island))). [Order 21, § 232-12-680, filed 9/16/71.]

WAC 232-12-690 Taxidermy records. (1) Any licensed taxidermist, upon receiving any wild animal, bird, fish or parts thereof, for mounting, tanning, storage or processing shall immediately record the owner's name and address, date received, location where taken and such other information as required by the department, in a ledger supplied by the department. Such records shall be maintained for a period of not less than two years from date of receiving.

(2) All records, wild animals, birds, fish or parts thereof, held pursuant to the statutes or regulations dealing with taxidermy, shall be open to inspection by the director, or his duly authorized representative, at any reasonable time. [Order 80, § 232-12-690, filed 4/22/76; Order 38, § 232-12-690, filed 4/12/73.]

WAC 232-12-700 Taxidermy tagging. (1) No person shall ship or transport to any licensed taxidermist, nor shall any taxidermist receive for storage, mounting, processing, or receive for any other purpose, walrus (*Odobenus rosmarus*), polar bear (*Thalarctos maritimus*), grizzly bear (*Ursus horribilis*), big brown bear (*Ursus middendorffi*), mountain sheep (*Ovis canadensis*), *Ovis dalli*, mountain goat (*Oreamnos americanus*), or part thereof, into this state from an area outside of the boundaries thereof unless such animals were lawfully acquired and unless such shipment has attached thereto an affidavit stating the name and address of the owner and the taxidermist, the country or the state and county where the animal was taken, the date killed, and the

date shipped: *Provided*, That an animal lawfully acquired from outside the state, which has a permanently affixed identifying seal issued by authorized authorities at the point of origin may be accepted in lieu of an affidavit.

(2) Every taxidermist receiving or possessing walrus, polar bear, grizzly bear, big brown bear, mountain sheep, mountain goat, or part thereof without a permanently affixed identifying seal or accompanying affidavit, shall, immediately after arrival of such animals, notify the director or his authorized representative of the place where animals are stored or possessed. The director or his duly authorized representative shall inspect said animals and if satisfied from such examination that each animal was lawfully acquired outside the boundaries of the state, tag or mark each animal for identification. Each tag shall remain attached to each animal.

(3) Any tag hindering the taxidermist's processing of any animal as required by this section may be replaced with a department tag by any wildlife agent. [Order 38, § 232-12-700, filed 4/12/73.]

WAC 232-12-710 Taxidermy purchasing and selling. Any licensed taxidermist may purchase, exchange, or sell any nonedible part of any wild animal, wild bird, or game fish which was lawfully acquired or possessed: *Provided*, That no migratory game bird or endangered species of fish or wildlife, or parts thereof, shall be purchased, exchanged or sold, except as authorized by permit or license lawfully issued by the director or his designated representative. [Order 38, § 232-12-710, filed 4/12/73.]

WAC 232-12-800 Purpose. The purpose of this chapter shall be to insure compliance by the Department of Game with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure-Campaign-Finances-Lobbying-Records; and in particular with sections 25-32 of that act, dealing with public records. [Order 42, § 232-12-800, filed 7/19/73.]

WAC 232-12-802 Definitions. (1) Public Records. "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) Writing. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) Department of Game. The Department of Game is a commission form of state agency. The state game commission consists of six members, who are appointed by the governor to staggered six-year terms. The commissioners elect a director of game who serves at the pleasure of the commission and who has charge and

general supervision of the department. The terms "department" and "Department of Game" as used herein shall include, where appropriate, the commissioners, the director, and the staff and employees of the Department of Game. [Order 42, § 232-12-802, filed 7/19/73.]

WAC 232-12-804 Description of central and field organization of the Department of Game. The headquarters and administrative office of the Department of Game and the director's staff is located at 600 No. Capitol Way, Olympia, Washington, 98504. In addition, the department has eight regional offices located throughout the state, each of which supervises department activities within its respective area. Their locations are:

N. 8702 Division Street
Spokane, WA 99218

1540 Alder St. N.W.
Ephrata, WA 98823

2801 Naches Highway
Yakima, WA 98902

*1100 E. College Way
Mt. Vernon, WA 98273

509 Fairview Avenue North
Seattle, WA 98109

*600 No. Capitol Way
Olympia, WA 98504

*These will be consolidated during the 1973-75 biennium and thereafter operate as district offices.

5405 N.E. Hazel Dell
Vancouver, WA 98663

905 East Heron
Aberdeen, WA 98520

There are two district offices located at:

2925 East Isaacs
Walla Walla, WA 99362

P.O. Box 1612
Wenatchee, WA 98801

which are public information centers and also serve as supply depots for field regions. There are only minimal staffs at the district offices. [Order 42, § 232-12-804, filed 7/19/73.]

WAC 232-12-806 Operations and procedures. The Department of Game is that public service agency whose purpose is to preserve, protect, perpetuate and enhance wildlife through regulations and sound continuing programs, to provide the maximum amount of wildlife-oriented recreation for the people of the state.

As established in 1933, the present state Game Commission consists of six members appointed by the governor. They serve a term of six years each and terms are so arranged that appointments of two members expire every two years. By law, three commissioners are from eastern Washington and three from western Washington. The commission establishes regulations,

sets overall policies, and appoints the Director of Game. The director is in charge of the department and directly responsible to the Game Commission. Aside from director, director's secretary, and commission secretary, all department personnel are hired through the Merit System administered by the state Department of Personnel.

Organization of the Game Department is of the line and staff type. Two assistant directors aid in operation and administration. Also on the staff are six division chiefs who head up areas of program responsibility. Completing the staff is a planning group responsible for integrating division activities, evaluating programs and projects, and projecting future need and demand.

The key line officers are the regional supervisors who head up administration and plan implementation in each of the state's eight management regions. Each regional supervisor maintains a local office and is assisted by a supervisory staff. Regions are divided into districts and a wildlife agent is responsible for all Game Department activities within a particular district.

The six Game Department divisions which carry out all details necessary to implement a plan for perpetual use of game species are as follows:

Game Management Division is responsible for direct manipulation of pressure upon game animals and birds, and has management authority over a wide variety of nongame animals and birds, including fur-bearing animals and control of game damage. To carry out field research and provide local game management, there is at least one game biologist stationed in each of the eight management regions.

Fishery Management Division is responsible for research, propagation and planting of all game fish in Washington. The authority to improve and conserve game fish habitat also falls within their jurisdiction.

Division of Wildlife Management is charged with community relations and enforcement of all game laws and regulations. Employing about 100 wildlife agents, the primary function of this division's personnel is prevention of game violations and community relations on an individual basis.

Environmental Management Division is not only responsible for land acquisition and operation of the state's 36 Wildlife-Recreation Areas, but also for detailed game and fish species research and mitigation of wildlife losses caused by the construction of hydroelectric projects.

Engineering and Construction Division is responsible for the design, construction and maintenance of the Game Department's fifty million dollars worth of installations and equipment. Hatcheries, game farms, Wildlife-Recreation Area facilities, public access areas, fish protective screens - all of these must be planned, built and maintained so that the department may effectively accomplish its goals.

Fiscal and Management Services Division maintains all accounting and bookkeeping records, prepares payrolls, and maintains cost account records for the entire Game Department operation. Public information, environmental education and personnel are also functions

under this division. License sales are an important component of departmental functioning since the department's operating revenue comes primarily from the sale of hunting and fishing licenses. To properly serve the sporting public, approximately 900 license dealerships are located statewide. All are directly accountable to this division for license sales and receipts.

The organization and management system of the Washington State Game Department - under Game Commission policy direction - is a team effort that directs all programs and employees toward the common goal of an agency responsive to public need in preserving and enhancing the wildlife resources while providing recreation opportunity.

The Director of Game has two staffs. One consists of divisional chiefs or can be considered his Olympia staff, who develop plans and programs which, after approved, are instituted into field operations. The director's field staff consists of eight regional supervisors, who are responsible for implementation of all departmental plans, programs and policies.

From studies of field personnel, Regional Supervisors make recommendations to the director and state Game Commission regarding hunting and fishing seasons, land acquisitions and local management programs. Altogether, the department employs about 450 permanent, and 60-70 temporary personnel. Seasonal peak needs in game farm and hatchery operations account for most temporary employment.

The Game Commission through public meetings establishes all rules and regulations that govern departmental activities. This includes hunting and fishing seasons, land acquisitions, rules and regulations, local management programs, and coordination with other federal, state, county, or city programs. The Game Commission is required by law to hold four statutory meetings which occur on the first Mondays of January, April, July, and October of each year. In addition, they hold other meetings to meet the needs of the public and will average 12 to 13 meetings per year. These meetings are announced ahead of time as required by law. The additional meetings beyond those required by statute are held in various communities throughout the state to give the commission a broad view of public interest. [Order 42, § 232-12-806, filed 7/19/73.]

WAC 232-12-808 Public records available. All public records of the Department of Game, as defined in WAC 232-12-802 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 and WAC 232-12-818. [Order 42, § 232-12-808, filed 7/19/73.]

WAC 232-12-810 Public Records Officer. The department public records shall be in charge of the public records officer designated by the department. The person so designated shall be located in the administrative office of the department. The public records officer shall be responsible for the following: The implementation of the department's rules and regulations regarding release

of public records, coordinating the staff of the department in this regard, and generally insuring compliance by the staff with the public records and disclosure requirements of chapter 1, Laws of 1973. [Order 42, § 232-12-810, filed 7/19/73.]

WAC 232-12-812 Inspection and copying hours. For the purpose of this chapter, the public records shall be available for inspection and copying from 9:00 a.m. to 11:30 a.m. and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. [Order 42, § 232-12-812, filed 7/19/73.]

WAC 232-12-814 Requests for public records. In accordance with requirements of chapter 1, Laws of 1973 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the department which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the department's staff, if the public records officer is not available, at the administrative office of the department during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record,
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the department's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested. [Order 42, § 232-12-814, filed 7/19/73.]

WAC 232-12-816 Copying. No fee shall be charged for the inspection of public records. The department shall charge a fee of \$1.00 for 1st page, \$0.50 for next five pages, \$0.25 for each page over 5 for providing copies of public records and for use of the department's copy equipment, and \$2.00 for certification if requested. These charges are the amounts necessary to reimburse the department. [Order 42, § 232-12-816, filed 7/19/73.]

WAC 232-12-818 Exemptions. (1) The department reserves the right to determine that a public record requested in accordance with the procedures outlined in

WAC 232-12-814 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) The following records are exempt:

(a) Personal information in files maintained for the department's members to the extent that disclosure would violate their right to privacy.

(b) Specific intelligence information and specific investigative files compiled by the department, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(c) Information revealing the identity of persons who file complaints with the department's law enforcement units, except as the complainant may authorize.

(d) Test questions, scoring keys, and other examination data.

(e) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the appraisal.

(f) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(g) Records which are relevant to a controversy to which the department is, or could reasonably expect to be, a party, but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(h) Any other information which is exempt from public inspection under any provision of Initiative 276 or any other applicable law.

(i) Lists or records of purchasers of licenses issued by the department: *Provided*, That such may be made available for bona-fide noncommercial research purposes if the person requesting such lists or records provides a sworn affidavit containing an outline of the research project, the identity of the sponsor, and an affirmation that such lists or records will be adequately safeguarded so as to prevent their use for any commercial purpose.

(3) In addition, pursuant to section 26, chapter 1, Laws of 1973, the department reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

(4) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. [Order 42, § 232-12-818, filed 7/19/73.]

WAC 232-12-820 Review of denials of public records requests. (1) Any person who objects to the denial

of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the director of the Department of Game. The director shall immediately consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the department has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Order 42, § 232-12-820, filed 7/19/73.]

WAC 232-12-822 Protection of public records. No public record shall be allowed to be removed from a department office by anyone other than an officially authorized person. [Order 42, § 232-12-822, filed 7/19/73.]

WAC 232-12-824 Records index. The Department of Game, pursuant to RCW 42.17.260(3) amended at [by] chapter 294, Laws of 1975 1st ex. sess., hereby formally declares that to fully maintain the RCW 42.17.260(2) proscribed current index would unduly burden the agency's operations because no central or routing file currently exists.

However, the agency does fully maintain an index describing administrative staff manuals and instructions to staff which affect a member of the public. The agency does maintain a limited index for:

(1) statements of policy and interpretations of policy which have been adopted by the agency

(2) planning policies and goals and interim and final decisions

(3) factual staff reports and studies, factual consultant reports and studies, scientific reports and studies, and other factual information derived from test studies, reports and surveys

(4) correspondence and materials referred to therein by or with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency whereby the agency determines or opines upon or is asked to opine upon the rights of the state, the public, and private parties.

To facilitate identification and production of a public record, the department also maintains an organizational chart with general duties descriptions whereby given the subject matter, the records can be identified and procured by the applicable departmental employee. [Order 81, § 232-12-824, filed 5/26/76; Order 42, § 232-12-824, filed 7/19/73.]

WAC 232-12-826 Address for request. All communications with the Department of Game regarding the

administration or enforcement of chapter 1, Laws of 1973 and these rules, requests for copies of the department's decisions and other matters, shall be addressed as follows: Department of Game, c/o Public Records Officer, 600 No. Capitol Way, Olympia, Washington, 98504. [Order 42, § 232-12-826, filed 7/19/73.]

Chapter 232-16 WAC GAME RESERVES

WAC

232-16-010	Establishment of game reserves.
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232-16-420	Lake Terrell Game Reserve.
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232-16-510	Wiser Lake Game Reserve.
232-16-540	Yakima River Game Reserve.
232-16-560	Badger Island Game Reserve.
232-16-570	Foundation Island Game Reserve.
232-16-590	Carnation Farms Game Reserve.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

232-16-030	Bellingham Golf and Country Club. [Resolution 1 (part), filed 3/21/60.] Abolished by order, filed 9/11/64.
232-16-040	Boy Scout game reserve. [Resolution 1 (part), filed 3/21/60.] Abolished by order, filed 9/11/64.
232-16-060	Chehalis River wildlife project. [Order, filed 7/29/64; Resolution 26, filed 3/21/60.] Repealed by Order 68, filed 7/21/75.
232-16-110	Deer Lake game reserve. [Temporary regulation 198, filed 10/12/61 and Temporary regulation 194, filed 9/18/61.] Abolished by order, filed 9/11/64.
232-16-160	Ford's Prairie game reserve. [Resolution 1 (part), filed 3/21/60.] Abolished by order, dated 8/21/63, filed 7/29/64.
232-16-180	Goat Island game reserve. [Resolution 118, filed 3/21/60.] Abolished by order, filed 9/11/64.

- 232-16-210 Horseshoe Lake Game Reserve. [Order, filed 7/29/64; Resolution 71, filed 3/21/60.] Repealed by Order 86, filed 7/15/76.
- 232-16-290 North Edmonds District. [Order filed 7/29/64; Resolution 1 (part), filed 3/21/60.] Repealed by Order 3, filed 4/20/70.
- 232-16-300 Sanders game reserve. [Order filed 7/29/64; Resolution 99, filed 3/21/60.] Repealed by Order 68, filed 7/21/75.
- 232-16-310 San Juan Island biological station. [Resolution 1 (part), filed 3/21/60.] Abolished by order, filed 9/11/64.
- 232-16-320 Schmitt Pond game reserve. [Resolution 42, filed 3/21/60.] Abolished by order, filed 9/11/64.
- 232-16-330 Skagit Country Club game reserve. [Resolution 1 (part), filed 3/21/60.] Abolished by order, filed 9/11/64.
- 232-16-370 Sportsman Lake game reserve. [Resolution 118 (part), filed 3/21/60.] Abolished by order, dated 8/23/62, filed 7/29/64.
- 232-16-430 Tjossem Mill Pond game Preserve. [Order, filed 7/29/64; Resolution 1 (part), filed 3/21/60.] Repealed by Order 3, filed 4/20/70.
- 232-16-460 Washington (Lake) Closed area. [Order, filed 7/29/64; Resolution 121 (part), filed 3/21/60.] Repealed by Order 3, filed 4/20/70.
- 232-16-470 Wickwood game reserve. [Resolution 53, filed 3/21/60.] Abolished by order, filed 9/11/64.
- 232-16-520 Wishkaw watershed game reserve. [Resolution 1 (part), filed 3/21/60.] Abolished by order, filed 9/11/64.
- 232-16-530 Yakima game farm reserve. [Resolution 71, filed 3/21/60.] Abolished by order, filed 9/11/64.
- 232-16-550 Yakima Sportsman's Park Reserve. [Order, filed 7/29/64; Resolution 1 (part), filed 3/21/60.] Repealed by Order 68, filed 7/21/75.
- 232-16-580 Hover Game Reserve. [Temporary regulation 256 (part), filed 9/8/66.] Repealed by Order 3, filed 4/20/70.

WAC 232-16-010 Establishment of game reserves.

The following described lands in the state of Washington have heretofore been established as game reserves by action of the state game commission. These reserves were in force on July 13, 1964 and will remain in force until further changed by the state game commission. [Rules (part), filed 7/29/64; Rules (part), filed 3/21/60.]

WAC 232-16-020 Auburn Game Farm. (1) The southwest (SW1/4) Quarter of the Northeast (NE1/4) Quarter, and the South Half (S1/2) of the Northwest (NW1/4) Quarter, and the Northwest (NW1/4) Quarter of the Southeast (SE1/4) Quarter, and the North Half (N1/2) of the Southwest (SW1/4) Quarter; all being in section 29, Township 21 North, Range 5 East. Approximately two hundred and forty acres.

(2) The East Half (E1/2) of the Northeast quarter (NE1/4), and the Northeast quarter (NE1/4) of the Southeast quarter (SE1/4); all being in Section 30, Township 21 North, Range 5 East. [Order, filed 7/29/64; Resolution 1 (part), filed 3/21/60.]

WAC 232-16-050 Byron Game Reserve. That part of the Byron Ponds segment of the Sunnyside Game Range (Department of Game Lands) east of the Mabton Pressure Pipeline, legally described as that part of the W.1/2 of Section 12 that is north of U.S. Highway No. 410 and the SW1/4 of the NE1/4 and the N.1/2 of the NW1/4 of the SE1/4 of Section 12; and that part of

Section 11 east of the Mabton pressure pipeline and north of U.S. Highway No. 410; that part of Section 2 that is east of said pipeline; all of the above sections being in Twp. 8N., R.23E.W.M. [Order, filed 7/29/64; Resolution 168; filed 3/21/60.]

WAC 232-16-070 Colockum Game Reserve.

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

WAC 232-16-080 Columbia River Game Reserve. It shall be unlawful to hunt migratory waterfowl, coot and Jacksnipe on or within the following described areas:

Section 1. Asotin County - The Snake River and those lands lying within one-quarter mile of the Snake River between the Clarkston Country Club pumping station in the SW1/4 of Sec. 19, Twp. 11N., R.46E.W.M. and the U.S. Geodetic survey tower in Sec. 21, Twp. 11N., R.45E.W.M., about four miles downstream.

Section 2. Benton County - The Columbia River and those lands lying within one-quarter mile of the Columbia River between the mouth of Glade Creek (river channel marker 57) and the old town site of Patterson (river channel marker 67).

Section 3. Chelan County - The Columbia River and those lands lying within one-quarter mile of the Columbia River between Rock Island Dam and Winesap.

Section 4. Columbia County - The Snake River and those lands lying within one-quarter mile of the Snake River.

Section 5. Douglas County - The Columbia River and those lands lying within one-quarter mile of the Columbia River between Rock Island Dam and a point due east of Winesap, Chelan County; also, on or within one-quarter mile of the Columbia River on the Douglas County side from the Brewster Bridge to the Chief Joseph Dam and from Chief Joseph Dam to a point directly across from the mouth of Nespelum Creek.

Section 6. Franklin County - The Snake River and those lands within one-half mile of the Snake River, EXCEPT that part below the U.S. Highway 410 bridge near the mouth of the Snake River.

Section 7. Garfield County – The Snake River and those lands lying within one-quarter mile of the Snake River, EXCEPT that portion above the Central Ferry Bridge.

Section 8. Klickitat County – The Columbia River and those lands lying within one-quarter mile of the Columbia River upstream from the railroad bridge at Wishram.

Section 9. Okanogan County – The Columbia River and those lands lying within one-quarter mile of the Columbia River from the mouth of Nespelum Creek to Chief Joseph Dam, provided that Nespelum Bar shall be open.

Section 10. Walla Walla County – The Snake River and those lands lying within one-half mile of the Snake River upstream from the U.S. Highway No. 410 bridge.

Section 11. Whitman County – The Snake River and those lands lying within one-quarter mile of the Snake River below the Central Ferry Bridge, and that portion directly across the Snake River from the Asotin closure described in Sec. 1. [Order 283 (part), filed 9/11/68; Order 280 (part), filed 8/1/68; Temporary regulation 272, filed 10/6/67; Temporary regulation 244, filed 9/3/65; Temporary regulation 229, filed 9/15/64; Temporary regulation 221, filed 9/3/63; Temporary regulation 193, filed 9/14/61; Resolution 102, filed 3/21/60.]

WAC 232-16-090 Colville State Game Farm. The State Game Farm and the Mason Heights Tracts lying immediately across 3rd avenue., South all within the city limits of the city of Colville; the Mason Tracts, unplatted, lying north of 3rd avenue., and the Mason Heights Tracts lying south of 3rd avenue., immediately adjoining the city of Colville on the east, forty-six acres comprising the Colville State Game Farm and thirty-eight acres adjoining on the south. [Order, filed 7/29/64; Resolution 1 (part), filed 3/21/60.]

WAC 232-16-100 Conconully Reservoir Game Reserve. That area within the ordinary high water mark of Conconully Reservoir. [Order, filed 7/29/64; Resolution 139 (part), filed 3/21/60.]

WAC 232-16-120 Deer Park State Game Reserve. All lands within the southwest quarter of Section 22, Twp. 28N., R.42E.W.M., containing one hundred and sixty acres more or less. [Order, filed 7/29/64; Resolution 1 (part), filed 3/21/60.]

WAC 232-16-130 Ellensburg Game Farm Reserve. All of the west half of the northeast quarter (W1/2NE1/4) in Section thirty-two (32), Twp. Eighteen (18) N., R.19E.W.M. [Order, filed 7/29/64; Resolution 26 (part), filed 3/21/60.]

WAC 232-16-140 Equalizing reservoir game reserve. . . . it shall be unlawful to hunt game animals, game birds or to trap fur-bearing animals within said area:

That part of Twp. 26N., Range 28E.W.M. lying south of the east-west center line of the north half of Sections 13 and 14, west of Secondary State Highway No. 2-F

and east of the west wall of the Grand Coulee; and, that part of Sections 18 and 19 of Twp. 26 North, Range 29E.W.M. lying west of Secondary State Highway No. 2-F and south of the east-west center line of the north half of Section 18

AND THAT part of Twp. 25N., Range 28E.W.M. lying north of the east-west center lines of Sections 14, 15 and 16 of said Township and West of State Highway 2-F and East of the West wall of the Coulee. [Temporary regulation 229, filed 9/15/64; Temporary regulation 212, filed 10/3/62; Regulation 139 (part), filed 3/21/60.]

WAC 232-16-150 Flat Point Game Reserve. Beginning at the residence of R.T. Banks in Section 10, Twp. 35N., R.2W.W.M. on Lopez Island; thence following the foot of the hill in a northeasterly direction to its intersection with the beach; thence westerly along the low water mark around Flat Point and back to point of beginning. [Order, filed 7/29/64; Resolution 118 (part), filed 3/21/60.]

WAC 232-16-170 Gloyd Seep Game Reserve. Section 32, Twp. 21N., R.28E.W.M. [Order, filed 7/29/64; Temporary regulation 194, filed 9/18/61.]

WAC 232-16-190 Green Lake Island Game Reserve. That island in Green Lake, situated within the city limits of Seattle, King County, state of Washington. [Order, filed 7/29/64; Resolution 124 (part), filed 3/21/60.]

WAC 232-16-200 Grimes Lake Game Reserve. Grimes Lake and all lands within one-quarter mile of Grimes Lake. [Order, filed 7/29/64; Temporary regulation 221, filed 9/3/63.]

WAC 232-16-220 Kennewick Game Farm Reserve. SW1/4 of the SE1/4 of Section 23, Twp. 8N., R.30E.W.M. (40 acres). [Order, filed 7/29/64; Resolution 168 (part), filed 3/21/60.]

WAC 232-16-230 Lake Sixteen Game Reserve. Lake Sixteen in Skagit County. [Order, filed 7/29/64; Resolution 152 (part), filed 3/21/60.]

WAC 232-16-240 Lewisville Game Preserve. North half of Northwest quarter of Section 23; southwest quarter of northwest quarter of Section 23; northwest quarter of southwest quarter of Section 23; southeast quarter of Section 22; that part of northeast quarter of Section 22 lying east of County Road; all of the above Twp. 4N., R.2E.W.M., containing three hundred and sixty-three acres more or less. [Order, filed 7/29/64; Resolution 1 (part), filed 3/21/60.]

WAC 232-16-250 Lewis County Game Farm Reserve. Tract A. Township 14 North, Range 3 West W.M., Sections 1 and 12. A part of the Joseph Borst Donation Land Claim described as follows: Beginning at the Southwest (SW) corner of said Donation Land Claim; thence South 78° East 1,760 feet along the South Boundary of said Donation Land Claim; thence

North 1°45' East 2,230 feet to the North boundary of said Donation Land Claim; thence West 957 feet along the North boundary of said Donation Land Claim; thence North 88° West 766 feet to the Northwest (NW) corner of said Donation Land Claim; thence South 1°45' West 1,892 feet to the point of beginning. Containing 81.19 acres, more or less.

Tract B. Township 14 North, Range 3 West W.M., Sections 1 and 12. A part of the Sidney S. Ford Donation Land Claim described as follows: Commencing at the Northwest (NW) corner of the Joseph Borst Donation Land Claim; thence West 1,122 feet; thence South 26°30' East 825 feet; thence South 972 feet; thence South 65° East to the West line of the Joseph Borst Donation Land Claim; thence North on the West line of the Joseph Borst Donation Land Claim to the point of beginning, containing 33.33 acres, more or less.

Tract C. Township 14 North, Range 3 West W.M. Section 1 Lots 2 and 4, Section 12 Lots 1, 2, and 3; containing 98.51 acres, more or less. [Order 86, § 232-16-250, filed 7/15/76; Order, filed 7/29/64; Temporary regulation 221, filed 9/3/63.]

WAC 232-16-255 Little Pend Oreille Game Reserve. It shall be unlawful to hunt game birds or game animals within the following described area known as the Little Pend Oreille Game Range, formerly known as the Little Pend Oreille Wildlife Refuge, at any time except October 15, 1966, to December 31, 1966, both dates inclusive, when it shall be open.

Little Pend Oreille Game Range (Stevens and Pend Oreille counties): All lands lying within the following described boundary - Beginning at the point where the Colville-Ione Highway (State Highway No. 294) crosses the north-south center line of Sec. 25, Twp. 35N., R.40E.W.M.; thence easterly along said highway to the point where it is joined by the Gap Creek-Black Lake road; thence northerly along the Gap Creek-Black Lake road to the north-south center line of Sec. 3, Twp. 35N., R.41E.W.M.; thence due north on the center line of said section and continuing north through the center of Sections 34 and 27, Twp. 36N., R.41E.W.M., to the north line of said Sec. 27; thence east along the north line of Sections 27, 26 and 25, Twp. 36N., R.41E.W.M., to the east line of said Sec. 25; thence north one-quarter mile; thence east three miles to the east line of Sec. 21, Twp. 36N., R.42E.W.M.; thence south approximately one and one-quarter miles to the point where the east line of Sec. 28, Twp. 36N., R.42E.W.M., crosses the watershed boundary between the drainages of the Little Pend Oreille River and Ruby Creek; thence southerly and westerly following the watershed boundary of the Little Pend Oreille River through Olson Peak, McDonald Mountain, Cliff Ridge and Addy Mountain, to the north-south center line of Sec. 28, Twp. 34N., R.40E.W.M.; thence west along the east-west center line of Sections 28, 29 and 30, Twp. 34N., R.40E.W.M., to the center of Sec. 30, Twp. 34N., R.40E.W.M.; thence north one mile to the center of Sec. 19, Twp. 34N., R.40E.W.M.; thence east one-half mile to the east line of said section; thence north approximately four miles to the center of the east line of Sec. 6, Twp. 34N.,

R.40E.W.M.; thence east three-quarters of a mile; thence south one-half mile to the south line of Sec. 5, Twp. 34N., R.40E.W.M.; thence east one-half mile, south one-quarter mile, east one mile, north one-quarter mile and east one-quarter mile to the center of the south line of Sec. 3, Twp. 34N., R.40E.W.M.; thence north through the center of said Sec. 3 to the line between Townships 34 and 35N.; thence east one and one-half miles to the east line of Sec. 35, Twp. 35N., R.40E.W.M.; thence north one-quarter mile and east one-half mile to the north-south center line of Sec. 36, Twp. 35N., R.40E.W.M.; thence north through the centers of Sections 36 and 25, Twp. 35N., R.40E.W.M., to the Colville-Ione Highway and point of beginning. [Temporary regulation 248, filed 6/27/66; Temporary regulation 247, filed 10/8/65.]

WAC 232-16-260 Mount Baker Game Reserve. The Mount Baker Game Reserve in Whatcom County, State of Washington, is hereby abolished and re-established with the following described boundaries, provided that it shall be unlawful to hunt or trap within this area:

Beginning at a point at the junction of Bagley Creek and the Mount Baker Highway; thence southwestwardly up the Bagley Creek drainage to the saddle at 5,700 feet elevation and approximately one-third mile southeasterly of Mount Herman; thence westerly along the ridge to Mazama Dome; thence one-fourth mile westerly and southerly around the Chain-of-Lakes to the saddle between Ptarmigan Ridge and Table Mountain; thence southeasterly down an unnamed drainage to Swift Creek; thence easterly up Swift Creek to the ridge top approximately one-half mile southwest of Lake Ann at 5,300 feet elevation; thence southeasterly along the ridge to the North Cascade National Park boundary; thence northerly along the National Park boundary to the northwest corner of Sec. 22, Twp. 39N., Rge 9E.; thence westerly to the White Salmon Road #3920; thence westerly along the White Salmon Road to the Mount Baker Highway; thence northwesterly along the Mount Baker Highway to the point of beginning. [Order 59, § 232-16-260, filed 9/4/74; Order, filed 7/29/64; Resolution 7 (part), filed 3/21/60.]

WAC 232-16-270 Moxee Game Reserve. Beginning at the S1/4 of Section 34 Twp. 13N., Range 19E.W.M.; thence southwestwardly along county road to a point on the west line of Section 3, Twp. 12N., Range 19E.W.M.; which said point is approximately 1,000 feet south of the NW corner of Section 3; thence south along county road which said road is along the west line of sections 3 and 10 of said township and range to the NE corner of SE1/4 of the NE1/4 of Section 9, Twp. 12N., Range 19E.W.M.; thence west to the NW corner of the SE1/4 of the NE1/4 of Section 9, Twp. 12N., Range 19E.W.M.; thence south to the SE corner of the NW1/4 of the SE1/4 of Section 9, Twp. 12N., Range 19E.W.M.; thence west to the SE corner of the NE1/4 of the SW1/4 of Section 9, Twp. 12N., Range 19E.W.M.; thence north to the NE corner of SE1/4 of the NW1/4 of Section 9, Twp. 12N., Range 19E.W.M.; thence west to the Yakima River; thence northerly along

said Yakima River to a point where said Yakima River crosses the section line between sections 4 and 5 Twp. 12N., Range 19E.W.M.; said section line being the west line of section 4 and the east line of section 5 of said township and range; thence north on said section line to the NW corner of the SW1/4 of the SW1/4 of Section 4, Twp. 12N., Range 19E.W.M.; thence east to the NE corner of the SW1/4 of the SW1/4 of Section 4, Twp. 12N., Range 19E.W.M.; thence north to the north line of Section 4, Twp. 12N., Range 19E.W.M.; thence east to the SW corner of SE1/4 of the SE1/4 Section 33, Twp. 13N., Range 19E.W.M.; thence north to NW corner of NE1/4 of the SE1/4 Section 33, Twp. 13N., Range 19E.W.M.; thence east to the NE corner of SW1/4 of the SW1/4 of section 34, Twp. 13N., Range 19E.W.M.; thence south to the SE corner of the SW1/4 of the SW1/4 of Section 34 Twp. 13N., Range 19E.W.M.; thence east to the point of beginning. [Order, filed 7/29/64; Resolution 71 (part), filed 3/21/60.]

WAC 232-16-280 Nason Creek Bow and Arrow Hunting Area. Beginning at the junction of the Stevens Pass Highway and the Chiwaukum Creek Road Sec. 4, Twp. 25N., R.17E.W.M.; thence in northwesterly direction following the north edge of said Chiwaukum Creek Road and/or trail, as the case may be, across Chiwaukum Mts. to its junction with trail leading up Wildhorse Creek Sec. 27, Twp. 26N., R.14E.W.M.; thence in a northerly direction following said Wildhorse Creek Trail to its junction with the White Pine Creek Trail Sec. 10, Twp. 26N., R.14E.W.M.; thence in a northeasterly direction following said White Pine Creek Trail to its junction with the end of the White Pine Creek Road; thence continuing in a northeasterly direction following the southerly edge of said road to its junction with Stevens Pass Highway; thence in a southeasterly direction following the south and west edge, as the case may be, of said Stevens Pass Highway to point of beginning. [Order 280 (part), filed 8/1/68; Order, filed 7/29/64; Resolution 1 (part), filed 3/21/60.]

WAC 232-16-295 Rock Lake Game Reserve. Whitman County:

It shall be unlawful to hunt, take or pursue migratory waterfowl, coot and Jacksnipe on or within 1/4 mile of Rock Lake, Whitman County, except on the lower one mile and the upper one-half mile, which shall be open to such hunting. [Temporary regulation 240, filed 8/16/65.]

WAC 232-16-340 Skagit Delta Game Reserve. . . . it shall be unlawful to hunt game animals or game birds or to trap fur-bearing animals within the following described boundary:

Beginning at a point on the west bank of Albert Slough at the confluence of said slough and Boom Slough; thence southwesterly along the west bank of Boom Slough to the confluence of said slough and Boom-Crooked Cutoff Slough; thence westerly along the north bank of Boom-Crooked Cutoff Slough to the confluence of said slough and Crooked Slough; thence southwesterly along the north bank of Crooked Slough

to the confluence of said Slough and Deep-water Slough and East Branch Freshwater-Deepwater Cutoff Slough; thence northwesterly along the north bank of East Branch Freshwater-Deepwater Cutoff Slough to the confluence of said slough and the East Branch Freshwater Slough; thence northerly along the east bank of East Branch Freshwater Slough to the confluence of said slough and Gilbert Hansen Slough; thence northeasterly along the south bank of Gilbert Hansen Slough to the confluence of said slough and Deepwater Slough; thence northeasterly along the south bank of Deepwater Slough to the confluence of said slough and Albert Slough; thence southeasterly along the west bank of Albert Slough to the point of beginning. [Order, filed 7/29/64; Temporary regulation 212, filed 10/3/62.]

WAC 232-16-350 Snoqualmie Falls Game Reserve. Beginning at the junction of the Redding Road and the North Fork Road about one mile east of the town of Snoqualmie; thence northerly along the west edge of the Redding Road to its junction with county road No. 271; thence southwesterly along the southeast edge of said road to its junction with the Tent Town Road; thence southerly and easterly along the north edge of the Tent Town Road to its junction with the Redding Road; thence easterly along the north edge of said road to its junction with the North Fork Road and point of beginning, all land being in Twp. 24N., Range 8E.W.M. [Order, filed 7/29/64; Resolution 53, filed 3/21/60.]

WAC 232-16-360 South Tacoma Game Farm Reserve. Beginning at the intersection of the northerly right-of-way line of State Historical Road No. 1 with the easterly right-of-way line of the Philips County road in Section 34, Twp. 20N., R.2E.W.M.; thence northerly along said right-of-way line of the Philips County road and the Chambers-Custer road to the south line of the Hewitt Steilacoom road in Section 27 of said township and range thence easterly along said southerly right-of-way line to the west bank of Chambers Creek; thence southwesterly along said west bank to the north right-of-way line of said State Historical Road No. 1; thence northwesterly along State Historical Road No. 1 to point of beginning. [Order, filed 7/29/64; Resolution 7 (part), filed 3/21/60.]

WAC 232-16-365 Spokane River Game Reserve. Lincoln County:

It shall be unlawful to hunt, take or pursue migratory waterfowl, coot and Jacksnipe on the Spokane River and those lands lying within 1/4 mile of the Spokane River between the Long Lake Dam and the highway bridge at Miles, near the mouth of the Spokane River. [Temporary regulation 240, filed 8/16/65.]

WAC 232-16-380 Sprague Lake Game Reserve. Beginning at the point where Interstate Highway No. 90 crosses the Lincoln-Adams county line; thence southwesterly along the Freeway to the Keystone road; thence southerly along the Keystone road to Old U.S. Highway No. 10; thence easterly and northerly along Old U.S. Highway No. 10 to the point where it crosses the

Adams-Lincoln county line; thence westerly along said county line across Sprague Lake to the Freeway and point of beginning. [Order 3, § 232-16-380, filed 4/20/70; Order 294, § 232-16-380, filed 9/5/69; Order, filed 7/29/64; Resolution 118 (part), filed 3/21/60.]

WAC 232-16-390 Lake Stevens Game Reserve. All of Lake Stevens and adjoining lands lying within the following description:

Beginning at the intersection of the Davies Road and the old paved road near the southern end of Lake Stevens; thence in a northeasterly direction following the northwesterly edge of said old paved road to its intersection with the Vernon Road in town of Lake Stevens; thence in a westerly direction following the southerly edge of said Vernon Road to its intersection with the Davies Road; thence in a southeasterly direction following the northeasterly edge of said Davies Road to the point of beginning. It being the intent in the above description to use the main roads which encircle Lake Stevens as the boundaries. [Order, filed 7/29/64; Resolution 1 (part), filed 3/21/60.]

WAC 232-16-400 Stratford Game Reserve. Stratford Game Reserve shall include the following described lands in Grant County: In Twp. 22N, R 28 EWM; Sec. 1 north of the Great Northern Railroad right-of-way; Sec. 2 north of the Great Northern Railroad right-of-way and state highway No. 28; and that part of Section 3 lying north of the main canal and east of a line running north and south located 100 yards west of the Washington Water Power transmission line,

In Twp. 23 N, R. 28 EWM; all of Sections 11, 13, 14, 23, 24, 25, 26, and 35; the south half of Sections 12, 10 and 9 EXCEPT the north 300 feet of the S.1/2 of 9 and 10; Sec. 36 EXCEPT the east 500 feet; and those parts of Sections 15, 22, 27 and 34 lying east of a line running north and south located 100 yards west of the Washington Water Power transmission line except that portion in the north half of Section 15, and also those portions of the north half of Sections 15 and 16 lying north of the cultivated lands; and in addition the north 500 feet of the NW 1/4 of SW 1/4 of Sec. 19, Twp. 23 N, R. 29 EWM. [Order 105, § 232-16-400, filed 9/7/77; Order 9, § 232-16-400, filed 9/25/70; Order 3, § 232-16-400, filed 4/20/70; Order, filed 7/29/64; Resolution 156 (part), filed 3/21/60.]

WAC 232-16-410 Stubblefield Lake Game Reserve. N1/2N1/2 Section 21, N1/4NW1/4 Section 22, Township 22N., Range 42E.W.M. [Order, filed 7/29/64; Resolution 118 (part), filed 3/21/60.]

WAC 232-16-420 Lake Terrell Game Reserve. . . . it shall be unlawful to hunt game animals, game birds or to trap fur-bearing animals within said area:

All of Lake Terrell in Sections 15 and 16, Twp. 39 North, Range 1 East EXCEPT that portion of the lake within 350 feet of the south line of said sections and, in addition, those uplands owned by the Game Department

in the W1/2 of the SW1/4 of said Section 15, and in the SE1/4 of NE1/4; the NW1/4 of NE1/4; the E1/2 of E1/2 of NE1/4 NE1/4; and the E1/2 of the SW1/4 SW1/4 except the south 350 feet in Section 16, Twp. 39 North, Range 1 East. [Temporary regulation 274, filed 10/6/67; Temporary regulation 244, filed 9/3/65; Temporary regulation 213, filed 11/9/62; Temporary regulation 212, filed 10/3/62; Resolution 62, filed 3/1/60.]

WAC 232-16-440 Toppenish Creek Game Reserve. (Cort Meyer). (1) Commencing at the NE corner of the SE1/4 of the NW1/4 of Section 26, Township 10, Range 20E.W.M.; thence west one and three-quarters mile to the NW corner of the SE1/4 of the NE1/4 of Section 28, Township 10, Range 20; thence south one-quarter mile; thence east one-quarter mile; thence south three-quarters mile to the SW corner of the NW1/4 of the NW1/4 of Section 34; thence east three-quarters mile; thence south one-quarter mile; thence east three-quarters mile to center of Section 35; thence north one and one-quarter miles to place of beginning. All in Township 10 North, Range 20E.W.M.

(2) TOPPENISH CREEK GAME RESERVE NO. 2, (Upper Toppenish Creek) Yakima county. . . . it shall be unlawful to hunt or trap within said area:

All of Section 21; the west half of the northwest quarter of Section 22; the west half of the southwest quarter of Section 22; the southeast quarter of southwest quarter of Section 22; the south half of the northeast quarter of southwest quarter of Section 22; the north half of north half of Section 28; north half of northwest quarter of Section 27; north half of the southeast quarter of northwest quarter of Section 27; all being in Township 10 North, Range 18E.W.M. [Subsection (2), Temporary Regulation 256 (part), filed 9/8/66; Temporary Regulation 234, filed 10/9/64; Order, Subsection (1), filed 7/29/64; Order, filed 7/29/64; Regulation 171, filed 3/21/60; Resolution 1 (part), 3/21/60.]

WAC 232-16-450 Walla Walla River Game Reserve. A tract of land and water lying within sections 23, 24, 25, and 26 of Township 7, Range 31 E.W.M. in Walla Walla County, Washington, being more particularly described as follows: Beginning at a point where the Bonneville Power Administration power line between John Day and Lower Monumental Dams crosses the center of the main channel of the Walla Walla River, thence westerly along said center of the main channel to the easterly line of the right-of-way of US #12-395 highway, thence northerly along said east line of said right-of-way to the southerly line of the right-of-way of the Union Pacific Railroad-Burlington Northern Railway joint Pendleton-Walla Walla track, thence easterly along said south line of said right-of-way to the center line of said Bonneville Power Administration power line, thence southerly along said center line to the center of the main channel of the Walla Walla River and the point of beginning. [Order 86, § 232-16-450, filed 7/15/76; Temporary regulation 256, (part), filed 9/8/66; Order, filed 7/29/64; Resolution 152 (part), filed 3/21/60.]

WAC 232-16-480 Whidbey Island Game Farm Reserve. Beginning at a point on the west boundary line of the J.S. Smith Donation Land Claim #50, 1417.65 feet south of NW corner, said point being the SW corner of the recorded plat of Rhodena Beach Tract; thence east 1225 feet; thence south 1980 feet to the section line; thence east on said section line 1320 feet to east boundary line of said J.S. Smith Donation Land Claim #50; thence south to boundary line of what is known as the John Kineth lands; thence west to west boundary line of J.S. Smith Donation Land Claim #50; thence north along said boundary line to the point of beginning, EXCEPT that part of the above described lands that lie outside the Whidbey Island State Game Farm woven wire pheasant fence. [Order, filed 7/29/64; Temporary regulation 179, filed 9/6/60; Resolution 7 (part), filed 3/21/60.]

WAC 232-16-490 Willapa Bay Game Reserve. Beginning at the intersection of the west right-of-way boundary of U.S. Highway No. 101 (State Road No. 12) and the north line of Section 8, Township 10 North, Range 10W.W.M.; thence west along section lines to the meander corner between Sections 6 & 7, Township 10 North, Range 10W.W.M.; thence westerly with the General Land Office meander line through Section 6, Township 10 North, Range 10W.W.M., and Sections 1 & 12, Township 10 North, Range 11W.W.M. to the meander corner between Sections 11 & 12, Township 10 North, Range 11W.W.M.; thence northwesterly along the northeasterly boundary of the Carlotta Honeyman tract and continuing along the extension of this line to its intersection with the west bank of the Tarlett Slough Channel; thence northerly along said west bank to its intersection with the north line of Section 35, Township 11 North, Range 11W.W.M.; thence west along section lines to a point 500 feet below the high water line of Willapa Bay; thence northerly along a line parallel to and 500 feet below said high water line to its intersection with the north line of Section 22, Township 12 North, Range 11W.W.M.; thence northeasterly to the northwest corner of the Long Island Oyster Reserve; thence following the north and east boundary of said reserve as follows: South 84°23'35" east 130.19 chains, South 80°35'53" east 35.341 chains, South 7°48'14" east 154.995 chains, South 37°44'01" east 124.408 chains to a corner of said Long Island Oyster Reserve in Section 5, Township 11 North, Range 10W.W.M.; thence southerly to the northeast corner of the Long Island Slough Oyster Reserve in Section 8, Township 11 North, Range 10W.W.M.; thence with the east boundary of said reserve as follows: South 3°08'43" east 36.468 chains, South 13°17'57" east 175.699 chains to an easterly corner of said reserve; thence South 13°17'57" east to an intersection with the north right-of-way boundary of the U.S. Highway No. 101 (State Road No. 12) in Section 21, Township 11 North, Range 10W.W.M.; thence southwesterly along north and west right-of-way boundaries to point of beginning. [Order, filed 7/29/64; Resolution 1 (part), filed 3/21/60.]

WAC 232-16-500 Wilson Creek Game Reserve. SE1/4 and the E1/2 of the SW1/4 of Section 18, and the N1/2 of Section 19; and that part of the SW1/4 of Section 17 lying west of the Wilson Creek Road, all being in Twp. 18N., Range 19E.W.M. [Order, filed 7/29/64; Resolution 99, filed 3/21/60.]

WAC 232-16-510 Wisner Lake Game Reserve. The NE1/4 of Section 1, Township 39 North, Range 2E.W.M.; the NW1/4 and the W1/2 of the NE1/4 of Section 6, Township 39 North, Range 3E.W.M. [Order, filed 7/29/64; Temporary Regulation (part), 9/6/60.]

WAC 232-16-540 Yakima River Game Reserve. Beginning at the NW corner of SW1/4 of Section 36, Township 9 North, Range 24E.W.M., at which point State Highway #3 and the Old Cherry Lane intersect; thence east following the south edge of said Old Cherry Lane Road to its junction with the North bank of the U.S. Bureau of Reclamation Power Canal; thence in an easterly direction following the said north bank of said Canal to the end of the Canal; thence continuing in an easterly direction following the north edge of the U.S. Bureau of Reclamation Power Line right-of-way to its intersection with the east line of Section 31, Township 9 North, Range 25E.W.M.; thence south following said section line to its intersection with State Highway #410; thence in a westerly direction following the north edge of the pavement of said State Highway #410 to its intersection with 10th Street, City of Prosser; thence northwest following the northeast edge of said 10th Street to its intersection with Grand Avenue; thence NE following the SE edge of said Grant Avenue to County Bridge #6; thence continuing NE across said bridge to the beginning of State Highway #3; thence north following the east edge of said State Highway #3 to point of beginning. [Order, filed 7/29/64; Resolution 1 (part), filed 3/21/60.]

WAC 232-16-560 Badger Island Game Reserve. The following described area in Walla Walla county, state of Washington, is hereby established as a game reserve until further notice by the state game commission, which area shall be known as the BADGER ISLAND GAME RESERVE, and it shall be unlawful to hunt or trap within said area:

That portion of area on or within one-quarter mile of Badger Island lying in Sections 4 and 9, Township 7 North, Range 31E.W.M. [Temporary Regulation 256, (part), filed 9/8/66.]

WAC 232-16-570 Foundation Island Game Reserve. The following described area in Walla Walla county, state of Washington, is hereby established as a game reserve until further notice by the state game commission, which area shall be known as the FOUNDATION ISLAND GAME RESERVE, and it shall be unlawful to hunt or trap within said area:

That portion of area on or within one-quarter mile of Foundation Island lying in Section 24, Township 8 North, Range 30E.W.M. [Temporary regulation 256, (part), filed 9/8/66.]

WAC 232-16-590 Carnation Farms Game Reserve. The following described area in King County, State of Washington, is hereby established as a game reserve by the State Game Commission which area shall be known as the Carnation Farms Game Reserve, and it shall be unlawful to hunt or trap within said area:

Twp. 25N., Rge. 7E.W.M.; that part of Section 5 lying west of the Snoqualmie River; the northeast quarter and that portion of the southeast quarter of Section 6 that lies north and east of the Carnation Farm Road; the north half and the north half of the south half of Section 8; and those portions of Government lots 1, 2, and 4 of Section 9 that lie south and west of the Snoqualmie River.

Twp. 26N., Rge. 7E.W.M.; those lands lying south of the Snoqualmie River in the east half of Section 31 and the southeast quarter of Section 32. [Order 59, § 232-16-590, filed 9/4/74.]

Chapter 232-18 WAC STATE ENVIRONMENTAL POLICY ACT GUIDELINES

WAC

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WAC 232-18-010 Authority. This chapter is promulgated pursuant to the authority granted in RCW 43.21C.110. [Order 79, § 232-18-010, filed 4/9/76.]

WAC 232-18-020 Purpose. (1) The purpose of this chapter is to implement chapter 197-10 WAC, SEPA GUIDELINES, as applicable to Department of Game.

(2) These guidelines are developed to implement SEPA "in a manner which reduces duplicative and wasteful practices, establishes effective and uniform procedures, encourages public involvement, and promotes certainty with respect to the requirements of the act".

(3) These guidelines are not intended to govern compliance by Department of Game with respect to the national environmental policy act of 1969 (NEPA). In those situations where Department of Game is required

by federal law or regulations to perform some element of compliance with NEPA, compliance will be governed by the applicable federal statute and regulations and not by these guidelines. [Order 79, § 232-18-020, filed 4/9/76.]

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

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

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

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

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

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

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

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

(2) Action. Action means an activity potentially subject to the environmental impact statement requirements of RCW 43.21C.030(2)(c) and (2)(d). (See the provisions of WAC 197-10-170, 197-10-175 and 197-10-180 for activities that are exempted from the threshold determination and environmental impact statement requirements of SEPA and CEP guidelines, due to CEP's determination that such activities are minor, not "major," actions even though such activities are within one of the subcategories below.) All actions fall within one of the following subcategories:

(a) Governmental licensing.

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

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

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

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

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

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

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

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

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

(vi) capital budgets; and

(vii) road, street and highway plans.

(3) Agencies with Expertise. Agencies with expertise means those agencies to which a draft environmental impact statement shall be sent pursuant to WAC 197-10-465, unless they are also agencies with jurisdiction.

(4) Agencies with Jurisdiction. Agencies with jurisdiction means those agencies from which a non-exempt license is required for a proposal or any part thereof, or which will act upon an application for a grant or loan for a proposal, or agencies which are proposing or initiating any governmental action of a project or non-project nature. The term does not include those agencies authorized to adopt rules or standards of general applicability which govern the proposal in question, when no license or approval is required for specific proposals; nor does the term include agencies, involved in approving grants or loans, which serve only as conduits between the primary administering agency and the recipient of the grant or loan. Federal agencies with jurisdiction are instrumentalities of the federal government from which a license is required, or which will receive an application for a grant or loan for a proposal.

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

(6) CEP. CEP means the council on environmental policy.

(7) Consulted Agency. Consulted agency means any agency with jurisdiction or with expertise which is consulted, or from which information is requested by a lead

agency during the threshold determination, pre-draft consultation, or consultation on a draft environmental impact statement.

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

(9) County/City. County/city means a county, city or town. For the purposes of chapter 197-10 WAC, duties and powers are assigned to a county, city or town as a unit, with the delegation of responsibilities among the various departments of a county, city or town being left to the legislative or charter authority of the individual counties, cities or towns.

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

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

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

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

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

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

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

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

(18) Environmentally Sensitive Area. Environmentally sensitive area means an area designated and mapped by a county/city pursuant to WAC 197-10-177, and within which certain categorical exemptions do not apply.

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

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

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

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

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

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

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

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

(27) Non-Project EIS. Non-project EIS means an environmental impact statement prepared for a proposal for any governmental action of a non-project nature as defined under "action" in this section.

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

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

(30) Private Project. Private project means any proposal for which the primary initiator or sponsor is an individual or entity other than an "agency" as defined in this section.

(31) Proposal. Proposal means a specific request to undertake any activity submitted to, and which is seriously considered by, an agency or a decision-maker within an agency, as well as any action or activity which may result from approval of any such request. Further definition of the scope of a proposal for the purposes of lead agency determination, the threshold determination, and impact statement preparation is contained in WAC 232-18-060.

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

(33) Aide to Responsible Official. Aide to responsible official herein after R.O. Aide means the Chief of that division of the Department possessing the greatest degree of authority over an "action". The R.O. Aide shall

carry out duties and functions as directed by the responsible official, for purposes of assuring Department of Game's compliance with these guidelines and chapter 197-10 WAC when Department of Game is acting as lead agency. Although the R.O. Aide may delegate duties and functions assigned him/her under this chapter; the R.O. Aide, alone, is wholly responsible for the proper accomplishment of such duties and functions.

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

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

(36) Threshold Determination. Threshold determination means the decision by a lead agency whether or not an environmental impact statement is required for a proposal. [Order 79, § 232-18-040, filed 4/9/76.]

WAC 232-18-050 Use of the environmental checklist form. When the Department is lead agency the form provided in WAC 232-18-365 for an environmental checklist is to be initially completed by an action proponent, whether public or private, either alone or together with the R.O. Aide, usually in conjunction with a license application. This form must be used in the threshold determination; it will also be helpful in making the lead agency designation and in pre-draft consultation. However, where there is an agreement between the proponent of a non-exempt action (whether a private applicant or an agency which is not the lead agency) and the R.O. Aide that an EIS is required, the completion of the environmental checklist is unnecessary. Where the action proponent and the lead agency are the same entity, and a decision to prepare an EIS has been made, then no checklist is required. [Order 79, § 232-18-050, filed 4/9/76.]

WAC 232-18-060 Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation. (1) The proposal considered by the Department as the acting agency during the lead agency determination procedure, and by the Department as the lead agency during the threshold determination and EIS preparation, shall be the total proposal including its direct and indirect impacts. Whenever the word "proposal" or the term "proposed action" is used in this chapter, the discussion in subsection (2) hereof is applicable. In considering the environmental impacts of a proposal during the threshold determination and EIS preparation, the discussion in subsection (3) hereof is applicable.

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

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

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

The scope of the proposal is not limited by the jurisdiction of the Department when the Department is acting as lead agency. The fact that future impacts of a proposal will require future approvals by the Department or other governmental agencies shall not be a bar to their present consideration, so long as the plans for those future elements are sufficiently specific to allow some evaluation of their potential environmental impacts. The Department when it is an acting agency and/or lead agency should be alert to the possibility that a proposal may involve other agencies with jurisdiction which may not be taking any action until sometime in the future. (For example, in a proposal for a plat approval, another agency with jurisdiction may be the appropriate sewer district, even though installation of sewers may not occur until several years later.)

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

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

(5) For proposed projects, such as highways, streets, pipelines or utility lines or systems where the proposed action is related to a large existing or planned network, the Department when acting as lead agency may at its option treat the present proposal as the total proposal, or select only some of the future elements for present consideration in the threshold determination and EIS. These categorizations shall be logical with relation to the design of the total system or network itself, and shall not be made merely to divide a larger system into exempted fragments. [Order 79, § 232-18-060, filed 4/9/76.]

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

(a) Environmental checklist;

(b) Threshold determination; and,

(c) Draft and final EIS.

The responsible official may determine that any information supplied by a private applicant is insufficient and require further information, if in the judgment of the responsible official the information initially supplied was not reasonably adequate to fulfill the purpose for which it was required. An applicant may choose to voluntarily submit, at any time, information beyond that which may be required under these guidelines.

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

(3) Threshold Determination. When the Department is acting as lead agency it shall make an initial review of a completed checklist without requiring more information from a private applicant. If, and only if, the R.O. Aide determines as a result of his/her initial review that the information available to him/her is not reasonably sufficient to determine the environmental impacts of the proposal, the R.O. Aide may require further information from the applicant, including explanation of "no" answers on the checklist. This information shall be limited to those elements on the environmental checklist for which, as determined by the R.O. Aide, information accessible to the Department is not reasonably sufficient to evaluate the environmental impacts of the proposal. Field investigations or research by the applicant reasonably related to determining the environmental impacts of the proposal may be required. (See WAC 232-18-330.)

(4) Draft and Final EIS Preparation. At the option of the Department, an EIS may be prepared by the applicant under the direction of the responsible official at applicant's cost, including payment for agency consultation time and cost of any materials prepared by the agency for inclusion into the EIS. (See WAC 232-18-420). Alternatively, the responsible official may require a private applicant to provide data and information which is not in the possession of the Department relevant to any or all areas to be covered by an EIS. A private applicant shall not be required to provide information which is the subject of a pre-draft consultation request until the consulted agency has responded, or the forty-five days allowed for response by the consulted agency has expired, whichever is earlier. [Order 79, § 232-18-100, filed 4/9/76.]

WAC 232-18-150 Exemptions exclusive—CEP approval of changes in exemptions. (1) The only actions exempt from the threshold determination requirements of this chapter are those which are categorically exempted in WAC 197-10-170, 197-10-175 and 197-10-180. Except to specify emergencies as allowed in WAC 232-18-180, the Department shall add additional exemptions in these guidelines only after obtaining approval of CEP in accordance with either subsection (2) or (3) of WAC 197-10-150.

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

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

(b) The issuance of falconry permits.

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

(d) Artificial game feeding.

(e) The issuance of scientific collector permits.

(f) All hydraulic project approvals (RCW 75.20.100) for activity incidental to a class I, II, III or IV forest practice as defined in chapter 200, Laws of 1975 ex. sess. [chapter 76.09 RCW], and regulations adopted thereunder, except those forest practices designated by the forest practices board as being subject to SEPA evaluation; and other hydraulic project approvals where the cost of the total proposal is five thousand (\$5,000.00) dollars or less except for proposals involving realignment into a new channel or gravel removal. [Order 79, § 232-18-150, filed 4/9/76.]

WAC 232-18-160 No presumption of significance for nonexempt actions. No presumption as to the significance of the impacts upon the environment shall be given to any proposed action merely because it was not exempted. [Order 79, § 232-18-160, filed 4/9/76.]

WAC 232-18-180 Exemption for emergency actions. Actions which must be undertaken immediately, or within a time too short to allow full compliance with this chapter to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt from the procedural requirements of this chapter. [Order 79, § 232-18-180, filed 4/9/76.]

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

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

(3) For proposals in (2) above, exempt activities or actions may be undertaken prior to the threshold determination, subject to the timing considerations in WAC 197-10-055. For each such proposal the Department shall determine a lead agency. If the Department is acting as lead agency, a threshold determination shall be

made prior to any major action with respect to the proposal, and prior to any decision by the Department irreversibly committing itself to adopt or approve the proposal.

(4) If the proposal includes a series of exempt actions which are physically or functionally related to each other, but which together may have a significant environmental impact, the proposal is not exempt. [Order 79, § 232-18-190, filed 4/9/76.]

WAC 232-18-200 Lead agency—Responsibilities. When the Department is acting as lead agency, the R.O. Aide shall be responsible for complying with the threshold determination procedures of WAC 232-18-300 through 232-18-375, and he/she shall be responsible for the supervision, or actual preparation, of draft EISs pursuant to WAC 232-18-400 through 232-18-495, including the circulation of such statements, and the conduct of any public hearings required by this chapter. The R.O. Aide shall also prepare or supervise preparation of any required final EIS pursuant to WAC 232-18-550 through 232-18-695. [Order 79, § 232-18-200, filed 4/9/76.]

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

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

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

(4) If the Department receives a lead agency determination to which it objects the R.O. Aide shall either resolve the dispute, withdraw the Department's objection,

or petition to CEP for a lead agency determination within fifteen days of receiving the determination.

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

WAC 232-18-205 Lead agency designation—Department proposals. For all proposals initiated by the Department, the Department shall be the lead agency. In the event that two or more agencies share in the implementation of a proposal, the agencies shall by agreement determine which agency will assume the status of lead agency. For the purposes of this section, a proposal by the Department does not include proposals to license private activity. [Order 79, § 232-18-205, filed 4/9/76.]

WAC 232-18-215 Lead agency designation—Private projects for which the department is the only agency with jurisdiction. For proposed private projects for which the Department is the only agency with jurisdiction, the lead agency shall be the Department. [Order 79, § 232-18-215, filed 4/9/76.]

WAC 232-18-240 Agreements as to lead agency status. Nothing herein shall prohibit the Department from assuming the role of lead agency as a result of an agreement among all agencies with jurisdiction. [Order 79, § 232-18-240, filed 4/9/76.]

WAC 232-18-245 Agreements between the department and other agency(s) on lead agency duties. The Department together with one or more agencies may by agreement share or divide the responsibilities of lead agency through any arrangement agreed upon. In such event, however, the agencies involved shall designate one of them as the nominal lead agency, which shall be responsible for complying with the duties of the lead agency under these guidelines. Other agencies with jurisdiction shall be notified of the agreement and determination of the nominal lead agency. [Order 79, § 232-18-245, filed 4/9/76.]

WAC 232-18-270 Assumption of lead agency status by department. When there has been an assumption of lead agency status by the Department, pursuant to WAC 232-18-345, the lead agency responsibilities regarding threshold determination procedures (WAC 197-10-300 through 197-10-390) transfer to the Department. [Order 79, § 232-18-270, filed 4/9/76.]

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

the Department shall make a threshold determination, except when lead agency duties are shared or assumed pursuant to WAC 232-18-245 and 232-18-345, respectively.

(2) The threshold determination requirement of completion of an environmental checklist may be omitted, unless pre-draft consultation occurs, when:

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

(b) The Department is the sponsor and the responsible official and the Department decides that an EIS is required.

(3) When the provisions of subsection (2) above have been utilized, compliance with requirements for use of the environmental checklist contained in WAC 232-18-305 through 232-18-375 may be disregarded. [Order 79, § 232-18-300, filed 4/9/76.]

WAC 232-18-305 Timing for threshold determination. The R.O. Aide shall insure that a completed threshold determination is listed with the SEPA Information Center of the Department within fifteen days after the checklist is initially filled out, unless further information is required. The initial review of a completed environmental checklist can usually be completed in a matter of hours. If further information is required to make the threshold determination, the time required will vary, depending upon the nature of the proposal and the information required. When a threshold determination is expected to require more than fifteen days to complete and a private applicant requests notification of the date when a threshold determination will be made, the R.O. Aide shall transmit to the private applicant a written statement as to the expected date of decision. [Order 79, § 232-18-305, filed 4/9/76.]

WAC 232-18-310 Threshold determination procedures—Environmental checklist. (1) The R.O. Aide shall insure that an environmental checklist substantially in the form provided in WAC 232-18-365 is completed for any proposed major action before the responsible official makes the threshold determination. The proposal's proponent shall complete the checklist either alone or together with R.O. Aide. Explanations of every "yes" and "maybe" answer on the checklist shall be provided, and persons completing the checklist may provide explanations of "no" answers. Persons filling out an environmental checklist may make reference to studies or reports which are available to the agency to which the checklist is being submitted.

(2) An environmental checklist may be required by the R.O. Aide if he/she receives an application for a major action, or (if one has not been previously completed) an environmental checklist shall be required by the R.O. Aide prior to when the responsible official made the threshold determination.

(3) No environmental checklist or threshold determination is required for proposals that are exempted by WAC 197-10-170, 197-10-175 and 197-10-180 and WAC 232-18-150(2). [Order 79, § 232-18-310, filed 4/9/76.]

WAC 232-18-320 Threshold determination procedures—Initial review of environmental checklist. (1) If the Department is lead agency, the R.O. Aide shall conduct an initial review of the environmental checklist for the proposal together with any supporting documentation. This initial review shall be made without requiring further information from the applicant. In making this initial review, the R.O. Aide shall independently evaluate each item on the checklist and indicate thereon the results of this evaluation.

(2) After completing the initial review of the environmental checklist, the responsible official shall apply the criteria of WAC 232-18-060 and 232-18-360 to the checklist as evaluated by R.O. Aide. This process will lead to one of three determinations:

(a) The proposal will not have a significant adverse impact upon the quality of the environment; in which case, the R.O. Aide shall initiate the negative threshold determination procedures of WAC 232-18-340; or,

(b) The proposal will have a significant adverse impact upon the quality of the environment; in which case the R.O. Aide shall initiate the EIS preparation procedures of WAC 232-18-350 and 232-18-400 through 232-18-695; or,

(c) There is not sufficient information available to the R.O. Aide to enable him/her to reasonably make a determination of the environmental significance of the proposal; in which case the R.O. Aide shall implement one or more of the information gathering mechanisms in WAC 232-18-330. [Order 79, § 232-18-320, filed 4/9/76.]

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

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

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

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

(2) When, during the course of collecting further information on a proposal, the R.O. Aide obtains information reasonably sufficient to assess the adverse environmental impacts of the proposal, the responsible official shall immediately be contacted for a threshold

determination utilizing the criteria of WAC 232-18-360 and 232-18-365. In the event that the further investigations authorized by this section do not provide information reasonably sufficient to assess any potential adverse environmental impacts of the proposal, an EIS shall be prepared. [Order 79, § 232-18-330, filed 4/9/76.]

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

(2) The R.O. Aide shall prepare a final declaration of non-significance for all proposals except for those listed in subsection (3) below.

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

(a) Proposals for which there is another agency with jurisdiction.

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

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

(4) The R.O. Aide shall list all proposed declarations of non-significance in the "Proposed Declaration of Non-Significance Register" at the Department SEPA public information center. All such declarations shall be attached to the environmental checklist as evaluated by R.O. Aide and transmitted to any other agencies with jurisdiction and to the SEPA public information center of the Department.

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

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

(7) Issuance of proposed and final declarations of non-significance completes the procedural requirements

of these guidelines unless another agency with jurisdiction assumes lead agency duties and responsibilities pursuant to WAC 197-10-345. [Order 79, § 232-18-340, filed 4/9/76.]

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

(1) Notwithstanding the lead agency determination criteria of WAC 232-18-200 through 232-18-260, if the Department has jurisdiction over a proposal and objects to such determination upon review of a proposed declaration of non-significance, the responsible official may, at his/her discretion direct the R.O. Aide to transmit to the initial lead agency a completed "Notice of Assumption of Lead Agency Status". Such form of notice shall be substantially similar to that described in subsection (4) below. Assumption of lead agency status, if it is to occur, shall take place within fifteen days of the listing of the proposal in the "Proposed Declaration of Non-Significance Register" as provided for in WAC 232-18-340.

(2) The responsible official, prior to transmittal of the notice described in subsection (4) below and an attached declaration of significance, shall make a finding that an EIS is required for the proposal. This finding shall be based only upon information contained in the environmental checklist attached to the proposed declaration of non-significance transmitted by the lead agency and any other information possessed by the Department.

(3) As a result of the transmittal of a completed form of the notice contained in subsection (4) below and attached declaration of significance, the Department shall become the "new" lead agency and shall begin preparation of a draft EIS. In addition, all other responsibilities and authority of a lead agency under this chapter shall be transferred to the Department.

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

FORM OF NOTICE OF ASSUMPTION OF LEAD AGENCY STATUS

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

This proposal was determined by the (initial lead agency) to have no significant adverse impact upon the environment, according to the proposed declaration of non-significance dated ----- A review of the information relative to the environmental checklist has been made by the Department of Game and in its opinion an EIS is required for the proposal. Consequently, notice is hereby given that the Department, a former consulted agency with jurisdiction assumes the responsibility of lead agency status from the initial lead agency, including, but not limited to, the duty to prepare a draft and final EIS on the proposal.

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

(5) A completed form of notice, together with a declaration of significance, shall be transmitted to the initial lead agency, any other agencies with jurisdiction and the proponent of the proposal. A copy of the notice shall be retained in the Department SEPA public information center.

(6) The Department may still comment critically upon a proposed declaration of non-significance without assuming lead agency status. The Department has not assumed lead agency status pursuant to this section unless a notice substantially in the form of subsection (4) hereof is completed and transmitted. The decision to not assume lead agency status pursuant to this section creates no new legal obligation upon the Department. [Order 79, § 232-18-345, filed 4/9/76.]

WAC 232-18-350 Affirmative threshold determination. (1) In the event the responsible official determines that the proposal will have a significant adverse effect upon the quality of the environment, the responsible official shall direct the R.O. Aide to prepare a declaration of significance using the form in WAC 232-18-355 which shall be retained in the files of the Department. The R.O. Aide shall then list the proposal in the "EIS in Preparation Register" maintained at the SEPA public information center of the Department, and then begin the EIS preparation procedures of WAC 232-18-400 through 232-18-695.

(2) After the additional information gathering mechanisms of WAC 232-18-330 have been utilized, and when there exists a reasonable belief by the responsible official that the proposal could have a significant adverse impact, the procedure contained in subsection (1) above shall also be followed. [Order 79, § 232-18-350, filed 4/9/76.]

WAC 232-18-355 Form of declaration of significance/non-significance. (1) A declaration substantially in the form set forth in subsection (2) of this section shall be used for declarations of non-significance. This form shall be attached to the environmental checklist together with any other information obtained pursuant to WAC 232-18-330, and maintained in the files of the Department. The form without the attachments shall also be retained in the SEPA public information center of the Department for one year after issuance.

(2) The form is as follows:

**FORM FOR (PROPOSED/FINAL)
 DECLARATION
 OF (SIGNIFICANCE/NON-SIGNIFICANCE)**

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

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

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

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

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

(2) The questions in the environmental checklist are not weighted. It is probable there will be affirmative answers to several of these questions while the proposal would still not necessarily have a significant adverse impact; however, a single affirmative answer could indicate a significant adverse impact, depending upon the nature of the impact and location of the proposal. The nature of the existing environment is an important factor. The same project may have a significant adverse impact in one location, but not in another location. The absolute quantitative effects of the proposal are also important, and may result in a significant adverse impact regardless of the nature of the existing environment. The responsible official shall also be alert to the possibility that several marginal impacts when taken together will result in a significant adverse environmental impact. For some proposals, it may be impossible to forecast the environmental impacts with precision, often because some variables cannot be predicted. If, after the R.O. Aide has utilized the additional information gathering mechanisms of WAC 232-18-330, the impacts of the proposal are still in doubt, and there exists a reasonable belief by the responsible official that the proposal could have a significant adverse impact, an EIS is required.

(3) It should also be remembered that proposals designed to improve the environment (such as sewage treatment plants or pollution control requirements) may also have adverse environmental impacts. The question at the threshold determination level is not whether the

beneficial aspects of a proposal outweigh its adverse impacts, but rather if the proposal involves any significant adverse impacts upon the quality of the environment. If it does, an EIS is required. No test of balance shall be applied at the threshold determination level.

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

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

(2) Environmental checklist form:

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

Please answer the following questions as completely as you can with the information presently available to you. Where explanations of your answers are required, or where you believe an explanation would be helpful to government decision makers, include your explanation in the space provided, or use additional pages if necessary. You should include references to any reports or studies of which you are aware and which are relevant to the answers you provide. Complete answers to these questions now will help all agencies involved with your proposal to undertake the required environmental review without unnecessary delay.

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

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

ENVIRONMENTAL CHECKLIST FORM

I. BACKGROUND

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

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

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

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

8. Estimated Date for Completion of the Proposal:

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

10. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:

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

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

II. ENVIRONMENTAL IMPACTS

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

- | | Yes | Maybe | No |
|--|-----|-------|-----|
| (1) Earth. Will the proposal result in: | | | |
| (a) Unstable earth conditions or in changes in geologic substructures? | --- | --- | --- |
| (b) Disruptions, displacements, compaction or overcovering of the soil? | --- | --- | --- |
| (c) Change in topography or ground surface relief features? | --- | --- | --- |
| (d) The destruction, covering or modification of any unique geologic or physical features? | --- | --- | --- |
| (e) Any increase in wind or water erosion of soils, either on or off the site? | --- | --- | --- |
| (f) Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake? | --- | --- | --- |
| Explanation: ----- | | | |
| ----- | | | |
| (2) Air. Will the proposal result in: | | | |
| (a) Air emissions or deterioration of ambient air quality? | --- | --- | --- |
| (b) The creation of objectionable odors? | --- | --- | --- |
| (c) Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally? | --- | --- | --- |
| Explanation: ----- | | | |
| ----- | | | |
| (3) Water. Will the proposal result in: | | | |
| (a) Changes in currents, or the course or direction of water movements, in either marine or fresh | | | |

- | | Yes | Maybe | No |
|---|-----|-------|-----|
| waters? | --- | --- | --- |
| (b) Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff? | --- | --- | --- |
| (c) Alterations to the course or flow of flood waters? | --- | --- | --- |
| (d) Change in the amount of surface water in any water body? | --- | --- | --- |
| (e) Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? | --- | --- | --- |
| (f) Alteration of the direction or rate of flow of ground waters? | --- | --- | --- |
| (g) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? | --- | --- | --- |
| (h) Deterioration in ground water quality, either through direct injection, or through the seepage of leachate, phosphates, detergents, waterborne virus or bacteria, or other substances into the ground waters? | --- | --- | --- |
| (i) Reduction in the amount of water otherwise available for public water supplies? | --- | --- | --- |
| Explanation: ----- | | | |
| ----- | | | |
| (4) Flora. Will the proposal result in: | | | |
| (a) Change in the diversity of species, or numbers of any species of flora (including trees, shrubs, grass, crops, microflora and aquatic plants)? | --- | --- | --- |
| (b) Reduction of the numbers of any unique, | | | |

- | | Yes | Maybe | No |
|---|-----|-------|-----|
| rare or endangered species of flora? | --- | --- | --- |
| (c) Introduction of new species of flora into an area, or in a barrier to the normal replenishment of existing species? | --- | --- | --- |
| (d) Reduction in acreage of any agricultural crop? | --- | --- | --- |
| Explanation: -----
----- | | | |
| (5) Fauna. Will the proposal result in: | | | |
| (a) Changes in the diversity of species, or numbers of any species of fauna (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microfauna)? | --- | --- | --- |
| (b) Reduction of the numbers of any unique, rare or endangered species of fauna? | --- | --- | --- |
| (c) Introduction of new species of fauna into an area, or result in a barrier to the migration or movement of fauna? | --- | --- | --- |
| (d) Deterioration to existing fish or wildlife habitat? | --- | --- | --- |
| Explanation: -----
----- | | | |
| (6) Noise. Will the proposal increase existing noise levels? | --- | --- | --- |
| Explanation: -----
----- | | | |
| (7) Light and Glare. Will the proposal produce new light or glare? | --- | --- | --- |
| Explanation: -----
----- | | | |
| (8) Land Use. Will the proposal result in the alteration of the present or planned land use of an area? | --- | --- | --- |

- | | Yes | Maybe | No |
|--|-----|-------|-----|
| Explanation: -----
----- | | | |
| (9) Natural Resources. Will the proposal result in: | | | |
| (a) Increase in the rate of use of any natural resources? | --- | --- | --- |
| (b) Depletion of any nonrenewable natural resource? | --- | --- | --- |
| Explanation: -----
----- | | | |
| (10) Risk of Upset. Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions? | --- | --- | --- |
| Explanation: -----
----- | | | |
| (11) Population. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area? | --- | --- | --- |
| Explanation: -----
----- | | | |
| (12) Housing. Will the proposal affect existing housing, or create a demand for additional housing? | --- | --- | --- |
| Explanation: -----
----- | | | |
| (13) Transportation/Circulation. Will the proposal result in: | | | |
| (a) Generation of additional vehicular movement? | --- | --- | --- |
| (b) Effects on existing parking facilities, or demand for new parking? | --- | --- | --- |
| (c) Impact upon existing transportation system? | --- | --- | --- |

	Yes	Maybe	No
(d) Alterations to present patterns of circulation or movement of people and/or goods?	---	---	---
(e) Alterations to waterborne, rail or air traffic?	---	---	---
(f) Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	---	---	---
Explanation:			
.....			

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

(a) Fire protection?	---	---	---
(b) Police protection?	---	---	---
(c) Schools?	---	---	---
(d) Parks or other recreational facilities?	---	---	---
(e) Maintenance of public facilities, including roads?	---	---	---
(f) Other governmental services?	---	---	---
Explanation:			
.....			

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

(a) Use of substantial amounts of fuel or energy?	---	---	---
(b) Demand upon existing sources of energy, or require the development of new sources of energy?	---	---	---
Explanation:			
.....			

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

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

	Yes	Maybe	No
(b) Communications systems?	---	---	---
(c) Water?	---	---	---
(d) Sewer or septic tanks?	---	---	---
(e) Storm water drainage?	---	---	---
(f) Solid waste and disposal?	---	---	---
Explanation:			
.....			

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

	---	---	---
Explanation:			
.....			

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

	---	---	---
Explanation:			
.....			

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

	---	---	---
Explanation:			
.....			

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

	---	---	---
Explanation:			
.....			

III. SIGNATURE

I, the undersigned, state that to the best of my knowledge the above information is true and complete. It is

understood that the lead agency may withdraw any declaration of non-significance that it might issue in reliance upon this checklist should there be any willful misrepresentation or willful lack of full disclosure on my part.

Proponent: -----

[Order 79, § 232-18-365, filed 4/9/76.]

WAC 232-18-370 Withdrawal of affirmative threshold determination. If at any time after the entry of a declaration of significance, the proponent modifies the proposal so that, in the judgment of the responsible official, all significant adverse environmental impacts resulting therefrom are eliminated, the declaration of significance shall be withdrawn and a declaration of non-significance entered instead. The R.O. Aide shall direct revision of the registers at the Department's SEPA public information center accordingly. If the proponent of a proposal is a private applicant, the proposal shall not be considered modified until all license applications for the proposal are revised to reflect the modification. [Order 79, § 232-18-370, filed 4/9/76.]

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

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

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

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

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

(4) Whenever a final declaration of non-significance has been withdrawn for one of the reasons in subsection (2) hereof, and the responsible official upon re-evaluation determines that the proposal will have significant adverse environmental impacts, the Department shall initiate procedures to suspend, modify or revoke, as appropriate, any non-exempt licenses issued for the proposal until compliance with the procedures of chapter 197-10 WAC is met. [Order 79, § 232-18-375, filed 4/9/76.]

WAC 232-18-400 Duty to begin preparation of a draft EIS. After compliance with WAC 232-18-350, relating to preparation of a declaration of significance

and the listing of the proposal in the "EIS in Preparation Register," the R.O. Aide with approval of the responsible official shall prepare the draft and final EIS in compliance with WAC 232-18-410 through 232-18-695. [Order 79, § 232-18-400, filed 4/9/76.]

WAC 232-18-405 Purpose and function of a draft EIS. (1) The principal purpose of the draft EIS document is to transmit information concerning a proposed governmental action and the alternatives to that action to public officials, project sponsors, and interested citizens. While the contents of a draft EIS may span a wide spectrum of issues, the focus of the document is upon the following:

(a) The assessment of the adverse impacts upon the environment which may result from the proposed action or its alternatives, and

(b) An analysis of measures which may be taken to mitigate or eliminate those adverse impacts.

(2) Another principal function to be served by the draft EIS process is to facilitate the transmittal to the Department from other governmental agencies and interested citizens substantive information concerning the adverse impacts upon the environment discussed inadequately or erroneously in the draft EIS. The draft EIS process also provides an opportunity for reviewers of the document to bring to the attention of the Department any issue of potential environmental concern which should be explored prior to the issuance of a final EIS. [Order 79, § 232-18-405, filed 4/9/76.]

WAC 232-18-410 Pre-draft consultation procedures. (1) Pre-draft consultation is consultation by the Department with another agency with jurisdiction or expertise prior to completion of the draft EIS. Pre-draft consultation with another agency on proposals for private projects shall only be initiated by the Department when requested by a private applicant participating in the preparation of the draft EIS. Pre-draft consultation with another agency on public proposals may be initiated at the option of the Department.

(2) Pre-draft consultation is commenced when the R.O. Aide sends to the consulted agency a packet of the following material related to the proposal:

(a) Any application for licenses for the proposal in the possession of the Department.

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

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

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

(i) Prior EISs;

(ii) Portions of applicable plans or ordinances; or,

(iii) Prior scientific studies applicable to the site.

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

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

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

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

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

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

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

EIS are supervised and approved by the responsible official as required by this section.

(6) The provisions of this section apply to both the draft and final EIS. [Order 79, § 232-18-420, filed 4/9/76.]

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

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

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

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

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

(2) Introduction. The following information shall be succinctly set forth at the beginning of the draft EIS:

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

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

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

(d) List of all licenses which the proposal is known to require.

(e) Location of EIS background data.

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

(g) Date of issue of the draft EIS.

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

(3) Table of contents.

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

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

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

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

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

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

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

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

(a) The name of the proposal and sponsors.

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

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

(d) If the proposal involves phases construction over a period of time, the timing of each construction phase should be identified; and if it is anticipated that later phases of the proposal will require future environmental analyses, these should be identified.

(e) A description of the major physical and engineering aspects of the proposal. This description should be tailored to the environmental impacts later discussed, with those physical aspects of the proposal causing the

greater impacts being given the more detailed description. Inclusion of detailed engineering drawings and technical data should normally be avoided. Material of this nature should be retained in Department files and supplied to consulted agencies upon request.

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

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

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

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

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

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

(iii) Inventories of the species of flora and fauna present on the site should be avoided; rather, emphasis should be placed upon those species and habitats which may be significantly affected.

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

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

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

(a) The known impacts resulting from the proposal within any element of the environment listed in WAC 232-18-444, the effects of which are either known to be, or which may be significant (whether beneficial or adverse), shall be discussed in detail; impacts which are potential, but not certain to occur, shall be discussed within reason.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) A description of reasonable alterations to the proposal which may result in avoiding, mitigating or reducing the risk of occurrence of any adverse impacts upon the environment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The R.O. Aide should be alert to the fact that the Department is in the development and review of proposals for non-project actions where the range of alternatives is typically more broad than that of a proposal for a project action (which is often narrowed to a specific location and design). The proposal should be described

in a manner which encourages consideration of a number of alternative methods of accomplishing its objective. For example, an objective of a Department proposal should be stated as "the facilitation of the movement of people from point A to point B" rather than "the widening of an urban arterial in order to accommodate additional privately-owned passenger vehicles." [Order 79, § 232-18-442, filed 4/9/76.]

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

(2) ELEMENTS OF THE PHYSICAL ENVIRONMENT.

- (a) Earth.
 - (i) Geology.
 - (ii) Soils.
 - (iii) Topography.
 - (iv) Unique physical features.
 - (v) Erosion.
 - (vi) Accretion/avulsion.
- (b) Air.
 - (i) Air quality.
 - (ii) Odor.
 - (iii) Climate.
- (c) Water.
 - (i) Surface water movement.
 - (ii) Runoff/absorption.
 - (iii) Floods.
 - (iv) Surface water quantity.
 - (v) Surface water quality.
 - (vi) Ground water movement.
 - (vii) Ground water quantity.
 - (viii) Ground water quality.
 - (ix) Public water supplies.
- (d) Flora.
 - (i) Numbers or diversity of species.
 - (ii) Unique species.
 - (iii) Barriers and/or corridors.
 - (iv) Agricultural crops.
- (e) Fauna.
 - (i) Numbers or diversity of species.
 - (ii) Unique species.
 - (iii) Barriers and/or corridors.
 - (iv) Fish or wildlife habitat.
- (f) Noise.
- (g) Light and glare.
- (h) Land use.

- (i) Natural resources.
 - (i) Rate of use.
 - (ii) Nonrenewable resources.
- (j) Risk of explosion or hazardous emissions.

(3) ELEMENTS OF THE HUMAN ENVIRONMENT.

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

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

- (a) Additional population characteristics.
 - (i) Distribution by age, sex and ethnic characteristics of the residents in the geographical area affected by the environmental impacts of the proposal. [Order 79, § 232-18-444, filed 4/9/76.]

WAC 232-18-450 Public awareness of availability of draft EIS. (1) Upon publication of the draft EIS, the responsible official shall list the proposal in the Department's "EIS Available Register" maintained at the agency's SEPA public information center.

(2) The R.O. Aide shall use any reasonable method calculated to inform the public of the availability of the draft EIS and of the procedures for requesting a public hearing. [Order 79, § 232-18-450, filed 4/9/76.]

WAC 232-18-455 Circulation of the draft EIS—
Review period. (1) According to chapter 197-10 WAC a consulted agency shall have a maximum of thirty-five days from the date of listing of the proposal in the "EIS Available Register" in which to review the draft and forward its comments and information with respect thereto to the Department. If a consulted agency with jurisdiction requires additional time to develop and complete new data on the proposal, a fifteen day extension may be granted by the Department. Extensions may not be granted for any other purpose.

(2) There shall be allowed a period of thirty-five days from the date of the listing of the proposal in the "EIS Available Register" for the public to forward to the Department any comments upon or substantive information related to the proposal and the draft EIS. [Order 79, § 232-18-455, filed 4/9/76.]

WAC 232-18-460 Specific agencies to which draft EIS shall be sent. (1) A copy of each draft EIS shall be mailed no later than the day that it is listed in the "EIS Available Register" to the following:

(a) The Department of Ecology.

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

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

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

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

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

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

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

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

WAC 232-18-470 Cost to the public for reproduction of environmental documents. When the Department is lead agency it shall make available a copy of any environmental document, in the manner provided by chapter 42.17 RCW, charging only those costs allowed

therein and mailing costs: *Provided*, That no charge shall be levied for circulation of documents to other agencies which is required by these guidelines. [Order 79, § 232-18-470, filed 4/9/76.]

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

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

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

(b) When fifty or more persons residing within the jurisdiction of the Department, or who would be adversely affected by the environmental impact of the proposal, make written request to the Department within thirty-five days of the listing of the proposal in the "EIS Available Register"; or,

(c) When two or more agencies with jurisdiction over a proposal make written request to the Department within thirty-five days of the listing of the proposal in the "EIS Available Register".

(3) Whenever a public hearing is held under subsection (2) of this section, it shall occur no later than fifty-one days from the listing of the proposal in the "EIS Available Register" and no earlier than fifteen days from such date of listing. [Order 79, § 232-18-480, filed 4/9/76.]

WAC 232-18-485 Notice of public hearing on environmental impact of the proposal. (1) Notice of all public hearings to be held pursuant to WAC 232-18-480(2) shall be published in a newspaper of general circulation in the area where the project will be implemented. For non-project actions the notice shall be published in the general area where the Department has its principal office. The notice shall be published no later than five days preceding the hearing. For non-project proposals having regional or statewide applicability, copies of the notice shall be transmitted to the Olympia bureaus of the associated press and united press international.

(2) A notation of the hearing date and location shall be entered in the "EIS Available Register" maintained at the Department's SEPA public information center. [Order 79, § 232-18-485, filed 4/9/76.]

WAC 232-18-490 Public hearing on the proposal—Use of environmental documents. Whenever the Department holds a public hearing on the environmental impact of a proposal, the hearing shall be open to discussion of all environmental documents and any written comments which have been received by the Department prior to the hearing. A copy of the draft EIS shall be made available for public inspection at the public hearing. [Order 79, § 232-18-490, filed 4/9/76.]

WAC 232-18-495 Preparation of amended or new draft EIS. (1) The Department, as lead agency, shall prepare an amended or new draft EIS whenever it determines:

(a) That substantial changes have been made in the proposal, or significant new information concerning anticipated environmental impacts has become available subsequent to circulation of the initial draft EIS, and

(b) That circulation of a new draft EIS is necessary to provide further input and review on the proposal.

(2) In such event, the Department shall follow the provisions of WAC 232-18-450 through 232-18-490 for the amended or new draft EIS. [Order 79, § 232-18-495, filed 4/9/76.]

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

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

(b) If a pre-draft consultation request is received by the contact person. The contact person must transmit a written response to the lead agency within 45 days of when the Department received the consultation packet from the lead agency.

(c) If a Draft EIS consultation request is received by the contact person. The contact person must transmit a written response to the lead agency within 35 days from the date of listing of the proposal in the lead agency's "EIS Available Register". [Order 79, § 232-18-500, filed 4/9/76.]

WAC 232-18-510 Department responsibilities when consulted as an agency with expertise but no jurisdiction.

(1) The contact person when responding to a consultation request as part of the lead agency's pre-draft process of EIS review process, shall insure that substantive data, information, test results or other material relevant to the proposal which the Department then possesses relating to the Department's area of expertise is provided to the lead agency within the time limits specified in WAC 232-18-500(a), (b) and/or (c) whichever is applicable.

(2) The contact person may at his/her option direct an appropriate person within the Department to investigate, develop and transmit to him/her additional information when it is necessary that such information be provided to the lead agency for the lead agency to meet lead agency responsibilities under WAC 197-10-440 or 197-10-442. [Order 79, § 232-18-510, filed 4/9/76.]

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

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

WAC 232-18-545 Effect of no written comment. If a consulted agency does not respond with written comments within thirty-five days of the date of listing of the draft EIS in the "EIS Available Register," or fails to respond within the fifteen-day extension period which may have been granted by the lead agency, the lead agency may assume that the consulted agency has no

information relating to the potential impact of the proposal upon the subject area of the consulted agency's jurisdiction or special expertise. Any consulted agency which fails to submit substantive information to the lead agency in response to a draft EIS is thereafter barred from alleging any defects in the lead agency's compliance with WAC 197-10-400 through 197-10-495, or with the contents of the final EIS. [Order 79, § 232-18-545, filed 4/9/76.]

WAC 232-18-550 Preparation of the final EIS—
Time period allowed. The R.O. Aide shall prepare a final EIS within seventy-five days of the listing of the proposal in the "EIS Available Register". The R.O. Aide may extend the time period whenever the proposal is unusually large in scope, or the environmental impact associated with the proposal is unusually complex. [Order 79, § 232-18-550, filed 4/9/76.]

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

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

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

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

(3) The R.O. Aide may determine that it is necessary and appropriate to rewrite the contents of the draft EIS in order to respond to critical comments received during the commenting period. In such instances, the R.O. Aide

shall circulate the re-written EIS in the manner specified in WAC 232-18-600. The R.O. Aide shall ensure that the re-written EIS evidences an affirmative response by the Department to the critical comments, or alternatively, contains a summary of those critical comments with which it does not agree.

(4) A document prepared and circulated pursuant to subsection (2) or (3) above shall constitute the "final EIS" for the proposal. [Order 79, § 232-18-580, filed 4/9/76.]

WAC 232-18-600 Circulation of the final EIS. The final EIS shall be circulated to the Department of Ecology, office of the governor or the governor's designee, the ecological commission, the Department's SEPA public information center, agencies with jurisdiction, and federal agencies with jurisdiction which received the draft EIS. It shall be made available to the public in the same manner and cost as the draft EIS. [Order 79, § 232-18-600, filed 4/9/76.]

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

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

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

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

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

(3) If, after review thereof, the Department determines that the federal EIS is adequate, it shall be listed in the "EIS Available Register" in the SEPA public information center.

(4) A public hearing on the sole issue of the adequacy of the content of a federal EIS shall be held if, within thirty-five days of its listing in the register, at least fifty persons who reside within the jurisdiction of the Department, or are adversely affected by the environmental impact of the proposal, make written request therefor. The Department shall reconsider its determination of adequacy in view of comments received at any such public hearing. [Order 79, § 232-18-650, filed 4/9/76.]

WAC 232-18-652 Supplementation by the department of an inadequate final NEPA EIS. When a final EIS prepared pursuant to NEPA is inadequate under the criteria set forth in WAC 232-18-650(2), then the R.O. Aide shall either:

(1) Prepare a draft EIS independent of the final NEPA EIS or

(2) Modify or supplement the final NEPA EIS as necessary to prepare an adequate draft EIS. [Order 79, § 232-18-652, filed 4/9/76.]

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

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

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

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

(3) When the new proposed action will not have an impact on the environment that is substantially different than the impacts of the earlier proposed action, the R.O. Aide may prepare a written statement setting forth the responsible official's decision under this subsection and list the proposal in the "EIS Available Register". The Department shall not be required to prepare a new or supplemental draft or final EIS on the new proposed action when this subsection is determined to apply. The provisions of WAC 232-18-480 through 232-18-490, relating to a public hearing on the environmental impact of a proposal apply, however, to proposed actions determined to be under the provisions of this subsection. [Order 79, § 232-18-660, filed 4/9/76.]

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

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

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

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

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

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

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

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

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

(2) Upon preparation of the draft supplemental EIS, the R.O. Aide shall comply with WAC 232-18-550 through 232-18-580 and the final supplemental EIS, together with the earlier EIS, shall be regarded as a final EIS for all purposes of these guidelines. [Order 79, § 232-18-695, filed 4/9/76.]

WAC 232-18-700 No action for seven days after publication of the final EIS. The Department shall take no major action (as defined in WAC 232-18-040(26)) on a proposal for which an EIS has been required, prior to seven days from the publication of the final EIS and its listing in the "EIS Available Register" maintained at the agency's SEPA public information center. [Order 79, § 232-18-700, filed 4/9/76.]

WAC 232-18-710 EIS combined with existing planning and review processes. The EIS process shall be combined with the existing planning, review and project approval processes being used by the Department when it has jurisdiction by law over a proposal. When required to be prepared, the EIS, the declaration of non-significance, or the previously circulated EIS being utilized pursuant to WAC 232-18-660, shall accompany a proposal through the existing review processes. [Order 79, § 232-18-710, filed 4/9/76.]

WAC 232-18-830 Responsibility of department—SEPA public information center. (1) The Department establishes and designates its headquarters office located at 600 North Capitol Way, Olympia, Washington as its SEPA public information center. [Order 79, § 232-18-830, filed 4/9/76.]

WAC 232-18-835 Department responsibilities to regional SEPA public information centers. (1) For any proposal which will affect a county in which a regional SEPA public information center has been designated, the Department (when functioning as the lead agency)

shall transmit to the regional center all documents required to be maintained at such a SEPA public information center, together with information needed to update the registers maintained at such center.

(2) When the Department is proposing non-project actions of regional or statewide applicability the R.O. Aide shall transmit to the regional SEPA public information centers within counties affected thereby the information needed to update the registers of the regional centers, together with any notices made under WAC 232-18-450, but shall not be required to transmit any other environmental document to the regional centers. When the Department is considering proposed project or licensing actions it shall comply with subsection (3) hereof in the same manner as local agencies. [Order 79, § 232-18-835, filed 4/9/76.]

WAC 232-18-840 Application of department guidelines to ongoing actions. (1) These guidelines shall apply to any proposed action when initiated subsequent to the effective date of the guidelines of the lead agency or the agency proposing the action.

(2) For proposals made prior to the effective date of the guidelines of the lead agency or the agency proposing the action, these guidelines shall apply to those elements of SEPA compliance remaining to be undertaken subsequent to the effective date of such guidelines. These guidelines adopted pursuant to RCW 43.21C.120 and the requirements of chapter 197-10 WAC shall not be applied to invalidate or require modification of any threshold determination, EIS or other element of SEPA compliance undertaken or completed prior to the effective date of the guidelines of the lead agency or agency proposing the action. [Order 79, § 232-18-840, filed 4/9/76.]

WAC 232-18-870 Filing of agency action—Publication—Form—Time limitation for commencing challenge to action. The R.O. Aide shall file for the Department any non-exempt agency actions, as defined by WAC 232-18-040(2). The method of filing, publication form of notice, publication and appeals from such action shall be as directed by the terms of RCW 43.21C.080. [Order 79, § 232-18-870, filed 4/9/76.]

WAC 232-18-910 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected. [Order 79, § 232-18-910, filed 4/9/76.]

Chapter 232-24 WAC

TEMPORARY REGULATIONS

WAC

232-24-120 Temporary regulation.

Reviser's note: Regulations pertaining to game and game fish open and closed areas and seasons and bag and catch limits are customarily promulgated by the game commission as temporary regulations and filed with reviser's office. Such regulations are also printed in pamphlet form and are made available to the public at all places where

hunting and fishing licenses are sold. Because of the transitory nature of these regulations and the wide distribution thereof, such regulations are omitted from the Washington Administrative Code by authority of RCW 34.04.050(3). Copies of the pamphlets may also be obtained by writing to the Department of Game, 600 N. Capitol Way, Olympia. The original orders may be inspected in the office of the Code Reviser, Legislative Building, Olympia 98504.

Published each season in pamphlet form are:

1. Hunting seasons and game bag limits.
2. Upland and migratory game bird hunting seasons and bag limits.
3. Game management unit descriptions.
4. Mountain goat hunting season and application instructions.
5. Game fish seasons and catch limits.
6. Dove and pigeon hunting season.
7. Mountain goat and mountain sheep hunting seasons.
8. Hunting and trapping seasons.
9. Fishing seasons and regulations (Published in Game Commission Regulation Pamphlet).
10. Mourning dove and band-tailed pigeon seasons.
11. Trapping seasons and regulations.
12. Bobcat hunting season.
13. Black bear, cougar, bobcat, raccoon, rockchuck and blacktail jackrabbit.
14. Spring and summer hunting seasons.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 232-24-010 Juvenile fishing and catch limits. [Temporary Regulation 184, filed 4/14/61; Regulation 159, filed 3/21/60. Formerly WAC 232-12-540.] Repealed by Order 4, filed 4/20/70.
- 232-24-020 Scatter creek public hunting area—Dog training and trails. [Temporary Regulation No. 228, filed 7/25/64.] Repealed by Order 4, filed 4/20/70.
- 232-24-030 Lake Terrell classified as "Catch and release" Lake. [Temporary Regulation 261, filed 1/25/67; Temporary Regulation No. 245, filed 12/7/65.] Repealed by Order 4, filed 4/20/70.
- 232-24-040 Restriction on applicants for mountain goat and mountain sheep (Bighorn) controlled hunts. [Temporary Regulation No. 251, filed 5/31/66.] Repealed by Order 4, filed 4/20/70.
- 232-24-043 Ineligible applicants making application for controlled goat, mountain sheep (Bighorn sheep) or elk hunt permits—Penalties. [Temporary Regulation 289, filed 8/12/69.] Repealed by Order 16, filed 6/30/71.
- 232-24-045 Restrictions on applicants for controlled elk hunts. [Temporary Regulation 263, filed 5/15/67.] Repealed by Order 4, filed 4/20/70.
- 232-24-050 White fallow deer in Grant and Douglas Counties. [Temporary Regulation 241, filed 8/16/65; Temporary Regulation 206, filed 8/14/62.] Repealed by Order 4, filed 4/20/70.
- 232-24-060 Pursuit of bear and cougar without taking or killing. [Temporary Regulation 268, filed 8/25/67, 7/15/67.] Repealed by Order 4, filed 4/20/70.
- 232-24-070 Means of taking migratory waterfowl or migratory game birds. [Order 281 (part), filed 9/11/68, effective 10/12/68.] Repealed by Order 4, filed 4/20/70.
- 232-24-080 Use of dog unlawful when pursuing bear, predatory animals or predatory birds. [Temporary Regulation No. 288 (part), filed 6/5/69.] Repealed by Order 4, filed 4/20/70.
- 232-24-090 Transporting mountain sheep and mountain goat. [Temporary Regulation No. 288 (part), filed 6/5/69.] Repealed by Order 4, filed 4/20/70.

WAC 232-24-120 Temporary Regulation. The current fishing closing date of September 5, 1977, for Desire, Shadow and Steel Lakes in King County, for Martha (Warm Beach) and Silver Lakes in Snohomish County, for McMurray Lake in Skagit County, and for Deep Lake in Thurston County is hereby extended through October 31, 1977. [Order 104, § 232-24-120, filed 8/4/77.]

**Chapter 232-28 WAC
SEASONS AND LIMITS**

Department of Game, 600 N. Capitol Way, Olympia, Washington
98504.

WAC

- 232-28-001 1977 Mountain goat, sheep and moose hunting seasons.
- 232-28-100 1977 Upland migratory game bird seasons.
- 232-28-200 1977 Hunting seasons and bag limits.
- 232-28-300 1977 Game management unit and area legal descriptions.
- 232-28-400 1977 Upland game bird and migratory waterfowl seasons.
- 232-28-500 Trapping seasons and regulations 1977-1978.
- 232-28-600 1978 Washington game fish seasons and catch limits.

WAC 232-28-001 1977 Mountain goat, sheep and moose hunting seasons. [Order 97, (codified as WAC 232-28-001), filed 5/27/77.]

WAC 232-28-100 1977 Upland migratory game bird seasons*.

-Statewide-

MOURNING DOVE:

September 1 - September 30, inclusive
Daily bag limit: 10, Possession limit: 20

BAND-TAILED PIGEON

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

SHOOTING HOURS as follows: (Daylight Saving Time)

DATES INCLUSIVE	Eastern Washington		Western Washington	
	From A.M.	To P.M.	From A.M.	To P.M.
Thu. Sept. 1 Sun. Sept. 4	5:45	7:35	6:00	7:45
Mon. Sept. 5 Sun. Sept. 11	5:55	7:25	6:05	7:35
Mon. Sept. 12 Sun. Sept. 18	6:05	7:10	6:15	7:20
Mon. Sept. 19 Sun. Sept. 25	6:10	6:55	6:25	7:10
Mon. Sept. 26 Thu. Sept. 30	6:25	6:40	6:35	6:55

*Established contingent upon receipt of the Federal Framework for early migratory bird seasons. [Order 101, § 232-28-100, filed 7/22/77.]

WAC 232-28-200 1977 Hunting seasons and bag limits. [Order 102, § 232-28-200, filed 7/22/77.]

WAC 232-28-300 1977 Game management unit and area legal descriptions. [Order 103, § 232-28-300, filed 7/22/77.]

WAC 232-28-400 1977 Upland game bird and migratory waterfowl seasons. [Order 106A, § 232-28-400, filed 10/7/77; Order 106, § 232-28-400, filed 9/12/77.]

WAC 232-28-500 Trapping seasons and regulations 1977-1978. [Order 108, § 232-28-500, filed 10/7/77.]

WAC 232-28-600 1978 Washington game fish seasons and catch limits. [Order 111, § 232-28-600, filed 12/1/77.]

Reviser's Note: This rule is in pamphlet form and has been omitted from publication in the Washington Administrative Code under the authority of RCW 34.04.050(3). Copies may be obtained from the