

Title 25 WAC

ARCHAEOLOGY AND HISTORIC PRESERVATION, OFFICE OF

Chapters

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Chapter 25-12 WAC ADVISORY COUNCIL ON HISTORIC PRESERVATION

WAC

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WAC 25-12-010 Purpose. The purpose of this chapter shall be to ensure compliance by the advisory council on historic preservation with the provisions of chapter 1, Laws of 1973 (chapter 42.17 RCW) in particular that portion dealing with public records.

[Statutory Authority: RCW 43.51A.080. 80-06-096 (Order 6), § 25-12-010, filed 5/30/80.]

WAC 25-12-020 Definitions. (1) Public records. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency, regardless of physical form or characteristics.

(2) Writing. Writing means handwriting, typewriting, printing, photostating, 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) Advisory council on historic preservation. The advisory council on historic preservation is the council established pursuant to RCW 43.51A.110, and is hereinafter referred to as the "council."

(4) Office of archaeology and historic preservation. The office of archaeology and historic preservation is that agency established pursuant to RCW 43.51A.030, and is hereinafter referred to as the "office." The office provides staff for the council.

(5) State historic preservation officer. The state historic preservation officer is that person appointed pursuant to RCW 43.51A.060 to implement the purposes of that chapter, and hereinafter referred to as "SHPO."

(6) Professional public. The professional public includes individuals, government agencies, or private businesses which, as a means of providing livelihood or fulfilling legal obligations, are available to prepare nominations to the state and national registers of historic places. The professional public is further identified in WAC 25-12-050(2).

(7) Nonprofessional public. The nonprofessional public includes individuals, organizations, government agencies, or private businesses not identified as provided in WAC 25-12-050(2).

[Statutory Authority: RCW 43.51A.080. 80-06-096 (Order 6), § 25-12-020, filed 5/30/80.]

WAC 25-12-030 Description of purpose and staff. The council is of an advisory nature for the governor and the office. Financial and administrative services including those related to budgeting, accounting, financial reporting, personnel and procurement shall be provided the council by the office. The administrative location of the council and that of its staff is at the Office of Archaeology and Historic Preservation, 111 West 21st Avenue, Olympia, Washington. The council meets on the last Friday of every third month unless otherwise agreed by a majority of the members of the council.

[Statutory Authority: RCW 43.51A.080. 80-06-096 (Order 6), § 25-12-030, filed 5/30/80.]

WAC 25-12-040 Procedures—Nominations proposed by nonprofessional public. (1) Individuals expressing an interest in promoting the nomination of a property shall first receive a survey-inventory form. The form, when returned to the SHPO with a recent photograph, will be the basis for further action.

(2) If the SHPO determines that the property may meet the criteria of the State or National Register of Historic Places, a nomination form and instructions will be forwarded to the proponent. Completed nominations must be submitted to the SHPO for review and evaluation.

(3) The SHPO shall alert the proponent to any assistance that may be available to the proponent to complete

the nomination in a manner consistent with the provisions of WAC 25-12-060(3). Such alert may include the direct involvement of the office in the preparation of the nomination or referrals to professionals.

(4) Any nomination developed under this section shall be treated as outlined in WAC 25-12-060.

[Statutory Authority: RCW 43.51A.080. 80-06-096 (Order 6), § 25-12-040, filed 5/30/80.]

WAC 25-12-050 Procedures--Nominations proposed by the professional public. (1) Members of the professional public may submit completed nominations directly to the SHPO for review and evaluation. The opportunity to review drafts of the nomination is encouraged to promote the rapid handling of the complete document.

(2) The SHPO shall prepare and maintain a list of the professional public to identify those who can submit nominations under this section and for referrals as provided in WAC 25-12-040(3). Inclusion on the list shall be limited to those individuals, governmental agencies, or private businesses that have demonstrated an ability to prepare nominations consistent with WAC 25-12-060(3).

(3) Any nomination developed under this section shall be treated as outlined in WAC 25-12-060.

[Statutory Authority: RCW 43.51A.080. 80-06-096 (Order 6), § 25-12-050, filed 5/30/80.]

WAC 25-12-060 Procedures. The following is a statement of the general course and method followed in the nomination and designation of historic properties.

(1) The SHPO shall not schedule any nomination for review by the council if the nomination is poorly prepared, incomplete in any manner, or treats a property that does not appear to be eligible for the state or national registers of historic places. The agenda shall be established by the SHPO in cooperation and consultation with the chairperson of the council.

(2) The SHPO may return any nomination to the originator for correction, or for additional information of any kind required for completion and accuracy.

(3) The SHPO shall prepare and distribute standards of acceptability for nominations, such standards to be not more restrictive than those promulgated by the Heritage Conservation and Recreation Service for the conduct of the National Register program.

(4) The SHPO will notify the owner of the property and the most appropriate local jurisdiction or government of the date, time, and location of the review of the nomination by the council, such notification to occur not more than 45 days nor less than 30 days prior to the scheduled meeting date.

(5) In the nomination of an historic district where more than 50 property owners are involved, notification shall occur through a notice in a local newspaper of general circulation.

(6) Federally affected properties which have been determined under federal regulations to be ineligible for the National Register will be referred to the SHPO to be evaluated for inclusion on the State Register without

referring the nomination to the council for further consideration.

(7) Following council review, the council will transmit its recommendations to the SHPO. When the council has reviewed and approved a procedurally correct nomination and has forwarded it to the SHPO, the SHPO will submit the nomination to the National Register, unless, in his opinion, the SHPO considers the property one which does not meet the National Register criteria. A decision to submit a nomination is within the discretion of the SHPO. All council determinations regarding nominations are advisory only. In each instance that the SHPO determines a nomination to be ineligible for inclusion in the National Register, he/she shall notify the council of this action at its next regularly scheduled meeting.

(8) The SHPO shall act upon all nominations reviewed by the council prior to its next regularly scheduled meeting, and shall report those actions to the council at that meeting.

[Statutory Authority: RCW 43.51A.080. 80-06-096 (Order 6), § 25-12-060, filed 5/30/80.]

WAC 25-12-070 Public records available. All public records of the council, as defined in WAC 25-18-020, are available for public inspection any copying at the office location described in WAC 25-12-030, pursuant to WAC 25-18-040 through 25-18-130, except as otherwise provided by RCW 42.17.310.

[Statutory Authority: RCW 43.51A.080. 80-06-096 (Order 6), § 25-12-070, filed 5/30/80.]

Chapter 25-18 WAC PUBLIC RECORDS

WAC	Purpose.
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25-18-040	Public records officer.
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25-18-090	Review of denials of public records requests.
25-18-100	Protection of public records.
25-18-110	Communications.
25-18-120	Adoption of form.
25-18-130	Request for public record.

WAC 25-18-010 Purpose. The purpose of this chapter shall be to ensure compliance by the office of archaeology and historic preservation with the provisions of RCW 42.17.250 through 42.17.320 dealing with public records.

[Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-010, filed 4/3/80.]

WAC 25-18-020 Definitions. (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned,

used or retained by any state or local agency, regardless of physical form or characteristic.

(2) "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) "Office of archaeology and historic preservation" shall mean the agency established pursuant to by RCW 43.51A.030, hereinafter referred to as the "office."

(4) "State historic preservation officer" shall mean that person appointed pursuant to RCW 43.51A.060 to implement the purposes of that chapter, hereinafter referred to as "SHPO."

[Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-020, filed 4/3/80.]

WAC 25-18-030 Public records available. All public records of the office, as defined in WAC 25-18-020(1), are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 25-18-080.

[Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-030, filed 4/3/80.]

WAC 25-18-040 Public records officer. The office's public records shall in the charge of the public records officer designated by the SHPO. The person so designated shall be located in the office. The public records officer shall be responsible for the following: the implementation of office policy in regard to the release of public records, coordinating the staff of the office in this regard, and generally insuring staff compliance with the public disclosure requirements of chapter 1, Laws of 1973 (chapter 42.17 RCW).

[Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-040, filed 4/3/80.]

WAC 25-18-050 Office hours. Public records shall be available for inspection and copying during the customary office hours. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4 p.m., Monday through Friday, excluding legal holidays. All public records of the agency are located at the Office of Archaeology and Historic Preservation, 111 West 21st, Olympia, Washington.

[Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-050, filed 4/3/80.]

WAC 25-18-060 Requests for public records. In accordance with requirements of chapter 1, Laws of 1973 (chapter 42.17 RCW), 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 procedure:

(1) A request shall be made in writing upon a form prescribed herein which shall be available at the location indicated in WAC 25-18-050. The form shall be presented to the public records officer, or to another designated member of the staff if the public records officer is not available, 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) An appropriate description of the record requested.

(2) The public records officer, or staff member assisting the member of the public making the request, will ascertain whether or not the information requested is exempt from public inspection and copying as outlined in WAC 25-18-080 and further defined in RCW 42.17.310. Included therein, but not limited to, are such exemptions as personal information that may violate the right of privacy of the individual, national defense information, certain aspects of real estate appraisals as outlined in (g) of said section, and other particular information.

(3) In all cases, it shall be the obligation of the public records officer, or staff member to whom the request is made, to:

- (a) Locate the specific document(s) requested by the member of the public in the most timely manner possible;
- (b) Assist the member of the public in appropriately identifying the public record requested;
- (c) Protect and otherwise prevent damage to the public record being inspected and copied;
- (d) Prevent disorganization of file folders or document containers;
- (e) Remain in the company of the member of the public at all times during which a public document is being inspected, and provide the fullest assistance possible;
- (f) Prevent excessive interference with the other essential functions of the agency.

(4) In all cases, the member of the public making the request will not be permitted access to the file storage area.

[Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-060, filed 4/3/80.]

WAC 25-18-070 Copying. No fee shall be charged for the inspection of public records. The office shall charge a fee of fifty cents per page of copy for single page documents and twenty-five cents per page of copy for multiple page document copies of public records and for use of the office copy equipment. This charge is the amount necessary to reimburse the office for its actual cost incident to such copying.

[Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-070, filed 4/3/80.]

WAC 25-18-080 Exemptions. (1) The office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 25-18-060 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the office reserves the right to delete identifying details when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973 (chapter 42.17 RCW). The public records officer will justify such deletion in writing.

(3) 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.

[Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-080, filed 4/3/80.]

WAC 25-18-090 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 rendering 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 SHPO. The SHPO 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 SHPO has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-090, filed 4/3/80.]

WAC 25-18-100 Protection of public records. Records are available for inspection and copying at the location and during office hours identified in WAC 25-18-050 and then only in the presence of an authorized employee of the office and with the aid and assistance of such an employee.

[Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-100, filed 4/3/80.]

WAC 25-18-110 Communications. All communications with the office including but not limited to the submission of materials pertaining to its operation, the administration, or the enforcement of chapter 1, Laws of 1973 (chapter 42.17 RCW), and these rules, requests for copies of decisions and other matters, shall be addressed as follows: State Historic Preservation Officer, Office of

Archaeology and Historic Preservation, 111 West 21st Avenue, Olympia, WA 98504.

[Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-110, filed 4/3/80.]

WAC 25-18-120 Adoption of form. The office hereby adopts for use by all persons requesting inspection or copying or copies of its records, the form attached hereto as WAC 25-18-130, entitled "Request for public record."

[Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-120, filed 4/3/80.]

WAC 25-18-130 Request for public record.

To: State Historic Preservation Officer
Office of Archaeology and Historic Preservation
111 West 21st Avenue
Olympia, WA 98504

Name of requestor: _____

Address of requestor: _____
(Street)

(City) (State) (Zip)

Date of request: _____
(Month) (Day) (Year)

Time of request: _____
AM
PM
(Hour)

What information is requested? _____

Are copies requested? _____

If so, how many? _____

Total pages _____

Fee charged _____ \$ _____
(Pages x \$ _____)

[Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-130, filed 4/3/80.]

Chapter 25-24 WAC

HISTORIC PRESERVATION GRANTS ADVISORY COMMITTEE

WAC	
25-24-010	Purpose.
25-24-020	Definitions.
25-24-030	Description of purpose and staff.
25-24-040	Composition.
25-24-050	Duties and responsibilities.
25-24-060	Procedures.
25-24-070	Public records available.

WAC 25-24-010 Purpose. The purpose of this chapter is to establish an historic preservation grants advisory committee to assist the state historic preservation officer in the disbursement of grant funds as provided in RCW 43.51A.090.

[Statutory Authority: RCW 43.51A.080. 80-05-002 (Order 5), § 25-24-010, filed 4/3/80.]

WAC 25-24-020 Definitions. (1) Committee. Committee means the historic preservation grants advisory committee as established by this chapter, hereinafter referred to as the committee.

(2) State historic preservation officer. The state historic preservation officer is that person appointed pursuant to RCW 43.51A.060 to implement the purposes of that chapter, hereinafter referred to as "SHPO."

(3) Historic preservation fund. The historic preservation fund means the annual allocation provided that state by the federal government to fulfill the intent of the National Historic Preservation Act of 1966 (PL89-665).

(4) Grants. Grant means a sum of money assigned from the historic preservation fund to accomplish a specific acquisition or development project.

[Statutory Authority: RCW 43.51A.080. 80-05-002 (Order 5), § 25-24-020, filed 4/3/80.]

WAC 25-24-030 Description of purpose and staff. The committee is of an advisory nature for the state historic preservation officer. Financial and administrative services, including those related to budgeting, accounting, financial reporting, personnel and procurement, shall be provided the committee by the office of archaeology and historic preservation.

[Statutory Authority: RCW 43.51A.080. 80-05-002 (Order 5), § 25-24-030, filed 4/3/80.]

WAC 25-24-040 Composition. The committee shall be composed of five members:

A member of a minority race or legally cognizable group; an architect experienced in the rehabilitation of historic structures; a resident of Eastern Washington, and a resident of Western Washington, both with an interest in historic preservation; and a member of the Washington state trust for historic preservation. Members shall serve staggered terms of three years and shall be appointed by the state historic preservation officer.

[Statutory Authority: RCW 43.51A.080. 80-05-002 (Order 5), § 25-24-040, filed 4/3/80.]

WAC 25-24-050 Duties and responsibilities. The committee shall have the following duties and responsibilities:

(1) To advise the SHPO in the selection and adoption of state criteria for the assignment of grants from the historic preservation fund;

(2) To receive public testimony of applicants and others concerned with the distribution of historic preservation grants or their administration generally, to evaluate those comments, and to make such recommendations as it deems necessary to the SHPO;

(3) To review the recommendations for grants made by the staff of the SHPO, and to endorse or amend them;

(4) Following the review of grant proposals and public testimony, to recommend to the SHPO the distribution of acquisition or development grants from the historic preservation fund; and

(5) In all its reviews and recommendations, to be consistent with federal program guidelines for the administration of the historic preservation fund.

[Statutory Authority: RCW 43.51A.080. 80-05-002 (Order 5), § 25-24-050, filed 4/3/80.]

WAC 25-24-060 Procedures. The following is a statement of the general course and method followed in the assignment of a grant from the historic preservation fund.

(1) Interested persons and organizations submit applications to the office of archaeology and historic preservation on forms provided for the purpose;

(2) Application forms are reviewed by staff using criteria established by the committee and SHPO;

(3) Following staff review, a schedule of grant assignments is presented for consideration and evaluation by the committee.

(4) The committee, meeting in public, reviews the schedule in (3) above, hears such testimony as may be appropriate, and establishes a priority for project funding;

(5) The committee forwards its priority to the SHPO for review prior to inclusion in the state's annual historic preservation fund request;

(6) The SHPO examines the priority developed by the committee, considers it in comparison with federal and state grant criteria and the state historic preservation plan, amends it if necessary, within his discretion, and directs its inclusion in the historic preservation fund request.

[Statutory Authority: RCW 43.51A.080. 80-05-002 (Order 5), § 25-24-060, filed 4/3/80.]

WAC 25-24-070 Public records available. All public records of the committee are available for public inspection and copying at the office of archaeology and historic preservation, pursuant to WAC 25-18-010 through 25-18-130. Financial information provided by grant applicants for which confidentiality has been requested shall be exempt.

[Statutory Authority: RCW 43.51A.080. 80-05-002 (Order 5), § 25-24-070, filed 4/3/80.]

Chapter 25-30 WAC

WASHINGTON STATE HERITAGE COUNCIL

WAC	
25-30-010	Purpose.
25-30-020	Definitions.
25-30-030	Description of purpose and staff.
25-30-040	Procedures.
25-30-050	Public records available.

WAC 25-30-010 Purpose. The purpose of this chapter shall be to ensure compliance by the Washington state heritage council with the provisions of chapters 42.17 and 42.30 RCW in particular those sections which deal with procedures and meetings.

[Statutory Authority: Chapter 27.34 RCW. 84-23-004 (Order 7), § 25-30-010, filed 11/8/84.]

WAC 25-30-020 Definitions. (1) Public records. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency, regardless of physical form or characteristics.

(2) Writing. Writing means handwriting, typewriting, printing, photostating, 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) Washington state heritage council. The Washington state heritage council is the council established pursuant to RCW 27.34.030, and is hereinafter referred to as the "council."

(4) Office of archaeology and historic preservation. The office of archaeology and historic preservation is that agency established pursuant to RCW 27.34.210, and is hereinafter referred to as the "office." The office provides staff for the council.

(5) State historic preservation officer. The state historic preservation officer is that person appointed pursuant to RCW 27.34.030 to implement the purposes of that chapter, and hereinafter referred to as "SHPO."

(6) State historical agencies. State historical agencies are the four agencies identified in RCW 27.34.020.

[Statutory Authority: Chapter 27.34 RCW. 84-23-004 (Order 7), § 25-30-020, filed 11/8/84.]

WAC 25-30-030 Description of purpose and staff. The council is of an advisory nature for the governor and the state historical agencies. Financial and administrative services including those related to budgeting, accounting, financial reporting, personnel and procurement shall be provided the council by the office. The administrative location of the council and that of its staff is at the Office of Archaeology and Historic Preservation, 111 West 21st Avenue, Olympia, Washington. The council meets at least quarterly. The meeting in the third quarter will be the one at which the regular meeting schedule for the following year will be set.

[Statutory Authority: Chapter 27.34 RCW. 84-23-004 (Order 7), § 25-30-030, filed 11/8/84.]

WAC 25-30-040 Procedures. The following is a statement of the general course and method followed in the conduct of the business of the council.

(1) The meetings of the council shall be carried out in accordance with *Roberts Rules of Order*.

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(2) The agenda shall be developed in consultation with the directors of the state historical agencies and approval of the agenda shall rest with the chairman.

(3) Public participation is an aspect of all council meetings, and individuals are encouraged to offer their points of view. Depending on the number of individuals wishing to speak or the council's sense of the business it must conduct, the chairman may limit the time for comment to a reasonable period.

[Statutory Authority: Chapter 27.34 RCW. 84-23-004 (Order 7), § 25-30-040, filed 11/8/84.]

WAC 25-30-050 Public records available. All public records of the council, as defined in WAC 25-30-020, are available for public inspection and copying at the office location described in WAC 25-30-030, pursuant to WAC 25-36-040 through 25-36-130, except as otherwise provided by RCW 42.17.310.

[Statutory Authority: Chapter 27.34 RCW. 84-23-004 (Order 7), § 25-30-050, filed 11/8/84.]

Chapter 25-36 WAC PUBLIC RECORDS

WAC

25-36-010	Purpose.
25-36-020	Definitions.
25-36-030	Public records available.
25-36-040	Public records officer.
25-36-050	Office hours.
25-36-060	Requests for public records.
25-36-070	Copying.
25-36-080	Exemptions.
25-36-090	Review of denials of public records requests.
25-36-100	Protection of public records.
25-36-110	Communications.
25-36-120	Adoption of form.
25-36-130	Request for public record.

WAC 25-36-010 Purpose. The purpose of this chapter shall be to ensure compliance by the Washington state heritage council with the provisions of RCW 42.17.250 through 42.17.320 dealing with public records.

[Statutory Authority: Chapter 27.34 RCW. 84-23-005 (Order 8), § 25-36-010, filed 11/8/84.]

WAC 25-36-020 Definitions. (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency, regardless of physical form or characteristic.

(2) "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) "Heritage council" means the council established by RCW 27.34.030, hereinafter referred to as the "council."

(4) "State historic preservation officer" means that person appointed pursuant to RCW 27.34.210 to implement the purposes of that chapter, hereinafter referred to as "SHPO."

(5) "Office of archaeology and historic preservation" means the agency established by RCW 27.34.210, hereinafter referred to as the "office."

[Statutory Authority: Chapter 27.34 RCW. 84-23-005 (Order 8), § 25-36-020, filed 11/8/84.]

WAC 25-36-030 Public records available. All public records of the office, as defined in WAC 25-36-020(1), are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 25-36-080.

[Statutory Authority: Chapter 27.34 RCW. 84-23-005 (Order 8), § 25-36-030, filed 11/8/84.]

WAC 25-36-040 Public records officer. The council's public records shall be in the charge of the public records officer designated by the SHPO. The person so designated shall be located in the office. The public records officer shall be responsible for the following: The implementation of council policy in regard to the release of public records, coordinating the staff of the office in this regard, and generally insuring staff compliance with the public disclosure requirements of chapter 1, Laws of 1973 (chapter 42.17 RCW).

[Statutory Authority: Chapter 27.34 RCW. 84-23-005 (Order 8), § 25-36-040, filed 11/8/84.]

WAC 25-36-050 Office hours. Public records shall be available for inspection and copying during the customary office hours. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4 p.m., Monday through Friday, excluding legal holidays. All public records of the council are located at the Office of Archaeology and Historic Preservation, 111 West 21st, Olympia, Washington.

[Statutory Authority: Chapter 27.34 RCW. 84-23-005 (Order 8), § 25-36-050, filed 11/8/84.]

WAC 25-36-060 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 procedure:

(1) A request shall be made in writing upon a form prescribed herein which shall be available at the location indicated in WAC 25-36-050. The form shall be presented to the public records officer, or to another designated member of the staff if the public records officer is

not available, 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) An appropriate description of the record requested.

(2) The public records officer, or staff member assisting the member of the public making the request, will ascertain whether or not the information requested is exempt from public inspection and copying as outlined in WAC 25-36-080 and further defined in RCW 42.17.310. Included therein, but not limited to, are such exemptions as personal information that may violate the right of privacy of the individual, national defense information, certain aspects of real estate appraisals as outlined in (g) of said section, and other particular information.

(3) In all cases, it shall be the obligation of the public records officer, or staff member to whom the request is made, to:

(a) Locate the specific document(s) requested by the member of the public in the most timely manner possible;

(b) Assist the member of the public in appropriately identifying the public record requested;

(c) Protect and otherwise prevent damage to the public record being inspected and copied;

(d) Prevent disorganization of file folders or document containers;

(e) Remain in the company of the member of the public at all times during which a public document is being inspected, and provide the fullest assistance possible;

(f) Prevent excessive interference with the other essential functions of the agency.

[Statutory Authority: Chapter 27.34 RCW. 84-23-005 (Order 8), § 25-36-060, filed 11/8/84.]

WAC 25-36-070 Copying. No fee shall be charged for the inspection of public records. The office shall charge a fee of ten cents per page for photocopies for single and multiple page documents. This charge is the amount necessary to reimburse the office for its actual cost incident to such copying.

[Statutory Authority: Chapter 27.34 RCW. 84-23-005 (Order 8), § 25-36-070, filed 11/8/84.]

WAC 25-36-080 Exemptions. (1) The office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 25-36-060 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the office reserves the right to delete identifying details when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973 (chapter 42.17

RCW). The public records officer will justify such deletion in writing.

(3) 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.

[Statutory Authority: Chapter 27.34 RCW. 84-23-005 (Order 8), § 25-36-080, filed 11/8/84.]

WAC 25-36-090 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 rendering 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 SHPO or his designee. The SHPO 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 SHPO has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Statutory Authority: Chapter 27.34 RCW. 84-23-005 (Order 8), § 25-36-090, filed 11/8/84.]

WAC 25-36-100 Protection of public records. Records are available for inspection and copying at the location and during office hours identified in WAC 25-36-050 and then only in the presence of an authorized employee of the office and with the aid and assistance of such an employee.

[Statutory Authority: Chapter 27.34 RCW. 84-23-005 (Order 8), § 25-36-100, filed 11/8/84.]

WAC 25-36-110 Communications. All communications with the council including but not limited to the submission of materials pertaining to its operation, the administration, or the enforcement of chapter 1, Laws of 1973, and these rules, requests for copies of decisions and other matters, shall be addressed as follows: Washington State Heritage Council, 111 West 21st Avenue, Olympia, WA 98504.

[Statutory Authority: Chapter 27.34 RCW. 84-23-005 (Order 8), § 25-36-110, filed 11/8/84.]

WAC 25-36-120 Adoption of form. The office hereby adopts for use by all persons requesting inspection or copying or copies of its records, the form attached hereto as WAC 25-36-130, entitled "Request for public record."

[Statutory Authority: Chapter 27.34 RCW. 84-23-005 (Order 8), § 25-36-120, filed 11/8/84.]

WAC 25-36-130 Request for public record.

To: Council Administrator
Washington State Heritage Council
111 West 21st Avenue
Olympia, WA 98504

Name of requestor: _____

Address of requestor: _____
(Street)

_____ (City) _____ (State) _____ (Zip)

Date of request: _____ (Month) _____ (Day) _____ (Year)

Time of request: _____ AM
_____ PM
(Hour)

What information is requested? _____

Are copies requested? _____

If so, how many? _____

Total pages _____

Fee charged _____ \$ _____

(Pages x \$ _____)

AGREEMENT TO PROTECT RECORDS FROM USE FOR A COMMERCIAL PURPOSE

I hereby agree that the list of individuals and/or information provided me by the _____ shall not be used for any commercial purpose by myself or by any organizations I represent. I will protect the list of individuals and/or information from access by anyone who may use it for purposes of contacting the individuals named therein or otherwise personally affecting them in furtherance of any profit-seeking activity.

Requestor

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 19 _____.

NOTARY PUBLIC in and for the State of Washington, residing at _____.

[Statutory Authority: Chapter 27.34 RCW. 84-23-005 (Order 8), § 25-36-130, filed 11/8/84.]

Chapter 25-42 WAC

STATE ENVIRONMENTAL POLICY ACT RULES

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- 25-42-020 Impact of SEPA on office.
- 25-42-030 Purpose.
- 25-42-040 Scope and coverage of this chapter.
- 25-42-050 Agency policy—Substantive authority and mitigation.
- 25-42-060 Timing of the SEPA process.
- 25-42-070 Summary of information which may be required of an applicant.
- 25-42-080 Assumption of lead agency status.
- 25-42-090 Designation of responsible official.

25-42-100	Mitigated DNS.
25-42-110	SEPA public information center.
25-42-120	Public notice.
25-42-130	Severability.

with other governmental operations to avoid lengthy time delays and unnecessary duplication of effort.

[Statutory Authority: RCW 27.34.220 and 43.21C.120. 86-13-002 (Order 10), § 25-42-040, filed 6/5/86.]

WAC 25-42-010 Definitions. The definitions of the words and terms of WAC 197-11-700 through 197-11-799 are made a part of this chapter along with the following additions:

(1) "Office" means the Washington state office of archaeology and historic preservation.

(2) "Director" means the state historic preservation officer as provided for in chapter 27.34 RCW.

[Statutory Authority: RCW 27.34.220 and 43.21C.120. 86-13-002 (Order 10), § 25-42-010, filed 6/5/86.]

WAC 25-42-020 Impact of SEPA on office. The office fully endorses the intent and purpose of SEPA and will make every effort to implement and fulfill the intent and requirements of SEPA and the SEPA rules. The capacity of the office to provide full service to the public and other agencies is limited by funds and manpower. The office will make every effort to implement SEPA in the best manner possible with the resources available.

[Statutory Authority: RCW 27.34.220 and 43.21C.120. 86-13-002 (Order 10), § 25-42-020, filed 6/5/86.]

WAC 25-42-030 Purpose. (1) The purpose of this chapter is to implement chapter 197-11 WAC, SEPA rules, as applicable to the office.

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

(3) These policies and procedures are not intended to cover compliance by the office with respect to the National Environmental Policy Act of 1969 (NEPA). In those situations where the office 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.

[Statutory Authority: RCW 27.34.220 and 43.21C.120. 86-13-002 (Order 10), § 25-42-030, filed 6/5/86.]

WAC 25-42-040 Scope and coverage of this chapter. (1) It is the intent of the office that compliance with this chapter shall constitute complete procedural compliance with SEPA for all actions as defined in WAC 197-11-704.

(2) This chapter applies to all actions as defined in WAC 197-11-704 and applies to all activities of the office. Furthermore, although these guidelines normally do not apply to actions of the office exempted under WAC 197-11-800, the office accepts the responsibility of attempting to follow the intent of SEPA and its decision making process for exempt actions.

(3) To the fullest extent possible, the office shall integrate procedures required by this chapter with existing planning and permitting procedures. These procedures should be initiated early, and undertaken in conjunction

WAC 25-42-050 Agency policy--Substantive authority and mitigation. (1) The overriding policy of the office is to avoid or mitigate adverse environmental impacts which may result from its decisions. This policy results from:

(a) The legislated duty of the office to preserve and protect the heritage of the state in a manner that does not impair the resource (RCW 27.34.200); and

(b) Recognition of the fact that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment (RCW 43.21C.020(31)).

(2) If an action is subject to SEPA, including an activity or activities requiring a permit from the office, and is reasonably likely to have an adverse environmental impact as identified in an environmental document, the office will:

(a) Require reasonable alternatives to the action and/or proven measures which will mitigate or eliminate the identified potential adverse impact, and make such alternatives and/or proven mitigation measures conditions of the office's approval; or

(b) Deny the proposal if significant adverse impacts as identified in a final or supplemental environmental impact statement prepared under chapter 197-11 WAC are not satisfactorily avoided or mitigated by proven techniques.

[Statutory Authority: RCW 27.34.220 and 43.21C.120. 86-13-002 (Order 10), § 25-42-050, filed 6/5/86.]

WAC 25-42-060 Timing of the SEPA process. (1) The environmental review process will normally begin upon receipt of a determination of nonsignificance (DNS), determination of significance (DS), scoping notice, or draft environmental impact statement (DEIS) when another agency is the lead agency. When the office is the lead agency for nonagency actions, review will begin upon receipt of a complete permit application and a complete environmental checklist. For agency actions, environmental review will normally begin when the proposed action is sufficiently developed to allow preliminary decisions.

(2) Upon written request of an applicant, preliminary environmental review will be conducted prior to receipt of detailed project plans and specifications. In such instances, the applicant shall submit information judged by the office to be sufficient to make a preliminary review.

(3) The preliminary review will be advisory only and not binding upon the office. Final review and determination will be made only upon receipt of detailed project plans and specifications.

[Statutory Authority: RCW 27.34.220 and 43.21C.120. 86-13-002 (Order 10), § 25-42-060, filed 6/5/86.]

WAC 25-42-070 Summary of information which may be required of an applicant. (1) The applicant for each project for which the office is the lead agency shall submit a complete environmental checklist along with a complete application for the required approval.

(2) After review of the environmental checklist, the office may require the applicant to submit additional information necessary to properly evaluate the potential environmental impacts of the project. Field investigation or research may be required of the applicant or conducted by the office at the applicant's cost.

(3) A draft and final EIS is required for each project for which a determination is made that the proposal will have a probable significant adverse impact on the environment. Preparation of the EISs is the responsibility of the office, by or under the direction of its responsible official, as specified by office procedures. No matter who participates in the preparation of the EIS, it is the EIS of the agency. The responsible official, prior to distributing an EIS, shall be satisfied that it complies with this chapter and chapter 197-11 WAC.

(4) The office may have an EIS prepared by office staff, an applicant or its agent, or by an outside consultant retained by either an applicant or the office. The office shall assure that the EIS is prepared in a professional manner and with appropriate interdisciplinary methodology. The responsible official shall direct the areas of research and examination to be undertaken as a result of the scoping process, as well as the organization of the resulting document.

(5) If a person other than the office is preparing the EIS, the office shall:

(a) Coordinate any scoping procedures so that the individual preparing the EIS receives all substantive information submitted by any agency and the public;

(b) Assist in obtaining any information on file with other agencies that is needed by the person preparing the EIS;

(c) Allow any party preparing an EIS access to all public records of the office that relate to the subject of the EIS, under RCW 42.17.250 through 42.17.340.

(6) Normally, the office will prepare EISs for its own proposals.

(7) For applicant proposals, the office normally will require the applicant to prepare or help prepare the EIS at the applicant's expense, under provisions of this chapter and chapter 197-11 WAC. Expenses shall include fees of any consultants, if required, the office's consultation time and cost of any required materials. A performance bond in an amount specified by the office may be required of the applicant to ensure payment of the office's expenses.

(8) The office may require an applicant to provide information that the office does not possess, including specific investigations. The applicant is not required to supply information that is not required under this chapter and chapter 197-11 WAC.

(9) A supplemental EIS shall be prepared as an addition to either the draft or final EIS if the office decides that:

(a) There are substantial changes to a proposal which will have a probable significant adverse environmental impact; or

(b) There is significant new information relative to the probable significant environmental impact of a proposal; or

(c) Its written comments on the DEIS warrant additional discussion for the purposes of its action than that found in the lead agency's FEIS.

The provisions of subsection (3) of this section except for the first sentence, also pertain to a supplemental EIS or addendum.

(10) Upon the written request of an applicant for a project for which the office is the lead agency, the office will consider initiating environmental review and preparation of an EIS at the conceptual stage as opposed to the final detailed design state.

[Statutory Authority: RCW 27.34.220 and 43.21C.120. 86-13-002 (Order 10), § 25-42-070, filed 6/5/86.]

WAC 25-42-080 Assumption of lead agency status.

(1) Whenever the office feels that a DNS issued by another lead agency is inappropriate and that the proposal in question could cause significant harm to the resources under its jurisdiction, the office will assume lead agency status per WAC 197-11-948.

(2) Within ten days of assuming lead agency status, the office will notify the proponent of the proposal in writing as to the reasons for its assumption of lead agency status.

(3) Prior to preparation of an EIS for the proposal, the office will consult with the proponent and give the proponent an opportunity to modify or change the proposal in such a way that an EIS may not be necessary as outlined in WAC 197-11-360(4).

[Statutory Authority: RCW 27.34.220 and 43.21C.120. 86-13-002 (Order 10), § 25-42-080, filed 6/5/86.]

WAC 25-42-090 Designation of responsible official.

Under normal circumstances, the responsible official is the director or his designee. The responsible official shall carry out duties and functions for the purpose of assuring the office's compliance with SEPA and SEPA guidelines. The responsible official may delegate duties and functions assigned under this chapter and chapter 197-11 WAC; the responsible official alone, however, is wholly responsible for proper accomplishment of such duties and functions.

[Statutory Authority: RCW 27.34.220 and 43.21C.120. 86-13-002 (Order 10), § 25-42-090, filed 6/5/86.]

WAC 25-42-100 Mitigated DNS.

(1) An applicant may ask the office whether issuance of a DS is likely for a proposal. This request for early notice must:

(a) Be written;

(b) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the office is lead agency; and

(c) Precede the office's actual threshold determination for the proposal.

(2) The responsible official shall respond to the request within ten working days of receipt of the letter, the response shall:

(a) Be written;
 (b) State whether the office is considering issuance of a DS;

(c) Indicate the general or specific area(s) of concern that led the office to consider a DS; and

(d) State that the applicant may change or clarify the proposal to mitigate the impacts indicated in the letter, revising the environmental checklist as necessary to reflect the changes or clarifications.

(3) The office shall not continue with the threshold determination until receiving a written response from the applicant changing or clarifying the proposal or asking that the threshold determination be based on the original proposal.

(4) If the applicant submits a changed or clarified proposal, along with a revised environmental checklist, the office will make its threshold determination based on the changed or clarified proposal:

(a) If the office's response to the request for early notice indicated specific mitigation measures that would remove all probable significant adverse environmental impacts, and the applicant changes or clarifies the proposal to include all of those specific mitigation measures, the office shall issue a DNS and circulate the DNS for comments as in WAC 197-11-340(2).

(b) If the office indicated general or specific areas of concern but did not indicate specific mitigation measures that would allow it to issue a DNS, the office shall determine if the changed or clarified proposal may have a probable significant environmental impact, issuing a DNS or DS as appropriate.

(5) The office may specify mitigation measures that would allow it to issue a DNS without a request for early notice from an applicant. If it does so, and the applicant changes or clarifies the proposal to include those measures, the office shall issue a DNS and circulate it for review under WAC 197-11-340(2).

(6) When an applicant changes or clarifies the proposal, the clarification or changes may be included in written attachments to the documents already submitted. If the environmental checklist and supporting documents would be difficult to read and/or understand because of the need to read them in conjunction with the attachment(s) the office may require the applicant to submit a new checklist.

(7) The office may change or clarify features of its own proposals before making the threshold determination.

(8) The office's written response under subsection (2) of this section shall not be constructed as a determination of significance. In addition, preliminary discussion of clarification of or changes to a proposal, as opposed to a written request for early notice, shall not bind the office to consider the clarification or changes in the threshold determination.

(9) When an applicant submits a changed or clarified proposal pursuant to this section, it shall be considered part of the applicant's application for a permit or other

approval for all purposes. Unless the office's decision expressly states otherwise, when a mitigated DNS is issued for a proposal, any decision approving the proposal shall be based on the proposal as changed or clarified pursuant to this section.

[Statutory Authority: RCW 27.34.220 and 43.21C.120. 86-13-002 (Order 10), § 25-42-100, filed 6/5/86.]

WAC 25-42-110 SEPA public information center. The office designates its main office as its SEPA public information center. The mailing address is 111 West 21st Ave. Olympia, Washington 98504; telephone (206) 753-5010.

[Statutory Authority: RCW 27.34.220 and 43.21C.120. 86-13-002 (Order 10), § 25-42-110, filed 6/5/86.]

WAC 25-42-120 Public notice. (1) When required under chapter 197-11 WAC, the office will give public notice by one or more of the following methods as appropriate for the specific circumstances:

(a) Notifying public and private groups and agencies with known interest in a certain proposal or in the type of proposals being considered;

(b) Notifying individuals with known interest in a certain proposal or in the type of proposal being considered;

(c) Publication in a newspaper of general circulation in the area in which the proposal will be implemented;

(d) Notifying the news media; and/or

(e) Posting on the property site in question.

(2) The office may require an applicant to perform the public notice requirements at the applicant's expense.

[Statutory Authority: RCW 27.34.220 and 43.21C.120. 86-13-002 (Order 10), § 25-42-120, filed 6/5/86.]

WAC 25-42-130 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.

[Statutory Authority: RCW 27.34.220 and 43.21C.120. 86-13-002 (Order 10), § 25-42-130, filed 6/5/86.]

Chapter 25-48 WAC

ARCHAEOLOGICAL EXCAVATION PERMIT

WAC

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WAC 25-48-010 Purpose. The purpose of this chapter is to establish application and review procedures for the issuance of archaeological excavation permits as provided for in RCW 27.53.060 and 27.44.020.

[Statutory Authority: RCW 27.34.220 and 27.44.020. 86-13-001 (Order 11), § 25-48-010, filed 6/5/86.]

WAC 25-48-020 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Archaeology" means systematic, scientific study of man's past through his material remains.

(2) "Historic" means peoples and cultures who are known through written documents in their own or other languages.

(3) "Prehistoric" means peoples and cultures who are unknown through contemporaneous written documents in any language.

(4) "Professional archaeologist" means a person has designed and executed an archaeological study as evidenced by a thesis or dissertation, and has been awarded an advanced degree such as an M.A., M.S., or Ph.D. from an accredited institution of higher education in archaeology, anthropology, or history or other germane discipline with a specialization in archaeology; has a minimum of one year of field experience with at least twenty-four weeks of field work under the supervision of a professional archaeologist including no more than twelve weeks of survey or reconnaissance work, and at least eight weeks of supervised laboratory experience. Twenty weeks of field work in a supervisory capacity must be documentable with a report produced by the individual on the field work.

(5) "Public lands" means lands owned by or under the possession, custody, or control of the state of Washington or any county, city, or political subdivision of the state.

(6) "Site restoration" means to repair the archaeological property to its preexcavation vegetational and topographic state.

(7) "Amateur society" means any organization composed primarily of persons who are not professional archaeologists, whose primary interest is in the archaeological resources of the state, and which has been certified in writing by two professional archaeologists.

(8) "Archaeological resource" means any material remains of human life or activities which are of archaeological interest. This shall include all sites, objects, structures, artifacts, implements, and locations of prehistoric or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and their habitation sites, including rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls, and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material.

(9) "Of archaeological interest" means capable of providing scientific or humanistic understandings of past

human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation, and explanation.

(10) "Director" means the state historic preservation officer as provided for in chapter 27.34 RCW.

(11) "Office" means the Washington state office of archaeology and historic preservation.

(12) "Suspension" means the abeyance of a permit under this chapter for a specified period of time.

(13) "Revocation" means the termination of a permit under this chapter.

[Statutory Authority: RCW 27.34.220 and 27.44.020. 86-13-001 (Order 11), § 25-48-020, filed 6/5/86.]

WAC 25-48-030 Scope and coverage of this chapter. (1) This chapter is applicable to any person, corporation, partnership, trust, institution, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the state, county, or city, or a political subdivision of the state.

(2) This chapter is applicable to the alteration, digging, excavating, or removal of archaeological resources from public lands, the alteration, digging, excavating or removal of archaeological resources from private lands where the landowner has requested the office to issue archaeological excavation permits, and the removal of glyptic or painted records of prehistoric peoples or archaeological resources from Indian cairns or graves under either circumstance.

(3) This chapter does not apply to the removal of artifacts found exposed on the surface of the ground nor to the excavation and removal of artifacts from state-owned shorelands below the line of ordinary high water or within the intertidal zone except when there will be removal of glyptic or painted records of prehistoric peoples, or archaeological resources from Indian cairns or graves.

[Statutory Authority: RCW 27.34.220 and 27.44.020. 86-13-001 (Order 11), § 25-48-030, filed 6/5/86.]

WAC 25-48-040 Agency policy. The overriding policy of the office is to assure the protection of the archaeological resources of the state. This policy results from:

(1) The legislated duty of the office to preserve and protect the heritage of the state in a manner that does not impair the resources (RCW 27.34.220); and

(2) Recognition of the fact that the public has an interest in the knowledge of the state's heritage and a responsibility to contribute to the preservation and enhancement of that heritage (RCW 27.53.010).

[Statutory Authority: RCW 27.34.220 and 27.44.020. 86-13-001 (Order 11), § 25-48-040, filed 6/5/86.]

WAC 25-48-050 Application forms. (1) Any person or entity covered by this chapter and described in WAC 25-48-030 proposing to excavate and/or remove archaeological resources from public lands, or private lands where the landowner has transferred permit authority to

the office, or proposing to remove glyptic or painted records of prehistoric tribes or peoples, or archaeological resources from Indian cairns or graves shall apply to the office for a permit for the proposed work, and shall not begin the proposed work until a permit has been issued.

(2) Each application for a permit from the office shall be submitted on the archaeological excavation permit application form approved by the preservation officer. These application forms may be obtained from the Office of Archaeology and Historic Preservation, 111 West 21st Avenue KL-11, Olympia, WA 98504; telephone (206) 753-5010.

[Statutory Authority: RCW 27.34.220 and 27.44.020. 86-13-001 (Order 11), § 25-48-050, filed 6/5/86.]

WAC 25-48-060 Summary of information required of an applicant. (1) Each application for a permit shall include:

(a) The nature and extent of the work proposed, including how and why it is proposed to be conducted, proposed time of performance, locational maps, and a completed site inventory form.

(b) A professional, scientific research design demonstrating that the work will be performed in a scientific and technically acceptable manner taking into account current scientific research issues and cultural resource management plans.

(c) The name and address of the individual(s) proposed to be responsible for conducting the work, institutional affiliation, if any, and evidence of education, training, and experience in accord with the minimal qualifications listed in this chapter.

(d) The name and address of the individual(s) proposed to be responsible for carrying out the terms and conditions of the permit, if different from the individuals enumerated under (c) of this subsection.

(e) Financial evidence of the applicant's ability to initiate, conduct, and complete the proposed work, including evidence of logistical support and laboratory facilities.

(f) A plan for site restoration following excavation activities and evidence of plans to secure bonding to cover the cost of site restoration.

(g) Evidence of approval of the proposed work from the agency or political subdivision with management responsibility over the land.

(h) Evidence of filing of the proposed work with the Washington archaeological research center.

(i) For amateur society application, evidence of review and recommendations from the Washington archaeological research center.

(j) A site security plan to assure the protection of the site and its contents during the public permit review and excavation process.

(k) A public participation plan detailing the extent of public involvement and dissemination of project results.

(l) A completed environmental checklist as required by WAC 197-11-100 to assist the office in making a threshold determination and to initiate SEPA compliance.

(2) Where the application is for the excavation and/or removal of archaeological resources on public lands, the name of the university, museum, repository or other scientific or educational institution in which the applicant proposes to store all collections, and copies of records, data, photographs, and other documents derived from the proposed work. Applicants shall submit written certification, signed by an authorized official of the institution, of willingness to assume curatorial responsibility for the collections, records, data, photographs and other documents and to safeguard, preserve, and allow for the future scientific access to these materials as property of the state.

(3) Where the application is for the excavation and/or removal of archaeological resources on private land, the name of the university, museum, repository, or other scientific or educational institution in which the applicant proposes to store copies of records, data, photographs, and other documents derived from the proposed work and all collections in the event the landowner does not wish to take custody or otherwise dispose of the archaeological resources. Applicants shall submit written certification, signed by an authorized official of the institution, of willingness to assume curatorial responsibility for the collections, if applicable, and/or the records, data, photographs, and other documents derived from the proposed work and to safeguard, preserve, and allow for the future scientific access to these materials.

(4) After review of the application, the office may require additional information to properly evaluate the proposed work and shall so inform the applicant. Field investigation or research may be required of the applicant or conducted by the office at the applicant's cost. A bond in an amount specified by the office may be required of the applicant to ensure payment of the professional expenses incurred by the office. Advance notice of any anticipated cost shall be given to the applicant.

[Statutory Authority: RCW 27.34.220 and 27.44.020. 86-13-001 (Order 11), § 25-48-060, filed 6/5/86.]

WAC 25-48-070 Notification to Indian tribes. (1) Upon receipt of a completed application form for archaeological excavation of an Indian cairn or grave or the removal of glyptic or painted records, the office, at least thirty days before issuing such a permit, shall notify any Indian tribe which may consider the site to be of historic or cultural significance.

(2) Notice by the office to any Indian tribe shall be sent to the chief executive officer or other designated official of the tribe. Any Indian tribe or other native American group may supply the office in advance with sites or locations for which such tribe or group wishes to receive notice under this section.

(3) Upon request during the thirty-day period, the office may meet with official representatives of any Indian tribe or group to discuss their interests, including, but not limited to, the proposed excavation methods. Mitigation measures, including stipulations pertaining to the disposition of human remains, may be incorporated into the terms and conditions of the permit.

(4) When the office determines that a permit applied for under this chapter must be issued immediately because of an imminent threat of loss or destruction of an archaeological resource, the office shall so notify the appropriate tribe.

(5) The tribes with whom the office has consulted shall be promptly notified in writing of the issuance of the permit.

[Statutory Authority: RCW 27.34.220 and 27.44.020. 86-13-001 (Order 11), § 25-48-070, filed 6/5/86.]

WAC 25-48-080 Public notice. (1) The office will give public notice of a pending permit application by one or more of the following methods as appropriate for the specific circumstances in order to solicit public and scientific comment:

(a) Notifying public, and private groups, tribes, and agencies with a known interest in a certain application or type of application being considered;

(b) Notifying individuals with known interest in a certain application or in the type of application being considered;

(c) Publication in a newspaper of general circulation in the area in which the application will be implemented;

(d) Notifying the news media; and/or

(e) Posting on the property site in question.

(2) Comments from such notified agencies, groups, entities or individuals must be received within thirty days of the notice.

[Statutory Authority: RCW 27.34.220 and 27.44.020. 86-13-001 (Order 11), § 25-48-080, filed 6/5/86.]

WAC 25-48-090 Issuance of permit. The office will normally act upon a permit application within sixty days of receipt of a complete permit application. The director may issue a temporary permit immediately where delay could cause damage to an archaeological resource or site. Said permit shall be valid only for thirty days. The office may issue a permit, for a specified period of time appropriate to the work to be conducted, upon determining that:

(1) The applicant, or in the case of an amateur society, or other group or organization, the individual proposed to be responsible for conducting the work, is appropriately qualified, as evidenced by training, education, and/or experience, and possesses demonstrable competence in archaeological methods and theory, and in collecting, handling, analyzing, evaluating, and reporting archaeological data, relative to the type and scope of the work proposed, and also meets the minimum qualifications as a professional archaeologist.

(2) The proposed work is to be undertaken for the purpose of furthering archaeological knowledge in the public interest, which may include but need not be limited to, scientific or scholarly research, and preservation of archaeological data.

(3) The proposed work, including time, scope, location, and purpose, is not inconsistent with any management plan or established policy, objectives, or requirements applicable to the management of public lands concerned.

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(4) Evidence is submitted to the office that any university, museum, repository, or other scientific or educational institution proposed in the application as the repository possesses adequate curatorial capability for safeguarding and preserving the archaeological resources and all associated records.

(5) After the granting of a permit and, when information filed with the office becomes inaccurate in any way, or additions or deletions are necessary, the applicant or permittee shall submit full details of any such changes and/or correct any inaccuracy, together with copies of any new required documents, with the office within fifteen days following the change. The office reserves the right to suspend or revoke a permit under the terms of WAC 25-48-110.

[Statutory Authority: RCW 27.34.220 and 27.44.020. 86-13-001 (Order 11), § 25-48-090, filed 6/5/86.]

WAC 25-48-100 Terms and conditions of permits. (1) In all permits issued, the office shall specify:

(a) The nature and extent of work allowed and required under the permit, including the time, duration, scope, location, and purpose of the work;

(b) The name of the individual(s) responsible for conducting the work and, if different, the name of the individual(s) responsible for carrying out the terms and conditions of the permit.

(c) The name of any university, museum, repository, or other scientific or educational institutions in which any collected materials and data shall be deposited.

(d) Reporting documentation requirements and site restoration requirements.

(2) The preservation officer may specify such terms and conditions as deemed necessary, consistent with this chapter, to protect public safety and other values and/or resources, to secure work areas, to safeguard other legitimate land uses, and to limit activities incidental to work authorized under the permit. This may include sufficient bonding to cover cost of site restoration.

(3) The office may include in permits issued for archaeological work on Indian cairns and graves or glyptic or painted records such terms and conditions as may be requested by the concerned Indian tribe.

(4) Initiation of work or other activities under the authority of a permit signifies the permittee's acceptance of the terms and conditions of the permit.

(5) The permittee shall not be released from requirements of a permit until all outstanding obligations have been satisfied, whether or not the term of the permit has expired.

(6) The permittee may request that the office extend or modify a permit. Such a request will require compliance with all the provisions of this chapter.

(7) The permittee's performance under any permit issued for a period greater than one year shall be subject to review by the office, at least annually.

[Statutory Authority: RCW 27.34.220 and 27.44.020. 86-13-001 (Order 11), § 25-48-100, filed 6/5/86.]

WAC 25-48-105 Permit denial. If a permit is denied, a written statement of the reasons for the denial

will accompany the notice of permit denial to the applicant.

[Statutory Authority: RCW 27.34.220 and 27.44.020. 86-13-001 (Order 11), § 25-48-105, filed 6/5/86.]

WAC 25-48-110 Suspension and revocation of permits. (1) The office may suspend or revoke a permit issued pursuant to this chapter upon determining that the permittee has failed to meet any of the terms and conditions of the permit and upon at least twenty days written notice. In the case of emergencies which imminently threaten health, safety, or welfare including property, the office may suspend a permit immediately.

(2) The office shall provide written notice to the permittee of the suspension or revocation, the cause thereof, and in the case of a suspension, the length of the suspension and the requirements which must be met before the suspension will be removed.

[Statutory Authority: RCW 27.34.220 and 27.44.020. 86-13-001 (Order 11), § 25-48-110, filed 6/5/86.]

WAC 25-48-120 Appeals relating to permits. Any affected person may request a hearing to appeal a denial of a permit, suspension, or revocation to the preservation officer. Said request must be in writing and filed with the preservation officer within twenty days of receipt of notice of the denial, suspension, or revocation.

[Statutory Authority: RCW 27.34.220 and 27.44.020. 86-13-001 (Order 11), § 25-48-120, filed 6/5/86.]

WAC 25-48-130 Display of permit. (1) The permit granted by the office shall be prominently displayed at all times upon the archaeological site being excavated during the permitted period.

(2) If more than one archaeological site is being excavated under a single permit, the permittee may obtain from the office such copy or copies of his or her permit as may be necessary to display at each archaeological site being excavated.

(3) The director or his designee may examine at any time the permit, work, and site at which such permitted work is being undertaken.

[Statutory Authority: RCW 27.34.220 and 27.44.020. 86-13-001 (Order 11), § 25-48-130, filed 6/5/86.]

WAC 25-48-140 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.

[Statutory Authority: RCW 27.34.220 and 27.44.020. 86-13-001 (Order 11), § 25-48-140, filed 6/5/86.]