

operators thereof, an assessment in the following amounts:

(A) On tanker barges whose maximum capacity is:

	<u>Rate</u>
(1) 0 to 28,999 bbls	\$ 68.00
(2) 29,000 to 44,999 bbls	\$ 78.00
(3) 45,000 to 59,999 bbls	\$ 97.00
(4) 60,000 to 79,999 bbls	\$ 122.00
(5) 80,000 and over	\$ 152.00

(B) On tanker vessels carrying oil as cargo

	<u>Rate</u>
(1) 0 to 300 gross registered tons – on small tanker vessels	\$ 25.00
(2) 301 to 9,999 gross reg. tons	\$ 1,620
(3) 10,000 gross reg. tons and over	\$ 3,240

(C) On tanker vessels when not carrying oil as cargo, but while carrying other liquid or semi-liquid cargoes

	<u>Rate</u>
(1) 301 – 500 gross reg. tons	\$ 73.00
(2) 501 – 1,000 gross reg. tons	\$ 97.00
(3) 1,001 – 4,999 gross reg. tons	\$ 122.00
(4) 5,000 gross reg. tons and over	\$ 162.00

(D) On dry cargo barges (not tanker barges)

<u>Rate</u>
\$ 73.00

(E) On nontanker vessels carrying oil as fuel for propulsion machinery

	<u>Rate</u>
(1) 301 – 500 gross reg. tons	\$ 73.00
(2) 501 – 1,000 gross reg. tons	\$ 97.00
(3) 1,001 – 4,999 gross reg. tons	\$ 122.00
(4) 5,000 gross reg. tons and over	\$ 162.00

The assessment levied on all vessels, or the owners or operators thereof, which transit upon the portion of the Columbia River that runs between the states of Washington and Oregon, shall be effective on and after January 1, 1992.

[Statutory Authority: RCW 88.44.100. 91-19-073, § 318-04-030, filed 9/17/91, effective 11/5/91; 91-02-005, § 318-04-030, filed 12/21/90, effective 1/1/91.]

Reviser's note: The effective date mentioned in the last paragraph has been indefinitely deferred; see WSR 92-03-061, filed on January 13, 1992.

Title 326 WAC
MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF

Chapter 326-30 **Goal setting rules.**

Chapter 326-30 WAC
GOAL SETTING RULES

WAC
326-30-03904 Goals for 1991-92.

WAC 326-30-03904 Goals for 1991-92. The annual overall goals for each state agency and educational institution for each of the following classes of contracts for the period July 1, 1991 through June 30, 1992, should be:

Construction/Public Works	10% MBE	6% WBE
Architect/Engineering	10% MBE	6% WBE
Purchased Goods and Services	8% MBE	4% WBE
Other Consultants	10% MBE	4% WBE

These MWBE participation goals are based on the state agency's or educational institution's total contracts subject to this chapter within each of the above noted classes of contracts, less excluded contracts.

[Statutory Authority: RCW 39.19.030(7). 91-18-041, § 326-30-03904, filed 8/30/91, effective 9/30/91.]

Title 332 WAC
NATURAL RESOURCES, BOARD AND DEPARTMENT OF

Chapters	
332-08	Practice and procedure.
332-10	Public records--Department of natural resources and board of natural resources.
332-24	Forest protection.
332-30	Aquatic land management.
332-48	Fire and game damage.
332-100	Leases, sales, rights of way, etc.
332-130	Minimum standards for land boundary surveys and geodetic control surveys and guidelines for the preparation of land descriptions.

Chapter 332-08 WAC
PRACTICE AND PROCEDURE

WAC	
332-08-005	Adoption of model rules of procedure.
332-08-010	Repealed.
332-08-015	Definitions.
332-08-020	Repealed.
332-08-025	Inapplicability to proprietary decisions.
332-08-040	Repealed.
332-08-050	Repealed.
332-08-060	Repealed.
332-08-070	Repealed.
332-08-080	Repealed.
332-08-090	Repealed.
332-08-100	Repealed.
332-08-105	Adjudicative proceedings--Application.
332-08-110	Repealed.
332-08-115	Application for adjudicative proceeding--Time limit.
332-08-120	Repealed.
332-08-125	Application for adjudicative proceeding--Place of filing.

332-08-130	Repealed.	332-08-050	Appearance and practice before agency—Appearance by former employee of department or former member of the attorney general's staff. [Regulation 08.050, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
332-08-140	Repealed.	332-08-060	Appearance and practice before agency—Former employee as expert witness. [Regulation .08.060, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
332-08-150	Repealed.	332-08-070	Computation of time. [Regulation .08.070, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
332-08-160	Repealed.	332-08-080	Notice and opportunity for hearing in contested cases. [Regulation .08.080, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
332-08-170	Repealed.	332-08-090	Service of process—By whom served. [Regulation .08.090, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
332-08-180	Repealed.	332-08-100	Service of process—Upon whom served. [Regulation .08.100, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
332-08-190	Repealed.	332-08-110	Service of process—Service upon parties. [Regulation .08.110, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
332-08-200	Repealed.	332-08-120	Service of process—Method of service. [Regulation .08.120, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
332-08-210	Repealed.	332-08-130	Service of process—When service complete. [Regulation .08.130, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
332-08-220	Repealed.	332-08-140	Service of process—Filing with agency. [Regulation .08.140, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
332-08-230	Repealed.	332-08-150	Subpoenas where provided by law—Form. [Regulation .08.150, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
332-08-240	Repealed.	332-08-160	Subpoenas where provided by law—Issuance to parties. [Regulation .08.160, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
332-08-250	Repealed.	332-08-170	Subpoenas where provided by law—Service. [Regulation .08.170, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
332-08-260	Repealed.	332-08-180	Subpoenas where provided by law—Fees. [Regulation .08.180, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
332-08-270	Repealed.	332-08-190	Subpoenas where provided by law—Proof of service. [Regulation .08.190, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
332-08-280	Repealed.	332-08-200	Subpoenas where provided by law—Quashing. [Regulation .08.200, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
332-08-290	Repealed.	332-08-210	Subpoenas where provided by law—Enforcement. [Regulation .08.210, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
332-08-300	Repealed.		
332-08-305	Exhibits.		
332-08-310	Repealed.		
332-08-315	Burden of proof.		
332-08-320	Repealed.		
332-08-330	Repealed.		
332-08-340	Repealed.		
332-08-350	Repealed.		
332-08-360	Repealed.		
332-08-370	Repealed.		
332-08-380	Repealed.		
332-08-390	Repealed.		
332-08-400	Repealed.		
332-08-405	Petitions for review of initial orders—Final orders.		
332-08-410	Repealed.		
332-08-420	Repealed.		
332-08-430	Repealed.		
332-08-440	Repealed.		
332-08-450	Repealed.		
332-08-460	Repealed.		
332-08-470	Repealed.		
332-08-480	Repealed.		
332-08-500	Repealed.		
332-08-505	Brief adjudicative proceedings—Matters to which subject.		
332-08-510	Repealed.		
332-08-515	Brief adjudicative proceedings—Application procedure.		
332-08-520	Repealed.		
332-08-525	Brief adjudicative proceedings—Hearing.		
332-08-530	Repealed.		
332-08-535	Brief adjudicative proceedings—Decision.		
332-08-540	Repealed.		
332-08-545	Brief adjudicative proceedings—Review.		
332-08-550	Repealed.		
332-08-560	Repealed.		
332-08-570	Repealed.		
332-08-580	Repealed.		
332-08-590	Repealed.		
DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER			
332-08-010	Appearance and practice before agency—Who may appear. [Regulation .08.010, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).		
332-08-020	Appearance and practice before agency—Appearance in certain proceedings may be limited to attorneys. [Regulation .08.020, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).		
332-08-040	Appearance and practice before agency—Standards of ethical conduct. [Regulation .08.040, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).		

- 332-08-220 Subpoenas where provided by law—Geographical scope. [Regulation .08.220, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-230 Depositions and interrogatories in contested cases—Right to take. [Regulation .08.230, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-240 Depositions and interrogatories in contested cases—Scope. [Regulation .08.240, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-250 Depositions and interrogatories in contested cases—Officer before whom taken. [Regulation .08.250, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-260 Depositions and interrogatories in contested cases—Authorization. [Regulation .08.260, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents. [Regulation .08.270, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination. [Regulation .08.280, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-290 Depositions and interrogatories in contested cases—Recordation. [Regulation .08.290, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-300 Depositions and interrogatories in contested cases—Signing attestation and return. [Regulation .08.300, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-310 Depositions and interrogatories in contested cases—Use and effect. [Regulation .08.310, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-320 Depositions and interrogatories in contested cases—Fees of officers and deponents. [Regulation .08.320, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-330 Depositions upon interrogatories—Submission of interrogatories. [Regulation .08.330, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-340 Depositions upon interrogatories—Interrogation. [Regulation .08.340, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-350 Depositions upon interrogatories—Attestation and return. [Regulation .08.350, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-360 Depositions upon interrogatories—Provisions of deposition rule. [Regulation .08.360, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-370 Official notice—Matters of law. [Regulation .08.370, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-380 Official notice—Material facts. [Regulation .08.380, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-390 Presumptions. [Regulation .08.390, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-400 Stipulations and admissions of record. [Regulation .08.400, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-410 Form and content of decisions in contested cases. [Regulation .08.410, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-420 Definition of issues before hearing. [Regulation .08.420, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-430 Prehearing conference rule. [Regulation .08.430, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-440 Prehearing conference rule—Record of. [Regulation .08.440, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-450 Submission of documentary evidence in advance. [Regulation .08.450, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-460 Excerpts from documentary evidence. [Regulation .08.460, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. [Regulation .08.470, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-480 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. [Regulation .08.480, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-500 Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 332-08-470 or 332-08-480. [Regulation .08.500, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-510 Continuances. [Regulation .08.510, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-520 Rules of evidence—Admissibility criteria. [Regulation .08.520, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-530 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections. [Regulation .08.530, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-540 Petitions for rule making, amendment, or repeal—Who may petition. [Regulation .08.540, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed

- 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-550 Petitions for rule making, amendment, or repeal—Requisites. [Regulation .08.550, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-560 Petitions for rule making, amendment, or repeal—Agency must consider. [Regulation .08.560, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-570 Petitions for rule making, amendment, or repeal—Notice of disposition. [Regulation .08.570, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-580 Declaratory rulings. [Regulation .08.580, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).
- 332-08-590 Forms. [Regulation 08.590, filed 2/7/61.] Repealed by 91-13-059 (Order 573), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 34.05.220 (1)(a).

WAC 332-08-005 Adoption of model rules of procedure. In adjudicative proceedings pursuant to RCW 34.05.413 through 34.05.476, the department of natural resources adopts the model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended. Those rules are contained in chapter 10-08 WAC. Other rules adopted in this chapter supplement those model rules. Where the rules of this chapter conflict with those of chapter 10-08 WAC, the rules of this chapter shall govern.

[Statutory Authority: RCW 34.05.220 (1)(a), 91-13-059 (Order 573), § 332-08-005, filed 6/17/91, effective 7/18/91.]

WAC 332-08-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-015 Definitions. (1) "BAP" means "brief adjudicative proceeding" as described in RCW 34.05.482 through 34.05.494.

(2) "Department" means the department of natural resources.

(3) Where the rules of this chapter use words defined in RCW 34.05.010, those definitions shall govern.

[Statutory Authority: RCW 34.05.220 (1)(a), 91-13-059 (Order 573), § 332-08-015, filed 6/17/91, effective 7/18/91.]

WAC 332-08-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-025 Inapplicability to proprietary decisions. Under RCW 34.05.010(3), no sales, leases, contracts, or other proprietary decisions in the management of public lands or real property interests are agency actions that are the subject of adjudicative proceedings. Accordingly, the department will not commence adjudicative proceedings for proprietary decisions, including, but not limited to, actions taken under the terms of geoduck harvesting agreements, aquatic lands leases, easements, rights of way, permits to use state-owned land and resources, timber sale contracts, mineral prospecting

leases, mining contracts, or other proprietary agreements to which the department is a party, unless the agreement specifically provides otherwise.

[Statutory Authority: RCW 34.05.220 (1)(a), 91-13-059 (Order 573), § 332-08-025, filed 6/17/91, effective 7/18/91.]

WAC 332-08-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-105 Adjudicative proceedings—Application. An application for an adjudicative proceeding before the department under RCW 34.05.413 through RCW 34.05.476 must be in writing, and must be signed by the applicant or the applicant's representative. The application must specify the factual basis for appeal and the issue to be adjudicated in the proceeding.

[Statutory Authority: RCW 34.05.220 (1)(a), 91-13-059 (Order 573), § 332-08-105, filed 6/17/91, effective 7/18/91.]

WAC 332-08-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-115 Application for adjudicative proceeding—Time limit. Time limits for filing applications for adjudicative proceedings shall be as follows:

(1) An application for an adjudicative proceeding concerning the disapproval of a reclamation plan under RCW 78.44.100 must be filed with the department within thirty days of the date of disapproval.

(2) An application for an adjudicative proceeding concerning a civil penalty issued under RCW 78.44.160 must be filed with the department within thirty days of the date the applicant receives the civil penalty notice, or within thirty days of the date the applicant receives the department's notice of disposition of an application for remission or mitigation of the civil penalty.

(3) Applications for adjudicative proceedings concerning notices to comply issued under RCW 76.09.090 and WAC 222-46-030 (forest practices), performance bond permit adjustments under RCW 78.44.120 (surface mining), and notices of deficiency issued under RCW 78.44.140 (surface mining) are governed by WAC 332-08-515.

(4) In all other cases, unless otherwise provided by statute, applications for adjudicative proceedings must be filed with the department within thirty days of the action that is the subject of the appeal.

[Statutory Authority: RCW 34.05.220 (1)(a), 91-13-059 (Order 573), § 332-08-115, filed 6/17/91, effective 7/18/91.]

WAC 332-08-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-125 Application for adjudicative proceeding—Place of filing. (1) An application for adjudicative proceeding concerning surface mining operations under chapter 78.44 RCW must be filed at the following address:

ATTN: Regulatory Programs Manager
Division of Geology and Earth Resources
Department of Natural Resources
4224 S.E. 6th Avenue, Rowsix Bldg. 1
Lacey, WA 98503

(2) An application for adjudicative proceeding concerning the revocation of permission to install and maintain a private recreational dock under RCW 79.90.105 and WAC 332-30-144 must be filed at the following address:

Division Manager
Division of Aquatic Lands
Department of Natural Resources
202 John A. Cherberg Bldg., Mailstop QW-21
Olympia, WA 98504

(3) Applications for adjudicative proceedings concerning notices to comply issued under RCW 76.09.090 and WAC 222-46-030 (forest practices), performance bond permit adjustments under RCW 78.44.120 (surface mining), and notices of deficiency issued under RCW 78.44.140 (surface mining) are governed by WAC 332-08-515.

(4) Applications for adjudicative proceedings in all other cases must be filed at the following address:

Office of the Supervisor
Department of Natural Resources
201 John A. Cherberg Bldg., Mailstop QW-21
Olympia, WA 98504

[Statutory Authority: RCW 34.05.220 (1)(a), 92-01-027 (Order 587), § 332-08-125, filed 12/6/91, effective 1/6/92; 91-13-059 (Order 573), § 332-08-125, filed 6/17/91, effective 7/18/91.]

WAC 332-08-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-140 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-150 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-160 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-170 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-180 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-190 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-200 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-210 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-220 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-230 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-240 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-250 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-260 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-270 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-280 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-290 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-300 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-305 Exhibits. Any party intending to offer documentary evidence during the hearing shall prepare two copies of each document to be offered, and shall furnish one copy to the opposing party no later than the date set for the hearing. The presiding officer may exclude from evidence documents that fail to conform to this requirement, unless the offering party shows good cause for the failure.

[Statutory Authority: RCW 34.05.220 (1)(a), 91-13-059 (Order 573), § 332-08-305, filed 6/17/91, effective 7/18/91.]

WAC 332-08-310 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-315 Burden of proof. (1) Unless otherwise ordered by the presiding officer or required by law, the burden of proof in adjudicative proceedings pursuant to RCW 34.05.413 through 34.05.476 shall be as follows:

(a) In proceedings concerning the denial of an application for a surface mining permit or disapproval of a reclamation plan under RCW 78.44.100, the applicant has the burden of proof.

(b) In proceedings concerning the modification of a reclamation plan under RCW 78.44.100, the department has the burden of proof.

(c) In proceedings concerning a permit cancellation under RCW 78.44.140, the department has the burden of proof.

(d) In civil penalty proceedings and proceedings concerning stop work orders under RCW 78.44.160, the department has the burden of proof.

(e) In proceedings concerning the revocation of permission to install and maintain a private recreational dock under RCW 79.90.105 and WAC 332-30-144, the department has the burden of proof.

(f) In all other cases, the proponent of an order has the burden of proof.

(2) Unless otherwise ordered by the presiding officer or required by law, the standard of proof in adjudicative proceedings pursuant to RCW 34.05.413 through 34.05.476 shall be a preponderance of the evidence.

[Statutory Authority: RCW 34.05.220 (1)(a), 92-01-027 (Order 587), § 332-08-315, filed 12/6/91, effective 1/6/92; 91-13-059 (Order 573), § 332-08-315, filed 6/17/91, effective 7/18/91.]

WAC 332-08-320 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-330 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-340 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-350 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-360 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-370 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-380 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-390 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-400 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-405 Petitions for review of initial orders—Final orders. (1) Except in brief adjudicative proceedings, initial orders in all adjudicative proceedings before the department will become final without further action by the department unless, within twenty days of the date of service of the initial order, a petition for review is filed at the address given below:

Office of the Supervisor
Department of Natural Resources
201 John A. Cherberg Bldg., Mailstop QW-21
Olympia, WA 98504

The provisions of WAC 10-08-211 apply to petitions for review of initial orders.

(2) WAC 332-08-545 governs review of orders in brief adjudicative proceedings.

[Statutory Authority: RCW 34.05.220 (1)(a), 91-13-059 (Order 573), § 332-08-405, filed 6/17/91, effective 7/18/91.]

WAC 332-08-410 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-420 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-430 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-440 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-450 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-460 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-470 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-480 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-500 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-505 Brief adjudicative proceedings—Matters to which subject. The department adopts the provisions of RCW 34.05.482 through 34.05.494 for the matters listed in this section. The department may use brief adjudicative proceedings (BAPs) where their use will violate no provision of law and where protection of the public interest does not require the department to give notice and an opportunity to participate to persons other than the parties. The department may use BAPs for the following matters:

(1) Review of notices to comply issued under RCW 76.09.090 and WAC 222-46-030.

(2) Review of performance bond amount adjustments under RCW 78.44.120, where the performance bond amount is specified in an operating permit issued under RCW 78.44.100.

(3) Review of notices of deficiency issued under RCW 78.44.140.

[Statutory Authority: RCW 34.05.220 (1)(a), 91-13-059 (Order 573), § 332-08-505, filed 6/17/91, effective 7/18/91.]

WAC 332-08-510 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-515 Brief adjudicative proceedings--Application procedure. (1) An application for a BAP must be in writing, and must specify the factual basis for appeal and the issue to be adjudicated in the proceeding.

(2) An application for a BAP concerning a notice to comply issued under RCW 76.09.090 and WAC 222-46-030 must be filed within fifteen days after the date of service of the notice to comply. The application must be filed at the following address:

Office of the Supervisor
Department of Natural Resources
201 John A. Cherberg Bldg., Mailstop QW-21
Olympia, WA 98504

(3) An application for a BAP concerning a performance bond permit adjustment under RCW 78.44.120 must be filed within fifteen days after service of the notice adjusting the performance bond amount specified in the operating permit. The application must be filed with the department's region office that issued the notice. A list of the department's region offices and their addresses appears in WAC 332-10-030. The application should be addressed to the attention of the surface mining contact person. Upon receiving an application for a BAP concerning a performance bond permit adjustment, the department may choose to use the formal procedures of RCW 34.05.413 through 34.05.476 and WAC 332-08-005 through 332-08-405, and may choose not to use BAP procedures.

(4) An application for a BAP concerning a notice of deficiency issued under RCW 78.44.140 must be filed within fifteen days after service of the notice of deficiency. The application must be filed with the department's region office that issued the notice. A list of the department's region offices and their addresses appears in WAC 332-10-030. The application should be addressed to the attention of the surface mining contact person. Upon receiving an application for a BAP concerning a notice of deficiency, the department may choose to use the formal procedures of RCW 34.05.413 through 34.05.476 and WAC 332-08-005 through 332-08-405, and may choose not to use BAP procedures.

[Statutory Authority: RCW 34.05.220 (1)(a), 92-01-027 (Order 587), § 332-08-515, filed 12/6/91, effective 1/6/92; 91-13-059 (Order 573), § 332-08-515, filed 6/17/91, effective 7/18/91.]

WAC 332-08-520 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-525 Brief adjudicative proceedings--Hearing. (1) In BAPs concerning notices to comply issued under RCW 76.09.090 and WAC 222-46-030, the department shall schedule a hearing on a date not more than 20 days after receiving an application for a BAP.

(2) In all other brief adjudicative proceedings, the department shall, within ten days of receiving an application for a BAP, schedule a hearing.

[Statutory Authority: RCW 34.05.220 (1)(a), 91-13-059 (Order 573), § 332-08-525, filed 6/17/91, effective 7/18/91.]

WAC 332-08-530 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-535 Brief adjudicative proceedings--Decision. (1) Within ten days of a hearing on a notice to comply issued under RCW 76.09.090 and WAC 222-46-030, the department shall issue a final order either withdrawing its notice to comply or clearly setting forth the specific course of action to be followed by the applicant.

(2) In all other brief adjudicative proceedings, within ten days of the hearing, the presiding officer shall serve upon each party an initial order, containing a brief written statement of the department's decision and the reasons for the decision.

[Statutory Authority: RCW 34.05.220 (1)(a), 91-13-059 (Order 573), § 332-08-535, filed 6/17/91, effective 7/18/91.]

WAC 332-08-540 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-545 Brief adjudicative proceedings--Review. (1) The operator, forest land owner, or timber owner subject to a final order of the department on a notice to comply issued under RCW 76.09.090 and WAC 222-46-030 may, within thirty days from the date of the order, appeal to the forest practices appeals board. The provisions of chapter 223-08 WAC govern such appeals.

(2) In all other brief adjudicative proceedings, a party affected by an initial order of the department may request administrative review of the initial order. A request for administrative review must be in writing, and must be filed at the following address within twenty-one days after the date of service of the initial order:

Office of the Supervisor
Department of Natural Resources
201 John A. Cherberg Bldg., Mailstop QW-21
Olympia, WA 98504

The initial order becomes a final order if no review is taken.

[Statutory Authority: RCW 34.05.220 (1)(a), 91-13-059 (Order 573), § 332-08-545, filed 6/17/91, effective 7/18/91.]

WAC 332-08-550 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-560 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-570 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-580 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-08-590 Repealed. See Disposition Table at beginning of this chapter.

Chapter 332-10 WAC

PUBLIC RECORDS--DEPARTMENT OF NATURAL RESOURCES AND BOARD OF NATURAL RESOURCES

WAC

332-10-020	Definition.
332-10-030	Description of organization of department of natural resources.
332-10-035	Repealed.
332-10-040	Operations and procedures of the department of natural resources.
332-10-045	Repealed.
332-10-050	Public records available.
332-10-060	Public records officer for the department of natural resources.
332-10-070	Office hours.
332-10-080	Requests for public records.
332-10-100	Exemptions.
332-10-120	Protection of public records.
332-10-130	Records index for the department.
332-10-135	Repealed.
332-10-140	Address for communication requests.
332-10-145	Notification roster of interested persons.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

332-10-035	Description of organization of board of natural resources. [Order 262, § 332-10-035, filed 6/16/76.] Repealed by 91-14-014 (Order 574), filed 6/24/91, effective 7/25/91. Statutory Authority: RCW 34.05-.220, 34.05.230 and 42.17.250.
332-10-045	Operations and procedures of board of natural resources. [Order 262, § 332-10-045, filed 6/16/76.] Repealed by 91-14-014 (Order 574), filed 6/24/91, effective 7/25/91. Statutory Authority: RCW 34.05-.220, 34.05.230 and 42.17.250.
332-10-135	Records index for the board. [Order 262, § 332-10-135, filed 6/16/76.] Repealed by 91-14-014 (Order 574), filed 6/24/91, effective 7/25/91. Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250.

WAC 332-10-020 Definition. The following definitions shall apply in this chapter:

(1) "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 the department regardless of physical form or characteristics. See RCW 42.17.020(26).

(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. See RCW 42.17.020(28).

(3) "Board" means the board of natural resources, a policy setting board whose six members serve in an ex officio capacity. The duties of the board are described in RCW 43.30.150.

(4) "Department" means the department of natural resources which is:

(a) A regulatory agency with regard to geology activities on state and privately owned land, and outdoor burning on state and privately owned forest land,

(b) A proprietary land management agency for state owned land under the jurisdiction of the department,

(c) A service and information repository agency regarding surveys and maps of the state, farm forestry advice and general geology information,

(d) An agency that administers and enforces state forest protection laws and the forest practices regulations of the forest practices board and the department of ecology on state and privately owned forest land.

(5) "Commissioner" means the commissioner of public lands who is an elected official and serves as the administrator of the department. The commissioner, in accordance with RCW 43.30.170, has delegated to the supervisor of the department the direct supervision of the department activities.

[Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250. 91-14-014 (Order 574), § 332-10-020, filed 6/24/91, effective 7/25/91; Order 262, § 332-10-020, filed 6/16/76.]

WAC 332-10-030 Description of organization of department of natural resources. (1) The department of natural resources consists of a board of natural resources, an administrator, and a supervisor. The administrative office of the department and its staff are located in Olympia, Washington 98504. Field offices of the department are located at:

Region Office	Address
Olympic	Rt. 1, Box 1375, Forks, WA 98331
Northwest	919 North Township Street, Sedro Woolley, WA 98284
South Puget Sound	28329 SE 448th St., Enumclaw, WA 98022
Central	1405 Rush Road, Chehalis, WA 98532
Southwest	601 Bond Road, Castle Rock, WA 98611
Southeast	713 East Bowers Road, Box 280, Ellensburg, WA 98926
Northeast	225 South Silke Road, Colville, WA 99114

(2) Map.

[Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250. 91-14-014 (Order 574), § 332-10-030, filed 6/24/91, effective 7/25/91; Order 262, § 332-10-030, filed 6/16/76.]

WAC 332-10-035 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-10-040 Operations and procedures of the department of natural resources. (1) The legal authority for the department's activities is provided principally by:

(a) The State Enabling Act, Section Nos. 10 through 19;

(b) The state Constitution, Article Nos. III, XV, XVI, XVII and Amendment No. 15;

(c) The Revised Code of Washington, Title Nos. 43, 46, 58, 70, 76, 78, 79 and 84;

(d) The Washington Administrative Code, Title Nos. 222 and 332.

(2) The commissioner and the board acting under their respective legal authorities determine policy for the department. The supervisor of the department:

(a) Provides direct supervision over the department's activities.

(b) Implements department policy through a line-functional staff comprised of four deputy supervisors, several divisions, and seven regional offices. The divisions develop operational programs and procedures within their respective specialties of resource management. These programs and procedures are carried out through the seven regional offices with the exception of the real estate and aquatic lands divisions. These two divisions have a dual function in developing and carrying out their respective programs state-wide.

[Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250. 91-14-014 (Order 574), § 332-10-040, filed 6/24/91, effective 7/25/91; Order 262, § 332-10-040, filed 6/16/76.]

WAC 332-10-045 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-10-050 Public records available. All public records of the department are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and other laws.

[Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250. 91-14-014 (Order 574), § 332-10-050, filed 6/24/91, effective 7/25/91; Order 262, § 332-10-050, filed 6/16/76.]

WAC 332-10-060 Public records officer for the department of natural resources. (1) The public records officer for the department is designated as the chief lands recorder located in the department's administrative office. 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 disclosure requirements of chapter 42.17 RCW.

(2) Additional public record officers may be designated for specific offices within the department:

(a) The secretary of the commissioner is designated as the public records officer for the board.

(b) The office manager located in each of the regional offices is designated as the public records officer for region office records.

[Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250. 91-14-014 (Order 574), § 332-10-060, filed 6/24/91, effective 7/25/91; Order 262, § 332-10-060, filed 6/16/76.]

WAC 332-10-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the department. For the purpose of this chapter, the customary office hours shall be from 8:00 a.m. until noon and from 1:00 p.m. until 4:30 p.m., Monday through Friday, excluding legal holidays. Such inspection and copying may be postponed if, in the department's opinion, it would interfere with duties related to an emergency at a regional office or the fire control division in central headquarters.

[Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250. 91-14-014 (Order 574), § 332-10-070, filed 6/24/91, effective 7/25/91; Order 262, § 332-10-070, filed 6/16/76.]

WAC 332-10-080 Requests for public records. 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) Inquiry for general information regarding department activities may be directed to the administrative office or any regional office.

(2) A request for specific public records shall be made in writing upon a form prescribed by the department which shall be available at its administrative and regional offices. The form shall be presented to the public records officer, during customary office hours. The request shall include the following information:

(a) The name and address of the person requesting the record and the organization they represent;

(b) The time of day and calendar date on which the request was made;

(c) A description of the material requested.

(3) 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.

(4) The department will also honor requests received by mail for identifiable public records unless exempted.

[Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250. 91-14-014 (Order 574), § 332-10-080, filed 6/24/91, effective 7/25/91; Order 262, § 332-10-080, filed 6/16/76.]

WAC 332-10-100 Exemptions. (1) The department reserves the right to determine that a public record requested is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, 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 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All public records otherwise exempt by law shall be considered exempt under the provision of these rules.

(4) All denials of requests for public records will 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.

(5) The department recognizes that the preservation of personal rights is of paramount importance. Accordingly, the department policy shall be to conduct the disclosure of public records in such a manner to preserve the personal privacy of all department personnel. The policy shall extend to companies and individuals from outside the department whose records come into possession of the department.

The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

Inspection or copying of any specific records, exempt under the provisions of this section, may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the department, that the exemption of such records, is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

[Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250, 91-14-014 (Order 574), § 332-10-100, filed 6/24/91, effective 7/25/91; Order 262, § 332-10-100, filed 6/16/76.]

WAC 332-10-120 Protection of public records. In order to adequately protect the public records in the custody of the department, the following guidelines shall be adhered to by any person inspecting such public records:

(1) No public records shall be removed from the department's premises.

(2) Inspection of any public record shall be conducted in the presence of a designated department employee.

(3) No public records may be marked or defaced in any manner during inspection.

(4) Public records which are maintained in a file or jacket, or chronological order, may not be dismantled except for purposes of copying and then only by a designated employee of the department.

(5) Access to file cabinets, shelves, vaults, etc., is restricted to the department.

[Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250, 91-14-014 (Order 574), § 332-10-120, filed 6/24/91, effective 7/25/91; Order 262, § 332-10-120, filed 6/16/76.]

WAC 332-10-130 Records index for the department. (1) The department maintains the following methods to index its records:

(a) Tract books. Indicate all significant transactions since statehood concerning the disposition and management of state lands. Is organized by legal description, i.e., section - township - range. The tract book is located in the office of the chief lands recorder.

(b) Commissioner and department orders. Indexed from 1975 to present by year and order number. Commissioner and department orders contain and indicate subject and/or file jacket number.

(c) Board meeting index. Board meetings are tape recorded and written minutes prepared. These are indexed by date and are available for inspection through the public records officer in the commissioner's office.

(d) Administrative rule docket. The department has historically maintained an index of administrative rules adopted by the department. It is formatted by: Date, department rule number, subject, and contact person. Beginning in 1990 the format was expanded to conform with the requirements of RCW 34.05.315. This index is located in the office of the chief lands recorder.

(e) To conform with RCW 42.17.260(4), the following indexes and files are maintained by the chief lands recorder in the department's administrative office:

(i) All records issued before July 1, 1990, for which the department has maintained an index;

(ii) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the department in carrying out its duties;

(iii) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the department in carrying out its duties;

(iv) Interpretive statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990; and

(v) Policy statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990.

Copies of all indexes shall be available for public inspection and copying during business hours and in accordance with WAC 332-10-080. The indexes shall be kept current and updated annually. Selected final and declaratory orders that contain an analysis or decision of substantial importance to the agency in carrying out its duties, and interpretive and policy statements will be indexed chronologically by date, applicable program, hearing title, description of subject matter, citation to the law involved, or a selected combination of these, as appropriate.

(f) Rule-making file. To conform with RCW 34.05-.370, the department maintains an official rule-making file for each rule that the department proposes by publication in the state register or adopts. Some rules apply to specific programs within the department, while others, such as those adopted under the State Environmental Policy Act and the Administrative Procedure Act, apply department-wide. The administrative offices of divisions that administer specific programs maintain the rule-making files that apply to those programs. The department rules coordinator maintains the rule-making files for rules that apply department-wide.

(g) Department manual. The department maintains a comprehensive policy and procedures manual. The manual describes policy statements and procedures used to

implement the department's various responsibilities. It is organized by program activity, i.e., fire control, timber sales, etc. Manuals are available for review at the department's administrative or any regional office.

(h) Bibliography of department publications. It is common practice for the department to publish important policy and management plans as well as reports on specific subjects regarding resource management. The bibliography can be obtained through the department's Photo and Distribution Center, 1065 S. Capitol Way, Olympia, WA 98504, or any regional office.

(2) The department does not use a central filing system. Records are maintained in each of the regional offices spread throughout the state and in each of the divisions in the administrative office. Each organizational unit maintains a record system to meet its specific needs. The department can respond to requests for records, by the public describing the type of information they are seeking. General correspondence related to governmental and regulatory activities and internal services can usually be identified by subject and usually in the division responsible for that activity. Regulatory permits and licenses may be identified by legal description or application number. Correspondence and other data related to proprietary activities are identified by application number and can be cross-referenced by legal description.

[Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250. 91-14-014 (Order 574), § 332-10-130, filed 6/24/91, effective 7/25/91; Order 262, § 332-10-130, filed 6/16/76.]

WAC 332-10-135 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-10-140 Address for communication requests. All communications with the department including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW, and these rules, requests for copies of the department's decisions and other matters, shall be addressed as follows: Department of Natural Resources, c/o Public Records Officer, Olympia, Washington 98504.

[Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250. 91-14-014 (Order 574), § 332-10-140, filed 6/24/91, effective 7/25/91; Order 262, § 332-10-140, filed 6/16/76.]

WAC 332-10-145 Notification roster of interested persons. To conform with the requirements of RCW 34.05.230, the department maintains a roster of interested persons who have requested in writing to the department rules coordinator, to be notified of all interpretive and policy statements issued by the department. The roster is kept in the rules coordinator's office and is updated once each year. Persons not indicating a desire to continue on the roster will be eliminated during the yearly update. Whenever the department issues an interpretive or policy statement, a copy of the statement will be sent to each person listed on the roster.

[Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250. 91-14-014 (Order 574), § 332-10-145, filed 6/24/91, effective 7/25/91.]

Chapter 332-24 WAC FOREST PROTECTION

WAC

332-24-005	Definitions.
332-24-201	Written burning permit requirements and exceptions.
332-24-211	Requirements—Recreational or debris disposal fires.
332-24-225	Repealed.
332-24-231	Burning permits—Yacolt burn in portions of Clark and Skamania counties.
332-24-234	Exemption from burning permit requirements—Parts of Okanogan County.
332-24-238	Exemption from burning permit requirements—Parts of Cowlitz County.
332-24-301	Industrial restrictions.
332-24-405	Spark emitting equipment requirements.
332-24-409	Electrical fence controllers.
332-24-600	Forest fire protection and special forest fire suppression account minimum assessment refund procedure.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

332-24-225	Burning barrels. [Statutory Authority: RCW 76.04.015. 87-11-005 (Order 504), § 332-24-225, filed 5/8/87.] Repealed by 91-20-060 (Order 583), filed 9/24/91, effective 10/16/91. Statutory Authority: RCW 76.04.015.
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WAC 332-24-005 Definitions. Items defined herein have reference to chapter 76.04 RCW and all other provisions of law relating to forest protection and have the meanings indicated unless the context clearly requires otherwise.

(1) "Abatement" means the elimination of additional fire hazard by burning, physical removal, or other means.

(2) "Additional fire hazard" means additional fire hazard as defined in RCW 76.04.005.

(3) "Adze eye hoe" means a serviceable forest fire fighting hoe with a blade width of at least five and three-quarters inches and a rectangular eye. The blade shall be sharpened, solid, and smooth. The handle shall be hung solid with no more than three-quarters of an inch nor less than one-eighth of an inch extending beyond the head, smooth, aligned, and at least thirty-two inches long.

(4) "Approved exhaust system" means a well-mounted exhaust system free from leaks and equipped with spark arrester(s) rated and accepted under United States Department of Agriculture Forest Service current standards.

(a) Turbochargers qualify as an approved exhaust system when all gases pass through the turbine wheel. The turbine must be turning at all times, and there must be no exhaust bypasses. A straight mechanical-driven supercharger does not qualify as an approved exhaust system in lieu of an approved spark arrester.

(b) Passenger vehicles and trucks may be equipped with an adequately baffled muffler in lieu of a spark arrester.

(c) General purpose spark arresters for use on equipment, vehicles, and motorcycles operating on forest land must meet the performance levels set forth in the Society of Automotive Engineers (SAE) Recommended Practice SAE J350, "Requirements of Single Position Application General Purpose Arresters." The spark arrester shall be permanently marked with the model number and the manufacturer's identification or trademark. When the inlet and outlet of an arrester are not easily identified, they must be marked. Arresters on mobile equipment shall not be mounted more than forty-five degrees from the qualified position.

(d) Portable power saws purchased after June 30, 1977, and used on forest land, must meet the performance levels set forth in the Society of Automotive Engineers (SAE) Recommended Practice SAE J335b, "Multi-Positioned Small Engine Exhaust Fire Ignition Suppression." Requirements to obtain the SAE J335b specifications are as follows:

(i) The spark arrester shall be designed to retain or destroy ninety percent of the carbon particles having a major diameter greater than 0.023 inches (0.584mm.)

(ii) The exhaust system shall be designed so that the exposed surface temperature shall not exceed five hundred fifty degrees Fahrenheit (288 degrees Centigrade) where it may come in direct contact with forest fuels.

(iii) The exhaust system shall be designed so that the exhaust gas temperature shall not exceed four hundred seventy-five degrees Fahrenheit (246 degrees Centigrade) where the exhaust flow may strike forest fuels.

(iv) The exhaust system shall be designed in such a manner that there are no pockets or corners where flammable material might accumulate. Pockets are permissible only if it can be substantiated by suitable test that material can be prevented from accumulating in the pockets.

(v) The exhaust system must be constructed of durable material and so designed that it will, with normal use and maintenance, provide a reasonable service life. Parts designed for easy replacement as a part of routine maintenance shall have a service life of not less than fifty hours. Cleaning of parts shall not be required more frequently than once for each eight hours of operation. The spark arrester shall be so designed that it may be readily inspected and cleaned.

(vi) Portable power saws will be deemed to be in compliance with SAE J335b requirements if they are certified by the United States Department of Agriculture, Forest Service, and the San Dimas Equipment Development Center.

(e) Portable power saws which were purchased prior to June 30, 1977, and which do not meet the Society of Automotive Engineers Standards, must meet the following requirements:

(i) The escape outlet of the spark arrester shall be at an angle of at least forty-five degrees from a line parallel to the bar;

(ii) The configuration of spark arrester shall be such that it will not collect sawdust no matter in what position the saw is operated;

(iii) Spark arrester shall be designed and made of material that will not allow shell or exhaust temperature to exceed eight hundred fifty degrees Fahrenheit;

(iv) The arrester shall have a screen with a maximum opening size of 0.023 inches (0.584mm.);

(v) The arrester shall be capable of operating, under normal conditions, a minimum of eight hours before cleaning is needed;

(vi) The screen shall carry a manufacturer's warranty of a minimum of fifty-hour life when installed and maintained in accordance with the manufacturer's recommendation;

(vii) The arrester shall be of good manufacture and made so that the arrester housing and screen are close fitting;

(viii) The arrester shall be at least ninety percent efficient in the destruction, retention or attrition of carbon particles over 0.023 inches (0.584mm.);

(ix) Efficiency is to be measured as described in Power Saw Manufacturer's Association Standard, Number S365;

(x) Construction of the arrester shall permit easy removal and replacement of the screen for field inspection and cleaning.

(f) Multipositioned engine powered tools, other than power saws, used on forest land must meet the performance levels set forth in the Society of Automotive Engineers (SAE) Recommended Practice J335b, "Multi-Positioned Small Engine Exhaust Fire Ignition Suppression."

(g) Locomotive spark arresters for use on logging, private or common carrier railroads operating on or through forest land must meet the performance levels set forth in the Association of American Railroads (AAR) Recommended Practice, "Standard for Spark Arresters for Non-Turbo Charged Diesel Engines Used in Railroad Locomotives."

(5) "Axe" means a serviceable, double-bitted, swamping axe or single-bitted axe of at least a three-pound head and thirty-two inch handle. The blades shall be sharpened, solid and smooth. The handle shall be hung solid, smooth and straight.

(6) "Certified electrical fence controller" means an electrical fence controller that meets the standards for fire safety developed by Underwriters Laboratories (UL) and indicates approval by bearing the UL label on the controller.

(7) "Currently with the logging" and "current with the felling of live timber, or with the current logging operation" means during the logging operation or associated activities on any landing, setting or similar part of the operation.

(8) "Debris disposal fire" means an outdoor fire for the elimination of a fire hazard and for the purpose of clean-up of natural vegetation and residue of a natural character such as leaves, clippings, prunings, trees,

stumps, brush, shrubbery, and wood so long as it has not been treated by an application of prohibited material or substance in a pile no larger than that allowed in WAC 332-24-211.

(9) "Department" means the department of natural resources, or its authorized representatives, as defined in chapter 43.30 RCW.

(10) "Dump" includes, without limitation, dumping, depositing, or placing.

(11) "Electrical fence controller" includes any controller, equipment, appliance, device, or apparatus used as an electrical fence controller, energizer, or pulsator which uses or conveys an electrical current.

(12) "Fire extinguisher" means, unless otherwise stated, a fully charged and operational chemical fire extinguisher rated by underwriters' laboratory or factory mutual, appropriately mounted in either a vertical or horizontal position, and located so as to be readily accessible to the operator. When two fire extinguishers are required, they are to be appropriately mounted and located so that one is readily accessible to the operator and the other is separate from the operator and readily accessible to other personnel. The fire extinguisher shall be equipped with a gauge to determine the level of charge present to propel the chemical from the extinguisher; however fire extinguishers required for use with portable power saws are not required to be equipped with a gauge to determine the level of charge.

(13) "Fire hazard" means the accumulation of combustible materials in such a condition as to be readily ignited and in such a quantity as to create a hazard from fire to nearby structures, forest areas, life and property.

(14) "Fire tool box" means a compartment of sound construction with a waterproof lid, provided with hinges and hasps and so arranged that the box can be properly sealed and the contents kept dry. The box shall be red in color and marked "fire tools" in white or black letters at least three inches high. The fire tool box shall contain a minimum of:

- (a) Two axes or pulaskis;
- (b) Three adze eye hoes;
- (c) Three shovels.

(15) "Firewatch" means at least one competent person to be at the site(s) for one hour following the operation of spark-emitting equipment on class 3L days or above, or as determined by the department based on the national fire danger rating system and other fire danger conditions. The firewatch shall be vigilant and so located or positioned to be able to detect within five minutes fires which may originate at the site(s) of the equipment operation. The firewatch shall report a fire to the responsible protection agency within fifteen minutes of detection.

(16) "Fixed-position machine" means any machine used for any portion or phase of harvesting, thinning, site preparation, land clearing, road, railroad and utility right of way clearing or maintenance, mineral or natural resources extraction, or other operation that performs its primary function from a fixed-position. This definition

applies even though said machine is capable of moving under its own power to a different fixed position.

(17) "Forest debris" means forest debris as defined in RCW 76.04.005.

(18) "Forest land" means forest land as defined in RCW 76.04.005.

(19) "Isolation" means the division or separation of an additional fire hazard into compartments by a constructed barrier of at least one hundred feet in width at its narrowest point. The constructed barrier must be free and clear of forest debris as defined in RCW 76.04.005 and must be approved, in writing, by the department.

(20) "Mill waste" means waste of all kinds from forest products, including, but not limited to, sawdust, bark, chips, slabs, and cuttings from lumber or timber.

(21) "Operation" means the use of equipment, tools, and supporting activities on or adjacent to forest land that may cause a forest fire to start. Such activities may include, but are not limited to, any phase of harvesting, thinning, site preparation, land clearing, road, railroad, and utility right of way clearing and maintenance, and mineral or natural resource extraction. The operating period shall be that time period when the activity is taking place and includes that time when a firewatch would be required to be in attendance.

(22) "Outdoor fire" means the combustion of material in the open, or in a container, with no provisions for the control of such combustion or the control of the emissions from the combustion products.

(23) "Person" shall mean any individual, partnership, private, public, or municipal corporation, county, the department or other state or local governmental entity, or association of individuals of whatever nature.

(24) "Prohibited material or substance" includes rubber products, plastics, asphalt, garbage, dead animals, petroleum products, paints, or any similar materials that emit dense smoke or create offensive odors when burned, pursuant to RCW 70.94.775(1).

(25) "Pulaski" means a serviceable axe and hoe combination tool with not less than a three and one-half pound head and thirty-two inch handle. The blades shall be at least two and one-half inches wide, sharpened, solid and smooth. The handle shall be hung solid, smooth and straight.

(26) "Pump truck or pump trailer" means:

(a) A serviceable truck or trailer which must be able to perform its functions efficiently and must be equipped with a water tank of not less than a three hundred gallon capacity, filled with water. The complete pump truck or pump trailer shall be kept ready for instant use for suppressing forest fires. If a trailer is used, it shall be equipped with a hitch to facilitate prompt moving. A serviceable tow vehicle shall be immediately available for attachment to the trailer. The pump truck, or pump trailer with its tow vehicle, must be available throughout the operating and watchperson periods.

(b) The pump may be a portable pump or suitable power take-off pump. It shall be plumbed with a bypass or pressure relief valve. The pump shall develop, at

pump level, pressure sufficient to discharge a minimum of twenty gallons per minute, using a one-quarter inch nozzle tip through a fifty foot length of one inch or one and one-half inch rubber-lined hose.

(c) The pump truck or pump trailer shall be equipped with the following:

(i) A minimum of five hundred feet of one or one and one-half inch cotton or synthetic jacket hose;

(ii) A fully stocked fire tool box.

(d) The tank shall be plumbed so that water may be withdrawn by one person by gravity feed. This outlet shall be adapted to accept the hose used with the pump truck or pump trailer. The outlet shall be located for easy filling of pump cans.

(e) The pump truck or pump trailer must be equipped with fuel, appropriate tools, accessories and fittings to perform its functions for a continuous period of four hours. A recommended list of tools, fittings and accessories may be obtained from the department.

(27) "Recreational fire" means an outdoor fire for the purpose of sport, pastime or refreshment, such as camp fires, bonfires, cooking fires, etc., in a hand-built pile no larger than four feet in diameter and not associated with any debris disposal activities related to fire hazard elimination or yard and garden refuse clean-up.

(28) "Reduction" means the elimination of that amount of additional fire hazard necessary to produce a remaining average volume of forest debris no greater than nine tons per acre of material three inches in diameter and less.

(29) "Shovel" means a serviceable, long-handled or "D"-handled, round-point shovel of at least "0" size with a sharpened, solid and smooth blade. The handle on the shovel shall be hung solid, smooth and straight.

(30) "Snag" means a standing dead conifer tree over twenty-five feet in height and sixteen inches and over in diameter, measured at a point four and one-half feet above the average ground level at the base.

(31) "Tractor or other mobile machine" means any machine that moves under its own power when performing any portion or phase of harvesting, thinning, site preparation, land clearing, road, railroad and utility right of way clearing or maintenance, mineral or natural resource extraction, or other operation. This definition includes any machine, whether crawler or wheel-type, whether such machine be engaged in yarding or loading, or in some other function during the operation.

(32) "Uncertified electrical fence controller" includes all electrical fence controllers that do not meet the standards for fire safety developed by Underwriters Laboratories (UL) and does not have the UL label on the controller.

[Statutory Authority: RCW 76.04.015, 91-20-060 (Order 583), § 332-24-005, filed 9/24/91, effective 10/16/91; 87-11-005 (Order 504), § 332-24-005, filed 5/8/87.]

WAC 332-24-201 Written burning permit requirements and exceptions. Under authority granted in RCW

76.04.015 and 76.04.205, the following regulation is hereby promulgated:

(1) The department is responsible, by law, for the granting of burning permits for certain types of outdoor fire;

(2) The department aids in the protection of air quality under its smoke management program;

(3) Pursuant to its authority and responsibility, the department has studied and determined the effects of such burning on life, property and air quality to be of year-round effect;

(4) Throughout the year, outdoor fire is prohibited within any department forest protection assessment area unless a written burning permit is obtained from the department and signed by the permittee and afterwards, having the permit in possession while burning and complying with the terms of such permit. Except, a written burning permit for an outdoor fire is not required from the department under the following conditions:

(a) In certain geographic areas of the state as designated by the department in this chapter;

(b) When the outdoor fire is:

(i) Contained within a campfire pit, approved by the department, located in a state, county, municipal, or other campground;

(ii) Contained within a camp stove or barbecue situated on bare soil, gravel bars, beaches, green field, or other similar areas free of flammable material for a sufficient distance adequate to prevent the escape of fire;

(c) When the general rules and requirements specified in WAC 332-24-205 and 332-24-211 and the conditions for the protection of life, property and air quality are met.

[Statutory Authority: RCW 76.04.015, 91-20-060 (Order 583), § 332-24-201, filed 9/24/91, effective 10/16/91; 87-11-005 (Order 504), § 332-24-201, filed 5/8/87.]

WAC 332-24-211 Requirements—Recreational or debris disposal fires. (1) The fire must not include rubber products, plastics, asphalt, garbage, dead animals, petroleum products, paints, or any similar materials that emit dense smoke or create offensive odors when burned, pursuant to RCW 70.94.775(1).

(2) A person capable of extinguishing the fire must attend the fire at all times and the fire must be extinguished before leaving it.

(3) No recreational or debris disposal fires are to be within fifty feet of structures.

(4) A recreational fire shall be in a hand-built pile no larger than four feet in diameter and a written burning permit is not required. A serviceable shovel must be within the immediate vicinity of the fire.

(5) A debris disposal fire requiring a written burning permit has established size limitations based on time of year and the county within which the burning occurs.

(a) From July 1 to October 15 individual pile size shall be limited to no larger than that indicated in the following table:

SUMMER RULES

Burning Permit Required For All Fires	Four Foot Piles	Ten Foot Piles
Asotin	Clark	Clallam
Chelan	Cowlitz	Jefferson
Columbia	Grays Harbor	
Ferry	Island	
Garfield	King	
Kittitas	Kitsap	
Klickitat	Lewis	
Lincoln	Mason	
Okanogan	Pacific	
Pend Oreille	Pierce	
Spokane	San Juan	
Stevens	Skagit	
Walla Walla	Skamania	
Yakima	Snohomish	
	Thurston	
	Wahkiakum	
	Whatcom	

(b) From October 16 through June 30 individual pile size is limited to ten feet; except the following counties are limited to four feet:

WINTER RULES

Four Foot Piles

- Island
- King
- Kitsap
- Mason
- Pierce
- San Juan
- Spokane

(c) A serviceable shovel and a minimum of five gallons of water must be within the immediate vicinity of the fire. A bucket is acceptable if the outdoor fire is adjacent to an accessible body of water. A charged garden hose or other adequate water supply may be substituted for the five gallon water requirement.

(6) Only one pile may be burned at any one time and each pile must be extinguished before lighting another.

(7) No outdoor fire is permitted in or within five hundred feet of forest slash without a written burning permit.

(8) The material to be burned must be placed on bare soil, gravel bars, beaches, green fields or other similar area free of flammable material for a sufficient distance adequate to prevent the escape of the fire.

(9) Burning must be done during periods of calm to very light winds. Burning when wind will scatter loose flammable materials, such as dry leaves and clippings, is prohibited.

(10) If the fire creates a nuisance from smoke or fly ash, it must be extinguished.

(11) A landowner or the landowner's designated representative's written permission must be obtained before kindling an outdoor fire on the property of another.

(12) Persons not able to meet the requirements of subsections (1) through (10) of this section must apply for a written burning permit through the department.

[Statutory Authority: RCW 76.04.015. 91-20-060 (Order 583), § 332-24-211, filed 9/24/91, effective 10/16/91; 87-11-005 (Order 504), § 332-24-211, filed 5/8/87.]

WAC 332-24-225 Repealed. See Disposition Table at beginning of this chapter.

WAC 332-24-231 Burning permits—Yacolt burn in portions of Clark and Skamania counties. (1) Under the authority granted in RCW 76.04.015 and 76.04.205, the department requires, throughout the year, any person wishing to burn flammable material, within the area described, to first obtain a written burning permit from the department and, thereafter, comply with the terms of said permit. The requirements for a written burning permit may be waived if the fire is contained in a suitable device sufficient, in the opinion of the department, to prevent the fire from spreading. This chapter shall be in effect until such time as the department deems it no longer necessary.

(2) The following describes parts of Clark and Skamania counties subject to the requirements of subsection (1) of this section:

Starting at the east quarter corner of Section 12, Township 5 North, Range 4 East, that point lying on the boundary of the Gifford Pinchot National Forest. Thence, west one mile; north one-half mile; west two miles; north three miles to I.P. Road 100. Thence, westerly then southerly following I.P. Road 100 approximately six miles to the west section line of Section 7, Township 6 North, Range 4 East. Thence south approximately one mile to the southwest corner of Section 13, Township 5 North, Range 3 East. Thence, south three miles; east approximately one-quarter of one mile to the north quarter corner of Section 1, Township 4 North, Range 3 East. Thence, south two and one-quarter of a mile; westerly along the county road one and one-half miles; south one-quarter of one mile to the east quarter corner of Section 15, Township 4 North, Range 3 East. Thence, west one mile; south two and one-half miles; east one and one-half miles; south six miles to the south quarter corner of Section 26, Township 3 North, Range 3 East, that point lying on the north boundary of the Camp Bonneville - U.S. Military Reservation. Thence, east one-half of one mile; south one mile; east one mile; south two miles; east approximately one and one-half miles to the Little Washougal River. Thence, southwest-erly approximately two and one-quarter miles along the Little Washougal River. Thence, east along the Bonneville Power line five miles. Thence, northeasterly along the county road to the northeast corner of Section 24, Township 2 North, Range 4 East. Thence, north one-half of one mile to a Bonneville Power line. Thence, east one mile to the West Fork of the Washougal River. Thence, southeasterly along said river to the east-west

center line of Section 20, Township 2 North, Range 5 East, and then east along said center line to the east quarter corner of said Section 20. Thence, south one-half mile to a Bonneville Power line. Thence, east nine and one-half miles. Thence, south to the Evergreen Highway in the approximate center of Section 25, Township 2 North, Range 6 East, and then along said highway in a northeasterly direction approximately three miles to the northwest city limits of North Bonneville. Thence, north to the Bonneville Power line and northeasterly along it approximately four miles to where it intersects the north-south center line of Section 35, Township 3 North, Range 7 East. Thence, north approximately two and three-quarters mile to the center of Section 23, Township 3 North, Range 7 East. Thence, east one and one-half miles; south approximately one-third mile to the southwest corner of Section 24, Township 3 North, Range 7 and one-half miles east. Thence, east one mile; south one mile to the Bonneville Power line; northeasterly along said power line to the east section line of Section 30, Township 3 North, Range 8 East. Thence, northerly to the northeast corner of Section 18, Township 3 North, Range 8 East. Thence, west two and one-quarter miles to the road running up from Carson Creek; westerly along said road through Section 12 along the south side of Sections 2 and 3, Township 3 North, Range 7 East. Thence, southwesterly across Section 9 to the southwest corner of Section 9, Township 3 North, Range 7 East. Thence, west approximately ten miles to the northwest corner of Section 14, Township 3 North, Range 5 East. Thence, south one mile; west four miles; north thirteen and one-half miles to the point of beginning.

[Statutory Authority: RCW 76.04.015. 91-20-060 (Order 583), § 332-24-231, filed 9/24/91, effective 10/16/91; 87-11-005 (Order 504), § 332-24-231, filed 5/8/87.]

WAC 332-24-234 Exemption from burning permit requirements—Parts of Okanogan County. (1) Pursuant to the authority granted in RCW 76.04.205, parts of Okanogan County, described in subsection (2) of this section, are exempt from the requirements of RCW 76.04.205 and permits for the burning of flammable material will not, from the effective date of this chapter, be required in such exempt parts; however nothing herein shall affect the operation and effectiveness of the rules of the rural fire protection district and/or local air pollution control authority in which said lands are located.

(2) The following described parts of Okanogan County, Washington, are exempt from the burning permit requirements of RCW 76.04.205 in accordance with subsection (1) of this section: All lands lying within the following described line:

(a) Starting at the junction of the Canadian-United States boundary and the north end of the Boundary Point Road, thence, southerly along the Boundary Point Road to U.S. Highway 97; southerly along U.S. Highway 97 to the Tom Dull Road; southerly along the Tom Dull Road to 23rd Avenue. Thence, west approximately five hundred feet to the Oroville-Tonasket Reclamation District irrigation ditch. Thence, southerly along the

ditch to the siphon across the Similkameen River; southerly along the siphon and/or ditch to the Gunsolley Road (Ellemehan Mountain Road). Thence, northeasterly along the Gunsolley Road to the Golden Road. Thence, southerly along the Golden Road to the Janis Oroville Westside Road; southerly along the Janis Oroville Westside Road to a point west of the south end of the Janis Bridge on U.S. Highway 97. Thence, northerly along U.S. Highway 97 to the McLoughlin Canyon Road. Thence, easterly along the McLoughlin Canyon Road to the State Frontage Road. Thence, northerly along the State Frontage Road to the Clarkston Mill Road; northerly along the Clarkston Mill Road to the Longnecker Road. Thence, northwesterly along the Longnecker Road to U.S. Highway 97 to the city limits of Tonasket. Thence, along the south, east and north boundary of the Town of Tonasket to U.S. Highway 97. Thence, northerly along U.S. Highway 97 to the O'Neil Road; northerly along the O'Neil Road to U.S. Highway 97; northerly along U.S. Highway 97 to the Eastside Oroville Road; northerly along the Eastside Oroville Road to the northeast end of the Thorndike Loop Road. Thence, west to the east shore of Osoyoos Lake. Thence, northerly along the east shore of Osoyoos Lake to the Canadian-United States boundary to point of beginning.

(b) Beginning at the intersection of U.S. Highway 97 and State Route Number 16, in the Town of Pateros, thence, proceeding northerly along U.S. Highway 97 to the junction of Paradise Hill Road, within the Town of Brewster; northerly along the Paradise Hill Road to the junction of the Paradise Hill Road and North Star-Paradise Hill Cutoff Road, located within the south one-half of Section 35, Township 31 North, Range 24 East. Thence, northeasterly along the North Star-Paradise Hill Cutoff Road to the intersection at the North Star Road. Thence, south and east along the North Star Road until it intersects with Old Highway 97. Thence, northerly along Old Highway 97 to the junction with the B & O Road within the Town of Malott. Thence, north and east along the B & O Road to the junction of B & O Road West. Thence, northerly along the B & O Road West to the junction of State Route Number 20. Thence, southeasterly along State Route Number 20 to the junction of the B & O North Road. Thence, northeasterly along the B & O North Road to the junction of the Fletcher Loop Road. Thence, north and east along the Fletcher Loop Road to the junction of the Spring Coulee Road. Thence, northerly along the Spring Coulee Road to the junction of the Dry Coulee Road. Thence, northerly along the Dry Coulee Road to the junction of the East Dry Coulee Road. Thence, easterly along the East Dry Coulee Road to the Town of Okanogan. Thence, from the Town of Okanogan northerly along the Salmon Creek Road to the junction of the Danker Cutoff Road. Thence, easterly along the Danker Cutoff Road to the junction of the Pouge Road. Thence, north and east on the Pouge Road to the junction of the Conconully Highway. Thence, northerly along the Conconully Highway to the junction of the Riverside Cutoff Road. Thence, easterly along the Riverside Cutoff Road to the Town of Riverside. Thence, from the Town of

Riverside northerly along the Pharr Road to a point on the north line of Section 6, Township 35 North, Range 27 East, W.M. Thence, east along that section line, across the Okanogan River to the Keystone Road. Thence, southerly along the Keystone Road to the Tunk Valley Road; southerly along the Tunk Valley Road into the Town of Riverside at a point where the Tunk Valley Road and the west bank of the Okanogan River intersect. Thence, south along the west bank of the Okanogan River to the Columbia River. Thence, southwesterly along the west bank of the Columbia River to the point of beginning.

[Statutory Authority: RCW 76.04.015, 91-20-060 (Order 583), § 332-24-234, filed 9/24/91, effective 10/16/91; 87-11-005 (Order 504), § 332-24-234, filed 5/8/87.]

WAC 332-24-238 Exemption from burning permit requirements--Parts of Cowlitz County. (1) Pursuant to the authority granted in RCW 76.04.205, the parts of Cowlitz County described in subsection (2) of this section are exempt from the requirements of RCW 76.04.205 and permits for burning flammable material will not, from the effective date of this chapter, be required in such exempt parts; however nothing herein shall affect the operation and effectiveness of the rules of the rural fire protection district and/or local air pollution control authority in which said lands are located.

(2) The following described parts of Cowlitz County, Washington, are exempt from the burning permit requirements of RCW 76.04.205, in accordance with subsection (1) of this section:

An area consisting of all shorelands and uplands lying within the following described boundaries: Beginning at a point where Interstate Highway 5 intersects with the west line of Section 34, Township 6 North, Range 1 West, thence, southeasterly along the west boundary of said Interstate Highway 5 to its junction with the Lewis River; thence, southwesterly along the north bank of the Lewis River to its confluence with the Columbia River; thence, northerly along the east bank of the Columbia River to the south tip of Burke Island; thence, northerly along the west boundary of Burke Island to the southern tip of Martins Island; thence, northerly along the west boundary of Martins Island to the north end thereof; thence, westerly to the boundary line between the states of Oregon and Washington approximately in the center of the Columbia River; thence, northwesterly along the state boundary line, in the center of the Columbia River, to the Town of Stella; thence, easterly along the north shoulder of State Highway 4 approximately four and one-half miles to the junction of the Coal Creek Road; thence, northerly along the west shoulder of the Coal Creek Road to its junction with Pacific Way; thence, easterly along the north shoulder of Pacific Way to its junction with the Lone Oak Road; thence, easterly along the north shoulder of the Lone Oak Road to its junction with the Columbia Heights Road; thence, southerly along the east shoulder of the Columbia Heights Road to the west one-quarter corner of Section 16, Township 8 North, Range 2 West, thence east one and one-half miles to the center of Section 15, Township 8 North,

Range 2 West; thence, north one and one-half miles to the north one quarter corner of Section 10, Township 8 North, Range 2 West; thence, east along the north line of Section 10, Township 8 North, Range 2 West, to its junction with the east bank of the Cowlitz River; thence, southeasterly along the east bank of the Cowlitz River to its confluence with Ostrander Creek; thence, easterly along the south bank of Ostrander Creek to its intersection with the east shoulder of Interstate Highway 5 in Section 11, Township 8 North, Range 2 West; thence, southerly along the east shoulder of Interstate Highway 5 to the south bank of the Coweeman River; thence, easterly along the south bank of the Coweeman River to the west line of Section 36, Township 8 North, Range 2 West; thence, south approximately one mile to the east shoulder of Interstate Highway 5 in Section 1, Township 7 North, Range 2 West; thence, southeasterly along the east shoulder of Interstate Highway 5 to its junction with the Old Pacific Highway lying in Section 12, Township 7 North, Range 2 West; thence, southerly along the east shoulder of the Old Pacific Highway to its junction with the north city limits of the City of Kalama; thence, west along the north city limits of Kalama to its junction with the east shoulder of Interstate Highway 5 to the beginning point where Interstate Highway 5 intersects with the west line of Section 34, Township 6 North, Range 1 West.

(3) The following described parts of Cowlitz County lying within the area described in subsection (2) of this section, which are exceptions and are not exempt from the requirements of RCW 76.04.150, as amended, and do require permits for the burning of inflammable material; however these requirements do not apply to developed lands situated within these boundaries.

An area known as Mt. Solo, bounded on the west and south by the Mt. Solo Road, bounded on the east by 38th Avenue, bounded on the north by State Highway 4, all situated within Sections 23, 24, 25, 26, Township 8 North, Range 3 West, and Section 30, Township 8 North, Range 2 West.

[Statutory Authority: RCW 76.04.015, 91-20-060 (Order 583), § 332-24-238, filed 9/24/91, effective 10/16/91; 87-11-005 (Order 504), § 332-24-238, filed 5/8/87.]

WAC 332-24-301 Industrial restrictions. (1) When in the opinion of the regional manager, for the department's administrative region, weather conditions arise which present a hazard to lands protected by the department, whereby life and property may be endangered, the regional manager, through the authority granted the department in RCW 76.04.015 and 76.04.325, may designate industrial precaution levels thereby regulating logging, land clearing or other industrial operations which may cause a fire to start on or adjacent to forest lands. The restrictions shall be for periods designated and shall only affect those portions of the state under the administrative jurisdiction of the area manager.

(2) In making a decision as to when restrictions or shutdowns should occur, the area manager shall utilize available information as to current and projected fire

danger, current and projected weather, current fire activity and available resources for fire suppression.

(3) All persons performing logging, land clearing or other operations which may cause a fire to start on or adjacent to forest lands shall comply with the restrictions described in the designated industrial precaution level.

(a) The industrial fire precaution levels shall be:

(i) Level 1. Closed season – Fire precaution requirements are in effect. A fire watch/security is required at this and all higher levels unless otherwise waived.

(ii) Level 2. Partial hootowl – The following may operate only between the hours of 8 p.m. and 1 p.m. local time:

- Power saws except at loading sites;
- Cable yarding;
- Blasting;
- Welding or cutting of metal.

(iii) Level 3. Partial shutdown – The following are prohibited except as indicated:

● Cable yarding – except that gravity operated logging systems employing nonmotorized carriages may operate between 8 p.m. and 1 p.m. when all block and moving lines, except for the line between the carriage and the chokers, are suspended ten feet above the ground;

● Power saws – except power saws may be used at loading sites and on tractor/skidder operations between the hours of 8 p.m. and 1 p.m. local time.

In addition, the following are permitted to operate between the hours of 8 p.m. and 1 p.m. local time:

- Tractor/skidder operations;
- Mechanical loading and hauling of any product or material;
- Blasting;
- Welding or cutting of metal;
- Any other spark emitting operation not specifically mentioned.

(iv) Level 4. General shutdown – All operations are prohibited.

(b) The following definitions shall apply to these industrial fire precaution levels:

(i) "Loading sites" means a place where any product or material, including but not limited to logs, firewood, slash, soil, rock, poles, posts, etc., is placed in or upon a truck or other vehicle.

(ii) "Cable yarding systems" means a yarding system employing cables and winches in a fixed position.

(iii) "Low hazard area" means any area where the department has determined the combination of elements reduces the probability of fire starting and/or spreading.

(iv) "Closed season" is that season of the year when a fire hazard exists as declared by the department or other responsible agency.

(v) "Tractor/skidder operations" include a harvesting operation, or portion of a harvesting operation, where tractors, skidders, or other harvesting equipment capable of constructing fireline, are actively yarding forest products and can quickly reach and effectively attack a fire start.

(c) A written waiver may be issued by the department for fire-safe activities in low-hazard areas.

(d) Where hauling involves transit through more than one shutdown/regulated use area, the precaution level at the woods loading site shall govern the level of haul restriction, unless otherwise prohibited by other than the industrial precaution level system.

[Statutory Authority: RCW 76.04.015, 91-20-060 (Order 583), § 332-24-301, filed 9/24/91, effective 10/16/91; 87-11-005 (Order 504), § 332-24-301, filed 5/8/87.]

WAC 332-24-405 Spark emitting equipment requirements. It shall be unlawful for anyone to operate, during the closed season as defined in RCW 76.04.005, any steam, internal combustion, electric engines or any other devices which emit sparks on any forest land or any other place where, in the opinion of the department, fire could be communicated to forest land without first complying with the following requirements for equipment or operations:

(1) Fixed-position machine:

(a) Two fire extinguishers, each of at least a 5 B C rating;

(b) An approved exhaust system;

(c) An appropriately mounted shovel.

(2) Logging railroad locomotive or common carrier locomotive:

(a) An approved exhaust system;

(b) Communications between the train and dispatcher for reporting fires to the responsible protection agency;

(c) Each locomotive shall be followed by a speeder patrol at such times, and in such locations, as designated by the department. The speeder patrol shall be equipped with:

(i) Two shovels;

(ii) One pulaski;

(iii) One adze eye hoe;

(iv) Two serviceable five gallon backpack pump cans filled with water;

(v) An approved exhaust system;

(vi) Communications between the speeder and the dispatcher for reporting fires to the responsible protection agency;

(vii) One fire extinguisher of at least a 5 B C rating.

(3) Passenger vehicle used for industrial or commercial operations:

(a) A fire extinguisher of at least a 5 B C rating;

(b) An approved exhaust system.

(4) Portable power saw:

(a) A chemical fire extinguisher of at least eight ounce capacity, fully charged and in good working order. The fire extinguisher shall be kept in the immediate possession of the operator;

(b) An approved exhaust system;

(c) A shovel, which shall be kept within two minutes round-trip of the operator;

(d) A firewatch.

(5) Spark-emitting engines used for purposes not specifically mentioned herein, which, in the opinion of the department, may cause a forest fire to start, unless equipped with:

(a) An approved exhaust system;
 (b) One fire extinguisher of at least a 5 B C rating; however two-wheeled, three-wheeled, and four-wheeled motorcycles shall only be required to have an approved exhaust system.

(6) Tractor or mobile machine:

(a) One fire extinguisher of at least a 5 B C rating;

(b) An approved exhaust system;

(c) An appropriately mounted shovel.

(7) Truck or vehicle used for hauling:

(a) One fire extinguisher of at least a 5 B C rating;

(b) An approved exhaust system;

(c) An appropriately mounted shovel.

(8) During yarding, loading, milling, land clearing and right of way clearing, there must be kept at each landing, yarding tree, mill or other suitable place designated by the department, two serviceable five gallon backpack pump cans filled with water; however such operations in other areas of the state as may be designated by the department, in writing, must comply with the following additional requirements:

(a) A pump truck or pump trailer to be kept on the landing or within five minutes round-trip of the operation;

(b) A firewatch;

(c) Adequate facilities to report a fire to the responsible protection agency within fifteen minutes of detection.

(9) Balloon, skyline and other similar long-line or aerial logging systems with greater than a twelve hundred foot distance between the yarder and tailhold or tailblock unless complying with the following requirements:

(a) Two serviceable five gallon backpack pump cans filled with water at each landing, yarding tree or other suitable place designated by the department;

(b) Portable water supply available and equipped in order to supply water to the furthest extremity of the operation within a maximum of ten minutes from the time of detection. The portable water supply shall contain a minimum of three hundred gallons of water and the complement of accessories and equipment identified in the definition of the pump truck or pump trailer. The portable water supply shall be equipped with a pump capable of delivering twenty gallons per minute, at sufficient pressure, using a one-quarter inch nozzle tip through a fifty foot length of one inch or one and one-half inch rubber-lined hose. The pump shall be plumbed with a bypass or pressure relief valve. The water supply shall be located and outfitted for immediate use at the landing, and so that it may also be readily lifted and transported by use of the rigging system or cargo hook. Logging systems which are not capable of lifting the portable water supply and the fire tool kit in one lift must accomplish this in no more than three separate lifts. The fire tool kit shall be packaged and located for ready attachment to the rigging for delivery to the portable water supply while it is in operation. The fire tool kit shall contain:

(i) Three axes or pulaskis;

(ii) Six shovels;

(iii) Six adze eye hoes.

(c) Firewatch;

(d) Adequate facilities to report a fire to the responsible protection agency within fifteen minutes of detection.

(10) Each helicopter used for yarding, loading and land clearing or slash burning unless equipped and complying with the following:

(a) A VHF radio, maintained in operational use, at frequency 122.9 MHg;

(b) A portable water bucket of the following capacities, with necessary cargo hooks and tripping mechanism for dropping water on a fire, shall be located at the heliport serving the operation;

External Payload of Helicopter	Minimum Required Bucket Size
780 pounds and below	50 gallons
781 pounds - 1600 pounds	100 gallons
1601 pounds - 3900 pounds	200 gallons
3901 pounds and larger	300 gallons

(c) A water source of sufficient capacity readily accessible to allow the bucket to be filled three times without refilling the source. The water source must be located within five minutes round-trip flying time of every part of the operation;

(d) The following sized fire tool kit packaged for ready attachment to the cargo hook and located at the heliport serving the operation:

(i) Two axes or pulaskis;

(ii) Three shovels;

(iii) Three adze eye hoes.

(e) Two fire extinguishers of at least 20 B C rating shall be kept with refueling equipment. They shall be appropriately mounted, suitably marked and available for immediate use.

(11) Railroad track installation and maintenance:

(a) Crews - ten people or less:

(i) A pump truck or pump trailer as defined in WAC 332-24-005(24); however the water capacity of the pump truck or pump trailer may be less than three hundred gallons, but greater than one hundred fifty gallons when the unit is capable of producing department-approved high expansion foam;

(ii) One serviceable five gallon backpack pump can;

(iii) Communications between the crew and dispatcher for reporting fires to the responsible protection agency.

(b) Crews - greater than ten people:

(i) A pump truck or pump trailer as defined in WAC 332-24-005(24) that is also capable of producing department-approved high expansion foam;

(ii) A fire tool box containing a minimum of:

(A) Six pulaskis;

(B) Six adze eye hoes;

(C) Six shovels.

(iii) Communications between the crew and dispatchers for reporting fires to the responsible protection agency.

(c) Track welding, cutting and grinding shall be curtailed by not less than a four foot high canvas type curtain, which completely encloses the operation and

prevents the escapement of sparks from welding, cutting or grinding.

(12) Prior to beginning operations, all snags, stubs and dead trees over fifteen feet in height shall be cut within fifty feet of each fixed-position machine which will operate for two consecutive days or more in one position.

The ground shall be initially cleared of all flammable debris under four inches in diameter beneath and within ten feet of each fixed-position machine which will operate for two consecutive days or more in one position.

(13) The area around the tail, corner and haul back blocks must be kept clean of all flammable debris under four inches in diameter for a distance of six feet in all directions. Suitable flame-resistant blanket devices may be substituted for the clearing requirement when the six foot diameter area is covered. Each block must be equipped with one serviceable five gallon backpack pump can filled with water, one shovel and one pulaski. Operations with multiple blocks must have this complement of tools and water within one hundred feet of each block.

(14) It shall be the operator's responsibility to identify points of line rub on cable logging operations during the closed season. If line rub occurs, the operator shall do what is necessary to stop, alleviate or control the line rub in order to prevent fires at these points. Satisfactory means include, but are not limited to:

- (a) Removal of the object which the line is rubbing on;
- (b) Changing the logging system;
- (c) Moving the cable location.

(15) The department may designate certain areas which are known to have rapid fluctuations of extreme fire weather and/or concentrations of additional hazards. Operators in such areas may be required to monitor the humidity and/or wind speed and maintain a daily log of such readings. Relative humidity readings and wind speed must be determined and recorded by instruments and methods approved by the department.

The department may further require the operator in such areas to restrict operations when, in the opinion of the department, the recorded readings or current conditions are such that if a fire starts in that area it would probably spread to conflagration proportions regardless of personnel and equipment available for initial fire suppression.

[Statutory Authority: RCW 76.04.015. 91-20-060 (Order 583), § 332-24-405, filed 9/24/91, effective 10/16/91; 87-11-005 (Order 504), § 332-24-405, filed 5/8/87.]

WAC 332-24-409 Electrical fence controllers. Electrically caused fires present a hazard to the health and safety of the people of Washington, therefore:

(1) No person shall use or energize any uncertified electrical fence controller on any forest land in the state of Washington except during the months of November, December, January, February, and March: *Provided*, That this section shall not be construed to mean that the person may not have, establish, install, or erect such an

uncertified electrical fence controller which does not contain a current of electricity during the prohibited months.

(2) No person shall sell, offer for sale, or dispose of by gift or otherwise to any consumer or user in the state of Washington, any uncertified electrical fence controller without informing that consumer or user that the electrical fence controller is uncertified.

(3) Certified electrical fence controllers may be maintained, used, sold, offered for sale, disposed of by gift or otherwise without restriction.

(4) The responsibility of presenting sufficient evidence of certification such as the Underwriters Laboratories label, brand name, model number, etc., shall be upon the user.

(5) Failure to present sufficient evidence of certification such as Underwriters Laboratories label, brand name, model number, etc., at an inspection of the usage of electrical fence controllers during the months prohibited by subsection (1) of this section, shall be prima facie evidence of noncompliance with the provision of this regulation.

[Statutory Authority: RCW 76.04.015. 91-20-060 (Order 583), § 332-24-409, filed 9/24/91, effective 10/16/91.]

WAC 332-24-600 Forest fire protection and special forest fire suppression account minimum assessment refund procedure. This section implements the provisions of RCW 76.04.610 and 76.04.630, which provides that an owner of forest land owning two or more parcels, each containing less than fifty acres in a county, may obtain a refund of the assessments paid on all such parcels over one.

- (1) The forest landowner must:
 - (a) Obtain a forest protection assessment refund form from any department or county treasurer office;
 - (b) Complete refund form per instructions on form;
 - (c) Pay taxes and assessments to county treasurer and obtain treasurer's signature on refund form to verify assessments have been paid in full;
 - (d) Mail refund form before December 31 of the year the assessments are due to: Department of Natural Resources, Fire Control Division, Olympia, WA 98504.

(2) The department's fire control division will complete the refund due the landowner and process for payment through the department's financial services' division. The financial services' division will prepare the refund check and send the check and a copy of the refund form to the landowner.

[Statutory Authority: RCW 76.04.015. 91-20-060 (Order 583), § 332-24-600, filed 9/24/91, effective 10/16/91; 87-11-005 (Order 504), § 332-24-600, filed 5/8/87.]

Chapter 332-30 WAC AQUATIC LAND MANAGEMENT

WAC	
332-30-106	Definitions.
332-30-122	Aquatic land use authorization.

WAC 332-30-106 Definitions. All definitions in this section shall apply to the department and to port districts managing aquatic lands under a management agreement (WAC 332-30-114). For the purpose of this chapter:

(1) "Accretion" means the natural buildup of shoreline through the gradual deposit of alluvium. The general principle of common law applicable is that a riparian or littoral owner gains by accretion and reliction, and loses by erosion. Boundary lines generally will change with accretion.

(2) "Alluvium" means material deposited by water on the bed or shores.

(3) "Anniversary date" means the month and day of the start date of an authorization instrument unless otherwise specified in the instrument.

(4) "Aquaculture" means the culture and/or farming of food fish, shellfish, and other aquatic plants and animals in fresh water, brackish water or salt water areas. Aquaculture practices may include but are not limited to hatching, seeding or planting, cultivating, feeding, raising, harvesting of planted crops or of natural crops so as to maintain an optimum yield, and processing of aquatic plants or animals.

(5) "Aquatic lands" means all state-owned tidelands, shorelands, harbor areas, and the beds of navigable waters (RCW 79.90.010). Aquatic lands are part of the public lands of the state of Washington (see subsection (49) of this section). Included in aquatic lands are public places subsection (51) of this section, waterways subsection (74) of this section, bar islands, avulsively abandoned beds and channels of navigable bodies of water, managed by the department of natural resources directly, or indirectly through management agreements with other governmental entities.

(6) "Aquatic land use classes" means classes of uses of tideland, shorelands and beds of navigable waters that display varying degrees of water dependency. See WAC 332-30-121.

(7) "Authorization instrument" means a lease, material purchase, easement, permit, or other document authorizing use of state-owned aquatic lands and/or materials.

(8) "Avulsion" means a sudden and perceptible change in the shoreline of a body of water. Generally no change in boundary lines occurs.

(9) "Beds of navigable waters" means those submerged lands lying waterward of the line of extreme low tide in navigable tidal waters and waterward of the line of navigability in navigable lakes, rivers and streams. The term, "bedlands" means beds of navigable waters.

(10) "Commerce" means the exchange or buying and selling of goods and services. As it applies to aquatic land, commerce usually involves transport and a land/water interface.

(11) "Covered moorage" means slips and mooring floats that are covered by a single roof with no dividing walls.

(12) "Department" means the department of natural resources.

(13) "Dredging" means enlarging or cleaning out a river channel, harbor, etc.

(14) "Educational reserves" means accessible areas of aquatic lands typical of selected habitat types which are suitable for educational projects.

(15) "Enclosed moorage" means moorage that has completely enclosed roof, side and end walls similar to a car garage i.e. boathouse.

(16) "Environmental reserves" means areas of environmental importance, sites established for the continuance of environmental baseline monitoring, and/or areas of historical, geological or biological interest requiring special protective management.

(17) "Erosion" means the gradual cutting away of a shore by natural processes. Title is generally lost by erosion, just as it is gained by accretion.

(18) "Extreme low tide" means the line as estimated by the federal government below which it might reasonably be expected that the tide would not ebb. In Puget Sound area generally, this point is estimated by the federal government to be a point in elevation 4.50 feet below the datum plane of mean lower low water, (0.0). Along the Pacific Ocean and in the bays fronting thereon and the Strait of Juan de Fuca, the elevation ranges down to a minus 3.5 feet in several locations.

(19) "Fair market value" means the amount of money which a purchaser willing, but not obligated, to buy the property would pay an owner willing, but not obligated, to sell it, taking into consideration all uses to which the property is adapted and might in reason be applied (Donaldson v. Greenwood, 40 Wn.2d 238, 1952). Such uses must be consistent with applicable federal, state and local laws and regulations affecting the property as of the date of valuation.

(20) "First class shorelands" means the shores of a navigable lake or river belonging to the state not subject to tidal flow, lying between the line of ordinary high water and the line of navigability, or the inner harbor line where established and within or in front of the corporate limits of any city, or within two miles thereof upon either side (RCW 79.90.040). These boundary descriptions represent the general rule; however exceptions do exist. To determine if the shorelands are within two miles of the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

(21) "First class tidelands" means the shores of navigable tidal waters belonging to the state lying within or in front of the corporate limits of any city, or within one mile thereof upon either side and between the line of ordinary high tide and the inner harbor line; and within two miles of the corporate limits on either side and between the line of ordinary high tide and the line of extreme low tide (RCW 79.90.030). In general, the line of ordinary high tide is the landward boundary. The line of extreme low tide, or the inner harbor line where established, is the waterward boundary. To determine if the tidelands are within two miles of the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

(22) "Fiscal year" means a period of time commencing on the first day of July and ending on the thirtieth day of June of the succeeding year. A fiscal year is identified by the year in which it ends, e.g., fiscal year 1985 is the period July 1, 1984 through June 30, 1985.

(23) "Governmental entity" means the federal government, the state, county, city, port district, or other municipal corporation or political subdivision thereof.

(24) "Harbor area" means the area of navigable waters determined as provided in section 1 of Article XV of the state Constitution which shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce (RCW 79.90.020). Harbor areas exist between the inner and outer harbor lines as established by the state harbor line commission.

(25) "Harbor area use classes" means classes of uses of harbor areas that display varying degrees of conformance to the purpose for which harbor areas were established under the Constitution.

(26) "Harbor line" means either or both: (a) A line (outer harbor line) located and established in navigable waters as provided for in section 1 of Article XV of the state Constitution beyond which the state shall never sell or lease any rights whatever to private persons (RCW 79.90.015). (b) A line (inner harbor line) located and established in navigable waters between the line of ordinary high tide and the outer harbor line, constituting the inner boundary of the harbor area (RCW 79.90.025).

(27) "Houseboat" means a floating structure normally incapable of self propulsion and usually permanently moored that serves as a place of residence or business. Otherwise called a floating home.

(28) "Inflation rate" means, for a given year, the percentage rate of change in the previous calendar year's all commodity producer price index of the Bureau of Labor Statistics of the United States department of commerce (RCW 79.90.465). The rate published by the bureau during May of each year for the previous calendar year shall be the rate for the previous calendar year.

(29) "Interest rate" shall be twelve percent per annum (RCW 79.90.520).

(30) "Interim uses" means certain uses which may, under special circumstances, be allowed to locate in harbor areas (see WAC 332-30-115(5)).

(31) "Inventory" means both a compilation of existing data on man's uses, and the biology and geology of aquatic lands as well as the gathering of new information on aquatic lands through field and laboratory analysis. Such data is usually presented in map form such as the *Washington Marine Atlas*.

(32) "Island" means a body of land entirely and customarily surrounded by water. Land in navigable waters which is only surrounded by water in times of high water, is not an island within the rule that the state takes title to newly formed islands in navigable waters.

(33) "Line of navigability" means a measured line at that depth sufficient for ordinary navigation as determined by the board of natural resources for the body of water in question.

(34) "Log booming" means placing logs into and taking them out of the water, assembling and disassembling

log rafts before or after their movement in water-borne commerce, related handling and sorting activities taking place in the water, and the temporary holding of logs to be taken directly into a processing facility (RCW 79.90.465).

(35) "Log storage" means the water storage of logs in rafts or otherwise prepared for shipment in water-borne commerce, but does not include the temporary holding of logs to be taken directly into a vessel or processing facility (RCW 79.90.465).

(36) "Marine land" means those lands from the mean high tide mark waterward in marine and estuarine waters, including intertidal and submerged lands. Marine lands represents a portion of aquatic lands.

(37) "Meander line" means fixed determinable lines run by the federal government along the banks of all navigable bodies of water and other important rivers and lakes for the purpose of defining the sinuosities of the shore or bank and as a means of ascertaining the areas of fractional subdivisions of the public lands bordering thereon.

(38) "Motorized vehicular travel" means movement by any type of motorized equipment over land surfaces.

(39) "Multiple use management" means a management philosophy which seeks to insure that several uses or activities can occur at the same place at the same time. The mechanism involves identification of the primary use of the land with provisions such as performance standards to permit compatible secondary uses to occur.

(40) "Navigability or navigable" means that a body of water is capable or susceptible of having been or being used for the transport of useful commerce. The state of Washington considers all bodies of water meandered by government surveyors as navigable unless otherwise declared by a court.

(41) "Navigation" means the movement of vessels to and from piers and wharves.

(42) "Nonwater-dependent use" means a use that can operate in a location other than on the waterfront. Examples include, but are not limited to, hotels, condominiums, apartments, restaurants, retail stores, and warehouses not part of a marine terminal or transfer facility (RCW 79.90.465).

(43) "Open moorage" means moorage slips and mooring floats that have completely open sides and tops.

(44) "Optimum yield" means the yield which provides the greatest benefit to the state with particular reference to food production and is prescribed on the basis of the maximum sustainable yield over the state-wide resource base as modified by any relevant economic, social or ecological factor.

(45) "Ordinary high tide" means the same as mean high tide or the average height of high tide. In Puget Sound, the mean high tide line varies from 10 to 13 feet above the datum plane of mean lower low water (0.0).

(46) "Ordinary high water" means, for the purpose of asserting state ownership, the line of permanent upland vegetation along the shores of nontidal navigable waters. In the absence of vegetation, it is the line of mean high water.

(47) "Port district" means a port district created under Title 53 RCW (RCW 79.90.465).

(48) "Public benefit" means that all of the citizens of the state may derive a direct benefit from departmental actions in the form of environmental protection; energy and mineral production; utilization of renewable resources; promotion of navigation and commerce by fostering water-dependent uses; and encouraging direct public use and access; and generating revenue in a manner consistent with RCW 79.90.455.

(49) "Public lands" means lands belonging to or held in trust by the state, which are not devoted to or reserved for a particular use by law, and include state lands, tidelands, shorelands and harbor areas as herein defined, and the beds of navigable waters belonging to the state (RCW 79.01.004).

(50) "Public interest" means ...(reserved)

(51) "Public place" means a part of aquatic lands set aside for public access through platted tidelands, shorelands, and/or harbor areas to the beds of navigable waters.

(52) "Public tidelands" means tidelands belonging to and held in public trust by the state for the citizens of the state, which are not devoted to or reserved for a particular use by law.

(53) "Public trust" means that certain state-owned tidelands, shorelands and all beds of navigable waters are held in trust by the state for all citizens with each citizen having an equal and undivided interest in the land. The department has the responsibility to manage these lands in the best interest of the general public.

(54) "Public use" means to be made available daily to the general public on a first-come, first-served basis, and may not be leased to private parties on any more than a day use basis.

(55) "Public use beach" means a state-owned beach available for free public use but which may be leased for other compatible uses.

(56) "Public utility line" means pipes, conduits, and similar facilities for distribution of water, electricity, natural gas, telephone, other electronic communication, and sewers, including sewer outfall lines (RCW 79.90.465).

(57) "Real rate of return" means the average for the most recent ten calendar years of the average rate of return on conventional real property mortgages as reported by the Federal Home Loan Bank Board or any successor agency, minus the average inflation rate for the most recent ten calendar years (RCW 79.90.465).

(58) "Reliction" means the gradual withdrawal of water from a shoreline leaving the land uncovered. Boundaries usually change with reliction.

(59) "Renewable resource" means a natural resource which through natural ecological processes is capable of renewing itself.

(60) "Riparian" means relating to or living or located on the bank of a natural water course, such as a stream, lake or tidewater.

(61) "Scientific reserves" means sites set aside for scientific research projects and/or areas of unusually

rich plant and animal communities suitable for continuing scientific observation.

(62) "Second class shorelands" means the shores of a navigable lake or river belonging to the state, not subject to tidal flow, lying between the line of ordinary high water and the line of navigability, and more than two miles from the corporate limits of any city (RCW 79.90.045). These boundary definitions represent the general rule; however, exceptions do exist. To determine if shorelands are more than two miles from the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

(63) "Second class tidelands" means the shores of navigable tidal waters belonging to the state, lying outside of and more than two miles from the corporate limits of any city and between the line of ordinary high tide and the line of extreme low tide (RCW 79.90.035). In general, the line of ordinary high tide is the landward boundary. The line of extreme low tide is the waterward boundary. To determine if the tidelands are more than two miles from the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

(64) "Shore" means that space of land which is alternately covered and left dry by the rising and falling of the water level of a lake, river or tidal area.

(65) "State-owned aquatic lands" means those aquatic lands and waterways administered by the department of natural resources or managed under department agreement by a port district. "State-owned aquatic lands" does not include aquatic lands owned in fee by, or withdrawn for the use of, state agencies other than the department of natural resources (RCW 79.90.465).

(66) "State-wide value." The term state-wide value applies to aquatic land uses and natural resources whose use, management, or intrinsic nature have state-wide implications. Such uses and resources may be either localized or distributed state-wide. Aquatic land uses of state-wide value provide major state-wide public benefits. Public use and access, renewable resource use and water-dependent use have been cited by the legislature as examples of such uses. Aquatic land natural resources of state-wide value are those critical or uniquely suited to aquatic land uses of state-wide value or to environmental quality. For example, wild and scenic rivers, high quality public use beaches and aquatic lands fronting state parks are of state-wide value for public use and access. Commercial clam and geoduck beds and sites uniquely suited to aquaculture are of state-wide value to renewable resource use. Harbor areas are of state-wide value to water-dependent navigation and commerce. Certain aquatic land habitats and plant and animal populations are of state-wide value to recreational and commercial fisheries, wildlife protection, and scientific study.

(67) "Streamway" means stream dependent corridor of single or multiple, wet or dry channel, or channels within which the usual seasonal or storm water run-off peaks are contained, and within which environment the

flora, fauna, soil and topography is dependent on or influenced by the height and velocity of the fluctuating river currents.

(68) "Terminal" means a point of interchange between land and water carriers, such as a pier, wharf, or group of such, equipped with facilities for care and handling of cargo and/or passengers (RCW 79.90.465).

(69) "Thread of stream - thalweg" means the center of the main channel of the stream at the natural and ordinary stage of water.

(70) "Town" means a municipal corporation of the fourth class having not less than three hundred inhabitants and not more than fifteen hundred inhabitants at the time of its organization (RCW 35.01.040).

(71) "Water-dependent use" means use which cannot logically exist in any location but on the water. Examples include, but are not limited to, waterborne commerce; terminal and transfer facilities; ferry terminals; watercraft sales in conjunction with other water dependent uses; watercraft construction, repair, and maintenance; moorage and launching facilities; aquaculture; log booming; and public fishing piers and parks (RCW 79.90.465).

(72) "Waterfront" means a parcel of property with upland characteristics which includes within its boundary, a physical interface with the existing shoreline of a body of water.

(73) "Water oriented use" means use which historically has been dependent on a waterfront location, but with existing technology could be located away from the waterfront. Examples include, but are not limited to, wood products manufacturing, watercraft sales, fish processing, petroleum refining, sand and gravel processing, log storage, and house boats (RCW 79.90.465).

(74) "Waterway" means an area platted across aquatic lands or created by a waterway district providing for access between the uplands and open water, or between navigable bodies of water.

(75) "Wetted perimeter" means a fluctuating water line which separates submerged river beds from the dry shoreland areas at any given time.

[Statutory Authority: RCW 79.01.132, 79.01.216, 79.90.520, 79.90.535 and 1991 c 64 §§ 1 and 2, 91-22-079 (Order 580), § 332-30-106, filed 11/5/91, effective 12/6/91. Statutory Authority: RCW 79.90.105, 79.90.300, 79.90.455, 79.90.460, 79.90.470, 79.90.475, 79.90.520, 79.68.010, 79.68.68 [79.68.080], and chapter 79.93 RCW. 85-22-066 (Resolution No. 500), § 332-30-106, filed 11/5/85. Statutory Authority: 1984 c 221 and RCW 79.90.540. 84-23-014 (Resolution No. 470), § 332-30-106, filed 11/9/84. Statutory Authority: RCW 43.30.150. 80-09-005 (Order 343), § 332-30-106, filed 7/3/80.]

WAC 332-30-122 Aquatic land use authorization. All requirements in this section shall apply to the department. Subsection (2) of this section (except subsection (2)(a)(iii) and (b)(iii) of this section), subsections (3)(a), and (4)(a) shall apply to port districts managing aquatic lands under a management agreement (WAC 332-30-114).

(1) General requirements.

(a) In addition to other requirements of law, aquatic land activities that interfere with the use by the general

public of an area will require authorization from the department by way of agreement, lease, permit, or other instrument.

(i) Suitable instruments shall be required for all structures on aquatic lands except for those federal structures serving the needs of navigation.

(ii) The beds of navigable waters may be leased to the owner or lessee of the abutting tideland or shoreland. This preference lease right is limited to the area between the landward boundary of the beds and the -3 fathom contour, or 200 feet waterward, whichever is closer to shore. However, the distance from shore may be less in locations where it is necessary to protect the navigational rights of the public.

(iii) When proposing to lease aquatic lands to someone other than the abutting property owner, that owner shall be notified of the intention to lease the area. When not adverse to the public's ownership, the abutting owner's water access needs may be reasonably accommodated.

(b) Determination of the area encumbered by an authorization for use shall be made by the department based on the impact to public use and subsequent management of any remaining unencumbered public land.

(i) Operations involving fixed structures will include the area physically encumbered plus the open water area needed to operate the facility.

(ii) Areas for individual mooring buoys will be a circle with a radius equal to the expected swing of the vessel or object moored. Only the area encumbered at any given point in time shall be used to calculate any rentals due.

(iii) Areas for utility line easements will normally be ten feet wider than the overall width of the structure(s) placed in the right of way.

(c) All necessary federal, state and local permits shall be acquired by those proposing to use aquatic lands. Copies of permits must be furnished to the department prior to authorizing the use of aquatic lands. When evidence of interest in aquatic land is necessary for application for a permit, an authorization instrument may be issued prior to permit approval but conditioned on receiving the permit.

(2) **Application review.** In addition to other management considerations, the following special analysis shall be given to specific proposed uses:

(a) Environment.

(i) Authorization instruments shall be written to insure that structures and activities on aquatic lands are properly designed, constructed, maintained and conducted in accordance with sound environmental practices.

(ii) Uses which cause adverse environmental impacts may be authorized on aquatic lands only upon compliance with applicable environmental laws and regulations and appropriate steps as may be directed are taken to mitigate substantial or irreversible damage to the environment.

(iii) Nonwater-dependent uses which have significant adverse environmental impacts shall not be authorized.

(b) Public use and access.

(i) Wherever practical, authorization instruments for use of aquatic lands shall be written to provide for public access to the water.

(ii) Areas allocated for first-come, first-served public use shall not be managed to produce a profit for a concessionaire or other operator without a fee being charged.

(iii) Notice will be served to lessees of tidelands and shorelands allocated for future public use that prior to renewal of current leases, such leases will be modified to permit public use or will be terminated.

(c) Authorization to use aquatic lands shall not be granted to any person or organization which discriminates on the basis of race, color, creed, religion, sex, age, or physical or mental handicap.

(d) Authorization instruments for the installation of underwater pipelines, outfalls and cables may be granted when proper provisions are included to insure against substantial or irreversible damage to the environment and there is no practical upland alternative.

(3) Rents and fees.

(a) When proposed uses of aquatic lands requiring an authorization instrument (other than in harbor areas) have an identifiable and quantifiable but acceptable adverse impact on state-owned aquatic land, both within and without the authorized area, the value of that loss or impact shall be paid by the one so authorized in addition to normal rental to the department or port as is appropriate.

(b) Normal rentals shall be calculated based on the classification of the aquatic land use(s) occurring on the property. Methods for each class of use are described in specific WAC sections.

(c) Advance payments for two or more years may be collected in those situations where annual payments are less than document preparation and administration costs.

(d) Rentals for leases will normally be billed annually, in advance. If requested by a lessee in good standing, billings will be made:

(i) Quarterly on a prorated basis when annual rental exceeds four thousand dollars; or

(ii) Monthly on a prorated basis when annual rental exceeds twelve thousand dollars.

(e) A one percent per month charge shall be made on any amounts which are past due, unless those amounts are appealed. Users of aquatic properties shall not be considered in good standing when they have amounts more than thirty days past due.

(4) Structures and improvements on aquatic lands.

(a) Authorization for placing structures and improvements on public aquatic lands shall be based on the intended use, other uses in the immediate area, and the effect on navigational rights of public and private aquatic land owners. Structures and improvements shall:

(i) Conform to the laws and regulations of any public authority;

(ii) Be kept in good condition and repair by the authorized user of the aquatic lands;

(iii) Not be, nor become, a hazard to navigation;

(iv) Be removed by the authorized user as stipulated in the authorization instrument.

(b) In addition to aquatic land rentals and fees, rent shall be charged for use of those structures and improvements:

(i) Owned by the department, under contract to the department for management; or that become state property under RCW 79.94.320;

(ii) As may be agreed upon as part of the authorization document;

(iii) Installed on an authorized area without written concurrence of the department; or

(iv) Not covered by an application for use of aquatic lands, or a lawsuit challenging such requirements, within ninety days after the date of mailing of the department's written notification of unauthorized occupancy of public aquatic lands.

(c) Only land rental and fees shall be charged for public aquatic lands occupied by those structures and improvements that are:

(i) Authorized in writing by the department;

(ii) Installed prior to June 1, 1971 (effective date of the Shoreline Management Act) on an area authorized for use from the department; or

(iii) Covered by an application for use of aquatic lands within ninety days after the date of mailing of the department's written notification of unauthorized occupancy of public aquatic lands.

(5) Insurance, bonds, and other security.

(a) The department may require authorized users of aquatic lands to carry insurance, bonding, or provide other forms of security as may be appropriate for the use or uses occurring on public property, in order to ensure its sustained utility and future value.

(b) Proof of coverage shall be acceptable to the department if provided by any of the following:

(i) Insurance and/or bonding companies licensed by the state;

(ii) Recognized insurance or bonding agent for the authorized user;

(iii) Savings account assignment from authorized user to department; or

(iv) Cash deposit.

(c) The amount of security required of each user shall be determined by the department and adjusted periodically as needed.

(i) Any portion of the required security relating to payment of rent or fees shall be limited to an amount not exceeding two year's rental or fees.

(ii) Required security related to other terms of the agreement shall be based on the estimated cost to the department of enforcing compliance with those terms.

(iii) Cash deposits shall not be required in an amount exceeding one-twelfth of the annual rental or fees. If this amount is less than the total required security, the remainder shall be provided through other forms listed in (b) of this subsection.

(d) Security must be provided on a continual basis for the life of the agreement. Security arrangements for less than the life of the agreement shall be accepted as long as those arrangements are kept in force through a series of renewals or extensions.

[Statutory Authority: RCW 79.01.132, 79.01.216, 79.90.520, 79.90.535 and 1991 c 64 §§ 1 and 2. 91-22-079 (Order 580), § 332-30-122, filed 11/5/91, effective 12/6/91. Statutory Authority: 1984 c 221 and RCW 79.90.540, 84-23-014 (Resolution No. 470), § 332-30-122, filed 11/9/84.]

**Chapter 332-48 WAC
FIRE AND GAME DAMAGE**

WAC

332-48-010 through 332-48-020 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 332-48-010 Electrical fence controllers. [Resolution No. 54, filed 6/3/64.] Repealed by 91-20-060 (Order 583), filed 9/24/91, effective 10/16/91. Statutory Authority: RCW 76.04.015.
- 332-48-020 Unauthorized use of Colockum airstrip. [Resolution No. 44, filed 11/5/63.] Repealed by 91-20-060 (Order 583), filed 9/24/91, effective 10/16/91. Statutory Authority: RCW 76.04.015.

WAC 332-48-010 through 332-48-020 Repealed.
See Disposition Table at beginning of this chapter.

**Chapter 332-100 WAC
LEASES, SALES, RIGHTS OF WAY, ETC.**

WAC

- 332-100-030 Rate of interest for sales.
332-100-050 Rate of interest for contracts.

WAC 332-100-030 Rate of interest for sales. The interest rate to be charged on all sales requiring the same pursuant to RCW 79.01.132 shall be twelve percent per annum.

[Statutory Authority: RCW 79.01.132, 79.01.216, 79.90.520, 79.90.535 and 1991 c 64 §§ 1 and 2. 91-22-079 (Order 580), § 332-100-030, filed 11/5/91, effective 12/6/91. Statutory Authority: RCW 79.01.132, 79.01.216 and 79.64.030, 80-11-013 (Order 346, Resolution No. 304), § 332-100-030, filed 8/11/80; Order 27, § 332-100-030, filed 11/19/69.]

WAC 332-100-050 Rate of interest for contracts. The interest rate to be charged on all contracts requiring the same pursuant to RCW 79.01.216 shall be the average for thirty year fixed conventional mortgages on the first day of the last full month preceding approval by the board of natural resources. Said rate shall not be less than six percent.

[Statutory Authority: RCW 79.01.132, 79.01.216, 79.90.520, 79.90.535 and 1991 c 64 §§ 1 and 2. 91-22-079 (Order 580), § 332-100-050, filed 11/5/91, effective 12/6/91. Statutory Authority: RCW 79.01.132, 79.01.216 and 79.64.030, 80-11-013 (Order 346, Resolution No. 304), § 332-100-050, filed 8/11/80.]

Chapter 332-130 WAC

MINIMUM STANDARDS FOR LAND BOUNDARY SURVEYS AND GEODETIC CONTROL SURVEYS AND GUIDELINES FOR THE PREPARATION OF LAND DESCRIPTIONS.

WAC

- 332-130-020 Definitions.
332-130-060 Geodetic control survey standards.

WAC 332-130-020 Definitions. The following definitions shall apply to this chapter:

(1) **Geodetic control surveys:** Surveys for the specific purpose of establishing control points for extending the National Geodetic Survey horizontal and vertical control nets, establishing plane coordinate values on boundary monuments within the requirements of the Washington coordinate system, and determining the vertical elevations of boundary monuments.

(2) **GLO and BLM:** The General Land Office and its successor, the Bureau of Land Management.

(3) **Land boundary surveys:** All surveys, whether made by individuals, entities or public bodies of whatever nature, for the specific purpose of establishing, reestablishing, laying out, subdividing, defining, locating and/or monumenting the boundary of any easement, right of way, lot, tract, or parcel of real property or which reestablishes or restores General Land Office or Bureau of Land Management survey corners.

(4) **Land corner record:** The record of corner information form as prescribed by the department of natural resources pursuant to chapter 58.09 RCW.

(5) **Land description:** A description of real property or of rights associated with real property.

(6) **Land surveyor:** Any person authorized to practice the profession of land surveying under the provisions of chapter 18.43 RCW.

(7) **NAD83 (1991):** North American Datum of 1983, adjusted in 1991.

(8) **Parcel:** A part or portion of real property including but not limited to GLO segregations, easements, rights of way, aliquot parts of sections or tracts.

(9) **Survey Recording Act:** The law as established and designated in chapter 58.09 RCW.

(10) **Washington coordinate system:** The system of plane coordinates as established and designated by chapter 58.20 RCW.

[Statutory Authority: RCW 58.24.040(1), 91-19-013 (Order 581), § 332-130-020, filed 9/9/91, effective 10/10/91; 89-11-028 (Order 561), § 332-130-020, filed 5/11/89; Order 275, § 332-130-020, filed 5/2/77.]

WAC 332-130-060 Geodetic control survey standards. The following standards shall apply to geodetic control surveys:

(1) The datum for the horizontal control network in Washington shall be NAD83 (1991) as officially adjusted and published by the National Geodetic Survey of the United States Department of Commerce or as established in accordance with chapter 58.20 RCW. The datum adjustment shall be identified on all documents prepared; i.e., NAD83 (1991).

(2) Horizontal and vertical control work must meet or exceed those accuracy and specification standards as published by the Federal Geodetic Control Committee, September 1984, in the bulletin titled, "Standards and Specifications for Geodetic Control Networks" or any subsequently published bulletins modifying such class standards. The class of control surveys shall be shown on documents prepared.

[Statutory Authority: RCW 58.24.040(1), 91-19-013 (Order 581), § 332-130-060, filed 9/9/91, effective 10/10/91; 89-11-028 (Order 561), § 332-130-060, filed 5/11/89; Order 275, § 332-130-060, filed 5/2/77.]

Title 352 WAC

PARKS AND RECREATION COMMISSION

Chapters

- 352-12 Moorage and use of marine facilities.
 352-32 Public use of state park areas.
 352-44 Recreational conveyances--Certification--
 Inspections--Operator qualifications--
 Violations, etc.
 352-75 Boat sewage pumpout contract program.

Chapter 352-12 WAC

MOORAGE AND USE OF MARINE FACILITIES

WAC

- 352-12-020 Moorage fees.
 352-12-030 Annual moorage permits.

WAC 352-12-020 Moorage fees. (1) Vessels moored between 3 p.m. and 8 a.m. at those facilities designated by the commission shall be charged a nightly moorage fee during the period May 1 through September 30, inclusive, according to the following schedule:

(a) Vessels twenty-six feet in length, and over, \$9.00 per night;

(b) Vessels under twenty-six feet in length, \$6.00 per night: *Provided, however,* This fee shall be applicable all year at Blake Island, Cornet Bay, Fort Worden, Jarrell Cove, and Mystery Bay State Parks;

(c) Vessels moored to state park buoys, \$5.00 per night: *Provided further,* Vessels properly displaying a valid annual permit shall not be charged a nightly moorage fee: *Provided further,* There shall be no moorage fee for any vessel riding on its own anchor: *Provided further,* There shall be no charge for temporary moorage for the purpose of loading or unloading a vessel, such temporary moorage shall be limited to thirty minutes.

(2) A vessel rafted to another vessel shall be charged the appropriate moorage fee based on that vessel's own length.

[Statutory Authority: RCW 43.51.040, 91-09-001, § 352-12-020, filed 4/4/91, effective 5/15/91; 90-07-062, § 352-12-020, filed 3/20/90, effective 4/20/90. Statutory Authority: RCW 43.51.040 and 43.51.060, 88-07-074 (Order 103), § 352-12-020, filed 3/18/88, effective 5/15/88; 87-08-008 (Order 100), § 352-12-020, filed 3/23/87, effective 5/15/87. Statutory Authority: RCW 43.51.040, 43.51.055 and 43.51.060, 85-08-003 (Order 88), § 352-12-020, filed

3/22/85, effective 5/15/85. Statutory Authority: RCW 43.51.040 and 43.51.060, 84-09-045 (Order 77), § 352-12-020, filed 4/16/84; 82-08-027 (Order 59), § 352-12-020, filed 3/31/82.]

WAC 352-12-030 Annual moorage permits. (1) Annual moorage permits may be obtained for the period January 1 through December 31, inclusive. Application for such permits may be obtained from most state park managers, or by writing to the Commission Headquarters, 7150 Cleanwater Lane, KY-11, Olympia, WA 98504.

(2) Annual moorage permits will be issued for a particular vessel. The charge for such permits will be based upon the length of the vessel for which the permit is issued. Annual permits for vessels twenty-six feet in length and over shall cost \$45.00; for vessels under twenty-six feet in length shall cost \$27.00: *Provided, however,* Effective January 1, 1992, the permit for vessels twenty-six feet in length and over shall cost \$55.00 and for vessels under twenty-six feet in length shall cost \$35.00.

(3) Annual permits shall be visible from outside the vessel, and permanently affixed to the lower left corner of the vessel's left (port) forward windshield, or if not equipped with a windshield, to the left (port) outside transom, or if a sailboat, on the forward portion of the left (port) cabin trunk.

[Statutory Authority: RCW 43.51.040, 91-09-001, § 352-12-030, filed 4/4/91, effective 1/1/92; 90-07-062, § 352-12-030, filed 3/20/90, effective 4/20/90. Statutory Authority: RCW 43.51.040 and 43.51.060, 82-08-027 (Order 59), § 352-12-030, filed 3/31/82.]

Chapter 352-32 WAC

PUBLIC USE OF STATE PARK AREAS

WAC

- 352-32-010 Definitions.
 352-32-035 Campsite reservation.
 352-32-045 Reservations for group day use.
 352-32-200 Penalties.
 352-32-210 Consumption of alcohol in state park areas.
 352-32-250 Standard fees charged.
 352-32-25001 Recreational and conference center housing fees and meeting room fees charged.
 352-32-252 Off-season senior citizen pass—Fee.
 352-32-270 Sno-park permit—Fee.

WAC 352-32-010 Definitions. Whenever used in this chapter the following terms shall be defined as herein indicated:

(1) "Commission" shall mean the Washington state parks and recreation commission.

(2) "Director" shall mean the director of the Washington state parks and recreation commission.

(3) "Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 43.51.170, and shall include the park manager in charge of any state park area.

(4) "Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.