

Title 323 WAC

MILITARY DEPARTMENT

Chapters

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Chapter 323-10 WAC PUBLIC RECORDS

WAC

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WAC 323-10-010 Purpose. The purpose of this chapter shall be to ensure compliance by the military department, state of Washington with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25-32 of that act, dealing with public records.

[§ 323-10-010, filed 2/13/74.]

WAC 323-10-020 Definitions. (1) Public records
"Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) Writing

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

(3) Military department

The military department is the agency established by law pursuant to the provisions of Title 38 RCW. The military department shall hereinafter be referred to as the "agency." Where appropriate, the term "agency" also refers to the staff and employees of the military department.

[§ 323-10-020, filed 2/13/74.]

(1999 Ed.)

WAC 323-10-030 Description of central and field organization of the military department. The military department is a public safety agency. The administrative office of the agency and its staff are located at Camp Murray, Tacoma, Washington. In addition to the headquarters, the agency has in excess of forty facilities located throughout the state in the form of armories, shops, aircraft facilities and vehicle storage buildings.

[§ 323-10-030, filed 2/13/74.]

WAC 323-10-040 Operations and procedures. The military department is the National Guard Headquarters for all Army and Air National Guard units in the state of Washington. The National Guard is that part of the military force of the state that is organized, equipped and federally recognized under the provisions of The National Defense Act of the United States. The National Guard is administered by the governor as "commander-in-chief," through the adjutant general pursuant to general state laws and consistent with federal regulations.

[§ 323-10-040, filed 2/13/74.]

WAC 323-10-050 Public records available. All public records of the agency, as defined in WAC 323-010-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973, WAC 323-010-090, and any applicable federal law or regulation.

[§ 323-10-050, filed 2/13/74.]

WAC 323-10-060 Public records officer. The agency's public records shall be in charge of the public records officer designated by the agency. The person so designated shall be located in the administrative office of the agency. The public records officer shall be responsible for the following: The implementation of the agency's rules and regulations regarding release of public records, coordinating the staff of the agency in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973, and any other applicable law or regulation.

[§ 323-10-060, filed 2/13/74.]

WAC 323-10-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the agency. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

[§ 323-10-070, filed 2/13/74.]

WAC 323-10-080 Requests for public records. In accordance with requirements of chapter 1, Laws of 1973 that agencies prevent unreasonable invasion of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, at designated agency locations, by members of the public upon compliance with the following procedures:

(1) A request may be made in writing or orally. The request shall be presented to the public records officer, or his designee, if the public records officer is not available, at the administrative office of the agency located at Camp Murray during customary office hours. The request shall include the following information for the agency records officer log:

- (a) The name of the person requesting the record.
- (b) The date upon which the request was made.
- (c) The nature of the request.

(d) If the matter requested is referenced within an available index maintained by the records officer, a reference to the requested record as it is described in such index.

(e) If the requested matter is not identifiable by reference to the agency's current available index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

[§ 323-10-080, filed 2/13/74.]

WAC 323-10-090 Copying. No fee shall be charged for the inspection of public records. There shall be no charge for use of the agency's copy equipment up to one-hundred original documents copied. Only one copy of each document required shall be copied. If additional copies of a single document are desired by the requestor, the requestor shall have this accomplished through some source other than by the use of any of the agency's copy equipment. If one-hundred or more original documents are to be copied by the requestor, the requestor shall be charged a reasonable fee.

[§ 323-10-090, filed 2/13/74.]

WAC 323-10-100 Exemptions. (1) The agency reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 323-010-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973 and any other applicable laws or regulations.

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

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

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[§ 323-10-100, filed 2/13/74.]

WAC 323-10-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the adjutant general of the military department. The adjutant general shall consider the matter and either affirm or reverse such denial or consult with the attorney general whenever possible.

(3) Administrative remedies shall not be considered exhausted until the agency has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[§ 323-10-110, filed 2/13/74.]

WAC 323-10-120 Protection of public records. Requests for public records shall be made in the Headquarters Building (Building #1) Camp Murray, Tacoma, Washington in the office of the chief, administrative services. Public records and a facility for their inspection and/or copying will be provided by the public records officer of the agency. Such records or documents shall not be removed from the place designated for their inspection.

[§ 323-10-120, filed 2/13/74.]

WAC 323-10-130 Requests to the agency. All communications with the agency pertaining to public records may be addressed as follows:

Military Department, State of Washington
ATTN: Public Records Officer
Camp Murray, Tacoma, Washington 98430.

[§ 323-10-130, filed 2/13/74.]

WAC 323-10-140 Adoption of form. The agency hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A [WAC 323-10-900], entitled "Request for public record, Washington state military department."

[§ 323-10-140, filed 2/13/74.]

WAC 323-10-150 Index. The agency has available to all persons current indexes for each series of records which provide identifying information as to:

- (a) Administrative publications, manuals and forms.
- (b) General, special and letter orders published by the agency.
- (c) Staff memorandums, regulations, pamphlets, circulars and information bulletins.

[§ 323-10-150, filed 2/13/74.]

WAC 323-10-900 Appendix A—Request for public record—Form.

REQUEST FOR PUBLIC RECORD
WASHINGTON STATE MILITARY DEPARTMENT

(a) Name Signature (Please Print)
Name of Organization, if Applicable
Mailing Address of Applicant Telephone number
(b) Date Request Made Time of Day Request Made
(c) Nature of Request
(d) Identification Reference on Current Index
(e) Description of record or matter requested if not identifiable by reference to any Washington state military department current index
Request: Approved Date By Public Records Officer
Denied: Date
Reasons for Denial:
Referred to By Public Records Officer

- 323-12-080 Environmentally sensitive areas.
323-12-090 Threshold levels adopted by local governments.
323-12-100 Coordination of combined state-federal action.
323-12-110 Public notice requirements.
323-12-120 Appeals.

WAC 323-12-010 Authority. These rules are promulgated under RCW 43.21C.120 (the State Environmental Policy Act) and chapter 197-11 WAC (SEPA rules).

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-010, filed 2/11/87.]

WAC 323-12-020 Additional definitions. The following term(s) shall have the listed meaning(s):

"Department" means the military department unless otherwise indicated.

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-020, filed 2/11/87.]

WAC 323-12-030 Incorporation of chapter 197-11 WAC. (1) The following sections or subsections of chapter 197-11 WAC (SEPA rules adopted by the department of ecology on January 26, 1984) are hereby adopted by reference.

Table with 2 columns: WAC number and Definition. Includes entries for 197-11-040 through 197-11-926.

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-030, filed 2/11/87.]

WAC 323-12-040 Purpose—Policy. (1) The purpose of this chapter is to describe military department policy, assign responsibility, and establish procedures for the integration of environmental considerations into department planning and decision making.

(2) It is the policy of the department that significant adverse economic, social, and environmental effects relating to any proposed department action will be fully considered in planning and implementing such actions, and that final decisions on such action should be made in the best overall public interest, and taking into consideration:

- (a) The need for immediate response to state emergencies;
(b) The adverse environmental, social, and economic effects of the proposed action; and

[Form—Appendix A (codified as WAC 323-10-900), filed 2/13/74, effective 3/1/74.]

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MILITARY DEPARTMENT STATE ENVIRONMENTAL POLICY ACT PROCEDURES

Table with 2 columns: WAC number and Authority. Includes entries for 323-12-010 through 323-12-070.

(c) The costs of eliminating or minimizing such adverse effects.

(3) All practicable means consistent with the department's mission should be employed to minimize or avoid adverse environmental consequences.

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-040, filed 2/11/87.]

WAC 323-12-050 Designation of responsible official.

Within the military department, the adjutant general is the person with ultimate responsibility for departmental actions. The responsible official for a specific proposal shall be the Army National Guard facilities management officer or Air National Guard base civil engineers or his/her designees. Significant actions proposed by other coordinating or special staff functions shall be coordinated through the appropriate responsible official.

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-050, filed 2/11/87.]

WAC 323-12-060 Preparation of environmental documentation. Preparation of environmental documentation is the responsibility of the department's Army and Air National Guard's engineering sections. The responsible official shall be satisfied that all environmental documentation issued by the department is in compliance with these rules and chapter 197-11 WAC.

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-060, filed 2/11/87.]

WAC 323-12-070 Timing of the SEPA process. (1)

The SEPA process should be integrated with department activities at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to seek to resolve potential problems.

(2) The department shall prepare its threshold determination and environmental impact statement, if required, at the earliest possible point in the planning and decision making process, when the principal features of a proposal and its environmental impacts can be reasonably identified.

(3) Appropriate consideration of environmental information shall be completed before the department commits to a particular course of action.

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-070, filed 2/11/87.]

WAC 323-12-080 Environmentally sensitive areas. In its actions the department shall respect "environmentally sensitive area" designations and their modified exemption criteria which have been adopted by local governments under WAC 197-11-908.

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-080, filed 2/11/87.]

WAC 323-12-090 Threshold levels adopted by local governments. During threshold determination the department shall respect threshold levels adopted by local governments under WAC 197-11-800.

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-090, filed 2/11/87.]

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WAC 323-12-100 Coordination of combined state-federal action. When the department considers actions which also involve federal actions, it shall coordinate the two governmental processes so that only one EIS, or other environmental document, need be prepared for that proposal.

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-100, filed 2/11/87.]

WAC 323-12-110 Public notice requirements. When these rules require notice of environmental document preparation or availability, as a lead agency the department shall give public notice by using at least one of the following methods:

- (1) Posting the property, for site-specific proposals;
- (2) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;
- (3) Notifying the news media;
- (4) Directly notifying local jurisdictions affected by a proposed action.

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-110, filed 2/11/87.]

WAC 323-12-120 Appeals. There are no appeals to a local legislative body, nor are there agency administrative appeal procedures. Judicial appeals provisions in SEPA are found in RCW 43.21C.075 and 43.21C.080.

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-120, filed 2/11/87.]