

# Title 173 WAC

## ECOLOGY, DEPARTMENT OF

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173-407	Carbon dioxide mitigation program, greenhouse gases emissions performance standard and sequestration plans and programs for thermal electric generating facilities.		
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173-470	Ambient air quality standards for particulate matter.		
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173-475	Ambient air quality standards for carbon monoxide, ozone, and nitrogen dioxide.		
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173-546	<b>Water resources management program—Entiat River basin water resource inventory area (WRIA) 46.</b>	173-08-040	Master application form. [Order DE 77-23, § 173-08-040, filed 12/1/77; Order 74-6, § 173-08-040, filed 5/1/74.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.
173-548	<b>Water resources program in the Methow River basin, WRIA-48.</b>	173-08-050	Scope of master application procedure. [Order DE 77-23, § 173-08-050, filed 12/1/77; Order 74-6, § 173-08-050, filed 5/1/74.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.
173-549	<b>Water resources program in the Okanogan River basin, WRIA-49.</b>	173-08-060	Certification. [Order 74-6, § 173-08-060, filed 5/1/74.] Repealed by Order DE 77-23, filed 12/1/77.
173-555	<b>Water resources program in the Little Spokane River basin, WRIA-55.</b>	173-08-065	Modification of the proposed project. [Order DE 77-23, § 173-08-065, filed 12/1/77.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.
173-559	<b>Water resources program for the Colville River basin, WRIA-59.</b>	173-08-070	Appeals to final decisions. [Order DE 77-23, § 173-08-070, filed 12/1/77.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.
173-563	<b>Instream resources protection program for the main stem Columbia River in Washington state.</b>		
173-564	<b>Water resources management program for the main stem of the Snake River in Washington state.</b>		
173-590	<b>Procedures relating to the reservation of water for future public water supply.</b>		
173-591	<b>Reservation of future public water supply for Thurston County.</b>	173-09-010	Authority and purpose. [Statutory Authority: RCW 90.60.140. 96-15-104, § 173-09-010, filed 7/22/96, effective 8/22/96. Statutory Authority: RCW 90.60.040. 95-24-040 (Order 95-13), § 173-09-010, filed 11/30/95, effective 12/31/95.] Repealed by 01-05-035 (Order 00-22), filed 2/13/01, effective 3/16/01. Statutory Authority: Chapter 43.21A RCW.
173-802	<b>SEPA procedures.</b>		
173-806	<b>Model ordinance.</b>		
173-900	<b>Electronic products recycling program.</b>	173-09-020	Definitions. [Statutory Authority: RCW 90.60.140. 96-15-104, § 173-09-020, filed 7/22/96, effective 8/22/96. Statutory Authority: RCW 90.60.040. 95-24-040 (Order 95-13), § 173-09-020, filed 11/30/95, effective 12/31/95.] Repealed by 01-05-035 (Order 00-22), filed 2/13/01, effective 3/16/01. Statutory Authority: Chapter 43.21A RCW.

**DISPOSITION OF CHAPTERS FORMERLY  
CODIFIED IN THIS TITLE**

**Chapter 173-02**

**METHODS OF OPERATION AND ORGANIZATION**

173-02-010	Purpose. [Order 71-9, § 173-02-010, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250 through 42.17.340.	173-09-030	Designation of a coordinating permit agency. [Statutory Authority: RCW 90.60.040. 95-24-040 (Order 95-13), § 173-09-030, filed 11/30/95, effective 12/31/95.] Repealed by 01-05-035 (Order 00-22), filed 2/13/01, effective 3/16/01. Statutory Authority: Chapter 43.21A RCW.
173-02-020	General responsibilities. [Order 71-9, § 173-02-020, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250 through 42.17.340.	173-09-040	Brief adjudicative proceedings—Expedited appeal of coordinated permit process timelines. [Statutory Authority: RCW 90.60.140. 96-15-104, § 173-09-040, filed 7/22/96, effective 8/22/96.] Repealed by 01-05-035 (Order 00-22), filed 2/13/01, effective 3/16/01. Statutory Authority: Chapter 43.21A RCW.
173-02-030	Organization. [Order 71-9, § 173-02-030, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250 through 42.17.340.		
173-02-040	Functions. [Order 71-9, § 173-02-040, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250 through 42.17.340.		
173-02-050	Ecological commission. [Order 71-9, § 173-02-050, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250 through 42.17.340.	173-10-010	Authority. [Order DE 75-26, § 173-10-010, filed 11/7/75.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.
173-02-060	Public information. [Order 71-9, § 173-02-060, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250 through 42.17.340.	173-10-020	Purpose. [Order DE 75-26, § 173-10-020, filed 11/7/75.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.
173-02-070	Submissions and requests. [Order 71-9, § 173-02-070, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250 through 42.17.340.	173-10-030	Definitions. [Order DE 75-26, § 173-10-030, filed 11/7/75.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.

**Chapter 173-08**

**ENVIRONMENTAL COORDINATION PROCEDURES ACT OF  
1973—MASTER APPLICATION PROCEDURES**

173-08-010	Authority. [Order DE 77-23, § 173-08-010, filed 12/1/77; Order 74-6, § 173-08-010, filed 5/1/74.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60-040.	173-10-040	Single application form. [Order DE 75-26, § 173-10-040, filed 11/7/75.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.
173-08-020	Purpose. [Order DE 77-23, § 173-08-020, filed 12/1/77; Order 74-6, § 173-08-020, filed 5/1/74.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.	173-10-050	Public notice. [Order DE 75-26, § 173-10-050, filed 11/7/75.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.
173-08-030	Definitions. [Order DE 77-23, § 173-08-030, filed 12/1/77; Order 74-6, § 173-08-030, filed 5/1/74.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60-040.	173-10-060	Procedures superseded. [Order DE 75-26, § 173-10-060, filed 11/7/75.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.
		173-10-070	Public hearing. [Order DE 75-26, § 173-10-070, filed 11/7/75.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.
		173-10-080	Public notice of public hearing. [Order DE 75-26, § 173-10-080, filed 11/7/75.] Repealed by 95-24-040 (Order

- 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.
- 173-10-090 Scope of single application procedure. [Order DE 75-26, § 173-10-090, filed 11/7/75.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.
- 173-10-100 Final action on the single application. [Order DE 75-26, § 173-10-100, filed 11/7/75.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.
- 173-10-110 Appeal. [Order DE 75-26, § 173-10-110, filed 11/7/75.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.-040.
- Chapter 173-12  
GENERAL PROCEDURE**
- 173-12-010 Purpose. [Order DE 70-11, § 173-12-010, filed 1/5/71.] Repealed by 95-09-036 (Order 94-47), filed 4/13/95, effective 5/14/95. Statutory Authority: Chapter 43.21 and 34.05 RCW.
- 173-12-020 Scope of directions—Requests for advice and guidance. [Order DE 70-11, § 173-12-020, filed 1/5/71.] Repealed by 95-09-036 (Order 94-47), filed 4/13/95, effective 5/14/95. Statutory Authority: Chapter 43.21 and 34.05 RCW.
- 173-12-030 Requests of the director for advice and guidance. [Order 71-10, § 173-12-030, filed 8/4/71; Order DE 70-11, § 173-12-030, filed 1/5/71.] Repealed by 95-09-036 (Order 94-47), filed 4/13/95, effective 5/14/95. Statutory Authority: Chapter 43.21 and 34.05 RCW.
- 173-12-040 Ecological commission submission of views. [Order DE 70-11, § 173-12-040, filed 1/5/71.] Repealed by 95-09-036 (Order 94-47), filed 4/13/95, effective 5/14/95. Statutory Authority: Chapter 43.21 and 34.05 RCW.
- 173-12-050 Adoption of regulations. [Order 71-10, § 173-12-050, filed 8/4/71; Order DE 70-11, § 173-12-050, filed 1/5/71.] Repealed by 95-09-036 (Order 94-47), filed 4/13/95, effective 5/14/95. Statutory Authority: Chapter 43.21 and 34.05 RCW.
- 173-12-060 Meetings. [Order DE 72-16, § 173-12-060, filed 6/30/72.] Repealed by 95-09-036 (Order 94-47), filed 4/13/95, effective 5/14/95. Statutory Authority: Chapter 43.21 and 34.05 RCW.
- Chapter 173-14  
PERMITS FOR DEVELOPMENTS ON SHORELINES OF THE  
STATE**
- 173-14-010 Authority. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-010, filed 6/14/78; Order DE 75-22, § 173-14-010, filed 10/16/75; Order 71-18, § 173-14-010, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
- 173-14-020 Purpose. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-020, filed 6/14/78; Order DE 75-22, § 173-14-020, filed 10/16/75; Order 71-18, § 173-14-020, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
- 173-14-030 Definitions. [Statutory Authority: RCW 90.58.120 and 90.58.200. 88-19-004 (Order DE 88-23), § 173-14-030, filed 9/8/88. Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-030, filed 5/23/86. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-030, filed 6/14/78; Order DE 76-17, § 173-14-030, filed 7/27/76; Order DE 75-22, § 173-14-030, filed 10/16/75; Order 71-18, § 173-14-030, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-14-040 Developments exempt from substantial development permit requirement. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-040, filed 5/23/86. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-14-040, filed 4/15/85. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-040, filed 6/14/78; Order DE 76-17, § 173-14-040, filed 7/27/76; Order DE 75-28, § 173-14-040, filed 12/4/75; Order DE 75-22, § 173-14-040, filed 10/16/75; Order 71-18, § 173-14-040, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
- 173-14-050 Application of the permit system to substantial development undertaken prior to the act. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-050, filed 6/14/78; Order 73-23, § 173-14-050, filed 10/23/73; Order 71-18, § 173-14-050, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-14-055 Nonconforming development standards. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-14-055, filed 8/5/87. Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-055, filed 5/23/86.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-14-060 Time requirements of permit. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-14-060, filed 8/5/87; 80-04-027 (Order DE 80-9), § 173-14-060, filed 3/18/80; 78-07-011 (Order DE 78-7), § 173-14-060, filed 6/14/78; Order DE 75-22, § 173-14-060, filed 10/16/75; Order 71-18, § 173-14-060, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-14-062 Applicability of permit system to federal agencies. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-062, filed 6/14/78; Order DE 75-22, § 173-14-062, filed 10/16/75.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
- 173-14-064 Revisions to permits. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-064, filed 5/23/86. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-14-064, filed 4/15/85. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-064, filed 6/14/78; Order DE 76-17, § 173-14-064, filed 7/27/76; Order DE 75-22, § 173-14-064, filed 10/16/75.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-14-070 Notice required. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-070, filed 6/14/78; Order DE 76-17, § 173-14-070, filed 7/27/76; Order DE 75-22, § 173-14-070, filed 10/16/75; Order 71-18, § 173-14-070, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
- 173-14-080 Public hearings. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-080, filed 6/14/78; Order DE 75-22, § 173-14-080, filed 10/16/75; Order 71-18, § 173-14-080, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-14-090 Filing with department and attorney general. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-090, filed 5/23/86. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-14-090, filed 4/15/85. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-090, filed 6/14/78; Order DE 76-17, § 173-14-090, filed 7/27/76; Order DE 75-22, § 173-14-090, filed 10/16/75; Order 71-18, § 173-14-090, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-14-100 Review criteria for substantial development permits. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-100, filed 6/14/78; Order DE 75-22, § 173-14-100, filed 10/16/75; Order 71-18, § 173-14-100, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-14-110 Application for substantial development, conditional use, or variance permit. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-110, filed 6/14/78; Order DE 76-17, § 173-14-110, filed 7/27/76; Order DE 75-22, § 173-14-110, filed 10/16/75;

- Order 71-18, § 173-14-110, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-14-115 Letter of exemption. [Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-14-115, filed 4/15/85. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-115, filed 6/14/78; Order DE 76-17, § 173-14-115, filed 7/27/76; Order DE 75-22, § 173-14-115, filed 10/16/75.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-14-120 Permits for substantial development, conditional use, or variance. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-120, filed 6/14/78; Order DE 76-17, § 173-14-120, filed 7/27/76; Order DE 75-22, § 173-14-120, filed 10/16/75; Order 71-18, § 173-14-120, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-14-130 Department review of conditional use and variance permits. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-130, filed 5/23/86. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-14-130, filed 4/15/85. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-130, filed 6/14/78; Order DE 76-17, § 173-14-130, filed 7/27/76; Order DE 75-22, § 173-14-130, filed 10/16/75.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
- 173-14-140 Review criteria for conditional use permits. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-140, filed 5/23/86. Statutory Authority: RCW 90.58.200 and 90.58.140(3). 81-04-027 (Order DE 80-52), § 173-14-140, filed 2/2/81. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-140, filed 6/14/78; Order DE 75-22, § 173-14-140, filed 10/16/75.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-14-150 Review criteria for variance permits. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-150, filed 5/23/86. Statutory Authority: RCW 90.58.200 and 90.58.140(3). 81-04-027 (Order DE 80-52), § 173-14-150, filed 2/2/81. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-150, filed 6/14/78; Order DE 76-17, § 173-14-150, filed 7/27/76; Order DE 75-22, § 173-14-150, filed 10/16/75.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-14-155 Minimum standards for conditional use and variance permits. [Statutory Authority: RCW 90.58.200 and 90.58.140(3). 81-04-027 (Order DE 80-52), § 173-14-155, filed 2/2/81.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-14-160 Department of ecology review. [Order DE 76-17, § 173-14-160, filed 7/27/76; Order DE 75-22, § 173-14-160, filed 10/16/75.] Repealed by 78-07-001 (Order DE 78-7), filed 6/14/78. Statutory Authority: RCW 90.58.200.
- 173-14-170 Requests for review. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-170, filed 6/14/78; Order DE 75-22, § 173-14-170, filed 10/16/75.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-14-174 Certification of requests for review. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-174, filed 6/14/78.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-14-180 Regulatory orders by local government or the department. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-180, filed 5/23/86. Statutory Authority: RCW 90.58.200 and 90.58.140(3). 81-04-027 (Order DE 80-52), § 173-14-180, filed 2/2/81. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-180, filed 6/14/78; Order DE 76-17, § 173-14-180, filed 7/27/76; Order DE 75-22, § 173-14-180, filed 10/16/75.] Repealed by 87-16-101 (Order DE 87-09), filed 8/5/87. Statutory Authority: RCW 90.58.200.
- 173-14-190 Hearings on regulatory orders. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-190, filed 6/14/78; Order DE 75-22, § 173-14-190, filed 10/16/75.] Repealed by 81-04-027 (Order DE 80-52), filed 2/2/81. Statutory Authority: RCW 90.58.200 and 90.58.140(3).

**Chapter 173-16**  
**SHORELINE MANAGEMENT ACT GUIDELINES FOR**  
**DEVELOPMENT OF MASTER PROGRAMS**

- 173-16-010 Purpose. [Order DE 72-12, § 173-16-010, filed 6/20/72 and 7/20/72.] Repealed by 00-24-031 (Order 95-17a), filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.060 and 90.58.200.
- 173-16-020 Applicability. [Order DE 72-12, § 173-16-020, filed 6/20/72 and 7/20/72.] Repealed by 00-24-031 (Order 95-17a), filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.060 and 90.58.200.
- 173-16-030 Definitions. [Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-16-030, filed 4/15/85; Order DE 72-12, § 173-16-030, filed 6/20/72 and 7/20/72.] Repealed by 00-24-031 (Order 95-17a), filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.060 and 90.58.200.
- 173-16-040 The master program. [Order DE 72-12, § 173-16-040, filed 6/20/72 and 7/20/72.] Repealed by 00-24-031 (Order 95-17a), filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.060 and 90.58.200.
- 173-16-050 Natural systems. [Order DE 72-12, § 173-16-050, filed 6/20/72 and 7/20/72.] Repealed by 00-24-031 (Order 95-17a), filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.060 and 90.58.200.
- 173-16-060 The use activities. [Statutory Authority: RCW 90.58.-060 and 90.58.190. 80-15-072 (Order DE 80-37), § 173-16-060, filed 10/17/80; Order DE 72-12, § 173-16-060, filed 6/20/72 and 7/20/72.] Repealed by 00-24-031 (Order 95-17a), filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.060 and 90.58.200.
- 173-16-064 Ocean management. [Statutory Authority: RCW 90.58.195. 91-10-033 (Order 91-08), § 173-16-064, filed 4/24/91, effective 5/25/91.] Decodified by 00-24-031 (Order 95-17a), filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.060 and 90.58.200. Recodified as WAC 173-26-360.
- 173-16-070 Variances and conditional uses. [Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-16-070, filed 4/15/85; Order DE 72-12, § 173-16-070, filed 6/20/72 and 7/20/72.] Repealed by 00-24-031 (Order 95-17a), filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.-060 and 90.58.200.
- 173-16-200 Appendix. [Order DE 72-12, § 173-16-200, filed 6/20/72 and 7/20/72.] Repealed by 00-24-031 (Order 95-17a), filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.060 and 90.58.200.

**Reviser's note:** Later promulgation, see chapter 173-26 WAC.

**Chapter 173-17**  
**SHORELINE MANAGEMENT ACT ENFORCEMENT**  
**REGULATIONS**

- 173-17-010 Authority and purpose. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-17-010, filed 8/5/87.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-17-020 Definitions. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-17-020, filed 8/5/87.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-17-030 Policy. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-17-030, filed 8/5/87.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-17-040 Order to cease and desist. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-17-040, filed 8/5/87.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.

- 173-17-050 Civil penalty. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-17-050, filed 8/5/87.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-17-060 Appeal of civil penalty. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-17-060, filed 8/5/87.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-17-070 Criminal penalty. [Statutory Authority: RCW 90.58.-200. 87-16-101 (Order DE 87-09), § 173-17-070, filed 8/5/87.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-17-080 Oil or natural gas exploration—Penalty. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-17-080, filed 8/5/87.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- Chapter 173-19**  
**SHORELINE MANAGEMENT ACT OF 1971—STATE MASTER PROGRAM**
- 173-19-010 Purpose. [Order DE 74-23, § 173-19-010, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-020 Definitions. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-19-020, filed 5/23/86; Order DE 74-23, § 173-19-020, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-19-030 Master programs organized by county. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-030, filed 1/30/80; Order DE 74-23, § 173-19-030, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-040 Date of adoption or approval. [Order DE 74-23, § 173-19-040, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-044 Local government change of jurisdiction—Effect of annexation. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-19-044, filed 5/23/86. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-044, filed 8/2/79.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-050 Incorporation by reference. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-19-050, filed 5/23/86; Order DE 74-23, § 173-19-050, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-060 Amendment of master programs. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-19-060, filed 5/23/86. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-060, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-060, filed 8/2/79; Order DE 74-23, § 173-19-060, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-061 Approval of master programs and amendments by local government. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-19-061, filed 5/23/86.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-062 Submission of master programs and amendments by local government. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-19-062, filed 5/23/86. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-062, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-064 Review and adoption of master programs and amendments by the department. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-19-064, filed 8/5/87. Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-19-064, filed 5/23/86. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-064, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-070 Appeal procedures for master programs. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-19-070, filed 8/5/87; Order DE 74-23, § 173-19-070, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-080 Applicability of master program to federal agencies. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-080, filed 1/30/80; Order DE 74-23, § 173-19-080, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-090 Adams County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-090, filed 8/2/79; Order DE 77-16, § 173-19-090, filed 9/9/77; Order DE 74-23, § 173-19-090, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-100 Asotin County. [Statutory Authority: RCW 90.58.200. 94-16-085 (Order 94-05), § 173-19-100, filed 8/1/94, effective 9/1/94. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-100, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-100, filed 8/2/79; Order DE 75-21, § 173-19-100, filed 8/12/75; Order DE 74-23, § 173-19-100, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-1001 Asotin, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1001, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
- 173-19-1002 Clarkston, city of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1002, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-110 Benton County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-110, filed 1/30/80; 79-11-053 (Order DE 79-28), § 173-19-110, filed 10/16/79; 79-09-001 (Order DE 79-6), § 173-19-110, filed 8/2/79; Order DE 76-15, § 173-19-110, filed 5/3/76; Order DE 75-21, § 173-19-110, filed 8/12/75; Order DE 74-23, § 173-19-110, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-1101 Benton City, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1101, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-19-1102 Kennewick, city of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1102, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-1103 Prosser, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1103, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-1104 Richland, city of. [Statutory Authority: RCW 90.58.-200. 90-02-105 (Order 89-57), § 173-19-1104, filed 1/3/90, effective 2/3/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 84-02-073 (Order DE 83-37),

- § 173-19-1104, filed 1/4/84; 83-14-003 (Order DE 83-17), § 173-19-1104, filed 6/23/83. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1104, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-1105 West Richland, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1105, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-120 Chelan County. [Statutory Authority: RCW 90.58.200. 94-10-081 (Order 94-04), § 173-19-120, filed 5/4/94, effective 6/4/94. Statutory Authority: RCW 90.58.120 and 90.58.200. 83-21-094 (Order DE 83-27), § 173-19-120, filed 10/19/83; 81-20-042 (Order DE 81-27), § 173-19-120, filed 10/1/81; 81-15-062 (Order DE 81-23), § 173-19-120, filed 7/20/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-08-054 (Order DE 80-25), § 173-19-120, filed 6/30/80; 80-02-123 (Order DE 79-34), § 173-19-120, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-120, filed 8/2/79; Order DE 75-21, § 173-19-120, filed 8/12/75; Order DE 74-23, § 173-19-120, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-1201 Cashmere, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1201, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-1202 Chelan, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1202, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-1203 Entiat, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1203, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-1204 Leavenworth, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1204, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-1205 Wenatchee, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1205, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-130 Clallam County. [Statutory Authority: RCW 90.58.200. 92-13-081 (Order 92-13), § 173-19-130, filed 6/16/92, effective 7/17/92; 89-22-139 (Order 89-17), § 173-19-130, filed 11/1/89, effective 12/2/89. Statutory Authority: RCW 90.58.120 and 90.58.200. 88-07-009 (Order DE 87-51), § 173-19-130, filed 3/3/88; 86-12-069 (Order DE 86-07), § 173-19-130, filed 6/4/86; 86-04-040 (Order DE 85-13), § 173-19-130, filed 1/31/86; 84-08-030 (Order DE 83-41), § 173-19-130, filed 3/29/84; 83-02-066 (Order DE 82-48), § 173-19-130, filed 1/5/83. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-130, filed 1/30/80; 79-11-053 (Order DE 79-28), § 173-19-130, filed 10/16/79; 79-09-131 (Order DE 79-16), § 173-19-130, filed 9/5/79; 79-09-001 (Order DE 79-6), § 173-19-130, filed 8/2/79; Order DE 77-16, § 173-19-130, filed 9/9/77; Order DE 74-23, § 173-19-130, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-1301 Port Angeles, city of. [Statutory Authority: Chapter 90.58 RCW. 95-12-057 (Order 94-28), § 173-19-1301, filed 6/2/95, effective 7/3/95. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1301, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-140 Clark County. [Statutory Authority: RCW 90.58.200. 93-01-108 (Order 92-45), § 173-19-140, filed 12/18/92, effective 1/18/93. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-140, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-140, filed 8/2/79; Order DE 76-15, § 173-19-140, filed 5/3/76; Order DE 74-23, § 173-19-140, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-1401 Camas, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1401, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-1402 LaCenter, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1402, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-1403 Ridgefield, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1403, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-1404 Vancouver, city of. [Statutory Authority: RCW 90.58.200. 93-01-109 (Order 92-46), § 173-19-1404, filed 12/18/92, effective 1/18/93. Statutory Authority: RCW 90.58.120 and 90.58.200. 86-16-003 (Order DE 86-19), § 173-19-1404, filed 7/24/86. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1404, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-1405 Washougal, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1405, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-150 Columbia County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-150, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-150, filed 8/2/79; Order DE 76-15, § 173-19-150, filed 5/3/76; Order 74-23, § 173-19-150, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-1501 Dayton, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1501, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-1502 Starbuck, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1502, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-160 Cowlitz County. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-11-105 (Order DE 82-10), § 173-19-160, filed 5/19/82; 82-05-017 (Order DE 81-53), § 173-19-160, filed 2/9/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-160, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-160, filed 8/2/79; Order DE 77-16, § 173-19-160, filed 9/9/77; Order DE 74-23, § 173-19-160, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-1601 Castle Rock, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1601, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.

173-19-1602	Kalama, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1602, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.	173-19-200	Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
173-19-1603	Kelso, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 80-04-026 (Order DE 80-10), § 173-19-1603, filed 3/18/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1603, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-210	Garfield County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-200, filed 8/2/79; Order DE 74-23, § 173-19-200, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-1604	Longview, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1604, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-2101	Grant County. [Statutory Authority: RCW 90.58.120 and 90.58.200. 88-22-088 (Order 88-31), § 173-19-210, filed 11/2/88; 81-13-055 (Order DE 81-14), § 173-19-210, filed 6/17/81; Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-210, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-210, filed 8/2/79; Order DE 76-15, § 173-19-210, filed 5/3/76; Order DE 74-23, § 173-19-210, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-1605	Woodland, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 80-04-026 (Order DE 80-10), § 173-19-1605, filed 3/18/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1605, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-2102	Krupp, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2101, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
173-19-170	Douglas County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-170, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-170, filed 8/2/79; Order DE 75-21, § 173-19-170, filed 8/12/75; Order DE 74-23, § 173-19-170, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-2103	Moses Lake, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-17-046 (Order DE 82-29), § 173-19-2102, filed 8/16/82; 81-16-079 (Order DE 81-20), § 173-19-2102, filed 8/5/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2102, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-1701	Bridgeport, town of. [Statutory Authority: RCW 90.58.200. 92-03-132 (Order 91-50), § 173-19-1701, filed 1/21/92, effective 2/21/92. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1701, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-2104	Soap Lake, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2103, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-1702	East Wenatchee, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1702, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-220	Wilson Creek, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2104, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-1703	Rock Island, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1703, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-2201	Grays Harbor County. [Statutory Authority: RCW 90.58.200. 91-18-081 (Order 91-31), § 173-19-220, filed 9/4/91, effective 10/5/91; 90-13-079 (Order 89-64), § 173-19-220, filed 6/19/90, effective 7/20/90; 90-11-072 (Order 90-04), § 173-19-220, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 88-19-008 (Order DE 88-52), § 173-19-220, filed 9/8/88; 88-08-089 (Order DE 88-02), § 173-19-220, filed 4/6/88; 87-18-023 (Order DE 87-25), § 173-19-220, filed 8/26/87; 86-12-071 (Order DE 86-11), § 173-19-220, filed 6/4/86; 80-07-007 (Order DE 80-26), § 173-19-220, filed 6/6/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-220, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-220, filed 8/2/79; Order DE 77-16, § 173-19-220, filed 9/9/77; Order DE 75-21, § 173-19-220, filed 8/12/75; Order DE 74-23, § 173-19-220, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-180	Ferry County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-180, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-180, filed 8/2/79; Order DE 76-15, § 173-19-180, filed 5/3/76; Order DE 74-23, § 173-19-180, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-2202	Aberdeen, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 88-19-008 (Order DE 88-52), § 173-19-2201, filed 9/8/88. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2201, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-1801	Republic, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1801, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-2203	Cosmopolis, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 88-19-008 (Order DE 88-52), § 173-19-2202, filed 9/8/88. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2202, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-190	Franklin County. [Statutory Authority: RCW 90.58.120 and 90.58.200. 83-17-032 (Order DE 83-18), § 173-19-190, filed 8/11/83. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-190, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-190, filed 8/2/79; Order DE 76-15, § 173-19-190, filed 5/3/76; Order DE 74-23, § 173-19-190, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.		
173-19-1901	Pasco, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1901, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96.		



- 2203, filed 12/23/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2203, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-19-2204 Hoquiam, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 88-19-008 (Order DE 88-52), § 173-19-2204, filed 9/8/88; 85-10-030 (Order 85-06), § 173-19-2204, filed 4/24/85; 80-10-017 (Order DE 80-30), § 173-19-2204, filed 7/31/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2204, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2205 Montesano, city of. [Statutory Authority: RCW 90.58.-200. 93-17-063 (Order 93-12), § 173-19-2205, filed 8/17/93, effective 9/17/93. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2205, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-19-2206 Oakville, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2206, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
- 173-19-2207 Ocean Shores, city of. [Statutory Authority: RCW 90.58.200. 91-12-053 (Order 91-05), § 173-19-2207, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2207, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2208 Westport, city of. [Statutory Authority: RCW 90.58.-120 and 90.58.200. 88-19-008 (Order DE 88-52), § 173-19-2208, filed 9/8/88; 83-21-019 (Order DE 83-24), § 173-19-2208, filed 10/7/83. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2208, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-19-230 Island County. [Statutory Authority: RCW 90.58.200. 92-09-135 (Order 92-10), § 173-19-230, filed 4/21/92, effective 5/22/92; 91-03-145 (Order 90-43), § 173-19-230, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 90.58.120 and 90.58.200. 85-12-051 (Order 85-12), § 173-19-230, filed 6/5/85. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-230, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-230, filed 8/2/79; Order DE 77-16, § 173-19-230, filed 9/9/77; Order DE 74-23, § 173-19-230, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
- 173-19-2301 Coupeville, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2301, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-19-2302 Langley, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2302, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
- 173-19-2303 Oak Harbor, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2303, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-19-240 Jefferson County. [Statutory Authority: RCW 90.58.-200. 93-17-062 (Order 93-13), § 173-19-240, filed 8/17/93, effective 9/17/93. Statutory Authority: RCW 90.58.120 and 90.58.200. 89-08-012 and 90-07-027 (Order DE 88-56 and DE 88-56A), § 173-19-240, filed 3/24/89 and 3/14/90, effective 4/14/90. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-19-240, filed 4/15/85. Statutory Authority: RCW 90.58.120 and 90.58.200. 83-14-086 (Order DE 83-20), § 173-19-240, filed 7/6/83; 82-17-047 (Order DE 82-30), § 173-19-240, filed 8/16/82. Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-240, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-240, filed 8/2/79; Order DE 75-21, § 173-19-240, filed 8/12/75; Order DE 74-23, § 173-19-240, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2401 Port Townsend, city of. [Statutory Authority: RCW 90.58.200. 94-07-013 (Order 93-38), § 173-19-2401, filed 3/7/94, effective 4/7/94; 93-17-062 (Order 93-13), § 173-19-2401, filed 8/17/93, effective 9/17/93; 93-07-116 (Order 92-60), § 173-19-2401, filed 3/24/93, effective 4/24/93. Statutory Authority: RCW 90.58.120 and 90.58.200. 89-08-035 and 90-07-027 (Order DE 88-56 and DE 88-56A), § 173-19-2401, filed 3/31/89 and 3/14/90, effective 4/14/90. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2401, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-19-250 King County. [Statutory Authority: Chapter 90.58 RCW. 95-20-046 (Order 95-01), § 173-19-250, filed 9/29/95, effective 10/30/95. Statutory Authority: RCW 90.58.200. 91-03-149 (Order 90-52), § 173-19-250, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 90.58.120 and 90.58.200. 85-13-054 (Order 85-17), § 173-19-250, filed 6/18/85; 84-07-025 (Order DE 84-6), § 173-19-250, filed 3/15/84; 82-05-018 (Order DE 81-54), § 173-19-250, filed 2/9/82; 81-20-006 (Order DE 81-24), § 173-19-250, filed 9/24/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-250, filed 1/30/80; 79-09-131 (Order DE 79-16), § 173-19-250, filed 9/5/79; 79-09-001 (Order DE 79-6), § 173-19-250, filed 8/2/79; Order DE 77-28, § 173-19-250, filed 10/24/77; Order DE 77-16, § 173-19-250, filed 9/9/77; Order DE 76-15, § 173-19-250, filed 5/3/76; Order DE 75-21, § 173-19-250, filed 8/12/75; Order DE 74-23, § 173-19-250, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2501 Auburn, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 85-13-054 (Order 85-17), § 173-19-2501, filed 6/18/85. Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2501, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2502 Beaux Arts Village, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2502, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2503 Bellevue, city of. [Statutory Authority: RCW 90.58.-200. 92-13-080 (Order 92-14), § 173-19-2503, filed 6/16/92, effective 7/17/92. Statutory Authority: RCW 90.58.120 and 90.58.200. 89-20-016 (Order DE 89-21), § 173-19-2503, filed 9/27/89, effective 10/28/89; 83-07-080 (Order DE 83-3), § 173-19-2503, filed 3/23/83; 81-11-027 (Order DE 81-10), § 173-19-2503, filed 5/15/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2503, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-19-2504 Black Diamond, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2504, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-19-2505 Bothell, city of. [Statutory Authority: RCW 90.58.200. 90-06-067 (Order 89-59), § 173-19-2505, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 90.58.120

- and 90.58.200. 84-24-075 (Order 84-40), § 173-19-2505, filed 12/5/84; 83-07-019 (Order DE 83-9), § 173-19-2505, filed 3/11/83. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2505, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58-140(3) and [90.58].200.
- 173-19-2506 Carnation, town of. [Statutory Authority: RCW 90.58-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2506, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2507 Des Moines, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 88-07-008 (Order 87-49), § 173-19-2507, filed 3/3/88. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2507, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58-140(3) and [90.58].200.
- 173-19-2508 Duvall, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2508, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2509 Hunts Point, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2509, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58-140(3) and [90.58].200.
- 173-19-2510 Issaquah, city of. [Statutory Authority: RCW 90.58-200. 90-20-108 (Order 90-28), § 173-19-2510, filed 10/2/90, effective 11/2/90. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2510, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58-140(3) and [90.58].200.
- 173-19-2511 Kent, city of. [Statutory Authority: RCW 90.58.200. 92-13-082 (Order 92-16), § 173-19-2511, filed 6/16/92, effective 7/17/92. Statutory Authority: RCW 90.58-030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-19-2511, filed 4/15/85. Statutory Authority: RCW 90.58.120 and 90.58.200. 81-01-039 (Order DE 80-48), § 173-19-2511, filed 12/11/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2511, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2512 Kirkland, city of. [Statutory Authority: RCW 90.58-200. 90-02-106 (Order 89-54), § 173-19-2512, filed 1/3/90, effective 2/3/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 89-03-009 (Order DE 88-35), § 173-19-2512, filed 1/6/89; 86-12-070 (Order DE 86-09), § 173-19-2512, filed 6/4/86. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2512, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2513 Lake Forest Park, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2513, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58-140(3) and [90.58].200.
- 173-19-2514 Medina, city of. [Statutory Authority: RCW 90.58.200. 91-01-131 (Order 90-45), § 173-19-2514, filed 12/19/90, effective 1/19/91. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2514, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58-140(3) and [90.58].200.
- 173-19-2515 Mercer Island, city of. [Statutory Authority: RCW 90.58.200. 92-11-044 (Order 92-01), § 173-19-2515, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 90.58.120 and 90.58.200. 89-03-011 (Order DE 88-49), § 173-19-2515, filed 1/6/89; 87-19-085 (Order DE 87-23), § 173-19-2515, filed 9/16/87; 85-13-054 (Order 85-17), § 173-19-2515, filed 6/18/85; 81-11-028 (Order DE 81-11), § 173-19-2515, filed 5/15/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2515, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2516 Normandy Park, city of. [Statutory Authority: RCW 90.58.200. 92-01-096 (Order 91-42), § 173-19-2516, filed 12/17/91, effective 1/17/92. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2516, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2517 North Bend, city of. [Statutory Authority: RCW 90.58-200. 90-14-090 (Order 90-15), § 173-19-2517, filed 7/3/90, effective 8/3/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-24-068 (Order DE 87-43), § 173-19-2517, filed 12/1/87. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2517, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2518 Pacific, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2518, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2519 Redmond, city of. [Statutory Authority: Chapter 90.58 RCW. 95-17-039 (Order 95-07), § 173-19-2519, filed 8/10/95, effective 9/10/95. Statutory Authority: RCW 90.58.200. 90-02-101 (Order 89-58), § 173-19-2519, filed 1/3/90, effective 2/3/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 86-21-110 (Order DE 86-27), § 173-19-2519, filed 10/20/86; 82-01-048 (Order DE 81-42), § 173-19-2519, filed 12/16/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2519, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2520 Renton, city of. [Statutory Authority: Chapter 90.58 RCW. 94-23-013 (Order 94-27), § 173-19-2520, filed 11/4/94, effective 12/5/94. Statutory Authority: RCW 90.58.200. 90-17-127 (Order 90-08), § 173-19-2520, filed 8/22/90, effective 9/22/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 84-19-039 (Order DE 84-28), § 173-19-2520, filed 9/14/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2520, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2521 Seattle, city of. [Statutory Authority: Chapter 90.58 RCW. 95-16-024 (Order 95-08), § 173-19-2521, filed 7/21/95, effective 8/21/95; 94-22-017 (Order 94-24), § 173-19-2521, filed 10/21/94, effective 11/21/94. Statutory Authority: RCW 90.58.200. 93-12-011, § 173-19-2521, filed 5/20/93, effective 6/20/93; 93-04-106 (Order 92-48), § 173-19-2521, filed 2/3/93, effective 3/6/93; 92-19-090 (Order 92-15), § 173-19-2521, filed 9/16/92, effective 10/17/92; 90-20-111 (Order 90-35), § 173-19-2521, filed 10/2/90, effective 11/2/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-24-067 (Order DE 87-24), § 173-19-2521, filed 12/1/87; 87-05-015 (Order DE 86-41), § 173-19-2521, filed 2/11/87; 86-21-109 (Order DE 86-28), § 173-19-2521, filed 10/20/86; 85-20-094 (Order DE 85-21), § 173-19-2521, filed 10/1/85; 83-21-094 (Order DE 83-27), § 173-19-2521, filed 10/19/83; 83-15-014 (Order DE 83-19), § 173-19-2521, filed 7/12/83; 83-13-029 (Order DE 83-4), § 173-19-2521, filed 6/7/83; 83-07-081 (Order DE 83-4), § 173-19-2521, filed 3/23/83; 82-02-079 (Order DE 81-44), § 173-19-2521, filed 1/6/82; 81-20-043 (Order DE 81-28), § 173-19-2521, filed 10/1/81; 81-11-029 (Order DE 81-12), § 173-19-2521, filed 5/15/81; 81-06-051 (Order DE 81-2), § 173-19-2521, filed 2/27/81; 80-13-031 (Order DE 80-34), § 173-19-2521, filed 9/10/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-

- 2521, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2522 Skykomish, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2522, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-19-2523 Snoqualmie, city of. [Statutory Authority: RCW 90.58.200. 92-17-073 (Order 92-22), § 173-19-2523, filed 8/19/92, effective 9/19/92. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-01-060 (Order 86-35), § 173-19-2523, filed 12/16/86. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2523, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2524 Tukwila, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-11-106 (Order DE 82-11), § 173-19-2524, filed 5/19/82. Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2524, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2525 Yarrow Point, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2525, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-19-260 Kitsap County. [Statutory Authority: RCW 90.58.120 and 90.58.200. 85-10-014 (Order 85-03.5), § 173-19-260, filed 4/19/85; 84-08-042 (Order DE 84-5), § 173-19-260, filed 4/2/84; 83-08-002 (Order DE 83-11), § 173-19-260, filed 3/24/83; 82-01-087 (Order DE 81-35), § 173-19-260, filed 12/22/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-260, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-260, filed 8/2/79; Order DE 77-16, § 173-19-260, filed 9/9/77; Order DE 76-15, § 173-19-260, filed 5/3/76; Order DE 74-23, § 173-19-260, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2601 Bremerton, city of. [Statutory Authority: RCW 90.58.-200. 92-04-081 (Order 91-51), § 173-19-2601, filed 2/5/92, effective 3/7/92. Statutory Authority: RCW 90.58.120 and 90.58.200. 88-22-089 (Order 88-32), § 173-19-2601, filed 11/2/88; 82-07-003 (Order DE 82-2), § 173-19-2601, filed 3/4/82; 82-03-042 (Order DE 81-45), § 173-19-2601, filed 1/19/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2601, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2602 Port Orchard, city of. [Statutory Authority: RCW 90.58.200. 94-10-082 (Order 94-08), § 173-19-2602, filed 5/4/94, effective 6/4/94; 92-13-084 (Order 92-02), § 173-19-2602, filed 6/16/92, effective 7/17/92. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2602, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2603 Poulsbo, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2603, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
- 173-19-2604 Winslow, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 81-13-015 (Order DE 81-16), § 173-19-2604, filed 6/11/81. Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2604, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-270 Kittitas County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-270, filed 1/30/80; 79-11-053 (Order DE 79-28), § 173-19-270, filed 10/16/79; 79-09-001 (Order DE 79-6), § 173-19-270, filed 8/2/79; Order DE 77-16, § 173-19-270, filed 9/9/77; Order DE 76-15, § 173-19-270, filed 5/3/76; Order DE 74-23, § 173-19-270, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2701 Cle Elum, city of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2701, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2702 Ellensburg, city of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2702, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2703 South Cle Elum, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2703, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-19-280 Klickitat County. [Statutory Authority: RCW 90.58.-200. 91-22-021 (Order 91-39), § 173-19-280, filed 10/29/91, effective 11/29/91; 90-14-091 (Order 90-14), § 173-19-280, filed 7/3/90, effective 8/3/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 84-06-043 (Order DE 83-40), § 173-19-280, filed 3/2/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-280, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-280, filed 8/2/79; Order DE 76-15, § 173-19-280, filed 5/3/76; Order DE 74-23, § 173-19-280, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-19-2801 Bingen, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2801, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
- 173-19-2802 Goldendale, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2802, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-19-2803 White Salmon, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2803, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-19-290 Lewis County. [Statutory Authority: RCW 90.58.120 and 90.58.200. 80-15-023 (Order DE 80-40), § 173-19-290, filed 10/7/80. Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-290, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-290, filed 8/2/79; Order DE 77-16, § 173-19-290, filed 9/9/77; Order DE 74-23, § 173-19-290, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2901 Centralia, city of. [Statutory Authority: RCW 90.58.-030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-19-2901, filed 4/15/85. Statutory Authority: RCW 90.58.120 and 90.58.200. 82-17-048 (Order DE 82-31), § 173-19-2901, filed 8/16/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2901, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2902 Chehalis, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-02-078 (Order DE 81-46), § 173-19-2902, filed 1/6/82. Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2902, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective

<p>173-19-2903</p> <p>173-19-2904</p> <p>173-19-2905</p> <p>173-19-2906</p> <p>173-19-2907</p> <p>173-19-300</p> <p>173-19-3001</p> <p>173-19-3002</p> <p>173-19-310</p> <p>173-19-3101</p> <p>173-19-320</p>	<p>10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.</p> <p>Morton, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2903, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.</p> <p>Pe Ell, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2904, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.</p> <p>Toledo, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2905, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.</p> <p>Vader, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2906, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.</p> <p>Winlock, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2907, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.</p> <p>Lincoln County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-300, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-300, filed 8/2/79; Order DE 77-16, § 173-19-300, filed 9/9/77; Order DE 74-23, § 173-19-300, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.</p> <p>Odessa, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3001, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.</p> <p>Sprague, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3002, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.</p> <p>Mason County. [Statutory Authority: RCW 90.58.120 and 90.58.200. 88-07-010 (Order 88-01), § 173-19-310, filed 3/3/88; 84-22-055 (Order 84-29), § 173-19-310, filed 11/7/84; 82-14-017 (Order DE 82-18), § 173-19-310, filed 6/28/82. Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-05-053 (Order DE 80-12), § 173-19-310, filed 4/16/80; 80-02-123 (Order DE 79-34), § 173-19-310, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-310, filed 8/2/79; Order DE 76-15, § 173-19-310, filed 5/3/76; Order DE 75-21, § 173-19-310, filed 8/12/75; Order DE 74-23, § 173-19-310, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.</p> <p>Shelton, city of. [Statutory Authority: Chapter 90.58 RCW. 95-10-051 (Order 94-29), § 173-19-3101, filed 5/2/95, effective 6/2/95. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3101, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.</p> <p>Okanogan County. [Statutory Authority: RCW 90.58.-120 and 90.58.200. 87-20-051 (Order DE 87-33), § 173-19-320, filed 10/2/87. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-320, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-320, filed 8/2/79; Order DE 76-15, § 173-19-320, filed 5/3/76; Order DE 74-23, § 173-19-320, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.</p>	<p>173-19-3201</p> <p>173-19-3202</p> <p>173-19-3203</p> <p>173-19-3204</p> <p>173-19-3205</p> <p>173-19-3206</p> <p>173-19-3207</p> <p>173-19-3208</p> <p>173-19-3209</p> <p>173-19-3210</p>	<p>Brewster, town of. [Statutory Authority: RCW 90.58.-200. 93-22-064 and 93-22-098 (Orders 93-17 and 93-17A), § 173-19-3201, filed 10/29/93 and 11/3/93, effective 11/29/93 and 12/4/93. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3201, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.</p> <p>Conconully, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3202, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.</p> <p>Okanogan, city of. [Statutory Authority: RCW 90.58.-200. 91-03-147 (Order 90-50), § 173-19-3203, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3203, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.</p> <p>Omak, city of. [Statutory Authority: RCW 90.58.200. 91-22-023 (Order 91-41), § 173-19-3204, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3204, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.</p> <p>Oroville, town of. [Statutory Authority: RCW 90.58.-200. 91-03-146 (Order 90-49), § 173-19-3205, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3205, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.</p> <p>Pateros, town of. [Statutory Authority: RCW 90.58.-200. 92-01-097 (Order 91-49), § 173-19-3206, filed 12/17/91, effective 1/17/92. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3206, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.</p> <p>Riverside, town of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3207, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.</p> <p>Tonasket, town of. [Statutory Authority: RCW 90.58.-200. 91-03-148 (Order 90-51), § 173-19-3208, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 90.58.120 and 90.58.200. 82-17-049 (Order DE 82-32), § 173-19-3208, filed 8/16/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3208, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.</p> <p>Twisp, town of. [Statutory Authority: RCW 90.58.200. 91-04-070 (Order 90-47), § 173-19-3209, filed 2/5/91, effective 3/8/91. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3209, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.</p> <p>Winthrop, town of. [Statutory Authority: RCW 90.58.-200. 91-04-071 (Order 90-48), § 173-19-3210, filed 2/5/91, effective 3/8/91. Statutory Authority: RCW 90.58.120 and 90.58.200. 86-19-048 (Order DE 86-22), § 173-19-3210, filed 9/12/86; 85-08-016 (Order 85-08), § 173-19-3210, filed 3/28/85. Statutory Authority: RCW 90.58.120, 90.58.200 and chapter 90.58 RCW. 85-04-039 (Order 84-46), § 173-19-3210, filed 2/1/85. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 81-24-074 (Order DE 81-36), § 173-19-3210, filed 12/2/81; 80-02-123 (Order DE 79-34), § 173-19-3210, filed 1/30/80.] Repealed by 96-20-075</p>
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173-19-330	(Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200. Pacific County. [Statutory Authority: RCW 90.58.120 and 90.58.200. 86-18-052 (Order DE 86-15), § 173-19-330, filed 9/2/86; 84-20-041 (Order 84-32), § 173-19-330, filed 9/27/84; 82-07-045 (Order DE 81-55), § 173-19-330, filed 3/18/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-08-054 (Order DE 80-25), § 173-19-330, filed 6/30/80; 80-02-123 (Order DE 79-34), § 173-19-330, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-330, filed 8/2/79; Order DE 75-21, § 173-19-330, filed 8/12/75; Order DE 74-23, § 173-19-330, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.	173-19-350	Pierce County. [Statutory Authority: RCW 90.58.200. 93-02-048 (Order 92-49), § 173-19-350, filed 1/5/93, effective 2/5/93; 91-12-052 (Order 91-04), § 173-19-350, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-350, filed 1/30/80; 79-11-019 (Order DE 79-19), § 173-19-350, filed 10/9/79; 79-09-131 (Order DE 79-16), § 173-19-350, filed 9/5/79; 79-09-129 (Order DE 79-27), § 173-19-350, filed 9/5/79; 79-09-001 (Order DE 79-6), § 173-19-350, filed 8/2/79; Order DE 77-16, § 173-19-350, filed 9/9/77; Order DE 76-15, § 173-19-350, filed 5/3/76; Order DE 75-21, § 173-19-350, filed 8/12/75; Order DE 74-23, § 173-19-350, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
173-19-3301	Ilwaco, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3301, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.	173-19-3501	Bonney Lake, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 88-10-059 (Order DE 88-07), § 173-19-3501, filed 5/4/88. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3501, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
173-19-3302	Long Beach, town of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 88-02-064 (DE 87-47), § 173-19-3302, filed 1/6/88. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3302, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.	173-19-3502	Buckley, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3502, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
173-19-3303	Raymond, city of. [Statutory Authority: RCW 90.58.200. 94-13-046 (Order 94-09), § 173-19-3303, filed 6/7/94, effective 7/8/94. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3303, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3503	Dupont, city of. [Statutory Authority: RCW 90.58.200. 93-08-026 (Order 92-50), § 173-19-3503, filed 3/30/93, effective 4/30/93; 89-22-138 (Order 89-41), § 173-19-3503, filed 11/1/89, effective 12/2/89. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3503, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-3304	South Bend, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3304, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3504	Eatonville, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3504, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
173-19-340	Pend Oreille County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-340, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-340, filed 8/2/79; Order DE 75-21, § 173-19-340, filed 8/12/75; Order DE 74-23, § 173-19-340, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.	173-19-3505	Fife, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3505, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
173-19-3401	Cusick, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3401, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.	173-19-3506	Gig Harbor, city of. [Statutory Authority: RCW 90.58.-200. 94-14-029 (Order 94-14), § 173-19-3506, filed 6/28/94, effective 7/29/94. Statutory Authority: RCW 90.58.120 and 90.58.200. 81-01-038 (Order DE 80-50), § 173-19-3506, filed 12/11/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3506, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-3402	Ione, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3402, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.	173-19-3507	Orting, city of. [Statutory Authority: RCW 90.58.200. 95-08-042 (Order 94-26), § 173-19-3507, filed 3/31/95, effective 5/1/95. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3507, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
173-19-3403	Metaline, town of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3403, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3508	Puyallup, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 87-08-001 (Order DE 86-42), § 173-19-3508, filed 3/20/87; 83-12-017 (Order DE 83-15), § 173-19-3508, filed 5/24/83. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3508, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
173-19-3404	Metaline Falls, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3404, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.	173-19-3509	Roy, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3509, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96.
173-19-3405	Newport, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3405, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.		

	Statutory Authority: RCW 90.58.140(3) and [90.58]-200.	173-19-3601	Friday Harbor, town of. [Statutory Authority: RCW 90.58.200. 90-11-072 (Order 90-09), § 173-19-3601, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3510, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58]-200.
173-19-3510	Ruston, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3510, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58]-200.		
173-19-3511	South Prairie, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3511, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.	173-19-370	Skagit County. [Statutory Authority: Chapter 90.58 RCW. 95-12-026 (Order 94-42), § 173-19-370, filed 5/31/95, effective 7/1/95. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-22-100 (Order DE 87-39), § 173-19-370, filed 11/4/87; 84-08-003 (Order DE 84-10), § 173-19-370, filed 3/22/84; 83-07-082 (Order DE 83-5), § 173-19-370, filed 3/23/83; 82-18-027 (Order DE 82-33), § 173-19-370, filed 8/25/82; 81-24-075 (Order DE 81-38), § 173-19-370, filed 12/2/81; 81-20-004 (Order DE 81-25), § 173-19-370, filed 9/24/81; 81-01-040 (Order DE 80-51), § 173-19-370, filed 12/11/80; 80-13-030 (Order DE 80-35), § 173-19-370, filed 9/10/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-05-053 (Order DE 80-12), § 173-19-370, filed 4/16/80; 80-02-123 (Order DE 79-34), § 173-19-370, filed 1/30/80; 79-09-131 (Order DE 79-16), § 173-19-370, filed 9/5/79; 79-09-001 (Order DE 79-6), § 173-19-370, filed 8/2/79; Order DE 77-16, § 173-19-370, filed 9/9/77; Order DE 74-23, § 173-19-370, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-3512	Steilacoom, town of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 88-07-007 (Order 87-48), § 173-19-3512, filed 3/3/88. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3512, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.		
173-19-3513	Sumner, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3513, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58]-200.		
173-19-3514	Tacoma, city of. [Statutory Authority: RCW 90.58.200. 95-11-008 (Order 94-25), § 173-19-3514, filed 5/5/95, effective 6/5/95; 93-01-110 (Order 92-44), § 173-19-3514, filed 12/18/92, effective 1/18/93; 90-11-072 (Order 90-05), § 173-19-3514, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-19-111 (Order DE 87-34), § 173-19-3514, filed 9/18/87; 86-16-004 (Order DE 86-18), § 173-19-3514, filed 7/24/86; 85-10-013 (Order 85-03), § 173-19-3514, filed 4/19/85; 84-11-015 (Order DE 84-16), § 173-19-3514, filed 5/9/84; 84-06-043 (Order DE 83-40), § 173-19-3514, filed 3/2/84; 83-12-018 (Order DE 83-16), § 173-19-3514, filed 5/24/83; 82-10-002 (Order DE 82-06), § 173-19-3514, filed 4/23/82; 81-24-072 (Order DE 81-37), § 173-19-3514, filed 12/2/81; 81-08-005 (Order DE 81-4), § 173-19-3514, filed 3/19/81; 80-04-026 (Order DE 80-10), § 173-19-3514, filed 3/18/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3514, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3701	Anacortes, city of. [Statutory Authority: RCW 90.58.-120 and 90.58.200. 86-07-049 (Order 85-29), § 173-19-3701, filed 3/18/86. Statutory Authority: RCW 90.58.-030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-19-3701, filed 4/15/85. Statutory Authority: RCW 90.58.120 and 90.58.200. 83-23-062 (Order DE 83-28), § 173-19-3701, filed 11/16/83; 83-02-004 (Order DE 82-43), § 173-19-3701, filed 12/23/82; 81-15-006 (Order DE 81-15), § 173-19-3701, filed 7/2/81; 80-18-024 (Order DE 80-41), § 173-19-3701, filed 11/26/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3701, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
		173-19-3702	Concrete, town of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3702, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-3515	Wilkeson, town of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3515, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3703	Hamilton, town of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3703, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-360	San Juan County. [Statutory Authority: Chapter 90.58 RCW. 95-18-102, § 173-19-360, filed 9/6/95 effective 10/7/95; 95-07-125 (Order 94-41), § 173-19-360, filed 3/22/95, effective 4/22/95. Statutory Authority: RCW 90.58.200. 94-14-030 (Order 94-16), § 173-19-360, filed 6/28/94, effective 7/29/94; 93-01-138 (Order 92-40), § 173-19-360, filed 12/22/92, effective 1/22/93; 92-17-074 (Order 92-31), § 173-19-360, filed 8/19/92, effective 9/19/92; 91-12-054 (Order 91-18), § 173-19-360, filed 6/5/91, effective 7/6/91; 91-04-072 (Order 90-59), § 173-19-360, filed 2/5/91, effective 3/8/91; 90-11-072 and 90-13-089 (Order 90-03 and 90-03A), § 173-19-360, filed 5/16/90 and 6/20/90, effective 6/16/90 and 7/21/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 89-09-077 and 90-07-026 (Order DE 88-22 and DE 88-22A), § 173-19-360, filed 4/19/89 and 3/14/90, effective 4/14/90; 84-22-016 (Order DE 84-36), § 173-19-360, filed 10/31/84; 81-09-057 (Order DE 81-8), § 173-19-360, filed 4/17/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-360, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-360, filed 8/2/79; Order DE 77-16, § 173-19-360, filed 9/9/77; Order DE 74-23, § 173-19-360, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58]-200.	173-19-3704	La Conner, town of. [Statutory Authority: RCW 90.58.-120 and 90.58.200. 82-14-089 (Order DE 82-24), § 173-19-3704, filed 7/7/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3704, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
		173-19-3705	Lyman, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3705, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58]-200.
		173-19-3706	Mount Vernon, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3706, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
		173-19-3707	Burlington, city of. [Statutory Authority: RCW 90.58.-120 and 90.58.200. 81-16-077 (Order DE 81-22), § 173-19-3707, filed 8/5/81.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
		173-19-380	Skamania County. [Statutory Authority: RCW 90.58.-120 and 90.58.200. 86-12-072 (Order DE 86-13), § 173-

	19-380, filed 6/4/86. Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-380, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-380, filed 8/2/79; Order DE 74-23, § 173-19-380, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.	173-19-3906	Granite Falls, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3906, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
173-19-3801	North Bonneville, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3801, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.	173-19-3907	Index, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3907, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
173-19-3802	Stevenson, town of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3802, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3908	Lake Stevens, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 84-02-075 (Order DE 83-44), § 173-19-3908, filed 1/4/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3908, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
173-19-390	Snohomish County. [Statutory Authority: RCW 90.58.-200 and Shoreline Management Act of 1971, 94-03-095 (Order 93-28), § 173-19-390, filed 1/19/94, effective 2/19/94. Statutory Authority: RCW 90.58.120 and 90.58.200. 90-07-025 (Order DE 88-55A), § 173-19-390, filed 3/14/90, effective 4/14/90; 89-14-130 (Order 89-18), § 173-19-390, filed 7/5/89, effective 8/5/89; 89-07-026 (Order DE 88-55), § 173-19-390, filed 3/8/89; 87-05-015 (Order DE 86-41), § 173-19-390, filed 2/11/87; 86-19-049 (Order DE 86-23), § 173-19-390, filed 9/12/86; 84-02-074 (Order DE 83-43), § 173-19-390, filed 1/4/84; 83-18-005 (Order DE 83-23), § 173-19-390, filed 8/26/83; 82-14-018 (Order DE 82-19), § 173-19-390, filed 6/28/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-390, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-390, filed 8/2/79. Statutory Authority: RCW 90.58.020, 78-08-076 (Order DE 78-9), § 173-19-390, filed 7/26/78; Order DE 77-16, § 173-19-390, filed 9/9/77; Order DE 76-15, § 173-19-390, filed 5/3/76; Order DE 75-21, § 173-19-390, filed 8/12/75; Order DE 74-23, § 173-19-390, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3909	Marysville, city of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3909, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
		173-19-3910	Monroe, city of. [Statutory Authority: RCW 90.58.200. 90-23-048 (Order 90-34), § 173-19-3910, filed 11/16/90, effective 12/17/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 89-14-131 and 90-07-028 (Order 89-23 and 89-23A), § 173-19-3910, filed 7/5/89 and 3/14/90, effective 4/14/90; 82-06-013 (Order DE 81-56), § 173-19-3910, filed 2/22/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3910, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
		173-19-3911	Mountlake Terrace, city of. [Statutory Authority: RCW 90.58.200. 93-16-013 (Order 93-07), § 173-19-3911, filed 7/22/93, effective 8/22/93. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3911, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-3901	Arlington, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3901, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.	173-19-3912	Mukilteo, city of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3912, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-3902	Brier, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3902, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.	173-19-3913	Snohomish, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 80-06-050 (Order DE 80-13), § 173-19-3913, filed 5/14/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3913, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-3903	Edmonds, city of. [Statutory Authority: RCW 90.58.-200. 93-13-020 (Order 93-01), § 173-19-3903, filed 6/9/93, effective 7/10/93. Statutory Authority: RCW 90.58.120 and 90.58.200. 86-12-070 (Order DE 86-09), § 173-19-3903, filed 6/4/86. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-19-3903, filed 4/15/85. Statutory Authority: RCW 90.58.120 and 90.58.200. 84-10-050 (Order DE 84-14), § 173-19-3903, filed 5/2/84; 80-06-050 (Order DE 80-13), § 173-19-3903, filed 5/14/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3903, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3914	Stanwood, city of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3914, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
		173-19-3915	Sultan, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3915, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
173-19-3904	Everett, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3904, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.	173-19-3916	Woodway, town of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3916, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-3905	Gold Bar, town of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3905, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-400	Spokane County. [Statutory Authority: RCW 90.58.120 and 90.58.200. 87-22-101 (Order DE 87-40), § 173-19-400, filed 11/4/87; 84-07-025 (Order DE 84-6), § 173-19-400, filed 3/15/84; 83-02-005 (Order DE 82-44), § 173-19-400, filed 12/23/82; 81-06-052 (Order DE 81-3), § 173-19-400, filed 2/27/81. Statutory Authority:

- RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-400, filed 1/30/80; 79-11-053 (Order DE 79-28), § 173-19-400, filed 10/16/79; 79-09-001 (Order DE 79-6), § 173-19-400, filed 8/2/79; Order DE 77-16, § 173-19-400, filed 9/9/77; Order DE 75-21, § 173-19-400, filed 8/12/75; Order DE 74-23, § 173-19-400, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58-140(3) and [90.58].200.
- 173-19-4001 Latah, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4001, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-4002 Medical Lake, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4002, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58-140(3) and [90.58].200.
- 173-19-4003 Millwood, town of. [Statutory Authority: RCW 90.58-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4003, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-4004 Rockford, town of. [Statutory Authority: RCW 90.58-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4004, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-4005 Spokane, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 83-07-083 (Order DE 83-6), § 173-19-4005, filed 3/23/83. Statutory Authority: RCW 90.58-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4005, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-4006 Waverly, town of. [Statutory Authority: RCW 90.58-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4006, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-410 Stevens County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-410, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-410, filed 8/2/79; Order DE 74-23, § 173-19-410, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-4101 Chewelah, city of. [Statutory Authority: RCW 90.58-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4101, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-4102 Northport, town of. [Statutory Authority: RCW 90.58-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4102, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-420 Thurston County. [Statutory Authority: Chapter 90.58 RCW. 95-16-048 (Order 94-39), § 173-19-420, filed 7/25/95, effective 8/25/95. Statutory Authority: RCW 90.58.200. 91-22-022 (Order 91-40), § 173-19-420, filed 10/29/91, effective 11/29/91; 90-11-072 (Order 89-63), § 173-19-420, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-20-026 (Order DE 87-28), § 173-19-420, filed 9/30/87; 84-19-038 (Order DE 84-30), § 173-19-420, filed 9/14/84; 82-07-004 (Order DE 82-3), § 173-19-420, filed 3/4/82; 81-20-005 (Order DE 81-26), § 173-19-420, filed 9/24/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-420, filed 1/30/80; 79-11-019 (Order DE 79-19), § 173-19-420, filed 10/9/79; 79-09-001 (Order DE 79-6), § 173-19-420, filed 8/2/79; Order DE 77-16, § 173-19-420, filed 9/9/77; Order DE 74-23, § 173-19-420, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-4201 Bucoda, town of. [Statutory Authority: RCW 90.58-200. 90-11-072 (Order 90-07), § 173-19-4201, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 84-19-038 (Order DE 84-30), § 173-19-4201, filed 9/14/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4201, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-4202 Lacey, city of. [Statutory Authority: RCW 90.58.200. 90-11-072 (Order 90-07), § 173-19-4202, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 84-19-038 (Order DE 84-30), § 173-19-4202, filed 9/14/84; 82-02-080 (Order DE 81-47), § 173-19-4202, filed 1/6/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4202, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58-140(3) and [90.58].200.
- 173-19-4203 Olympia, city of. [Statutory Authority: RCW 90.58-200. 94-13-047 (Order 94-10), § 173-19-4203, filed 6/7/94, effective 7/8/94; 93-12-107, § 173-19-4203, filed 6/2/93, effective 7/3/93; 90-11-072 (Order 90-07), § 173-19-4203, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-20-026 (Order DE 87-28), § 173-19-4203, filed 9/30/87; 84-19-038 (Order DE 84-30), § 173-19-4203, filed 9/14/84; 84-10-051 (Order 84-17), § 173-19-4203, filed 5/2/84; 84-08-028 (Order DE 84-9), § 173-19-4203, filed 3/29/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4203, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-4204 Tenino, town of. [Statutory Authority: RCW 90.58.200. 90-11-072 (Order 90-07), § 173-19-4204, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 84-19-038 (Order DE 84-30), § 173-19-4204, filed 9/14/84. Statutory Authority: RCW 90.58-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4204, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-4205 Tumwater, city of. [Statutory Authority: Chapter 90.58 RCW. 95-16-048 (Order 94-39), § 173-19-4205, filed 7/25/95, effective 8/25/95. Statutory Authority: RCW 90.58.200. 94-10-080 (Order 94-01), § 173-19-4205, filed 5/4/94, effective 6/4/94; 93-22-063 and 93-22-099 (Orders 93-21 and 93-21A), § 173-19-4205, filed 10/29/93 and 11/3/93, effective 11/29/93 and 12/4/93; 92-09-134 (Order 92-03), § 173-19-4205, filed 4/21/92, effective 5/22/92; 91-09-055 (Order 91-10), § 173-19-4205, filed 4/16/91, effective 5/17/91; 90-20-110 (Order 90-33), § 173-19-4205, filed 10/2/90, effective 11/2/90; 90-11-072 (Order 90-07), § 173-19-4205, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-20-026 (Order DE 87-28), § 173-19-4205, filed 9/30/87; 84-19-038 (Order DE 84-30), § 173-19-4205, filed 9/14/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4205, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58-140(3) and [90.58].200.
- 173-19-4206 Yelm, town of. [Statutory Authority: RCW 90.58.200. 90-11-072 (Order 90-07), § 173-19-4206, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 84-19-038 (Order DE 84-30), § 173-19-4206, filed 9/14/84; 82-02-081 (Order DE 81-48), § 173-19-4206, filed 1/6/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4206, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58-140(3) and [90.58].200.



173-19-430	Wahkiakum County. [Statutory Authority: RCW 90.58.200. 92-16-095 (Order 92-17), § 173-19-430, filed 8/5/92, effective 9/5/92. Statutory Authority: RCW 90.58.120 and 90.58.200. 86-07-049 (Order 85-29), § 173-19-430, filed 3/18/86; 81-12-003 (Order DE 81-13), § 173-19-430, filed 5/21/81; 80-04-026 (Order DE 80-10), § 173-19-430, filed 3/18/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-430, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-430, filed 8/2/79; Order DE 75-21, § 173-19-430, filed 8/12/75; Order DE 74-23, § 173-19-430, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
173-19-4301	Cathlamet, town of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4301, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-4503 Everson, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4503, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
173-19-440	Walla Walla County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-440, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-440, filed 8/2/79; Order DE 77-16, § 173-19-440, filed 9/9/77; Order DE 75-21, § 173-19-440, filed 8/12/75; Order 74-23, § 173-19-440, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-4504 Ferndale, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-01-049 (Order DE 81-43), § 173-19-4504, filed 12/16/81. Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4504, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-4401	Waitsburg, town of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4401, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-4505 Lynden, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 81-24-076 (Order DE 81-39), § 173-19-4505, filed 12/2/81. Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4505, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-4402	Walla Walla, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 85-16-105 (Order DE 85-11), § 173-19-4402, filed 8/6/85; 81-16-078 (Order DE 81-21), § 173-19-4402, filed 8/5/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4402, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-4506 Nooksack, city of. [Statutory Authority: RCW 90.58.-120 and 90.58.200. 85-20-095 (Order DE 85-21), § 173-19-4506, filed 10/1/85. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4506, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
173-19-450	Whatcom County. [Statutory Authority: RCW 90.58.-200. 93-04-063 (Order 92-48), § 173-19-450, filed 1/28/93, effective 2/28/93; 90-20-107 (Order 90-26), § 173-19-450, filed 10/2/90, effective 11/2/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-13-018 (Order DE 87-07), § 173-19-450, filed 6/9/87; 85-04-040 (Order 84-46), § 173-19-450, filed 2/1/85; 84-06-043 (Order DE 83-40), § 173-19-450, filed 3/2/84; 83-02-006 (Order DE 82-45), § 173-19-450, filed 12/23/82; 82-07-005 (Order DE 82-4), § 173-19-450, filed 3/4/82; 82-02-077 (Order DE 81-49), § 173-19-450, filed 1/6/82; 82-01-088 (Order DE 81-31), § 173-19-450, filed 12/22/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-450, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-450, filed 8/2/79; Order DE 77-16, § 173-19-450, filed 9/9/77; Order DE 76-15, § 173-19-450, filed 5/3/76; Order DE 74-23, § 173-19-450, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-4507 Sumas, city of. [Statutory Authority: RCW 90.58.200. 90-07-063 (Order 89-65), § 173-19-4507, filed 3/20/90, effective 4/20/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 89-03-010 (Order DE 88-48), § 173-19-4507, filed 1/6/89. Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4507, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-4501	Bellingham, city of. [Statutory Authority: RCW 90.58.-200. 89-23-127 (Order 89-55), § 173-19-4501, filed 11/22/89, effective 12/23/89. Statutory Authority: RCW 90.58.120 and 90.58.200. 84-08-029 (Order DE 84-11), § 173-19-4501, filed 3/29/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4501, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-460 Whitman County. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-460, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-460, filed 8/2/79; Order DE 75-21, § 173-19-460, filed 8/12/75; Order DE 74-23, § 173-19-460, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-4502	Blaine, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 84-21-065 (Order DE 84-35), § 173-19-4502, filed 10/17/84; 84-16-006 (Order 84-20), § 173-19-4502, filed 7/19/84; 82-10-001 (Order DE 82-05), § 173-19-4502, filed 4/23/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-08-054 (Order DE 80-25), § 173-19-4502, filed 6/30/80; 80-02-123 (Order DE 79-34), § 173-19-4502, filed 1/30/80.]	173-19-4601 Albion, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4601, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
		173-19-4602 Colfax, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4602, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
		173-19-4603 Malden, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4603, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
		173-19-4604 Palouse, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4604, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
		173-19-4605 Pullman, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4605, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
		173-19-4606 Rosalia, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4606, filed 1/30/80.] Repealed by 96-

- 20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58]-200.
- 173-19-4607 Tekoa, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4607, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58]-200.
- 173-19-470 Yakima County. [Statutory Authority: RCW 90.58.120 and 90.58.200. 81-20-044 (Order DE 81-29), § 173-19-470, filed 10/1/81; 81-06-050 (Order DE 81-1), § 173-19-470, filed 2/27/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-470, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-470, filed 8/2/79; Order DE 75-21, § 173-19-470 filed 8/12/75; Order DE 74-23, § 173-19-470, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58]-200.
- 173-19-4701 Grandview, city of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4701, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58]-200.
- 173-19-4702 Granger, town of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4702, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58]-200.
- 173-19-4703 Naches, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4703, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58]-200.
- 173-19-4704 Selah, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 84-08-003 (Order DE 84-10), § 173-19-4704, filed 3/22/84. Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4704, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58]-200.
- 173-19-4705 Union Gap, city of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4705, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58]-200.
- 173-19-4706 Yakima, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4706, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58]-200.
- 173-19-4707 Zillah, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4707, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58]-200.

**Chapter 173-28**

**ESTABLISHING LAKE WASHINGTON AS A REGION PURSUANT TO SHORELINE MANAGEMENT ACT OF 1971**

- 173-28-010 Authority. [Order 73-8, § 173-28-010, filed 6/19/73.] Repealed by 96-20-074, filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.200.
- 173-28-020 Findings. [Order 73-8, § 173-28-020, filed 6/19/73.] Repealed by 96-20-074, filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.200.
- 173-28-030 Conclusion. [Order 73-8, § 173-28-030, filed 6/19/73.] Repealed by 96-20-074, filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.200.
- 173-28-040 Composition of Lake Washington region. [Order 73-8, § 173-28-040, filed 6/19/73.] Repealed by 96-20-074, filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.200.
- 173-28-050 Geographical extent of region. [Order 73-8, § 173-28-050, filed 6/19/73.] Repealed by 96-20-074, filed

- 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.200.
- 173-28-060 Duties of the local governmental units comprising the region. [Order 73-8, § 173-28-060, filed 6/19/73.] Repealed by 96-20-074, filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.200.
- 173-28-070 Review of master programs by the department of ecology. [Order 73-8, § 173-28-070, filed 6/19/73.] Repealed by 96-20-074, filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.200.
- 173-28-080 Fund availability. [Order 73-8, § 173-28-080, filed 6/19/73.] Repealed by 96-20-074, filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.200.

**Chapter 173-30**

**MINIMUM WATER FLOWS—CEDAR RIVER**

- 173-30-010 Background and authority. [Order 71-7, § 173-30-010, filed 8/17/71.] Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79. Statutory Authority: Chapters 90.22 and 90.54 RCW. Later promulgation, see chapter 173-508 WAC.
- 173-30-020 Applicability. [Order 71-7, § 173-30-020, filed 8/17/71.] Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79. Statutory Authority: Chapters 90.22 and 90.54 RCW. Later promulgation, see chapter 173-508 WAC.
- 173-30-030 Measurement. [Order 71-7, § 173-30-030, filed 8/17/71.] Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79. Statutory Authority: Chapters 90.22 and 90.54 RCW. Later promulgation, see chapter 173-508 WAC.
- 173-30-040 Declaration of minimum flows. [Order 71-7, § 173-30-040, filed 8/17/71.] Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79. Statutory Authority: Chapters 90.22 and 90.54 RCW. Later promulgation, see chapter 173-508 WAC.
- 173-30-050 Future rights. [Order 71-7, § 173-30-050, filed 8/17/71.] Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79. Statutory Authority: Chapters 90.22 and 90.54 RCW. Later promulgation, see chapter 173-508 WAC.
- 173-30-060 Enforcement. [Order 71-7, § 173-30-060, filed 8/17/71.] Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79. Statutory Authority: Chapters 90.22 and 90.54 RCW. Later promulgation, see chapter 173-508 WAC.
- 173-30-070 Public information. [Order 71-7, § 173-30-070, filed 8/17/71.] Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79. Statutory Authority: Chapters 90.22 and 90.54 RCW. Later promulgation, see chapter 173-508 WAC.

**Chapter 173-32**

**ALLOCATION OF FINANCIAL AID TO COUNTIES AND CITIES TO ASSIST IN COMPREHENSIVE PLANNING FOR SOLID WASTE MANAGEMENT**

- 173-32-010 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-32-010, filed 9/4/90, effective 10/5/90; Order DE 71-2, § 173-32-010, filed 4/30/71.] Repealed by 97-18-047 (Order 97-17), filed 8/28/97, effective 9/28/97.
- 173-32-020 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-32-020, filed 9/4/90, effective 10/5/90; Order DE 71-2, § 173-32-020, filed 4/30/71.] Repealed by 97-18-047 (Order 97-17), filed 8/28/97, effective 9/28/97.
- 173-32-030 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-32-030, filed 9/4/90, effective 10/5/90; Order DE 71-2, § 173-32-030, filed 4/30/71.] Repealed by 97-18-047 (Order 97-17), filed 8/28/97, effective 9/28/97.
- 173-32-040 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-32-040, filed 9/4/90, effective 10/5/90; Order DE 71-2, § 173-32-040, filed 4/30/71.] Repealed by 97-18-047 (Order 97-17), filed 8/28/97, effective 9/28/97.

**Chapter 173-34**

**EXEMPTIONS FROM THE DETAILED STATEMENT REQUIREMENTS OF THE STATE ENVIRONMENTAL POLICY ACT**

- 173-34-010 Purpose. [Order 73-15, § 173-34-010, filed 8/14/73.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-34-020 Definitions. [Order 73-15, § 173-34-020, filed 8/14/73.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.

- 173-34-030 Exemptions. [Order 73-15, § 173-34-030, filed 8/14/73.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-34-040 Exemptions—Nonexempt actions. [Order 73-15, § 173-34-040, filed 8/14/73.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-34-050 Exemptions—Limitation of exemptions. [Order 73-15, § 173-34-050, filed 8/14/73.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.

**Chapter 173-70****WATERCRAFT NOISE PERFORMANCE STANDARDS**

- 173-70-010 Introduction. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-010, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-020 Definitions. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-020, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-030 Identification of receiving property environments. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-030, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-040 Standards. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-040, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-050 Exemptions. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-050, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-060 Nuisance regulations not prohibited. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-060, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-070 Future standards. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-070, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-080 Implementation schedules. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-080, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-090 Enforcement. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-090, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-100 Appeals. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-100, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-110 Cooperation with local government. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-110, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-120 Effective date. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-120, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.

**Chapter 173-90****STANDARDS AND LIMITATIONS ON THE USE OF CLEAN WATER FUNDS FOR POLLUTION ABATEMENT**

- 173-90-010 Purpose and scope. [Statutory Authority: 1986 c 3 § 4. 86-19-042 (Order DE 86-25), § 173-90-010, filed 9/12/86.] Repealed by 97-17-082 (Order 97-16), filed 8/19/97, effective 9/19/97.

- 173-90-015 Definitions. [Statutory Authority: 1986 c 3 § 4. 86-19-042 (Order DE 86-25), § 173-90-015, filed 9/12/86.] Repealed by 97-17-082 (Order 97-16), filed 8/19/97, effective 9/19/97.
- 173-90-020 Provision of guidelines. [Statutory Authority: 1986 c 3 § 4. 86-19-042 (Order DE 86-25), § 173-90-020, filed 9/12/86.] Repealed by 97-17-082 (Order 97-16), filed 8/19/97, effective 9/19/97.
- 173-90-040 Ground water management area planning grants—Eligibility criteria, funding levels, development of priority rating and priority lists—Eligibility criteria. [Statutory Authority: 1986 c 3 § 4. 86-19-042 (Order DE 86-25), § 173-90-040, filed 9/12/86.] Repealed by 97-17-082 (Order 97-16), filed 8/19/97, effective 9/19/97.
- 173-90-050 Nonpoint source pollution control activity grants—Eligible criteria, funding levels and administration, and establishing highest priority. [Statutory Authority: 1986 c 3 § 4. 86-19-042 (Order DE 86-25), § 173-90-050, filed 9/12/86.] Repealed by 97-17-082 (Order 97-16), filed 8/19/97, effective 9/19/97.
- 173-90-060 Aquifer protection assistance grants—Eligibility criteria, funding levels, and establishing highest priority. [Statutory Authority: 1986 c 3 § 4. 86-19-042 (Order DE 86-25), § 173-90-060, filed 9/12/86.] Repealed by 97-17-082 (Order 97-16), filed 8/19/97, effective 9/19/97.
- 173-90-070 Water pollution control design grants—Eligibility criteria, funding levels, and establishing highest priority. [Statutory Authority: 1986 c 3 § 4. 86-19-042 (Order DE 86-25), § 173-90-070, filed 9/12/86.] Repealed by 97-17-082 (Order 97-16), filed 8/19/97, effective 9/19/97.

**Chapter 173-95****USES AND LIMITATIONS OF CENTENNIAL CLEAN WATER FUNDS**

- 173-95-010 Purpose and scope. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-010, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-020 Definitions. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-020, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-030 Provision of guidelines. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-030, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-040 Limitations on the use of funds. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-040, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-050 Compliance with applicable laws, regulations and other requirements. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-050, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-060 Indemnification. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-060, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-070 Appropriation of funds by the legislature. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-070, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-080 General provisions. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-080, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-090 Funding processes. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-090, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-100 Marine water facilities funding category. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-100, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-110 Ground water activities and facilities funding category. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-110, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-120 Freshwater lakes and rivers activities and facilities funding category. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-120, filed

	7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.	173-130-030	Definitions. [Order DE 73-32, § 173-130-030, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-030.
173-95-130	Nonpoint activities and facilities funding category. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-130, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.	173-130-040	Purpose. [Order DE 73-32, § 173-130-040, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-040.
173-95-140	Discretionary activities and facilities funding category. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-140, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.	173-130-050	Depth zone designation. [Order DE 73-32, § 173-130-050, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.-060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040 (2).
173-95-150	Financial hardship eligibility and remedies. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-150, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.	173-130-060	Rate of decline in water level to be controlled. [Order DE 73-32, § 173-130-060, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.-090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-060.
173-95-160	Applicability of centennial clean water regulation and funds. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-160, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.	173-130-070	Maximum lowering of the water table. [Order DE 73-32, § 173-130-070, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-070.
<b>Chapter 173-108</b>			
<b>WITHDRAWAL OF THE WATERS</b>			
<b>OF THE LITTLE SPOKANE RIVER WATERSHED</b>			
<b>FROM ADDITIONAL APPROPRIATIONS</b>			
173-108-010	Authority. [Order 73-19, § 173-108-010, filed 9/21/73.] Repealed by Order DE 75-24, filed 1/6/76. Later promulgation, see chapters 173-500 and 173-555 WAC.	173-130-080	Regulation of withdrawal of ground water. [Order DE 75-33, § 173-130-080, filed 1/23/76; Order DE 73-32, § 173-130-080, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-080.
173-108-020	Purpose. [Order 73-19, § 173-108-020, filed 9/21/73.] Repealed by Order DE 75-24, filed 1/6/76. Later promulgation, see chapters 173-500 and 173-555 WAC.	173-130-090	Notice of regulation. [Order DE 73-32, § 173-130-090, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-090.
173-108-030	Definitions. [Order 73-19, § 173-108-030, filed 9/21/73.] Repealed by Order DE 75-24, filed 1/6/76. Later promulgation, see chapters 173-500 and 173-555 WAC.	173-130-100	No increase in ground water withdrawals during regulation. [Order DE 73-32, § 173-130-100, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
173-108-040	Declaration of withdrawal. [Order 73-19, § 173-108-040, filed 9/21/73.] Repealed by Order DE 75-24, filed 1/6/76.	173-130-110	Supplemental wells regulated. [Order DE 73-32, § 173-130-110, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
173-108-050	Existing rights not affected. [Order 73-19, § 173-108-050, filed 9/21/73.] Repealed by Order DE 75-24, filed 1/6/76.	173-130-120	Annual volume of water determined. [Order DE 73-32, § 173-130-120, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
173-108-060	Existing rights not affected—Exemptions. [Order 73-19, § 173-108-060, filed 9/21/73.] Repealed by Order DE 75-24, filed 1/6/76.	173-130-130	New ground water withdrawals. [Order DE 73-32, § 173-130-130, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
<b>Chapter 173-128</b>			
<b>ODESSA GROUND WATER MANAGEMENT SUBAREA</b>			
173-128-010	Background. [Order 72-25, § 173-128-010, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-020.	173-130-140	New applications for withdrawal of ground waters. [Order DE 73-32, § 173-130-140, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-100.
173-128-020	Purpose. [Order 72-25, § 173-128-020, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-030.	173-130-150	Time sequence for processing new applications to appropriate ground water. [Order DE 75-33, § 173-130-150, filed 1/23/76; Order DE 73-32, § 173-130-150, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
173-128-030	Authority. [Order 72-25, § 173-128-030, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-010.	173-130-155	Reworking wells. [Order DE 75-33, § 173-130-155, filed 1/23/76.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-180.
173-128-040	Subarea definition. [Order 72-25, § 173-128-040, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-040.	173-130-160	Bore hole logs required. [Order DE 75-33, § 173-130-160, filed 1/23/76; Order DE 73-32, § 173-130-160, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-190.
173-128-050	Subarea map. [Order 72-25, § 173-128-050, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-050.	173-130-170	Distance of wells from East Low Canal. [Order DE 73-32, § 173-130-170, filed 1/25/74.] Repealed by 82-16-
<b>Chapter 173-130</b>			
<b>ODESSA GROUND WATER SUBAREA MANAGEMENT POLICY</b>			
173-130-010	Background. [Order DE 73-32, § 173-130-010, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-020.		
173-130-020	Authority. [Order DE 73-32, § 173-130-020, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-010.		

- 103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-110.
- 173-130-180 Supplemental surface water. [Order DE 73-32, § 173-130-180, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-190 Ground water supervisors. [Order DE 73-32, § 173-130-190, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.-060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-195 Irrigation season. [Order DE 75-33, § 173-130-195, filed 1/23/76.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-130.
- 173-130-200 Review of regulations. [Order DE 75-33, § 173-130-200, filed 1/23/76; Order DE 73-32, § 173-130-200, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-220.
- Chapter 173-134**  
**THE ESTABLISHMENT OF REGULATIONS**  
**FOR THE ADMINISTRATION OF**  
**THE QUINCY GROUND WATER SUBAREA ESTABLISHED**  
**PURSUANT TO RCW 90.44.130**
- 173-134-010 Administration of withdrawal of ground waters in the Quincy subarea. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-010, filed 7/26/79; Order 74-35, § 173-134-010, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-010.
- 173-134-020 Definitions. [Order 74-35, § 173-134-020, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-040.
- 173-134-030 Quincy ground water subarea—Background statement. [Order 74-35, § 173-134-030, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-020.
- 173-134-040 Quincy ground water subarea—Managed and regulated by department of ecology. [Order 74-35, § 173-134-040, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-050.
- 173-134-050 Quincy ground water subarea—Withdrawals of waters of deep management unit—Controlled by prior appropriation provisions. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-050, filed 7/26/79; Order 74-35, § 173-134-050, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.-090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-060.
- 173-134-055 Quincy ground water subarea—Public ground water permit amendments. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-055, filed 7/26/79.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-070.
- 173-134-060 Regulation of water of the shallow management unit—Permit requirements. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-060, filed 7/26/79; Order DE 75-4, § 173-134-060, filed 2/21/75; Order 74-35, § 173-134-060, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-080.
- 173-134-070 Responsibility for water management—Designation of critical management areas. [Order 74-35, § 173-134-070, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-090.
- 173-134-080 Establishment of a technical committee of scientific and engineering experts—Purpose. [Order 74-35, § 173-134-080, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-100.
- 173-134-085 Holder request for protection of interest—Department denial—Subject to review before the pollution control hearings board. [Order 74-35, § 173-134-085, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-110.
- 173-134-090 Permits not required—Conditions of exemptions. [Order 74-35, § 173-134-090, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.-090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-120.
- 173-134-100 Permits issued or extended—Conditions under which agreements may be entered into. [Order 74-35, § 173-134-100, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-130.
- 173-134-110 Notification requirements. [Order 74-35, § 173-134-110, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see chapter 173-134A WAC.
- 173-134-120 Existing laws and rights recognized—Specific jurisdiction. [Order 74-35, § 173-134-120, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see chapter 173-134A WAC.
- 173-134-130 Modification of rules when action appears justified. [Order 74-35, § 173-134-130, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see chapter 173-134A WAC.
- 173-134-140 Artificially stored ground water permit applications—Lands not covered by declarations. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-140, filed 7/26/79.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see chapter 173-134A WAC.
- 173-134-150 Area described at department Order No. DE 75-54—Public ground water permits. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-150, filed 7/26/79.] Repealed by 80-02-025 (Order DE 79-33), filed 1/9/80. Statutory Authority: RCW 43.21A.080 and 43.27A.090(11).
- 173-134-160 Authorized and unused public ground water in deep management unit—Reservation. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-160, filed 7/26/79.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-160.

**Chapter 173-142  
DELEGATION OF PERMIT PROGRAM  
UNDER STATE FLOOD CONTROL ZONE ACT**

173-142-010 Authority. [Order DE 74-11, § 173-142-010, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.

173-142-020 Purpose. [Order DE 74-11, § 173-142-020, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.

173-142-030 Definitions. [Statutory Authority: RCW 86.16.027, 82-24-026 (Order DE 82-38), § 173-142-030, filed 11/23/82; Order DE 74-11, § 173-142-030, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.

173-142-040 Scope of delegation. [Statutory Authority: RCW 86.16.027, 82-24-026 (Order DE 82-38), § 173-142-040, filed 11/23/82; Order DE 74-11, § 173-142-040, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16-061.

173-142-050 Conformity with department rules. [Statutory Authority: RCW 86.16.027, 82-24-026 (Order DE 82-38), § 173-142-050, filed 11/23/82; Order DE 74-11, § 173-142-050, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.

173-142-060 Subdelegation. [Order DE 74-11, § 173-142-060, filed 6/17/74.] Repealed by 82-24-026 (Order DE 82-38), filed 11/23/82. Statutory Authority: RCW 86.16.027.

173-142-070 Requests for delegation. [Statutory Authority: RCW 86.16.027, 82-24-026 (Order DE 82-38), § 173-142-070, filed 11/23/82; Order DE 74-11, § 173-142-070, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16-061.

173-142-080 Procedure for delegation. [Statutory Authority: RCW 86.16.027, 82-24-026 (Order DE 82-38), § 173-142-080, filed 11/23/82; Order DE 74-11, § 173-142-080, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16-061.

173-142-090 Withdrawal of delegation. [Order DE 74-11, § 173-142-090, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.

173-142-100 Permits under delegated programs. [Order DE 74-11, § 173-142-100, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.

173-142-110 Appeals. [Order DE 74-11, § 173-142-110, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.

**Chapter 173-164  
WATER RATE CHARGES**

173-164-010 Purpose. [Statutory Authority: 1977 ex. sess. c 1, 78-08-026 (Order DE 77-33), § 173-164-010, filed 7/13/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.

173-164-020 Authority. [Statutory Authority: 1977 ex. sess. c 1, 78-08-026 (Order DE 77-33), § 173-164-020, filed 7/13/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.

173-164-030 Definitions. [Statutory Authority: 1977 ex. sess. c 1, 78-08-026 (Order DE 77-33), § 173-164-030, filed 7/13/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.

173-164-040 Rates of charge. [Statutory Authority: 1977 ex. sess. c 1, 78-08-026 (Order DE 77-33), § 173-164-040, filed 7/13/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.

173-164-050 Determination of rate. [Statutory Authority: Chapters 43.83B and 43.27A RCW, 88-13-037 (Order 88-11), § 173-164-050, filed 6/9/88. Statutory Authority: RCW 43.83B.345, 81-07-037 (Order DE 81-5), § 173-164-050, filed 3/13/81; 80-09-052 (Order DE 80-28), § 173-164-050, filed 7/14/80. Statutory Authority: 1977 ex. sess. c 1, 78-08-026 (Order DE 77-33), § 173-164-050, filed 7/13/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.

173-164-060 Payment schedule. [Statutory Authority: 1977 ex. sess. c 1, 78-08-026 (Order DE 77-33), § 173-164-060, filed

7/13/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.

173-164-070 Measurement of water. [Statutory Authority: 1977 ex. sess. c 1, 78-08-026 (Order DE 77-33), § 173-164-070, filed 7/13/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.

173-164-080 Regulation review. [Statutory Authority: Chapters 43.83B and 43.27A RCW, 88-13-037 (Order 88-11), § 173-164-080, filed 6/9/88.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.

**Chapter 173-180A  
FACILITY OIL-HANDLING OPERATIONS AND DESIGN  
STANDARDS**

173-180A-010 Purpose. [Statutory Authority: RCW 90.56.220, 94-10-084, § 173-180A-010, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.

173-180A-020 Authority. [Statutory Authority: RCW 90.56.220, 94-10-084, § 173-180A-020, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.

173-180A-030 Definitions. [Statutory Authority: RCW 90.56.220, 94-10-084, § 173-180A-030, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.

173-180A-040 Applicability. [Statutory Authority: RCW 90.56.220, 94-10-084, § 173-180A-040, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.

173-180A-050 Compliance schedule. [Statutory Authority: RCW 90.56.220, 94-10-084, § 173-180A-050, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.

173-180A-060 Vessel transfer requirements. [Statutory Authority: RCW 90.56.220, 94-10-084, § 173-180A-060, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.

173-180A-070 Transmission pipeline transfer requirements. [Statutory Authority: RCW 90.56.220, 94-10-084, § 173-180A-070, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.

173-180A-080 Secondary containment requirements for aboveground storage tanks. [Statutory Authority: RCW 90.56.220, 94-10-084, § 173-180A-080, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.

173-180A-090 Storage tank requirements. [Statutory Authority: RCW 90.56.220, 94-10-084, § 173-180A-090, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.

173-180A-100 Transfer pipeline requirements. [Statutory Authority: RCW 90.56.220, 94-10-084, § 173-180A-100, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.

173-180A-110 Inspections. [Statutory Authority: RCW 90.56.220, 94-10-084, § 173-180A-110, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.

173-180A-120 Recordkeeping. [Statutory Authority: RCW 90.56.220, 94-10-084, § 173-180A-120, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.

173-180A-130 Noncompliance. [Statutory Authority: RCW 90.56.220, 94-10-084, § 173-180A-130, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.

173-180A-140 Rule review. [Statutory Authority: RCW 90.56.220, 94-10-084, § 173-180A-140, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07,

effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.

- 173-180A-150 Severability. [Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-150, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.

**Reviser's note:** Later promulgation, see chapter 173-180 WAC.

#### Chapter 173-180B

#### FACILITY OIL-HANDLING OPERATIONS MANUAL STANDARDS

- 173-180B-010 Purpose. [Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-010, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180B-020 Authority. [Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-020, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180B-030 Definitions. [Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-030, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180B-040 Applicability. [Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-040, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180B-050 Manual preparation. [Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-050, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180B-060 Manual format requirements. [Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-060, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180B-070 Manual content requirements. [Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-070, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180B-080 Manual submittal. [Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-080, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180B-090 Manual review. [Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-090, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180B-100 Manual maintenance and use. [Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-100, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180B-110 Inspections. [Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-110, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180B-120 Manual update timeline. [Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-120, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180B-130 Noncompliance with manual requirements. [Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-130, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180B-140 Severability. [Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-140, filed 5/4/94, effective 6/4/94.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.

**Reviser's note:** Later promulgation, see chapter 173-180 WAC.

#### Chapter 173-180C FACILITY PERSONNEL OIL-HANDLING TRAINING AND CERTIFICATION

- 173-180C-010 Purpose. [Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-010, filed 12/16/92, effective 1/16/93.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180C-020 Authority. [Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-020, filed 12/16/92, effective 1/16/93.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180C-030 Definitions. [Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-030, filed 12/16/92, effective 1/16/93.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180C-040 Applicability. [Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-040, filed 12/16/92, effective 1/16/93.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180C-050 Training requirements. [Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-050, filed 12/16/92, effective 1/16/93.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180C-060 Certification program. [Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-060, filed 12/16/92, effective 1/16/93.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180C-070 Minimum criteria for certification programs. [Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-070, filed 12/16/92, effective 1/16/93.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180C-080 Program approval. [Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-080, filed 12/16/92, effective 1/16/93.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180C-090 Inspections. [Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-090, filed 12/16/92, effective 1/16/93.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180C-095 Noncompliance with requirements. [Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-095, filed 12/16/92, effective 1/16/93.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180C-098 Severability. [Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-098, filed 12/16/92, effective 1/16/93.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.

**Reviser's note:** Later promulgation, see chapter 173-180 WAC.

#### Chapter 173-180D FACILITY OIL SPILL PREVENTION PLAN STANDARDS

- 173-180D-010 Purpose. [Statutory Authority: RCW 90.56.300. 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-010, filed 7/8/92, effective 8/8/92.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180D-020 Authority. [Statutory Authority: RCW 90.56.300. 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-020, filed 7/8/92, effective 8/8/92.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
- 173-180D-030 Definitions. [Statutory Authority: RCW 90.56.300. 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-030, filed 7/8/92, effective 8/8/92.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.





**Chapter 173-201****WATER QUALITY STANDARDS FOR SURFACE WATERS OF THE STATE OF WASHINGTON**

- 173-201-010 Introduction. [Statutory Authority: RCW 90.48.035 and 90.48.260. 88-02-058 (Order 87-6), § 173-201-010, filed 1/6/88. Statutory Authority: RCW 90.48.035. 82-12-078 (Order DE 82-12), § 173-201-010, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-010, filed 1/17/78; Order 73-4, § 173-201-010, filed 7/6/73.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-020 Water use and quality criteria. [Statutory Authority: RCW 90.48.035. 78-02-043 (Order DE 77-32), § 173-201-020, filed 1/17/78; Order 73-4, § 173-201-020, filed 7/6/73.] Repealed by 82-12-078 (Order DE 82-12), filed 6/2/82. Statutory Authority: RCW 90.48.035.
- 173-201-025 Definitions. [Statutory Authority: RCW 90.48.035 and 90.48.260. 88-02-058 (Order 87-6), § 173-201-025, filed 1/6/88. Statutory Authority: RCW 90.48.035. 82-12-078 (Order DE 82-12), § 173-201-025, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-025, filed 1/17/78.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-030 Water use and quality criteria—General water use and criteria classes. [Order 73-4, § 173-201-030, filed 7/6/73.] Repealed by 78-02-043 (Order DE 77-32), filed 1/17/78. Statutory Authority: RCW 90.48.035.
- 173-201-035 General considerations. [Statutory Authority: RCW 90.48.035 and 90.48.260. 88-02-058 (Order 87-6), § 173-201-035, filed 1/6/88. Statutory Authority: RCW 90.48.035. 82-12-078 (Order DE 82-12), § 173-201-035, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-035, filed 1/17/78.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-040 Water use and quality criteria—General considerations. [Order 73-4, § 173-201-040, filed 7/6/73.] Repealed by 78-02-043 (Order DE 77-32), filed 1/17/78. Statutory Authority: RCW 90.48.035.
- 173-201-045 General water use and criteria classes. [Statutory Authority: RCW 90.48.035 and 90.48.260. 88-02-058 (Order 87-6), § 173-201-045, filed 1/6/88. Statutory Authority: RCW 90.48.035. 82-12-078 (Order DE 82-12), § 173-201-045, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-045, filed 1/17/78.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-047 Toxic substances. [Statutory Authority: RCW 90.48.035 and 90.48.260. 88-02-058 (Order 87-6), § 173-201-047, filed 1/6/88.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-050 Characteristic uses to be protected. [Statutory Authority: RCW 90.48.035. 78-02-043 (Order DE 77-32), § 173-201-050, filed 1/17/78; Order 73-4, § 173-201-050, filed 7/6/73.] Repealed by 82-12-078 (Order DE 82-12), filed 6/2/82. Statutory Authority: RCW 90.48.035.
- 173-201-060 Water course classification. [Order 73-4, § 173-201-060, filed 7/6/73.] Repealed by 78-02-043 (Order DE 77-32), filed 1/17/78. Statutory Authority: RCW 90.48.035.
- 173-201-070 General classifications. [Statutory Authority: RCW 90.48.035 and 90.48.260. 88-02-058 (Order 87-6), § 173-201-070, filed 1/6/88. Statutory Authority: RCW 90.48.035. 82-12-078 (Order DE 82-12), § 173-201-070, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-070, filed 1/17/78; Order 73-4, § 173-201-070, filed 7/6/73.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-080 Specific classifications—Freshwater. [Statutory Authority: RCW 90.48.035 and 90.48.260. 88-02-058 (Order 87-6), § 173-201-080, filed 1/6/88. Statutory Authority: RCW 90.48.035. 82-12-078 (Order DE 82-12), § 173-201-080, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-080, filed 1/17/78; Order 73-4, § 173-201-080, filed 11/16/73; Order 73-4, § 173-201-080, filed 7/6/73.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-085 Specific classifications—Marine water. [Statutory Authority: RCW 90.48.035. 82-12-078 (Order DE 82-12), § 173-201-085, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-085, filed 1/17/78.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-090 Achievement considerations. [Statutory Authority: RCW 90.48.035 and 90.48.260. 88-02-058 (Order 87-6), § 173-201-090, filed 1/6/88. Statutory Authority: RCW 90.48.035. 82-12-078 (Order DE 82-12), § 173-201-090, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-090, filed 1/17/78; Order 73-4, § 173-201-090, filed 7/6/73.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-100 Implementation. [Statutory Authority: RCW 90.48.035 and 90.48.260. 88-02-058 (Order 87-6), § 173-201-100, filed 1/6/88. Statutory Authority: RCW 90.48.035. 78-02-043 (Order DE 77-32), § 173-201-100, filed 1/17/78; Order 73-4, § 173-201-100, filed 7/6/73.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-110 Surveillance. [Statutory Authority: RCW 90.48.035. 78-02-043 (Order DE 77-32), § 173-201-110, filed 1/17/78; Order 73-4, § 173-201-110, filed 7/6/73.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-120 Enforcement. [Statutory Authority: RCW 90.48.035. 82-12-078 (Order DE 82-12), § 173-201-120, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-120, filed 1/17/78; Order 73-4, § 173-201-120, filed 7/6/73.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-130 Definitions. [Order 73-4, § 173-201-130, filed 7/6/73.] Repealed by 78-02-043 (Order DE 77-32), filed 1/17/78. Statutory Authority: RCW 90.48.035.
- 173-201-140 Miscellaneous. [Statutory Authority: RCW 90.48.035. 78-02-043 (Order DE 77-32), § 173-201-140, filed 1/17/78; Order 73-4, § 173-201-140, filed 7/6/73.] Repealed by 82-12-078 (Order DE 82-12), filed 6/2/82. Statutory Authority: RCW 90.48.035.

**Chapter 173-202  
WASHINGTON FOREST PRACTICES RULES AND REGULATIONS TO PROTECT WATER QUALITY**

- 173-202-010 Authority. [Order DE 76-32, § 173-202-010, filed 7/13/76.] Repealed by 00-11-005 (Order 00-04), filed 5/4/00, effective 6/4/00.
- 173-202-020 Certain WAC sections adopted by reference. [Statutory Authority: RCW 90.48.420, 76.09.040 and chapter 34.05 RCW. 98-08-058 (Order 97-46), § 173-202-020, filed 3/30/98, effective 4/30/98. Statutory Authority: RCW 90.48.420, 76.09.040, [76.09.1050 and chapter 34.05 RCW. 98-07-026 (Order 97-41), § 173-202-020, filed 3/10/98, effective 4/10/98. Statutory Authority: RCW 90.48.420 and 76.09.040. 94-17-011, § 173-202-020, filed 8/8/94, effective 9/8/94; 93-11-062, § 173-202-020, filed 5/13/93, effective 6/13/93; 93-01-091 (Order 92-51), § 173-202-020, filed 12/16/92, effective 1/16/93. Statutory Authority: Chapters 90.48 and 76.09 RCW. 92-14-098, § 173-202-020, filed 6/30/92, effective 8/1/92. Statutory Authority: Chapter 76.09 RCW. 88-22-030 (Order 88-19), § 173-202-020, filed 10/27/88. Statutory Authority: RCW 76.09.040. 87-23-017 (Order 87-5), § 173-202-020, filed 11/10/87, effective 1/1/88; 83-15-045 (Order DE 82-37), § 173-202-020, filed 7/19/83; Order DE 76-32, § 173-202-020, filed 7/13/76.] Repealed by 00-11-005 (Order 00-04), filed 5/4/00, effective 6/4/00.

**Chapter 173-222  
WASTEWATER DISCHARGE PERMIT FEES**

- 173-222-010 Purpose and authority. [Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-010, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.
- 173-222-015 Applicability. [Statutory Authority: Chapter 43.21A RCW. 88-12-035 (Order 88-8), § 173-222-015, filed 5/26/88, effective 7/1/88; 86-06-040 (Order 86-03), § 173-222-015, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.

173-222-020	Definitions. [Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-020, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.		050, filed 2/13/89; 88-12-035 (Order 88-8), § 173-223-050, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 and 97-22-043 (Orders 89-8 and 97-26), filed 5/31/89 and 10/31/97, effective 12/1/97. Statutory Authority: Chapter 43.21A RCW.
173-222-030	Discharge categories. [Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-030, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.	173-223-060	Permits issued by other governmental agencies. [Statutory Authority: Chapter 43.21A RCW. 88-12-035 (Order 88-8), § 173-223-060, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 and 97-22-043 (Orders 89-8 and 97-26), filed 5/31/89 and 10/31/97, effective 12/1/97. Statutory Authority: Chapter 43.21A RCW.
173-222-040	Complexity factors. [Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-040, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.	173-223-070	Credits. [Statutory Authority: Chapter 43.21A RCW. 89-05-026 (Order 88-53), § 173-223-070, filed 2/13/89; 88-12-035 (Order 88-8), § 173-223-070, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 and 97-22-043 (Orders 89-8 and 97-26), filed 5/31/89 and 10/31/97, effective 12/1/97. Statutory Authority: Chapter 43.21A RCW.
173-222-050	Permit fees. [Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-050, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.	173-223-080	Transfer of ownership or control. [Statutory Authority: Chapter 43.21A RCW. 88-12-035 (Order 88-8), § 173-223-080, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 and 97-22-043 (Orders 89-8 and 97-26), filed 5/31/89 and 10/31/97, effective 12/1/97. Statutory Authority: Chapter 43.21A RCW.
173-222-060	Permit fee payment. [Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-060, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.	173-223-090	Administrative appeals to the director. [Statutory Authority: Chapter 43.21A RCW. 89-05-026 (Order 88-53), § 173-223-090, filed 2/13/89; 88-12-035 (Order 88-8), § 173-223-090, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 and 97-22-043 (Orders 89-8 and 97-26), filed 5/31/89 and 10/31/97, effective 12/1/97. Statutory Authority: Chapter 43.21A RCW.
173-222-070	Periodic review. [Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-070, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.	173-223-100	Deposits. [Statutory Authority: Chapter 43.21A RCW. 88-12-035 (Order 88-8), § 173-223-100, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 and 97-22-043 (Orders 89-8 and 97-26), filed 5/31/89 and 10/31/97, effective 12/1/97. Statutory Authority: Chapter 43.21A RCW.
173-222-080	Public notice. [Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-080, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.	173-223-110	Past due payments. [Statutory Authority: Chapter 43.21A RCW. 88-12-035 (Order 88-8), § 173-223-110, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 and 97-22-043 (Orders 89-8 and 97-26), filed 5/31/89 and 10/31/97, effective 12/1/97. Statutory Authority: Chapter 43.21A RCW.
173-222-090	Public hearings. [Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-090, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.		
173-222-100	Agency initiated modifications. [Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-100, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.		
173-222-110	Appeals. [Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-110, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.		

**Reviser's note:** Later promulgation, see chapter 173-224 WAC.

#### Chapter 173-223 INTERIM WASTEWATER DISCHARGE PERMIT FEES

173-223-015	Purpose and authority. [Statutory Authority: Chapter 43.21A RCW. 89-05-026 (Order 88-53), § 173-223-015, filed 2/13/89; 88-12-035 (Order 88-8), § 173-223-015, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 and 97-22-043 (Orders 89-8 and 97-26), filed 5/31/89 and 10/31/97, effective 12/1/97. Statutory Authority: Chapter 43.21A RCW.
173-223-020	Applicability. [Statutory Authority: Chapter 43.21A RCW. 88-12-035 (Order 88-8), § 173-223-020, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 and 97-22-043 (Orders 89-8 and 97-26), filed 5/31/89 and 10/31/97, effective 12/1/97. Statutory Authority: Chapter 43.21A RCW.
173-223-030	Definitions. [Statutory Authority: Chapter 43.21A RCW. 89-05-026 (Order 88-53), § 173-223-030, filed 2/13/89; 88-12-035 (Order 88-8), § 173-223-030, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 and 97-22-043 (Orders 89-8 and 97-26), filed 5/31/89 and 10/31/97, effective 12/1/97. Statutory Authority: Chapter 43.21A RCW.
173-223-040	Permit fee schedule. [Statutory Authority: Chapter 43.21A RCW. 89-05-026 (Order 88-53), § 173-223-040, filed 2/13/89; 88-12-035 (Order 88-8), § 173-223-040, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 and 97-22-043 (Orders 89-8 and 97-26), filed 5/31/89 and 10/31/97, effective 12/1/97. Statutory Authority: Chapter 43.21A RCW.
173-223-050	Permit fee payments. [Statutory Authority: Chapter 43.21A RCW. 89-05-026 (Order 88-53), § 173-223-

#### Chapter 173-250 CONSTRUCTION GRANTS PROGRAM—PRIORITY RATING SYSTEM AND PROJECT PRIORITY LIST

173-250-010	Purpose and scope. [Statutory Authority: RCW 43.21A.080. 78-09-067 (Order DE 78-11), § 173-250-010, filed 8/24/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
173-250-020	Definitions. [Statutory Authority: RCW 43.21A.080. 78-09-067 (Order DE 78-11), § 173-250-020, filed 8/24/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
173-250-030	Development and approval of the system. [Statutory Authority: RCW 43.21A.080. 78-09-067 (Order DE 78-11), § 173-250-030, filed 8/24/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
173-250-040	Development and approval of the state project priority list. [Statutory Authority: RCW 43.21A.080. 78-09-067 (Order DE 78-11), § 173-250-040, filed 8/24/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.

#### Chapter 173-301 REGULATIONS RELATING TO MINIMUM FUNCTIONAL STANDARDS FOR SOLID WASTE HANDLING

173-301-100	Authority and purpose. [Order DE 72-21, § 173-301-100, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-101	Other agencies. [Order DE 72-21, § 173-301-101, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-105	Effects on pollution, public health and safety. [Order DE 72-21, § 173-301-105, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-110	Definitions. [Statutory Authority: RCW 70.95.060 and chapter 70.95 RCW. 83-09-017 (Order DE 83-2), § 173-301-110, filed 4/13/83; Order DE 72-21, § 173-301-110, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87),

	filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.		85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-120	Solid waste storage. [Order DE 72-21, § 173-301-120, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-160	Transfer station—Safety. [Order DE 72-21, § 173-301-160, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-121	Solid waste storage—Garbage. [Order DE 72-21, § 173-301-121, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-161	Transfer station—Vector control. [Order DE 72-21, § 173-301-161, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-122	Solid waste storage—Light material. [Order DE 72-21, § 173-301-122, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-162	Transfer station—Records. [Order DE 72-21, § 173-301-162, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-123	Solid waste storage—Hazardous wastes. [Order DE 72-21, § 173-301-123, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-163	Transfer station—Confined tipping. [Order DE 72-21, § 173-301-163, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-124	Solid waste storage—Agricultural wastes. [Order DE 72-21, § 173-301-124, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-164	Transfer station—Scavenging. [Order DE 72-21, § 173-301-164, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-125	Solid waste storage—Problem wastes. [Order DE 72-21, § 173-301-125, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-180	Solid waste disposal site. [Statutory Authority: RCW 70.95.060 and chapter 70.95 RCW. 83-09-017 (Order DE 83-2), § 173-301-180, filed 4/13/83; Order DE 72-21, § 173-301-180, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-126	Solid waste storage—Storage areas and containers. [Order DE 72-21, § 173-301-126, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-181	Solid waste disposal site—Application and plans. [Statutory Authority: RCW 70.95.060 and chapter 70.95 RCW. 83-09-017 (Order DE 83-2), § 173-301-181, filed 4/13/83; Order DE 72-21, § 173-301-181, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-140	Collection and transportation. [Order DE 72-21, § 173-301-140, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-182	Solid waste disposal site—Disposal site design, architecture and landscaping. [Order DE 72-21, § 173-301-182, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-141	Collection and transportation—Prevention of nuisances. [Order DE 72-21, § 173-301-141, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-183	Solid waste disposal site—Pollution control. [Order DE 72-21, § 173-301-183, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-142	Collection and transportation—Vehicle construction. [Order DE 72-21, § 173-301-142, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-184	Solid waste disposal site—Roads. [Order DE 72-21, § 173-301-184, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-143	Collection and transportation—Vehicle spillage. [Order DE 72-21, § 173-301-143, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-185	Solid waste disposal site—Gate. [Order DE 72-21, § 173-301-185, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-150	Transfer station. [Order DE 72-21, § 173-301-150, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-186	Solid waste disposal site—Employee facilities. [Order DE 72-21, § 173-301-186, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-151	Transfer station—Application and plans. [Order DE 72-21, § 173-301-151, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-187	Solid waste disposal site—Disposal site identification. [Order DE 72-21, § 173-301-187, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-152	Transfer station—Architecture and landscaping. [Order DE 72-21, § 173-301-152, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-188	Solid waste disposal site—Fire protection. [Order DE 72-21, § 173-301-188, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-153	Transfer station—Pollution control and cleanliness. [Order DE 72-21, § 173-301-153, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-189	Solid waste disposal site—Communication. [Order DE 72-21, § 173-301-189, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-154	Transfer station—Roads. [Order DE 72-21, § 173-301-154, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-190	Solid waste disposal site—Confined unloading. [Order DE 72-21, § 173-301-190, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-155	Transfer station—Identification. [Order DE 72-21, § 173-301-155, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-191	Solid waste disposal site—Reclamation. [Order DE 72-21, § 173-301-191, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-156	Transfer station—Fire protection. [Order DE 72-21, § 173-301-156, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-192	Solid waste disposal site—Scavenging. [Order DE 72-21, § 173-301-192, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-157	Transfer station—Communications. [Order DE 72-21, § 173-301-157, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-193	Solid waste disposal site—Attendant. [Order DE 72-21, § 173-301-193, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-158	Transfer station—Employee facilities. [Order DE 72-21, § 173-301-158, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.		
173-301-159	Transfer station—Attendant. [Order DE 72-21, § 173-301-159, filed 10/26/72.] Repealed by 86-03-034 (Order		

173-301-194	Solid waste disposal site—Safety. [Order DE 72-21, § 173-301-194, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-354	Incinerator, applicability of air pollution standards—Emergency disposal. [Order DE 72-21, § 173-301-354, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-195	Solid waste disposal site—Vector control. [Order DE 72-21, § 173-301-195, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-355	Incinerator, applicability of air pollution standards—Drains. [Order DE 72-21, § 173-301-355, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-196	Solid waste disposal site—Light material control. [Order DE 72-21, § 173-301-196, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-356	Incinerator, applicability of air pollution standards—Disposal of process water. [Order DE 72-21, § 173-301-356, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-197	Solid waste disposal site—Records. [Order DE 72-21, § 173-301-197, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-357	Incinerator, applicability of air pollution standards—Recording pyrometer. [Order DE 72-21, § 173-301-357, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-300	Sanitary landfill, leachate control. [Order DE 72-21, § 173-301-300, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-358	Incinerator, applicability of air pollution standards—Safety. [Order DE 72-21, § 173-301-358, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-301	Sanitary landfill, leachate control—Pollution prevention. [Order DE 72-21, § 173-301-301, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-359	Incinerator, applicability of air pollution standards—Cleaning. [Order DE 72-21, § 173-301-359, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-302	Sanitary landfill, leachate control—Gas venting. [Order DE 72-21, § 173-301-302, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-400	Compost plant, odorous materials. [Order DE 72-21, § 173-301-400, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-303	Sanitary landfill, leachate control—Single layer compaction. [Order DE 72-21, § 173-301-303, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-401	Compost plant, odorous materials—Safety. [Order DE 72-21, § 173-301-401, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-304	Sanitary landfill, leachate control—Daily cover. [Order DE 72-21, § 173-301-304, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-402	Compost plant, odorous materials—Byproducts. [Order DE 72-21, § 173-301-402, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-305	Sanitary landfill, leachate control—Final cover. [Order DE 72-21, § 173-301-305, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-450	Reclamation site. [Order DE 72-21, § 173-301-450, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-306	Sanitary landfill, leachate control—Final surface. [Order DE 72-21, § 173-301-306, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-451	Reclamation site—Application and plans. [Order DE 72-21, § 173-301-451, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-307	Sanitary landfill, leachate control—Equipment. [Order DE 72-21, § 173-301-307, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-452	Reclamation site—Architecture and landscaping. [Order DE 72-21, § 173-301-452, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-308	Sanitary landfill, leachate control—Completion inspection. [Order DE 72-21, § 173-301-308, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-453	Reclamation site—Pollution control and cleanliness. [Order DE 72-21, § 173-301-453, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-309	Sanitary landfill, leachate control—Recurrent inspection and maintenance. [Order DE 72-21, § 173-301-309, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-454	Reclamation site—Storage. [Order DE 72-21, § 173-301-454, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-310	Sanitary landfill, leachate control—Recording with county auditor. [Order DE 72-21, § 173-301-310, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-455	Reclamation site—Safety. [Order DE 72-21, § 173-301-455, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-320	Sludge management. [Statutory Authority: RCW 70.95.060 and chapter 70.95 RCW. 83-09-017 (Order DE 83-2), § 173-301-320, filed 4/13/83.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-456	Reclamation site—Employee facilities. [Order DE 72-21, § 173-301-456, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-350	Incinerator, applicability of air pollution standards. [Order DE 72-21, § 173-301-350, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-457	Reclamation site—Records. [Order DE 72-21, § 173-301-457, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-351	Incinerator, applicability of air pollution standards—Incoming storage. [Order DE 72-21, § 173-301-351, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-500	Other methods of solid waste handling, processing and disposal. [Order DE 72-21, § 173-301-500, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-352	Incinerator, applicability of air pollution standards—Preuse inspection and performance tests. [Order DE 72-21, § 173-301-352, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-610	Nonconforming sites and facilities. [Order DE 72-21, § 173-301-610, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-353	Incinerator, applicability of air pollution standards—Residue disposal. [Order DE 72-21, § 173-301-353, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87),	173-301-611	Abandoned disposal sites. [Order DE 72-21, § 173-301-611, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87),

	87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.		Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-150.
173-301-625	Enforcement. [Order DE 72-21, § 173-301-625, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-302-160	Appeal of designation. [Order DE 77-34, § 173-302-160, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
173-301-626	Inspection. [Order DE 72-21, § 173-301-626, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-302-165	Disposal prohibited. [Statutory Authority: RCW 70.105.020 and 70.105.030. 78-08-021 (Order DE 78-14), § 173-302-165, filed 7/12/78.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
<b>Chapter 173-302</b>			
<b>HAZARDOUS WASTE REGULATION</b>			
173-302-010	Purpose. [Order DE 77-34, § 173-302-010, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-010.	173-302-170	Requirements for generators. [Order DE 77-34, § 173-302-170, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
173-302-020	Applicability. [Order DE 77-34, § 173-302-020, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-020.	173-302-180	Manifest procedures. [Order DE 77-34, § 173-302-180, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-180.
173-302-030	Abbreviations. [Order DE 77-34, § 173-302-030, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-030.	173-302-190	Manifest form. [Order DE 77-34, § 173-302-190, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-180.
173-302-040	Definitions. [Order DE 77-34, § 173-302-040, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-040.	173-302-200	Waste transporter requirements. [Order DE 77-34, § 173-302-200, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-240.
173-302-050	Conference. [Order DE 77-34, § 173-302-050, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260.	173-302-210	Transporter applicability. [Order DE 77-34, § 173-302-210, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-240.
173-302-060	Imminent hazard. [Order DE 77-34, § 173-302-060, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-050.	173-302-220	Waste acceptance. [Order DE 77-34, § 173-302-220, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-250 and 173-303-370.
173-302-070	Designation of EHW. [Order DE 77-34, § 173-302-070, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.	173-302-230	Transportation. [Order DE 77-34, § 173-302-230, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-250.
173-302-080	Categorization. [Order DE 77-34, § 173-302-080, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-101.	173-302-240	Operator requirements. [Order DE 77-34, § 173-302-240, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260.
173-302-090	Criteria for dangerous wastes (DW). [Order DE 77-34, § 173-302-090, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.	173-302-250	Yearly operating plan. [Order DE 77-34, § 173-302-250, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260.
173-302-100	Criteria for extremely hazardous waste (EHW). [Order DE 77-34, § 173-302-100, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.	173-302-260	Hazardous waste acceptance. [Order DE 77-34, § 173-302-260, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-370.
173-302-110	Hazardous due to toxicity to man and wildlife. [Order DE 77-34, § 173-302-110, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.	173-302-270	EHW handling at the disposal site. [Order DE 77-34, § 173-302-270, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260.
173-302-120	Hazardous due to quantity. [Order DE 77-34, § 173-302-120, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-102.	173-302-280	Environmental requirements. [Order DE 77-34, § 173-302-280, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
173-302-130	Hazardous due to persistence and potential hazard. [Order DE 77-34, § 173-302-130, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.	173-302-290	Security requirements. [Order DE 77-34, § 173-302-290, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-310.
173-302-140	Containers. [Order DE 77-34, § 173-302-140, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-160.	173-302-300	Safety requirements. [Order DE 77-34, § 173-302-300, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260.
173-302-150	Division, dilution, and accumulation. [Order DE 77-34, § 173-302-150, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority:	173-302-310	Emergency requirements. [Order DE 77-34, § 173-302-310, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-350 through 173-303-360.

- 173-302-320 Personnel requirements. [Order DE 77-34, § 173-302-320, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-330.
- 173-302-330 Department surveillance. [Order DE 77-34, § 173-302-330, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
- 173-302-340 Financial requirements. [Order DE 77-34, § 173-302-340, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-620.
- 173-302-350 Treater requirements. [Order DE 77-34, § 173-302-350, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
- 173-302-360 Treater applicability. [Order DE 77-34, § 173-302-360, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
- 173-302-370 EHW acceptance. [Order DE 77-34, § 173-302-370, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
- 173-302-380 Treatment criteria. [Order DE 77-34, § 173-302-380, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
- 173-302-390 Compliance. [Statutory Authority: RCW 70.105.020 and 70.105.030. 78-08-021 (Order DE 78-14), § 173-302-390, filed 7/12/78; Order DE 77-34, § 173-302-390, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.

#### Chapter 173-309

#### HAZARDOUS WASTE CLEANUP ACT—LOCAL TOXICS CONTROL ACCOUNT—INTERIM FINANCIAL ASSISTANCE PROGRAM

- 173-309-010 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-309-010, filed 9/4/90, effective 10/5/90. Statutory Authority: RCW 70.105B.220(4). 88-17-009 (Order 88-61), § 173-309-010, filed 8/5/88.] Repealed by 97-18-046 (Order 97-18), filed 8/28/97, effective 9/28/97.
- 173-309-020 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-309-020, filed 9/4/90, effective 10/5/90. Statutory Authority: RCW 70.105B.220(4). 88-17-009 (Order 88-61), § 173-309-020, filed 8/5/88.] Repealed by 97-18-046 (Order 97-18), filed 8/28/97, effective 9/28/97.
- 173-309-030 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-309-030, filed 9/4/90, effective 10/5/90. Statutory Authority: RCW 70.105B.220(4). 88-17-009 (Order 88-61), § 173-309-030, filed 8/5/88.] Repealed by 97-18-046 (Order 97-18), filed 8/28/97, effective 9/28/97.
- 173-309-040 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-309-040, filed 9/4/90, effective 10/5/90. Statutory Authority: RCW 70.105B.220(4). 88-17-009 (Order 88-61), § 173-309-040, filed 8/5/88.] Repealed by 97-18-046 (Order 97-18), filed 8/28/97, effective 9/28/97.
- 173-309-050 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-309-050, filed 9/4/90, effective 10/5/90. Statutory Authority: RCW 70.105B.220(4). 88-17-009 (Order 88-61), § 173-309-050, filed 8/5/88.] Repealed by 97-18-046 (Order 97-18), filed 8/28/97, effective 9/28/97.
- 173-309-060 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-309-060, filed 9/4/90, effective 10/5/90. Statutory Authority: RCW 70.105B.220(4). 88-17-009 (Order 88-61), § 173-309-060, filed 8/5/88.] Repealed by 97-18-046 (Order 97-18), filed 8/28/97, effective 9/28/97.

- 173-309-070 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-309-070, filed 9/4/90, effective 10/5/90. Statutory Authority: RCW 70.105B.220(4). 88-17-009 (Order 88-61), § 173-309-070, filed 8/5/88.] Repealed by 97-18-046 (Order 97-18), filed 8/28/97, effective 9/28/97.
- 173-309-080 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-309-080, filed 9/4/90, effective 10/5/90. Statutory Authority: RCW 70.105B.220(4). 88-17-009 (Order 88-61), § 173-309-080, filed 8/5/88.] Repealed by 97-18-046 (Order 97-18), filed 8/28/97, effective 9/28/97.
- 173-309-090 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-309-090, filed 9/4/90, effective 10/5/90. Statutory Authority: RCW 70.105B.220(4). 88-17-009 (Order 88-61), § 173-309-090, filed 8/5/88.] Repealed by 97-18-046 (Order 97-18), filed 8/28/97, effective 9/28/97.

#### Chapter 173-311

#### MODERATE RISK WASTE GRANTS

- 173-311-010 Purpose and authority. [Statutory Authority: RCW 43.21A.080, chapter 70.105D RCW and 1990 c 114 § 19. 90-18-066 (Order 90-22), § 173-311-010, filed 9/4/90, effective 10/5/90.] Repealed by 97-18-048 (Order 97-19), filed 8/28/97, effective 9/28/97.
- 173-311-020 Definitions. [Statutory Authority: RCW 43.21A.080, chapter 70.105D RCW and 1990 c 114 § 19. 90-18-066 (Order 90-22), § 173-311-020, filed 9/4/90, effective 10/5/90.] Repealed by 97-18-048 (Order 97-19), filed 8/28/97, effective 9/28/97.
- 173-311-030 Relation to other legislation and administrative rules. [Statutory Authority: RCW 43.21A.080, chapter 70.105D RCW and 1990 c 114 § 19. 90-18-066 (Order 90-22), § 173-311-030, filed 9/4/90, effective 10/5/90.] Repealed by 97-18-048 (Order 97-19), filed 8/28/97, effective 9/28/97.
- 173-311-040 General. [Statutory Authority: RCW 43.21A.080, chapter 70.105D RCW and 1990 c 114 § 19. 90-18-066 (Order 90-22), § 173-311-040, filed 9/4/90, effective 10/5/90.] Repealed by 97-18-048 (Order 97-19), filed 8/28/97, effective 9/28/97.
- 173-311-050 Moderate risk waste grants. [Statutory Authority: RCW 43.21A.080, chapter 70.105D RCW and 1990 c 114 § 19. 90-18-066 (Order 90-22), § 173-311-050, filed 9/4/90, effective 10/5/90.] Repealed by 97-18-048 (Order 97-19), filed 8/28/97, effective 9/28/97.

#### Chapter 173-314

#### WASTE TIRE CARRIER AND STORAGE SITE LICENSES

- 173-314-010 Authority and purpose. [Statutory Authority: RCW 70.95.555. 89-03-047 (Order 88-33), § 173-314-010, filed 1/13/89.] Repealed by 03-10-020 (Order 03-04), filed 4/28/03, effective 5/29/03. Statutory Authority: Chapter 70.95 RCW.
- 173-314-100 Definitions. [Statutory Authority: RCW 70.95.555. 89-03-047 (Order 88-33), § 173-314-100, filed 1/13/89.] Repealed by 03-10-020 (Order 03-04), filed 4/28/03, effective 5/29/03. Statutory Authority: Chapter 70.95 RCW.
- 173-314-200 Waste tire carrier license. [Statutory Authority: RCW 70.95.555. 89-03-047 (Order 88-33), § 173-314-200, filed 1/13/89.] Repealed by 03-10-020 (Order 03-04), filed 4/28/03, effective 5/29/03. Statutory Authority: Chapter 70.95 RCW.
- 173-314-210 Enforcement for waste tire carriers. [Statutory Authority: RCW 70.95.555. 89-03-047 (Order 88-33), § 173-314-210, filed 1/13/89.] Repealed by 03-10-020 (Order 03-04), filed 4/28/03, effective 5/29/03. Statutory Authority: Chapter 70.95 RCW.
- 173-314-220 Storage, disposal, and utilization. [Statutory Authority: RCW 70.95.555. 89-03-047 (Order 88-33), § 173-314-220, filed 1/13/89.] Repealed by 03-10-020 (Order 03-04), filed 4/28/03, effective 5/29/03. Statutory Authority: Chapter 70.95 RCW.
- 173-314-300 Waste tire storage site license. [Statutory Authority: RCW 70.95.555. 89-03-047 (Order 88-33), § 173-314-300, filed 1/13/89.] Repealed by 03-10-020 (Order 03-04), filed 4/28/03, effective 5/29/03. Statutory Authority: Chapter 70.95 RCW.
- 173-314-310 Variances. [Statutory Authority: RCW 70.95.555. 89-03-047 (Order 88-33), § 173-314-310, filed 1/13/89.] Repealed by 03-10-020 (Order 03-04), filed 4/28/03,

	effective 5/29/03. Statutory Authority: Chapter 70.95 RCW.	173-318-050	Procedures. [Statutory Authority: Chapters 43.83A and 43.99F RCW. 89-18-070 (Order 89-29), § 173-318-050, filed 9/5/89, effective 10/6/89.] Repealed by 97-18-044 (Order 97-22), filed 8/28/97, effective 9/28/97.
173-314-320	Enforcement for waste tire storage sites. [Statutory Authority: RCW 70.95.555. 89-03-047 (Order 88-33), § 173-314-320, filed 1/13/89.] Repealed by 03-10-020 (Order 03-04), filed 4/28/03, effective 5/29/03. Statutory Authority: Chapter 70.95 RCW.	173-318-060	Eligibility and grantee match requirements. [Statutory Authority: Chapters 43.83A and 43.99F RCW. 89-18-070 (Order 89-29), § 173-318-060, filed 9/5/89, effective 10/6/89.] Repealed by 97-18-044 (Order 97-22), filed 8/28/97, effective 9/28/97.
173-314-330	Records. [Statutory Authority: RCW 70.95.555. 89-03-047 (Order 88-33), § 173-314-330, filed 1/13/89.] Repealed by 03-10-020 (Order 03-04), filed 4/28/03, effective 5/29/03. Statutory Authority: Chapter 70.95 RCW.	173-318-070	Waste reduction/recycling best management practices study demonstration project grants. [Statutory Authority: Chapters 43.83A and 43.99F RCW. 89-18-070 (Order 89-29), § 173-318-070, filed 9/5/89, effective 10/6/89.] Repealed by 97-18-044 (Order 97-22), filed 8/28/97, effective 9/28/97.
173-314-340	Reports. [Statutory Authority: RCW 70.95.555. 89-03-047 (Order 88-33), § 173-314-340, filed 1/13/89.] Repealed by 03-10-020 (Order 03-04), filed 4/28/03, effective 5/29/03. Statutory Authority: Chapter 70.95 RCW.	173-318-080	Preimplementation program design grants for waste reduction/recycling projects. [Statutory Authority: Chapters 43.83A and 43.99F RCW. 89-18-070 (Order 89-29), § 173-318-080, filed 9/5/89, effective 10/6/89.] Repealed by 97-18-044 (Order 97-22), filed 8/28/97, effective 9/28/97.

**Reviser's note:** Later promulgation, see chapter 173-350 WAC.

#### Chapter 173-315

#### MODEL TOXICS CONTROL ACT—LOCAL TOXICS CONTROL ACCOUNT—INTERIM FINANCIAL ASSISTANCE PROGRAM

173-315-010	Purpose and authority. [Statutory Authority: Chapter 70.105D RCW. 90-10-058 (Order 89-42), § 173-315-010, filed 5/1/90, effective 6/1/90. Statutory Authority: 1989 c 2. 89-17-072 (Order 89-11), § 173-315-010, filed 8/17/89, effective 9/17/89.] Repealed by 97-18-043 (Order 97-20), filed 8/28/97, effective 9/28/97.
173-315-020	Definitions. [Statutory Authority: 1989 c 2. 89-17-072 (Order 89-11), § 173-315-020, filed 8/17/89, effective 9/17/89.] Repealed by 97-18-043 (Order 97-20), filed 8/28/97, effective 9/28/97.
173-315-030	Relation to other legislation and administrative rules. [Statutory Authority: 1989 c 2. 89-17-072 (Order 89-11), § 173-315-030, filed 8/17/89, effective 9/17/89.] Repealed by 97-18-043 (Order 97-20), filed 8/28/97, effective 9/28/97.
173-315-040	General. [Statutory Authority: Chapter 70.105D RCW. 90-10-058 (Order 89-42), § 173-315-040, filed 5/1/90, effective 6/1/90. Statutory Authority: 1989 c 2. 89-17-072 (Order 89-11), § 173-315-040, filed 8/17/89, effective 9/17/89.] Repealed by 97-18-043 (Order 97-20), filed 8/28/97, effective 9/28/97.
173-315-050	Reserved. [Statutory Authority: Chapter 70.105D RCW. 90-10-058 (Order 89-42), § 173-315-050, filed 5/1/90, effective 6/1/90. Statutory Authority: 1989 c 2. 89-17-072 (Order 89-11), § 173-315-050, filed 8/17/89, effective 9/17/89.] Repealed by 97-18-043 (Order 97-20), filed 8/28/97, effective 9/28/97.
173-315-060	Hazardous waste planning and program grants. [Statutory Authority: RCW 43.21A.080, chapter 70.105D RCW and 1990 c 114 § 19. 90-18-066 (Order 90-22), § 173-315-060, filed 9/4/90, effective 10/5/90. Statutory Authority: 1989 c 2. 89-17-072 (Order 89-11), § 173-315-060, filed 8/17/89, effective 9/17/89.] Repealed by 97-18-043 (Order 97-20), filed 8/28/97, effective 9/28/97.
173-315-070	Solid waste planning and program grants. [Statutory Authority: 1989 c 2. 89-17-072 (Order 89-11), § 173-315-070, filed 8/17/89, effective 9/17/89.] Repealed by 97-18-043 (Order 97-20), filed 8/28/97, effective 9/28/97.

#### Chapter 173-318

#### PHASE ONE—WASTE REDUCTION AND RECYCLING GRANTS

173-318-010	Purpose and authority. [Statutory Authority: Chapters 43.83A and 43.99F RCW. 89-18-070 (Order 89-29), § 173-318-010, filed 9/5/89, effective 10/6/89.] Repealed by 97-18-044 (Order 97-22), filed 8/28/97, effective 9/28/97.
173-318-020	Relation to other legislation and administrative rules. [Statutory Authority: Chapters 43.83A and 43.99F RCW. 89-18-070 (Order 89-29), § 173-318-020, filed 9/5/89, effective 10/6/89.] Repealed by 97-18-044 (Order 97-22), filed 8/28/97, effective 9/28/97.
173-318-030	Definitions. [Statutory Authority: Chapters 43.83A and 43.99F RCW. 89-18-070 (Order 89-29), § 173-318-030, filed 9/5/89, effective 10/6/89.] Repealed by 97-18-044 (Order 97-22), filed 8/28/97, effective 9/28/97.
173-318-040	Funding. [Statutory Authority: Chapters 43.83A and 43.99F RCW. 89-18-070 (Order 89-29), § 173-318-040, filed 9/5/89, effective 10/6/89.] Repealed by 97-18-044 (Order 97-22), filed 8/28/97, effective 9/28/97.

#### Chapter 173-319

#### COMPREHENSIVE WASTE REDUCTION/RECYCLING GRANTS PROGRAM

173-319-010	Purpose and authority. [Statutory Authority: RCW 43.21A.080. 90-22-084 (Order 90-39), § 173-319-010, filed 11/6/90, effective 12/7/90.] Repealed by 97-18-045 (Order 97-23), filed 8/28/97, effective 9/28/97.
173-319-020	Relation to other legislation and administrative rules. [Statutory Authority: RCW 43.21A.080. 90-22-084 (Order 90-39), § 173-319-020, filed 11/6/90, effective 12/7/90.] Repealed by 97-18-045 (Order 97-23), filed 8/28/97, effective 9/28/97.
173-319-030	Definitions. [Statutory Authority: RCW 43.21A.080. 90-22-084 (Order 90-39), § 173-319-030, filed 11/6/90, effective 12/7/90.] Repealed by 97-18-045 (Order 97-23), filed 8/28/97, effective 9/28/97.
173-319-040	General. [Statutory Authority: RCW 43.21A.080. 90-22-084 (Order 90-39), § 173-319-040, filed 11/6/90, effective 12/7/90.] Repealed by 97-18-045 (Order 97-23), filed 8/28/97, effective 9/28/97.
173-319-050	Compost study grants. [Statutory Authority: RCW 43.21A.080. 90-22-084 (Order 90-39), § 173-319-050, filed 11/6/90, effective 12/7/90.] Repealed by 97-18-045 (Order 97-23), filed 8/28/97, effective 9/28/97.
173-319-060	Waste reduction and recycling public information and education grants. [Statutory Authority: RCW 43.21A.-080. 90-22-084 (Order 90-39), § 173-319-060, filed 11/6/90, effective 12/7/90.] Repealed by 97-18-045 (Order 97-23), filed 8/28/97, effective 9/28/97.

#### Chapter 173-320

#### BEVERAGE CONTAINERS—DETACHABLE PULL TABS

173-320-010	Authority. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-010, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
173-320-020	Declaration of purpose. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-020, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
173-320-030	Applicability. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-030, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
173-320-040	Definitions. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-040, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
173-320-050	Prohibition. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-050, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
173-320-060	Return requirement. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-060, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
173-320-070	Complaints. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-070, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.

173-320-080 Enforcement. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-080, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.

**Chapter 173-335  
VEHICLE TIRE RECYCLING AND REMOVAL GRANT  
REGULATION**

173-335-010 Purpose and authority. [Statutory Authority: RCW 70.95.260. 88-17-002 (Order 88-25), § 173-335-010, filed 8/4/88.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.

173-335-020 Definitions. [Statutory Authority: RCW 70.95.260. 88-17-002 (Order 88-25), § 173-335-020, filed 8/4/88.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.

173-335-030 Relation to other legislation and administrative rules. [Statutory Authority: RCW 70.95.260. 88-17-002 (Order 88-25), § 173-335-030, filed 8/4/88.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.

173-335-040 General. [Statutory Authority: RCW 70.95.260. 88-17-002 (Order 88-25), § 173-335-040, filed 8/4/88.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.

173-335-050 Administration. [Statutory Authority: RCW 70.95.260. 88-17-002 (Order 88-25), § 173-335-050, filed 8/4/88.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.

**Chapter 173-336  
INITIAL INVESTIGATION REGULATION**

173-336-010 Purpose and authority. [Statutory Authority: RCW 70.105B.030(2). 88-15-038 (Order 88-20), § 173-336-010, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.

173-336-020 Definitions. [Statutory Authority: RCW 70.105B.030(2). 88-15-038 (Order 88-20), § 173-336-020, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.

173-336-030 General. [Statutory Authority: RCW 70.105B.030(2). 88-15-038 (Order 88-20), § 173-336-030, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.

**Chapter 173-338  
HAZARD RANKING SYSTEM REGULATION**

173-338-010 Purpose. [Statutory Authority: RCW 70.105B.030(2). 88-15-037 (Order 88-5), § 173-338-010, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.

173-338-020 Definitions. [Statutory Authority: RCW 70.105B.030(2). 88-15-037 (Order 88-5), § 173-338-020, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.

173-338-030 Evaluation criteria. [Statutory Authority: RCW 70.105B.030(2). 88-15-037 (Order 88-5), § 173-338-030, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.

173-338-040 Scoring procedure. [Statutory Authority: RCW 70.105B.030(2). 88-15-037 (Order 88-5), § 173-338-040, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.

173-338-050 Rescoring. [Statutory Authority: RCW 70.105B.030(2). 88-15-037 (Order 88-5), § 173-338-050, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.

**Chapter 173-402  
CIVIL SANCTIONS UNDER WASHINGTON CLEAN AIR ACT**

173-402-010 Prior regulations. [Statutory Authority: RCW 70.94.040, 70.94.141 and 70.94.331. 80-08-024 (Order DE 80-23), § 173-402-010, filed 6/24/80.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.

173-402-020 Subsequent regulations. [Statutory Authority: RCW 70.94.040, 70.94.141 and 70.94.331. 80-08-024 (Order

DE 80-23), § 173-402-020, filed 6/24/80.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.

**Chapter 173-403  
IMPLEMENTATION OF REGULATIONS  
FOR AIR CONTAMINANT SOURCES**

173-403-010 Policy and purpose. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-010, filed 4/11/83. Formerly WAC 18-60-010.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.

173-403-020 Applicability. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-020, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.

173-403-030 Definitions. [Statutory Authority: Chapters 70.94 and 43.21A RCW. 89-02-055 (Order 88-39), § 173-403-030, filed 1/3/89. Statutory Authority: Chapter 70.94 RCW. 87-19-074 (Order 87-13), § 173-403-030, filed 9/16/87. Statutory Authority: RCW 70.94.331. 86-23-014 (Order 86-30), § 173-403-030, filed 11/10/86; 85-06-047 (Order 84-49), § 173-403-030, filed 3/6/85. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-030, filed 8/26/83; 83-09-013 (Order DE 83-12), § 173-403-030, filed 4/11/83. Formerly WAC 18-60-020.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.

173-403-050 New source review (NSR). [Statutory Authority: Chapters 70.94 and 43.21A RCW. 89-02-055 (Order 88-39), § 173-403-050, filed 1/3/89. Statutory Authority: RCW 70.94.331. 85-06-047 (Order 84-49), § 173-403-050, filed 3/6/85. Statutory Authority: RCW 70.94.331, 70.94.141 and 43.21A.060. 84-21-098 (Order 84-27), § 173-403-050, filed 10/19/84. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-050, filed 8/26/83; 83-09-013 (Order DE 83-12), § 173-403-050, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.

173-403-060 Bubble rules. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-060, filed 8/26/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.

173-403-070 Issuance of emission reduction credits. [Statutory Authority: RCW 70.94.331. 85-06-047 (Order 84-49), § 173-403-070, filed 3/6/85. Statutory Authority: RCW 70.94.331, 70.94.141 and 43.21A.060. 84-21-098 (Order 84-27), § 173-403-070, filed 10/19/84. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-070, filed 8/26/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.

173-403-075 Use of emission reduction credits. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-075, filed 8/26/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.

173-403-080 Prevention of significant deterioration (PSD). [Statutory Authority: Chapters 70.94 and 43.21A RCW. 89-02-055 (Order 88-39), § 173-403-080, filed 1/3/89. Statutory Authority: RCW 70.94.331. 85-06-047 (Order 84-49), § 173-403-080, filed 3/6/85. Statutory Authority: RCW 70.94.331, 70.94.141 and 43.21A.060. 84-21-098 (Order 84-27), § 173-403-080, filed 10/19/84. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-080, filed 8/26/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.

173-403-090 Retrofit requirements for visibility protection. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-090, filed 8/26/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.

173-403-100 Compliance schedules. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-100, filed 4/11/83.] Repealed by 91-05-064



- (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-110 Public involvement. [Statutory Authority: RCW 70.94-331, 86-23-014 (Order 86-30), § 173-403-110, filed 11/10/86. Statutory Authority: Chapters 43.21A and 70.94 RCW, 83-18-010 (Order DE 83-22), § 173-403-110, filed 8/26/83; 83-09-013 (Order DE 83-12), § 173-403-110, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-120 Variance. [Statutory Authority: Chapters 43.21A and 70.94 RCW, 83-09-013 (Order DE 83-12), § 173-403-120, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-130 Requirements for nonattainment areas. [Statutory Authority: Chapters 43.21A and 70.94 RCW, 83-09-013 (Order DE 83-12), § 173-403-130, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-140 Use of dispersion techniques. [Statutory Authority: Chapters 43.21A and 70.94 RCW, 83-09-013 (Order DE 83-12), § 173-403-140, filed 4/11/83.] Repealed by 86-23-014 (Order 86-30), filed 11/10/86. Statutory Authority: RCW 70.94.331.
- 173-403-141 Creditable stack height and dispersion techniques. [Statutory Authority: RCW 70.94.331, 86-23-014 (Order 86-30), § 173-403-141, filed 11/10/86.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-145 Adjustment for atmospheric conditions. [Statutory Authority: RCW 70.94.331, 86-23-014 (Order 86-30), § 173-403-145, filed 11/10/86.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-150 Maintenance of pay. [Statutory Authority: Chapters 43.21A and 70.94 RCW, 83-09-013 (Order DE 83-12), § 173-403-150, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-160 Requirements for boards and director. [Statutory Authority: Chapters 43.21A and 70.94 RCW, 83-09-013 (Order DE 83-12), § 173-403-160, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-170 Regulatory actions. [Statutory Authority: RCW 70.94-331, 70.94.141 and 43.21A.060, 84-21-098 (Order 84-27), § 173-403-170, filed 10/19/84. Statutory Authority: Chapters 43.21A and 70.94 RCW, 83-09-013 (Order DE 83-12), § 173-403-170, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-180 Criminal penalties. [Statutory Authority: Chapters 43.21A and 70.94 RCW, 83-09-013 (Order DE 83-12), § 173-403-180, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-190 Appeals. [Statutory Authority: Chapters 43.21A and 70.94 RCW, 83-09-013 (Order DE 83-12), § 173-403-190, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.

**Chapter 173-440**  
**SENSITIVE AREAS**

(Formerly chapter 18-06 WAC)

- 173-440-010 Purpose. [Statutory Authority: RCW 70.94.331, 90-19-062 (Order 90-10), § 173-440-010, filed 9/17/90, effective 10/18/90. Statutory Authority: Chapter 70.94 RCW, 87-19-076 (Order 87-15), § 173-440-010, filed 9/16/87.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.
- 173-440-020 Applicability. [Statutory Authority: Chapter 70.94 RCW, 87-19-076 (Order 87-15), § 173-440-020, filed 9/16/87.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.
- 173-440-030 Definitions. [Statutory Authority: RCW 70.94.331, 90-19-062 (Order 90-10), § 173-440-030, filed 9/17/90, effective 10/18/90. Statutory Authority: Chapter 70.94 RCW, 87-19-076 (Order 87-15), § 173-440-030, filed

- 9/16/87.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.
- 173-440-040 Sensitive areas designated. [Statutory Authority: Chapter 70.94 RCW, 87-19-076 (Order 87-15), § 173-440-040, filed 9/16/87.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.
- 173-440-100 Standards. [Statutory Authority: RCW 70.94.331, 90-19-062 (Order 90-10), § 173-440-100, filed 9/17/90, effective 10/18/90. Statutory Authority: Chapter 70.94 RCW, 87-19-076 (Order 87-15), § 173-440-100, filed 9/16/87.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.
- 173-440-900 Appendix A—Map. [Statutory Authority: Chapter 70.94 RCW, 87-19-076 (Order 87-15), § 173-440-900, filed 9/16/87.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.

**Chapter 173-530**  
**WATER RESOURCES PROGRAM**  
**IN THE KLICKITAT RIVER BASIN, WRIA-30**

- 173-530-910 Authority. [Order DE 76-7, § 173-530-910, filed 4/14/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-530-920 Purpose. [Order DE 76-7, § 173-530-920, filed 4/14/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-530-930 Definitions. [Order DE 76-7, § 173-530-930, filed 4/14/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-530-940 Declaration of withdrawal. [Statutory Authority: RCW 90.54.050, 81-20-041 (Order DE 81-30), § 173-530-940, filed 10/1/81; 78-11-039 (Order DE 78-18), § 173-530-940, filed 10/19/78; Order DE 76-7, § 173-530-940, filed 4/14/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-530-950 Existing rights not affected. [Order DE 76-7, § 173-530-950, filed 4/14/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-530-960 Exemptions. [Order DE 76-7, § 173-530-960, filed 4/14/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.

**Chapter 173-531**  
**WATER RESOURCE PROGRAM FOR THE JOHN DAY-MCNARY**  
**POOLS REACH OF THE COLUMBIA RIVER,**  
**WRIA 31 AND PARTS OF WRIAS 32, 33, 36, AND 37**

- 173-531-010 Purpose. [Statutory Authority: RCW 90.54.040 and 90.54.050, 78-09-015 (Order DE 77-31), § 173-531-010, filed 8/8/78.] Repealed by 80-08-020 (Order DE 80-1), filed 6/24/80. Statutory Authority: RCW 90.54-040 and 90.54.050. Later promulgation, see WAC 173-531A-010.
- 173-531-020 Definitions. [Statutory Authority: RCW 90.54.040 and 90.54.050, 78-09-015 (Order DE 77-31), § 173-531-020, filed 8/8/78.] Repealed by 80-08-020 (Order DE 80-1), filed 6/24/80. Statutory Authority: RCW 90.54.040 and 90.54.050. Later promulgation, see WAC 173-531A-020.
- 173-531-030 Existing water rights protected. [Statutory Authority: RCW 90.54.040 and 90.54.050, 78-09-015 (Order DE 77-31), § 173-531-030, filed 8/8/78.] Repealed by 80-08-020 (Order DE 80-1), filed 6/24/80. Statutory Authority: RCW 90.54.040 and 90.54.050. Later promulgation, see WAC 173-531A-030.
- 173-531-040 Reservation for future irrigation use. [Statutory Authority: RCW 90.54.040 and 90.54.050, 78-09-015 (Order DE 77-31), § 173-531-040, filed 8/8/78.] Repealed by 80-08-020 (Order DE 80-1), filed 6/24/80. Statutory Authority: RCW 90.54.040 and 90.54.050. Later promulgation, see WAC 173-531A-040.
- 173-531-050 Reservation for municipal use. [Statutory Authority: RCW 90.54.040 and 90.54.050, 78-09-015 (Order DE 77-31), § 173-531-050, filed 8/8/78.] Repealed by 80-08-020 (Order DE 80-1), filed 6/24/80. Statutory Authority: RCW 90.54.040 and 90.54.050. Later promulgation, see WAC 173-531A-050.
- 173-531-060 Department to develop an instream resource protection program. [Statutory Authority: RCW 90.54.040 and

- 90.54.050. 78-09-015 (Order DE 77-31), § 173-531-060, filed 8/8/78.] Repealed by 80-08-020 (Order DE 80-1), filed 6/24/80. Statutory Authority: RCW 90.54.040 and 90.54.050. Later promulgation, see WAC 173-531A-060.
- 173-531-070 Department to review regulation. [Statutory Authority: RCW 90.54.040 and 90.54.050. 78-09-015 (Order DE 77-31), § 173-531-070, filed 8/8/78.] Repealed by 80-08-020 (Order DE 80-1), filed 6/24/80. Statutory Authority: RCW 90.54.040 and 90.54.050. Later promulgation, see WAC 173-531A-070.
- Chapter 173-592**  
**RESERVATION OF FUTURE PUBLIC WATER SUPPLY FOR CLARK COUNTY**
- 173-592-010 Purpose. [Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-010, filed 7/14/86.] Repealed by 09-01-127 (Order 08-03), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW. Repealed by 09-01-126 (Order 08-02), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW.
- 173-592-020 Authority. [Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-020, filed 7/14/86.] Repealed by 09-01-127 (Order 08-03), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW. Repealed by 09-01-126 (Order 08-02), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW.
- 173-592-030 General. [Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-030, filed 7/14/86.] Repealed by 09-01-127 (Order 08-03), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW. Repealed by 09-01-126 (Order 08-02), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW.
- 173-592-040 Reservation source of supply area defined. [Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-040, filed 7/14/86.] Repealed by 09-01-127 (Order 08-03), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW. Repealed by 09-01-126 (Order 08-02), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW.
- 173-592-050 Definitions. [Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-050, filed 7/14/86.] Repealed by 09-01-127 (Order 08-03), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW. Repealed by 09-01-126 (Order 08-02), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW.
- 173-592-060 Petition received—Notice. [Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-592-060, filed 6/9/88. Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-060, filed 7/14/86.] Repealed by 09-01-127 (Order 08-03), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW. Repealed by 09-01-126 (Order 08-02), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW.
- 173-592-070 Reservation. [Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-592-070, filed 6/9/88. Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-070, filed 7/14/86.] Repealed by 09-01-127 (Order 08-03), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW. Repealed by 09-01-126 (Order 08-02), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW.
- 173-592-080 Monitoring program. [Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-080, filed 7/14/86.] Repealed by 09-01-127 (Order 08-03), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW. Repealed by 09-01-126 (Order 08-02), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW.
- 173-592-090 Water quality. [Statutory Authority: RCW 90.54-050(1). 86-15-030 (Order DE-86-17), § 173-592-090, filed 7/14/86.] Repealed by 09-01-127 (Order 08-03), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW. Repealed by 09-01-126 (Order 08-02), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW.
- 173-592-100 Exemptions. [Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-100, filed 7/14/86.] Repealed by 09-01-127 (Order 08-03), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW. Repealed by 09-01-126 (Order 08-02), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW.
- 173-592-110 Regulation review. [Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-592-110, filed 6/9/88. Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-110, filed 7/14/86.] Repealed by 09-01-127 (Order 08-03), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW. Repealed by 09-01-126 (Order 08-02), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW.
- 173-592-115 Appeals. [Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-592-115, filed 6/9/88.] Repealed by 09-01-127 (Order 08-03), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW. Repealed by 09-01-126 (Order 08-02), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW.
- 173-592-120 Reservation source of supply area map. [Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-120, filed 7/14/86.] Repealed by 09-01-127 (Order 08-03), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW. Repealed by 09-01-126 (Order 08-02), filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW.
- Chapter 173-596**  
**PROCEDURES AND POLICIES GOVERNING APPROPRIATIONS OF SIGNIFICANT AMOUNTS OF WATER FOR AGRICULTURAL IRRIGATION USE**
- 173-596-010 Background. [Order DE 76-19, § 173-596-010, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-015 Purpose. [Order DE 76-19, § 173-596-015, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-020 Definitions. [Order DE 76-19, § 173-596-020, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-025 Conditions to be included in permits involving substantial withdrawals of public waters. [Order DE 76-19, § 173-596-025, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-030 Regional water supply and multipurpose project considerations. [Order DE 76-19, § 173-596-030, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-035 Processing of applications. [Order DE 76-19, § 173-596-035, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-040 Water right of regional or statewide significance. [Order DE 76-19, § 173-596-040, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-045 Conservation and management program. [Order DE 76-19, § 173-596-045, filed 6/8/76.] Repealed by 88-13-

	037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.		5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-596-050	Monitoring program. [Order DE 76-19, § 173-596-050, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.	173-800-140	Sensitive areas. [Order DE 76-12, § 173-800-140, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-080.
173-596-055	Effect on existing rights and laws and public entities. [Order DE 76-19, § 173-596-055, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.	173-800-145	Use and effect of categorical exemptions. [Order DE 76-12, § 173-800-145, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-596-060	Environmental impact statement. [Order DE 76-19, § 173-596-060, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.	173-800-150	Lead agency—Responsibilities. [Order DE 76-12, § 173-800-150, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-596-065	Review of regulatory orders. [Order DE 76-19, § 173-596-065, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.	173-800-160	Determination of lead agency—Procedures. [Order DE 76-12, § 173-800-160, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
<b>Chapter 173-800</b>		173-800-170	Lead agency designation—Governmental proposals. [Order DE 76-12, § 173-800-170, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
<b>INTEGRATION OF POLICIES AND PROCEDURES OF SEPA INTO THE PROGRAMS OF THE DEPARTMENT OF ECOLOGY</b>		173-800-180	Lead agency designation—Proposals involving both private and public construction activity. [Order DE 76-12, § 173-800-180, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-010	Authority. [Order DE 76-12, § 173-800-010, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-010.	173-800-190	Lead agency designation—Private projects for which there is only one agency with jurisdiction. [Order DE 76-12, § 173-800-190, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-015	Impact of guidelines on the department. [Order DE 76-12, § 173-800-015, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-200	Lead agency designation—Private projects requiring licenses from more than one agency, when one of the agencies is a county/city. [Order DE 76-12, § 173-800-200, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-020	Purpose. [Order DE 76-12, § 173-800-020, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-030.	173-800-210	Lead agency designation—Private projects requiring licenses from more than one state agency. [Order DE 76-12, § 173-800-210, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-030	Effect of SEPA. [Order DE 76-12, § 173-800-030, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-040.	173-800-220	Lead agency designation—Specific proposals. [Order DE 76-12, § 173-800-220, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-035	Integration of SEPA procedures with other departmental operations. [Order DE 76-12, § 173-800-035, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-045.	173-800-230	Local agency transfer of lead agency status to a state agency. [Order DE 76-12, § 173-800-230, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-040	Definitions. [Order DE 76-12, § 173-800-040, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-240	Agreements as to lead agency status. [Order DE 76-12, § 173-800-240, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-050	Designation of responsible official. [Order DE 76-12, § 173-800-050, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-050.	173-800-250	Agreements between agencies as to division of lead agency duties. [Order DE 76-12, § 173-800-250, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-060	Timing. [Order DE 76-12, § 173-800-060, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-060.	173-800-260	Dispute as to lead agency determination—Resolution by CEP. [Order DE 76-12, § 173-800-260, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-070	Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation. [Order DE 76-12, § 173-800-070, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-270	Assumption of lead agency status by another agency with jurisdiction. [Order DE 76-12, § 173-800-270, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-080	Summary of information which may be required of a private applicant. [Order DE 76-12, § 173-800-080, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-070.	173-800-280	Individuals making SEPA-related determinations. [Order DE 76-12, § 173-800-280, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-090.
173-800-090	No presumption of significance for nonexempt actions. [Order DE 76-12, § 173-800-090, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-300	Environmental checklist. [Order DE 76-12, § 173-800-300, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-100	Categorical exemptions. [Order DE 76-12, § 173-800-100, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-310	Environmental checklist procedures. [Order DE 76-12, § 173-800-310, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-105	Exemptions applicable to other agencies. [Order DE 76-12, § 173-800-105, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-320	Threshold determination procedures—Initial review of environmental checklist. [Order DE 76-12, § 173-800-320, filed 5/14/76.] Repealed by 78-04-090 (Order DE
173-800-110	Exemptions and nonexemptions specifically applicable to the department. [Order DE 76-12, § 173-800-110, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.		
173-800-120	Exemption for emergency actions. [Order DE 76-12, § 173-100-120 (codified as WAC 173-800-120), filed		

	78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.-120.	173-800-465	Agencies possessing environmental expertise. [Order DE 76-12, § 173-800-465, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-330	Threshold determination procedures—Information in addition to checklist. [Order DE 76-12, § 173-800-330, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-470	Cost to the public for reproduction of environmental documents. [Order DE 76-12, § 173-800-470, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-340	Threshold determination procedures—Negative declarations. [Order DE 76-12, § 173-800-340, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-480	Public hearing on a proposal—When required. [Order DE 76-12, § 173-800-480, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-345	Assumption of lead agency status by another agency with jurisdiction over a proposal—Prerequisites, effect and form of notice. [Order DE 76-12, § 173-800-345, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-485	Public hearing on environmental impact of the proposal. [Order DE 76-12, § 173-800-485, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-350	Affirmative threshold determination. [Order DE 76-12, § 173-800-350, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-490	Public hearing on the proposal—Use of environmental documents. [Order DE 76-12, § 173-800-490, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-355	Form of declaration of significance/nonsignificance. [Order DE 76-12, § 173-800-355, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-495	Preparation of amended or new draft EIS. [Order DE 76-12, § 173-800-495, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-360	Threshold determination criteria—Application of environmental checklist. [Order DE 76-12, § 173-800-360, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-500	Responsibilities of consulted agencies—Local agencies. [Order DE 76-12, § 173-800-500, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-370	Withdrawal of affirmative threshold determination. [Order DE 76-12, § 173-800-370, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-510	Responsibilities of consulted agencies—State agencies with jurisdiction. [Order DE 76-12, § 173-800-510, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-375	Withdrawal of negative threshold determination. [Order DE 76-12, § 173-800-375, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-520	Responsibilities of consulted agencies—State agencies with environmental expertise. [Order DE 76-12, § 173-800-520, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-380	Threshold determination appeal procedures. [Order DE 76-12, § 173-800-380, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-100.	173-800-530	Responsibilities of consulted agencies—When predraft consultation has occurred. [Order DE 76-12, § 173-800-530, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.-120.
173-800-390	Statute of limitation. [Order DE 76-12, § 173-800-390, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-110.	173-800-535	Cost of performance of consulted agency responsibilities. [Order DE 76-12, § 173-800-535, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-400	Duty to begin preparation of a draft EIS. [Order DE 76-12, § 173-800-400, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-540	Limitations on responses to consultation. [Order DE 76-12, § 173-800-540, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-405	Purpose and function of a draft EIS. [Order DE 76-12, § 173-800-405, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-545	Effect of no written comment. [Order DE 76-12, § 173-800-545, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-410	Predraft consultation procedures. [Order DE 76-12, § 173-800-410, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-550	Consulted agency coordination. [Order DE 76-12, § 173-800-550, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-420	Preparation of EIS by persons outside the lead agency. [Order DE 76-12, § 173-800-420, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-570	Preparation of the final EIS—Contents—When no critical comments received on the draft EIS. [Order DE 76-12, § 173-800-570, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-425	Organization and style of a draft EIS. [Order DE 76-12, § 173-800-425, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-580	Preparation of the final EIS—Contents—When critical comments received on the draft EIS. [Order DE 76-12, § 173-800-580, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-440	Contents of a draft EIS. [Order DE 76-12, § 173-800-440, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-600	Circulation of the final EIS. [Order DE 76-12, § 173-800-600, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-442	Special considerations regarding contents of an EIS on a nonproject action. [Order DE 76-12, § 173-800-442, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-650	Effect of an adequate final EIS prepared pursuant to NEPA. [Order DE 76-12, § 173-800-650, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-444	List of elements of the environment. [Order DE 76-12, § 173-800-444, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-652	Supplementation by a lead agency of an inadequate final NEPA EIS. [Order DE 76-12, § 173-800-652, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-450	Public awareness of availability of draft EIS. [Order DE 76-12, § 173-800-450, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-660	Use of previously prepared EIS for a different proposed action. [Order DE 76-12, § 173-800-660, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-460	Specific agencies to which draft EIS shall be sent. [Order DE 76-12, § 173-800-460, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.		

173-800-690	Use of lead agency's EIS by other acting agencies for the same proposal. [Order DE 76-12, § 173-800-690, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.		21), filed 6/15/84. Statutory Authority: RCW 43.21C.-120 and 43.21C.135.
173-800-695	Draft and final supplements to a revised EIS. [Order DE 76-12, § 173-800-695, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-801-100	Threshold determination appeal procedures. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-100, filed 4/4/78. Formerly WAC 173-800-380.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
173-800-710	EIS combined with existing planning and review processes. [Order DE 76-12, § 173-800-710, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-801-110	Statute of limitation. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-110, filed 4/4/78. Formerly WAC 173-800-390.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
173-800-810	Responsibility of agencies—Amendments to this chapter. [Order DE 76-12, § 173-800-810, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-801-120	Coordination on combined DOE-federal action. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-120, filed 4/4/78.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
173-800-830	Responsibility of agencies—SEPA public information center. [Order DE 76-12, § 173-800-830, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-801-130	Severability. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-130, filed 4/4/78. Formerly WAC 173-800-910.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
173-800-840	Application of these guidelines to on-going actions. [Order DE 76-12, § 173-800-840, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.		
173-800-910	Severability. [Order DE 76-12, § 173-800-910, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-130.		

**Chapter 173-801****DEPARTMENT OF ECOLOGY "SEPA" GUIDELINES**

173-801-010	Authority. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-010, filed 4/4/78. Formerly WAC 173-800-010.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135. Later promulgation, see chapter 173-802 WAC.	173-805-010	Policies and authority. [Order DE 76-13, § 173-805-010, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-010.
173-801-020	Adoption by reference. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-020, filed 4/4/78.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.	173-805-020	Adoption by reference. [Statutory Authority: RCW 43.21C.130. 78-04-091 (Order DE 78-6), § 173-805-020, filed 4/4/78; Order DE 76-13, § 173-805-020, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-020, 173-806-065, 173-806-110, 173-806-128, 173-806-150, 173-806-155, 173-806-175, 173-806-180, 173-806-185 and 173-806-230.
173-801-030	Purpose. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-030, filed 4/4/78. Formerly WAC 173-800-020.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.	173-805-030	Additional definitions. [Statutory Authority: RCW 43.21C.130. 78-04-091 (Order DE 78-6), § 173-805-030, filed 4/4/78; Order DE 76-13, § 173-805-030, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-030.
173-801-040	Effect of SEPA. [Statutory Authority: RCW 43.21C.-120. 78-04-090 (Order DE 78-5), § 173-801-040, filed 4/4/78. Formerly WAC 173-800-030.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.	173-805-040	Time limits applicable to the SEPA process. [Order DE 76-13, § 173-805-040, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-055.
173-801-045	Integration of SEPA procedures with other departmental operations. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-045, filed 4/4/78. Formerly WAC 173-800-035.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.	173-805-050	Environmentally sensitive areas. [Order DE 76-13, § 173-805-050, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-190.
173-801-050	Designation of responsible official. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-050, filed 4/4/78. Formerly WAC 173-800-050.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.	173-805-060	Use of exemptions. [Order DE 76-13, § 173-805-060, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-080.
173-801-060	Timing. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-060, filed 4/4/78. Formerly WAC 173-800-060.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.	173-805-070	Lead agency determination and responsibilities. [Statutory Authority: RCW 43.21C.130. 78-04-091 (Order DE 78-6), § 173-805-070, filed 4/4/78; Order DE 76-13, § 173-805-070, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-050.
173-801-070	Summary of information which may be required of a private applicant. [Statutory Authority: RCW 43.21C.-120. 78-04-090 (Order DE 78-5), § 173-801-070, filed 4/4/78. Formerly WAC 173-800-080.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.	173-805-080	Transfer of lead agency status to a state agency. [Order DE 76-13, § 173-805-080, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-053.
173-801-080	Sensitive areas. [Statutory Authority: RCW 43.21C.-120. 78-04-090 (Order DE 78-5), § 173-801-080, filed 4/4/78. Formerly WAC 173-800-140.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.	173-805-090	Environmental checklist. [Order DE 76-13, § 173-805-090, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-090.
173-801-090	Individuals making SEPA-related determinations. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-090, filed 4/4/78. Formerly WAC 173-800-280.] Repealed by 84-13-037 (Order DE 84-	173-805-100	Preparation of EIS. [Order DE 76-13, § 173-805-100, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-120.

**Chapter 173-805****MODEL ORDINANCE FOR USE****IN INTEGRATION OF SEPA GUIDELINES**

- 173-805-105 Additional elements to be covered in an EIS. [Order DE 76-13, § 173-805-105, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-125.
- 173-805-110 Designation of official to perform consulted agency responsibilities for the city/county. [Order DE 76-13, § 173-805-110, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-140.
- 173-805-115 Designation of responsible official. [Order DE 76-13, § 173-805-115, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-040.
- 173-805-120 (Optional) SEPA public information center. [Statutory Authority: RCW 43.21C.130. 78-04-091 (Order DE 78-6), § 173-805-120, filed 4/4/78; Order DE 76-13, § 173-805-120, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130.
- 173-805-121 Responsibility of agencies—SEPA public information. [Statutory Authority: RCW 43.21C.130. 78-04-091 (Order DE 78-6), § 173-805-121, filed 4/4/78.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130.
- 173-805-125 Regional SEPA public information center. [Order DE 76-13, § 173-805-125, filed 6/8/76.] Repealed by 78-04-091 (Order DE 78-6), filed 4/4/78. Statutory Authority: RCW 43.21C.130.
- 173-805-130 Fees. [Statutory Authority: RCW 43.21C.130. 78-04-091 (Order DE 78-6), § 173-805-130, filed 4/4/78; Order DE 76-13, § 173-805-130, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-200.
- 173-805-135 Notice/statute of limitations. [Order DE 76-13, § 173-805-135, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-173.
- 173-805-140 Severability. [Order DE 76-13, § 173-805-140, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-220.

### Chapter 173-03 WAC PUBLIC RECORDS

#### WAC

- 173-03-010 What is the purpose of this chapter?
- 173-03-020 How are specific terms defined in this chapter?
- 173-03-030 How is the department of ecology organized?
- 173-03-040 How do I get access to the public records of the department of ecology?
- 173-03-050 What records are retained and how are they indexed?
- 173-03-060 How do I request a public record?
- 173-03-070 How much will it cost me to view a public record?
- 173-03-080 What happens when the department denies a public records request?
- 173-03-090 What do I do if I object to the department's denial to review a public record?
- 173-03-100 How does the department protect public records?

**WAC 173-03-010 What is the purpose of this chapter?** The purpose of this chapter is to implement the requirements of RCW 42.17.250 - 42.17.340 relating to public records.

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-010, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 43.17.060 and 42.17.260. 90-21-119 (Order 90-37), § 173-03-010, filed 10/23/90, effective 11/23/90. Statutory Authority: RCW 42.17.250 - 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-010, filed 1/17/78.]

**WAC 173-03-020 How are specific terms defined in this chapter?** (1) The terms "person," "public record," and

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"writing" shall have the meanings as stated in RCW 42.17.-020.

(2) "Department" means the department of ecology.

(3) "Director" means the director of the department.

(4) "Public records officer" means the employee designated as such by the department.

(5) "Designee" means the employee of the department designated by the director or the public records officer to serve as the public records coordinator at the headquarters offices or at each of the regional offices in the absence of the officer.

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-020, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 43.17.060 and 42.17.260. 90-21-119 (Order 90-37), § 173-03-020, filed 10/23/90, effective 11/23/90. Statutory Authority: RCW 42.17.250 - 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-020, filed 1/17/78.]

**WAC 173-03-030 How is the department of ecology organized? (1) Headquarters office.**

(a) The headquarters office is located at 300 Desmond Drive, Lacey, Washington. The mailing address for the headquarters office is:

Department of Ecology  
P.O. Box 47600  
Olympia, Washington 98504-7600

The mailing address for the nuclear waste management program's Hanford project is:

Nuclear Waste Management  
1315 W. 4th Ave.  
Kennewick, WA 99336

(b) The offices of the director, deputy director(s), program managers and other agency officials are located in the headquarters office.

(c) The titles of the executive staff are as follows:

Chief financial officer for financial services.

Administrative services manager for administrative services.

Director for intergovernmental relations.

Director for employee services.

Director for communications and education.

Assistant administrator for spills prevention, preparedness and response.

(2) The program offices located in the headquarters office are:

(a) Air quality;

(b) Water resources;

(c) Water quality;

(d) Toxics cleanup;

(e) Nuclear waste;

(f) Solid waste and financial assistance;

(g) Hazardous waste and toxics reductions;

(h) Environmental investigations and laboratory services; and

(i) Shorelands and environmental assistance.

(3) Regional offices and their geographical jurisdictions are as follows:

(a) Northwest regional office (Whatcom, Skagit, Snohomish, San Juan, Island, King, and Kitsap counties):

3190 - 160th Avenue S.E.  
Bellevue, WA 98008-5452

(b) Southwest regional office (Pierce, Thurston, Mason, Clallam, Jefferson, Grays Harbor, Pacific, Lewis, Cowlitz, Wahkiakum, Clark, and Skamania counties):

300 Desmond Drive  
Lacey, WA 98503  
Mailing address:  
P.O. Box 47775  
Olympia, Washington 98504-7775

(c) Central regional office (Okanogan, Chelan, Douglas, Kittitas, Yakima, Benton, and Klickitat counties):

15 West Yakima, Suite 200  
Yakima, WA 98902-3401

(d) Eastern regional office (Ferry, Stevens, Pend Oreille, Grant, Lincoln, Spokane, Adams, Whitman, Franklin, Walla Walla, Columbia, Garfield, and Asotin counties):

N. 4601 Monroe, Suite 100  
Spokane, Washington 99205-1295

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-030, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 42.17.250 - 42.17.340 and 1992 c 139. 92-20-116 (Order 92-37), § 173-03-030, filed 10/7/92, effective 11/7/92. Statutory Authority: RCW 43.17.060 and 42.17.-260. 90-21-119 (Order 90-37), § 173-03-030, filed 10/23/90, effective 11/23/90. Statutory Authority: RCW 42.17.250 - 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-030, filed 1/17/78.]

**WAC 173-03-040 How do I get access to the public records of the department of ecology?** (1) All public records of the department are available for public inspection and copying under these rules subject to subsections (2), (3), (4), and (5) of this section.

(2) Availability of public records is subject to the exemptions and prohibitions against disclosure contained in RCW 42.17.310, 42.17.130, 42.17.255, 42.17.260, and 90.52.020. In addition, individuals may request, and ecology may grant, confidentiality of documents from disclosure under RCW 43.21A.160 and 70.105.170.

(3) When a public record includes information which, if disclosed, would lead to an unreasonable invasion of personal privacy, and the department becomes aware of this fact, the department shall delete such information before making the record available.

(4) Public records requested may not be readily available for immediate inspection. If the requested records are not readily available, the department shall notify the requester when and where those records will be available.

(5) Public records of the department are kept by the department or state archives until scheduled for destruction by the records retention schedule in accordance with chapter 40.14 RCW. Public records subject to a request for disclosure when scheduled for destruction shall be retained by the department and may not be erased or destroyed until the request is resolved.

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-040, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 42.17.250 - 42.17.340 and 1992 c 139. 92-20-116 (Order 92-37), § 173-03-040, filed 10/7/92, effective 11/7/92. Statutory Authority: RCW 42.17.250 - 42.17.-340. 78-02-041 (Order DE 77-35), § 173-03-040, filed 1/17/78.]

**WAC 173-03-050 What records are retained and how are they indexed?** The records retention schedule established by the division of state archives of the office of the secretary of state serves as an index for the identification and location of the following records:

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

(2) 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;

(3) 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; and

(4) Interpretive statements as defined in RCW 34.05.-010(8) that were entered after June 30, 1990.

The records retention schedule indexes records according to the originating program or section, and then the record series title. Each title is further identified by a statement of function or purpose, and the retention period. The records retention schedule is available to the public for inspection and copying. With the assistance of the public records officer or designee, any person can obtain access to public records of the department using the records retention schedule.

A separate index of policy statements as defined in RCW 34.05.010(4) entered after June 30, 1990, shall be maintained by the department's policy manual coordinator or designees.

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-050, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 43.17.060 and 42.17.260. 90-21-119 (Order 90-37), § 173-03-050, filed 10/23/90, effective 11/23/90. Statutory Authority: RCW 42.17.250 - 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-050, filed 1/17/78.]

**WAC 173-03-060 How do I request a public record?**

(1) All requests for inspection or copying made in person at a department office shall be made on a form substantially as follows:

REQUEST FOR PUBLIC RECORDS

Date of Request . . . . . Time of Request . . . . .  
Name . . . . .  
Address . . . . .  
. . . . .  
Description of Records:  
. . . . .  
. . . . .

I understand that if a list of individuals is provided me by the Department of Ecology, it will neither be used to promote the election of an official nor promote nor oppose a ballot proposition as prohibited by RCW 42.17.130 nor for commercial purposes nor give or provide access to material to others for commercial purposes as prohibited by RCW 42.17.260(9).

I understand that I will be charged the amount necessary to reimburse the department's cost for copying.

. . . . .  
Signature

Number of pages to be copied	.....	
Number of copies per page	.....	
Charge per copy	\$ .....	
Special copy work charge	\$ .....	
Staff time charge	\$ .....	
Total charge	\$ .....	

42.17.260. 90-21-119 (Order 90-37), § 173-03-060, filed 10/23/90, effective 11/23/90. Statutory Authority: RCW 42.17.250 - 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-060, filed 1/17/78.]

**WAC 173-03-070 How much will it cost me to view a public record?** The department does not charge a fee for the inspection of public records. The department will charge an amount necessary to reimburse its costs for providing copies of records. This amount shall be reviewed from time to time by the department, and shall represent the costs of providing copies of public records and for use of the department's copy equipment, including staff time spent copying records, preparing records for copying, and restoring files. This charge is the amount necessary to reimburse the department for its actual costs for copying and is payable at the time copies are furnished. The charge for special copy work of nonstandard public records shall reflect the total cost, including the staff time necessary to safeguard the integrity of these records.

(2) You may request records in person at a department of ecology office between the hours of 8:00 a.m. to 12:00 noon and 1:00 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

(3) If you make your request by mail, your request must contain the following information:

- (a) The name and address of the person making the request and the organization the person represents;
- (b) The time of day and calendar date on which the person wishes to inspect the public records;
- (c) A description of the public records requested;
- (d) A statement whether access to copying equipment is desired;

(e) A phone number where the person can be reached in case the public records officer or designate needs to contact the person for further description of the material or any other reason.

(f) A statement that the record will not be used for commercial purposes.

(4) The department must receive all requests at least five business days before the requested date of inspection to allow the public records officer or designee to make certain the requested records are available and not exempt and, if necessary, to contact the person requesting inspection. The department will process all requests in a timely manner. However, large requests or requests for public records maintained off-site may require more than five business days to prepare. The department will respond to your request within five business days of receiving it, by either:

- (a) Providing the record;
- (b) Acknowledging that the department has received the request and providing a reasonable estimate of the time the department will require to respond to the request; or
- (c) Denying the public record request.

Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, the department may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the agency need not respond to it.

(5) The department may in its discretion fill requests made by telephone or facsimile copy (fax).

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-060, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 42.17.250 - 42.17.340 and 1992 c 139. 92-20-116 (Order 92-37), § 173-03-060, filed 10/7/92, effective 11/7/92. Statutory Authority: RCW 43.17.060 and

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-070, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 42.17.250 - 42.17.340 and 1992 c 139. 92-20-116 (Order 92-37), § 173-03-070, filed 10/7/92, effective 11/7/92. Statutory Authority: RCW 43.17.060 and 42.17-260. 90-21-119 (Order 90-37), § 173-03-070, filed 10/23/90, effective 11/23/90. Statutory Authority: RCW 42.17.250 - 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-070, filed 1/17/78.]

**WAC 173-03-080 What happens when the department denies a public records request?** When the department refuses, in whole or part, a request for inspection of any public record, it must include a statement of the specific exemption authorizing the refusal and a brief explanation of how the exemption applies to the record withheld.

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-080, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 42.17.250 - 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-080, filed 1/17/78.]

**WAC 173-03-090 What do I do if I object to the department's denial to review a public record?** (1) Any person who objects to the refusal of a request for a public record may petition for prompt review of that decision by submitting a written request for review. The written request shall specifically refer to the written statement by the public records officer or designee which constituted or accompanied the refusal.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the director or the director's delegate. The director or delegate shall immediately consider the matter and either affirm or reverse the refusal. The final decision shall be sent to the objecting person within two business days following receipt of the petition for review.

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-090, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 42.17.250 - 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-090, filed 1/17/78.]

**WAC 173-03-100 How does the department protect public records?** In order to adequately protect the public records of the department, you must comply with the following guidelines while inspecting public records:

- (1) You may not remove any public record from the department's premises.



(2) You must have a designated department employee present while you are inspecting a public record.

(3) You may not mark or deface a public record in any manner during inspection.

(4) You may not dismantle public records which are maintained in a file or jacket, or in chronological or other filing order, or those records which, if lost or destroyed, would constitute excessive interference with the department's essential functions.

(5) Access to file cabinets, shelves, vaults, or other storage areas is restricted to department personnel, unless other arrangements are made with the public records officer or designee.

[Statutory Authority: RCW 42.17.250, 98-16-052 (Order 98-12), § 173-03-100, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 42.17.250 - 42.17.340 and 1992 c 139, 92-20-116 (Order 92-37), § 173-03-100, filed 10/7/92, effective 11/7/92. Statutory Authority: RCW 43.17.060 and 42.17.260, 90-21-119 (Order 90-37), § 173-03-100, filed 10/23/90, effective 11/23/90. Statutory Authority: RCW 42.17.250 - 42.17.340, 78-02-041 (Order DE 77-35), § 173-03-100, filed 1/17/78.]

### Chapter 173-04 WAC

#### PRACTICE AND PROCEDURE

##### WAC

173-04-010	Hearings boards.
173-04-020	Uniform procedural rules.

**WAC 173-04-010 Hearings boards.** Appeals from decisions and orders of the department of ecology are under the jurisdiction of the pollution control hearings board. Practice and procedure before the pollution control hearings board is governed by the provisions of chapter 371-08 WAC. Declaratory proceedings under the Shoreline Management Act of 1971 (section 18(4), chapter 286, Laws of 1971 ex. sess.) are under the jurisdiction of the shorelines hearings board.

[Order DE 71-14, § 173-04-010, filed 9/3/71.]

**WAC 173-04-020 Uniform procedural rules.** In those contested cases, declaratory proceedings, and requests for rule making in which the department of ecology has authority to conduct hearings, practice and procedure shall be in accordance with those uniform rules promulgated by the code reviser and codified as chapter 1-08 WAC as now written or as hereafter amended.

[Order DE 71-14, § 173-04-020, filed 9/3/71.]

### Chapter 173-06 WAC

#### DELEGATION OF POWERS

##### WAC

173-06-050	Regulations.
173-06-100	Introduction.
173-06-110	Definitions.
173-06-120	Delegation.
173-06-130	Director's powers.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-06-010 Introduction. [Order DE 71-13, § 173-06-010, filed 9/8/71.] Repealed by 95-07-058 (Order 94-45), filed

3/9/95, effective 4/9/95. Statutory Authority: RCW 43.21A.090.

173-06-020 Definitions. [Order DE 71-13, § 173-06-020, filed 9/8/71.] Repealed by 95-07-058 (Order 94-45), filed 3/9/95, effective 4/9/95. Statutory Authority: RCW 43.21A.090.

173-06-030 Delegation. [Statutory Authority: Chapter 43.21A RCW, 89-11-021 and 90-07-014 (Order 89-6 and 89-6A), § 173-06-030, filed 5/11/89 and 3/13/90, effective 4/13/90. Statutory Authority: RCW 43.21A.090, 85-24-019 (Order 85-25), § 173-06-030, filed 11/26/85; Order DE 75-7, § 173-06-030, filed 5/16/75; Order DE 71-13, § 173-06-030, filed 9/8/71.] Repealed by 95-07-058 (Order 94-45), filed 3/9/95, effective 4/9/95. Statutory Authority: RCW 43.21A.090.

173-06-040 Director's powers. [Order DE 71-13, § 173-06-040, filed 9/8/71.] Repealed by 95-07-058 (Order 94-45), filed 3/9/95, effective 4/9/95. Statutory Authority: RCW 43.21A.090.

173-06-060 NPDES delegation. [Statutory Authority: RCW 43.21A.090, 79-08-034 (Order DE 79-10), § 173-06-060, filed 7/16/79; Order DE 77-12, § 173-06-060, filed 8/2/77.] Repealed by 80-17-044 (Order DE 80-47), filed 11/19/80. Statutory Authority: RCW 43.21A.090.

173-06-065 NPDES delegation. [Statutory Authority: RCW 43.21A.090, 81-24-033 (Order DE 81-41), § 173-06-065, filed 11/25/81; 81-09-056 (Order DE 81-7), § 173-06-065, filed 4/17/81.] Repealed by 84-20-042 (Order DE 84-39), filed 9/27/84. Statutory Authority: RCW 43.21A.060, 43.21A.080 and 43.21A.090.

**WAC 173-06-050 Regulations.** Nothing in this chapter shall be construed as a delegation of authority to adopt, amend or repeal any rule or regulation. The power to adopt, amend or repeal rules or regulations rests with the director, or in his absence, the deputy director.

[Order DE 71-13, § 173-06-050, filed 9/8/71.]

**WAC 173-06-100 Introduction.** Under the provisions of RCW 43.21A.090, the director of ecology may delegate the performance of his or her powers, duties, and functions, other than those relating to the adoption, amendment or rescission of rules and regulations, to employees of the department whenever that appears desirable to fulfill the purposes of the laws implemented by the department.

[Statutory Authority: RCW 43.21A.090, 95-07-058 (Order 94-45), § 173-06-100, filed 3/9/95, effective 4/9/95.]

**WAC 173-06-110 Definitions.** As used in this chapter:

- (1) "Department" shall mean the department of ecology;
- (2) "Director" shall mean the person bearing such title created pursuant to RCW 43.21A.050. "Deputy director" shall mean the person bearing such title created pursuant to RCW 43.21A.100.

[Statutory Authority: RCW 43.21A.090, 95-07-058 (Order 94-45), § 173-06-110, filed 3/9/95, effective 4/9/95.]

**WAC 173-06-120 Delegation.** (1) Consistent with their assigned duties and responsibilities, department employees are delegated authority to act on behalf of the director and department in the administration of programs and all other duties assigned to the department.

(2) The department shall, by formal policy, specify the extent of signature authority for department employee positions whose assigned duties and responsibilities include authority to take formal action on behalf of the director and/or the department, including, but not limited to, the issuance of penalties, orders, directives, permits, or other deci-

sions reviewable before appropriate administrative or judicial bodies. Such policy may specify the extent of signature authority for department employee positions whose assigned duties and responsibilities include authority to take other action on behalf of the director and/or department. Such policies may be amended as appropriate. Copies of this policy shall be available for public review upon request.

(3) For department employees whose assigned duties and responsibilities include authority to approve or deny reports, plans and specifications, or amendments thereto, prepared by a registered professional, such approval or denial must be based on services provided by a similarly registered professional in accordance with state law.

(4) Any department employee whose assigned duties and responsibilities include signature authority to act on behalf of the director and/or department, may not delegate any such authority to an employee that he or she supervises unless such additional delegation is provided for in a written delegation letter. The written delegation letter shall be signed by the employee granting delegation and the employee receiving delegation. A department employee receiving such delegation shall not further delegate authority, except as provided in subsection (5) of this section. Each written delegation letter shall also include the position number of the employee receiving delegation. Unless rescinded, authority granted by a written delegation letter remains in effect as long as the employee delegated authority retains the same position number. A copy of each written delegation letter shall be maintained in a file within the department program in which the employee receiving delegation is assigned. Employees granting delegation pursuant to this provision may, upon written notification to the employee receiving delegation, rescind delegation at any time. A copy of each letter rescinding delegation shall be maintained in a file within the department program in which the employee rescinding delegation is assigned. An employee granting delegation pursuant to this paragraph does not relinquish his or her delegated authority to act on the behalf of the director or the department.

(5) In addition to the delegation described in subsection (4) of this section, any department employee whose assigned duties and responsibilities include signature authority to act on behalf of the director and/or department, may designate another department employee to serve in a temporary or acting capacity. Any employee properly designated to serve in a temporary or acting capacity shall have the same delegated authority as the department employee permanently holding the position, unless the delegation letter provides otherwise. Proper designation to serve in temporary or acting capacity for a position shall consist of a letter to the individual assuming temporary or acting capacity from the employee who permanently serves in the position or from the director. A department employee receiving such delegation shall not further delegate authority.

(6) During the absence of an employee delegated authority pursuant to this rule, employees responsible for supervising the absent employee may perform the absent employee's delegated functions.

(7) The authority delegated in this rule is limited to the power to act for the department in carrying out functions within the power of the department, and shall not be con-

strued to authorize acts which are contrary to law or beyond the authority of the department.

(8) Nothing in this chapter shall preclude the director from delegating in writing specific signature authority to any employee of the department nor in any way limit the authority of the director to act on behalf of the department.

[Statutory Authority: RCW 34.05.322, 43.21A.080, and 43.21A.090. 03-10-019 (Order 02-18), § 173-06-120, filed 4/28/03, effective 5/29/03. Statutory Authority: RCW 43.21A.090. 95-07-058 (Order 94-45), § 173-06-120, filed 3/9/95, effective 4/9/95.]

**WAC 173-06-130 Director's powers.** The director may perform all powers, duties and functions within the authority of the department. The delegations authorized by this chapter shall not preclude the director from exercising any of the powers, duties and functions delegated. In the director's absence, the deputy director may act as director.

[Statutory Authority: RCW 43.21A.090. 95-07-058 (Order 94-45), § 173-06-130, filed 3/9/95, effective 4/9/95.]

## Chapter 173-15 WAC

### PERMITS FOR OIL OR NATURAL GAS EXPLORATION ACTIVITIES CONDUCTED FROM STATE MARINE WATERS

#### WAC

173-15-010	Authority and purpose.
173-15-020	Definitions.
173-15-030	Exploration activity permit system.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-15-040	Penalties. [Statutory Authority: RCW 90.58.550, 90.58.560 and 1983 c 138. 84-01-028 (Order DE 83-35), § 173-15-040, filed 12/12/83.] Repealed by 87-16-101 (Order DE 87-09), filed 8/5/87. Statutory Authority: RCW 90.58.200.
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**WAC 173-15-010 Authority and purpose.** These rules are adopted under RCW 90.58.550(6) for the purpose of establishing the basic requirements for the exploration activity permit system.

[Statutory Authority: RCW 90.58.550(6). 00-16-080 (Order 00-12), § 173-15-010, filed 7/28/00, effective 8/28/00. Statutory Authority: RCW 90.58.550, 90.58.560 and 1983 c 138. 84-01-028 (Order DE 83-35), § 173-15-010, filed 12/12/83.]

**WAC 173-15-020 Definitions.** The following definitions apply:

(1) "Department" means the department of ecology.

(2) "Exploration activity" means reconnaissance or survey work related to gathering information about geologic features and formations underlying or adjacent to marine waters. Those activities include sonic, ultrasonic, seismic, sparker, side-scan sonar, infrared, heat sensor, chemical analysis (sniffer), or other remote sensing techniques that do not disturb the surface of the aquatic lands, as well as drilling, core sampling, or other exploratory techniques that penetrate the beds underlying or adjacent to marine waters.

(3) "Marine waters" includes the waters of Puget Sound north to the Canadian border, the waters of the Strait of Juan de Fuca, the waters between the western boundary of the state

and the ordinary high water mark, and related bays and estuaries. RCW 90.58.550 (1)(b).

(4) "Normal public use of the marine waters of the state" means those activities generally enjoyed by members of the public including, but not limited to, recreation, fishing (commercial and sports), navigation and commerce.

(5) "Vessel" includes ships, boats, barges, or any other floating craft. RCW 90.58.550 (1)(c).

(6) "Director" means the director of the department of ecology.

(7) "Person" means any individual, public or private corporation, agency, or other entity, except for state or federal agencies.

[Statutory Authority: RCW 90.58.550(6), 00-16-080 (Order 00-12), § 173-15-020, filed 7/28/00, effective 8/28/00. Statutory Authority: RCW 90.58.550, 90.58.560 and 1983 c 138, 84-01-028 (Order DE 83-35), § 173-15-020, filed 12/12/83.]

**WAC 173-15-030 Exploration activity permit system.** The permit system established by RCW 90.58.550 is as follows:

(1) Applicability.

(a) A person who desires to perform oil or natural gas exploration activities by vessel located on or within marine waters of the state shall first obtain a permit from the department.

(b) An exploration activity permit obtained under (a) of this subsection is the sole permit a person is required to obtain for exploration activity under chapter 90.58 RCW.

(c) Except as provided in (b) of this subsection, nothing in this chapter may modify any powers of local governments set forth in chapter 90.58 RCW.

(2) Exploration activity permit application.

(a) Applications for an exploration activity permit must be supplied by the department.

(b) Applications must be filed with the Shorelands and Environmental Assistance Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

(c) No application may be processed until it is deemed complete by the department.

(d) Each application for an exploration activity permit must be accompanied by a completed environmental checklist as provided in Title 197 WAC.

(3) Processing of complete application.

(a) A complete application will be forwarded to state natural resource management agencies and local governments and Indian tribes affected by the proposed exploration activity.

(b) Comments will be requested regarding the proposed exploration activity and its compatibility with the criteria established under RCW 90.58.550(2). Normally, reviewing agencies will be allowed fifteen days from receipt of the application, as provided by the department, in which to submit comments to the department.

(4) Public notice.

(a) Upon receipt of a completed application, the department shall instruct the applicant to publish a notice of the proposed exploration activity.

(b) Notices of the proposed exploration activity must be published in the newspaper of the largest general circulation within each of the counties in which the activity is proposed.

(c) Any person wishing to express views on the proposed exploration activity will be given fifteen days to comment to the department.

(d) All notices of applications for exploration activity permits shall contain, as a minimum, the information called for in the following form:

Notice of Application for  
Exploration Activity Permit

Notice is hereby given that (company name or institution) has filed an application for an exploration activity permit for oil and/or natural gas survey and reconnaissance work in (list major bodies of water).

The exploration activity consists of (describe survey gear, vessel, and other equipment in sufficient detail to inform public of the nature of the operation).

The exploration activity is proposed to begin on (date) and end (date).

Any person desiring to express views or to be notified of the action taken on this application should notify the department of ecology in writing of his or her interest within fifteen days of the final date of publication of this notice, which is (date). Written comments should be mailed or delivered to the Washington Department of Ecology, Shorelands and Environmental Assistance Program, P.O. Box 47600, Olympia, WA 98504-7600. (360) 407-6000. Comment period deadline is (date).

(e) The applicant shall provide an affidavit to the department of ecology that the notice has been properly published in accordance with this section.

(5) Public hearing. A public hearing on the proposed exploration activity permit will be held by the department if it determines, upon consideration of factors such as location, timing, duration, method of operation, and public comments, that a hearing would assist it in implementing the intent of RCW 90.58.550(2).

(6) Department exploration activity permit decision.

(a) The department will approve an exploration activity permit application if it determines that the proposed activity meets the criteria set forth in RCW 90.58.550(2). Exploration activities may not:

(i) Interfere materially with the normal public uses of the marine waters of the state;

(ii) Interfere with activities authorized by a permit issued under RCW 90.58.140(2);

(iii) Injure the marine biota or other fish and wildlife, beds, or tidelands of the waters;

(iv) Violate water quality standards established by the department;

(v) Create a public nuisance; or

(vi) Conflict with a shoreline master program approved by the department under RCW 90.58.090 or 90.58.190.

(b) The department, as lead agency, will comply with the provisions of the State Environmental Policy Act as governed by the procedures established under chapter 43.21 RCW and its implementing rules.

(c) No application for an exploration activity permit relating to surface drilling for oil or gas in the waters of Puget Sound north to the Canadian boundary or the Strait of Juan de Fuca seaward of the ordinary high water mark may be approved by the department under this section. RCW 90.58.160.

(7) Exploration activity permit terms and conditions.

(a) The department shall place terms and conditions in the exploration activity permit as necessary to assure that the permitted activity meets the requirements of RCW 90.58.550 (2).

(b) The terms and conditions may include, but are not limited to:

(i) Geographic limits on the area of operation;

(ii) Timing of the operation;

(iii) Limitations on hours of operation;

(iv) Placement of on-board observers;

(v) Use of lead boats;

(vi) Insurance or bond;

(vii) Fishermen (or other users group) notification procedures; or

(viii) Any combination of the terms and conditions in (b)(i) through (vii) of this subsection.

(8) Modifications of exploration activity permits. When a permittee seeks to modify an exploration activity permit, detailed maps or charts and text describing the nature of the modification must be submitted to the department. Modifications to the permit may be made by the department when the department determines that the changes are of a minor nature.

(9) Request for review. All requests for review of any final permit decision under RCW 90.58.550(2) and these rules are governed by the procedures established in chapter 43.21B RCW and its implementing rules.

[Statutory Authority: RCW 90.58.550(6), 00-16-080 (Order 00-12), § 173-15-030, filed 7/28/00, effective 8/28/00. Statutory Authority: RCW 90.58.550, 90.58.560 and 1983 c 138, 84-01-028 (Order DE 83-35), § 173-15-030, filed 12/12/83.]

### Chapter 173-18 WAC

## SHORELINE MANAGEMENT ACT—STREAMS AND RIVERS CONSTITUTING SHORELINES OF THE STATE

### WAC

173-18-010	Purpose.
173-18-020	Applicability.
173-18-030	Definitions.
173-18-040	Streams and rivers.
173-18-044	Review and update of designations.
173-18-046	Conflicts between designations and criteria.
173-18-050	Adams County.
173-18-060	Asotin County.
173-18-070	Benton County.
173-18-080	Chelan County.
173-18-090	Clallam County.
173-18-100	Clark County.
173-18-110	Columbia County.
173-18-120	Cowlitz County.
173-18-130	Douglas County.
173-18-140	Ferry County.
173-18-150	Franklin County.
173-18-160	Garfield County.
173-18-170	Grant County.
173-18-180	Grays Harbor County.
173-18-190	Island County.
173-18-200	Jefferson County.
173-18-210	King County.
173-18-220	Kitsap County.

173-18-230	Kittitas County.
173-18-240	Klickitat County.
173-18-250	Lewis County.
173-18-260	Lincoln County.
173-18-270	Mason County.
173-18-280	Okanogan County.
173-18-290	Pacific County.
173-18-300	Pend Oreille County.
173-18-310	Pierce County.
173-18-320	San Juan County.
173-18-330	Skagit County.
173-18-340	Skamania County.
173-18-350	Snohomish County.
173-18-360	Spokane County.
173-18-370	Stevens County.
173-18-380	Thurston County.
173-18-390	Wahkiakum County.
173-18-400	Walla Walla County.
173-18-410	Whatcom County.
173-18-420	Whitman County.
173-18-430	Yakima County.

**WAC 173-18-010 Purpose.** The department of ecology, pursuant to RCW 90.58.300, is designated the state agency responsible for the program of regulation of the shorelines of the state. This chapter delimits the streams and rivers and portions thereof which constitute shorelines of the state pursuant to RCW 90.58.030 (2)(d) and (e).

[Order DE 72-13, § 173-18-010, filed 6/30/72.]

**WAC 173-18-020 Applicability.** The provisions of this chapter shall apply statewide.

[Order DE 72-13, § 173-18-020, filed 6/30/72.]

**WAC 173-18-030 Definitions.** The definitions and concepts set forth in RCW 90.58.030 shall apply as used herein.

[Order DE 72-13, § 173-18-030, filed 6/30/72.]

**WAC 173-18-040 Streams and rivers.** The following provisions of this chapter delimit the streams and rivers which constitute shorelines of the state as follows:

(1) Streams which constitute shorelines.

(a) Western Washington. Streams in Western Washington from the point at which the stream reaches a mean annual flow of twenty cubic feet per second down to the mouth of said stream or river: Provided, that the stream falls at said point, within the jurisdiction of chapter 90.58 RCW.

(b) Eastern Washington. Streams in Eastern Washington from the point at which the stream reaches a mean annual flow of twenty cubic feet per second down to the mouth of said stream or river: Provided, That the stream falls at said point, within the jurisdiction of chapter 90.58 RCW.

(2) Rivers which constitute shorelines of statewide significance.

(a) Western Washington. Any rivers west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more. Provided, That the river falls at said point within the jurisdiction of chapter 90.58 RCW.

(b) Eastern Washington. Either of the following points on rivers in Eastern Washington, whichever is farther upstream;

(i) The point at which the mean annual flow exceeds two hundred cubic feet per second; or

(ii) The lowest extremity of the first three hundred square miles of drainage area east of the crest of the Cascade

Range; provided that either of said points which is utilized is within the jurisdiction of chapter 90.58 RCW.

(3) Until superseded as provided in WAC 173-18-044, rivers constituting shorelines of the state are listed in WAC 173-18-050 through 173-18-430. Other data related to these lists.

(a) Wherever a river of statewide significance falls within a county, it is followed by an asterisk.

(b) The following provisions set forth the name of the quadrangle maps where the stream or river is shown. The quadrangle in which the shoreline delimitation begins and the first quadrangle downstream from the county line is underlined. The quadrangle in which the shoreline of statewide significance begins is followed by an asterisk. The size, in minutes, of all quadrangle maps is designated.

(c) Where quadrangle maps are unavailable, photomaps have been used as indicated.

[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, chapters 70.105D, 80.50 RCW. 07-02-086 (Order 05-12), § 173-18-040, filed 1/2/07, effective 2/2/07; Order 73-14, § 173-18-040, filed 8/27/73; Order DE 72-13, § 173-18-040, filed 6/30/72.]

**WAC 173-18-044 Review and update of designations.**

Each local government master program shall include a list of streams constituting shorelines of the state within the jurisdiction of the master program that complies with the requirements of RCW 90.58.030 (2)(d). When such master program is approved by the department, subsequent to the effective date of this provision, the list within the master program shall be the official list for that jurisdiction and shall supersede the list contained herein.

[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, chapters 70.105D, 80.50 RCW. 07-02-086 (Order 05-12), § 173-18-044, filed 1/2/07, effective 2/2/07. Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-052 (Order DE 80-20), § 173-18-044, filed 6/30/80.]

**WAC 173-18-046 Conflicts between designations and criteria.** In the event that any of the designations set forth in this chapter or a shoreline master program approved under WAC 173-18-044, conflict with the criteria set forth in RCW 90.58.030(2) or in WAC 173-18-040 the criteria shall control. The designation of the stream or river shall be governed by the criteria, except that the local government must amend the local master program to reflect the new designation within three years of the discovery of the discrepancy.

[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, chapters 70.105D, 80.50 RCW. 07-02-086 (Order 05-12), § 173-18-046, filed 1/2/07, effective 2/2/07. Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-052 (Order DE 80-20), § 173-18-046, filed 6/30/80.]

(2009 Ed.)

**WAC 173-18-050 Adams County. Streams**

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Cow Creek*	<u>Karakul Hills</u> * 7 1/2 Marengo 7 1/2 Benge 15 Ritzville S.E. 7 1/2	From mouth of Lugenbeal Creek (Sec.15, T19N, R37E) downstream thru Hallin and Cow lakes, thru Fimmel Lake to mouth on Palouse River (Sec.27, T15N, R37E). This stream has a 300 square mile drainage area ending at mouth of Lugenbeal Creek.
(2) Palouse River*	<u>La Crosse</u> 15 Benge 15 Starbuck 15	From Whitman County line (Sec.24, T16N, R38E) along county line downstream to Franklin County line (Sec.5, T15N, R37E), right shore only. This stream has over 300 sq. miles of drainage area.
(3) Rock Creek*	<u>Revera</u> 7 1/2	From Whitman County line (Sec.12, T18N, R38E) downstream back to Whitman County line (Sec.24 & 25, same township). This stream has over 300 square miles of drainage area.

[Order 73-14, § 173-18-050, filed 8/27/73; Order DE 72-13, § 173-18-050, filed 6/30/72.]

**WAC 173-18-060 Asotin County. Streams**

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Asotin Creek (S. Fork)	<u>Harlow Ridge</u> 7 1/2 Potter Hill 7 1/2	From the confluence of the South Fork Asotin Creek and the Alder Gulch Stream (Sec.34, T9N, R44E) downstream to mouth at Asotin Creek (Sec.10, same township).
(2) Asotin Creek*	<u>Potter Hill</u> 7 1/2 Rock Pile Creek 7 1/2 Asotin 7 1/2	From the confluence of North and South Forks of Asotin Creek (Sec.10, T9N, R44E) downstream to mouth on Snake River near Asotin (Sec.16, T10N, R46E). This stream has a 300 square mile drainage area ending at mouth of George Creek (Sec.24, T10N, R45E).
(3) Asotin Creek (N. Fork)	<u>Harlow Ridge</u> 7 1/2 Potter Hill 7 1/2	From the Umatilla National Forest boundary (Sec.19, T9N, R44E) downstream to mouth at Asotin Creek (Sec.10, same township).
(4) George Creek	<u>Asotin</u> 7 1/2	From the confluence of George Creek and Pintler Creek (Sec.36, T10N, R45E) downstream to mouth at Asotin Creek (Sec.24, same township).
(5) Grand Ronde River*	<u>Mountain View</u> 7 1/2 Fields Spring 7 1/2 Black Butte 7 1/2 Flora 7 1/2	From the Washington-Oregon boundary (Sec.14, T6N, R43E) downstream to mouth at Snake River and Washington - Idaho boundary line (Sec.13, T7N, R46E). This stream has over 300 square miles of drainage area.
(6) Joseph Creek	<u>Black Butte</u> 7 1/2	From the Oregon-Washington state line (Sec.18, T6N, R46E) downstream to its mouth at Grande Ronde River (Sec.26, T7N, R46E).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(7) Snake River*	<u>Jim Creek</u> <u>Butte</u> 7 1/2 Limekiln Rapids 7 1/2 Captain John Rapids 7 1/2 Lewiston Orchards S. 7 1/2 Asotin 7 1/2 Clarkston 7 1/2 Silcott 7 1/2	From Washington - Oregon boundary (Sec.16, T6N, R47E) downstream to Garfield County line (Sec.6, T11N, R45E), left bank only. This stream has both over 300 square miles of drainage area and over 200 cfs MAF at Washington-Oregon boundary.	(2) Chiwawa River*	<u>Holden</u> 15 Wenatchee Lake 15 Plain*7 1/2	From Wenatchee National Forest boundary (NW1/4 Sec.27, T30N, R16E) downstream to mouth at Wenatchee River, (Sec.1, T26N, R17E) (excluding federal lands). The 200 cfs MAF point begins at (SW1/4, NE1/4 Sec.20, T28N, R17E).
			(3) Columbia River (Cont.)*	<u>Wells Dam</u> 7 1/2 Wenatchee 7 1/2 Rock Island 7 1/2 Malaga 7 1/2 Rock Island Dam 7 1/2	From the Okanogan County line on the Columbia River (Sec.6, T28N, R24E) downstream along the Douglas/Chelan County line to Kittitas County (Sec.5, T20N, R22E). The flow exceeds 200 cfs MAF at Okanogan-Chelan County line.

[Order DE 76-14, § 173-18-060, filed 5/3/76; Order 73-14, § 173-18-060, filed 8/27/73; Order DE 72-13, § 173-18-060, filed 6/30/72.]

**WAC 173-18-070 Benton County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(1) Columbia River (Cont.)*	<u>Priest Rapids</u> 15 Richland 15 Eltopia 15	From the Yakima County line (Sec.7, T13N, R24E) downstream right bank only, to Hanford works boundary (Sec.9, same township), plus the right bank within Richland city limits (T10N, R28E; T9N, R28E; T9N, R29E). This stream has over 200 cfs MAF at Yakima County line.	(4) Entiat River*	<u>Brief*</u> 7 1/2 Tyee MTN 7 1/2 Baldy MTN 7 1/2 Ardenvoir 7 1/2 Entiat 7 1/2	From the Wenatchee National Forest boundary (Sec.29, T28N, R19E) downstream (excluding all federal properties) to mouth at the Columbia River (Sec.17, T25N, R21E). The 200 cfs MAF point begins at Wenatchee National Forest boundary.
(2) Glade Creek*	<u>Blalock Island*</u> 7 1/2	From mouth of East Fork Glade Creek (Sec.6, T5N, R25E) downstream to mouth on Columbia River (Sec.28, same township). This stream has a 300 square mile drainage area ending at East Branch Glade Creek.	(5) Icicle Creek*	<u>Chiwaukum Mts.</u> 15 Leavenworth 15	From the Wenatchee National Forest boundary (west section line) (Sec.5, T24N, R16E) downstream to mouth at Wenatchee River (Sec.13, T24N, R17E) (excluding federal land). The flow exceeds 200 cfs MAF at Wenatchee National Forest boundary.
(3) Yakima River (Cont.)*	<u>Prosser</u> 7 1/2 Whitstran 7 1/2 Corral Canyon 15 Richland 15 Badger Mtn. 7 1/2 Eltopia 7 1/2	From Benton-Yakima County line (Sec.7, T8N, R24E) down-stream to mouth on Columbia River (Sec.19, T9N, R29E). The flow exceeds 200 cfs MAF at Benton-Yakima County line.	(6) Little Wenatchee River*	<u>Wenatchee Lake*</u> 15	From confluence with Soda Creek (Sec.10, T27N, R15E) downstream to mouth on Wenatchee Lake (Sec.23, T27N, R16E). Exclude federal lands. The 200 cfs point begins at confluence with Soda Creek.
			(7) Mad River	<u>Tyee Mtn.</u> 7 1/2 Ardenvoir 7 1/2 Chumstick Mtn. 7 1/2	From the Wenatchee National Forest boundary (Sec.13, T26N, R19E) downstream to mouth at Entiat River (Sec.19, T26N, R20E). Exclude federal lands.

[Order 73-14, § 173-18-070, filed 8/27/73; Order DE 72-13, § 173-18-070, filed 6/30/72.]

**WAC 173-18-080 Chelan County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(1) Chelan River*	<u>Wenatchee (AMS)*</u> 1:250,000 <u>Manson</u> 7 1/2 Winesap 7 1/2 Cooper Ridge 7 1/2 Chelan 7 1/2 Chelan Falls 7 1/2	From the Lake Chelan Dam (Sec.13, T27N, R22E) downstream to Chelan Falls at mouth at Columbia River (Sec.29, T27N, R23E). The 200 cfs MAF point begins at the dam.	(8) Mission Creek	<u>Monitor</u> 7 1/2 Cashmere 7 1/2	From the confluence of Mission Creek and Bear Gulch (Sec.31, T23N, R19E) downstream to mouth at Wenatchee River (Sec.4, T23N, R19E).
			(9) Napeequa River	<u>Wenatchee Lake</u> 15	From confluence of Twin Lakes Cr. and Napeequa River (Sec.17, T28N, R16E) downstream to mouth at White River (Sec.18, same township).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(10) Nason Creek*	<u>Labyrinth Mtn.*</u> 7 1/2 <u>Wenatchee Lake</u> 15 Plain 7 1/2	From west section line (Sec.5, T26N, R15E) downstream to mouth at Wenatchee River (Sec.28, T27N, R17E). Exclude federal lands. The 200 cfs MAF point is at confluence with Roaring Creek (Sec.11, T26N, R16E).	(20) Chiwaukum Creek (S. Fork)	<u>Chiwaukum Mts.</u> 15	From confluence with Painter Creek (Sec.3, T25N, R16E) downstream to mouth at Chiwaukum Creek (Sec.34, T26N, R16E). Exclude federal lands.
(11) Peshastin Creek	<u>Liberty</u> 15 Leavenworth 15	From the Wenatchee National Forest boundary (Sec.25, T23N, R17E) downstream (excluding all federal lands) to mouth at Wenatchee River (Sec.22, T24N, R18E).	(21) Eight-mile Creek	<u>Chiwaukum Mts.</u> 15	From the west section line (Sec.25, T24N, R16E) downstream to Icicle Cr. (Sec.19, T24N, R17E). Exclude federal lands.
(12) Stehekin River*	<u>McGregor Mtn.</u> 7 1/2 Stehekin 7 1/2	From the North Cascades National Park boundary (Sec.11, T33N, R16E) downstream, excluding federal lands, to mouth on Lake Chelan (Sec.36, T33N, R17E). The 200 cfs MAF point begins at National Park boundary.	(22) Ingalls Creek	<u>Mount Stuart</u> 15 Liberty 15	From west section line (Sec.31, T23N, R17E) downstream to mouth at Peshastin Creek (Sec.25, T23N, R17E). Exclude federal lands.
(13) Wenatchee River*	<u>Plain*</u> 7 1/2 Leavenworth 15 Monitor 7 1/2 Wenatchee 7 1/2 Cashmere 7 1/2	From the outlet on Wenatchee Lake (Sec.28, T27N, R17E) downstream (excluding all federal lands) to the mouth at the Columbia River (Sec.27, T23N, R20E). The 200 cfs MAF point begins at gauging station (Sec.28, T27N, R17E).	[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-052 (Order DE 80-20), § 173-18-080, filed 6/30/80; Order DE 76-14, § 173-18-080, filed 5/3/76; Order 73-14, § 173-18-080, filed 8/27/73; Order DE 72-13, § 173-18-080, filed 6/30/72.]		
(14) White River*	<u>Wenatchee Lake*</u> 15	From Wenatchee National Forest boundary (Sec.18, T28N, R16E) downstream to mouth at Wenatchee Lake (Sec.14, T27N, R16E). Exclude federal land. The 200 cfs MAF point is at gauging station (Sec.5, T27N, R16E).	<b>WAC 173-18-090 Clallam County. Streams</b>		
(15) Railroad Creek	<u>Holden</u> 15 Lucerne 15	From Wenatchee National Forest boundary (Sec.7, T31N, R17E) downstream, excluding federal lands, to mouth at Lake Chelan (Sec.10, T31N, R18E).	Stream Name	Quadrangle Name and Size	Legal Description
(16) Twenty-five Mile Creek	<u>Stormy Mtn.</u> 7 1/2	From south section line (Sec.36, T29N, R20E) downstream to mouth at Lake Chelan (Sec.19, T29N, R21E).	(1) Big River	<u>Lake Pleasant</u> 15	From the confluence of Big River and unnamed creek (Sec.16, T31N, R14W) downstream to mouth on Lake Ozette (Sec.10, T30N, R15W).
(17) Phelps Creek	<u>Holden</u> 15	From NE1/4 of SW1/4 (Sec.10, T30N, R16E) downstream to mouth Chiwawa River (Sec.27, same township). Exclude federal lands.	(2) Bear Creek	<u>Forks</u> 15	From the confluence of Bear Creek and unnamed creek (Sec.24, T28N, R13W) downstream to mouth at Bogachiel River (Sec.35, T28N, R13W).
(18) White-pine Creek	<u>Wenatchee Lake</u> 15	From south section line (Sec.11, T26N, R15E) downstream to mouth at Nason Creek (Sec.1, same township). Exclude federal lands.	(3) Bear Creek	<u>Pysht</u> 15	From the Olympic National Forest boundary (Sec.25, T30N, R12W) downstream to mouth at Soleduck River (Sec.27, same township).
(19) Chiwaukum Creek	<u>Chiwaukum Mts.</u> 15 Leavenworth 15	From confluence with South Fork Chiwaukum (Sec.34, T26N, R16E) downstream to mouth at Wenatchee River (Sec.9, T25N, R17E). Exclude federal lands.	(4) Beaver Creek	<u>Lake Pleasant</u> 15	From the Olympic National Forest boundary (Sec.20, T30N, R12W) downstream to mouth at Soleduck River (Sec.30, T30N, R12W).
			(5) Bockman Creek	<u>Lake Pleasant</u> 15	From the Olympic National Forest boundary (Sec.1, T29N, R13W) downstream to mouth at Soleduck River (same section).
			(6) Bogachiel River (Cont.)*	<u>Reade Hill</u> 7 1/2 <u>Forks</u> 7 1/2 <u>Quillayute Prairie</u> 7 1/2	From the Jefferson County line (Sec.35, T28N, R13W) downstream to mouth at Quillayute River (Sec.20, T28N, R14W). The flow exceeds 1,000 cfs MAF at Jefferson County line.
			(7) Calawah River*	<u>Forks*</u> 15	From confluence of North and South Forks of Calawah River (Sec.35, T29N, R13W) downstream to mouth at Bogachiel River (Sec.13, T28N, R14W). The 1,000 cfs MAF point begins at confluence of North and South Forks.

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(8) Calawah River (S. Fork)	<u>Forks</u> 15	From the Olympic National Forest boundary (Sec.1, T28N, R13W) downstream to mouth at Calawah River (Sec.35, T29N, R13W).	(20) East Twin River	<u>Lake Crescent</u> 15	From the confluence of East Twin River and unnamed creek at Olympic National Forest boundary (Sec.36, T31N, R10W) downstream to mouth at Strait of Juan de Fuca (Sec.23, same township).
(9) Calawah River (N. Fork)	<u>Pysht</u> 15 <u>Lake Pleasant</u> 15 <u>Forks</u> 15	From the North section line (Sec.15, T29N, R11W) to mouth at Calawah River (Sec.35, T29N, R13W). Exclude federal lands.	(21) Elk Creek	<u>Forks</u> 15	From a point approximately 1000' west of the Olympic National Forest boundary (Sec.12, T28N, R13W) downstream to mouth at Calawah River (Sec.3, same township).
(10) Clallam River	<u>Lake Pleasant</u> 15 <u>Pysht</u> 15 <u>Clallam Bay</u> 15	From the confluence of Clallam River and unnamed creek (Sec.12, T31N, R13W) downstream to mouth at Clallam Bay (Sec.20, T32N, R12W).	(22) Elwha River*	<u>Joyce</u> * 15	From the center of (Sec.28, T30N,R7W) downstream to mouth at Freshwater Bay (Sec.27, T31N, R7W). The 1,000 cfs MAF point begins at center of (Sec.28, T30N, R7W).
(11) Colby Creek	<u>La Push</u> 15	From the intersection of private road and Colby Creek (Sec.8, T28N, R14W) downstream to mouth at Dickey River (Sec.6, T28N, R14W).	(23) Herman Creek	<u>Lake Pleasant</u> 15	From the confluence of North Branch Herman Creek and Herman Creek (Sec.28, T31N, R13W) downstream to mouth at Hoko River (Sec.30, same township).
(12) Coal Creek	<u>La Push</u> 15	From the confluence of Coal Creek and unnamed creek (Sec.1, T28N, R15W) downstream to mouth at Dickey River (Sec.12, same township).	(24) Hoko River	<u>Lake Pleasant</u> 15 <u>Clallam Bay</u> 15	From the confluence of Hoko River and unnamed creek (Sec.16, T30N, R13W) downstream to mouth at Strait of Juan de Fuca (Sec.10, T32N, R13W).
(13) Crooked Creek	<u>Ozette Lake</u> 15	From the confluence of the North Fork and the South Fork (Sec.19, T30N, R14W) downstream to mouth at Ozette Lake (Sec.15, T30N, R15W).	(25) Indian Creek	<u>Joyce</u> 15	From the confluence of Indian Creek and unnamed creek (Sec.23, T30N, R8W) downstream to mouth at Lake Aldwell (Sec.28, T30N, R7W).
(14) Dickey River	<u>La Push</u> 15	From the confluence of East and West Forks of Dickey River (Sec.30, T29N, R14W) downstream to Olympic National Park boundary (Sec.22, T28N, R15W).	(26) Little Hoko River	<u>Lake Pleasant</u> 15 <u>Clallam Bay</u> 15	From the confluence of Little Hoko River and Lamb Creek (Sec.3, T31N, R13W) downstream to mouth at Hoko River (Sec.22, T32N, R13W).
(15) Dickey River (W. Fork)	<u>La Push</u> 15 <u>Ozette Lake</u> 15	From the outlet of Lake Dickey (Sec.16, T30N, R14W) downstream to mouth at Dickey River (Sec.30, T29N, R14W).	(27) Little River (S. Br.)	<u>Joyce</u> 15	From the Olympic National Forest boundary (Sec.25, T30N, R7W) downstream to mouth at Elwha River (Sec.28, same township). Excluding federal lands.
(16) Dickey River (E. Fork)	<u>Lake Pleasant</u> 15 <u>Ozette Lake</u> 15	From the confluence of the East Fork Dickey River and unnamed creek (Sec.19, T30N, R13W) downstream to mouth at Dickey River (Sec.30, T29N, R14W).	(28) Lyre River	<u>Lake Crescent</u> 15	From the Olympic National Forest boundary (Sec.10, T30N, R9W) downstream to mouth at Strait of Juan de Fuca (Sec.22, T31N, R9W).
(17) Dickey River (M. Fork)	<u>Lake Pleasant</u> 15	From the confluence of the Middle Fork Dickey River and unnamed creek (Sec.14, T30N, R14W) downstream to mouth at West Fork Dickey River (Sec.21, same township).	(29) Maxfield Creek	<u>Forks</u> 15	From the confluence of Maxfield Creek and South Fork Maxfield Creek (Sec.27, T28N, R14W) downstream to mouth at Bogachiel River (Sec.28, same township).
(18) Deep Creek	<u>Pysht</u> 15	From the Olympic National Forest boundary (Sec.36, T31N, R11W) downstream to mouth at Strait of Juan de Fuca (Sec.20, T31N, R10W).	(30) McDonald Creek	<u>Carlsborg</u> 7 1/2 <u>Dungeness</u> 7 1/2	From the confluence of McDonald Creek and unnamed creek (Sec.6, T29N, R4W) downstream to mouth at Strait of Juan de Fuca (Sec.5,T30N,R4W).
(19) Dungeness River	<u>Tyler Peak</u> 15 <u>Carlsborg</u> 7 1/2 <u>Dungeness</u> 7 1/2	From the Olympic National Forest boundary (Sec.24, T29N, R4W) downstream to mouth at Dungeness Bay (Sec.25, T31N, R4W).			



Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(31) Murphy Creek	<u>La Push</u> 15	From the confluence of Murphy Creek and unnamed creek (Sec.33, T28N, R14W) downstream to mouth at Bogachiel River (Sec.29, same township).	(42) Shuwah Creek	<u>Lake Pleasant</u> 15	From the confluence of Shuwah Creek and unnamed creek (NW1/4 SW1/4 of Sec.15, T29N, R13W) downstream to mouth at Soleduck River (Sec.22, same township).
(32) Pilchuck Creek	<u>Ozette Lake</u> 15	From a point (SW1/4 of NE1/4 Sec.33, T32N, R15W) downstream to mouth at Sooes River (Sec.28, same township).	(43) Skunk Creek	<u>Lake Pleasant</u> 15	From the confluence of Skunk Creek and unnamed creek (Sec.29, T30N, R13W) downstream to mouth at the Dickey River (Sec.31, T39N, R13W).
(33) Morse Park	<u>Morse Creek</u> 7 1/2	From Olympic National Park boundary (Sec.8, T29N, R5W) downstream to mouth at Port Angeles Harbor (Sec.5, T30N, R5W).	(44) Snag Creek	<u>Ozette Lake</u> 15	From the confluence of Snag Creek and unnamed creek (Sec.6, T31N, R14W) downstream to mouth at Sooes River (Sec.30, T32N, R14W).
(34) Ponds Creek	<u>Lake Pleasant</u> 15	From the confluence of Ponds Creek and unnamed creek on the south section line (Sec.34, T31N, R14W) downstream to mouth at Dickey Lake (Sec.9, T30N, R14W).	(45) Soleduck River*	<u>Pysht</u> 15 <u>Lake Pleasant*</u> 15 <u>La Push</u> 15	From the Olympic National Forest boundary (Sec.35, T30N, R10W) downstream to mouth at Quillayute River (Sec.20, T28N, R14W). The 1,000 cfs MAF point begins at mouth of Bockman Creek (Sec.1, T29N, R13W). Excludes federal lands.
(35) Pysht River	<u>Pysht</u> 15	From the Olympic National Forest boundary (Sec.34, T31N, R12W) downstream to mouth at Strait of Juan de Fuca near Pysht (Sec.9, T31N, R11W).	(46) Sooes River	<u>Ozette Lake</u> 15 <u>Cape Flattery</u> 15	From the confluence of Snag Creek and Sooes River (Sec.30, T32N, R14W) downstream to Indian Reservation boundary (Sec.16, T32N, R15W).
(36) Pysht River (S. Fk.)	<u>Pysht</u> 15	From the confluence of the South Fork Pysht River and Middle Creek (Sec.28, T31N, R11W) downstream to mouth at Pysht River (Sec.13, T31N, R12W).	(47) Thunder Creek	<u>Lake Pleasant</u> 15	From the confluence of Thunder Creek and unnamed creek (Sec.11, T29N, R14W) downstream to mouth at East Fork Dickey River (Sec.23, same township).
(37) Quillayute River*	<u>La Push*</u> 15	From confluence of Soleduck and Bogachiel rivers (Sec.20, T28N, R14W) downstream to Olympic National Park boundary (Sec.24, T28N, R15W). The 1,000 cfs MAF point begins at confluence of Soleduck River and Bogachiel River.	(48) Umbrella Creek	<u>Ozette Lake</u> 15	From the confluence of Umbrella Creek and unnamed creek (Sec.23, T31N, R15W) downstream to mouth at Umbrella Point on Lake Ozette (Sec.4, T30N, R15W).
(38) Salt Creek	<u>Joyce</u> 15	From the confluence of Salt Creek and unnamed creek (SE1/4, SE1/4 of Sec.34, T31N, R8W) downstream to mouth at Crescent Bay on Strait of Juan de Fuca (Sec.21, same township).	(49) West Twin River	<u>Lake Crescent</u> 15	From the Olympic National Forest boundary (Sec.34, T31N, R10W) downstream to mouth at Strait of Juan de Fuca (Sec.23, T31N, R10W).
(39) Sekiu River (S. Fk.)	<u>Lake Pleasant</u> 15	From the confluence of the South Fork Sekiu River and unnamed creek (Sec.26, T32N, R14W) downstream to mouth at Sekiu River (Sec.15, same township).	[Statutory Authority: RCW 90.58.200, 90-06-068 (Order 89-60), § 173-18-090, filed 3/6/90, effective 4/6/90; Order DE 76-14, § 173-18-090, filed 5/3/76; Order 73-14, § 173-18-090, filed 8/27/73; Order DE 72-13, § 173-18-090, filed 6/30/72.]		
(40) Sekiu River (N. Fk.)	<u>Cape Flattery</u> 15	From the confluence of North Fork Sekiu River and unnamed creek (Sec.7, T32N, R14W) downstream to mouth at Sekiu River (Sec.15, same township).			
(41) Sekiu River	<u>Clallam Bay</u> 15	From confluence of North and South Forks of Sekiu River (Sec.15, T32N, R14W) downstream to mouth on Strait of Juan de Fuca (Sec.8, T32N, R13W).			

**WAC 173-18-100 Clark County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description
(1) Big Tree Creek	<u>Yacolt</u> 15 <u>Yacolt</u> 7 1/2	From the confluence of Big Tree Creek and Big Creek (Sec.6, T4N, R4E) downstream to mouth at East Fork Lewis River (Sec.13, T4N, R3E).
(2) Boulder Creek	<u>Camas</u> 15	From the confluence of Boulder Creek and unnamed creek (Sec.9, T2N, R4E) downstream to confluence of Boulder Creek and East Fork Little Washougal River (Sec.8, same township).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(3) Burnt Bridge Creek	<u>Orchards</u> 7 1/2 <u>Vancouver</u> 7 1/2	From I-205 overcrossing (Sec.16, T2N, R2E) and Burnt Bridge Creek downstream to Vancouver Lake (Sec.9, T2N, R1E).	(15) Hagan Creek	<u>Camas</u> 15 <u>Bridal Veil</u> 15	From the confluence of Hagan Creek and unnamed creek (Sec.36, T3N, R4E) downstream to Skamania County line (Sec.1, T2N, R4E).
(4) Canyon Creek	<u>Lookout Mt.</u> 15 <u>Yacolt</u> 15	From the National Forest boundary line (Sec.12, T5N, R4E) downstream to mouth at Lewis River (Sec.31, T6N, R4E) excluding the portion which flows thru Gifford Pinchot National Forest.	(16) King Creek	<u>Yacolt</u> 15	From the confluence of King Creek and unnamed creek (Sec.26, T4N, R4E) downstream to mouth at Lewis River East Fork (Sec.21, same township).
(5) Cedar Creek	<u>Yacolt</u> 15	From the confluence of Cedar Creek and Cold Creek (Sec.8, T3N, R4E) downstream to mouth at Rock Creek (Sec.31, T4N, R4E).	(17) Lackamas Creek	<u>Camas</u> 15 <u>Lackamas</u> 7 1/2	From the Military Reservation boundary (Sec.9, T2N, R3E) downstream through Lackamas Lake to Washougal River near Camas (Sec.12, T1N, R3E).
(6) Cedar Creek	<u>Amboy</u> 7 1/2 <u>Yacolt</u> 7 1/2 <u>Ariel</u> 7 1/2	From the confluence of Cedar Creek and unnamed creek (Sec.24, T5N, R3E) downstream to mouth at Lewis River (Sec.12, T5N, R1E).	(18) Lewis River (E. Fk.)*	<u>Lookout Mt.</u> 15 <u>Yacolt</u> 15 <u>Battle Ground</u> 7 1/2 <u>Ridgefield</u> * 7 1/2 <u>Yacolt</u> 7 1/2	From the Gifford Pinchot National Forest boundary (Sec.24, T4N, R4E) downstream to mouth at Lewis River (Sec.32, T5N, R1E) The 1,000 cfs MAF begins at the mouth of Mason Creek. (Sec.14, T4N, R1E.)
(7) Chelatchie Creek	<u>Amboy</u> 7 1/2	From an approximate point along the south section line (SE1/4 of NW1/4 of Sec.14, T5N, R3E) downstream to mouth at Cedar Creek (Sec.16, same township).	(19) Little Washougal River	<u>Camas</u> 15	From the confluence of Boulder Creek and East Fork Little Washougal River (Sec.8, T2N, R4E) downstream to mouth on Washougal River (Sec.32, same township).
(8) Columbia River (Cont.)*	<u>Bridal Veil</u> 15 <u>Washougal</u> 7 1/2 <u>Camas</u> 7 1/2 <u>Mount Tabor</u> 7 1/2 <u>Portland</u> 7 1/2 <u>Vancouver</u> 7 1/2 <u>Sauvie Island</u> 7 1/2 <u>St. Helens</u> 7 1/2	From the Skamania County line on Columbia River (Sec. 19, TIN, R5E) downstream along the Washington-Oregon boundary to Cowlitz County line at Lewis River (Sec.10, T4N, R1W). The flow exceeds 1,000 cfs MAF at Skamania-Clark County line.	(20) Little Washougal River (E. Fk.)	<u>Camas</u> 15	From the confluence of East Fork Little Washougal River and Jones Creek (Sec.9, T2N, R4E) downstream to mouth at confluence with Boulder Creek (Sec.8, T2N, R4E).
(9) Lewis River*	<u>Mt. St. Helens</u> 15 <u>Cougar</u> 15 <u>Yacolt</u> 15 <u>Amboy</u> 7 1/2 <u>Ariel</u> 7 1/2 <u>Woodland</u> 7 1/2 <u>Ridgefield</u> 7 1/2 <u>St. Helens</u> 7 1/2	From the Skamania County line (Sec.36, T7N, R4E) left bank only downstream to mouth at Columbia River (Sec.2, T4N, R1W). The flow exceeds 1,000 cfs MAF at Skamania-Clark County line.	(21) Lockwood Creek	<u>Ridgefield</u> 7 1/2	From the confluence of Lockwood Creek and unnamed creek (Sec.1, T4N, R1E) downstream to mouth at East Fork Lewis River (Sec.11, same township).
(10) Copper Creek	<u>Lookout Mtn.</u> 15 <u>Yacolt</u> 15	From the Gifford Pinchot National Forest boundary (Sec.25, T4N, R4E) downstream to mouth at Lewis River East Fork (Sec.24, same township).	(22) Mason Creek	<u>Battle Ground</u> 7 1/2	From the confluence of Mason Creek and unnamed creek (Sec.8, T4N, R2E) downstream to mouth at East Fork Lewis River (Sec.14, T4N, R1E).
(11) Fifth Plain Creek	<u>Lackamas</u> 7 1/2	From the confluence of Fifth Plain Creek and Shanghai Creek (Sec.6, T2N, R3E) downstream to mouth at Lackamas Creek (Sec.7, same township).	(23) Matney Creek	<u>Camas</u> 15 <u>Lackamas</u> 7 1/2	From the confluence of Matney Creek and unnamed creek (Sec.15, T2N, R3E) downstream to mouth at Lackamas Creek (Sec.9, same township).
(12) Fly Creek	<u>Yacolt</u> 15	From the confluence of Fly Creek and unnamed creek (Sec.1, T4N, R4E) downstream to mouth at Canyon Creek (Sec.4, T5N, R4E).	(24) Mill Creek	<u>Battle Ground</u> 7 1/2 <u>Orchards</u> 7 1/2 <u>Vancouver</u> 7 1/2	From the confluence of Mill Creek and unnamed creek (SW1/4 Sec.7, T3N, R2E) downstream to mouth at Salmon Creek (Sec.24, T3N, R1E).
(13) Gee Creek	<u>Ridgefield</u> 7 1/2	From the confluence of Gee Creek and unnamed creek (Sec.19, T4N, R1E) downstream to mouth at Lewis River (Sec.11, T4N, R1W).	(25) Morgan Creek	<u>Yacolt</u> 7 1/2 <u>Battle Ground</u> 7 1/2	From an approximate point (SE1/4 of Sec.12, T3N, R2E) downstream to mouth at Salmon Creek (Sec.12, same township).
(14) Glenwood Creek	<u>Orchards</u> 7 1/2	From the intersection of Glenwood Creek and NE 119th St. (Sec.29, T3N, R2E) downstream to Salmon Creek (Sec.20, same township).	(26) North Siouion Creek	<u>Lookout Mt.</u> 15 <u>Yacolt</u> 15	From the Skamania County line (Sec.25, T6N, R4E) downstream to mouth at Siouion Creek (Sec.25, same township).
			(27) Rock Creek	<u>Yacolt</u> 15	From an approximate point on the north section line (SE1/4 of NW1/4 of Sec.33, T4N, R3E) downstream to mouth on Salmon Creek (Sec.4, T3N, R3E).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(28) Rock Creek	<u>Battle Ground</u> 7 1/2	From the confluence of Rock Creek and unnamed creek (Sec.2, T4N, R2E) downstream to mouth on East Fork Lewis River (Sec.14, same township).	(4) Touchet River (N. Fk.)	<u>Pomeroy</u> 30 Eckler Mtn. 7 1/2 Cahill Mtn. 7 1/2 Dayton 7 1/2	From the confluence of the North Fork Touchet River and unnamed creek (Sec.28, T8N, R40E) downstream to Touchet River near Dayton (Sec.32, T10N, R39E) (Note: called North Fork on Quad.) Excluding all federal lands.
(29) Rock Creek	<u>Yacolt</u> 7 1/2	From the confluence of Rock Creek and unnamed creek (Sec.9, T3N, R4E) downstream to mouth at East Fork Lewis River (Sec.19, T4N, R4E).	(5) Touchet River	<u>Pomeroy</u> 30 Walla Walla 30 Dayton 7 1/2 Huntsville 7 1/2	From the confluence of North and South Forks of Touchet River (Sec.32, T10N, R39E) downstream to Walla Walla County line (Sec.7, T9N, R38E).
(30) Salmon Creek	<u>Yacolt</u> 7 1/2 <u>LaCenter</u> 15 <u>Orchards</u> 7 1/2 <u>Vancouver</u> 7 1/2	From the confluence of Salmon Creek and unnamed creek (NW1/4 of Sec.10, T3N, R3E) downstream to mouth at Lake River (Sec.19, T3N, R1E).	(6) Robinson Creek	<u>Dayton</u> 7 1/2	From north line (Sec.23, T9N, R39E) downstream to mouth at North Fork Touchet River (Sec.11, same township).
(31) Siouxxon Creek (Cont.)	<u>Lookout Mtn.</u> 15 <u>Yacolt</u> 15	From the Skamania County line (Sec.36, T6N, R4E) downstream to mouth in Yale Lake (Sec.26, same township).	[Order DE 76-14, § 173-18-110, filed 5/3/76; Order 73-14, § 173-18-110, filed 8/27/73; Order DE 72-13, § 173-18-110, filed 6/30/72.]		
(32) Unnamed Creek (Tributary to Chelatchie Creek)	<u>Amboy</u> 7 1/2	From intersection of Eaton Road and unnamed creek (Sec.15, T5N, R3E) downstream to mouth at Chelatchie Creek (Sec.16 same township).	<b>WAC 173-18-120 Cowlitz County. Streams</b>		
(33) Washougal River (Cont.)*	<u>Bridal Veil</u> 15 <u>Washougal*</u> 7 1/2 <u>Camas</u> 7 1/2	From the Skamania County line (Sec.36, T2N, R4E) downstream to mouth at Columbia River near Camas (Sec.11, T1N, R3E). The 1,000 cfs MAF begins at mouth of Little Washougal River (Sec.32, T2N, R4E).	Stream Name	Quadrangle Name and Size	Legal Description
(34) Yacolt Creek	<u>Yacolt</u> 7 1/2	From an approximate point (near SE corner of the NE1/4 of NW1/4 Sec.11, T4N, R3E) downstream to mouth at Big Tree Creek (Sec.13, T4N, R3E).	(1) Abernathy Creek	<u>Ryderwood</u> 15 <u>Clatskanie</u> 15	From the confluence of Abernathy Creek and Ordway Creek (Sec.5, T9N, R4W) downstream to mouth at Columbia River (Sec.10, T8N, R4W).

[Order DE 76-14, § 173-18-100, filed 5/3/76; Order 73-14, § 173-18-100, filed 8/27/73; Order DE 72-13, § 173-18-100, filed 6/30/72.]

**WAC 173-18-110 Columbia County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(1) Pataha Creek (Cont.)	<u>Hay</u> 15	From the Garfield County line (Sec.12, T12N, R39E) downstream to mouth at Tucannon River (Sec.24, T12N, R38E).	(2) Alder Creek	<u>Toutle</u> 15	From the confluence of Alder Creek and unnamed creek (Sec.26, T10N, R2E) downstream to mouth at North Fork Toutle River (Sec.15, same township).
(2) Tucannon River*	<u>Pomeroy</u> 30 <u>Hopkins Ridge</u> 7 1/2 <u>Zumwalt</u> 7 1/2 <u>Turner</u> 7 1/2 <u>Tucannon</u> 7 1/2 <u>Hay*</u> 15 <u>Starbuck</u> 15	From the Umatilla National Forest boundary line (Sec.35, T10N, R41E) downstream to mouth at Snake River (Sec.3, T12N, R37E). This stream has over 300 square miles of drainage area ending at Pataha Creek (Sec.24, T12N, R38E).	(3) Arkansas Creek	<u>Ryderwood</u> 15	From the confluence of Arkansas Creek and unnamed creek (NE1/4 Sec.26, T10N, R3W) downstream to mouth at Cowlitz River near Castle Rock (Sec.15, T9N, R2W).
(3) Touchet River (S. Fk.)	<u>Pomeroy</u> 30 <u>Robinette Mtn.</u> 7 1/2 <u>Dayton</u> 7 1/2	From a point of (SE1/4 of NE1/4 of Sec.5, T8N, R39E) downstream to mouth at Touchet River near Dayton (Sec.32, T10N, R39E).	(4) Baird Creek	<u>Pigeon Springs</u> 15	From an approximate point (SW1/4 of SW1/4 of Sec.9, T8N, R2E) downstream to mouth at Coweeman River (Sec.19, same township).
			(5) Bear Creek	<u>Cougar</u> 15	From the confluence of Bear Creek and unnamed creek (Sec.9, T8N, R3E) downstream to South Fork Toutle River (Sec.29, T9N, R3E).
			(6) Bear Creek	<u>Elk Rock</u> 15 <u>Toutle</u> 15	From the intersection of Bear Creek and light duty road (Sec.33, T10N, R3E) downstream to mouth at Hoffstadt Creek (Sec.23, T10N, R2E).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(7) Cameron Creek	<u>Clatskanie</u> 15	From the confluence of Cameron Creek and unnamed creek (Sec.28, T9N, R4W) downstream to mouth at Abernathy Creek (Sec.10, T8N, R4W).	(16) Cowlitz River (Cont.)*	<u>Castle Rock</u> 15 Kelso 7 1/2 Rainier 7 1/2	From Cowlitz-Lewis County line (Sec.4, T10N, R2W) downstream to mouth on Columbia River (Sec.10,T7N,R2W). The flow exceeds 1,000 cfs MAF at Cowlitz-Lewis County line (Sec.3, T10N, R2W).
(8) Campbell Creek	<u>Ryderwood</u> 15	From an approximate point near the north section line (SW1/4 of NE1/4 of Sec.10, T10N, R3W) downstream to mouth at Stillwater Creek (Sec.3, same township).	(17) Deer Creek	<u>Elk Rock</u> 15	From the confluence of Deer Creek and unnamed creek (Sec.31, T10N, R3E) downstream to mouth at North Fork Toutle River (Sec.36, T10N, R2E).
(9) Castle Creek	<u>Elk Rock</u> 15	From the confluence of Castle Creek and the South Fork Castle Creek (Sec.14, T9N, R4E) downstream to mouth at North Fork Toutle River (Sec.10, same township).	(18) Delameter Creek	<u>Castle Rock</u> 15 Kelso 7 1/2	From the confluence of Delameter Creek and unnamed creek (Sec.24, T9N, R3W) downstream to mouth at Arkansas Creek (Sec.16, T9N, R2W).
(10) Chehalis River (S. Fk.)	<u>Ryderwood</u> 15	From the confluence of South Fork Chehalis River and unnamed creek (Sec.11, T10N, R4W) downstream to the Lewis County line (Sec.2, same township).	(19) Devils Creek	<u>Toutle</u> 15	From the Lewis County line (Sec.2, T10N, R2E) downstream to mouth at the Green River (same section).
(11) Coal Creek	<u>Clatskanie</u> 15	From the confluence of Coal Creek and unnamed creek (Sec.28, T9N, R3W) downstream to mouth at Coal Creek Slough (Sec.14, T8N, R3W).	(20) Elk Creek	<u>Cougar</u> 15	From the confluence of Elk Creek and unnamed creek (Sec.12, T7N, R2E) downstream to mouth at Kalama River (Sec.24, same township).
(12) Coldwater Creek (Cont.)	<u>Spirit Lake</u> 15	From the Gifford Pinchot National Forest boundary (also Skamania County line) (Sec.36, T10N, R4E) downstream to mouth at North Fork Toutle River (Sec.2, T9N, R4E).	(21) Elochoman River (E. Fk.)	<u>Ryderwood</u> 15	From the confluence of East Fork Elochoman River and unnamed creek (Sec.8, T10N, R4W) downstream to Wahkiakum County line (same section).
(13) Columbia River (Cont.)*	<u>St. Helens</u> 7 1/2 <u>Deer Island</u> 7 1/2 <u>Kalama</u> 7 1/2 <u>Rainier</u> 7 1/2 <u>Clatskanie</u> 15	From the Lewis River at the Clark County line (Sec.10, T4N, R1W) downstream along the Washington-Oregon line to Wahkiakum County line (Sec.20, T8N, R4W). The flow exceeds 1,000 cfs MAF at Cowlitz-Clark County line.	(22) Germany Creek	<u>Ryderwood</u> 15 <u>Clatskanie</u> 15	From the confluence of Germany Creek and unnamed creek (Sec.25, T10N, R4W) downstream to mouth at Columbia River (Sec.12, T8N, R4W).
(14) Cougar Creek	<u>Cougar</u> 15	From the Gifford Pinchot National Forest boundary (Sec.23, T7N, R4E) downstream to mouth at Yale Lake (Sec.27, T7N, R4E).	(23) Gobar Creek	<u>Pigeon Springs</u> 15	From the confluence of Gobar Creek and unnamed creek (Sec.8, T7N, R2E) downstream to mouth at Kalama River (Sec.36, T7N, R1E).
(15) Coweeman River	<u>Cougar</u> 15 <u>Pigeon Springs</u> 15 <u>Mt. Brynion</u> 7 1/2 <u>Kelso</u> 7 1/2 <u>Rainier</u> 7 1/2	From the Gifford Pinchot National Forest boundary (Sec.19, T8N, R3E) downstream to mouth at Cowlitz River (Sec.11, T7N, R2W).	(24) Goble Creek	<u>Pigeon Springs</u> 15 <u>Kalama</u> 7 1/2 <u>Mt. Brynion</u> 7 1/2	From the confluence of Goble Creek and unnamed creek (Sec.13, T7N, R1W) downstream to mouth of Coweeman River (Sec.34, T8N, R1W).
			(25) Goble Creek (N. Fk.)	<u>Pigeon Springs</u> 15 <u>Kalama</u> 7 1/2	From the confluence of the North Fork Goble Creek and unnamed creek (Sec.31, T8N, R1E) downstream to mouth at Goble Creek (Sec.2, T7N, R1W).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(26) Green River (Cont.)	<u>Spirit Lake</u> 15 <u>Elk Rock</u> 15 <u>Toutle</u> 15	From the Skamania-Cowlitz County line (Sec.1, T10N, R4E) downstream to mouth at North Fork Toutle River (Sec.8, T10N, R2E) excluding those reaches within Lewis County.	(35) Little Kalama River	<u>LaCenter</u> 15 <u>Pigeon Springs</u> 15	From the confluence of the Little Kalama River and unnamed creek (Sec.16, T6N, R1E) downstream to mouth at Kalama River (Sec.17, same township).
(27) Hemlock Creek	<u>Toutle</u> 15	From the confluence of Hemlock Creek and unnamed creek (Sec.18, T9N, R1E) downstream to mouth at Silver Lake (Sec.1, T9N, R1W).	(36) Little Mill Creek	<u>Clatskanie</u> 15	From the confluence of Little Mill Creek and unnamed creek (Sec.8,T8N, R4W) downstream to mouth at Mill Creek (Sec.9, same township).
(28) Hoffstadt	<u>Elk Rock</u> 15 <u>Toutle</u> 15	From the confluence of Hoffstadt Creek and unnamed creek (Sec.24, T10N, R3E) downstream to mouth at North Fork Toutle River (Sec.23, T10N, R2E).	(37) Mill Creek (Cont.)	<u>Clatskanie</u> 15	From the Wahkiakum County line (Sec.32, T9N, R4W) downstream to mouth on the Columbia River (Sec.9, T8N, R4W).
(29) Jackson Creek	<u>Elk Rock</u> 15	From the approximate point near the north section line (SW1/4 of SW1/4 of Sec.8, T9N, R4E) downstream to mouth at North Fork Toutle River (Sec.12, T9N, R3E).	(38) Monahan Creek	<u>Ryderwood</u> 15 <u>Castle Rock</u> 15	From the confluence of Monahan Creek and unnamed creek (Sec.2, T9N, R3W) downstream to mouth at Delameter Creek (Sec.18, T9N, R2W).
(30) Johnson Creek	<u>Toutle</u> 15	From the confluence of Johnson Creek and unnamed creek (Sec.36, T10N, R1E) downstream to South Fork Toutle River (Sec.34, same township).	(39) Mulholland Creek	<u>Pigeon Springs</u> 15	From the confluence of Mulholland Creek and unnamed creek (Sec.2, T8N, R1E) downstream to mouth at Coweeman River (Sec.17, same township).
(31) Kalama River*	<u>Cougar</u> 15 <u>Pigeon Springs*</u> 15 <u>Kalama</u> 7 1/2	From the Gifford Pinchot National Forest boundary (Sec.5, T7N, R4E) downstream to mouth at Columbia River (Sec.1, T6N, R2W) excluding all federal lands. The 1,000 cfs MAF point begins at mouth of Little Kalama River (Sec.17, T6N, R1E).	(40) Olequa Creek (Cont.)	<u>Castle Rock</u> 15	From Lewis County line (Sec.32, T11N, R2W) downstream to mouth at Cowlitz River (Sec.9, T10N, R2W).
(32) Kalama River (N. Fk.)	<u>Cougar</u> 15	From confluence of Kalama River N. Fk. and unnamed creek (Sec.34, T8N, R3E) downstream to mouth at Kalama River (Sec.14, T7N, R3E).	(41) Ostrander Creek	<u>Mt. Brynion</u> 7 1/2 <u>Kelso</u> 7 1/2	From the confluence of Ostrander Creek and unnamed creek (Sec.27, T9N, R1W) downstream to mouth at Cowlitz River (Sec.11, T8N, R2W).
(33) Langdon Creek	<u>Cougar</u> 15	From confluence of Langdon Creek and unnamed creek (Sec.9, T7N, R3E) downstream to mouth at Kalama River (Sec.22, T7N, R3E).	(42) Ostrander Creek (S. Fk.)	<u>Mt. Brynion</u> 7 1/2 <u>Kelso</u> 7 1/2	From the confluence of South Fork Ostrander Creek and unnamed creek (Sec.18, T8N, R1W) downstream to mouth at Ostrander Creek (Sec.12, T8N, R2W).
(34) Lewis River (Cont.)*	<u>Mt. St. Helens*</u> 15 <u>Cougar</u> 15 <u>Yacolt</u> 15 <u>St. Helens</u> 15 <u>Amboy</u> 7 1/2 <u>Ariel</u> 7 1/2 <u>Woodland</u> 7 1/2	From the Skamania County line (Sec.25, T7N, R4E) downstream through Yale Lake and Lake Merwin to mouth at the Columbia River (Sec.2, T4N, R1W) on right shore of Lewis River only. The flow exceeds 1,000 cfs MAF at Cowlitz-Skamania County line.	(43) Rock Creek	<u>Cougar</u> 15 <u>Amboy</u> 7 1/2	From the confluence of Rock Creek and unnamed creek (Sec.8, T6N, R3E) downstream to mouth at Lake Merwin (Sec.20, same township).
			(44) Salmon Creek (Cont.)	<u>Castle Rock</u> 15	From the Lewis County line (Sec.3, T10N, R1W) back to Lewis County line (same section) except those reaches within Lewis County.

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(45) Shultz Creek	<u>Elk Rock</u> 15	From the confluence of Shultz Creek and unnamed creek (N1/2 Sec.14, T10N, R4E) downstream to mouth at Green River (Sec.3, same township).	(54) Unnamed Tributary to Speelyai Creek	<u>Cougar</u> 15	From an approximate point near the east section line (Sec.12, T6N, R3E) downstream to mouth at Speelyai Creek (Sec.7, T6N, R4E).
(46) South Coldwater Creek	<u>Spirit Lake</u> 15 <u>Elk Rock</u> 15	From the Gifford Pinchot National Forest boundary (Sec.1, T9N, R4E) downstream to mouth at Coldwater Creek (Sec.2, same township).	(55) Unnamed Tributary to Toutle River (S. Fk.)	<u>Cougar</u> 15	From confluence of unnamed tributary and unnamed creek (Sec.12, T8N, R3E) downstream to mouth at South Fork Toutle River (Sec.36, T9N, R3E).
(47) Speelyai Creek	<u>Cougar</u> 15 Yacolt 15 Amboy 7 1/2	From the confluence of the Speelyai Creek and the West Fork of Speelyai Creek (Sec.5, T6N, R4E) downstream to mouth at Lake Merwin (Sec.23, T6N, R3E).	(56) Wild Horse Creek	<u>Pigeon Springs</u> 15	From the confluence of Wild Horse Creek and unnamed creek (Sec.23, T7N, R1E) downstream to mouth at Kalama River (Sec.36, T7N, R1E).
(48) Stillwater Creek	<u>Ryderwood</u> 15	From the confluence of Stillwater Creek and unnamed creek (Sec.6, T10N, R3W) downstream to the Lewis County line (Sec.3, same township).	(57) Wolf Creek	<u>Cougar</u> 15	From the confluence of Wolf Creek and unnamed creek (Sec.28, T7N, R3E) downstream to mouth at Kalama River (Sec.21, same township).
(49) Studebaker Creek	<u>Toutle</u> 15	From the confluence of Studebaker Creek and unnamed creek (Sec.33, T10N, R1E) downstream to mouth at Toutle River (S. Fork) (Sec.29, same township).	(58) Wyant Creek	<u>Toutle</u> 15	From the confluence of Wyant Creek and unnamed creek (Sec.13, T10N, R1E) downstream to mouth at North Fork Toutle River (Sec.20, same township).
(50) Toutle River*	<u>Toutle*</u> 15 Castle Rock 15	From confluence of North and South Forks of Toutle River (Sec.29, T10N, R1E) downstream to mouth on Cowlitz River (Sec.34, T10N, R2W). The 1,000 cfs MAF point begins at mouth of Green River (Sec.8, T10N, R2E) at North Fork Toutle River.	(59) Unnamed Tributary to Toutle River (S. Fk.)	<u>Cougar</u> 15	From north end of Goat Marsh (SW1/4, NW1/4 Sec.23, T8N, R4E) downstream to mouth at Toutle River S.Fk. excluding federal lands.
(51) Toutle River (N. Fk.)	<u>Spirit Lake</u> 15 <u>Elk Rock</u> 15 Toutle 15	From the Gifford Pinchot National Forest boundary at the Skamania County line (Sec.13, T9N, R4E) downstream to mouth at Toutle River (Sec.29, T10N, R1E).	(60) Fossil Creek	<u>Cougar</u> 15	From Gifford Pinchot National Forest boundary (Sec.31, T8N, R4E) downstream to mouth at Kalama River (Sec.6, T7N, R4E).
(52) Toutle River (S. Fk.)	<u>Cougar</u> 15 Pigeon Springs 15 Toutle 15	From the Gifford Pinchot National Forest boundary (Sec.2, T8N, R4E) downstream to mouth at the Toutle River (Sec.29, T10N, R1E).	[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-052 (Order DE 80-20), § 173-18-120, filed 6/30/80; Order DE 76-14, § 173-18-120, filed 5/3/76; Order 73-14, § 173-18-120, filed 8/27/73; Order DE 72-13, § 173-18-120, filed 6/30/72.]		
(53) Unnamed Tributary to Kalama River	<u>Cougar</u> 15	From an approximate point (SW1/4 of SE1/4 of NW1/4 of Sec.13, T7N, R3E) downstream to mouth at Kalama River (Sec.12, same township).	<b>WAC 173-18-130 Douglas County. Streams</b>		
			(1) <u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
			Columbia River (Cont.)*	Chief Joseph Dam 7 1/2 Bridgeport 7 1/2 Brewster 7 1/2 Wells Dam 7 1/2 Azwell 7 1/2 Chelan Falls 7 1/2 Wenatchee 7 1/2 Rock Island 7 1/2 Malala 7 1/2 Rock Island Dam 7 1/2	Beginning (Sec.24, T29N, R25E) below Chief Joseph Dam downstream to (Sec.13, T20N, R22E) excluding any federal lands. The flow exceeds 200 cfs MAF at Chief Joseph Dam.

Chelan 7 1/2  
 Winesap 7 1/2  
 Entiat 7 1/2  
 Orondo 7 1/2  
 Rocky Reach Dam  
 7 1/2  
 West Bar 7 1/2

- (2) Moses Coulee\* (Rattlesnake Creek) (Douglas Creek) Palisades\* 7 1/2 Appledale 7 1/2 Rock Island Dam 7 1/2 From the confluence of Douglas Creek and Moses Coulee (Sec.36, T23N, R23E) downstream to mouth at Columbia River (Sec.33, T21N, R22E). This stream has over 300 sq. miles of drainage area ending at mouth of Douglas Creek.

[Order 73-14, § 173-18-130, filed 8/27/73; Order DE 72-13, § 173-18-130, filed 6/30/72.]

**WAC 173-18-140 Ferry County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description
(1) Boulder Creek	<u>Orient</u> 15 Orient 7 1/2	From the Colville National Forest boundary (Sec.36, T39N, R36E) downstream to mouth at Kettle River and Stevens County line (same section).
(2) Columbia River (Cont.)*	<u>Marcus</u> 7 1/2	All of Columbia River (Franklin D. Roosevelt Lake) within Ferry County is under federal jurisdiction.
(3) Curlew Creek	<u>Curlew</u> 15	From the confluence of Curlew Creek and St. Peter Creek (Sec.11, T38N, R33E) downstream to Kettle River (Sec.14, T39N, R33E).
(4) Kettle River*	<u>Bodie Mtn.</u> 15 Curlew 15 Togo Mtn. 15 Laurier 7 1/2 Orient 7 1/2	From the United States - Canada border (Sec.3, T40N, R32E) downstream to said border (Sec.3, T40N, R34E) returning to the U.S. (Sec.2, T40N, R36E) right bank only downstream to (Sec.20, T38N, R37E) excluding all Colville National Forest lands. The flow exceeds 200 cfs MAF at United States - Canada boundary.
(5) Sanpoil River	<u>Republic</u> 15 Seventeen-Mile Mtn. 15 Keller 15 Wilbur 15	From the confluence of Sanpoil River and O'Brien Creek (Sec.5, T36N, R33E) downstream to federal boundary (Sec.12, T35N, R32E).
(6) Toroda Creek (Cont.)	<u>Bodie Mtn.</u> 15	From the Intersection of Nickolson Creek and Toroda Creek (Sec.30, T40N, R32E) downstream to mouth at Kettle River near Toroda (Sec.27, same township).
(7) Sherman Creek	<u>Kettle Falls</u> 15	From the Colville National Forest boundary (Sec.30, T36N, R37E) downstream to mouth at Columbia River (Sec.27, T36N, R37E).

[Order DE 76-14, § 173-18-140, filed 5/3/76; Order 73-14, § 173-18-140, filed 8/27/73; Order DE 72-13, § 173-18-140, filed 6/30/72.]

**WAC 173-18-150 Franklin County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description
(1) Columbia River (Cont.)*	<u>Hanford</u> 15 Richland 15 Kennewick 7 1/2 Pasco 7 1/2	From Hanford Works boundary (Sec.23, T12N, R28E) downstream left bank only to (Sec.13, T9N, R28E) questionable. The flow exceeds 200 cfs MAF at Hanford Works boundary.
(2) Esquatzel Coulee*	<u>Mesa*</u> 15 Eltopia 15	From mouth of Old Maid Coulee (Sec.11, T12N, R30E) downstream to a sump (Sec.12, T9N, R29E) (Esquatzel River gradually sinking into ground). This stream has over 300 sq. miles of drainage area ending at mouth of Old Maid Coulee.
(3) Palouse River (Cont.)*	<u>Starbuck</u> 15	From Adams County line (Sec.5, T14N, R37E) downstream right bank only to mouth on Snake River (Sec.19, T13N, R37E). This stream has over 300 sq. miles of drainage area and over 200 cfs MAF flow at Adams County line.
(4) Snake River (Cont.)*		All of Snake River within Franklin County is under federal jurisdiction. The flow exceeds 200 cfs MAF at Whitman County line.

[Order 73-14, § 173-18-150, filed 8/27/73; Order DE 72-13, § 173-18-150, filed 6/30/72.]

**WAC 173-18-160 Garfield County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description
(1) Pataha Creek	<u>Pomeroy</u> 30 Hay 15 Zumwalt 7 1/2	From the confluence of Pataha Creek and Totman Gulch Stream (Sec.5, T11N, R41E) downstream to Columbia County line (Sec.7, T12N, R40E).
(2) Snake River (Cont.)*	<u>Clarkston</u> 15 Colton 7 1/2 Bishop 7 1/2 Kirby 7 1/2 Alinota 7 1/2 Penawawa 15 Hay 15	From the Asotin County line (Sec.6, T11N, R45E) downstream along Whitman County line left bank only to the Columbia County line (Sec.7, T13N, R40E). The flow exceeds 200 cfs MAF at Asotin County line. Under federal jurisdiction.

[Order 73-14, § 173-18-160, filed 8/27/73; Order DE 72-13, § 173-18-160, filed 6/30/72.]

**WAC 173-18-170 Grant County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description
(1) Columbia River (Cont.)*	<u>Grand Coulee Dam</u> 15 West Bar 7 1/2 Babcock Ridge 7 1/2 Cape Horn S.E. 7 1/2 Vantage 7 1/2 Beverly 7 1/2 Evergreen Ridge 7 1/2 Priest Rapids 15	From the Douglas County line on the Columbia River (Sec.18, T20N, R23E) downstream left bank only to Hanford Works boundary (Sec.10, T13N, R24E). The flow exceeds 200 cfs MAF at Douglas County line.
(2) Crab Creek*	<u>Marlin</u> 7 1/2 Wilson Creek 15 Wilson Creek N.W. 7 1/2 Stratford 7 1/2 Soap Lake 7 1/2 Grant Orchards 7 1/2 Gloyd 7 1/2 Moses Lake North 7 1/2	From the Lincoln County line (Sec.13, T22N, R30E) downstream through Brook Lake to mouth at Parker Horn of Moses Lake (Sec.14, T19N, R28E). This stream has over 300 sq. miles drainage area.

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(3) Lind Coulee*	<u>Basset Junction</u> * 7 1/2 Sieler 7 1/2 Soda Lake 7 1/2 Corfu 15	From south section line (Sec.18, T18N, R30E) downstream to mouth of Potholes Reservoir (Sec.1 and 12,T17N,R28E). This stream has over 300 sq. miles of drainage area ending at Lind Coulee in (Sec.18, T18N, R30E).	(6) Boone Creek	<u>Moclips</u> 7 1/2	From an approximate point in the (NW1/4 of NW1/4 of SW1/4 Sec.4, T19N, R12W) downstream to mouth at Pacific Ocean, near Iron Springs (Sec.4, T19N, R12W).
(4) Lower Crab Creek	<u>Corfu</u> 15 Smyrna 15 Beverly S.E. 7 1/2 Beverly 7 1/2	From CNW Refuge Bdy. (Sec.36, T16N, R26E) downstream excluding all federal lands to mouth at Columbia River (Sec.3, T15N, R23E).	(7) Canyon River (Cont.)	<u>Mt. Tebo</u> 15 <u>Wynoochee Valley</u> 15 Grisdale 15	Beginning at Mason Co. and Grays Harbor Co. line (Sec.13, T21N, R7W) downstream to mouth at Satsop West Fork River (Sec.22, T20N, R7W).
(5) Rocky Ford Creek	<u>Grant Orchards</u> 7 1/2 Moses Lake N.W. 7 1/2	From the confluence of Rocky Ford Creek and several springs (Sec.16, T21N, R27E) downstream to mouth at Moses Lake (Sec.8, T20N, R27E).	(8) Carter Creek	<u>Wynoochee Valley</u> 15	From an approximate point on the west line of (NE1/4 Sec.12, T19N, R8W) downstream to mouth at Wynoochee River (Sec.14, T19N, R8W).
(6) Wilson Creek (Cont.)*	<u>Almira S.W.</u> 7 1/2 Hartline S.E. 7 1/2 Wilson Creek 15	From Lincoln County line (Sec.1, T24N, R30E) downstream to mouth at Crab Creek (Sec.12, T22N, R29E). This stream has over 300 sq. miles of drainage area.	(9) Cedar Creek	<u>Copalis Beach</u> 7 1/2	From the confluence of Cedar Creek and unnamed creek (Sec.23, T19N, R12W), downstream to mouth at Copalis River (Sec.22, T19N, R12W).
			(10) Cedar Creek	<u>Rochester</u> 15	From the Thurston County line (Sec.2, T16N, R4W) downstream to mouth at Chehalis River (Sec.10, T16N, R5W).
			(11) Charley Creek	<u>Aberdeen</u> 7 1/2	From a point between confluence of one unnamed creek and Charley Creek and confluence of another unnamed creek and Charley Creek (Sec.27, T17N, R9W) downstream to mouth at south channel of Grays Harbor (Sec.18, T17N, R9W).

[Order DE 76-14, § 173-18-170, filed 5/3/76; Order 73-14, § 173-18-170, filed 8/27/73; Order DE 72-13, § 173-18-170, filed 6/30/72.]

### WAC 173-18-180 Grays Harbor County. Streams

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(1) Andrews Creek	<u>Grayland</u> 7 1/2	From the confluence of Andrews Creek and unnamed creek (SW1/4 NW1/4 of Sec.2, T15N, R11W) downstream to mouth at Beardslee Slough of South Bay (Sec.27, T16N, R11W).	(12) Chehalis River (Cont.)*	<u>Rochester</u> 15 Malone 15 Montesano 15 Aberdeen 7 1/2	From the Thurston Co. line (Sec.10, T15N, R4W) downstream on the southerly shore only (north shore on Indian Reservation). Both shores beginning (Sec.25, T16N, R5W) downstream to mouth at Grays Harbor (Sec.9,T17N,R9W). The flow exceeds 1,000 cfs MAF at Thurston-Grays Harbor County line.
(2) Big Creek	<u>Humtulpips</u> 15	From the confluence of the Big Creek and South Branch of the Big Creek (Sec.2, T19N, R10W) downstream to mouth at Humtulpips River (Sec.1, T19N, R11W).	(13) Cloquallum Creek	<u>Elma</u> 15 Malone 15	From the Mason Co. line (Sec.1, T18N, R6W) downstream to mouth at Chehalis River (Sec.2, T17N, R6W).
(3) Bitter Creek	<u>Wynoochee Valley</u> 15	From a point on the north line of (Sec.11, T18N, R8W) intersecting with Bitter Creek downstream to mouth at Black Creek (same section).	(14) Connor Creek	<u>Copalis Beach</u> 7 1/2	From the confluence of Cranberry Creek (Sec.10, T18N, R12W) downstream to mouth at Pacific Ocean (Sec.33, T19N, R12W).
(4) Black Creek	<u>Wynoochee Valley</u> 15	From the confluence of Black Creek and the unnamed creek (Sec.13, T18N, R8W) downstream to mouth at Wynoochee River (Sec.26, T18N, R8W).	(15) Copalis River	<u>Quinault Lake</u> 15 Macafee Hill 15 Carlisle 7 1/2 Moclips 7 1/2 Copalis Beach 7 1/2	From the intersection of Copalis River and unimproved road (Sec.30, T21N, R10W) downstream to mouth at Pacific Ocean (Sec.21, T19N, R12W).
(5) Black River (Cont.)	<u>Rochester</u> 15	From the Thurston County line (Sec.27, T16N, R4W) downstream to mouth at Chehalis River (Sec.5, T15N, R4W) excluding all federal lands.			



Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(16) Decker Creek (Cont.)	<u>Elma</u> 15	Beginning at a point where Decker Creek crosses Grays Harbor Co. and Mason Co. line (Sec.24, T20N, R7W) downstream to Grays Harbor Co. and Mason Co. line (Sec.25, of same Township).	(27) Hoquiam River (M. Fk.)	<u>Humtuplups</u> 15	From approximately the south line of the (NE1/4 of the SE1/4 Sec.30, T19N, R9W) downstream to mouth at Hoquiam River (Sec.22, T18N, R10W).
(17) Deep Creek	<u>Humtuplups</u> 15 Copalis Crossing 7 1/2	From the confluence of Deep Creek and unnamed creek (Sec.30, T19N, R10W) downstream to mouth at Humtuplups River (Sec.22, T19N, R11W).	(28) Hoquiam River (W. Fk.)	<u>Humtuplups</u> 15	From intersection of West Fork Hoquiam River and middle duty road (Sec.34, T19N, R10W) downstream to mouth at Hoquiam River (Sec.22, T18N, R10W).
(18) Delezene Creek	<u>Malone</u> 15	From the confluence of the Delezene Creek and unnamed Creek (SE1/4 of NW1/4 Sec.27, T17N, R6W) downstream to the Chehalis River (Sec.12, T17N, R6W).	(29) Humtuplups River*	<u>Humtuplups</u> * 15 Carlisle 7 1/2 Copalis Crossing 7 1/2	From the confluence of East and West Forks of Humtuplups River (Sec.2, T20N, R10W) downstream to mouth at North Bay (Sec.21, T18N, R11W). The 1,000 cfs MAF point begins at confluence of East and West Forks.
(19) Donkey Creek	<u>Quinault Lake</u> 15	From the intersection of Olympic National Forest boundary and Donkey Creek (Sec.3, T21N, R9W) downstream to mouth at West Fork Humtuplups River (Sec.16, T21N, R9W).	(30) Humtuplups River (E. Fk.)	<u>Quinault Lake</u> 15 Humtuplups 15	From the Olympic National Forest boundary (Sec.12, T21N, R9W) downstream to confluence with West Fork Humtuplups River (Sec.2, T20N, R10W).
(20) Elkhorn Creek	<u>Montesano</u> 15	From the confluence of Elk Horn Creek and unnamed creek (Sec.10, T15N, R8W) downstream to Pacific Co. line (same section).	(31) Humtuplups River (W. Fk.)	<u>Quinault Lake</u> 15 Humtuplups 15	From the Olympic National Forest boundary (Sec.9, T21N, R9W) downstream to confluence with East Fork Humtuplups River (Sec.2, T20N, R10W).
(21) Elk River (E. Br.)	<u>Western</u> 7 1/2	From the confluence of Elk River East Branch and unnamed creek (Sec.5, T15N, R10W) downstream to mouth at Elk River (same section).	(32) Independence Creek (Cont.)	<u>Rochester</u> 15	From Lewis Co. line (Sec.10, T15N, R4W) downstream to mouth on Chehalis River (same section).
(22) Elk River	<u>Western</u> 7 1/2 Grayland 7 1/2	From the confluence of Elk River and East Branch Elk River (Sec.5, T15N, R10W) to mouth on South Bay (Sec.26, T16N, R11W).	(33) Joe Creek	<u>Carlisle</u> 7 1/2 Moclips 7 1/2	From the confluence of Joe Creek and unnamed creek (Sec.18, T20N, R11W) downstream to mouth at Pacific Beach (Sec.20, T20N, R12W).
(23) Garrard Creek	<u>Malone</u> 15	From the confluence of the Garrard Creek and the Kellogg Creek (Sec.8, T15N, R5W) downstream to mouth at the Chehalis River (Sec.1, T15N, R5W).	(34) Johns River (S. Fk.)	<u>Western</u> 7 1/2	From the confluence of South Fork Johns River and Hall Creek (Sec.22, T16N, R10W) downstream to mouth at North Fork Johns River (same section).
(24) Garrard Creek (S. Fk.) (Cont.)	<u>Malone</u> 15	From the Lewis County line SE corner (Sec.9, T15N, R5W) downstream to mouth at the Garrard Creek (Sec.10, T15N, R5W).	(35) Johns River (N. Fk.)	<u>Hoquiam</u> 7 1/2	From the confluence of North Fork Johns River and unnamed creek (Sec.15, T16N, R10W) downstream to mouth at Johns River (Sec.22, T16N, R10W).
(25) Hoquiam River	<u>Humtuplups</u> 15 Hoquiam 7 1/2	From confluence of West and Middle Forks of Hoquiam River (Sec.22, T18N, R10W) downstream to mouth in Grays Harbor in Hoquiam (Sec.12, T17N, R10W).	(36) Little River	<u>Grisdale</u> 15	From an approximate point in (SW1/4 of NE1/4 of SE1/4 Sec.22, T21N, R7W) downstream to mouth at West Fork Satsop River (Sec.27, T21N, R7W).
(26) Hoquiam River (E. Fk.)	<u>Humtuplups</u> 15 Hoquiam 7 1/2	From the confluence of the East Fork Hoquiam River and unnamed creek (Sec.32, T20N, R9W) downstream to mouth at Hoquiam River (Sec.35, T18N, R10W).	(37) Little Hoquiam River	<u>Hoquiam</u> 7 1/2	From the confluence of Little Hoquiam River and the North Fork Little Hoquiam River (Sec.3, T17N, R10W) downstream to mouth at Hoquiam River (Sec.2, T17N, R10W).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(38) Little North River	<u>Montesano</u> 15	From an approximate point near the center of (NW1/4 of SW1/4 of NW1/4 (Sec.1, T16N, R8W) downstream to mouth at North River (Sec.8, T16N, R8W).	(47) Porter Creek (N. Fk.)	<u>Rochester</u> 15	From an approximate point near the SW corner of (SE1/4 on NW1/4 of NW1/4 of Sec.3, T17N, R4W) downstream to mouth at Porter Creek (Sec.1, T17N, R5W).
(39) Lower Salmon Creek	<u>Montesano</u> 15 Aberdeen S.E. 7 1/2	From the confluence of Lower Salmon Creek and unnamed creek (Sec.5, T15N, R8W) downstream to mouth at North River (Sec.7, T15N, R9W) except where it passes thru Pacific County in (Sec.14 and 15, T15N, R9W).	(48) Porter Creek (S. Fk.)	<u>Rochester</u> 15	From the confluence of Hell Creek and the S. Fork Porter Creek (Sec.7, T17N, R4W) downstream to mouth at Porter Creek (Sec.1, T17N, R5W).
(40) Moclips River	<u>Moclips</u> 7 1/2	From the Quinault Indian Reservation boundary (Sec.9, T20N, R12W) downstream across said boundary and back, downstream to mouth at Pacific Ocean near the Town of Moclips (Sec.8, T20N, R12W).	(49) Porter Creek (W. Fk.)	<u>Rochester</u> 15	From the confluence of the West Fork Porter Creek and Bozy Creek (Sec.31, T18N, R4W) downstream to mouth at Porter Creek (Sec.11, T17N, R5W).
(41) Mox Chehalis Creek	<u>Elma</u> 15 Malone 15	From the intersection of Mox Chehalis Creek and McCleary and Malone Road (Sec.24, T18N, R5W) downstream to mouth at Chehalis River (Sec.18, T17N, R5W).	(50) Rainie Creek (Rt. Fk.)	<u>Malone</u> 15	From an approximate point near the center of the (SW1/4 of the NE1/4 Sec.3, T15N, R6W) downstream to Pacific County line (Sec.9, T15N, R6W).
(42) Newman Creek	<u>Elma</u> 15 Malone 15	From the intersection of Newman Creek and Newman Creek Road (Sec.29, T18N, R6W) downstream to mouth at Chehalis River (Sec.6, T17N, R6W).	(51) Raney Creek	<u>Humtulsips</u> 15	From confluence of Raney Creek and unnamed creek (SE1/4 NE1/4 Sec.22, T20N, R9W) downstream to mouth at West Fork Wishkah River (Sec.26, T20N, R9W).
(43) Newskah Creek	<u>Aberdeen</u> 7 1/2	From a point approximately 200' west of confluence of Newskah Creek and unnamed creek (NW1/4 of SE1/4 Sec.4, T16N, R9W) downstream to mouth at South Channel of Grays Harbor (Sec.18, T16N, R9W).	(52) Rock Creek	<u>Malone</u> 15	From the confluence of Rock Creek and unnamed creek (Sec.11, T16N, R6W) downstream to mouth at Chehalis River (Sec.15, T16N, R5W).
(44) North River* (Cont.)	<u>Montesano</u> 15 Aberdeen S.E. 7 1/2	From the Pacific Co. line downstream to Pacific Co. line again (Sec.7, T15N, R9W). The 1,000 cfs MAF point begins at mouth of Lower Salmon Creek (Sec.7, T15N, R9W).	(53) Salmon Creek	<u>Montesano</u> 15	From the confluence of Salmon Creek and unnamed creek (Sec.13, T16N, R8W) downstream to mouth at North River (Sec.9, T16N, R8W).
(45) Pioneer Creek	<u>Malone</u> 15	From the confluence of Pioneer Creek and unnamed creek (Sec.25, T16N, R7W) downstream to mouth at the North River (Sec.4, T15N, R7W).	(54) Sand Creek	<u>Malone</u> 15	From an approximate point near the center of (SE1/4 of NE1/4 Sec.5, T17N, R5W) downstream to mouth at Mox Chehalis Creek (same section).
(46) Porter Creek	<u>Rochester</u> 15 Malone 15	From the confluence of the North Fork Porter Creek and the South Fork Porter Creek (Sec.1, T17N, R5W) downstream to mouth at Chehalis River (Sec.28, T17N, R5W).	(55) Satsop River* (E. Fk.)* (Cont.)	<u>Wynoochee Valley</u> * 15 <u>Elma</u> 15 Malone 15	From the confluence of East and West Forks of Satsop River (Sec.23, T18N, R7W) downstream to mouth at Chehalis River (Sec.7, T17N, R6W). The flow is more than 1,000 cfs MAF at mouth of East Fork Satsop River (Sec.23, T18N, R7W).
			(56) Satsop River (E. Fk.)* (Cont.)	<u>Elma</u> * 15 Wynoochee Valley 15	From Mason Co. and Grays Harbor Co. line (Sec.6, T18N, R6W) downstream to mouth at Satsop River (Sec.23, T18N, R7W). The 1,000 cfs MAF point begins at mouth of Middle Fork Satsop River, (Sec.3, T19W, R6W).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(57) Satsop River (M. Fk.) (Cont.)	<u>Mt. Tebo</u> 15 Wynoochee Valley 15 Elma 15	From Mason Co. and Grays Harbor Co. line (Sec.1, T20N, R7W) downstream to Grays Harbor Co. and Mason Co. line (Sec.36, T19N, R7W).	(68) Wildcat Creek	<u>Elma</u> 15	From the confluence of East and West Forks of Wildcat Creek (Sec.16, T18N, R5W) downstream to mouth at Cloquallum Creek (Sec.30, T18N, R5W).
(58) Satsop River (W. Fk.)	<u>Grisdale</u> 15 Wynoochee Valley 15	From the Olympic National Forest boundary (Sec.10, T21N, R7W) downstream to mouth at confluence of West Fork Satsop River and East Fork Satsop River (Sec.23, T18N, R7W).	(69) Wildcat Creek (W. Fk.)	<u>Elma</u> 15	From the confluence of West Fork Wildcat Creek and unnamed creek (Sec.16, T18N, R5W) downstream to confluence with East Fork Wildcat Creek (same section).
(59) Schafer Creek	<u>Wynoochee Valley</u> 15	From an approximate point on the west line of (SE1/4 of SE1/4 Sec.1, T20N, R8W) downstream to mouth at the Wynoochee River (Sec.25, T20N, R8W).	(70) Wildcat Creek (E. Fk.)	<u>Elma</u> 15	From the confluence of East Fork Wildcat Creek and unnamed creek (Sec.15, T18N, R5W) downstream to confluence of East Fork Wildcat Creek and West Fork Wildcat Creek (Sec.16, T18N, R5W).
(60) Stevens Creek	<u>Quinault Lake</u> 15	From the confluence of Stevens Creek and unnamed creek (Sec.12, T21N, R10W) downstream to mouth at Humptulips River (Sec.12, T20N, R11W).	(71) Williams Creek	<u>Malone</u> 15	From the confluence of Williams Creek and unnamed creek (SE1/4 Sec.20, T16N, R5W) downstream to Rock Creek (Sec.16, T16N, R5W).
(61) Sylvia Creek	<u>Montesano</u> 15	From the confluence of Sylvia Creek and unnamed creek (Sec.1, T17N, R8W) downstream to mouth at Wynoochee River (Sec.7, T17N, R7W).	(72) Wishkah River (W. Fk.)	<u>Humptulips</u> 15	From the confluence of West Fork Wishkah River and unnamed creek (Sec.15, T20N, R9W) downstream to mouth at Wishkah River (Sec.22, T19N, R9W).
(62) Unnamed Tributary to Humptulips River	<u>Humptulips</u> 15	From the confluence of two unnamed creeks (Sec.14, T20N, R10W) downstream to mouth at Humptulips River (Sec.9, T20N, R10W).	(73) Wishkah River (E. Fk.)	<u>Wynoochee Valley</u> 15 <u>Humptulips</u> 15	From the confluence of the East Fork Wishkah River and unnamed creek (Sec.28, T20N, R8W) downstream to mouth at Wishkah River (Sec.2, T18N, R9W).
(63) Vance Creek	<u>Malone</u> 15	From the intersection of Vance Creek and light duty road (Sec.3, T17N, R6W) downstream to mouth at Chehalis River (Sec.6, T17N, R6W).	(74) Wishkah River	<u>Grisdale</u> 15 <u>Wynoochee Valley</u> 15 <u>Humptulips</u> 15 Aberdeen 7 1/2	From the confluence of Wishkah River and unnamed creek inside the state game reserve (Sec.20, T21N, R8W) downstream to mouth at the Chehalis River at Aberdeen (Sec.9, T17N, R9W).
(64) Vesta Creek (E. Fk.)	<u>Malone</u> 15 <u>Montesano</u> 15	From the confluence of the East Fork Vesta Creek and unnamed creek (Sec.13, T16N, R7W) downstream to mouth at Vesta Creek (Sec.14, T16N, R7W).	(75) Workman Creek	<u>Malone</u> 15	From the confluence of Workman Creek and unnamed creek (NW1/4 SE1/4 Sec.20, T17N, R6W) downstream to mouth at Chehalis River (Sec.9, T17N, R6W).
(65) Vesta Creek	<u>Montesano</u> 15	From confluence of East and West Forks of Vesta Creek (Sec.14, T16N, R7W) downstream to mouth on North River (Sec.32, T16N, R7W).	(76) Wynoochee River*	<u>Grisdale</u> 15 <u>Wynoochee Valley</u> * 15 <u>Montesano</u> 7 1/2	From the Olympic National Forest boundary (Sec.1, T21N, R8W) downstream to mouth at Chehalis River (Sec.18, T17N, R7W). The 1,000 cfs MAF point begins at mouth of Carter Creek (Sec.14, T19N, R8W).
(66) Vesta Creek (W. Fk.)	<u>Montesano</u> 15	From the confluence of Vesta Creek West Fork and unnamed creek from the east (Sec.3, T16N, R7W) downstream to mouth at Vesta Creek (Sec.14, T16N, R7W).	(77) Johns River	<u>Western</u> 7 1/2 <u>Hoquiam</u> 7 1/2	From confluence of North Fork and South Fork Johns River (Sec.22, T16N, R10W) downstream to its mouth at Grays Harbor (Sec.36, T17N, R11W).
(67) Wedekind Creek	<u>Wynoochee Valley</u> 15	From the confluence of Wedekind Creek and unnamed creek (Sec.19, T18N, R8W) downstream to mouth at Wynoochee River (Sec.28, T18N, R8W).			

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(78) Quinault River* (Cont.)	<u>Kloochman Rock</u> 15 Quinault Lk.	From Jefferson/Grays Harbor County line (Sec.1, T23W, R9W) downstream to mouth at Quinault Lake (Sec.16, T23W, R9W). Exclude federal lands. The flow is over 1,000 cfs MAF at Jefferson/Grays Harbor County line.	(7) Dosewallips River	<u>Brinnon</u> 7 1/2	From the Olympic National Forest boundary between (Sec.25, T26N, R3W) and (Sec.30, T26N, R2W) downstream to mouth at Dabob Bay near Brinnon (Sec.2, T25N, R2W).
[Order DE 76-14, § 173-18-180, filed 5/3/76; Order 73-14, § 173-18-180, filed 8/27/73; Order DE 72-13, § 173-18-180, filed 6/30/72.]			(8) Duckabush River	<u>Brinnon</u> 7 1/2	From the Olympic National Forest boundary between (Sec.17 & 18, T25N, R2W) downstream to mouth at Hood Canal (Sec.21, T25N, R2W).
<b>WAC 173-18-190 Island County. Streams</b>			(9) Fulton Creek	<u>Brinnon</u> 7 1/2 <u>Holly</u> 7 1/2	From the confluence of Fulton Creek and the South Fork of Fulton Creek (Sec.30, T25N, R2W) downstream to mouth at Hood Canal (Sec.31, T25N, R2W).
Island County has no 20 cfs streams but has shorelines. Island County has no 1,000 cfs MAF rivers of statewide significance.			(10) Goodman Creek	<u>Forks</u> 15 <u>LaPush</u> 15	From the confluence of Goodman Creek and unnamed creek (Sec.23, T27N, R13W) downstream to Olympic National Park boundary (Sec.23, T27N, R14W).
[Order 73-14, § 173-18-190, filed 8/27/73; Order DE 72-13, § 173-18-190, filed 6/30/72.]			(11) Hoh River*	<u>Spruce Mt.*</u> 15 <u>Forks</u> 15 <u>Destruction Island</u> 15	From the Olympic National Park boundary (Sec.29, T27N, R10W) downstream to Hoh Indian Reservation boundary (Sec.20, T26N, R13W). The 1,000 cfs MAF point starts at the Olympic National Park boundary.
<b>WAC 173-18-200 Jefferson County. Streams</b>			(12) Hoh River (S. Fk.)	<u>Mt. Tom</u> 15	From the Olympic National Park boundary (Sec.2, T26N, R10W) downstream to the Olympic National Forest boundary (Sec.29, T27N, R10W).
(1) Big Quilcene River	<u>Mt. Walker</u> 7 1/2 <u>Quilcene</u> 7 1/2	From the Olympic National Forest boundary (Sec.27, T27N, R2W) downstream to mouth at Quilcene Bay (Sec.19, T27N, R1W).	(13) Hurst Creek	<u>Destruction Island</u> 15	From the confluence of Cedar Creek and the South Fork of Cedar Creek (Sec.34, T26N, R13W) downstream to the Olympic National Park boundary (Sec.33, T26N, R13W).
(2) Bogachiel River*	<u>Indian Pass*</u> 7 1/2 <u>Anderson Creek</u> 7 1/2 <u>Reade Hill</u> 7 1/2	From the Olympic National Forest boundary (Sec.4, T27N, R12W) downstream to the Clallam County line (Sec.2, T27N, R13W). The flow exceeds 1,000 cfs MAF at Olympic National Park boundary.	(14) Kalaloch Creek	<u>Destruction Island</u> 15	From the confluence of Kalaloch Creek and West Fork Kalaloch Creek (Sec.17, T25N, R13W) downstream to the Olympic National Park boundary (Sec.3, T24N, R13W).
(3) Cedar Creek	<u>Destruction Island</u> 15	From the confluence of Cedar Creek and the South Fork of Cedar Creek (Sec.34, T26N, R13W) downstream to the Olympic National Park boundary (Sec.33, T26N, R13W).	(15) Little Quilcene River	<u>Mt. Walker</u> 7 1/2 <u>Quilcene</u> 7 1/2	From the Olympic National Forest boundary (Sec.33, T28N, R2W) downstream to mouth at Quilcene Bay (Sec.18, T27N, R1W).
(4) Chimacum Creek	<u>Port Townsend</u> S. 7 1/2	From the confluence of Chimacum Creek and unnamed creek in Chimacum Valley (Sec.11, T29N, R1W) downstream to mouth at Bay of Port Townsend (Sec.35, T30N, R1W) near Irondale.	(16) Maple Creek	<u>Spruce Mt.</u> 15	From the confluence of Maple Creek and Dry Creek (Sec.3, T26N, R11W) downstream to Hoh River (Sec.35, T27N, R11W).
(5) Christmas Creek	<u>Salmon River</u> 15	From an approximate point near the center of (NE1/4 of Sec.2, T25N, R12W) downstream to mouth at Clearwater River (Sec.22, T25N, R12W).			
(6) Clearwater River*	<u>Kloochman Rock</u> 15 <u>Salmon River*</u> 15 <u>Destruction Island</u> 15	From the confluence of Clearwater River and unnamed creek (Sec.25, T26N, R10W) downstream (excluding federal lands) to Quinault Indian Reservation (Sec.29, T24N, R12W). The 1,000 cfs MAF point begins at mouth of Miller Creek (Sec.27, T25N, R12W).			

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(17) Matheny Creek	<u>Salmon River</u> 15	From the Olympic National Forest boundary (Sec.24, T24N, R11W) downstream to the Olympic National Park boundary (Sec.22, T24N, R11W).	(26) Snahapish River	<u>Salmon River</u> 15	From the intersection of Snahapish River and unimproved road (Sec.21, T26N, R11W) downstream to mouth at Clearwater River (Sec.19, T25N, R11W).
(18) Miller Creek	<u>Destruction Island</u> 15 <u>Salmon River</u> 15	From the confluence of Miller Creek and unnamed creek (Sec.17, T25N, R12W) downstream to mouth at Clearwater River (Sec.27, T25N, R12W).	(27) Snow Creek	<u>Uncas</u> 7 1/2	From the confluence of Snow Creek and unnamed creek from Crocker Lake (Sec.2, T28N, R2W) downstream to mouth at Port Discovery (Sec.24, T29N, R2W).
(19) Miller Creek (E. Fk.)	<u>Salmon River</u> 15	From the confluence of the East Fork Miller Creek and unnamed creek (Sec.15, T25N, R12W) downstream to mouth at Miller Creek (Sec.27, T25N, R12W).	(28) Solleks River	<u>Kloochman Rock</u> 15 <u>Salmon River</u> 15	From the confluence of Solleks River and unnamed creek (Sec.2, T25N, R10W) downstream to mouth at Clearwater River (Sec.10, T25N, R11W).
(20) Minter Creek	<u>Forks</u> 15	From the intersection of the north line of (Sec.30, T27N, R13W) and Minter Creek, downstream to Goodman Creek (Sec.24, T27N, R14W).	(29) Stequaleho Creek	<u>Salmon River</u> 15	From the confluence of the Stequaleho Creek and unnamed creek (Sec.19, T25N, R10W) downstream to mouth at Clearwater River (Sec.16, T25N, R11W).
(21) Mosquito Creek	<u>Forks</u> 15	From the intersection of north line of (Sec.5, T26N, R13W) and Mosquito Creek, downstream to Olympic National Park boundary (Sec.36, T27N, R14W).	(30) Winfield Creek	<u>Spruce Mt.</u> 15	From the confluence of Winfield Creek and unnamed creek (Sec.1, T26N, R12W) downstream to mouth at the Hoh River (Sec.27, T27N, R12W).
(22) Nolan Creek	<u>Destruction Island</u> 15 <u>Forks</u> 15	From an approximate point on the north line of (NE1/4 of SW1/4 of Sec.21, T26N, R12W) downstream to mouth at Hoh River (Sec.23, T26N, R13W).	(31) Quinault River*	<u>Mt. Christie*</u> 15 <u>Kloochman Rock</u> 15	From east section line (Sec.33, T24N, R8W) downstream to Jefferson/Grays Harbor County line (Sec.1, T23N, R9W). Exclude federal land. The flow is over 1000 cfs MAF at east section line (Sec.33, T24N, R8W).
(23) Owl Creek	<u>Spruce Mt.</u> 15	From an approximate point near the center of the north line of (SW1/4 of NE1/4 of Sec.8, T26N, R10W) downstream to mouth at Hoh River (Sec.35, T27N, R11W).	[Statutory Authority: RCW 90.58.200, 90-06-068 (Order 89-60), § 173-18-200, filed 3/6/90, effective 4/6/90; Order DE 76-14, § 173-18-200, filed 5/3/76; Order 73-14, § 173-18-200, filed 8/27/73; Order DE 72-13, § 173-18-200, filed 6/30/72.]		
(24) Salmon River	<u>Salmon River</u> 15	From the Olympic National Forest boundary (Sec.36, T24N, R11W) downstream back to said boundary (Sec.35) coming out of Indian Reservation (Sec.36, T24N, R12W) returning to Indian Reservation and coming out again (Sec.35, T24N, R12W) downstream to Olympic National Forest boundary (same section).			
(25) Shale Creek	<u>Salmon River</u> 15 <u>Destruction Island</u> 15	From an approximate point near the NE corner of the (SE1/4 of SW1/4 of Sec.26, T25N, R12W) downstream to mouth at Clearwater River (Sec.28, T25N, R12W).	(1) Bear Creek	<u>Eagle Gorge</u> 7 1/2	From an approximate point (NE corner of SE1/4 of SW1/4 of NW1/4 of Sec.28, T21N, R8E) downstream to mouth at Green River (Sec.20, same township).
			(2) Bear Creek	<u>Everett</u> 15 <u>Bothell</u> 7 1/2	From the intersection of Bear Creek and the east section line (Sec.9, T26N, R5E) downstream to mouth at Sammamish River (same section).
			(3) Bear Creek	<u>Redmond</u> 7 1/2	From the confluence with Seidel Creek (Sec.20, T26N, R6E) downstream to mouth (Sec.6, T25N, R6E).

**WAC 173-18-210 King County. Streams**

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Bear Creek	<u>Eagle Gorge</u> 7 1/2	From an approximate point (NE corner of SE1/4 of SW1/4 of NW1/4 of Sec.28, T21N, R8E) downstream to mouth at Green River (Sec.20, same township).
(2) Bear Creek	<u>Everett</u> 15 <u>Bothell</u> 7 1/2	From the intersection of Bear Creek and the east section line (Sec.9, T26N, R5E) downstream to mouth at Sammamish River (same section).
(3) Bear Creek	<u>Redmond</u> 7 1/2	From the confluence with Seidel Creek (Sec.20, T26N, R6E) downstream to mouth (Sec.6, T25N, R6E).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(4) Beckler River (Cont.)	<u>Skykomish</u> 7 1/2	From the Snohomish County line (Sec.5, T26N, R12E) downstream to Skykomish River (South Fork) (Sec.25, T26N, R11E).	(16) Covington Creek	<u>Black Diamond</u> 7 1/2 <u>Auburn</u> 7 1/2	From the confluence of waters from Lake Sawyer (Sec.4, T21N, R6E) downstream to mouth at Big Soos Creek (Sec.11, T21N, R5E).
(5) Big Soos Creek	<u>Auburn</u> 7 1/2	From the confluence of the Big Soos Creek and the Little Soos Creek (Sec.35, T22N, R5E) downstream to mouth at Green River (Sec.16, T21N, R5E).	(17) Evans Creek	<u>Redmond</u> 7 1/2	From the confluence of Evans Creek and unnamed creek (Sec.8, T25N, R6E) downstream to mouth at Sammamish River (Sec.11, T25N, R5E).
(6) Black River	<u>Renton</u> 7 1/2 <u>Des Moines</u> 7 1/2	From confluence of Spring Brook Creek and Black River (Sec.13, T23N, R4E) downstream to mouth of Duwamish River (Sec.14, same township).	(18) Foss River	<u>Skykomish</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.32, T26N, R12E) downstream (excluding portion of federal lands) to mouth at Skykomish River (Sec.31, same township).
(7) Boise Creek	<u>Enumclaw</u> 15 <u>Enumclaw</u> 7 1/2 <u>Buckley</u> 7 1/2	From an approximate point (NW corner of the SE1/4 of SE1/4 of NE 1/4 of Sec.28, T20N, R7E) downstream to mouth at White River (Sec.34, T20N, R6E).	(19) Friday Creek	<u>Lester</u> 15	From the confluence of Friday Creek and unnamed creek (Sec.18, T20N, R11E) downstream to mouth at the Green River (same section).
(8) Boxley Creek	<u>Bandera</u> 15	From an approximate point (NW1/4 of SW1/4 of Sec.25, T23N, R8E) downstream to mouth at South Fork Snoqualmie River (Sec.24, same township).	(20) Gale Creek	<u>Bandera</u> 15	From the confluence of Gale Creek and unnamed creek (Sec.36, T21N, R8E) downstream to mouth at Howard Hanson Reservoir (same section).
(9) Calligan Creek	<u>Mount Si</u> 15	From an approximate point (SE1/4 of NE1/4 of Sec.3, T24N, R9E) downstream through Calligan Lake to mouth at Snoqualmie River (North Fork) (Sec.31, T25N, R9E).	(21) Granite Creek	<u>Bandera</u> 15	From an approximate point (SE1/4 of SE1/4 of SW1/4 of Sec.11, T23N, R9E) downstream to mouth at the Middle Fork Snoqualmie River (Sec.10, same township).
(10) Carroll Creek	<u>Scenic</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.35, T26N, R12E) downstream to mouth at Tye River (Sec.26, same township).	(22) Green River*	<u>Lester</u> 15 <u>Greenwater</u> 15 <u>Bandera</u> 15 <u>Eagle Gorge*</u> 7 1/2 <u>Cumberland</u> 7 1/2 <u>Black Diamond</u> 7 1/2 <u>Auburn</u> 7 1/2 <u>Renton</u> 7 1/2 <u>Des Moines</u> 7 1/2 <u>Seattle South</u> 7 1/2	From confluence of Green River and Tacoma Creek (Sec.35, T20N, R11E) downstream thru Duwamish River to mouth on Elliott Bay (Sec.18, T24N, R4E) (thru Howard Hanson Reservoir also). The 1,000 cfs MAF point begins at the toe of Howard A. Hanson Dam (Sec.28, T21N, R8E).
(11) Cedar River	<u>North Bend</u> 7 1/2 <u>Hobart</u> 7 1/2 <u>Maple Valley</u> 7 1/2 <u>Renton</u> 7 1/2 <u>Mercer Island</u> 7 1/2 <u>Cumberland</u> 7 1/2	From east section line (Sec.9, T21N, R10E) downstream to mouth at Lake Washington in Renton (Sec.7, T23N, R5E), excluding all federal lands.	(23) Green River (N. Fk.)	<u>Bandera</u> 15 <u>Eagle Gorge</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.18, T21N, R9E) downstream to mouth at Howard Hanson Reservoir (Sec.22, T21N, R8E).
(12) Champion Creek	<u>Greenwater</u> 15	From the confluence of Champion Creek and unnamed creek (Sec.28, T20N, R10E) downstream to mouth at Green River (Sec.20, same township).	(24) Greenwater River	<u>Lester</u> 15 <u>Greenwater</u> 15	From the Snoqualmie National Forest boundary (Sec.31, T19N, R11E) downstream to White River (along the northerly shore only) (Sec.4, T19N, R9E). Exclude federal lands.
(13) Charley Creek	<u>Eagle Gorge</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.3, T20N, R8E) downstream to mouth at Howard Hanson Reservoir (Sec.34, T21N, R8E).	(25) Griffin Creek	<u>Lake Joy</u> 7 1/2 <u>Snoqualmie</u> 7 1/2 <u>Fall City</u> 7 1/2	From the confluence of Griffin Creek and East Fork Griffin Creek (Sec.19, T25N, R8E) downstream to mouth at the Snoqualmie River (Sec.28, T25N, R7E).
(14) Cherry Creek	<u>Monroe</u> 15 <u>Monroe</u> 7 1/2 <u>Carnation</u> 7 1/2	From the confluence of Cherry Creek and Hannen Creek (Sec.2, T26N, R7E) downstream to mouth at Snoqualmie River (Sec.6, same township).			
(15) Coal Creek	<u>Cumberland</u> 7 1/2	From the confluence of Coal Creek and unnamed creek (Sec.27, T21N, R7E) downstream to mouth at Fish Lake (Sec.31, same township).			

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(26) Hancock Creek	<u>Mount Si</u> 15	From an approximate point (NE1/4 of NW 1/4 of Sec.15, T24N, R9E) downstream to mouth at Lake Hancock thence downstream to North Fork Snoqualmie River (Sec.7, same township).	(37) Money Creek	<u>Grotto</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.28, T26N, R11E) downstream back to the Snoqualmie National Forest boundary (same section).
(27) Harris Creek	<u>Carnation</u> 7 1/2	From the intersection of Harris Creek and Swan Mill Road (Sec.34, T26N, R7E) downstream to mouth at Snoqualmie River (Sec.5, T25N, R7E).	(38) Newaukum Creek	<u>Enumclaw</u> 15 <u>Enumclaw</u> 7 1/2 <u>Buckley</u> 7 1/2 <u>Black Diamond</u> 7 1/2	From the confluence of Newaukum Creek and unnamed creek (Sec.7, T20N, R7E) downstream to mouth at the Green River (Sec.29, T21N, R6E).
(28) Index Creek	<u>Index</u> 15 <u>Baring</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.10, T26N, R10E) downstream to mouth at South Fork Skykomish River (Sec.2, same township).	(39) North Creek (Cont.)	<u>Everett</u> 15 <u>Bothell</u> 7 1/2	From King County and Snohomish County line (Sec.5, T26N, R5E) downstream to mouth at Sammamish River (Sec.8, same township).
(29) Issaquah Creek	<u>Hobart</u> 7 1/2 <u>Maple Valley</u> 7 1/2 <u>Issaquah</u> 7 1/2	From the confluence of Holder Creek and Carey Creek (Sec.25, T23N, R6E) downstream to mouth at Sammamish Lake (Sec.17, T24N, R6E).	(40) North Fork Creek	<u>Lake Joy</u> 7 1/2	From the beginning of creek at swamp (Sec.18, T26N, R8E) downstream to mouth at North Fork Tolt River (Sec.29, same township).
(30) Jenkins Creek	<u>Black Diamond</u> 7 1/2 <u>Auburn</u> 7 1/2	From the intersection of Jenkins Creek and light-duty county road (Sec.36, T22N, R5E) downstream to mouth at Big Soos Creek (Sec.2, T21N, R5E).	(41) Patterson Creek	<u>Fall City</u> 7 1/2	From the confluence of Patterson Creek and Canyon Creek (Sec.8, T24N, R7E) downstream to mouth at the Snoqualmie River (Sec.4, same township).
(31) Kimball Creek	<u>Snoqualmie</u> 7 1/2	From the confluence of Coal Creek and Kimball Creek (Sec.31, T24N, R8E) downstream to mouth at Snoqualmie River (Sec.30, same township).	(42) Philippa Creek	<u>Mount Si</u> 15	From an approximate point (SE1/4 of Sec.22, T25N, R9E) downstream to mouth at Snoqualmie River (Sec.15, same township).
(32) Maloney Creek	<u>Skykomish</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.35, T26N, R11E) downstream to mouth at South Fork Skykomish River (Sec.26, same township).	(43) Pratt River	<u>Snoqualmie Pass</u> 15 <u>Bandera</u> 15 <u>Mount Si</u> 15	From east section line (Sec.27, T23N, R10E) downstream to mouth on Middle Fk. Snoqualmie R. (Sec.31, T24N, R10E) excluding federal lands.
(33) Martin Creek	<u>Scenic</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.13, T26N, R12E) downstream to federal boundary (Sec.25, same township).	(44) Raging River	<u>North Bend</u> 7 1/2 <u>Hobart</u> 7 1/2 <u>Fall City</u> 7 1/2	From the confluence of Raging River and unnamed stream (SE1/4 of NW1/4 Sec.25, T23N, R7E) downstream to mouth at Snoqualmie River (Sec.14, T24N, R7E) near Fall City.
(34) May Creek	<u>Mercer Island</u> 7 1/2	From the intersection of May Creek and light-duty road (SE1/4, SE1/4 Sec.32, T24N, R5E) downstream to mouth at Lake Washington (same section).	(45) Rock Creek	<u>Greenwater</u> 15	From the Snoqualmie National Forest boundary (Sec.34, T20N, R10E) downstream to mouth at Green River (Sec.21, same township).
(35) Mercer Slough	<u>Mercer Island</u> 7 1/2	From the east section line (Sec.5, T24N, R5E) downstream through Mercer Slough to mouth at East Channel (Sec.8, same township).	(46) Rock Creek	<u>Hobart</u> 7 1/2	From the confluence of Rock Creek and waters from the diversion ditch (Sec.16, T22N, R7E) downstream to mouth at the Cedar River (Sec.17, same township).
(36) Miller River	<u>Grotto</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.33, T26N, R11E) downstream, excluding those reaches within Snoqualmie National Forest, to mouth at Skykomish River (Sec.28, same township).	(47) Rock Creek	<u>Maple Valley</u> 7 1/2	From the intersection of county road, railroad and Rock Creek (Sec.22, T22N, R6E) downstream to Cedar River (Sec.23, same township).
			(48) Sammamish River	<u>Redmond</u> 7 1/2 <u>Kirkland</u> 7 1/2 <u>River Bothell</u> 7 1/2 <u>Edmonds East</u> 7 1/2	From Sammamish Lake (Sec.13, T25N, R5E) downstream to mouth at Lake Washington (Sec.11, T26N, R4E).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(49) Sawmill Creek	<u>Lester</u> 15	From the Snoqualmie National Forest boundary (Sec.30, T20N, R11E) downstream, excluding all federal lands to mouth at Green River (Sec.24, T20N, R10E).	(58) Sunday Creek	<u>Lester</u> 15	From the Snoqualmie National Forest boundary (Sec.3, T20N, R11E) downstream to mouth at the Green River (Sec.18, T20N, R11E) Exclude federal lands.
(50) Scatter Creek	<u>Enumclaw</u> 15	From the confluence of Scatter Creek and unnamed creek (Sec.2, T19N, R7E) downstream to mouth at the White River (Sec.11, same township).	(59) Sunday Creek	<u>Mount Si</u> 15	From the Snoqualmie National Forest boundary (Sec.13, T25N, R9E) downstream to mouth at the North Fork Snoqualmie River (Sec.15, same township).
(51) Skykomish River* (S. Fk.)	<u>Skykomish</u> * 7 1/2 <u>Grotto</u> 7 1/2 <u>Baring</u> 7 1/2	From confluence of Tye River and Foss River (Sec.31, T26N, R12E) downstream to Snohomish County line (Sec.3, T26N, R10E) excluding all federal lands. The 1,000 cfs MAF point begins at mouth of Beckler Creek (Sec.25, T26N, R11E).	(60) Swamp Creek (Cont.)	<u>Bothell</u> 7 1/2	From Snohomish County line (Sec.2, T26N, R4E) downstream to mouth at Sammamish River (Sec.12, same township).
(52) Smay Creek	<u>Greenwater</u> 15	From the Snoqualmie National Forest boundary (Sec.7, T20N, R10E) downstream to mouth at Green River (Sec.13, T20N, R9E).	(61) Taylor Creek	<u>Eagle Gorge</u> 7 1/2 <u>North Bend</u> 7 1/2	From confluence of Middle Fork and South Fork Taylor Creek (Sec.32, T22N, R8E) downstream to mouth at Cedar River (Sec.13, T22N, R7E).
(53) Snoqualmie River*	<u>Snoqualmie</u> * 7 1/2 <u>Fall City</u> 7 1/2 <u>Carnation</u> 7 1/2 <u>Redmond</u> 7 1/2 <u>Monroe</u> 7 1/2	From the confluence of Middle Fork and South Fork of Snoqualmie River (Sec.33, T24N, R8E) downstream to Snohomish County line (Sec.6, T26N, R7E). The 1,000 cfs MAF point begins at confluence of Middle Fork and South Fork Snoqualmie River.	(62) Ten Creek	<u>Snoqualmie</u> 7 1/2	From the intersection of light-duty road and Ten Creek (Sec.11, T24N, R8E) downstream to mouth at Tokul Creek (Sec.9, same township).
(54) Snoqualmie River (M. Fk.)*	<u>Mount Si</u> * 15 <u>Bandera</u> 15 <u>North Bend</u> 7 1/2 <u>Snoqualmie</u> 7 1/2	From Snoqualmie National Forest boundary (Sec.26, T24N, R10E) downstream to confluence with South Fork of Snoqualmie River (Sec.33, T24N, R8E), excluding all federal lands. The 1,000 cfs MAF point begins at Snoqualmie National Forest boundary.	(63) Tokul Creek	<u>Lake Joy</u> 7 1/2 <u>Snoqualmie</u> 7 1/2	From the confluence of Tokul Creek and Beaver Creek (Sec.21, T25N, R8E) downstream to mouth at Snoqualmie River (Sec.24, T24N, R7E).
(55) Snoqualmie River (N. Fk.)	<u>Mount Si</u> 15 <u>Snoqualmie</u> 7 1/2 <u>North Bend</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.12, T25N, R9E) downstream to mouth at Snoqualmie River (Main Fork) (Sec.34, T24N, R8E).	(64) Tolt River	<u>Lake Joy</u> 7 1/2	From the confluence of North Fork Tolt River and South Fork Tolt River (Sec.31, T26N, R8E) downstream to mouth at Snoqualmie River (Sec.21, T25N, R7E).
(56) Snoqualmie River (S. Fk.)	<u>Bandera</u> 15 <u>North Bend</u> 7 1/2 <u>Snoqualmie</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.33, T23N, R11E) downstream to confluence with Snoqualmie River (Main Fork) (Sec.33, T24N, R8E) excluding all federal lands.	(65) Tolt River (N. Fk.)	<u>Mount Si</u> 15 <u>Lake Joy</u> 7 1/2	From confluence with Titi-caed Creek (Sec.12, T26N, R9E) downstream to mouth at Tolt River (Sec.31, T26N, R8E).
(57) Spring Brook Creek	<u>Renton</u> 7 1/2	From the intersection of Spring Brook Creek and medium-duty road (SW1/4 of NE1/4 of Sec.24, T23N, R4E) downstream to mouth at Black River (Sec.13, same township).	(66) Tolt River (S. Fk.)	<u>Mount Si</u> 15 <u>Lake Joy</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.31, T26N, R10E) downstream to mouth at Tolt River (Sec.31, T26N, R8E).
			(67) Tye River	<u>Scenic</u> 7 1/2 <u>Skykomish</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.26, T26N, R12E) downstream to mouth at Skykomish River (Sec.31, same township) excluding all federal lands.
			(68) Unnamed Tributary to Index Creek	<u>Index</u> 15	From the Snoqualmie National Forest boundary (Sec.10, T26N, R10E) downstream to mouth at Index Creek (same section).



**WAC 173-18-220 Kitsap County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description
(69) Unnamed Tributary to Snoqualmie River (N. Fk.)	<u>Mount Si</u> 15	From the confluence of unnamed tributary to Snoqualmie River (North Fork) and another unnamed creek (Sec.29, T24N, R9E) downstream to mouth at North Fork Snoqualmie River (Sec.19, same township).
(70) Unnamed Tributary to Tolt River (S. Fk.)	<u>Mount Si</u> 15	From the confluence of unnamed tributary to Tolt River South Fork and another unnamed stream (Sec.35, T26N, R8E) downstream to South Fork Tolt River (same section).
(71) White River*	<u>Greenwater*</u> 15 <u>Enumclaw</u> 15 <u>Enumclaw</u> 7 1/2 <u>Buckley</u> 7 1/2 <u>Sumner</u> 7 1/2 <u>Auburn</u> 7 1/2	From confluence of White River and Greenwater River (Sec.4, T19N, R9E) downstream following King-Pierce County line to Pierce County line (Sec.36, T21N, R4E) excluding Indian Reservation lands. The 1,000 cfs MAF point begins at mouth of Greenwater River.
(72) Issaquah Creek (E. Fk.)	<u>Issaquah</u> 7 1/2	From railroad bridge (SE1/4 Sec.27, T24N, R6E) downstream to mouth at Issaquah Creek (Sec.28, same township).
(73) Cedar River (N. Fk.)	<u>Snoqualmie Pass</u> 15	From confluence of Cedar River North Fk. and unnamed creek (Sec.7, T21N, R11E) downstream to mouth at Cedar River (Sec.10, T21N, R10E) excluding federal lands.
(74) Cedar River (S. Fk.)	<u>Snoqualmie Pass</u> 15	From Snoqualmie National Forest boundary, east line of (Sec.23, T21N, R10E) downstream to mouth at Cedar River (Sec.10, T21N, R10E) excluding federal lands.
(75) Rex River	<u>Bandera</u> 15	From Snoqualmie National Forest south boundary (Sec.11, T21N, R9E). downstream to mouth at Chester Morse Lake (Sec.19, T22N, R9E).
(76) Taylor Creek (M. Fk.)	<u>Eagle Gorge</u> 7 1/2	From confluence of unnamed tributary (NE1/4 of NE1/4 Sec.34, T22N, R8E) downstream to mouth at Taylor Creek (Sec.32, T22N, R8E).
(77) Taylor Creek (N. Fk.)	<u>Eagle Gorge</u> 7 1/2	From the bridge crossing in (NW1/4, NW1/4 Sec.29, T22N, R8E) downstream to mouth at Taylor Creek (Sec.29, T22N, R8E).

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-052 (Order DE 80-20), § 173-18-210, filed 6/30/80; Order DE 77-15, § 173-18-210, filed 9/1/77; Order DE 76-14, § 173-18-210, filed 5/3/76; Order 73-14, § 173-18-210, filed 8/27/73; Order DE 72-13, § 173-18-210, filed 6/30/72.]

Stream Name	Quadrangle Name and Size	Legal Description
(1) Big Beef Creek	<u>Wildcat Lake</u> 7 1/2 <u>Seabeck</u> 7 1/2	From the confluence of Big Beef Creek and unnamed creek (Sec.34, T25N, R1W) downstream to mouth at Big Beef Harbor (Sec.15, same township).
(2) Black Jack Creek	<u>Bremerton West</u> 7 1/2	From the confluence of Black Jack Creek and unnamed creek (Sec.11, T23N, R1E) downstream to mouth at Sinclair Inlet (Sec.25, T24N, R1E).
(3) Burley Creek	<u>Burley</u> 7 1/2	From the confluence of Burley Creek and unnamed creek (Sec.12, T22N, R1E) downstream to mouth at Burley Lagoon (same section).
(4) Chico Creek	<u>Bremerton West</u> 7 1/2	From the confluence of Chico Creek and Dickerson Creek (Sec.8, T24N, R1E) downstream to mouth in Chico Bay on Dyes Inlet (Sec.5, same township).
(5) Curley Creek	<u>Bremerton East</u> 7 1/2	From an approximate point (NE1/4 of NE1/4 of Sec.8, T23N, R2E) downstream to mouth at Yukon Harbor (Sec.33, T24N, R2E).
(6) Tahuya River	<u>Wildcat Lake</u> 7 1/2	From the confluence of the Tahuya River and unnamed creek (Sec.25, T24N, R2W) downstream to Mason County line (Sec.1, T23N, R2W).
(7) Union River	<u>Wildcat Lake</u> 7 1/2 <u>Belfair</u> 7 1/2	From the confluence of Union River and East Fork Union River (Sec.10, T23N, R1W) downstream to Mason Co. line (Sec.9, T23N, R1W).

[Order 73-14, § 173-18-220, filed 8/27/73; Order DE 72-13, § 173-18-220, filed 6/30/72.]

**WAC 173-18-230 Kittitas County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description
(1) Big Creek	<u>Easton</u> 15	From the Wenatchee National Forest boundary (Sec.35, T20N, R13E) downstream (excluding federal lands) to mouth at Yakima River (Sec.21, T20N, R14E).
(2) Cabin Creek	<u>Lester</u> 15 <u>Easton</u> 15	From Wenatchee National Forest boundary (Sec.19, T20N, R13E) downstream to mouth on Yakima River (Sec.9, T20N, R13E).
(3) Cle Elum River*	<u>Kachess Lake*</u> 15 <u>Easton</u> 15 <u>Cle Elum</u> 15	From the Wenatchee National Forest boundary crossing Cle Elum Lake (Sec.33, 34 & 35, T21N, R14E) downstream to mouth at Yakima River (Sec.32, T20N, R15E). The stream flow exceeds 200 cfs MAF at Wenatchee National Forest boundary.

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(5) Columbia River (Cont.)*	<u>Rock Island Dam</u> * 7 1/2 West Bar 7 1/2 Babcock Ridge 7 1/2 Cape Horn S.E. 7 1/2 Evergreen 7 1/2 Vantage 7 1/2 Beverly 7 1/2 Priest Rapids 7 1/2	From the Chelan Co. line on the Columbia River (Sec.5, T20N, R22E) downstream along the Douglas and Kittitas Co. line to Yakima Co. (Sec.32, T15N, R23E). The stream flow exceeds 200 cfs MAF at Chelan Co. line.	(16) Teanaway River (W. Fk.)	<u>Kachess Lake</u> 15 Mt. Stuart 15	From the Wenatchee National Forest boundary (Sec.30, T21N, R15E) downstream (excluding all federal lands) to the Teanaway River (Sec.6, T20N, R16E).
(6) Kachess River*	<u>Kachess Lake</u> * 15	From the Wenatchee National Forest (Sec.3, T20N, R13E) downstream through Lake Easton State Park and to mouth at Yakima River (same section). The flow exceeds 200 cfs MAF at Wenatchee National Forest boundary.	(17) Wilson Creek*	<u>Ellensburg So.</u> * 7 1/2 Kittitas 7 1/2	From mouth at Naneum Creek (Sec.30, T17N, R19E) downstream to mouth on Yakima River (Sec.31, T17N, R19E). This stream has over 300 sq. miles of drainage area ending at mouth of Cherry Creek (Sec.31, T17N, R19E).
(7) Little Creek	<u>Easton</u> 15	From the Wenatchee National Forest boundary (Sec.33, T20N, R14E) (excluding all federal lands) downstream to mouth at Yakima River (Sec.22, T20N, R14E).	(18) Yakima River*	<u>Snoqualmie Pass</u> * 15 Kachess 15 Easton 15 Cle Elum 15 Thorp 7 1/2 Ellensburg North 7 1/2 Ellensburg South 7 1/2 Wymer 7 1/2 Pamona 7 1/2 Kittitas 7 1/2	From the Wenatchee National Forest boundary (Sec.15, T21N, R12E) downstream (excluding all federal lands) to the Yakima Co. line (Sec.33, T15N, R19E). The stream flow exceeds 200 cfs MAF at Wenatchee National Forest boundary.
(8) Log Creek	<u>Lester</u> 15	From confluence of Log Creek and unnamed creek (NW1/4, SW1/4 Sec.31, T20N, R13E) downstream to mouth on Cabin Creek (Sec.19, T20N, R13E).	(19) Little Naches River*	<u>Lester</u> 15 Easton 15* Cliffdell 7 1/2	From confluence of North Fork & Middle Fork of Little Naches River (Sec.31, T19N, R12E) downstream left bank to mouth of Naches River (Sec.4, T17N, R14E). Exclude federal lands. The 200 cfs MAF point begins at confluence with Crow Creek (Sec.30, T18N, R14E).
(9) Manastash Creek	<u>Yakima</u> (AMS) Ellensburg 15 Ellensburg S. 7 1/2	From confluence of North and South Forks Manastash Creek (Sec.17, T17N, R17E) downstream to mouth on Yakima River (Sec.4, T17N, R18E).			
(10) Manastash Creek (South Fork)	<u>Cle Elum</u> 15 Ellensburg 15 Manastash Lake 7 1/2	From the Wenatchee National Forest boundary (Sec.31, T18N, R16E) downstream to mouth at Manastash Creek (Sec.17, T17N, R17E).			
(11) Swauk Creek	<u>Thorp</u> 15	From the Wenatchee National Forest boundary (Sec.10, T20N, R17E) downstream (excluding all federal lands) to mouth at Yakima River (Sec.20, T19N, R17E).			
(12) Taneum Creek	<u>Cle Elum</u> 15 Thorp 7 1/2	From Wenatchee National Forest boundary (Sec.30, T19N, R16E) downstream (excluding all federal lands) to mouth on Yakima River (Sec.33, T19N, R17E).			
(13) Teanaway River*	<u>Mt. Stuart</u> * 15 Cle Elum 15	From the confluence of the Middle Fork and the West Fork Teanaway River (Sec.6, T20N, R16E) downstream to Yakima River (Sec.3, T19N, R16E). The 200 cfs MAF point begins at confluence of West Fork & North Fork Teanaway River (Sec.6, T20N, R16E).	(2) Buck Creek	<u>Willard</u> 15	From the confluence of Buck Creek and unnamed creek (Sec.16, T4N, R10E) downstream to Skamania County line (Sec.35, same township).
(14) Teanaway River (M. Fk.)	<u>Mt. Stuart</u> 15	From the Wenatchee National Forest boundary (Sec.15, T21N, R15E) downstream to mouth at Teanaway River (Sec.6, T20N, R16E).	(3) Columbia River (Cont.)*		All Columbia River within Klickitat County is under federal jurisdiction. Stream flow exceeds 200 cfs MAF.
(15) Teanaway River (N. Fk.)	<u>Mt. Stuart</u> 15	From the Wenatchee National Forest boundary (Sec.4, T21N, R16E) downstream (excluding all federal lands) to the Teanaway River (Sec.6, T20N, R16E).	(4) Dead Canyon Creek	<u>Klickitat</u> 15	From the confluence of Dead Canyon Creek and unnamed creek (Sec.2, T5N, R13E) downstream to mouth at Klickitat River (Sec.12, same township).

[Order DE 77-15, § 173-18-230, filed 9/1/77; Order DE 76-14, § 173-18-230, filed 5/3/76; Order 73-14, § 173-18-230, filed 8/27/73; Order DE 72-13, § 173-18-230, filed 6/30/72.]

#### WAC 173-18-240 Klickitat County. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Bowman Creek	<u>Klickitat</u> 15	From the confluence of Bowman Creek and unnamed creek (Sec.35, T5N, R14E) downstream to mouth at Little Klickitat River (Sec.10, T4N, R14E).
(2) Buck Creek	<u>Willard</u> 15	From the confluence of Buck Creek and unnamed creek (Sec.16, T4N, R10E) downstream to Skamania County line (Sec.35, same township).
(3) Columbia River (Cont.)*		All Columbia River within Klickitat County is under federal jurisdiction. Stream flow exceeds 200 cfs MAF.
(4) Dead Canyon Creek	<u>Klickitat</u> 15	From the confluence of Dead Canyon Creek and unnamed creek (Sec.2, T5N, R13E) downstream to mouth at Klickitat River (Sec.12, same township).

Stream Name	Quadrangle Name and Size	Legal Description
(5) Gilmer Creek	<u>Husum</u> 15 Willard 15	From the confluence of Gilmer Creek and Hangman Creek (Sec.1, T4N, R10E) downstream to mouth at White Salmon River (Sec.2, T4N, R10E).
(6) Klickitat River*	<u>Mt. Adams</u> 30 Klickitat* 15 The Dalles 15 White Salmon 15	From Yakima Indian Reservation (Sec.24, T6N, R13E) downstream to mouth on Columbia River (Sec.34, T3N, R12E). The stream flow exceeds 200 cfs MAF at Yakima Co. line.
(7) Little Klickitat River (E. Prong)	<u>Satus Pass</u> 15 Goldendale 15 Klickitat 15	From the confluence of Little Klickitat River, E. Prong and Dry Creek (Sec.10, T5N, R17E) downstream to mouth at Klickitat River (Sec.9, T4N, R14E).
(8) Major Creek	<u>Husum</u> 15 White Salmon 15	From the confluence of Major Creek, East Fork and West Fork (Sec.12, T3N, R11E) downstream to mouth at Columbia River (Sec.31, T3N, R12E).
(9) Mill Creek	<u>Goldendale</u> 15 Klickitat 15	From the confluence of Mill Creek and unnamed creek (Sec.13, T4N, R14E) downstream to mouth at Little Klickitat River (Sec.14, same township).
(10) Rattlesnake Creek	<u>Husum</u> 15	From the confluence of Rattlesnake Creek and unnamed creek (Sec.29, T5N, R12E) downstream to mouth at White Salmon River (Sec.30, T4N, R11E).
(11) Rock Creek	<u>Satus Pass</u> 15 Goodnoe Hills 7 1/2 The Dalles AMS (1:250,000)	From the confluence of Rock Creek and Luna Gulch (Sec.23, T4N, R18E) downstream to mouth at Columbia River (Sec.32, T3N, R19E).
(12) Snyder Canyon Creek	<u>Klickitat</u> 15	From an approximate point (NW1/4 of NE1/4 Sec.16, T4N, R13E) downstream to mouth at Klickitat River (Sec.23, T4N, R13E).
(13) Swale Creek	<u>Wishram</u> 15 The Dalles 15 Klickitat 15	From the north section line (Sec.30, T3N, R15E) downstream to the mouth at Klickitat River (Sec.18, T4N, R14E).
(14) Trout Lake Creek*	<u>Steamboat Mt.</u> 30 Willard* 15	From the Skamania County line (Sec.6, T6N, R10E) downstream through Trout Lake to mouth at White Salmon River (Sec.24, same township). The flow at the Skamania County-Gifford Pinchot National Forest boundary exceeds 200 cfs MAF.

Stream Name	Quadrangle Name and Size	Legal Description
(15) White Salmon River*	<u>Steamboat Mt.</u> 30 Willard* 15 Husum 15	Beginning at National Forest boundary (Sec.3, T6N, R10E) downstream to mouth at Columbia River (Sec.23, T3N, R10E) excluding that part of west bank within Skamania County. The flow at Gifford Pinchot National Forest boundary exceeds 200 cfs MAF.

[Order DE 76-14, § 173-18-240, filed 5/3/76; Order 73-14, § 173-18-240, filed 8/27/73; Order DE 72-13, § 173-18-240, filed 6/30/72.]

**WAC 173-18-250 Lewis County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description
(1) Big Creek	<u>Randle</u> 15 Mineral 15	From confluence of Big Creek and Tealey Creek (Sec.4, T14N, R7E) downstream to mouth at Nisqually River (Sec.34, T15N, R6E).
(2) Brim Creek	<u>Ryderwood</u> 15 Castle Rock 15	From confluence of Brim Creek and North Fork at (Sec.24, T11N, R3W) downstream to mouth at Stillwater Creek (Sec.25, T11N, R3W).
(3) Bunker Creek	<u>Adna</u> 15	Beginning in the (SE1/4 of NE1/4 Sec.17, T14N, R4W) downstream to mouth at Chehalis River (Sec.6, T13N, R3W).
(4) Butter Creek	<u>Mt. Rainier</u> 30 Packwood 15	Beginning at Gifford Pinchot National Forest boundary at (Sec.3, T13N, R9E) downstream to mouth at Cowlitz River (Sec.10 of same township).
(5) Catt Creek	<u>Mt. Rainier</u> 30 Mineral 15 Randle 15	Beginning at Snoqualmie National Forest boundary (Sec.13, T14N, R6E) downstream to mouth at Big Creek (Sec.2, T14N, R6E).
(6) Cedar Creek	<u>Toutle</u> 15	From confluence of Cedar Creek and unnamed Creek (Sec.11, T11N, R1E) downstream to Salmon Creek (Sec.36, T11N, R1W).
(7) Chehalis River*	<u>Skamokawa</u> 15 Pe Ell 15 Adna* 15 Centralia 15 Rochester 15	From confluence of East Fork, West Fork and Chehalis River at (Sec.10, T11N, R5W) downstream to Lewis Co. and Thurston Co. line (Sec.26, T15N, R3W). The 1,000 cfs MAF point begins at mouth of South Fork Chehalis River (Sec.13, T13N, R4W).
(8) Chehalis River (E. Fk.)	<u>Skamokawa</u> 15	From confluence of Chehalis River East Fork and unnamed creek (Sec.27, T11N, R5W) downstream to mouth at confluence of West Fork Chehalis River and Chehalis River (Sec.10, T11N, R5W).
(9) Chehalis River (W. Fk.)	<u>Skamokawa</u> 15	From confluence of Chehalis River West Fork and unnamed creek (Sec.20, T11N, R5W) downstream to mouth at confluence of East Fork and Chehalis River (Sec.10, T11N, R5W).

	Stream Name	Quadrangle Name and Size	Legal Description		Stream Name	Quadrangle Name and Size	Legal Description
(10)	Chehalis River (S. Fk.) (Cont.)	<u>Ryderwood</u> 15 Adna 15	Beginning where the Chehalis River South Fork crosses the Lewis Co. and Cowlitz Co. line (Sec.2, T10N, R4W) downstream to mouth at Chehalis River (Sec.13, T13N, R4W).	(22)	East Creek	<u>Mineral</u> 15 Kapowsin 15	Beginning at approximately the 1/4 corner on west section line (Sec.6, T14N, R5E) the Snoqualmie National Forest boundary, downstream to mouth at Alder Reservoir (Sec.29, T15N, R5E).
(11)	Cinnabar Creek	<u>Onalaska</u> 15	Beginning at (NW1/4 of SW1/4 Sec.13, T13N, R2E) downstream to mouth at Tilton River (Sec.26, T13N, R2E).	(23)	Eight Creek (Cont.)	<u>Pe Ell</u> 15	Beginning at a point on Pacific Co. and Lewis Co. line (Sec.7, T13N, R5W) downstream to mouth at Elk Creek (Sec.8, T13N, R5W).
(12)	Cispus River*	<u>Steamboat Mt.</u> 30 Spirit Lake 15 Greenhorn Buttes 7 1/2 Tower Rock* 7 1/2	Beginning in the Gifford Pinchot National Forest (Sec.18, T11N, R8E) downstream to the mouth at Cowlitz River (Sec.31, T12N, R6E). The 1,000 cfs MAF point is at Gifford Pinchot National Forest boundary. Exclude federal lands.	(24)	Elk Creek (Cont.)	<u>Pe Ell</u> 15	Beginning at a point on Lewis Co. and Pacific Co. line SW corner (Sec.6, T13N, R5W) downstream to mouth at Chehalis River (Sec.3 of same township).
(13)	Coal Creek	<u>Mt. Rainier</u> 30 Packwood 15	Beginning at Gifford Pinchot National Forest boundary at east section line (Sec.1, T13N, R9E) downstream to mouth at Cowlitz River (same section).	(25)	Elk Creek	<u>Elk Rock</u> 15	From confluence of Elk Creek and unnamed creek (Sec.27, T11N, R4E) downstream to mouth at Green River (Sec.32, T11N, R4E).
(14)	Connelly Creek	<u>Morton</u> 15	Beginning at confluence with Heller Creek (Sec.23, T13N, R4E) downstream to mouth at Tilton River (Sec.35, of same township).	(26)	Gallup Creek	<u>Mineral</u> 15	From confluence of Gallup Creek and unnamed creek (Sec.1, T13N, R5E) downstream to mouth at Mineral Creek (Sec.25, T14N, R5E).
(15)	Cowlitz River	<u>Mt. Rainier</u> 30 Randle 15 Mineral 15 Spirit Lake 15 Packwood* 15 Greenhorn Butte 7 1/2 Elk Rock 15 Morton 15 Onalaska 15 Toutle 15 Castle Rock 15	Starting at the Gifford Pinchot National Forest boundary (Sec.1, T13N, R9E) downstream to Cowlitz Co. line (Sec.33, T11N, R2W). The 1,000 cfs MAF point is at Gifford Pinchot N.F. boundary.	(27)	Garrard Creek (South Fork)	<u>Malone</u> 15	From confluence of Garrard Creek South Fork and unnamed creek (Sec.16, T15N, R5W) downstream to Grays Harbor Co. line (Sec.9, same township).
(16)	Crim Creek	<u>Pe Ell</u> 15	From confluence of Crim Creek and unnamed creek (Sec.19, T12N, R5W) downstream to mouth at Chehalis River (Sec.10, same township).	(28)	Green River (Cont.)	<u>Spirit Lake</u> 15 Elk Rock 15	From south line (Sec.33, T11N, R4E) Lewis-Skamania County line downstream to Lewis-Skamania County line (Sec.31, same township) downstream to Lewis-Cowlitz County line (Sec.31, T11N, R4E).
(17)	Davis Creek	<u>Mt. Rainier</u> 30	Beginning at Gifford Pinchot National Forest boundary north section line (Sec.16, T12N, R8E) downstream to mouth at Cowlitz River (Sec.17, of same township).	(29)	Halfway Creek	<u>Adna</u> 15	From confluence of Halfway Creek and unnamed creek (Sec.9, T12N, R4W) downstream to mouth at Stillman Creek (Sec.14, same township).
(18)	Deep Creek	<u>Adna</u> 15	From confluence of Deep Creek and Tapp Creek (Sec.24, T14N, R4W) downstream to mouth at Bunker Creek (Sec.6, T13N, R3W).	(30)	Hall Creek	<u>Mt. Rainier</u> 30 Packwood 15	From the North Sec. line (Sec.27, T13N, R9E) downstream to mouth at Cowlitz River (Sec.33, same township) (exclude all federal land).
(19)	Deschutes River	<u>Morton</u> 15 Ohop Valley 15	From confluence of West Fork and Deschutes River (Sec.1, T14N, R3E) downstream to Lewis Co. and Thurston Co. line (Sec.24, T15N, R3E).	(31)	Hanaford Creek	<u>Onalaska</u> 15 Tenino SW 7 1/2 Centralia 15 Bucoda 7 1/2	Beginning at (NE1/4 of NW1/4 Sec.5, T14N, R1E) downstream to mouth at Skookumchuck River (Sec.33, T15N, R2W).
(20)	Devils Creek	<u>Elk Rock</u> 15 Toutle 15	Starting at (NW1/4 of NW1/4 Sec.31, T11N, R3E) downstream to Lewis Co. and Cowlitz Co. line at SW corner (Sec.36, T11N, R2E).	(32)	Hanlan Creek	<u>Ryderwood</u> 15	From confluence of Hanlan Creek and unnamed creek (Sec.34, T11N, R4W) downstream to mouth at Chehalis River (Sec.35, of same township).
(21)	Dillenbaugh Creek	<u>Centralia</u> 15	From confluence of Dillenbaugh Creek and Berwick Creek (Sec.9, T13N, R2W) downstream to mouth at Chehalis River (Sec.31, T14N, R2W).	(33)	Independence Creek	<u>Rochester</u> 15	From confluence of Independence Creek and unnamed creek (Sec.29, T15N, R4W) downstream to Grays Harbor Co. line (Sec.15, T15N, R4W).
				(34)	Johnson Creek	<u>Mt. Rainier</u> 30 Packwood 15	Beginning where Johnson Creek crosses Gifford Pinchot National Forest boundary (Sec.32, T13N, R9E) downstream to mouth at Cowlitz River (same section).

	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>		<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(35)	Jones Creek	<u>Pe Ell</u> 15	From confluence of Jones Creek and Katula Creek (Sec.23, T13N, R5W) downstream to mouth at Chehalis River (same section).	(49)	Lucas Creek	<u>Onalaska</u> 15 <u>Centralia</u> 15	From confluence of Lucas Creek and unnamed creek (Sec.5, T13N, R1E) downstream to mouth at Newaukum River North Fork (Sec.2, T13N, R1W).
(36)	Kearney Creek	<u>Onalaska</u> 15	From confluence of Kearney Creek and Door Creek (Sec.18, T13N, R2E) downstream to mouth at Newaukum River South Fork (Sec.13, T13N, R1E).	(50)	Mill Creek	<u>Onalaska</u> 15	Beginning at the (NW1/4 of SW1/4 Sec.28, T13N, R2E) downstream to mouth at Cowlitz River (Sec.23, T12N, R1E).
(37)	King Creek	<u>Centralia</u> 15 <u>Castle Rock</u> 15	From confluence of King Creek and unnamed creek (Sec.29, T12N, R2W) downstream to mouth at Olequa Creek (Sec.28, same township).	(51)	Mineral Creek	<u>Mineral</u> 15	From confluence of Mineral Creek and unnamed creek (Sec.9, T13N, R6E) downstream to mouth at Nisqually River (Sec.26, T15N, R5E).
(38)	Kiona Creek	<u>Mineral</u> 15 <u>Randle</u> 15	Beginning at Gifford Pinchot National Forest boundary (Sec.4, T12N, R6E) downstream to mouth at Cowlitz River (Sec.20, T12N, R7E).	(52)	Mineral Creek (N. Fk.)	<u>Mineral</u> 15	Beginning at the (NW1/4 of SW1/4 Sec.35, T14N, R6E) downstream to mouth at Mineral Creek (Sec.10, T14N, R5E).
(39)	Klickitat Creek	<u>Onalaska</u> 15	From confluence of Klickitat Creek and unnamed creek (Sec.14, T12N, R2E) downstream to mouth at Mayfield Lake (Sec.10, same township).	(53)	Newaukum River (M. Fk.)	<u>Centralia</u> 15	From confluence of Newaukum River Middle Fork and unnamed creek (NE of other unnamed creek) (Sec.22, T13N, R1W) downstream to mouth at North Fork Newaukum River (Sec.20 of same township).
(40)	Lacamas Creek	<u>Centralia</u> 15 <u>Castle Rock</u> 15	From confluence of Lacamas Creek and Baker Creek (Sec.15, T12N, R1W) downstream to mouth at Cowlitz River (Sec.27, T11N, R2W).	(54)	Newaukum River (N. Fk.)	<u>Onalaska</u> 15	From confluence of Newaukum River North Fork and unnamed creek (Sec.13, T14N, R1E) downstream to mouth at Newaukum River (Sec.18, T13N, R1W).
(41)	Lake Creek	<u>Adna</u> 15	Beginning at (SE1/4 of NW1/4 Sec.21, T12N, R3W) downstream to mouth at Chehalis River South Fork (Sec.30, T13N, R3W).	(55)	Newaukum River (S. Fk.)	<u>Onalaska</u> 15	Beginning at the (NE1/4 of SE1/4 Sec.27, T14N, R2E) downstream to mouth at Newaukum River (Sec.19, T13N, R1W) downstream through Newaukum River to mouth at Chehalis River (Sec.31, T14N, R2W).
(42)	Lake Creek	<u>Mineral</u> 15	Beginning at outlet on Anderson Lake (Sec.15, T14N, R6E) downstream to mouth at Catt Creek (Sec.2, T14N, R6E).	(56)	Nisqually River*	<u>Randle</u> 15 <u>Kapowsin*</u> 15 <u>Mount Wow</u> 7 1/2 <u>Mineral</u> 15	Beginning at the Snoqualmie National Forest boundary left (south) bank only (Sec.33, T15N, R7E) downstream through Alder Reservoir to Lewis Co., Pierce Co., and Thurston Co. lines in the Reservoir (Sec.29, T15N, R5E). The 1,000 cfs MAF point begins at mouth of Mineral Creek (Sec.26, T15N, R5E).
(43)	Lake Creek	<u>Mt. Rainier</u> 30 <u>Packwood</u> 15	Beginning at Gifford Pinchot National Forest boundary at west section line (Sec.12, T13N, R9E) downstream to mouth at Cowlitz River (Sec.11, same township).	(57)	Olequa Creek	<u>Centralia</u> 15 <u>Castle Rock</u> 15	From confluence of Olequa Creek and unnamed creek closest to GN, NP, UP Railroad track (Sec.21, T12N, R2W) downstream to Lewis Co. and Cowlitz Co. line (Sec.32, T11N, R2W).
(44)	Landers Creek	<u>Spirit Lake</u> 15	From an approximate point in center of (SE1/4 Sec.7, T11N, R5E) downstream to mouth on Davisson Lake (Sec.7, T11N, R5E).	(58)	Quartz Creek	<u>Spirit Lake</u> 15	From the National Forest boundary (Sec.10, T11N, R6E) downstream to mouth on Cispus River (same section).
(45)	Lincoln Creek	<u>Adna</u> 15 <u>Rochester</u> 15	From confluence of North Fork, South Fork of Lincoln Creek and Lincoln Creek (Sec.5, T14N, R4W) downstream to mouth at Chehalis River (Sec.35, T15N, R3W).	(59)	Rainy Creek	<u>Mineral</u> 15 <u>Spirit Lake</u> 15	From confluence of Rainy Creek and unnamed creek (Sec.8, T12N, R6E) downstream to mouth at Davisson Lake (Sec.27, T12N, R5E).
(46)	Lincoln Creek (N. Fork)	<u>Adna</u> 15	Beginning at the (NW1/4 of NE1/4 Sec.6, T14N, R4W) downstream to mouth Lincoln Creek (Sec.5, same township).				
(47)	Lincoln Creek (S. Fork)	<u>Adna</u> 15	From confluence of Lincoln Creek South Fork and Wildcat Creek (Sec.7, T14N, R4W) downstream to mouth at Lincoln Creek (Sec.5, same township).				
(48)	Lost Creek	<u>Adna</u> 15	From confluence of Lost Creek and unnamed creek north section line (Sec.10, T12N, R4W) downstream to mouth at Stillman Creek (Sec.2 of same township).				

	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>		<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(60)	Rock Creek	<u>Pe Ell</u> 15	Beginning at a point approximately at the 1/4 corner (Sec.1, T12N, R6W) on Pacific Co. and Lewis Co. line downstream to mouth at Chehalis River (Sec.33, T13N, R5W).	(72)	Stearns Creek	<u>Centralia</u> 15 Adna 15	From confluence of Stearns Creek and unnamed creek (Sec.32, T13N, R2W) downstream to mouth at Chehalis River (Sec.2, T13N, R3W).
(61)	Roger Creek	<u>Skamokawa</u> 15 Pe Ell 15	From confluence of Little Roger Creek, Big Roger Creek and Roger Creek (Sec.27, T12N, R5W) downstream to mouth at Chehalis River (Sec.22, T12N, R5W).	(73)	Stillman Creek	<u>Ryderwood</u> 15 Adna 15	From confluence of Stillman Creek and unnamed creek (Sec.14, T11N, R4W) downstream to mouth at Chehalis River South Fork (Sec.2, T12N, R4W).
(62)	Roundtop Creek	<u>Mineral</u> 15	From confluence of Roundtop Creek and unnamed creek (Sec.20, T14N, R5E) downstream to mouth at Mineral Creek (Sec.3, same township).	(74)	Stillwater Creek (Cont.)	<u>Ryderwood</u> 15 Castle Rock 15	From Lewis Co. and Cowlitz Co. line south section line (Sec.34, T11N, R3W) downstream to mouth at Olequa Creek (Sec.32, T11N, R2W).
(63)	Salmon Creek	<u>Toutle</u> 15 Castle Rock 15	From confluence of Salmon Creek and Rapid Creek (Sec.17, T11N, R2E) downstream to Lewis Co. and Cowlitz Co. line, excluding Salmon Creek on Cowlitz Co. side (Sec.34, T11N, R1W) downstream to mouth at Cowlitz River (Sec.19, T11N, R1W).	(75)	Stowe Creek	<u>Pe Ell</u> 15	From confluence of Stowe Creek and Sand Creek (Sec.35, T13N, R5W) downstream to mouth at Chehalis River (Sec.34, same township).
(64)	Salzer Creek	<u>Centralia</u> 15	From the confluence of Salzer Creek and unnamed creek (Sec.23, T14N, R2W) downstream to Chehalis River (Sec.18, T14N, R2W).	(76)	Thrash Creek	<u>Skamokawa</u> 15	Beginning at (SE1/4 of NE1/4 Sec.31, T12N, R5W) downstream to mouth at Chehalis River (Sec.33, same township).
(65)	Shelton Creek	<u>Morton</u> 15 Elk Rock 15	From confluence of Shelton Creek and unnamed creek (Sec.27, T12N, R4E) downstream to mouth at Davisson Lake (Sec.27, same township).	(77)	Tilton River	<u>Mineral</u> 15 Onalaska 15 Morton 15	Beginning at the closest point on Tilton River to center of (Sec.5, T13N, R5E) downstream to mouth at Mayfield Lake (Sec.26, T13N, R2E).
(66)	Siler Creek	<u>Mt. Rainier</u> 30 Randle 15	From confluence of Siler Creek and unnamed creek (Sec.27, T12N, R7E) downstream to mouth at Cowlitz River (Sec.20, same township) exclude federal land.	(78)	Tilton River (E. Fk.)	<u>Mineral</u> 15	From confluence of Tilton River East Fork and unnamed creek (NW1/4 Sec.19, T13N, R6E) downstream to mouth at Tilton River South Fork, on downstream to Tilton River (Sec.25, T13N, R4E).
(67)	Silver Creek	<u>Randle</u> 15	From confluence of Silver Creek and Lynx Creek (Sec.22, T13N, R7E) downstream to Cowlitz River (Sec.15, T12N, R7E). Exclude federal lands.	(79)	Tilton River (N. Fk.)	<u>Morton</u> 15	From north section line Forest boundary (Sec.3, T13N, R3E) downstream to mouth at Tilton River (Sec.30, T13N, R4E). Exclude federal lands.
(68)	Skate Creek	<u>Mt. Rainier</u> 30 Packwood 15	From the Gifford Pinchot National Forest boundary at SE corner (Sec.8, T13N, R9E) downstream to mouth at Cowlitz River (Sec.21, same township).	(80)	Tilton River (S. Fk.)	<u>Mineral</u> 15	Beginning in (NE1/4 of NE1/4 Sec.32, T13N, R5E) downstream to confluence point with East Fork Tilton River, on downstream to mouth at Tilton River (Sec.25, T13N, R4E).
(69)	Skookumchuck River	<u>Morton</u> 15 Onalaska 15 Lake Lawrence 7 1/2 Tenino SW 7 1/2 Centralia 15	From confluence of Bigwater Creek and Skookumchuck River (Sec.7, T14N, R3E) downstream excluding federal lands to Lewis Co. and Thurston Co. thence downstream (Sec.28, T15N, R2W) to mouth (Sec.7, T14N, R2W).	(81)	Tilton River (W. Fk.)	<u>Mineral</u> 15	From confluence of Trout Creek and Tilton River (W. Fk.) (Sec.2, T13N, R4E) downstream to mouth at Tilton River (Sec.19, T13N, R5E).
(70)	Smith Creek	<u>Mt. Rainier</u> 30 Packwood 15	From the Gifford Pinchot National Forest boundary (Sec.5, T12N, R9E) downstream to Cowlitz River (Sec.32, T13N, R9E).	(82)	Unnamed Trib. to Newaukum River (S. Fk.)	<u>Onalaska</u> 15	From confluence of unnamed creek and unnamed creek (Sec.27, T14N, R2E) downstream to mouth at Newaukum River South Fork (same section).
(71)	South Hanaford Creek	<u>Centralia</u> 15 Tenino S.W. 7 1/2	Beginning at the (NE1/4 of NE1/4 Sec.12, T14N, R2W) downstream to mouth at Hanaford Creek (Sec.26, T15N, R2W).	(83)	Unnamed Trib. to Stillman Creek	<u>Ryderwood</u> 15	From confluence of unnamed creek and unnamed creek (Sec.9, T11N, R4W) downstream to mouth at Stillman Creek (Sec.34, T12N, R4W).
				(84)	Willame Creek	<u>Mt. Rainier</u> 30 Packwood 15	From Gifford Pinchot National Forest boundary (Sec.31, T13N, R9E) downstream to Cowlitz River (Sec.6, T12N, R9E).
				(85)	Winston Creek	<u>Elk Rock</u> 15 Onalaska 15 Toutle 15	From confluence of Winston Creek and Thurston Creek (Sec.11, T11N, R3E) downstream to mouth at Mayfield Lake (Sec.20, T12N, R2E).

WAC 173-18-270 Mason County. Streams

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(86) Winston Creek (S. Fk.)	Elk Rock 15	From confluence of Winston Creek South Fork and unnamed creek (Sec.9, T11N, R3E) downstream to mouth at Winston Creek (Sec.36, T12N, R2E).	(1) Baker Creek	Mt. Tebo 15	Beginning at Olympic National Forest boundary, at center of (Sec.10, T21N, R6W) downstream to mouth at Satsop River Middle Fork (Sec.16, same township). Exclude federal land.
(87) Little Nisqually River	Morton 15	From confluence of Hiawatha Creek and Little Nisqually River (Sec.9, T14N, R4E) downstream to Lewis-Thurston County line (Sec.28, T15N, R4E). Exclude federal lands.	(2) Bingham Creek	Mt. Tebo 15 Elma 15	Beginning at (SW1/4 of NE1/4 Sec.31, T21N, R5W) downstream to mouth at East Fork Satsop River (Sec.11, T19N, R6W).

[Order DE 76-14, § 173-18-250, filed 5/3/76; Order 73-14, § 173-18-250, filed 8/27/73; Order DE 72-13, § 173-18-250, filed 6/30/72.]

WAC 173-18-260 Lincoln County. Streams

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(1) Columbia River (cont.)*		All of Columbia River within Lincoln County (Franklin D. Roosevelt Lake) is under federal jurisdiction. The stream flow is over 200 cfs MAF.	(4) Cloquallum Creek	Elma 15	From a point near intersection of a road and Cloquallum Creek (Sec.14, T19N, R5W) downstream to Grays Harbor County line (Sec.36, T19N, R6W).
(2) Crab Creek*	Sprague Lake NE 7 1/2 Sprague Lake 7 1/2 Sprague Lake SW 7 1/2 Harrington SE 7 1/2 Lamona WA 7 1/2 U.S.G.S. Blue Line Advance Sylvan Lake 7 1/2 Odessa 7 1/2 Irby 7 1/2 Marlin SW 7 1/2 Marlin 7 1/2	From the confluence of Rock Creek and Crab Creek (Sec.18, T22N, R38E) downstream through Sylvan Lake to Grant County line (Sec.18, T22N, R31E). This stream has over 300 sq. miles of drainage area down to mouth (right bank only) at unnamed tributary (Sec.34, T22N, R37E).	(5) Coulter Creek	Belfair 7 1/2	From the confluence of Coulter Creek and unnamed creek (Sec.9, T22N, R1W) downstream to mouth of North Bay (same section).
(3) Negro Creek	Sprague 15	From the confluence of Negro Creek and unnamed creek in the town of Sprague (Sec.23, T21N, R38E) downstream to mouth at Sprague Lake (Sec.21, same township).	(6) Cranberry Creek	Potlatch 15	Beginning at NE point of Cranberry Lake (Sec.28, T21N, R3W) downstream to mouth at Oakland Bay (Sec.35 of same township).
(4) Spokane River*	Wellpinit* 15 Turtle Lake 15 Lincoln 15	From the Spokane County line (Sec.24, T27N, R39E) starting on left bank of Long Lake (SE corner of same section) thence downstream along left bank of Long Lake to Spokane River, thence downstream on left bank to (Sec.27, T27N, R38E). This stream has both over 200 cfs MAF flow and over 300 sq. miles of drainage area at Spokane County line.	(7) Decker Creek	Elma 15	Beginning at (NW1/4 of SE1/4 Sec.18, T20N, R6W) and Grays Harbor County, Mason County line returning to Mason County line at (Sec.30, T20N, R6W) on downstream to mouth at Satsop River East Fork (Sec.31, T19N, R6W).
(5) Wilson Creek*	Almira* 7 1/2 Almira SW 7 1/2	From mouth of Corbett Draw (Sec.16, T25N, R31E) downstream to Grant County line (Sec.6, T24N, R31E). This stream has over 300 sq. miles of drainage area ending at mouth of Corbett Draw.	(8) Deer Creek	Mason Lake 7 1/2 Potlatch 15	From confluence of Deer Creek and unnamed creek (SW1/4 of SE1/4 Sec.19, T21N, R2W) downstream to mouth on Oakland Bay (Sec.36, T21N, R3W).
			(9) Dewatto River	Holly 7 1/2 Lake Wooten 7 1/2 Potlatch 15	From a point approximately 1000' north of section line in (SE1/4 of Sec.6, T23N, R2W) downstream to mouth at Dewatto Bay on Hood Canal (Sec.28, T23N, R3W).
			(10) Dry Bed Creek	Mt. Tebo 15 Elma 15	Beginning where Dry Bed Creek crosses the Beeville Loop Road at (Sec.27, T21N, R6W) downstream to mouth at Decker Creek (Sec.5, T19N, R6W).
			(11) Dry Creek	Mt. Tebo 15	Beginning where Dry Creek crosses unimproved road at center of (Sec.35, T21N, R6W) downstream to mouth at Dry Bed Creek (Sec.3, T20N, R6W).

[Order 73-14, § 173-18-260, filed 8/27/73; Order DE 72-13, § 173-18-260, filed 6/30/72.]

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(12) Dry Run Creek	<u>Elma</u> 15	Beginning at (NE1/4 of NW1/4) at South Bend Creek (Sec.27, T19N, R6W) downstream to mouth at Satsop River East Fork (Sec.28 of same township).	(23) Satsop River (E. Fork)	<u>Elma</u> 15	From the confluence of Satsop River East Fork, Phillips Creek and Stillwater Creek (Sec.22, T20N, R5W) downstream to Mason Co., Grays Harbor Co. line (Sec.31, T19N, R6W).
(13) Golsborough Creek (S. Fork)	<u>Elma</u> 15 <u>Shelton</u> 15	From confluence of Golsborough Creek South Fork and unnamed creek (Sec.25, T20N, R5W) downstream to mouth at Oakland Bay (Sec.20, T20N, R3W).	(24) Satsop River (M. Fork)	<u>Mt. Tebo</u> 15 <u>Elma</u> 15	From the Olympic National Forest boundary (Sec.16, T21N, R6W) downstream to Mason Co., Grays Harbor Co. line (Sec.6, T20N, R6W) reentering Mason Co. at (Sec.31, T19N, R6W) to mouth at Satsop River East Fork.
(14) Gosnell Creek	<u>Shelton</u> 15 <u>Olympia</u> 15 <u>Squaxin Island</u> 7 1/2	From confluence of Gosnell Creek and unnamed creek (Sec.10, T19N, R4W) downstream through Isabella Lake to mouth at Hammersley Inlet of Puget Sound (Sec.25, T20N, R3W).	(25) Shumocher Creek	<u>Potlatch</u> 15 Mason Lake 7 1/2	From confluence of Shumocher Creek and unnamed creek (Sec.13, T21N, R3W) downstream to mouth at Mason Lake (Sec.7, T21N, R2W).
(15) Hamma Hamma River	<u>The Brothers</u> 15	Beginning where the Hamma Hamma River crosses the Olympic National Forest boundary (Sec.7, T24N, R3W) downstream to mouth at Hood Canal of Puget Sound (Sec.27 of same township).	(26) Skokomish River*	<u>Potlatch</u> * 15	From confluence of North Fork of Skokomish River and South Fork Skokomish River (Sec.18, T21N, R4W) downstream to mouth in Great Bend on Hood Canal (Sec.6, T21N, R3W) excluding portion on left bank within Skokomish Indian Reservation. The 1,000 cfs MAF flow begins at confluence of N. Fork and S. Fork.
(16) Jefferson Creek	<u>The Brothers</u> 15	Beginning where Jefferson Creek crosses the Olympic National Forest boundary at NW corner (Sec.18, T24N, R3W) downstream to mouth at Hamma Hamma River (Sec.8 of same township) (excluding federal lands).	(27) Skokomish River (N. Fork)	<u>Potlatch</u> 15	From confluence of Skokomish R. N. Fork and Frigid Cr. (Sec.30, T22N, R4W) downstream to confluence with South Fork Skokomish R. (Sec.18, T21N, R4W).
(17) Johns Creek	<u>Potlatch</u> 15 <u>Shelton</u> 15	Beginning where Johns Creek crosses light-duty road (Sec.30, T21N, R3W) downstream to mouth at Oakland Bay (Sec.3, T20N, R3W).	(28) Skokomish River (S. Fork)	<u>Mt. Tebo</u> 15 <u>Potlatch</u> 15	From the Olympic National Forest boundary (Sec.15, T22N, R5W) downstream to confluence with North Fork Skokomish River (Sec.18, T21N, R4W). Exclude federal lands.
(18) Kennedy Creek (Cont.)	<u>Shelton</u> 15	From the Thurston County line (Sec.31, T19N, R3W) downstream to mouth at Oyster Bay (Sec.32, T19N, R3W).	(29) Skookum Creek	<u>Shelton</u> 15	From confluence of Skookum Creek and unnamed creek (Sec.27, T19N, R4W) downstream to mouth at Skookum Inlet in Puget Sound (Sec.17, T19N, R3W).
(19) Lilliwaup Creek	<u>Potlatch</u> 15	Beginning in the Lilliwaup Swamp (Sec.11, T23N, R4W) downstream to mouth at Lilliwaup Bay in Hood Canal at (Sec.30, T23N, R3W).	(30) Tahuya River (Cont.)	<u>Wildcat Lake</u> 7 1/2 <u>Holly</u> 7 1/2 <u>Lake Wooten</u> 7 1/2 <u>Potlatch</u> 15	From the Kitsap Co. line (Sec.36, T24N, R2W) downstream to mouth at Hood Canal near Tahuya (Sec.27, T22N, R3W).
(20) McTaggart Creek	<u>Potlatch</u> 15	From confluence of McTaggart Creek and Frigid Creek at (Sec.30, T22N, R4W) downstream to Skokomish River North Fork (same section).	(31) Union River (Cont.)	<u>Belfair</u> 7 1/2	From the Kitsap Co. line (Sec.10, T23N, R1W) downstream to mouth of Lynch Cove near Belfair (Sec.31, T23N, R1W).
(21) Mission Creek	<u>Lake Wotten</u> 7 1/2 <u>Belfair</u> 7 1/2	From confluence of Mission Creek and unnamed creek (Sec.24, T23N, R2W) downstream to mouth at Hood Canal (Sec.1, T22N, R2W).	(32) Unnamed Creek	<u>Mt. Tebo</u> 15 <u>Elma</u> 15	Beginning where logging railroad crosses unnamed creek (Sec.4, T20N, R5W) downstream to mouth at Nahwatzel Lake (Sec.5, same township).
(22) Rendsland Creek	<u>Potlatch</u> 15	Beginning where Rendsland Creek crosses the north section line of (NW1/4 of SE1/4 Sec.17, T22N, R3W) downstream to mouth at Hood Canal (Sec.19 same township).			



Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(33) Vance Creek	<u>Mt. Tebo</u> 15	From the Olympic National Forest boundary NW corner of (Sec.4, T21N, R5W) downstream to mouth on Skokomish River (Sec.18, T21N, R4W).	(6) Gold Creek	<u>Concrete AMS</u> Methow 7 1/2	From the confluence of Gold Creek and South Fork Gold Creek (Sec.17, T31N, R22E) downstream to mouth at Methow River (Sec.16, same township).
(34) Goldsborough Creek (N. Fork)	<u>Shelton</u> 15	From confluence of Winter Creek and Goldsborough Cr.N. Fk. (Sec.9, T20N, R4W) downstream to mouth at Goldsborough Cr. S. Fk. (Sec.19 same township).	(7) Methow River*	<u>Mazama</u> 15* <u>Brewster</u> 15 <u>Doe Mtn.</u> 15 <u>Thompson Ridge</u> 15 7 1/2 <u>Winthrop</u> 7 1/2 <u>Blue Buck Mtn.</u> 7 1/2 <u>Twisp East</u> 7 1/2 <u>Methow</u> 7 1/2 <u>Cooper Mtn.</u> 7 1/2	From the Okanogan National Forest boundary (Sec.6, T36N, R19E) downstream to mouth at the Columbia River (Sec.36, T30N, R23E) excluding all federal lands. The stream flow is 200 cfs MAF at confluence of Methow River and Lost River (Sec.5, T37N, R19E).
(35) Sherwood Creek	<u>Mason Lake</u> 7 1/2 <u>Vaughn</u> 7 1/2 <u>Belfair</u> 7 1/2	From its start in Mason Lake (Sec.34, T22N, R2W) downstream to mouth at North Bay on Case Inlet (Sec.20, T22N, R1W).	(8) Myers Creek	<u>Mt. Bonaparte</u> 15	From the confluence of Myers Creek and Mary Ann Creek (Sec.28, T40N, R30E) downstream to the Canadian Border (Sec.3, same township).

[Order 73-14, § 173-18-270, filed 8/27/73; Order DE 72-13, § 173-18-270, filed 6/30/72.]

**WAC 173-18-280 Okanogan County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(1) Beaver Creek	<u>Blue Buck Mt.</u> 7 1/2 <u>Twisp East</u> 7 1/2	From the confluence of Beaver Creek and unnamed creek (NE1/4 of NE1/4 Sec.26, T34N, R22E) downstream to mouth at Methow River (Sec.27, T33N, R22E).	(9) Okanogan River*	<u>Oroville*</u> 15 <u>Tonasket</u> 15 <u>Omak Lake</u> 15 <u>Okanogan</u> 15 <u>Bridgeport</u> 15 <u>Conconully</u> 15	From the United States-Canadian Border crossing Osoyoos Lake (Sec.4&5, T40N, R27E) downstream on both shores to Colville Indian Reservation (Sec.6, T34N, R27E) the west shore only to mouth at Columbia River (Sec.18, T30N, R25E), excluding all federal lands. This stream has over 200 cfs MAF and over 300 sq. miles of drainage area at United States-Canadian Border.
(2) Bonaparte Creek	<u>Tonasket</u> 15	From the confluence of Bonaparte Creek and Bannon Creek (Sec.32, T37N, R28E) downstream to mouth on Okanogan River near Tonasket (Sec.16, T37N, R27E).	(10) Sanpoil River (W. Fk.)	<u>Aeneas Valley</u> 15 <u>Aeneas</u> 15	From the confluence of West Fork Sanpoil River and Frosty Creek (Sec.12, T35N, R30E) to the Okanogan National Forest boundary (Sec.22, T35N, R31E).
(3) Chewack *River	<u>Doe Mt.*</u> 15 <u>Winthrop</u> 7 1/2	From the Okanogan National Forest boundary (Sec.2, T35N, R21E) downstream to mouth at Methow River (Sec.2, T34N, R21E). The flow exceeds 200 cfs MAF at Okanogan N.F. boundary.	(11) Similkameen River*	<u>Loomis*</u> 15 <u>Oroville</u> 15	From the Canadian Border (Sec.4, T40N, R25E) downstream to mouth at Okanogan River (Sec.9, T39N, R27E) excluding all federal lands. This stream has over 200 cfs MAF and over 300 sq. miles of drainage at Canadian Border.
(4) Columbia River (Cont.)*	<u>Grand Coulee Dam</u> 15 <u>Bridgeport</u> 15 <u>Brewster</u> 15 <u>Wells Dam</u> 7 1/2 <u>Azwell</u> 7 1/2	From the intersection of the Okanogan County line and the Colville Indian Reservation boundary (Sec.18, T30N, R25E) downstream right bank only to Chelan County line (Sec.31, T29N, R24E). The flow exceeds 200 cfs MAF at the Colville Indian Reservation boundary.	(12) Sinlahekin River (Creek)	<u>Conconully</u> 15 <u>Loomis</u> 15	From the confluence on the Sarsapkin Creek and Sinlahekin Creek (Sec.10, T37N, R25E) downstream to mouth at Palmer Lake (Sec.13, T39N, R25E).
(5) Early Winters Creek	<u>Mazama</u> 15	From the Okanogan National Forest boundary line (Sec.23, T29N, R19E) downstream to mouth at Methow River (Sec.27, same township).			

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(13) Toats Coulee Creek	<u>Horseshoe Basin</u> 15 Loomis 15	From the confluence of South and Middle Fork Toats Coulee Creek (Sec.35, T39N, R24E) downstream to mouth at Sinlahekin Creek (Sec.35, T39N, R25E).	(7) Canyon Creek	<u>South Bend</u> 15 North Nemah 7 1/2	From the confluence of Canyon Creek and unnamed creek (Sec.29, T13N, R9W) downstream to mouth at Canon River (Sec.32, same township).
(14) Toroda Creek	<u>Bodie Mt.</u> 15	From the confluence of Beaver Creek and Toroda Creek (Sec.22, T39N, R31E) downstream to the Ferry County line (Sec.25, T40N, R31E) excluding federal lands.	(8) Cedar River	<u>Western</u> 7 1/2 Bay Center 7 1/2	From confluence of North Fork Cedar River and Cedar River (Sec.25, T15N, R11W) downstream to mouth at Willapa Bay (Sec.6, T14N, R10W).
(15) Twisp River*	<u>Concrete</u> AMS Winthrop* 7 1/2 Twisp West 7 1/2 Twisp East 7 1/2	From the Okanogan National Forest boundary (Sec.10, T33N, R21E) downstream to mouth at Methow River (Sec.8, T33N, R22E). The flow exceeds 200 cfs MAF at Okanogan N.F. boundary.	(9) Cedar River (N. Fork)	<u>Grayland</u> 7 1/2 Western 7 1/2	From confluence of North Fork Cedar River and unnamed creek (NW1/4, NE1/4 Sec.26, T15N, R11W) downstream to mouth at Cedar River (Sec.25, same township).
(16) Wolf Creek	<u>Concrete</u> AMS Thompson Ridge 7 1/2 Winthrop 7 1/2	From the Okanogan National Forest boundary (Sec.6, T34N, R21E) downstream to mouth at Methow River (Sec.32, T35N, R21E).	(10) Chinook River	<u>Chinook</u> 7 1/2	From a point approximately 1000' south of northern section line (Sec.8, T9N, R10W) downstream to mouth in Baker Bay of Columbia River (Sec.31, T10N, R10W).
			(11) Clearwater Creek	<u>South Bend</u> 15 South Bend 7 1/2 Aberdeen S.E. 7 1/2	Beginning at a point where Clearwater Creek crosses the unimproved dirt road near north section line (Sec.35, T15N, R9W) downstream to mouth at Smith Creek (Sec.26, same township).
			(12) Columbia River (Cont.)*	<u>Grays River</u> 15 Roseburg 7 1/2 Knappton 7 1/2 Astoria 7 1/2 Warrenton 7 1/2 Chinook 7 1/2 Cape Disappointment 7 1/2	From the Wahkiakum County line on the Columbia River (Sec.1, T9N, R9W) downstream along the Washington-Oregon boundary to mouth on Pacific Ocean (Sec.18, T9N, R11W). This stream exceeds 1,000 cfs MAF at Wahkiakum Co. line.
			(13) Dell Creek	<u>Knappton</u> 7 1/2	From the confluence of Dell Creek and unnamed creek (Sec.7, T10N, R9W) downstream to mouth on Naselle River (Sec.8, same township).

[Statutory Authority: RCW 90.58.120 and 90.58.200. 88-03-070 (Order DE 87-45), § 173-18-280, filed 1/20/88. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.300. 87-20-050 (Order DE 87-35), § 173-18-280, filed 10/2/87; Order DE 77-15, § 173-18-280, filed 9/1/77; Order DE 76-14, § 173-18-280, filed 5/3/76; Order 73-14, § 173-18-280, filed 8/27/73; Order DE 72-13, § 173-18-280, filed 6/30/72.]

**WAC 173-18-290 Pacific County. Streams**

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Alder Creek	<u>Grays River</u> 15 Upper Naselle River 7 1/2	From the confluence of Alder Creek and unnamed creek (NW1/4 Sec.35, T12N, R8W) downstream to the mouth at Naselle River (Sec.16, T11N, R8W).	(14) Eight Creek	<u>Pe Ell</u> 15	From confluence of Eight Creek and unnamed creek (Sec.11, T13N, R6W) downstream to Lewis County line (Sec.12, same township).
(2) Bear River	<u>Knappton</u> 7 1/2 Chinook 7 1/2	From confluence of Bear Branch and unnamed creek (S1/2 of Sec.36, T10N, R10W) downstream to mouth in Shoalwater Bay (Sec.7, same township).	(15) Elk Creek	<u>Pe Ell</u> 15	From confluence of Elk Creek and unnamed creek (Sec.29, T14N, R6W) downstream to Lewis County line (Sec.1, T13N, R6W).
(3) Blaney Creek	<u>Skamokawa</u> 15	From the confluence of Blaney Creek and unnamed creek (Sec.32, T11N, R6W) downstream to mouth at Grays River (Sec.31, same township).	(16) Elk Creek	<u>Raymond</u> 15	From confluence of Elk Creek and unnamed creek (Sec.17, T14N, R8W) downstream to mouth at Willapa River (Sec.19, same township).
(4) Bone River	<u>South Bend</u> 7 1/2 Bay Center 7 1/2	Beginning at a point (SW 1/4 of NW 1/4 Sec. 36 T14N, R10W) downstream to mouth at Willapa Bay (Sec. 4, T13N, R10W).	(17) Elkhorn Creek (Cont.)	<u>Montesano</u> 15 Aberdeen SE 7 1/2	From Grays Harbor County line (Sec.15, T15N, R8W) downstream to mouth at Smith Creek (Sec.26, T15N, R9W).
(5) Butte Creek	<u>Raymond</u> 15	From the confluence of Butte Creek and unnamed creek (Sec.32, T15N, R8W) downstream to mouth at Smith Creek (Sec.31, same township).	(18) Ellis Creek	<u>Grays River</u> 15 Raymond 15	Beginning at a point (SW1/4 of NE1/4 Sec.28, T12N, R7W) downstream to mouth at Fork Creek (Sec.16, same township).
(6) Canon River	<u>South Bend</u> 15 North Nemah 7 1/2 Nemah 7 1/2	From confluence of Canon River and unnamed creek (Sec.5, T12N, R9W) downstream to mouth at Middle Fork of Palix River (Sec.24, T13N, R10W).	(19) Fairchild Creek	<u>Raymond</u> 15	From mouth of North Fork Fairchild Creek (Sec.24, T14N, R8W) downstream to mouth at Ward Creek (Sec.14, same township).
			(20) Fairchild Creek (North Fork)	<u>Raymond</u> 15	From confluence of Fairchild Creek N.Fk. and unnamed creek (Sec.8, T14N, R7W) downstream to mouth at Fairchild Creek (Sec.24, T14N, R8W).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(21) Ellsworth Creek	<u>Long Island</u> 7 1/2	From confluence of Ellsworth Cr. and unnamed creek (SE1/4 of SW1/4 Sec.35, T11N, R10W) downstream to mouth on Naselle River (Sec.22 same township).	(37) Naselle River	<u>Grays River</u> 15 Up. Naselle River 7 1/2 Roseburg 7 1/2 Knappton 7 1/2 Oman Ranch 7 1/2 Long Island 7 1/2	From a point on east section line (Sec.36, T12N, R8W) downstream thru Chetlo Harbor and Stanley Channel to Willapa Bay (Sec.31, T12N, R10W) excluding those reaches within Wahkiakum County.
(22) Fall River	<u>Pe Ell</u> 15 Raymond 15 Montesano 15	From confluence of Fall River and unnamed creek (Sec.2, T14N, R6W) downstream to mouth at (Sec.24, T15N, R7W).	(38) Naselle River (South Fork)	<u>Knappton</u> 7 1/2	From confluence of Naselle River S. Fork and Bean Creek (Sec.33, T10N, R9W) downstream to mouth at Naselle River (Sec.9, same township).
(23) Falls Creek	<u>Pe Ell</u> 15 Raymond 15	From confluence of Falls Creek and unnamed creek (Sec.24, T12N, R7W) downstream to mouth at Willapa River (Sec.11, same township).	(39) Niawiakum River	<u>South Bend</u> 15 Bay Center 7 1/2 Nemah 7 1/2	Beginning at a point near the section center (Sec.14, T13N, R10W) downstream to mouth at Palix River (Sec.9, same township).
(24) Fern Creek	<u>Pe Ell</u> 15 Raymond 15	Beginning at a point (NW1/4 of SW1/4 Sec.6, T12N, R6W) downstream to mouth at Willapa River (Sec.3, T12N, R7W).	(40) North River*	<u>Malone</u> 15 Montesano 15 Aberdeen S.E.* 7 1/2 Western 7 1/2 Bay Center 7 1/2	From confluence of Redfield Creek and Wheeler Creek (Sec.22, T15N, R6W) downstream to mouth on Willapa Bay (Sec.35, T15N, R10W) excluding those reaches within Grays Harbor County. The 1,000 cfs MAF point begins at mouth of Lower Salmon Creek (Sec.7, T15N, R9W).
(25) Finn Creek	<u>Oman Ranch</u> 7 1/2	From confluence of Finn Creek and unnamed creek (NE1/4 Sec.29, T12N, R9W) downstream to mouth on North Nemah River (Sec.30, same township).	(41) North Fork Naselle River	<u>Raymond</u> 15 Upper Naselle Riv. 7 1/2	From confluence of North Naselle River and unnamed creek (Sec.19, T12N, R8W) downstream to mouth at Naselle River (Sec.17, T11N, R8W).
(26) Fork Creek	<u>Raymond</u> 15	Beginning at a point (SW1/4 of SE1/4 Sec.15, T12N, R7W) downstream to mouth at Willapa River (Sec.6, T12N, R7W).	(42) North Nemah River	<u>Grays River</u> 15 North Nemah 7 1/2 Up. Naselle River 7 1/2 Nemah 7 1/2 Oman Ranch 7 1/2	From the confluence of North Nemah River and unnamed creek (Sec.11, T11N, R9W) downstream to mouth at Willapa Bay (Sec.22, T12N, R10W).
(27) Grays River (East Fork)	<u>Skamokawa</u> 15	From confluence of Grays River East Fork and unnamed creek (Sec.14, T11N, R6W) downstream to mouth at Grays River (Sec.17, same township).	(43) Palix River	<u>Nemah</u> 7 1/2 Bay Center 7 1/2	From confluence of South and North Forks of Palix River (Sec.22, T13N, R10W) downstream to mouth on Willapa Bay (Sec.5, same township).
(28) Grays River (S. Frk.) (Cont.)	<u>Skamokawa</u> 15	From Wahkiakum Co. line (Sec.32, T11N, R6W) downstream to mouth on Grays River East Fork (Sec.31, same township).	(44) Palix River (North Fork)	<u>South Bend</u> 15 South Bend 7 1/2 North Nemah 7 1/2 Nemah 7 1/2	Beginning at a point (SE1/4 of NW1/4 Sec.7, T13N, R9W) downstream to mouth on Palix River (Sec.22, T13N, R10W).
(29) Hull Creek	<u>Grays River</u> 15	From confluence of Hull Creek and unnamed tributary (Sec.30, T11N, R7W) downstream to Wahkiakum County line (Sec.32, same township).	(45) Palix River (South Fork)	<u>South Bend</u> 15 Nemah 7 1/2	Beginning at a point (NE1/4 of NW1/4 Sec.35, T13N, R10W) downstream to mouth on Palix River (Sec.22, same township).
(30) Half Moon Creek	<u>Raymond</u> 15	Beginning at a point (SW1/4 of SE1/4 Sec.26, T13N, R7W) downstream to mouth at Willapa River (Sec.4, T12N, R7W).	(46) Rainie Creek (Cont.)	<u>Malone</u> 15	From Grays Harbor County line (Sec.16, T15N, R6W) downstream to mouth on North River (Sec.20, same township).
(31) Johnson Creek	<u>Skamokawa</u> 15	From the confluence of Johnson Creek and unnamed creek (Sec.6, T11N, R6W) downstream to mouth at Grays River (Sec.7, same township).	(47) Redfield Creek	<u>Malone</u> 15	From confluence of Redfield Creek and Wheeler Creek (Sec.22, T15N, R6W) downstream to mouth at confluence of Redfield Creek and North River (Sec.21, same township).
(32) Little Elk Creek	<u>Pe Ell</u> 15	Beginning at a point (SE1/4 of Sec.5, T13N, R6W) downstream to mouth at Elk Creek (Sec.33, T14N, R6W).	(48) Rock Creek	<u>Pe Ell</u> 15	From confluence of Rock Creek and unnamed right bank tributary (Sec.2, T12N, R6W) downstream to Lewis County line (Sec.1, same township).
(33) Lower Salmon Creek (Cont.)	<u>Aberdeen S.E.</u> 7 1/2	From Grays Harbor County line (Sec.14, T15N, R9W) downstream back to said county line (Sec.15 same township).	(49) Rue Creek	<u>Raymond</u> 15	From confluence of Rue Creek with the Middle and West Forks of Rue Creek (Sec.15, T13N, R8W) downstream to mouth at So. Fork Willapa River (Sec.8, same township).
(34) Middle Nemah River	<u>Oman Ranch</u> 7 1/2 <u>Long Island</u> 7 1/2 Nemah 7 1/2	From confluence of Middle Nemah River and unnamed creek (SW1/4, NE1/4 Sec.9, T11N, R9W) downstream to mouth at South Nemah River (Sec.27, T12N, R10W).			
(35) Mill Creek	<u>Raymond</u> 15	From confluence of Mill Creek and unnamed creek (Sec.11, T13N, R7W) downstream to mouth at Willapa River (Sec.2, T13N, R8W).			
(36) Mitchell Creek	<u>Skamokawa</u> 15	From the confluence of Mitchell Creek and unnamed creek (Sec.8, T11N, R6W) downstream to mouth at Grays River East Fork (Sec.17, same township).			

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(50) Salmon Creek	<u>Grays River</u> 15 Up. Naselle River 7 1/2 Roseburg 7 1/2 Knappton 7 1/2	From the confluence of Salmon Creek and unnamed creek (Sec.26, T11N, R8W) downstream to mouth at Naselle River (Sec.10, T10N, R9W) excluding those reaches within Wahkiakum County.	(65) Willapa River*	<u>Pe Ell</u> 15 Raymond* 15 South Bend 7 1/2	From confluence of Willapa River and unnamed creek (Sec.8, T12N, R6W) downstream to mouth at Willapa Bay (Sec.18, T14N, R9W). The streamflow is 1,000 cfs MAF at mouth of South Frk. Willapa River (Sec.24, T14N, R9W).
(51) Smith Creek	<u>Montesano</u> 15 Raymond 15 Aberdeen S.E. 7 1/2 Bay Center 7 1/2	From the east section (Sec.18, T15N, R7W) downstream to mouth at North River (Sec.35, T15N, R10W).	(66) Willapa River (S. Fork)	<u>South Bend</u> 15 North Nemah 7 1/2	From an approximate point (NW1/4 Sec.2, T12N, R9W) downstream to mouth at Willapa River (Sec.24, T14N, R9W).
(52) Smith Creek	<u>Oman Ranch</u> 7 1/2	From confluence of Smith Creek and unnamed creek (SE1/4, SE1/4 Sec.26, T11N, R10W) downstream to mouth on Naselle River (Sec.24, same township).	(67) Williams Creek	<u>South Bend</u> 15 Nemah 7 1/2 North Nemah 7 1/2	From an approximate point (SW1/4 of Sec.15, T12N, R9W) downstream to mouth at North Nemah River (Sec.14, T12N, R10W).
(53) S. Nemah River	<u>Long Island</u> 7 1/2 Nemah 7 1/2	From confluence of South Nemah River and unnamed creek (NW1/4 Sec.2, T11N, R10W) downstream to mouth in Willapa Bay (Sec.22, T12N, R10W).	(68) Wilson Creek	<u>Raymond</u> 15	From the east section line (Sec.27, T14N, R7W) downstream to mouth at Ward Creek (Sec.22, T14N, R8W).
(54) Swem Creek	<u>Pe Ell</u> 15	Beginning at a point (SW1/4 of NE1/4 Sec.26, T14N, R6W) downstream to mouth at Elk Creek (Sec.34, same township).	(69) Wilson Creek (North Fork)	<u>Raymond</u> 15	From confluence of Wilson Creek North Fork and unnamed creek (Sec.20, T14N, R7W) downstream to mouth at Wilson Creek (Sec.30, same township).
(55) Trap Creek	<u>Raymond</u> 15	From confluence of Trap Creek and unnamed creek (Sec.9, T12N, R8W) downstream to Willapa River (Sec.1, same township).	[Order DE 77-15, § 173-18-290, filed 9/1/77; Order DE 76-14, § 173-18-290, filed 5/3/76; Order 73-14, § 173-18-290, filed 8/27/73; Order DE 72-13, § 173-18-290, filed 6/30/72.]		
(56) Unnamed Tributary to Canon River	<u>South Bend</u> 15 North Nemah 7 1/2	From a point (NW1/4 of NW1/4 Sec.33, T13N, R9W) downstream to mouth at Canon River (Sec.32, same township).	<b>WAC 173-18-300 Pend Oreille County. Streams</b>		
(57) Unnamed Tributary to Grays River	<u>Skamokawa</u> 15	From confluence of the unnamed tributary and unnamed creek (Sec.32, T12N, R6W) downstream to mouth at Grays River (Sec.5, T11N, R6W).	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(58) Unnamed Tributary to Hull Creek	<u>Grays River</u> 15	From a point (SE1/4 of SW1/4 Sec.30, T11N, R7W) downstream to mouth on Hull Creek (Sec.32, same township).	(1) Calispell Creek	<u>Newport</u> 30 Cusick 7 1/2	From the confluence of North and South Forks of Calispell Creek (Sec.34, T32N, R43E) downstream thru Calispell Lake to mouth on Pend Oreille River (Sec.19, T33N, R44E).
(59) Unnamed Tributary to Palix River (N. Fork)	<u>South Bend</u> 15 North Nemah 7 1/2	From confluence of the unnamed tributary and other unnamed tributary (Sec.8, T13N, R9W) downstream to mouth at Palix River North Fork (Sec.18, same township).	(2) Calispell Creek (N.Frk.)	<u>Newport</u> 30 Sacheen Lake 7 1/2 Cusick 7 1/2	From the north section line (Sec.28, T32N, R43E) downstream thru Power Lake to mouth on Calispell Creek (Sec.34, same township).
(60) Unnamed Tributary to Smith Creek	<u>Montesano</u> 15	From confluence of unnamed tributary and another unnamed tributary (Sec.25, T15N, R8W) downstream to mouth at Smith Creek (Sec.26, same township).	(3) Le Clerc Creek	<u>Metaline</u> 30 Ruby 7 1/2	From the confluence of West Branch of Le Clerc Creek and the East Branch of Le Clerc Creek (Sec.17, T35N, R44E) downstream to mouth at Pend Oreille River (Sec.20, same township).
(61) Wallacut River	<u>Cape Disappointment</u> 7 1/2	From the confluence of Wallacut River and unnamed creek (SW1/4 Sec.26, T10N, R11W) downstream to mouth at Baker Bay (Sec.34, same township).	(4) Le Clerc Creek (W.Branch)	<u>Metaline</u> 30 Ruby 7 1/2	From the Kaniksu National Forest boundary (Sec.6, T35N, R44E) downstream to mouth at Le Clerc Creek (Sec.17, same township).
(62) Ward Creek	<u>Raymond</u> 15	From a point (NW1/4 of SE1/4 Sec.2, T14N, R8W) downstream to mouth at Willapa River (Sec.27, same township).	(5) Le Clerc Creek (E.Branch)	<u>Metaline</u> 30 Ruby 7 1/2	From the Kaniksu National Forest boundary (Sec.5, T35N, R44E) downstream to mouth at Le Clerc Creek (Sec.17, same township).
(63) W.F. Grays River	<u>Grays River</u> 15	From confluence of West Fork Grays River and unnamed creek (Sec.16, T11N, R7W) downstream to Wahkiakum County line (Sec.33, same township).	(6) Pend Oreille River*	<u>Newport</u> 30 Newport, Wash.—Idaho* 7 1/2 Diamond Lake 7 1/2 Skookum Creek 7 1/2 Cusick 7 1/2 Metaline 7 1/2	From the Washington-Idaho border (Sec.7, T31N, R46E) downstream (excluding all federal lands) to United States-Canadian border (Sec.3, T40N, R43E). The flow exceeds 200 cfs MAF
(64) Whitcomb Creek	<u>Raymond</u> 15	From a point (SW1/4 of NE1/4 Sec.35, T14N, R8W) downstream to mouth at Ward Creek (Sec.27, same township).			

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
	Scotchman Lake 7 1/2 Metaline Falls 7 1/2 Jared 7 1/2 Ruby 7 1/2 one 7 1/2	at Washington-Idaho border and has 300 square miles of drainage area.	(5) Clarks Creek	<u>Puyallup</u> 7 1/2	Beginning in the (NE1/4 of the SE1/4 Sec.32, T20N, R4E), downstream to mouth at Puyallup River (Sec.15, same township).
(7) Little Spokane River	<u>Newport</u> 7 1/2 Diamond Lake 7 1/2 Camden 7 1/2	From an approximate point (NE1/4 of SW1/4 of NW1/4 of NW1/4 of Sec.34, T31N, R45E) downstream thru Chain Lake and to the Spokane County line (Sec.34, T30N, R44E).	(6) Clearwater River	<u>Enumclaw</u> 15	From the Snoqualmie National Forest boundary (Sec.34, T19N, R8E) downstream to mouth at the White River (Sec.7, T19N, R8E).
(8) Little Spokane River (W.Branch)	<u>Newport</u> 30	Flowing from Sacheen Lake (Sec.35, T31N, R43E) downstream thru Trout Lake, downstream thru Horseshoe Lake, downstream to Spokane County line.	(7) Clover Creek	<u>Tacoma South</u> 15 Spanaway 7 1/2 Tacoma South 7 1/2 Steilacoom 7 1/2 Frederickson 7 1/2	From the intersection of Clover Creek and railroad (Sec.25, T19N, R3E) downstream to Steilacoom Lake (Sec.3, T19N, R2E). Delete federal lands.
(9) Skookum Creek	<u>Newport</u> 30 Skookum Creek 7 1/2	From the confluence of Skookum Creek and N. Fork Skookum Creek (Sec.34, T33N, R44E) downstream to mouth at Pend Oreille River (Sec.4, T32N, R44E).	(8) Evans Creek	<u>Kapowsin</u> 15	From the east line of (Sec.11, T17N, R6E) downstream to mouth at Carbon River (Sec.35, T18N, R6E).
(10) Sullivan Creek*	<u>Metaline</u> * 30	From the Colville National Forest boundary (Sec.22, T39N, R43E) downstream to mouth at Pend Oreille River (Sec.23, same township). The flow exceeds 200 cfs MAF at Colville National Forest boundary.	(9) Gale Creek	<u>Enumclaw</u> 15 Wilkeson 7 1/2	From an approximate point near the center of the (NE1/4 of SW1/4 of NE1/4 of NW1/4 of Sec.13, T18N, R6E) downstream to mouth at Wilkeson Creek (Sec.34, T19N, R6E).
(11) Tacoma Creek	<u>Newport</u> 30 Jared 7 1/2	From an approximate point (NW1/4 of NW1/4 of Sec.27, T34N, R43E) downstream (excluding all federal lands) to mouth at Pend Oreille River (Sec.30, T34N, R44E).	(10) Greenwater River	<u>Lester</u> 15 Greenwater 15	From the Snoqualmie National Forest boundary (Sec.31, T19N, R11E) downstream on the left shore only to the mouth at White River (Sec.4, T19N, R9E). Exclude federal lands.
			(11) Little Mashel River	<u>Kapowsin</u> 15 Eatonville 7 1/2	From the confluence of the Little Mashel River and unnamed creek (Sec.30, T16N, R5E) downstream to Mashel River (Sec.22, T16N, R4E).
			(12) Lynch Creek	<u>Kapowsin</u> 15 Tanwax Lake 7 1/2	From an approximate point on the west line of (SE1/4 of NE1/4 of NW1/4 of Sec.17, T16N, R5E) downstream to mouth at Ohop Creek (Sec.10, T16N, R4E).

[Order 73-14, § 173-18-300, filed 8/27/73; Order DE 72-13, § 173-18-300, filed 6/30/72.]

**WAC 173-18-310 Pierce County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(1) Beaver Creek	<u>Kapowsin</u> 15	From an approximate point near the center of (Sec.35, T16N, R5E) downstream to the mouth at Mashel River (Sec.21, T16N, R5E).	(13) Mashel River	<u>Kapowsin</u> 15 Eatonville 7 1/2	From the confluence of Mashel River and unnamed creek (Sec.18, T16N, R6E) downstream to mouth at Nisqually River (Sec.29, T16N, R4E).
(2) Busy Wild Creek	<u>Kapowsin</u> 15	From the confluence of Busy Wild Creek and unnamed creek (Sec.10, T15N, R6E) downstream to mouth at Mashel River (Sec.25, T16N, R5E).	(14) Milky Creek	<u>Enumclaw</u> 15	From an approximate point near the NW corner of the (NE1/4 of SE1/4 of NW1/4 of Sec.34, T19N, R8E) downstream to the mouth at the Clearwater River (same section).
(3) Carbon River	<u>Mowich Lake</u> 7 1/2 <u>Enumclaw</u> 15 Golden Lakes 7 1/2 Wilkeson 7 1/2 Orting 7 1/2 Sumner 7 1/2	From the Mount Rainier National Park boundary (Sec.35, T18N, R7E) downstream to mouth at the Puyallup River. (Sec.13, T19N, R4E).	(15) Minter Creek	<u>Burley</u> 7 1/2 Fox Island 7 1/2	From the confluence of Minter Creek and Huge Creek (Sec.20, T22N, R1E) downstream to mouth at Carr Inlet (Sec.29, same township).
(4) Chambers Creek	<u>Steilacoom</u> 7 1/2	From outflow of Steilacoom Lake (Sec.34, T20N, R2E) downstream to mouth at Chambers Bay and Puget Sound (Sec.29, T20N, R2E).	(16) Mowick River	<u>Golden Lakes</u> 7 1/2 <u>Kapowsin</u> 15	From the Mount Rainier National Park boundary (Sec.33, T17N, R7E) downstream to mouth at Puyallup River (Sec.3, T16N, R6E).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(17) Muck Creek	<u>Fort Lewis</u> 7 1/2	From Fort Lewis Military Reservation boundary (Sec.27, T18N, R2E) downstream through Muck Lake to same boundary (Sec.34, same township).	(26) South Creek	<u>Ohop Valley</u> 15 <u>Harts Lake</u> 7 1/2 <u>Spanaway</u> 7 1/2 <u>Tanwax Lake</u> 7 1/2	From the confluence of South Creek and unnamed creek (Sec.8, T17N, R4E) downstream to Fort Lewis Military Reservation boundary (Sec.34, T18N, R3E).
(18) Niesson Creek	<u>Kapowsin</u> 15	From an approximate point near the NW corner of the (NE1/4 of NE1/4 of Sec.4, T16N, R6E) downstream to the Puyallup River (Sec.33, T17N, R6E).	(27) South Prairie Creek	<u>Enumclaw</u> 15 <u>Wilkeson</u> 7 1/2 <u>Buckley</u> 7 1/2 <u>Sumner</u> 7 1/2 <u>Orting</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.32, T19N, R7E) downstream to mouth at Carbon River (Sec.27, T19N, R5E).
(19) Nisqually River*	<u>Randle</u> 15 <u>Mount Wow</u> 7 1/2 <u>Mineral</u> 15 <u>Kapowsin*</u> 15 <u>Eatonville</u> 7 1/2 <u>Bald Hill</u> 7 1/2 <u>Harts Lake</u> 7 1/2 <u>McKenna</u> 7 1/2 <u>Nisqually</u> 7 1/2	From Snoqualmie National Forest boundary (Sec.33, T15N, R7E) downstream along the north and east shores only, excluding all federal lands to the Fort Lewis Military Reservation (Sec.16, T17N, R2E), from Military Reservation (Sec.5, T18N, R1E) to mouth on Nisqually Reach (Sec.28, T19N, R1E). *Note: The 1,000 cfs MAF point starts at mouth of Mineral Creek (Sec.26, T15N, R5E).	(28) Spanaway Creek	<u>Tacoma South</u> 15 <u>Tacoma South</u> 7 1/2 <u>Spanaway</u> 7 1/2	From the confluence of waters from Spanaway Lake (Sec.20, T19N, R3E) downstream to mouth at Clover Creek (Sec.8, same township).
(20) Ohop Creek	<u>Kapowsin</u> 15 <u>Orting</u> 7 1/2	From the confluence of Ohop Creek and unnamed creek (Sec.21, T17N, R5E) downstream through Lake Kapowsin to mouth at Puyallup River (Sec.20, T18N, R5E).	(29) Tanwax Creek	<u>Tanwax Lake</u> 7 1/2 <u>Harts Lake</u> 7 1/2 <u>Bald Hill</u> 7 1/2	From the confluence of Tanwax Creek and unnamed creek (Sec.31, T17N, R4E) downstream to mouth at the Nisqually River (Sec.20, T16N, R3E).
(21) Ohop Creek	<u>Tanwax Lake</u> 7 1/2 <u>Eatonville</u> 7 1/2	From the confluence of Twenty Five Mile Creek and Ohop Creek (Sec.26, T17N, R4E) downstream through Ohop Lake to Kapowsin Creek, thence downstream to mouth at Nisqually River (Sec.25, T16N, R3E).	(30) Twenty Five Mile Creek	<u>Kapowsin</u> 15 <u>Tanwax Lake</u> 7 1/2	From an approximate point near the west line of the (NE1/4 of NW1/4 of SE1/4 of Sec.25, T17N, R4E) downstream to mouth at Ohop Creek (Sec.26, same township).
*NOTE: (Exclude area from La Grande Dam downstream to power house due to use of aqueduct.)			(31) Unnamed Tributary to Mashel River	<u>Kapowsin</u> 15	From an approximate point near the SW corner of (NE1/4 of Sec.29, T16N, R6E) downstream to mouth at Mashel River (Sec.19, same township).
(22) Puyallup River*	<u>Mt. Rainier</u> 30 <u>Kapowsin</u> 15 <u>Orting</u> 7 1/2 <u>Sumner*</u> 7 1/2 <u>Puyallup</u> 7 1/2 <u>Tacoma South</u> 7 1/2 <u>Tacoma North</u> 7 1/2	From the confluence of North and South Forks Puyallup River (Sec.20, T16N, R7E) downstream (excluding all federal lands) to Commencement Bay at Tacoma (Sec.33, T21N, R3E) The 1,000 cfs MAF point begins at mouth of Carbon River (Sec.13, T19N, R4E).	(32) Voight Creek	<u>Kapowsin</u> 15 <u>Wilkeson</u> 7 1/2 <u>Orting</u> 7 1/2	From the intersection of the west line of (Sec.3, T17N, R6E) and Voight Creek, downstream to mouth at Carbon River (Sec.33, T19N, R5E).
(23) Rocky Creek	<u>Vaughn</u> 7 1/2	From the confluence of Rocky Creek and the unnamed creek (Sec.27, T22N, R1W) downstream to mouth at Rocky Bay (same section).	(33) White River*	<u>Greenwater*</u> 15 <u>Enumclaw</u> 15 <u>Enumclaw</u> 7 1/2 <u>Auburn</u> 7 1/2 <u>Sumner</u> 7 1/2 <u>Puyallup</u> 7 1/2 <u>Buckley</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.36, T19N, R9E) downstream to the King-Pierce County line along County line on southerly shore only to the Muckleshoot Indian Reservation (Sec.2, T20N, R5E) returning from the reservation (Sec.1, T20N, R4E) downstream to mouth at Puyallup River (Sec.26, same township). The 1,000 cfs MAF point begins at mouth of Greenwater River (Sec.4, T19N, R9E).
(24) Rushingwater Creek	<u>Golden Lakes</u> 7 1/2 <u>Kapowsin</u> 15	From the Snoqualmie National Forest boundary (Sec.1, T16N, R6E) downstream to mouth at Mowich River (Sec.2, same township).	(34) White River (West Fork)	<u>Greenwater</u> 15	From the Snoqualmie National Forest boundary (Sec.33, T19N, R9E) downstream to mouth at the White River (Sec.23, same township).
(25) Sequelitchew Creek	<u>Anderson Island</u> 15 <u>Fort Lewis</u> 7 1/2 <u>Nisqually</u> 7 1/2	From the Fort Lewis Military Reservation (Sec.25, T19N, R1E) downstream to mouth at Nisqually Reach (Sec.22, same township).	(35) Wilkeson Creek	<u>Wilkeson</u> 7 1/2 <u>Buckley</u> 7 1/2	From confluence of Wilkeson Creek and Gale Creek (Sec.34, T19N, R6E) downstream to mouth at South Prairie Creek (Sec.17, same township).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(36) North Puyallup River	<u>Mount Wow</u> 7 1/2	From Mount Rainer National Park boundary (Sec.21, T16N, R7E) downstream to mouth at Puyallup River (Sec.20, T16N, R7E).	(8) Cascade River*	<u>Marblemount</u> * 15	From Mt. Baker National Forest boundary (Sec.12, T35N, R11E) downstream to mouth at Skagit River (Sec.18, same township). The 1,000 cfs MAF point begins at mouth of Boulder Creek (Sec.15, T35N, R11E).
(37) South Puyallup River	<u>Mount Wow</u> 7 1/2	From Mount Rainer National Park boundary (Sec.33, T16N, R7E) downstream to mouth at Puyallup River (Sec.20, T16N, R7E).	(9) Cavanaugh Creek	<u>Wickersham</u> 15	From an approximate point (NW1/4 of NE1/4 of SE1/4 Sec.5, T36N, R6E) downstream to mouth at Nooksack River (Sec.2, T36N, R5E).

[Order DE 76-14, § 173-18-310, filed 5/3/76; Order 73-14, § 173-18-310, filed 8/27/73; Order DE 72-13, § 173-18-310, filed 6/30/72.]

**WAC 173-18-320 San Juan County. Streams.** San Juan County has no 20 cfs streams but has shorelines. No rivers of statewide significance.

[Order 73-14, § 173-18-320, filed 8/27/73; Order DE 72-13, § 173-18-320, filed 6/30/72.]

**WAC 173-18-330 Skagit County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(1) Alder Creek	<u>Hamilton</u> 15	From confluence of Alder Creek and unnamed creek (Sec.6, T35N, R7E) downstream to mouth at Skagit River (Sec.18, same township).	(12) Day Creek	<u>Oso</u> 15 <u>Clear Lake</u> 7 1/2	Beginning at outlet of Day Lake (Sec.25, T34N, R6E) downstream to mouth at Skagit River (Sec.20, T35N, R6E).
(2) Baker River*	<u>Lake Shannon</u> * 15	Beginning at Mt. Baker National Forest boundary in Lake Shannon (Sec.1, T36N, R8E) down through Lake Shannon and Baker Dam to mouth at Skagit River (Sec.11, T35N, R8E). The 1,000 cfs MAF begins at Mt. Baker National Forest boundary.	(13) Deer Creek	<u>Oso</u> 15	From the Mt. Baker National Forest boundary (Sec.1, T33N, R7E) downstream to Snohomish County line (Sec.32, same township).
(3) Bear Creek	<u>Clear Lake</u> 15	From confluence of Bear Creek and unnamed creek (Sec.18, T33N, R6E) downstream to mouth at Pilchuck Creek (Sec.17, same township).	(14) Finney Creek	<u>Finney Peak</u> 7 1/2 <u>Lake Shannon</u> 15 <u>Hamilton</u> 15	From the Mt. Baker National Forest boundary (Sec.1, T34N, R8E) downstream to mouth at Skagit River (Sec.13, T35N, R7E).
(4) Bear Creek	<u>Hamilton</u> 15	From confluence of Bear Creek and unnamed creek (Sec.10, T36N, R8E) downstream to mouth at Lake Shannon (Sec.14, same township).	(15) Friday Creek (Cont.)	<u>Samish Lake</u> 15 <u>Alger</u> 7 1/2 <u>Lake Whatcom</u> 7 1/2	From Whatcom County line (Sec.1, T36N, R3E) downstream to mouth at Samish River (Sec.5, T35N, R4E).
(5) Big Creek	<u>Prairie Mt.</u> 7 1/2	Beginning at Mt. Baker National Forest boundary (Sec.18, T33N, R11E) downstream to mouth at Suiattle River (Sec.13, same township).	(16) Gilligan Creek	<u>Clear Lake</u> 15	From confluence of Gilligan Creek and unnamed creek (Sec.11, T34N, R5E) downstream to mouth at Skagit River (Sec.35, T35N, R5E).
(6) Boulder Creek	<u>Snowking Mt.</u> 7 1/2 <u>Marblemount</u> 15	From an approximate point (NW1/4 of NW1/4 of SW1/4 Sec.26, T35N, R11E) downstream to mouth at Cascade River (Sec.15, same township).	(17) Grandy Creek	<u>Hamilton</u> 15	From outlet of Grandy Lake (Sec.31, T36N, R8E) downstream to mouth at Skagit River (Sec.15, T35N, R7E).
(7) Carpenter Creek	<u>Mt. Vernon</u> 15 <u>Conway</u> 7 1/2	From confluence of Carpenter Creek and unnamed creek (Sec.17, T33N, R4E) downstream to mouth at Tom Moore Slough (Sec.30, same township).	(18) Hansen Creek	<u>Wickersham</u> 15	From an approximate point (SW1/4 of SW1/4 Sec.17, T35N, R5E) downstream to mouth at Skagit River (Sec.20, same township).
			(19) Howard Creek (Cont.)	<u>Hamilton</u> 15	From Whatcom County line (Sec.2, T36N, R6E) downstream to mouth at Nooksack River South Fork (Sec.13, same township).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(20) Illabot Creek	<u>Illabot Peaks</u> 7 1/2 Rockport 7 1/2	From Mt. Baker National Forest boundary (Sec.1, T34N, R10E) downstream to mouth at Skagit River (Sec.29, T35N, R10E).	(32) O'Toole Creek	<u>Oso</u> 15	Beginning at Mt. Baker National Forest boundary (Sec.28, T35N, R7E) downstream to mouth at Skagit River (Sec.21, same township).
(21) Irene Creek	<u>Marblemount</u> 15	From Mt. Baker National Forest boundary (Sec.13, T35N, R11E) downstream to mouth at Cascade River (Sec.12, same township).	(33) Pilchuck Creek	<u>Clear Lake</u> 15	From confluence of Pilchuck Creek and unnamed creek (Sec.10, T33N, R6E) downstream to Skagit County and Snohomish County line (Sec.33, T33N, R5E).
(22) Jackman Creek	<u>Lake Shannon</u> 15	From Mt. Baker National Forest boundary (Sec.3, T35N, R9E) downstream to mouth at Skagit River (Sec.13, T35N, R8E).	(34) Pressentin Creek	<u>Oso</u> 15 <u>Hamilton</u> 15	Beginning at Mt. Baker National Forest boundary (Sec.36, T35N, R7E) downstream to mouth at Skagit River (Sec.13, same township).
(23) Joe Leary Creek	<u>Samish Lake</u> 15 Bow 7 1/2	From confluence of Joe Leary Creek and unnamed Creek (Sec.20, T35N, R3E) downstream to mouth at Padilla Bay (Sec.18, same township).	(35) Rocky Creek	<u>Clear Lake</u> 15	From confluence of Rocky Creek and unnamed creek (Sec.17, T34N, R6E) downstream to mouth at Day Creek (Sec.10, same township).
(24) Jones Creek	<u>Wickersham</u> 15	From an approximate point (SE1/4 of SE1/4 of NE1/4 Sec.32, T36N, R6E) downstream to mouth at Skagit River (Sec.17, T35N, R6E).	(36) Rocky Creek	<u>Lake Shannon</u> 15	From Whatcom County line (Sec.1, T36N, R8E) downstream to Skagit County line (same section).
(25) Jordan Creek	<u>Illabot Peaks</u> 7 1/2	Beginning at Mt. Baker National Forest boundary (Sec.33, T35N, R11E) downstream to mouth at Cascade River (Sec.18, same township).	(37) Rocky Creek	<u>Marblemount</u> 15	Beginning at Mt. Baker National Forest boundary (Sec.22, T35N, R10E) downstream to mouth at Skagit River (same section).
(26) Lake Creek	<u>Clear Lake</u> 15 Mt. Vernon 7 1/2	From confluence of Lake Creek and unnamed creek (Sec.17, T33N, R5E) downstream through Big Lake and Nookachamps Creek to the mouth at Nookachamps Creek in Skagit River (Sec.4, T34N, R4E).	(38) Samish River (Cont.)	<u>Wickersham</u> 15	From Whatcom County line (Sec.6, T36N, R5E) downstream to mouth at Samish Bay (Sec.5, T35N, R3E).
(27) Lake Creek	<u>Clear Lake</u> 15	From outlet of Lake Cavanaugh (Sec.22, T33N, R6E) downstream to mouth at Pilchuck Creek (Sec.17, same township).	(39) Sauk River (Cont.)*	<u>Darrington*</u> 7 1/2 Rockport 7 1/2	From Snohomish County line (Sec.32, T33N, R10E) downstream to mouth at Skagit River (Sec.35, T35N, R9E). The flow exceeds 1,000 cfs MAF at Snohomish County line.
(28) Little Deer Creek	<u>Oso</u> 15	From Mt. Baker National Forest boundary (Sec.35, T34N, R7E) downstream to mouth at Deer Creek (same section).	(40) Silver Creek	<u>Samish Lake</u> 15 Alger 7 1/2	Beginning where heavy duty highway crosses Silver Creek (Sec.7, T36N, R4E) downstream to mouth at Friday Creek (Sec.18, same township).
(29) Mill Creek	<u>Hamilton</u> 15	From an approximate point (SW1/4 of SW1/4 of SW1/4 Sec.23, T35N, R7E) downstream to mouth at Skagit River (Sec.22, same township).	(41) Skagit River*	<u>Marblemount*</u> 15 <u>Lake Shannon</u> 15 <u>Hamilton</u> 15 <u>Wickersham</u> 15 <u>Clear Lake</u> 15 <u>Illabot Peaks</u> 7 1/2 <u>Rockport</u> 7 1/2 <u>Finney Peak</u> 7 1/2 <u>Mount Vernon</u> 7 1/2 <u>Utsalady</u> 7 1/2 <u>Conway</u> 7 1/2	Beginning at Mt. Baker National Forest boundary (Sec.1, T36N, R11E) downstream splitting into the North Fork and the South Fork, on down to mouth at Skagit Bay (Sec.7, T33N, R2E) and (Sec.36, T33N, R3E). The 1,000 cfs MAF point begins at Mt. Baker N.F. boundary.
(30) Nookachamps Creek (E. Fk.)	<u>Clear Lake</u> 15 Mt. Vernon 7 1/2	From confluence of Nookachamps Creek East Fork and unnamed creek (Sec.28, T34N, R5E) downstream to mouth at Nookachamps Creek (Sec.10, T34N, R4E).	(42) Stillaguamish (N. Fork)	<u>Fortson</u> 7 1/2	From Mt. Baker National Forest boundary (Sec.27, T33N, R9E) downstream to Skagit County and Snohomish County line (Sec.34, same township).
(31) Nooksack River (S. Fk.)	<u>Hamilton</u> 15 <u>Wickersham</u> 15	Beginning at Mt. Baker National Forest boundary (Sec.10, T36N, R7E) downstream to Skagit County line (Sec.2, T36N, R5E).			



## WAC 173-18-340 Skamania County. Streams

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(43) Suiate River* (Cont.)	<u>Prairie Mt.</u> * 7 1/2 Darrington 7 1/2	From Skagit-Snohomish County line (Sec.32, T33N, R11E) downstream to mouth at Sauk River (Sec.20, T33N, R10E). This river has over 1,000 cfs MAF at Skagit-Snohomish County line.	(1) Bear Creek	<u>Wind River</u> 15	From the Gifford Pinchot National Forest boundary (Sec.5, T3N, R8E) downstream to mouth at Wind River (Sec.8, same township).
(44) Tenas Creek	<u>Prairie Mt.</u> 7 1/2	From Mt. Baker National Forest boundary (Sec.19, T33N, R11E) downstream to mouth at Suiate River (Sec.30, same township).	(2) Buck Creek (Cont.)	<u>Willard</u> 7 1/2	From Klickitat County line (Sec.2, T3N, R10E) downstream to mouth at White Salmon River (same section).
(45) Thunder Creek	<u>Lake Shannon</u> 15	Beginning at Mt. Baker National Forest boundary (Sec.17, T36N, R9E) downstream to mouth at Lake Shannon (Sec.24, T36N, R8E).	(3) Canyon Creek	<u>Bridal Veil</u> 15	Beginning in (NW1/4 of SE1/4 Sec.4, T1N, R5E) downstream to Washougal River (Sec.6, same township).
(46) Thunder Creek (S. Fk.)	<u>Lake Shannon</u> 15	From an approximate point (NW1/4 of SE1/4 of NE1/4 Sec.20, T36N, R9E) downstream to mouth at Thunder Creek (Sec.18, same township).	(4) Columbia River (Cont.)*	<u>Hood River</u> 15 <u>Bonneville Dam</u> 15 <u>Bridal Veil</u> 15	From Klickitat County line (Sec.23, T3N, R10E) downstream along Washington shoreline to Clark County line (Sec.19, T1N, R5E) excluding any federal lands. The flow exceeds 200 cfs MAF at Klickitat County line.
(47) Unnamed Tributary to Bear Creek	<u>Lake Shannon</u> 15	From confluence of unnamed tributary to Bear Creek and unnamed creek (Sec.10, T36N, R8E) downstream to mouth at Bear Creek (same section).	(5) Deer Creek	<u>Bridal Veil</u> 15	From an approximate point (NE1/4 of Sec.17, T3N, R6E) downstream to mouth at Prospector Creek (Sec.18, same township).
(48) Walker Creek	<u>Clear Lake</u> 15	From an approximate point (SW1/4 of SW1/4 of NE1/4 Sec.5, T33N, R5E) downstream to mouth at Nookachamps Creek East Fork (Sec.30, T34N, R5E).	(6) Dougan Creek	<u>Bridal Veil</u> 15	From the confluence of Dougan Creek and unnamed creek (Sec.2, T2N, R5E) downstream to Washougal River (Sec.11, same township).
(49) White Creek	<u>Rockport</u> 7 1/2	From confluence of White Creek and unnamed creek (Sec.20, T34N, R10E) downstream to mouth at Sauk River (Sec.31, same township).	(7) Duncan Creek	<u>Bridal Veil</u> 15	Beginning in (NW1/4 of SE1/4 of NE1/4 of Sec.17, T2N, R6E) downstream to Columbia River (Sec.34, same township).
(50) Youngs Slough	<u>Wickersham</u> 15	From confluence of Youngs Slough and unnamed tributary (Sec.14, T35N, R5E) downstream to mouth at Skagit River (Sec.27, same township).	(8) Forest Creek	<u>Wind River</u> 15 <u>Bonneville Dam</u> 15	From the Gifford Pinchot National Forest boundary (Sec.17, T3N, R7E) downstream to mouth at Rock Creek (same section).
(51) Bacon Creek	<u>Marblemount</u> 15	From west section line (Sec.8, T36N, R11E) downstream to mouth at Skagit River (Sec.20, T36N, R11E). Exclude federal lands.	(9) Greenleaf Creek	<u>Bonneville Dam</u> 15	From an approximate point (NW1/4 of Sec.16, T2N, R7E) downstream through Greenleaf Slough to mouth at Hamilton Creek (Sec.20, same township).
(52) Diobsud Creek	<u>Marblemount</u> 15	From west section line (Sec.30, T36N, R11E) downstream to mouth at Skagit River (Sec.32, T36N, R11E). Exclude federal lands.	(10) Hagen Creek (Cont.)	<u>Bridal Veil</u> 15	From the Clark County line (Sec.6, T2N, R5E) downstream to mouth at the West Fork Washougal River (same section).
[Order DE 76-14, § 173-18-330, filed 5/3/76; Order 73-14, § 173-18-330, filed 8/27/73; Order DE 72-13, § 173-18-330, filed 6/30/72.]			(11) Hamilton Creek	<u>Bridal Veil</u> 15	From the confluence of Hamilton Creek and unnamed creek (Sec.36, T3N, R6E) downstream to Columbia River (Sec.30, T2N, R7E).
			(12) Lava Creek	<u>Willard</u> 15	From Gifford Pinchot National Forest boundary (Sec.33, T4N, R9E) downstream to mouth on Little White Salmon River (Sec.1, T3N, R9E).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(13) Lewis River*	<u>Burnt Peak*</u> 7 1/2 Mt. St. Helens 15	From Gifford Pinchot National Forest boundary (Sec.24, T7N, R6E) downstream through Swift Reservoir to Cowlitz County line (Sec.31, T7N, R5E) except those reaches within the National Forest. The 1,000 cfs MAF point is at Gifford Pinchot N.F. boundary.	(26) Spring Creek	<u>Bonneville Dam</u> 15	From the Gifford Pinchot National Forest boundary (Sec.22, T3N, R7E) downstream to mouth at Rock Creek (Sec.27, same township).
(14) Little White Salmon River*	<u>Willard*</u> 15 Hood River 15	Beginning in (NE1/4 of NE1/4 of NE1/4 Sec.2, T4N, R9E) downstream to Drano Lake (Sec.26, T3N, R9E), excluding all federal lands. The 200 cfs MAF begins at confluence with Lava Creek (Sec.1, T3N, R9E).	(27) Stebbins Creek	<u>Bridal Veil</u> 15	From the confluence of Stebbins Creek and unnamed creek (Sec.28, T3N, R6E) downstream to mouth at Washougal River (Sec.6, T2N, R6E).
(15) Little Wind River	<u>Wind River</u> 15 Bonneville Dam 15	From the Gifford Pinchot National Forest boundary (Sec.14, T3N, R8E) downstream to mouth at Wind River (Sec.22, same township).	(28) Swift Creek	<u>Mt. St. Helens</u> 15	From the Gifford Pinchot National Forest boundary (Sec.4, T7N, R5E) downstream to mouth at Swift Reservoir (Sec.16, same township) except those reaches within the National Forest.
(16) Lookout Creek	<u>Lookout Mt.</u> 15	From an approximate point (NW1/4 of Sec.6, T3N, R6E) downstream to mouth at Washougal River (Sec.1, T3N, R5E).	(29) Trout Creek	<u>Wind River</u> 15	Beginning in (SE1/4 of SE1/4 of NE1/4 of Sec.27, T4N, R7E) downstream to mouth at Wind River (Sec.26, same township).
(17) Muddy River	<u>Mt. St. Helens</u> 15	From the west section line (Sec.16, T8N, R6E) downstream to mouth at Lewis River (Sec.24, T7N, R6E). Exclude federal lands.	(30) Unnamed Tributary to Swift Creek	<u>Mt. St. Helens</u> 15	From the Gifford Pinchot National Forest boundary (Sec.10, T7N, R5E) downstream to mouth at Swift Creek (Sec.9, same township).
(19) North Siouxon Creek	<u>Mt. St. Helens</u> 15 Lookout Mt. 15	From the Gifford Pinchot National Forest boundary (Sec.16, T6N, R5E) downstream to the Clark County line (Sec.30, same township).	(31) Washougal River	<u>Lookout Mt.</u> 15	From Gifford Pinchot National Forest boundary (Sec.1, T3N, R5E) downstream to mouth at Clark County line (Sec.31, T2N, R5E).
(20) Ole Creek	<u>Mt. St. Helens</u> 15	From the confluence of Ole Creek and an unnamed creek (Sec.31, T7N, R5E) downstream to Lewis River (same section).	(32) Washougal River (W. Fork)	<u>Bridal Veil</u> 15	From an approximate point (NW1/4 of SW1/4 of Sec.29, T3N, R5E) downstream to mouth at Washougal River (Sec.32, T2N, R5E).
(21) Panther Creek	<u>Wind River</u> 15	Beginning in (NW1/4 of SE1/4 of SE1/4 of Sec.25, T4N, R71/2E) downstream to mouth at Wind River (Sec.8, T3N, R8E).	(33) West Fork Swift Creek	<u>Mt. St. Helens</u> 15	Beginning in (SE1/4 of NW1/4 of SW1/4 of Sec.4, T7N, R5E) downstream to Swift Creek (Sec.16, same township).
(22) Prospector Creek	<u>Bridal Veil</u> 15	From the confluence of Prospector Creek and Deer Creek (Sec.18, T3N, R6E) downstream to mouth at Washougal River (Sec.13, T3N, R5E).	(34) White Salmon River (Cont.)*	<u>Willard</u> 15 Hood River 15	From Klickitat County line (Sec.2, T3N, R10E) downstream right bank only to mouth on Columbia River (Sec.23, same township). The flow exceeds 200 cfs MAF at Skamania-Klickitat County line.
(23) Range Creek	<u>Mt. St. Helens</u> 15	From south section line of (Sec.12, T6N, R5E) downstream to Swift Reservoir (Sec.6, T6N, R6E).	(35) Wildboy Creek	<u>Bridal Veil</u> 15	From the confluence of Wildboy Creek and Texas Creek (Sec.17, T2N, R5E) downstream to West Fork Washougal River (Sec.20, same township).
(24) Rock Creek	<u>Lookout Mt.</u> 15 Wind River 15 Bonneville Dam 15	From west section line (Sec.2, T3N, R6E) downstream to Columbia River (Sec.1, T2N, R7E).	(36) Wind River*	<u>Wind River*</u> 15 Bonneville Dam 15	Beginning at the north section line of (Sec.9, T4N, R7E) downstream to mouth at Columbia River (Sec.27, T3N, R8E). The 200 cfs MAF point begins at Gifford Pinchot N.F. boundary (Sec.1, T3N, R71/2E).
(25) Siouxon Creek	<u>Lookout Mt.</u> 15	From the Gifford Pinchot National Forest boundary (Sec.31, T6N, R5E) downstream to Clark County line (same section) excluding federal lands.			

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(37) Woodward Creek	<u>Bridal Veil</u> 15	From the confluence of Woodward Creek and unnamed creek (Sec.27, T2N, R6E) downstream to mouth at Columbia River (Sec.36, same township).	(3) Barclay Creek	<u>Baring</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.25, T27N, R10E) downstream to mouth at Skykomish River South Fork (Sec.34, same township), excluding the part within Snoqualmie National Forest.
(38) Unnamed Tributary to Swift Reservoir	<u>Mt. St. Helens</u> 15	From the east section line (Sec.2, T6N, R6E) downstream to mouth at Swift Reservoir (Sec.35, T7N, R6E).	(4) Boulder River	<u>Granite Falls</u> 15 Oso 15	From the Mt. Baker National Forest boundary (Sec.19, T32N, R8E) downstream to mouth at Stillaguamish River (Sec.9, T32N, R8E), excluding the part within Mt. Baker National Forest.
(39) Green River	<u>Spirit Lake</u> 15	From the Gifford Pinchot National Forest boundary (Sec.18, T10N, R6E) downstream to the Cowlitz-Skamanian County line (Sec.6, same township). Exclude federal lands.	(5) Brooks Creek	<u>Oso</u> 15	Beginning where Brooks Creek is crossed by unimproved dirt road (Sec.9, 32N, R7E) downstream to mouth at Stillaguamish River North Fork (same section).
(40) Drift Creek	<u>Mt. St. Helens</u> 15	From south section line (Sec.8, T6N, R6E) downstream to Swift Reservoir (Sec.5, same township). Exclude federal lands.	(6) Canyon Creek	<u>Granite Falls</u> 15	From the Mt. Baker National Forest boundary (Sec.25, T31N, R7E) downstream to mouth at Stillaguamish River South Fork (Sec.12, T30N, R6E).
(41) Coldwater Creek	<u>Spirit Lake</u> 15	From east section line (Sec.29, T10N, R5E) downstream to Cowlitz-Skamanian County line (Sec.31, same township). Exclude federal lands.	(7) Dan Creek	<u>Darrington</u> 7 1/2	From Mt. Baker National Forest boundary (Sec.8, T32N, R10E) downstream to mouth at Sauk River (same section).
(42) Miners Creek	<u>Spirit Lake</u> 15	From confluence of Miners Creek and unnamed creek (SE1/4 Sec.8, T10N, R5E) downstream to Lewis-Skamanian County line same section.	(8) Deer Creek (Cont.)	<u>Oso</u> 15	From the Skagit County line (Sec.5, T32N, R7E) downstream to mouth at Stillaguamish River North Fork (Sec.17, T32N, R7E).
(43) Smith Creek	<u>Mt. St. Helens</u> 15	From east section line of (Sec.30, T9N, R6E) downstream to mouth at Muddy River. (Sec.15, T8N, R6E) Exclude federal lands.	(9) Dubuque Creek	<u>Everett</u> 15 Snohomish 7 1/2	From confluence of Dubuque Creek and Panther Creek (Sec.22, T29N, R6E) downstream to mouth at Pilchuck River (Sec.21, same township).
(44) Cold Creek	<u>Wind River</u> 15	From NW1/4 of NE 1/4 (Sec.16, T4N, R7E) downstream to mouth at Wind River (Sec.9, same township).	(10) Elk Creek	<u>Index</u> 15	Beginning at Snoqualmie National Forest boundary (Sec.3, T28N, R10E) downstream, to mouth at Sultan River (Sec.30, T29N, R10E), excluding Snoqualmie National Forest land.
(45) Moss Creek	<u>Willard</u> 15	From the west section line of (Sec.27, T4N, R9E) downstream to confluence with Little White Salmon River (Sec.26, same township). Exclude federal lands.	(11) Elwell Creek	<u>Sultan</u> 7 1/2	From confluence of Elwell Creek and Youngs Creek (Sec.24, T27N, R7E) downstream to mouth at Skykomish River (Sec.12, same township).
			(12) French Creek	<u>Everett</u> 15 Snohomish 7 1/2	From confluence of French Creek and unnamed creek (Sec.27, T28N, R6E) downstream to mouth at Snohomish River (Sec.30, same township).

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-052 (Order DE 80-20), § 173-18-340, filed 6/30/80; Order DE 76-14, § 173-18-340, filed 5/3/76; Order 73-14, § 173-18-340, filed 8/27/73; Order DE 72-13, § 173-18-340, filed 6/30/72.]

**WAC 173-18-350 Snohomish County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(1) Anderson Creek	<u>Index</u> 15	From the Snoqualmie National Forest boundary (Sec.24, T27N, R9E) downstream to mouth at Skykomish River (same section).	(13) French Creek	<u>Oso</u> 15	From Mt. Baker National Forest boundary (Sec.16, T32N, R8E) downstream to mouth at Stillaguamish River (Sec.10, same township) excluding Mt. Baker National Forest land.
(2) Ashton Creek	<u>Fortson</u> 7 1/2	From confluence of Ashton Creek and unnamed creek (Sec.20, T32N, R9E) downstream to mouth at Squire Creek (Sec.8, same township).	(14) Jim Creek	<u>Granite Falls</u> 15 Arlington East 7 1/2	From U.S. Naval Reservation boundary (Sec.31, T32N, R7E) downstream to mouth at Stillaguamish River South Fork (Sec.7, T31N, R6E).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(15) Little Pilchuck Creek	<u>Lake Stevens</u> 7 1/2 <u>Snohomish</u> 7 1/2	From confluence of Little Pilchuck Creek and unnamed creek (Sec.22, T30N, R6E) downstream to mouth (Sec.21, T29N, R6E) at Pilchuck River.	(28) Sauk River*	<u>Silverton</u> * 15 <u>Darrington</u> 7 1/2	From Mt. Baker National Forest boundary (Sec.36, T32N, R9E) downstream to Snohomish County and Skagit County line (Sec.5, T32N, R10E). The 1,000 cfs MAF point is at Mt. Baker N. F. boundary.
(16) May Creek	<u>Index</u> 15	From the Snoqualmie National Forest boundary (Sec.3, T27N, R9E) downstream to mouth at Wallace River (Sec.36, T28N, R8E).	(29) Skykomish River*	<u>Index</u> * 15 <u>Sultan</u> 7 1/2 <u>Monroe</u> 7 1/2	From confluence of North Fork and South Fork of Skykomish River (Sec.19, T27N, R10E) downstream to mouth at Snohomish River (Sec.16, T27N, R6E) excluding all federal land. The 1,000 cfs MAF point begins at confluence of North and South Fork Skykomish River.
(17) McCoy Creek	<u>Monroe</u> 15 <u>Sultan</u> 7 1/2	From confluence of McCoy Creek and unnamed creek (Sec.17, T27N, R8E) downstream to mouth at Skykomish River (Sec.7, same township).	(30) Skykomish River (N. Fk.)*	<u>Index</u> * 15	Beginning at SW1/4 (Sec.20, T28N, R11E) downstream to mouth at Skykomish River (Sec.19, T27N, R10E) excluding those shores within federal lands. The 1,000 cfs MAF point begins at east section line (Sec.16, T27N, R10E).
(18) Montague Creek	<u>Oso</u> 15	From confluence of Montague Creek and unnamed creek (Sec.14, T32N, R7E) downstream to mouth at Stillaguamish River North Fork (Sec.10, same township).	(31) Skykomish River (South Fork) (Cont.)*	<u>Baring</u> 7 1/2 <u>Index</u> 15	From King County line (Sec.34, T27N, R10E) downstream to mouth at Skykomish River (Sec.19, same township) excluding all federal land. The flow exceeds 1,000 cfs MAF at King County line.
(19) Mud Lake Outlet	<u>Granite Falls</u> 15	From an approximate point (SE1/4 of SE1/4, Sec.33, T31N, R7E) downstream to mouth at Canyon Creek (Sec.3, T30N, R7E).	(32) Snohomish River*	<u>Everett</u> 15 <u>Maltby</u> * 7 1/2 <u>Snohomish</u> 7 1/2 <u>Everett</u> 7 1/2 <u>Marysville</u> 7 1/2	From confluence of Skykomish River and Snoqualmie River (Sec.16, T27N, R6E) downstream to mouth at Possession Sound (Sec.7, T29N, R5E). The flow exceeds 1,000 cfs MAF at confluence of Skykomish River and Snoqualmie River.
(20) North Creek	<u>Everett</u> 15 <u>Bothell</u> 7 1/2	From confluence of North Creek and unnamed creek (Sec.19, T27N, R5E) downstream to King County line (Sec.32, same township).	(33) Snoqualmie River* (Cont.)	<u>Monroe</u> 15 <u>Maltby</u> 7 1/2 <u>Monroe</u> 7 1/2	From the King County line (Sec.31, T27N, R7E) downstream to mouth at Snohomish River (Sec.16, T27N, R6E). The flow exceeds 1,000 cfs MAF at King County line.
(21) Olney Creek	<u>Index</u> 15	From Snoqualmie National Forest boundary (Sec.6, T28N, R9E) downstream to mouth at Wallace River (Sec.36, T28N, R8E).	(34) Squire Creek	<u>Silverton</u> 15 <u>Fortson</u> 7 1/2	From the Mt. Baker National Forest boundary (Sec.27, T32N, R9E) downstream to mouth at Stillaguamish River N. Fork (Sec.8, same township).
22) Pilchuck Creek (Cont.)	<u>Clear Lake</u> 15 <u>Arlington West</u> 7 1/2	From Skagit County line (Sec.4, T32N, R5E) downstream to mouth at Stillaguamish River (Sec.6, T31N, R5E).	(35) Stevens Creek	<u>Lake Stevens</u> 7 1/2 <u>Snohomish</u> 7 1/2	From confluence of Stevens Creek and Catherine Creek (Sec.8, T29N, R6E) downstream to mouth at Little Pilchuck Creek (Sec.16, same township).
(23) Pilchuck River	<u>Index</u> 15 <u>Lake Stevens</u> 7 1/2 <u>Snohomish</u> 7 1/2 <u>Monroe</u> 15 <u>Granite Falls</u> 15	From the Snoqualmie National Forest boundary (Sec.23, T29N, R8E) downstream to mouth at Snohomish River (Sec.19, T28N, R6E).	(36) Stillaguamish River*	<u>Arlington East</u> * 7 1/2 <u>Arlington West</u> 7 1/2 <u>Stanwood</u> 7 1/2	From confluence of South Fork and North Fork of Stillaguamish River (Sec. 2, T31N, R5E) downstream to mouth at Port Susan in Puget Sound (Sec.12, T31N, R3E). The flow exceeds 1,000 cfs MAF at confluence of N. Fork and South Fork Stillaguamish River.
(24) Portage Creek	<u>Arlington West</u> 7 1/2	From confluence of Portage Creek and unnamed creek (Sec.7, T31N, R5E) downstream to mouth at South Slough of the Stillaguamish River (Sec.12, T31N, R4E).			
(25) Proctor Creek	<u>Index</u> 15	From the Snoqualmie National Forest boundary (Sec.15, T27N, R9E) downstream to mouth at Skykomish River (Sec.10, same township).			
(26) Quilceda Creek	<u>Marysville</u> 7 1/2	From confluence of Quilceda Cr. and Middle Fork (Sec.9, T30N, R5E) downstream to mouth at Ebbey Slough of Possession Sound (Sec.31, T30N, R5E) excluding federal lands.			
(27) Rollins Creek	<u>Oso</u> 15	From confluence of Rollins Creek and unnamed creek (Sec.1, T32N, R7E) downstream to mouth at Stillaguamish River North Fork (Sec.12, same township).			

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(37) Stillaguamish River (N.F.) (Cont.)*	<u>Fortson</u> 7 1/2 Oso* 15 Clear Lake 15 Arlington East 7 1/2 Arlington West 7 1/2	From Snohomish County line (Sec.3, T32N, R9E) downstream to mouth at Stillaguamish River South Fork (Sec.2, T31N, R5E). The 1,000 cfs MAF point begins at mouth of Boulder Creek (Sec.9, T32N, R8E).	(48) Woods Creek (W. Fk.)	<u>Monroe</u> 15 Monroe 7 1/2	From confluence of Carpenter Creek and Woods Creek West Fork (Sec.5, T28N, R7E) downstream to mouth at Woods Creek (Sec.33, same township).
(38) Stillaguamish River (South Fork)*	<u>Silverton</u> 15 Granite Falls* 15 Lake Stevens 7 1/2 Arlington 7 1/2	From Mt. Baker National Forest boundary (Sec.19, T30N, R10E) downstream to mouth at Stillaguamish River North Fork (Sec.2, T31N, R5E). The 1,000 cfs MAF point begins at mouth of Cranberry Creek (Sec.12, T30N, R7E). Exclude federal lands.	(49) Worthy Creek	<u>Granite Falls</u> 15	From confluence of Worthy Creek and unnamed creek (Sec.26, T30N, R7E) downstream to mouth at Pilchuck River (Sec.2, T29N, R7E).
(39) Stony Creek	<u>Silverton</u> 15	From an approximate point (NE1/4 of NW1/4 Sec.18, T29N, R10E) downstream to mouth at Williamson Creek (Sec.12, T29N, R9E) excluding all federal land.	(50) Youngs Creek	<u>Monroe</u> 15 Sultan 7 1/2	From an approximate point (NE1/4 of SE1/4 Sec.34, T27N, R8E) downstream to mouth at Elwell Creek (Sec.24, T27N, R7E).
(40) Sultan River	<u>Monte Cristo</u> 7 1/2 Sultan 7 1/2 Monroe 15 Index 15	Beginning at Snoqualmie National Forest boundary (Sec.22, T29N, R10E) downstream to mouth at Skykomish River (Sec.6, T27N, R8E) excluding all federal lands.	(51) Suitttle River*	<u>Huckleberry Mtn.</u> * 7 1/2 Prairie Mtn. 7 1/2	From the east section (Sec.20, T32N, R12E) downstream to Skagit-Snohomish County line (Sec.5, T32N, R11E). Exclude federal lands. The flow is 1000 cfs MAF at east section line (Sec.20, T32N, R12E).
(41) Sultan River (N. Fork of South Fork)	<u>Index</u> 15	From confluence of Sultan River North Fork of South Fork and unnamed creek (Sec.7, T28N, R10E) downstream to mouth at Sultan River (Sec.28, T29N, R9E) excluding all federal land.	(52) Beckler River	<u>Evergreen Mtn.</u> 7 1/2	From the west section line (Sec.8, T27N, R12E) downstream to Snohomish-King County line (Sec.32, T27N, R12E). Exclude federal lands.
(42) Swamp Creek	<u>Edmonds</u> 15 Edmonds E. 7 1/2 Bothell 7 1/2	From confluence of Swamp Creek and unnamed creek (Sec.26, T27N, R4E) downstream to King County line (Sec.35, same township).	(53) Rapid River	<u>Captain Point</u> 7 1/2 Evergreen Mtn. 7 1/2	From east section line (Sec.13, T27N, R12E) downstream to Beckler River (Sec.29, T27N, R12E). Exclude federal lands.
(43) Unnamed Tributary to French Creek	<u>Everett</u> 15 Snohomish 7 1/2	From confluence of unnamed tributary to French Creek and unnamed creek (NW1/4 of Sec.34, T28N, R6E) downstream to mouth at French Creek (Sec.20, same township).	[Order DE 76-14, § 173-18-350, filed 5/3/76; Order 73-14, § 173-18-350, filed 8/27/73; Order DE 72-13, § 173-18-350, filed 6/30/72.]		
(44) Wallace River	<u>Index</u> 15 Sultan 7 1/2	From the Snoqualmie National Forest boundary (Sec.25, T28N, R9E) downstream to mouth at Skykomish River (Sec.4, T27N, R8E).	<b>WAC 173-18-360 Spokane County. Streams</b>		
(45) Wallace River (N. Fk.)	<u>Index</u> 15	From confluence of North Fork Wallace River and unnamed creek (Sec.28, T28N, R9E) downstream to mouth at Wallace River (Sec.33, same township).	(1) Deadman Creek	<u>Deer Park</u> 15	From the confluence of Deadman Creek and two unnamed creeks (Sec.1, T26N, R43E) downstream to mouth at Spokane River (Sec.33, T27N, R43E).
(46) Williamson Creek	<u>Silverton</u> 15 Index 15	Beginning at Snoqualmie National Forest boundary (Sec.6, T29N, R10E) downstream to mouth at Sultan River (Sec.24, T29N, R9E) excluding all federal lands.	(2) Dragoon Creek	<u>Deer Park</u> 15	From the confluence of Dragoon Creek and West Branch of the Dragoon Creek (Sec.22, T28N, R42E) downstream to mouth at the Little Spokane River (Sec.4, T27N, R43E).
(47) Woods Creek	<u>Monroe</u> 15 Monroe 7 1/2	From confluence of Woods Creek and unnamed creek (Sec.26, T29N, R7E) downstream to mouth at Skykomish River (Sec.12, T27N, R6E).	(3) Hangman Creek (Cont.)* or Latah Creek	<u>Fairfield</u> 15 Spangle* 15 Spokane SE 7 1/2 Spokane SW 7 1/2 Spokane NW 7 1/2	From the Whitman-Spokane County line (Sec.32, T21N, R45E) downstream to mouth on Spokane River (Sec.14, T25N, R42E). This stream has 300 square miles of drainage area ending at unnamed tributary (Sec.13, T23N, R43E) upstream from Rock Creek.

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(4) Little Spokane River (Cont.)*	<u>Camden</u> 7 1/2 Elk 7 1/2 Deer Park* 15 Clayton 15	From the Pend Oreille County line (Sec.3, T29N, R44E) downstream (excluding all federal lands) to mouth at the Spokane River and Stevens County line (Sec.32, T27N, R42E). This stream has a 300 square mile drainage area ending at mouth of Deer Creek (Sec.34, T28N, R43E).	(4) Colville River*	<u>Forest Center</u> 7 1/2 Waitts Lake 7 1/2 Valley 7 1/2 Chewelah* 7 1/2 Addy 7 1/2 Addy Mt. 7 1/2 Arden 7 1/2 Colville 7 1/2 Marcus 30	From the confluence of Deer Cr. and Sheep Creek (Sec.9, T30N, R40E) downstream (excluding all federal lands) to mouth at Columbia River (Sec.36, T36N, R37E). This river has over 300 sq. miles of drainage area ending at mouth of Chewelah Creek (Sec.23, T32N, R40E).
(5) Little Spokane River (West Branch)	<u>Newport</u> 30 Fan Lake 7 1/2 Elk 7 1/2 Deer Park 15	From the Pend Oreille County line (Sec.5, T29N, R43E) downstream through Eloika Lake to mouth at Little Spokane River (Sec.26, same township).	(5) Columbia River*	<u>Boundary*</u> 7 1/2 Northport 7 1/2 Onion Creek 7 1/2 China Bend 7 1/2 Bossburg 7 1/2 Marcus 7 1/2 Kettle Falls 7 1/2 Bangs Mountain 7 1/2 Inchelium 15 Hunters 15 Wilmont Creek 15	From the United States-Canadian boundary (Sec.2, T40N, R41E) downstream to Spokane Indian Reservation boundary (Sec.23, T29N, R35E). This river has over 200 cfs MAF at U.S.-Canadian border.
(6) Pine Creek (Cont.)	<u>Spangle</u> 15	From Whitman County line (Sec.34, T21N, R43E) downstream back to Whitman County line (Sec.31, same township).	(6) Kettle River*	<u>Marcus</u> 30 Orient 7 1/2 Laurier* 7 1/2	From the United States-Canadian border (Sec.2, T40N, R36E) downstream along Ferry-Stevens Co. line. Left bank only to (Sec.20, T38N, R37E), excluding federal lands.
(7) Rock Creek	<u>Fairfield</u> 15 Spangle 15 Spokane SE 7 1/2	From the confluence of Rock Creek and Rose Creek (Sec.34, T23N, R45E) downstream to mouth at Latah Creek (Sec.11, T23N, R43E).	(7) Little Pend Oreille River	<u>Lake Gillette</u> 7 1/2 Park Rapids 7 1/2 Cliff Ridge 7 1/2 Addy Mt. 7 1/2 Arden 7 1/2	This stream has both 200 cfs MAF and 300 sq. miles of drainage area at U.S.-Canadian border. That part of the Little Pend Oreille River outside the Little Pend Oreille National Wildlife Refuge (Sec.11, T35N, R41E) and that part outside Refuge (Sec.15 & 16, T35N, R41E), and that part outside refuge from (Sec.10, T34N, R40E) to Colville River (Sec.10, T34N, R39E).
(8) Spokane River*	<u>Green Acres*</u> 15 Spokane NE 7 1/2 Spokane NW 7 1/2 Airway Heights 7 1/2 Clayton 15 Wellpinit 15	From the Washington-Idaho border (Sec.6, T25N, R46E) downstream to the Spokane-Stevens County line, along said county line to the Lincoln County line (Sec.19, T27N, R40E) excluding all federal lands. The flow is 200 cfs MAF and has 300 square miles of drainage area at Washington-Idaho border.			From the confluence of Boundary Creek and Little Sheep Creek (Sec.10, T40N, R39E) downstream to mouth at Big Sheep Creek (Sec.14, same township). From the confluence of Onion Creek and unnamed creek (Sec.12, T38N, R39E) downstream to mouth at Columbia River (Sec.23, T39N, R39E). Excluding Coulee Dam National Recreation area. From the Spokane County line on the Spokane River (Sec.32, T27N, R42E) downstream through Long Lake to Spokane Indian Reservation boundary (Sec.15, T27N, R39E), right shore only. This river has 300 sq. miles of drainage area and over 200 cfs MAF at Spokane Co. line.

[Order DE 76-14, § 173-18-360, filed 5/3/76; Order 73-14, § 173-18-360, filed 8/27/73; Order DE 72-13, § 173-18-360, filed 6/30/72.]

### WAC 173-18-370 Stevens County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Big Sheep Creek*	<u>Colville</u> 30 Belshazzor Mt. 7 1/2 Northport* 7 1/2	From the Colville National Forest boundary (Sec.13, T40N, R38E) downstream to mouth at the Columbia River near Sand Point (Sec.30, T40N, R40E). The 200 cfs MAF point begins at mouth of Little Sheep Creek (Sec.14, T40N, R39E).	(8) Little Sheep Cr.	<u>Colville</u> 30 Northport 7 1/2	From the confluence of Boundary Creek and Little Sheep Creek (Sec.10, T40N, R39E) downstream to mouth at Big Sheep Creek (Sec.14, same township).
(2) Chamokane Creek	<u>Clayton</u> 15 Wellpinit 15	From the confluence of Chamokane Creek and unnamed stream (Sec.23, T29N, R40E) downstream left shore only (right shore in Spokane Indian Reservation) to mouth on Spokane River (Sec.15, T27N, R39E).	(10) Onion Creek	<u>Colville</u> 30 Onion Creek 7 1/2	From the confluence of Onion Creek and unnamed creek (Sec.12, T38N, R39E) downstream to mouth at Columbia River (Sec.23, T39N, R39E). Excluding Coulee Dam National Recreation area.
(3) Chewelah Creek	<u>Chewelah Mt.</u> 15 Chewelah 7 1/2	From the confluence of the North Fork and the South Fork Chewelah Cr. (Sec.11, T32N, R40E) downstream to mouth on Colville River (Sec.23, same township).	(11) Spokane River (Cont.)*	<u>Clayton</u> 15 Wellpinit 15 Turtle Lake 15 Lincoln 15	From the Spokane County line on the Spokane River (Sec.32, T27N, R42E) downstream through Long Lake to Spokane Indian Reservation boundary (Sec.15, T27N, R39E), right shore only. This river has 300 sq. miles of drainage area and over 200 cfs MAF at Spokane Co. line.

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(12) Deep Creek (South Fork)	<u>Spirit</u> 7 1/2 <u>Aladdin</u> 7 1/2	From the confluence of Rocky Creek and South Fork of Deep Creek in (Sec.8, T37N, R41E) downstream to confluence North Fork Deep Creek and Deep Creek in (Sec.5, T38N, R41E).	(7) Kennedy Creek	<u>Shelton</u> 15	From the confluence of Kennedy Creek and unnamed creek (Sec.14, T18N, R4W) downstream to the Mason County line (Sec.6, T18N, R3W).
(13) Deep Creek (North Fork)	<u>Deep Lake</u> 7 1/2 <u>Aladdin</u> 7 1/2	From the confluence of McKinnon Creek and North Fork Deep Creek in (Sec.11, T39N, R41E) downstream through Deep Lake to confluence with South Fork Deep Creek and Deep Creek in (Sec.5, T38N, R41E).	(8) Little Nisqually River (Cont.)	<u>Ohop Valley</u> 15 <u>Eatonville</u> 7 1/2	From the Lewis-Thurston County line (Sec.21, T15N, R4E) downstream to Alder Lake (Sec.16, same township).
(14) Deep Creek	<u>Aladdin</u> 7 1/2 <u>Spirit</u> 7 1/2	From the confluence of the South Fork and North Fork of Deep Creek in (Sec.5, T38N, R41E) downstream to mouth at Columbia River (Sec.34, T40N, R40E).	(9) McAllister Creek	<u>Anderson Island</u> 15 <u>Nisqually</u> 7 1/2	From the McAllister Springs (Sec.19, T18N, R1E) downstream to mouth at Nisqually Head (Sec.31, T19N, R1E).
			(10) McLane Creek	<u>Tumwater</u> 7 1/2	From an approximate point (SW1/4 of NE1/4 of Sec.25, T18N, R3W) downstream to mouth at Eld Inlet (Sec.19, T18N, R2W).
			(11) Mima Creek	<u>Rochester</u> 15	From an approximate point (NE1/4 of NW1/4 of Sec.16, T16N, R3W) downstream to mouth at Black River (Sec.20, same township).

[Order DE 76-14, § 173-18-370, filed 5/3/76; Order 73-14, § 173-18-370, filed 8/27/73; Order DE 72-13, § 173-18-370, filed 6/30/72.]

**WAC 173-18-380 Thurston County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(1) Beaver Creek	<u>Tenino</u> 15 <u>Maytown</u> 7 1/2 <u>Rochester</u> 15	From the confluence of Beaver Creek and unnamed creek (Sec.11, T16N, R2W) downstream to mouth at Black River (Sec.2, T16N, R3W).	(12) Mitchell Creek	<u>Ohop Valley</u> 15 <u>Bald Hill</u> 7 1/2	From the confluence of Mitchell Creek and unnamed creek (Sec.18, T15N, R3E) downstream to mouth at Deschutes River (Sec.7, same township).
(2) Black River	<u>Tenino</u> 15 <u>Maytown</u> 7 1/2 <u>Rochester</u> 15	From the confluence of Dempsey Creek and the Black River (Sec.13, T17N, R3W) downstream to Grays Harbor County line (Sec.26, T16N, R4W).	(13) Nisqually River (Cont.)*	<u>Kapowsin</u> 15 <u>Ohop Valley</u> 15 <u>Yelm</u> 7 1/2 <u>Anderson Island</u> 15	From the Pierce County line in Alder Reservoir (Sec.20, T15N, R5E) downstream along left shore only, (exclude area from LaGrande Dam downstream to powerhouse due to use of aqueduct; also exclude all federal lands) to the Nisqually Indian Reservation boundary (Sec.11, T17N, R1E). The flow exceeds 1,000 cfs MAF at Pierce County line in Alder Reservoir.
(3) Black Lake Drainage Ditch	<u>Tumwater</u> 7 1/2	From outlet of Black Lake (Sec.32, T18N, R2W) downstream to confluence with Percival Creek (Sec.21, T18N, R2W).	(14) Percival Creek	<u>Tumwater</u> 7 1/2	From the confluence of Percival Creek and stream from Black Lake (Sec.21, T18N, R2W) downstream to mouth at Capitol Lake (Sec.22, same township).
(4) Cedar Creek	<u>Rochester</u> 15	From the confluence of Cedar Cr. and Sherman Creek (Sec.2, T16N, R4W) downstream to Grays Harbor County line (same section).	(15) Scatter Creek	<u>Tenino</u> 15 <u>Bucoda</u> 7 1/2 <u>Tenino S.W.</u> 7 1/2 <u>Rochester</u> 15	From confluence of Scatter Creek and unnamed creek (Sec.20, T16N, R1W) downstream to mouth at Chehalis River (Sec.7, T15N, R3W).
(5) Chehalis River (Cont.)*	<u>Rochester</u> 15	From Lewis County line (Sec.23, T15N, R3W) downstream to Grays Harbor County line (Sec.11, T15N, R4W), excluding all federal lands. The flow exceeds 1,000 cfs MAF at Lewis County line.	(16) Sherman Creek	<u>Rochester</u> 15	From the confluence of Sherman Creek and Monroe Creek (Sec.25, T17N, R4W) downstream to mouth on Cedar Cr. (Sec.2, T16N, R4W).
(6) Deschutes River (Cont.)	<u>Ohop Valley</u> 15 <u>Bald Hill</u> 7 1/2 <u>Lake Lawrence</u> 7 1/2 <u>Vail</u> 7 1/2 <u>Weir Prairie</u> 7 1/2 <u>East Olympia</u> 7 1/2 <u>Tumwater</u> 7 1/2 <u>Maytown</u> 7 1/2	From Lewis County line (Sec.24, T15N, R3E) downstream to mouth at Capitol Lake (Sec.26, T18N, R2W), excluding all federal lands.	(17) Skookumchuck River (Cont.)	<u>Yelm</u> 15 <u>Tenino</u> 15	From the Lewis County line (Sec.20, T15N, R2E) downstream back to the Lewis County line (Sec.21, T15N, R2W).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(18) Thompson Creek	<u>Yelm</u> 15 Weir Prairie 7 1/2	From the intersection of Highway SR 510 and Thompson Creek (Sec.11, T17N, R1E) downstream to mouth at Nisqually River (same section).	(6) Elochoman River	<u>Skamokawa</u> 15 Cathlamet 15	From the confluence of the West Fork Elochoman and the North Fork Elochoman River (Sec.26, T10N, R5W) downstream to mouth at Elochoman Slough (Sec.36, T9N, R6W).
(19) Waddell Creek	<u>Rochester</u> 15	From an approximate point (SE1/4 of NW1/4 of Sec.8, T17N, R3W) downstream to mouth at Black River (Sec.2, T16N, R3W).	(7) Elochoman River (East Fk.) (Cont.)	<u>Ryderwood</u> 15	From the Cowlitz Co. line (Sec.7, T10N, R4W) downstream to Elochoman River (Sec.13, T10N, R5W).
(20) Woodland Creek	<u>Lacey</u> 7 1/2	From an approximate point (NE1/4 of NE1/4 of SE1/4 of Sec.9, T18N, R1W) downstream to mouth at Henderson Inlet near South Bay (Sec.32, T19N, R1W).	(8) Elochoman River (North Fk.)	<u>Skamokawa</u> 15 <u>Ryderwood</u> 15	From the confluence of North Fk. Elochoman R. and unnamed creek (Sec.12, T10N, R5W) downstream to mouth at Elochoman River (Sec.26, T10N, R5W).
(21) Yelm Creek	<u>Yelm</u> 15 McKenna 7 1/2 Weir Prairie 7 1/2	From the confluence of Yelm Creek and Yelm ditch (Sec.29, T17N, R2E) downstream to mouth at Nisqually River (Sec.12, T17N, R1E).	(9) Elochoman River (West Fk.)	<u>Skamokawa</u> 15	From the confluence of West Fork Elochoman R. and unnamed creek (Sec.21, T10N, R5W) downstream to mouth at Elochoman River (Sec.26, same township).
[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-18-380, filed 4/15/85; Order DE 76-14, § 173-18-380, filed 5/3/76; Order 73-14, § 173-18-380, filed 8/27/73; Order DE 72-13, § 173-18-380, filed 6/30/72.]			(10) Falk Creek	<u>Skamokawa</u> 15	From an approximate point (NW1/4 of NE1/4 of SW1/4 of Sec.33, T10N, R6W) downstream to mouth at Skamokawa Creek (Sec.5, T9N, R6W).

### WAC 173-18-390 Wahkiakum County. Streams

Stream Name	Quadrangle Name and Size	Legal Description			
(1) Alger Creek	<u>Skamokawa</u> 15	From the intersection of State Sign Route 4 and Alger Creek (Sec.15, T9N, R6W) downstream to mouth at Brooks Slough (same section).	(11) Fossil Creek	<u>Grays River</u> 15	From the confluence of Fossil Cr. and an unnamed cr. (Sec.10, T10N, R7W) downstream to mouth at Grays River (Sec.9, same township).
(2) Beaver Creek	<u>Cathlamet</u> 15	From the confluence of Beaver Cr. and unnamed creek (Sec.33, T9N, R5W) downstream to mouth at Elochoman River (Sec.32, same township).	(12) Grays River (Cont.)	<u>Grays River</u> 15	From the Pacific Co. line (Sec.2, T10N, R7W) downstream to mouth at Grays Bay (Sec.32, T10N, R8W).
(3) Columbia River (Cont.)*	<u>Clatskanie</u> 15 Cathlamet 15 <u>Skamokawa</u> 15 <u>Grays River</u> 15	From the Cowlitz Co. line on Columbia River (Sec.20, T8N, R4W) downstream along the Wash.-Oregon boundary to the Pacific Co. line to Grays Bay (Sec.7, T9N, R9W). The flow exceeds 1,000 cfs MAF at Cowlitz County line.	(13) Grays River (S. Fork)	<u>Skamokawa</u> 15	From an approximate point (SW1/4 of NE1/4 of Sec.1, T10N, R6W) downstream to Pacific County line (Sec.5, same township).
(4) Crooked Creek	<u>Grays River</u> 15	From the confluence of Crooked Creek and the So. Fork Crooked Cr. (Sec.36, T10N, R8W) downstream to Grays Bay (Sec.4, T9N, R8W).	(14) Grays River (W. Fk.) (Cont.)	<u>Grays River</u> 15	From the Pacific County line (NW1/4 of NW1/4 Sec.4, T10N, R7W) downstream to mouth at Grays River (Sec.9, same township).
(5) Deep River	<u>Grays River</u> 15	From the confluence of Deep River and Hendrickson Canyon Stream (Sec.9, T10N, R8W) downstream to mouth at Grays Bay (Sec.31, T9N, R8W).	(15) Hull Creek (Cont.)	<u>Grays River</u> 15	From Pacific County line (Sec.5, T10N, R7W) downstream to mouth at Grays R. (Sec.13, T10N, R8W).
			(16) Jim Crow Creek	<u>Grays River</u> 15	From the confluence of Jim Crow Creek and unnamed creek (Sec.4, T9N, R7W) downstream to mouth at Columbia River (Sec.16, same township).
			(17) McDonald Creek	<u>Skamokawa</u> 15	From the confluence of McDonald Creek and unnamed creek (Sec.22, T10N, R6W) downstream to mouth at Skamokawa Creek (Sec.29, same township).



<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(18) Mill Creek	<u>Cathlamet</u> 15 <u>Clatskanie</u> 15	From the NW Section corner (Sec.25, T9N, R5W) downstream to the Cowlitz County line (Sec.31, T9N, R4W).	(2) Dry Cr.	<u>Walla Walla</u> 30 Lowden 7 1/2 College Place 7 1/2 Hadley 7 1/2 Valley Grove 7 1/2 Dixie 7 1/2	From an approximate point near the center of quarter section (SE1/4 of Sec.36, T8N, R36E) downstream to mouth at Walla Walla River (Sec.29, T7N, R34E).
(19) Naselle River	<u>Grays River</u> 15	From the Pacific County line (Sec.6, T10N, R8W) downstream back to Pacific Co. line (same section).	(3) Mill Cr.	<u>Walla Walla</u> 30 Kooskooskie 7 1/2 Buroker 7 1/2 Walla Walla 7 1/2 College Place 7 1/2	From the Wash.-Ore. state boundary (Sec.18, T6N, R38E) downstream to mouth at Walla Walla River (Sec.31, T7N, R35E) exclude left bank (Sec. 32, same township). Snake River within Walla Walla County is under federal jurisdiction. This stream has over 300 sq. miles drainage area and over 200 cfs MAF at Columbia County line.
(20) Nelson Creek	<u>Cathlamet</u> 15	From the intersection of Nelson Cr. and Risk Rd. (Sec.25, T9N, R6W) downstream to mouth at Elochoman River (Sec.26, same township).	(4) Snake R. (Cont.)*		From the Columbia County line (Sec.12, T9N, R37E) downstream to mouth on Walla Walla River (Sec.4, T6N, R33E). This river has over 300 sq. miles of drainage area ending at mouth of left bank unnamed tributary (Sec. 11, T9N, R37E).
(21) Otter Creek	<u>Ryderwood</u> 15	From the confluence of Otter Cr. and unnamed creek near the north section line (Sec.7, T10N, R4W) downstream to the East Fk. Elochoman R. (same section).	(5) Touchet River (Cont.)*	<u>Walla Walla</u> 30 Eureka 7 1/2 Rulo 7 1/2 Welland 7 1/2 Touchet 7 1/2 Huntsville 7 1/2 Waitsburg 7 1/2 Prescott 7 1/2 Harsha 7 1/2	From the Washington-Oregon boundary (Sec.13, T6N, R35E) downstream to mouth at Lake Wallula (Sec.26, T7N, R31E). This river has 300 sq. miles of drainage area at Washington-Oregon boundary.
(22) Salmon Creek (Cont.)	<u>Grays River</u> 15	From the Pacific County line (Sec.5, T10N, R8W) downstream to Pacific County line (Sec.7, same township).	(6) Walla Walla River*	<u>Walla Walla</u> 30 College Place 7 1/2 Lowden 7 1/2 Touchet 7 1/2 Zangar Junction 7 1/2 Wallula 7 1/2	
(23) Skamokawa Creek	<u>Skamokawa</u> 15	From the confluence of McDonald Creek and Standard Creek (Sec.28, T10N, R6W) downstream to mouth at Columbia River (Sec.17, T9N, R6W).			
(24) Skamokawa Creek (Left Fk.)	<u>Skamokawa</u> 15	From the confluence of the Left Fork Skamokawa Cr. and unnamed creek (Sec.19, T10N, R6W) downstream to mouth at Skamokawa Creek (Sec.29, same township).			
(25) Skamokawa Creek (West Fk.)	<u>Skamokawa</u> 15	From the confluence of West Fork Skamokawa Creek and Kelly Creek (Sec.31, T10N, R6W) downstream to Skamokawa Creek (Sec.8, T9N, R6W).			
(26) West Valley Creek	<u>Skamokawa</u> 15	From an approximate point (NE1/4 of Sec.1, T9N, R7W) downstream to mouth at the West Fork Skamokawa Cr. (Sec.6, T9N, R6W).			
(27) Wilson	<u>Skamokawa</u> 15	From the confluence of Wilson Cr. and unnamed creek (SW1/4 of NE1/4 of Sec.5, T9N, R5W) downstream to mouth at Skamokawa Creek (Sec.5, T9N, R6W).			

[Order DE 76-14, § 173-18-400, filed 5/3/76; Order 73-14, § 173-18-400, filed 8/27/73; Order DE 72-13, § 173-18-400, filed 6/30/72.]

**WAC 173-18-410 Whatcom County. Streams**

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Anderson Creek	<u>Lynden</u> 15 Lawrence 7 1/2	From confluence of Anderson Creek and unnamed creek (Sec.7, T38N, R4E) downstream to mouth at Nooksack River (Sec.17, T39N, R4E).
(2) Austin Creek	<u>Samish Lake</u> 15 Lake Whatcom 7 1/2	From confluence of Austin Creek and Beaver Creek (Sec.7, T37N, R4E) downstream to mouth at Lake Whatcom (Sec.5, same township).
(3) Bertrand Creek	<u>Blaine</u> 15 Bertrand Creek 7 1/2	Beginning at U.S., Canada border (Sec.35, T41N, R2E) downstream to mouth at Nooksack R. (Sec.34, T40N, R2E).
(4) Boulder Creek	<u>Van Zandt</u> 15	From confluence of Boulder Creek and unnamed creek (Sec.22, T40N, R6E) downstream to mouth at Nooksack River (Sec.28, same township).
(5) Breckenridge Creek	<u>Lynden</u> 15 Sumas 7 1/2	From approximate point (SE1/4 of NW1/4 Sec.26, T40N, R4E) downstream to mouth Sumas River (Sec.29, same township).

**WAC 173-18-400 Walla Walla County. Streams**

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Columbia River (Cont.)*		Columbia River within Walla Walla County is under federal jurisdiction. This river has over 200 cfs MAF at Franklin County line.

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(6) California Creek	<u>Blaine</u> 15 Blaine 7 1/2	From confluence of California Creek and unnamed creek (Sec.27, T40N, R1E) downstream to mouth at Drayton Harbor (Sec.18, same township).	(18) Johnson Creek (in flood plain)	<u>Lynden</u> 15 Sumas 7 1/2 Van Zandt 15	From confluence of Johnson Creek and unnamed creek near north section line (Sec.8, T40N, R4E) downstream to mouth at Sumas River (Sec.35, T41N, R4E).
(7) Canyon Creek	<u>Mt. Baker</u> 15	From Mt. Baker National Forest boundary (Sec.25, T40N, R6E) downstream to mouth at Nooksack River North Fork (Sec.35, same township).	(19) Kendall Creek	<u>Van Zandt</u> 15	Beginning where medium duty highway crosses Kendall Creek (Sec.27, T40N, R5E) downstream to mouth at Nooksack River (Sec.3, T39N, R5E).
(8) Canyon Creek	<u>Van Zandt</u> 15	From confluence of Canyon Creek and unnamed creek (Sec.32, T39N, R6E) downstream through Canyon Lake to mouth at Nooksack River M. Fork (Sec.34, T39N, R5E).	(20) Maple Creek	<u>Van Zandt</u> 15	Beginning where unimproved dirt road crosses Maple Creek (Sec.18, T40N, R6E) downstream to mouth at Nooksack River (Sec.31, same township).
(9) Clearwater Creek	<u>Mt. Baker</u> 15 Van Zandt 15	Beginning at Mt. Baker National Forest boundary (Sec.11, T38N, R6E) downstream to mouth at Nooksack River M. Fk. (Sec.21, same township).	(21) Nooksack River*	<u>Mt. Baker</u> * 15 Lawrence 7 1/2 Sumas 7 1/2 Lynden 7 1/2 Bertrand 7 1/2 Ferndale 7 1/2 Van Zandt 15	Beginning at east section line (Sec.5, T39N, R7E) south bank only, both sides starting at east section line (Sec.1, T39N, R6E), downstream to mouth at Bellingham Bay (Sec.19, T38N, R2E). Exclude federal lands. The 1,000 cfs MAF point begins at confluence with Glacier Creek.
(10) Coal Creek	<u>Van Zandt</u> 15	From an approximate point (SW1/4 of SE1/4 Sec.4, T39N, R5E) downstream to mouth at Nooksack River (Sec.10, same township).	(22) Nooksack River (M. Fk.)	<u>Mt. Baker</u> 15 Van Zandt 15	From Mt. Baker National Forest boundary (Sec.25, T38N, R6E) downstream to mouth at Nooksack River (Sec.27, T39N, R5E).
(11) Dakota Creek	<u>Blaine</u> 15 Blaine 7 1/2	From confluence of Dakota Creek and North Fork Dakota Creek (Sec.14, T40N, R1E) downstream to mouth at Drayton Harbor (Sec.7, same township).	(23) Nooksack River (N. Fk.)	<u>Mt. Baker</u> 15	From Mt. Baker National Forest boundary (Sec.5, T39N, R7E) downstream to where the medium-duty road crosses Nooksack River (Sec.2, T39N, R6E).
(12) Fishtrap Creek	<u>Lynden</u> 15 Lynden 7 1/2 Bertrand 7 1/2	From the British Columbia-Washington state border (Sec.34, T41N, R3E) downstream to mouth at Nooksack River (Sec.35, T40N, R2E).	(24) Nooksack River (S. Fk.) (Cont.)*	<u>Wickersham</u> * 15 Van Zandt 15	From Skagit County line (Sec.35, T37N, R5E) downstream to mouth at Nooksack River (Sec.6, T38N, R5E). The 1,000 cfs MAF point begins at mouth of Hutchinson Creek (Sec.9, T37N, R5E).
(13) Friday Creek	<u>Samish Lake</u> 15 Lake Whatcom 7 1/2	From the outflow of Samish Lake on southern tip (Sec.36, T37N, R3E) downstream to Skagit County line (same section).	(25) Orsino Creek	<u>Wickersham</u> 15	From an approximate point (SE1/4 of NW1/4 Sec.9, T37N, R6E) downstream to mouth at Skookum Creek (Sec.16, same township).
(14) Galbraith Creek	<u>Wickersham</u> 15 Van Zandt 15	From confluence of Galbraith Creek and unnamed creek (Sec.33, T38N, R6E) downstream to mouth at Nooksack River (Sec.27, same township).	(26) Porter Creek	<u>Van Zandt</u> 15	From confluence of Porter Creek and unnamed creek (Sec.12, T38N, R5E) downstream to mouth at Nooksack River M. Fork (Sec.11, same township).
(15) Hayden Creek	<u>Hamilton</u> 15 Wickersham 15	From confluence of Hayden Creek and unnamed creek (Sec.26, T37N, R6E) downstream to mouth at Skookum Creek (Sec.22 same township).	(27) Racehorse Creek	<u>Van Zandt</u> 15	Beginning at north section line (SW1/4 of NE1/4 of Sec.21, T39N, R6E) downstream to mouth at Nooksack River (Sec.10, T39N, R5E).
(16) Howard Creek	<u>Hamilton</u> 15	From confluence of Howard Creek and unnamed creek (Sec.35, T37N, R6E) downstream to Skagit County line (Sec.36, same township).	(28) Rocky Creek	<u>Mt. Baker</u> 15	From Mt. Baker National Forest boundary (Sec.35, T39N, R6E) downstream to mouth at Clearwater Creek (Sec.2, T38N, R6E).
(17) Hutchinson Creek	<u>Wickersham</u> 15	From confluence of Hutchinson Creek and unnamed creek (Sec.1, T37N, R5E) downstream to mouth at Nooksack River South Fork (Sec.9, same township).			

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(29) Saar Creek	<u>Van Zandt</u> 15	From an approximate point (NW1/4 of SE1/4 Sec.7, T40N, R5E) downstream to British Columbia-Washington state boundary (Sec.32, T41N, R5E).	(41) Whatcom Creek	<u>Bellingham N.</u> 7 1/2	From the outlet of Lake Whatcom (Sec.28, T38N, R3E) downstream to mouth at Bellingham Bay (Sec.30, same township).
(30) Samish River (in flood plain)	<u>Wickersham</u> 15	From confluence of Samish River and unnamed creek (Sec.31, T37N, R5E) downstream to Skagit County line (same section).	(42) Glacier Creek	<u>Mt. Baker</u> 15	From confluence of Glacier Creek and Davis Creek (Sec.8, T39N, R7E) downstream to mouth at North Fork Nooksack River (Sec.6, same township).
(31) Sisters Creek	<u>Hamilton</u> 15 <u>Mt. Baker</u> 15	From Mt. Baker National Forest boundary (Sec.25, T38N, R6E) downstream to mouth at Nooksack River M. Fork (Sec.26, same township).	(43) Padden Creek	<u>Bellingham S.</u> 7 1/2	From confluence of unnamed creek and Padden Creek (NW1/4 Sec.7, T37N, R3E) downstream to mouth on Bellingham Bay (Sec.1, T37N, R2E).
(32) Skookum Creek	<u>Wickersham</u> 15	From confluence of Hayden Creek and Fish Creek (Sec.22, T37N, R6E) downstream to mouth at Nooksack River South Fork (Sec.27, T37N, R5E).	(44) Anderson Creek	<u>Wickersham</u> 15 <u>Lake Whatcom</u> 7 1/2	From outlet on Mirror Lk. (Sec.30, T37N, R5E) downstream to mouth on Lake Whatcom (Sec.27, T37N, R4E).
(33) Smith Creek (in flood plain)	<u>Lynden</u> 15 <u>Lawrence</u> 7 1/2	From confluence of Smith Creek and unnamed creek (Sec.26, T39N, R4E) downstream to mouth at Nooksack River (Sec.21, same township).	(45) Chuckanut Creek	<u>Bellingham S.</u> 7 1/2	From confluence of unnamed creek and Chuckanut Creek (NW1/4 of SW1/4 Sec.17, T37N, R3E) downstream to mouth at Chuckanut Bay (Sec.13, T37N, R2E).
(34) Squalicum Creek	<u>Lynden</u> 15 <u>Bellingham N.</u> 7 1/2 <u>Ferndale</u> 7 1/2	Beginning where unimproved dirt road crosses Squalicum Creek (Sec.9, T38N, R3E) downstream to mouth at Bellingham Bay (Sec.24, T38N, R2E).	(46) Smith Creek	<u>Lake Whatcom</u> 7 1/2	From confluence of unnamed creek and Smith Creek (SE1/4 of SW1/4, Sec.33, T38N, R4E) downstream to mouth on Lake Whatcom (Sec.5, T37N, R4E).
(35) Sumas River	<u>Lynden</u> 15 <u>Van Zandt</u> 15 <u>Sumas</u> 7 1/2	From confluence of Sumas River and Dale Creek (Sec.4, T39N, R4E) downstream to British Columbia-Washington state boundary (Sec.36, T41N, R4E).	[Order DE 76-14, § 173-18-410, filed 5/3/76; Order 73-14, § 173-18-410, filed 8/27/73; Order DE 72-13, § 173-18-410, filed 6/30/72.]		
(36) Tenmile Creek	<u>Lynden</u> 15 <u>Bellingham North</u> 7 1/2 <u>Ferndale</u> 7 1/2 <u>Lynden</u> 7 1/2	From east section line (Sec.17, T39N, R3E) downstream through Barrett Lake to mouth at Nooksack River (Sec.20, T39N, R2E).			
(37) Terrell Creek	<u>Blaine</u> 7 1/2 <u>Birch Point</u> 7 1/2	Beginning at (NE1/4 of SE1/4 of NE1/4 Sec.2, T39N, R1W) downstream to mouth at Birch Bay (Sec.30, T40N, R1E).	<b>WAC 173-18-420 Whitman County. Streams</b>		
(38) Unnamed tributary flowing to Canada	<u>Mt. Baker</u> 15 <u>Van Zandt</u> 15	From an approximate point (between NW1/4 and NE1/2 Sec.2, T40N, R6E) to downstream to British Columbia-Washington state boundary (Sec.34, T41N, R6E).			
(39) Warm Creek	<u>Mt. Baker</u> 15	From Mt. Baker National Forest boundary (Sec.24, T38N, R6E) downstream to mouth at Nooksack River M. Fk. (Sec.25, same township).	(1) Hangman Creek (Latah Creek)	<u>Tekoa</u> 7 1/2 <u>Oaksdale</u> 7 1/2 <u>Fairfield</u> 15	From the Washington-Idaho boundary (Sec.29, T20N, R46E) downstream to Whitman-Spokane County line (Sec.4, T29N, R45E).
(40) West Cornell Creek	<u>Mt. Baker</u> 15	From confluence of unnamed creek and West Cornell Creek (Sec.13, T39N, R6E) downstream to mouth at Nooksack River North Fork (Sec.1, same township).	(2) Palouse River (S. Fork)	<u>Pullman</u> 7 1/2 <u>Albion</u> 7 1/2 <u>Colfax South</u> 7 1/2 <u>Colfax North</u> 7 1/2	From the confluence of the South Fork of the Palouse River and unnamed creek (Sec.16, T14N, R45E) downstream to mouth at Palouse River (Sec.11, T16N, R43E) in Colfax.
			(3) Palouse River*	<u>Palouse</u> 7 1/2 <u>Elberton</u> 7 1/2 <u>Colfax</u> 7 1/2 <u>Diamond</u> 7 1/2 <u>Endicott</u> 15 <u>La Crosse</u> 15 <u>Benge</u> 15 <u>Starbuck</u> 15	From the Washington-Idaho boundary (Sec.5, T16N, R46E) downstream to Adams County line (Sec.24, T16N, R38E) along Adams and Franklin County lines to mouth at Snake River (Sec.19, T13N, R37E). The flow is 200 cfs MAF at Washington-Idaho boundary.

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(4) Pine Creek*	Rosalia 7 1/2 Spangle 15 Malden* 7 1/2 Pine City 7 1/2	From the confluence of Pine Creek and unnamed creek (NW1/4 of Sec.16, T20N, R44E) downstream to mouth at Rock Creek (Sec.15, T20N, R41E), excluding that stretch within Spokane County. This stream has over 300 sq. miles of drainage area ending at mouth of Cache Creek (Sec.23, T20N, R42E).	(4) Columbia River*	Priest Rapids 15	From the Yakima Firing Center boundary (Sec.3, T13N, R23E) downstream along the Grant-Yakima County line to Benton County line (Sec.12, T13N, R23E). The flow exceeds 200 cfs MAF at Yakima Firing Center boundary.
(5) Rock Creek*	Pine City 7 1/2 Rock Lake 7 1/2 Ewan 7 1/2 Texas Lake 7 1/2 Revere 7 1/2 La Crosse 15	From the confluence of Rock Creek and Pine Creek (Sec.15, T20N, R41E) downstream through Rock Lake to mouth at Palouse River (Sec.5, T16N, R39E) excluding those reaches in Adams County. Over 300 sq. miles drainage area at confluence of Rock Creek and Pine Creek.	(5) Cowiche Creek (S. Fork)	Tieton 7 1/2 Naches 7 1/2 Wiley City 7 1/2 Yakima 7 1/2 Selah West 7 1/2	From an approximate point (NW1/4 of NE1/4 Sec.33, T14N, R16E) downstream through Cowiche Creek to mouth at Naches River (Sec.9, T13N, R18E).
(6) Snake River*	Clarkston* 15 Colton 7 1/2 Bishop 7 1/2 Kirby 7 1/2 Almota 7 1/2 Penawawa 15 Hay 15 Starbuck 15	From the Washington-Idaho boundary (Sec.16, T36N, R46E) downstream along the Whitman-Asotin County line and Garfield-Whitman County line and Columbia-Whitman County line to the Franklin County line (Sec.30, T13N, R37E). All of river under federal jurisdiction. This stream has over 200 cfs MAF flow at Washington-Idaho border.	(6) Bumping River*	Bumping Lake* 15 Old Scab Mtn. 7 1/2 Cliffdell 7 1/2	From U.S.G.S. gaging station (Sec.23, T16N, R12E) downstream to mouth at Naches and Little Naches rivers (Sec.4, T17N, R14E). Exclude federal lands. The flow is over 200 cfs MAF at U.S.G.S. gaging station.
(7) Union Flat Creek*	Ewartsville 7 1/2 Colfax South 7 1/2 Wilcox 7 1/2 Endicott 15 La Crosse* 15	From the confluence of Wilbur Creek and Union Flat Creek (Sec.6, T14N, R44E) downstream to mouth at Palouse River (Sec.35, T16N, R38E). This stream has over 300 sq. miles of drainage area ending at mouth of left bank unnamed tributary (Sec.31, T16N, R39E).	(7) Little Naches River*	Lester 15 Easton* 15 Cliffdell 7 1/2	From confluence of North Fork and Middle Fork Little Naches River (Sec.36, T19N, R12E) downstream to mouth at Naches River (Sec.4, T17N, R14E). Exclude federal lands. The 200 cfs MAF point begins at confluence with Crow Creek (Sec.30, T18N, R14E).
			(8) Naches River*	Cliffdell 7 1/2 Manastash Lake 7 1/2 Nile 7 1/2 Milk Canyon 7 1/2 Tieton 7 1/2 Naches 7 1/2 Selah 7 1/2	From confluence of Little Naches River and Bumping River (Sec.4, T17N, R14E) downstream to mouth at Yakima River (Sec.12, T13N, R18E). Exclude federal lands. The flow is 200 cfs MAF at confluence of Little Naches River and Bumping River.
			(9) Rattlesnake Creek*	Meeks Table 7 1/2 Nile 7 1/2	From Snoqualmie National Forest boundary (Sec.6, T15N, R15E) downstream to mouth at Naches River (Sec.3, same township). The flow at Snoqualmie N.F. boundary is 200 cfs MAF.
			(10) Tieton River*	Weddle Canyon 7 1/2 Tieton* 7 1/2	From west section line (Sec.29, T14N, R15E) downstream to mouth at Naches River (Sec.35, T15N, R16E). Exclude federal lands. The flow is 200 cfs MAF at west section line (Sec.29, T14N, R15E).
			(11) Tieton River (S. Fk.)	White Pass 15 Rimrock Lake 7 1/2	From the south section line (Sec.23, T12N, R12E) downstream to mouth at Rimrock Lake (Sec.7, T13N, R14E). Exclude federal lands.

[Order DE 76-14, § 173-18-420, filed 5/3/76; Order 73-14, § 173-18-420, filed 8/27/73; Order DE 72-13, § 173-18-420, filed 6/30/72.]

### WAC 173-18-430 Yakima County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Ahtanum Creek	Tampico 7 1/2 Wiley City 7 1/2 Yakima West 7 1/2 Yakima East 7 1/2	From confluence of North and South Forks of Ahtanum Creek (Sec.17, T12N, R16E) downstream to mouth at Yakima River (Sec.17, T12N, R19E) excluding those reaches within Yakima Indian Reservation.
(2) Ahtanum Creek (N. Fk.)	Foundation Ridge 7 1/2 Pine Mtn. 7 1/2 Tampico 7 1/2	From confluence of Ahtanum Creek North Fork and Ahtanum Creek Middle Fork (Sec.24, T12N, R14E) downstream to mouth at Ahtanum Creek South Fork (Sec.17, T12N, R16E).
(3) Ahtanum Creek (S. Fk.)	Pine Mtn. 7 1/2 Tampico 7 1/2	From confluence of unnamed creek and Ahtanum Creek South Fork (Sec.24, T12N, R15E) downstream to mouth at Ahtanum Creek (left bank only).

Stream Name	Quadrangle Name and Size	Legal Description		
(12) Yakima River (Cont.)*	Pomona* 7 1/2 Selah 7 1/2 Yakima East 7 1/2 Wapato 7 1/2 Toppenish 7 1/2 Granger N.W. 7 1/2 Granger 7 1/2 Sunnyside 7 1/2 Mabton West 7 1/2 Mabton East 7 1/2 Prosser 7 1/2	From the Kittitas County line (Sec.33, T15N, R19E) downstream, excluding all federal lands and Yakima Indian Reservation, to Benton County line (Sec.7, T8N, R24E). The flow exceeds 200 cfs MAF at Kittitas County line.	173-20-300	Lakes coming under purview of chapter 90.58 RCW—Grays Harbor County lakes.
			173-20-310	Lakes coming under purview of chapter 90.58 RCW—Grays Harbor County lakes of statewide significance.
			173-20-320	Lakes coming under purview of chapter 90.58 RCW—Island County lakes.
			173-20-330	Lakes coming under purview of chapter 90.58 RCW—Island County lakes of statewide significance.
			173-20-340	Lakes coming under purview of chapter 90.58 RCW—Jefferson County lakes.
			173-20-350	Lakes coming under purview of chapter 90.58 RCW—Jefferson County lakes of statewide significance.
			173-20-360	Lakes coming under purview of chapter 90.58 RCW—King County lakes.
			173-20-370	Lakes coming under purview of chapter 90.58 RCW—King County lakes of statewide significance.
			173-20-380	Lakes coming under purview of chapter 90.58 RCW—Kitsap County lakes.
			173-20-390	Lakes coming under purview of chapter 90.58 RCW—Kitsap County lakes of statewide significance.
			173-20-400	Lakes coming under purview of chapter 90.58 RCW—Kittitas County lakes.
			173-20-410	Lakes coming under purview of chapter 90.58 RCW—Kittitas County lakes of statewide significance.
			173-20-420	Lakes coming under purview of chapter 90.58 RCW—Klickitat County lakes.
			173-20-430	Lakes coming under purview of chapter 90.58 RCW—Klickitat County lakes of statewide significance.
			173-20-440	Lakes coming under purview of chapter 90.58 RCW—Lewis County lakes.
			173-20-450	Lakes coming under purview of chapter 90.58 RCW—Lewis County lakes of statewide significance.
			173-20-460	Lakes coming under purview of chapter 90.58 RCW—Lincoln County lakes.
			173-20-470	Lakes coming under purview of chapter 90.58 RCW—Lincoln County lakes of statewide significance.
			173-20-480	Lakes coming under purview of chapter 90.58 RCW—Mason County lakes.
			173-20-490	Lakes coming under purview of chapter 90.58 RCW—Mason County lakes of statewide significance.
			173-20-500	Lakes coming under purview of chapter 90.58 RCW—Okanogan County lakes.
			173-20-510	Lakes coming under purview of chapter 90.58 RCW—Okanogan County lakes of statewide significance.
			173-20-520	Lakes coming under purview of chapter 90.58 RCW—Pacific County lakes.
			173-20-530	Lakes coming under purview of chapter 90.58 RCW—Pacific County lakes of statewide significance.
			173-20-540	Lakes coming under purview of chapter 90.58 RCW—Pend Oreille County lakes.
			173-20-550	Lakes coming under purview of chapter 90.58 RCW—Pend Oreille County lakes of statewide significance.
			173-20-560	Lakes coming under purview of chapter 90.58 RCW—Pierce County lakes.
			173-20-570	Lakes coming under purview of chapter 90.58 RCW—Pierce County lakes of statewide significance.
			173-20-580	Lakes coming under purview of chapter 90.58 RCW—San Juan County lakes.
			173-20-590	Lakes coming under purview of chapter 90.58 RCW—San Juan County lakes of statewide significance.
			173-20-600	Lakes coming under purview of chapter 90.58 RCW—Skagit County lakes.
			173-20-610	Lakes coming under purview of chapter 90.58 RCW—Skagit County lakes of statewide significance.
			173-20-620	Lakes coming under purview of chapter 90.58 RCW—Skamania County lakes.
			173-20-630	Lakes coming under purview of chapter 90.58 RCW—Skamania County lakes of statewide significance.
			173-20-640	Lakes coming under purview of chapter 90.58 RCW—Snohomish County lakes.
			173-20-650	Lakes coming under purview of chapter 90.58 RCW—Snohomish County lakes of statewide significance.
			173-20-660	Lakes coming under purview of chapter 90.58 RCW—Spokane County lakes.
			173-20-670	Lakes coming under purview of chapter 90.58 RCW—Spokane County lakes of statewide significance.
			173-20-680	Lakes coming under purview of chapter 90.58 RCW—Stevens County lakes.
			173-20-690	Lakes coming under purview of chapter 90.58 RCW—Stevens County lakes of statewide significance.
			173-20-700	Lakes coming under purview of chapter 90.58 RCW—Thurston County lakes.

[Order DE 76-14, § 173-18-430, filed 5/3/76; Order 73-14, § 173-18-430, filed 8/27/73; Order DE 72-13, § 173-18-430, filed 6/30/72.]

### Chapter 173-20 WAC

#### SHORELINE MANAGEMENT ACT—LAKES CONSTITUTING SHORELINES OF THE STATE

##### WAC

173-20-010	Purpose.	
173-20-020	Applicability.	
173-20-030	Definitions.	
173-20-040	List of lakes coming under purview of chapter 90.58 RCW until superseded.	
173-20-044	Review and update of designations.	
173-20-046	Conflicts between designations and criteria.	
173-20-050	Lakes coming under purview of chapter 90.58 RCW—Adams County lakes.	
173-20-060	Lakes coming under purview of chapter 90.58 RCW—Adams County lakes of statewide significance.	
173-20-070	Lakes coming under purview of chapter 90.58 RCW—Asotin County lakes.	
173-20-080	Lakes coming under purview of chapter 90.58 RCW—Asotin County lakes of statewide significance.	
173-20-090	Lakes coming under purview of chapter 90.58 RCW—Benton County lakes.	
173-20-100	Lakes coming under purview of chapter 90.58 RCW—Chelan County lakes.	
173-20-110	Lakes coming under purview of chapter 90.58 RCW—Chelan County lakes of statewide significance.	
173-20-120	Lakes coming under purview of chapter 90.58 RCW—Clallam County lakes.	
173-20-130	Lakes coming under purview of chapter 90.58 RCW—Clallam County lakes of statewide significance.	
173-20-140	Lakes coming under purview of chapter 90.58 RCW—Clark County lakes.	
173-20-150	Lakes coming under purview of chapter 90.58 RCW—Clark County lakes of statewide significance.	
173-20-160	Lakes coming under purview of chapter 90.58 RCW—Columbia County lakes.	
173-20-170	Lakes coming under purview of chapter 90.58 RCW—Columbia County lakes of statewide significance.	
173-20-180	Lakes coming under purview of chapter 90.58 RCW—Cowlitz County lakes.	
173-20-190	Lakes coming under purview of chapter 90.58 RCW—Cowlitz County lakes of statewide significance.	
173-20-200	Lakes coming under purview of chapter 90.58 RCW—Douglas County lakes.	
173-20-210	Lakes coming under purview of chapter 90.58 RCW—Douglas County lakes of statewide significance.	
173-20-220	Lakes coming under purview of chapter 90.58 RCW—Ferry County lakes.	
173-20-230	Lakes coming under purview of chapter 90.58 RCW—Ferry County lakes of statewide significance.	
173-20-240	Lakes coming under purview of chapter 90.58 RCW—Franklin County lakes.	
173-20-250	Lakes coming under purview of chapter 90.58 RCW—Franklin County lakes of statewide significance.	
173-20-260	Lakes coming under purview of chapter 90.58 RCW—Garfield County lakes.	
173-20-270	Lakes coming under purview of chapter 90.58 RCW—Garfield County lakes of statewide significance.	
173-20-280	Lakes coming under purview of chapter 90.58 RCW—Grant County lakes.	
173-20-290	Lakes coming under purview of chapter 90.58 RCW—Grant County lakes of statewide significance.	

- 173-20-710 Lakes coming under purview of chapter 90.58 RCW—Thurston County lakes of statewide significance.
- 173-20-720 Lakes coming under purview of chapter 90.58 RCW—Wahkiakum County lakes.
- 173-20-730 Lakes coming under purview of chapter 90.58 RCW—Wahkiakum County lakes of statewide significance.
- 173-20-740 Lakes coming under purview of chapter 90.58 RCW—Walla Walla County lakes.
- 173-20-750 Lakes coming under purview of chapter 90.58 RCW—Walla Walla County lakes of statewide significance.
- 173-20-760 Lakes coming under purview of chapter 90.58 RCW—Whatcom County lakes.
- 173-20-770 Lakes coming under purview of chapter 90.58 RCW—Whatcom County lakes of statewide significance.
- 173-20-780 Lakes coming under purview of chapter 90.58 RCW—Whitman County lakes.
- 173-20-790 Lakes coming under purview of chapter 90.58 RCW—Whitman County lakes of statewide significance.
- 173-20-800 Lakes coming under purview of chapter 90.58 RCW—Yakima County lakes.
- 173-20-810 Lakes coming under purview of chapter 90.58 RCW—Yakima County lakes of statewide significance.
- 173-20-820 Private lands within the confines of federal lands.

**WAC 173-20-010 Purpose.** The department of ecology, pursuant to RCW 90.58.300 is designated the state agency responsible for the program of regulation of the shorelines of the state. This chapter delimits the lakes which are classified as shorelines of the state.

[Order DE 72-14, § 173-20-010, filed 6/30/72.]

**WAC 173-20-020 Applicability.** The provisions of this chapter shall apply statewide.

[Order DE 72-14, § 173-20-020, filed 6/30/72.]

**WAC 173-20-030 Definitions.** As used herein, the following words and phrases shall have the following meanings:

- (1) "Lakes" means all the surface water areas of the state, including reservoirs; except
  - (a) Lakes less than twenty acres in size;
  - (b) Streams or rivers (as described in WAC 173-18-030);
  - (c) Shorelines of statewide significance.
- (2) "Lakes of statewide significance" means those lakes, whether natural, artificial or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high-water mark.

[Order DE 72-14, § 173-20-030, filed 6/30/72.]

**WAC 173-20-040 List of lakes coming under purview of chapter 90.58 RCW until superseded.** Volumes I and II of the book *Lakes of Washington* by Ernest E. Wolcott and updated information from various sources were used as reference material for the listings in WAC 173-20-050 through 173-20-810. These listings are in effect until superseded by an approved shoreline master program as described in WAC 173-20-044.

This listing includes only those lakes coming under purview of chapter 90.58 RCW.

Use designations are taken directly from Lakes of Washington as follows:

- R - Recreation-wildlife, general public use, beautification, fishing, etc.
- D - Domestic-private use, farm pond, fire protection, stock, garden, etc.

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PS - Public supply, municipal use, civic, industrial use, etc.

P - Power hydroelectric.

I - Irrigation.

Acreage given includes only water surface acres and not contiguous wetlands.

[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, chapters 70.105D, 80.50 RCW. 07-02-086 (Order 05-12), § 173-20-040, filed 1/2/07, effective 2/2/07; Order DE 73-13, § 173-20-040, filed 8/27/73; Order DE 72-14, § 173-20-040, filed 6/30/72.]

**WAC 173-20-044 Review and update of designations.**

Each local government master program shall include a list of lakes constituting shorelines of the state within the jurisdiction of the master program that complies with the requirements of RCW 90.58.030 (2)(d). When such master program is approved by the department subsequent to the effective date of this provision, the list within the master program shall be the official list for that jurisdiction and shall supersede the list contained herein.

[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, chapters 70.105D, 80.50 RCW. 07-02-086 (Order 05-12), § 173-20-044, filed 1/2/07, effective 2/2/07. Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-053 (Order DE 80-21), § 173-20-044, filed 6/30/80.]

**WAC 173-20-046 Conflicts between designations and criteria.**

In the event that any of the designations set forth in this chapter or a shoreline master program approved under WAC 173-20-044, conflict with the criteria set forth in RCW 90.58.030(2) or in WAC 173-20-030 the criteria shall control. The designation of the lake shall be governed by the criteria, except that the local government must amend the local master program to reflect the new designation within three years of the discovery of the discrepancy.

[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, chapters 70.105D, 80.50 RCW. 07-02-086 (Order 05-12), § 173-20-046, filed 1/2/07, effective 2/2/07. Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-053 (Order DE 80-21), § 173-20-046, filed 6/30/80.]

**WAC 173-20-050 Lakes coming under purview of chapter 90.58 RCW—Adams County lakes.**

	Location	Section	Name	Area (Acres)	Use
(1)	T15N-R29E	4-SW1/4	Rodeo Lk.	60.0	R
(2)	T15N-R29E	32-B	Linda Lk.	99.2	R
(3)	T16N-R28E	3-A/B	Black Lks.-Upper	24.8	R
(4)	T16N-R29E	16-N	Thread Lk.	29.4	R
(5)	T16N-R29E	29-N	Unnamed Lk.	21.7	R
(6)	T16N-R29E	31-G	Owl Lk.	20.6	R
(7)	T17N-R38E	9-NE1/4	Twelve Mile Lk.	44.8	R
(8)	T17N-R38E	9/16	Twelve Mile Slough	211.2	R
(9)	T19N-R36E	36	Finnel Lk.	30.9	R
(10)	T19N-R37E	15-SW1/4	Hallin Lk.	33.3	R
(11)	T19N-R37E	21-N1/2	Cow Lk.	226.0	R
(12)	T19N-R38E	3-W1/2	Green Lk.	79.7	R
(13)	T19N-R38E	10-M/Na	Unnamed Lk.	26.1	R
(14)	T20N-R37E	1-W1/2	Fourth of July Lk.	74.4	Adams Co.
				35.9	Lincoln Co.
				110.3	Total
(15)	T20N-R38E	12	Pines Lk. (Alkali Lk)	120.8	R
(16)	T20N-R38E	29	Palm Lk.	88.3	R

(2009 Ed.)

[Order DE 76-16, § 173-20-050, filed 5/3/76; Order DE 72-14, § 173-20-050, filed 6/30/72.]

**WAC 173-20-060 Lakes coming under purview of chapter 90.58 RCW—Adams County lakes of statewide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T20N-R37E	12	Sprague Lk.	1202.9 Adams Co. 637.7 Lincoln Co.	R
			1840.6 Total	

[Order DE 72-14, § 173-20-060, filed 6/30/72.]

**WAC 173-20-070 Lakes coming under purview of chapter 90.58 RCW—Asotin County lakes. None.**

[Order DE 72-14, § 173-20-070, filed 6/30/72.]

**WAC 173-20-080 Lakes coming under purview of chapter 90.58 RCW—Asotin County lakes of statewide significance. None.**

[Order DE 72-14, § 173-20-080, filed 6/30/72.]

**WAC 173-20-090 Lakes coming under purview of chapter 90.58 RCW—Benton County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T6N-R31E	5-SW1/4	Mound Pond	34.8	R
(2) T6N-R31E	7-NE1/4	Yellepit Pond	36.3	R

[Order DE 72-14, § 173-20-090, filed 6/30/72.]

**WAC 173-20-100 Lakes coming under purview of chapter 90.58 RCW—Chelan County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T21N-R20E	21-B/C	Black Lk. (Spring Hill Reservoir)	28.1	R,I
(2) T21N-R20E	29-D	Upper Wheeler Res.	36.2	R,I
(3) T22N-R21E	29-K/Q	Three Lakes Res. (Cortez Lake)	32.9	R,I
(4) T22N-R21E	33-D	Meadow Lk.	35.7	R,I
(5) T23N-R16E	10-W1/2	Colchuck Lk.	87.8	R
(6) T24N-R14E	3-SE1/4	Klonaqua Lks.-Lower	66.0	R,I
(7) T24N-R14E	3-N/P	Klonaqua Lks.-Upper	67.0	R,I
(8) T24N-R16E	33-N	Eight Mile Lk. (Res.)	71.6	R
(9) T26N-R16E	19-A/H	Loch Eileen Lk.	24.8	R
(10) T26N-R16E	29-L	Chiwaukum Lk.	66.6	R
(11) T27N-R17E	22-D	Fish Lk.	513.3	R
(12) T28N-R21E	22-G	Grass Lk.(Dry Lk.)	76.8	R
(13) T28N-R21E	23-K	Wapato Lk.	185.6	R,I
(14) T28N-R21E	26-B	Alkali Lk.(Roses Lk)	179.2	R
(15) T29N-R21E	36-P	Antilon Lk. (Res.)	96.0	R,I
(16) T24N-R16E	9	Victoria Lk.	26.6	R

[Order DE 76-16, § 173-20-100, filed 5/3/76; Order DE 72-14, § 173-20-100, filed 6/30/72.]

**WAC 173-20-110 Lakes coming under purview of chapter 90.58 RCW—Chelan County lakes of statewide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T16N-R23E	16/17	Wanapum Dam Res.	440.0 Chelan Co. 1184.0 Douglas Co. 6748.0 Grant Co. 6308.0 Kittitas Co.	
			14680.0 Total	
(2) T21N-R22E	5-H/J	Rock Island Pool	1735.0 Chelan Co. 1735.0 Douglas Co.	

(2009 Ed.)

Location	Section	Name	Area (Acres)	Use
(3) T24N-R20E	35	Entiat Lk.	3470.0 Total 4930.0 Chelan Co. 4930.0 Douglas Co.	R,P
			9860.0 Total	
(4) T27N-R17E	28-L	Wenatchee Lk.	2445.0	R,P
(5) T27N-R22E	13-J	Chelan Lk.	33104.0	R
(6) T28N-R24E	6/7	Wells Res.	97.0 Chelan Co. 4850.0 Douglas Co. 4753.0 Okanogan Co.	R,I,P
			9700.0 Total	P,R

[Order DE 72-14, § 173-20-110, filed 6/30/72.]

**WAC 173-20-120 Lakes coming under purview of chapter 90.58 RCW—Clallam County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T29N-R14W	20 A/B	Wentworth Lk.	53.8	R
(2) T30N-R7W	15-G	Aldwell Lk.	320.8	P,R
(3) T30N-R8W	22-Q	Sutherland Lk.	360.8	R
(4) T30N-R12W	9-J/K	Beaver Lk.	36.3	R
(5) T30N-R13W	35-E	Pleasant Lk.	486.0	R
(6) T30N-R14W	16-L	Dickey Lk.	527.0	R
(7) T31N-R15W	12-W1/2	Elk Lk.	59.0	R
(8) T31N-R15W	18-E/M	Seafield Lk.	22.0	R

[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-20-120, filed 4/15/85; Order DE 76-16, § 173-20-120, filed 5/3/76; Order DE 72-14, § 173-20-120, filed 6/30/72.]

**WAC 173-20-130 Lakes coming under purview of chapter 90.58 RCW—Clallam County lakes of statewide significance.**

Location	Section	Name	Area (Acres)	Use
T31N-R15W	31-A	Ozette Lk.	7787.0	R

[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-20-130, filed 4/15/85; Order DE 76-16, § 173-20-130, filed 5/3/76; Order DE 72-14, § 173-20-130, filed 6/30/72.]

**WAC 173-20-140 Lakes coming under purview of chapter 90.58 RCW—Clark County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T1N-R3E	2-F/L	Lacamas Lk. (Res.)	315.0	PS,R
(2) T1N-R3E	2-F/L	Round Lk.	32.4	PS,R
(3) T2N-R1E	9-G/H	Unnamed	23.0	R
(4) T4N-R1E	6	Mud Lk.	92.0	R
(5) T4N-R3E	30-E	Battleground Lk.	28.0	R

[Order DE 76-16, § 173-20-140, filed 5/3/76; Order DE 73-13, § 173-20-140, filed 8/27/73; Order DE 72-14, § 173-20-140, filed 6/30/72.]

**WAC 173-20-150 Lakes coming under purview of chapter 90.58 RCW—Clark County lakes of statewide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T6N-R2E	33-J	Merwin Lk. (Res.)	2400.3 Clark Co. 1689.3 Cowlitz Co.	P,R
			4089.6 Total	
(2) T6N-R4E	32-NE1/4	Yale Res.	2022.4 Clark Co. 1779.2 Cowlitz Co.	P,R
			3801.6 Total	

[Order DE 73-13, § 173-20-150, filed 8/27/73; Order DE 72-14, § 173-20-150, filed 6/30/72.]

**WAC 173-20-160 Lakes coming under purview of chapter 90.58 RCW—Columbia County lakes. None.**

[Order DE 72-14, § 173-20-160, filed 6/30/72.]

**WAC 173-20-170 Lakes coming under purview of chapter 90.58 RCW—Columbia County lakes of statewide significance. None.**

[Order DE 72-14, § 173-20-170, filed 6/30/72.]

**WAC 173-20-180 Lakes coming under purview of chapter 90.58 RCW—Cowlitz County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T5N-R1E	19-M	Horseshoe Lk.	78.9	R
(2) T7N-R4E	16	Merrill Lk.	344.0	R
(3) T8N-R2W	33-SW1/4	Sacajawea Lk.	47.7	R
(4) T10N-R4E	25-E/F	Fawn Lk.	23.6	R

[Order DE 72-14, § 173-20-180, filed 6/30/72.]

**WAC 173-20-190 Lakes coming under purview of chapter 90.58 RCW—Cowlitz County lakes of statewide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T6N-R2E	33-J	Merwin Lk.	1689.3	Cowlitz Co.
		(Res.)	2400.3	Clark Co.
			4089.6	Total P,R
(2) T6N-R4E	32-NE1/4	Yale Res.	1779.2	Cowlitz Co.
			2022.4	Clark Co.
			3801.6	Total P,R
(3) T10N-R1W	36-R	Silver Lk.	2996.0	R

[Order DE 72-14, § 173-20-190, filed 6/30/72.]

**WAC 173-20-200 Lakes coming under purview of chapter 90.58 RCW—Douglas County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T25N-R25E	12-J/K	Jameson Lk.	331.7	R
(2) T25N-R25E	12-K/Q	Jameson Pothole	20.6	R
(3) T25N-R27E	31-N/N	Intermittent	22.8	R
(4) T26N-R26E	20	Grimes Lk.	124.0	R
(5) T26N-R27E	33-B/C	Haynes Lk.	50.4	R
(6) T26N-R27E	34-D	Stallard Lk.	64.0	R
(7) T28N-R24E	35-NE1/4	Cornell Lk.	37.2	R
(8) T29N-R27E	17-J/R	Unnamed Lk.	24.2	R
(9) T29N-R27E	20-A/B	Boot Lk.	36.6	R
(10) T29N-R28E	22-E/F	Elbow Lk.	25.4	R
(11) T29N-R29E	2-G/H	Unnamed Lk.	21.8	R
(12) T29N-R29E	22-H/J	Unnamed Lk.	42.2	R
(13) T29N-R29E	22-N	Wilson Lk.	34.5	R
(14) T29N-R30E	7-SW1/4	Smith Lk.	34.1	R
(15) T30N-R29E	36-A/B	Unnamed Lk.	24.0	R
(16) T30N-R30E	7-J/K	Black Lk.	36.2	R

[Order DE 77-17, § 173-20-200, filed 9/1/77; Order DE 76-16, § 173-20-200, filed 5/3/76; Order DE 72-14, § 173-20-200, filed 6/30/72.]

**WAC 173-20-210 Lakes coming under purview of chapter 90.58 RCW—Douglas County lakes of statewide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T16N-R23E	16/17	Wanapum Dam Res.	1184.0	Douglas Co
			440.0	Chelan Co.
			6748.0	Grant Co.
			6308.0	Kittitas Co.
			14680.0	Total
(2) T21N-R22E	5-H/J	Rock Island Pool	1735.0	Douglas Co.
			1735.0	Chelan Co.
			3470.0	Total R,P
(3) T24N-R20E	35	Entiat Lk.	4930.0	Douglas Co.
			4930.0	Chelan Co.
			9860.0	Total R,P

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Location	Section	Name	Area (Acres)	Use
(4) T28N-R24E	6 & 7	Wells Reservoir	4850.0	Douglas Co.
			4753.0	Okanogan Co.
			97.0	Chelan Co.
			9700.0	Total P,R
(5) T29N-R25E	24-S1/2	Rufus Wood Lk.	3900.0	Douglas Co. P,R
(6) T28N-R29E	22&29	Banks Lk.	24,600.0	Grant Co.
			300.0	Douglas Co.
			24,900.0	Total

[Order DE 76-16, § 173-20-210, filed 5/3/76; Order DE 73-13, § 173-20-210, filed 8/27/73; Order DE 72-14, § 173-20-210, filed 6/30/72.]

**WAC 173-20-220 Lakes coming under purview of chapter 90.58 RCW—Ferry County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T37N-R32E	27-SW1/4	Mud Lk.	23.0	R
(2) T37N-R33E	32-N1/2	San Poil Lk.	27.7	R,PS
(3) T38N-R33E	28-D	Curlew Lk.	869.6	R,I

[Order DE 72-14, § 173-20-220, filed 6/30/72.]

**WAC 173-20-230 Lakes coming under purview of chapter 90.58 RCW—Ferry County lakes of statewide significance. None.**

[Order DE 72-14, § 173-20-230, filed 6/30/72.]

**WAC 173-20-240 Lakes coming under purview of chapter 90.58 RCW—Franklin County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T12N-R30E	17-J/R	Clark Pond	49.3	R
(2) T12N-R30E	20-SE1/4	Unnamed Lk.	26.2	R
(3) T13N-R29E	5-W1/2	Unnamed Lk.	29.7	R
(4) T13N-R29E	15-N1/2	Unnamed Lk.	50.0	R
(5) T13N-R30E	24-L/M	Bailie Pond	22.7	R
(6) T13N-R30E	34	Mesa Lk.	50.0	R
(7) T13N-R30E	5-E1/2	Unnamed Lk.	63.0	R
(8) T13N-R33E	5-N	Sulphur Lk.	22.0	R
(9) T13N-R34E	4-SE1/4	Kahlotus Lk.	321.0	R
(10) T14N-R28E	24-NW1/4	Unnamed Lk.	20.0	R
(11) T14N-R28E	26-NW1/4	Unnamed Lk.	25.0	R
(12) T14N-R29E	11-N1/2	Unnamed Lk.	71.9	R
(13) T14N-R29E	11-Q/R	Unnamed Lk.	29.5	R
(14) T14N-R29E	12	Scootney Lk.	217.0	R
(15) T14N-R29E	14-E1/2	Unnamed Lk.	50.0	R
(16) T14N-R29E	23-B	Unnamed Lk.	24.0	R
(17) T14N-R29E	25-D	Unnamed Lk.	49.6	R
(18) T14N-R29E	26	Unnamed Lk.	130.0	R
(19) T14N-R29E	36-S1/2	Unnamed Lk.	20.0	R
(20) T14N-R30E	14-B	Unnamed Lk.	25.8	R
(21) T14N-R30E	27-J	Scootney Reservoir	685.0	R,I
(22) T14N-R30E	27-R	Unnamed Lk.	23.0	R
(23) T14N-R30E	33-SW1/4	Unnamed Lk.	30.0	R
(24) T14N-R34E	36-N	Washtucna Lk.	43.4	R

[Order DE 73-13, § 173-20-240, filed 8/27/73; Order DE 72-14, § 173-20-240, filed 6/30/72.]

**WAC 173-20-250 Lakes coming under purview of chapter 90.58 RCW—Franklin County lakes of statewide significance. None.**

[Order DE 72-14, § 173-20-250, filed 6/30/72.]

**WAC 173-20-260 Lakes coming under purview of chapter 90.58 RCW—Garfield County lakes. None.**



[Order DE 73-13, § 173-20-260, filed 8/27/73; Order DE 72-14, § 173-20-260, filed 6/30/72.]

**WAC 173-20-270 Lakes coming under purview of chapter 90.58 RCW—Garfield County lakes of statewide significance. None.**

[Order DE 72-14, § 173-20-270, filed 6/30/72.]

**WAC 173-20-280 Lakes coming under purview of chapter 90.58 RCW—Grant County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T17N-R26E	8	Frenchman Hills Lk.	800.0	R
(2) T17N-R26E	5-SW1/4	Sand Lk.	28.4	R
(3) T18N-R26E	25	Winchester Wasteway Extension	400.0	R
(4) T17N-R28E	27-NE1/4	Goose Lk.	112.0	R
(5) T17N-R28E	34-J	Lower Goose Lk.	50.0	R
(6) T17N-R29E	10-B	Warden Lk.	186.0	R
(7) T17N-R29E	15-SW1/4	South Warden Lk.	24.0	R
(8) T17N-R29E	17-P/Q	Susan Lk.	20.0	R
(9) T17N-R29E	18-P	Soda Lk.	155.0	R,I
(10) T17N-R29E	22-SW1/4	Virgin Lk.	20.0	R
(11) T17N-R29E	27-D/E	North Windmill Lk.	22.3	R
(12) T17N-R29E	28-L/P	Heart Lk.	25.8	R
(13) T17N-R29E	28-Q	Windmill Lk.	33.8	R
(14) T17N-R29E	32-B	Long Lk.	74.8	R,I
(15) T17N-R29E	33-N1/2	Canal Lk.	76.1	R
(16) T18N-R26E	15-SE1/4	Beda Lk.	34.0	R
(17) T18N-R25E	30-E1/2	Unnamed Lk.	60.0	R
(18) T19N-R23E	9	Ancient Lk.	250.0	R
(19) T19N-R23E	10-R	Stan Coffin Lk.	40.9	R
(20) T19N-R23E	13	Flat Lk.	98.2	R
(21) T19N-R23E	15-NE1/4	Quincy Lk.	42.6	R
(22) T19N-R23E	15-L	Burke Lk.	73.3	R
(23) T19N-R23E	16	Dusty Lk.	30.0	R
(24) T19N-R23E	22-C	Evergreen Res.	235.0	R,I
(25) T19N-R25E	25-SE1/4	Winchester Wasteway		
	T19N-R26E	30-SW1/4 Reservoir	660.0	R,I
(26) T20N-R23E	9-A/H	Crater Lk.	25.0	R
(27) T20N-R23E	10-L	Babcock Ridge Lk.	20.0	R,I
(28) T20N-R28E	10-E	Unnamed Lk.	79.4	R
(29) T18N-R23E	21-NE1/4	Hilltop Lk.	30.8	R
(30) T21N-R27E	6	Ephrata Lk.	25.0	R
(31) T21N-R27E	12	South Willow Lk.	39.4	R
(32) T21N-R27E	12-N1/2	Willow Lk.	23.3	R
(33) T21N-R27E	16-W1/2	Unnamed Lk.	27.0	R
(34) T21N-R28E	32-SE1/4	Unnamed Lk.	80.9	R
(35) T21N-R29E	7-SE1/4	Broken Rock Lakes (1) Northernmost (2) Southernmost	20.0 40.0	R R
(36) T21N-R30E	20-F	Black Rock Lk.	66.7	R
(37) T22N-R27E	19	Soap Lk.	840.0	R
(38) T22N-R28E	2-N	Brook Lk.	427.6	R
(39) T22N-R28E	8-J	Round Lk.	110.6	R
(40) T22N-R29E	23-Q/R	Unnamed Lk.	28.7	R
(41) T23N-R26E	1-NE1/4	Alkali Lk.(Part of Lenore)	308.1	R
(42) T23N-R26E	35	Little Soap Lk.	99.2	R
(43) T24N-R27E	15-SW1/4	Park Lk.	341.5	R
(44) T24N-R27E	29-N	Blue Lk.	536.1	R
(45) T24N-R28E	6	Dry Falls Lk.	98.9	R
(46) T24N-R28E	8-M	Deep Lk.	104.3	R
(47) T25N-R28E	35-E1/2	Table Lk.	20.0	R
(48) T25N-R28E	33-SW1/4	Lena Lk. (Coulee)	24.8	R
(49) T27N-R29E	26-SE1/4	Higginbotham Res.	62.0	R,D
(50) T28N-R30E	25-G/H	Long Lk.	24.8	R
(51) T16N-R24E	29-SE1/4	Lenice Lk.	80.9	R
(52) T16N-R24E	29-SW1/4	Merry Lk.	21.8	R
(53) T16N-R24E	30-S1/2	Nunnally Lk.	37.1	R
(54) T17N-R28E	16-E1/2	Corral Lk.	80.0	R

[Order DE 73-13, § 173-20-280, filed 8/27/73; Order DE 72-14, § 173-20-280, filed 6/30/72.]

(2009 Ed.)

**WAC 173-20-290 Lakes coming under purview of chapter 90.58 RCW—Grant County lakes of statewide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T13N-R23E	2/3	Priest Rapids Dam Reservoir	4540.0 2080.0 1080.0	Grant Co. Kittitas Co Yakima Co.
			7700.0 Total	P,R
(2) T16N-R23E	16/17	Wanapum Dam Res.	6748.0 6308.0 1184.0 440.0	Grant Co. Kittitas Co. Douglas Co. Chelan Co.
			14680.0 Total	-
(3) T17N-R28E	11	Potholes Res.	28200.0	R,I
(4) T18N-R28E	5-F	Moses Lk.	6815.2	R,I
(5) T23N-R26E	35-B/G	Lenore Lk.	1670.0	R
(6) T23N-R28E	36-NW1/4	Long Lk. Res.	1010.0	R,I
(7) T25N-R28E	32/33	Banks Lk.	24600.0	R
			300.0 Douglas Co.	
			24900.0 Total	

[Order DE 73-13, § 173-20-290, filed 8/27/73; Order DE 72-14, § 173-20-290, filed 6/30/72.]

**WAC 173-20-300 Lakes coming under purview of chapter 90.58 RCW—Grays Harbor County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T17N-R5W	17-S1/2	Unnamed	23.0	R
(2) T17N-R9W	1-SE1/4	Aberdeen Lk.(Res.)	64.0	PS,R
(3) T17N-R10W	13	Unnamed	76.0	PS
(4) T17N-R12W	14	Duck Lk.	197.0	R
(5) T18N-R7W	31-R	Sylvia Lk. (Res.)	31.0	R
(6) T19N-R10W	30-H	Failor Lk. (Res.)	60.0	R
(7) T21N-R10W	22-J/R	Unnamed	20.0	R

[Order DE 72-14, § 173-20-300, filed 6/30/72.]

**WAC 173-20-310 Lakes coming under purview of chapter 90.58 RCW—Grays Harbor County lakes of statewide significance. None.**

[Order DE 72-14, § 173-20-310, filed 6/30/72.]

**WAC 173-20-320 Lakes coming under purview of chapter 90.58 RCW—Island County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T29N-R2E	24-N1/2	Unnamed Lk.	26.8	R
(2) T29N-R3E	6-D	Goss Lk.	55.1	R
(3) T29N-R3E	7-A	Lone Lk.	92.1	R
(4) T29N-R3E	26	Deer Lk.	82.1	R
(5) T31N-R1E	6-S1/2	Unnamed Lk.	25.0	R
(6) T31N-R1E	22	Crockett Lake	500.0	R
(7) T32N-R3E	30-N	Kristoferson Lk.	25.0	D,R
(8) T33N-R2E	18-N1/2	Unnamed Lk.	50.0	R
(9) T34N-R1E	35-NW1/4	Cranberry Lk.	128.1	R

[Order DE 76-16, § 173-20-320, filed 5/3/76; Order 73-13, § 173-20-320, filed 9/12/73 and Order DE 73-13, filed 8/27/73; Order DE 72-14, § 173-20-320, filed 6/30/72.]

**WAC 173-20-330 Lakes coming under purview of chapter 90.58 RCW—Island County lakes of statewide significance. None.**

[Order DE 72-14, § 173-20-330, filed 6/30/72.]

**WAC 173-20-340 Lakes coming under purview of chapter 90.58 RCW—Jefferson County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T27N-R1W	1-A/H	Wahl Lk.	22.0	R
(2) T28N-R1W	6-K/L	Peterson Lk.	22.7	R
(3) T28N-R1W	18-N1/2	Tarboo Lk.	21.6	R
(4) T28N-R1W	26-K	Sandy Shore Lk.	36.2	R
(5) T28N-R2W	12-NW1/4	Crocker Lk.	65.3	R
(6) T28N-R2W	26-J	Leland Lk.	99.3	R
(7) T28N-R2W	33-A/B	Lords Lk. (Res.)	56.0	PS,R
(8) T29N-R1W	9-E1/2	Anderson Lk.	58.7	R
(9) T29N-R1W	28-L/P	Gibbs Lk.	36.8	R
(10) T30N-R1W	11-D/E	Kah Tai Lagoon	62.0	R
(11) T30N-R1W	16-H/J	Unnamed Lk.	21.6	R

[Order DE 72-14, § 173-20-340, filed 6/30/72.]

**WAC 173-20-350 Lakes coming under purview of chapter 90.58 RCW—Jefferson County lakes of statewide significance. None.**

[Order DE 72-14, § 173-20-350, filed 6/30/72.]

**WAC 173-20-360 Lakes coming under purview of chapter 90.58 RCW—King County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T20N-R6E	2-A	Bass Lk.	24.0	R
(2) T20N-R7E	28-N/P	White River Mill Pond	23.0	PS
(3) T21N-R4E	9-N1/2	Steel Lk.	46.4	R
(4) T21N-R4E	10-NW1/4	Dolloff Lk.	21.1	R
(5) T21N-R4E	15-SW1/4	North Lk.	55.2	R
(6) T21N-R4E	22-K/L	Geneva Lk.	28.8	R
(7) T21N-R4E	27-A	Killarney Lk.	31.3	R
(8) T21N-R4E	27-N/P	Fivemile Lk.	38.4	R
(9) T21N-R5E	23-E1/2	Moneysmith Lk.	22.4	R
(10) T21N-R6E	4-J	Sawyer Lk.	279.0	R
(11) T21N-R6E	7-E1/4	Morton Lk.	66.4	R
(12) T21N-R6E	12-A/H	Twelve Lk.	43.2	R
(13) T21N-R6E	14-Q	Jones Lk.	22.5	R
(14) T21N-R7E	29-K/Q	Deep Lk.	39.0	R
(15) T21N-R8E	13-P/Q	Eagle Lk.	53.2	R
(16) T21N-R8E	27	Howard Hanson Res.	—	PS,R
(17) T21N-R10E	7-W1/2	Findley Lks. (1)	22.3	R
(18) T22N-R4E	3-NW1/4	Angle Lk.	102.3	R
(19) T22N-R4E	34-NW1/4	Star Lk.	34.4	R
(20) T22N-R5E	1-A/B	Shady Lk.	21.1	R
(21) T22N-R5E	5-H/J	Panther Lk.	33.0	R
(22) T22N-R5E	11-R	Youngs Lk. (Res.)	700.0	PS
(23) T22N-R5E	27	Meridian Lk.	149.6	R
(24) T22N-R6E	7-SE1/4	Shadow Lk.	49.6	R
(25) T22N-R6E	22-M/N	Wilderness Lk.	66.6	R
(26) T22N-R6E	28-E	Pipe Lk.	52.1	R
(27) T22N-R6E	29	Lucerne Lk.	—	R
(28) T22N-R7E	9-W1/2	Walsh Lk.	105.0	PS
(29) T22N-R7E	32	Retreat Lk.	52.7	R
(30) T22N-R8E	11-C	Masonry Pool (Res.)	280.0	PS,P
(31) T22N-R10E	5-A/B	Mason Lk.	32.6	R
(32) T23N-R4E	19-M	Burien Lk.	43.7	R
(33) T23N-R5E	36-NE1/4	Desire Lk.	71.6	R
(34) T23N-R6E	18-K/Q	Kathleen Lk.	38.5	R
(35) T23N-R6E	31-E1/2	Spring Lk.	67.9	R
(36) T23N-R8E	34-SW1/4	Rattlesnake Lk.	112.0	R
(37) T23N-R10E	2-P/Q	Derrick Lk.	36.9	R
(38) T23N-R10E	10-SE1/4	Caroline Lk.	59.6	R

Location	Section	Name	Area (Acres)	Use
(39) T23N-R10E	11-S1/2	Wildcat Lk.-Upper	53.7	R
(40) T23N-R10E	19-P	Thompson Lk.	42.7	R
(41) T23N-R10E	23-N1/2	Kaleetan Lk.	42.8	R
(42) T23N-R10E	32-H/J	Kulla Kulla Lk.	60.1	R
(43) T23N-R10E	35-C/D	Tusohatchie Lk. Lower	31.8	R
(44) T23N-R11E	19	Snow Lk.	159.5	R
(45) T23N-R12E	11-N1/2	Iceberg Lk.	21.1	R
(46) T24N-R5E	2-SE1/4	Phantom Lk.	63.2	R
(47) T24N-R6E	9-N1/2	Pine Lk.	88.3	R
(48) T24N-R6E	11-B	Beaver Lk. No. 2	61.9	R
(49) T24N-R7E	10-E1/2	Intermittent Lk.	49.0	R
(50) T24N-R7E	27-J/R	Alice Lk.	32.6	R
(51) T24N-R8E	2-D/E	Boyle Lk.	24.0	R
(52) T24N-R8E	11-M	Klaus Lk.	62.0	R
(53) T24N-R8E	29-SW1/4	Snoqualmie Mill Pond	66.0	PS,R
(54) T24N-R9E	8-R	Hancock Lk.	236.2	R
(55) T24N-R9E	22-SW1/4	S.M.C. Lk.	40.7	R
(56) T24N-R9E	22-B/G	Moolock Lk.	45.4	R
(57) T24N-R10E	2-E	Marten Lk.	40.4	R
(58) T25N-R4E	5-M/N	Green Lk.	255.3	R
(59) T25N-R4E	17-K	Portage Bay	148.0	R
(60) T25N-R4E	19-C	Union Lk.	598.0	R
(61) T25N-R7E	13-B/G	Loop Lk.	35.7	R
(62) T25N-R7E	19-N1/2	Ames Lk.	79.9	R
(63) T25N-R7E	22-E1/2	Langlois Lk.	40.0	R
(64) T25N-R8E	13-P	Black Lk.	25.7	R
(65) T25N-R8E	35-M	Bridges Lk.	34.0	R
(66) T25N-R9E	24-E/M	Lock Katrine (Lk.)	51.2	R
(67) T25N-R9E	25-L/M	Lock Katrine (Lk.) Upper	24.4	R
(68) T25N-R9E	32-Q	Calligan Lk.	361.0	R
(69) T25N-R9E	35-N1/2	Phillippa Lk.	121.4	R
(70) T26N-R6E	7-P	Cottage Lk.	63.1	R
(71) T26N-R7E	3-M	Margaret Lk. (Res.)	43.8	R
(72) T26N-R7E	35-NE1/4	Joy Lk.	105.1	R
(73) T26N-R8E	25-F/G	Lynch Lk.	22.9	R
(74) T26N-R9E	32-E/M	Tolt Res.	850.0	PS

[Order DE 76-16, § 173-20-360, filed 5/3/76; Order DE 73-13, § 173-20-360, filed 8/27/73; Order DE 72-14, § 173-20-360, filed 6/30/72.]

**WAC 173-20-370 Lakes coming under purview of chapter 90.58 RCW—King County lakes of statewide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T19N-R7E	17-NE1/4	Mud Mtn. Res.	600.0 King Co.	
			600.0 Pierce Co.	
			1200.0 Total	PS,R
(2) T22N-R8E	12-NE1/4	Chester Morse Lk. Res.	1682.0	PS,P
(3) T25N-R4E	16-Q	Washington Lk.	22138.0	R
(4) T25N-R5E	13-K	Sammamish Lk.	4897.3	R

[Order DE 72-14, § 173-20-370, filed 6/30/72.]

**WAC 173-20-380 Lakes coming under purview of chapter 90.58 RCW—Kitsap County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T22N-R1W	2-E1/2	Wye Lk.	37.9	R
(2) T22N-R1W	2-E1/2	Carney Lake	18.7 Kitsap Co.	
			20.5 Pierce Co.	
			39.2 Total	R
(3) T24N-R1E	8-N	Kitsap Lk.	238.4	R
(4) T24N-R1W	2-H	Wildcat Lk.	111.6	R
(5) T24N-R1W	26-M	Union River Res.	93.0	PS
(6) T24N-R1W	31-L	Panther Lk.	74.1 Kitsap Co.	
			30.0 Mason Co.	
			104.1 Total	R

(7)	T24N-R1W	32-C	Mission Lk.	87.7	R
(8)	T24N-R1W	35-Q/R	Twin Lks. (Res.)	21.7	PS
(9)	T24N-R1W	35-Q/R	Tiger Lk.		
(10)	T22N-R1E	10-K/L	Horseshoe Lk.	40.3	R
(11)	T23N-R2E	8-E	Long Lk.	314.0	R
(12)	T25N-R1E	3-S1/2	Island Lk.	42.7	R
(13)	T27N-R2E	21-M	Miller Lk.	25.7	R
(14)	T24N-R1W	5	William Symington		
(15)	T24N-R1W	17	Tahuya Lk.		R
(16)	T24N-R2W	23&26	Three Fingers Pond & Holland Ponds	30.8	R
(17)	T28N-R2E	21	Buck Lk.	22.0	R
(18)	T24N-R2W		Morgan Marsh	95.0	R

[Statutory Authority: RCW 90.58.120 and 90.58.200. 81-13-013 (Order DE 81-17), § 173-20-380, filed 6/11/81; Order DE 76-16, § 173-20-380, filed 5/3/76; Order DE 73-13, § 173-20-380, filed 8/27/73; Order DE 72-14, § 173-20-380, filed 6/30/72.]

**WAC 173-20-390 Lakes coming under purview of chapter 90.58 RCW—Kitsap County lakes of statewide significance. None.**

[Order DE 72-14, § 173-20-390, filed 6/30/72.]

**WAC 173-20-400 Lakes coming under purview of chapter 90.58 RCW—Kittitas County lakes.**

Location	Section	Name	Area (Acres)	Use
(1)	T17N-R15E	3-A	Manastash Lk.	23.5 R
(2)	T20N-R13E	11-F	Easton Lk.	237.6 R,I
(3)	T21N-R11E	3-L	Lost Lk.	144.8 R
(4)	T21N-R12E	15-NW1/4	Unnamed Lks.	60.0 R
(5)	T22N-R13E	2	Cooper Lk.	119.7 R
(6)	T23N-R14E	3-NE1/4	Tucquala Lk.	63.0 R

[Order DE 72-14, § 173-20-400, filed 6/30/72.]

**WAC 173-20-410 Lakes coming under purview of chapter 90.58 RCW—Kittitas County lakes of statewide significance.**

Location	Section	Name	Area(Acres)	Use
(1)	T15N-R23E	32	Priest Rapids Dam Res.	
			2080.0 Kittitas Co.	
			4540.0 Grant Co.	
			1080.0 Yakima Co.	
			<u>7700.0</u> Total	P,R
(2)	T16N-R23E	17	Wanapum Dam Res.	
			6308.0 Kittitas Co.	
			6748.0 Grant Co.	
			1184.0 Douglas Co.	
			440.0 Chelan Co.	
			<u>14680.0</u> Total	-
(3)	T20N-R14E	10-A	Cle Elum Lk. (Res.)	4810.0 R,I
(4)	T21N-R11E	12-H	Keechelus Lk.	2560.0 R,I
(5)	T21N-R13E	34-N/P	Kachess Lk.	4540.0 R,I

[Order DE 72-14, § 173-20-410, filed 6/30/72.]

**WAC 173-20-420 Lakes coming under purview of chapter 90.58 RCW—Klickitat County lakes.**

Location	Section	Name	Area (Acres)	Use
(1)	T2N-R13E	25-E/M	Spearfish Lk.	21.8 R
(2)	T5N-R15E	13-E/M	Carp Lk.	21.6 R
(3)	T6N-R10E	15-E	Trout Lake	110.0 R

[Order DE 73-13, § 173-20-420, filed 8/27/73; Order DE 72-14, § 173-20-420, filed 6/30/72.]

**WAC 173-20-430 Lakes coming under purview of chapter 90.58 RCW—Klickitat County lakes of statewide significance. None.**

(2009 Ed.)

[Order DE 72-14, § 173-20-430, filed 6/30/72.]

**WAC 173-20-440 Lakes coming under purview of chapter 90.58 RCW—Lewis County lakes.**

Location	Section	Name	Area (Acres)	Use
(1)	T13N-R1E	30-K/Q	Carlisle Lk.	220.3 R
(2)	T14N-R5E	9-B	Mineral Lk.	277.3 R

[Order DE 72-14, § 173-20-440, filed 6/30/72.]

**WAC 173-20-450 Lakes coming under purview of chapter 90.58 RCW—Lewis County lakes of statewide significance.**

Location	Section	Name	Area (Acres)	Use
(1)	T12N-R2E	29-C	Mayfield Res.	2200.0 P,R
(2)	T12N-R3E	10-N	Mossyrock Res.	10200.0 P,R
(3)	T15N-R4E	9-F	Alder Res.	124.0 Lewis Co.
			1689.6 Pierce Co.	
			1117.6 Thurston Co.	
			<u>2931.2</u> Total	P,R

[Order DE 76-16, § 173-20-450, filed 5/3/76; Order DE 72-14, § 173-20-450, filed 6/30/72.]

**WAC 173-20-460 Lakes coming under purview of chapter 90.58 RCW—Lincoln County lakes.**

Location	Section	Name	Area (Acres)	Use
(1)	T21N-R33E	3-Q/R	Reisenauer Res.	22.0 R,I,PS
(2)	T21N-R33E	12-SE1/4	Sylvan Lk.	550.0 R
(3)	T21N-R38E	36-F	Fourth of July Lk.	35.9 Lincoln Co.
			74.9 Adams Co.	
			<u>110.3</u> Total	R
(4)	T21N-R39E	10-H/J	Unnamed Lk.	28.9 R
(5)	T21N-R39E	12-N	Fishtrap Lk. (Res.)	172.8 Lincoln Co.
			22.8 Spokane Co.	
			<u>195.6</u> Total	R
(6)	T21N-R39E	22-L	Intermittent Lk.	93.0 R
(7)	T21N-R39E	25-Q	Downs Lk.	28.8 Lincoln Co.
			394.6 Spokane Co.	
			<u>423.4</u> Total	R
(8)	T21N-R39E	26-P	Unnamed Lk.	99.0 R
(9)	T21N-R39E	34-N1/2	Intermittent Lk.	60.0 R
(10)	T22N-R31E	28-B	Peterson Lk.	20.5 R
(11)	T22N-R32E	6-NE1/4	Sullivan Lk.	72.4 R
(12)	T22N-R32E	6-SW1/4	Wooley Lk.	23.7 R
(13)	T22N-R32E	12-SW1/4	Pacific Lk.	129.7 R
(14)	T22N-R32E	26-SW1/4	Tule Lk. (Bobs)	126.7 R
(15)	T22N-R33E	4-N1/2	Neves Lk.	25.1 R
(16)	T22N-R39E	22-SE1/4	Ames Lk.	29.1 R
(17)	T22N-R39E	32-N/P	Unnamed Lk.	24.8 R
(18)	T23N-R32E	7-W1/2	Unnamed Lk.	42.2 R
(19)	T23N-R32E	27-SW1/4	Goetz Lk.	36.2 R
(20)	T23N-R33E	13-SE1/4	Coffee Pot Lk.	316.8 R
(21)	T23N-R33E	23-E1/2	Deer Springs Lk.	60.3 R
(22)	T23N-R33E	34-S1/2	Browns Lk.	42.2 R
(23)	T23N-R33E	34-S1/2	Tavares Lk.	
(24)	T23N-R34E	3-D	Twin Lks. - Lower	44.9 R
(25)	T23N-R34E	25-NE1/4	Unnamed Lk.	25.3 R
(26)	T23N-R35E	19-Na	Cormana Lk.	48.3 R
(27)	T24N-R32E	12-NW1/4	Drapers Lk.	34.2 R
(28)	T24N-R33E	31-N1/2	Unnamed Lk.	48.3 R
(29)	T24N-R34E	1-SW1/4	Florence Lk.	33.8 R
(30)	T24N-R34E	15-W1/2	Wills Lk.	22.0 R,D
(31)	T24N-R34E	16-NW1/4	Phillips Lk.	31.2 R

Location	Section	Name	Area (Acres)	Use
(32) T24N-R34E	16-S1/2	Unnamed Lk.	40.8	R
(33) T24N-R34E	22-NW1/4	Meadow Lk.	44.4	R,D
(34) T24N-R34E	35-NW1/4	Twin Lks. - Upper	39.2	R
(35) T24N-R35E	3-A/B	Whittaker Lk.	26.1	R
(36) T24N-R35E	4-SW1/4	Unnamed Lk.	20.0	R
(37) T24N-R35E	19	Wall Lk.	32.2	R
(38) T25N-R33E	8-L/M	"H" Lake	26.0	R
(39) T25N-R33E	17-SW1/4	Wagner Lk.	92.7	R
(40) T25N-R33E	34-L	Bergeau Lk.	31.0	R
(41) T25N-R34E	27-SW1/4	Unnamed Lk.	54.3	R
(42) T25N-R34E	32	Swanson Lk.	63.3	R
(43) T25N-R34E	33-NW1/4	Swanson Lk.	38.6	R
(44) T25N-R35E	10-S1/2	Unnamed Lk.	28.8	R
(45) T25N-R39E	9-SE1/4	Unnamed Lk.	42.2	R
(46) T25N-R39E	10-S1/2	Unnamed Lk.	67.0	R
(47) T26N-R34E	27-SE1/4	Greenwood Lk.	20.0	D,R
(48) T26N-R38E	33-SE1/4	Unnamed Lk.	24.0	R
(49) T27N-R39E	20-B	Little Falls Res.	125.0 Lincoln Co. 125.0 Stevens Co.	P,R
			250.0 Total	P,R

[Order DE 72-14, § 173-20-460, filed 6/30/72.]

**WAC 173-20-470 Lakes coming under purview of chapter 90.58 RCW—Lincoln County lakes of statewide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T20N-R37E	12	Sprague Lk.	637.7 Lincoln Co. 1202.9 Adams Co.	
			1840.6 Total	
(2) T27N-R39E	13-M	Long Lk. (Res.)	100.0 Lincoln Co. 2510.0 Spokane Co. 2410.0 Stevens Co.	P,R
			5020.0 Total	P,R

[Order DE 72-14, § 173-20-470, filed 6/30/72.]

**WAC 173-20-480 Lakes coming under purview of chapter 90.58 RCW—Mason County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T19-3W	4	Fawn Lk.		
(2) T19-R5W	1-E1/2	Lost Lk.	121.6	R
(3) T19-R5W	8-A/B	Lystair Lk.	30.4	R
(4) T19-R5W	17	Simpson Lk.	29.4	R
(5) T19-R5W	28-W1/2	Stump Lk.	23.2	R
(6) T20N-R2W	5	Phillips Lk.	111.4	R
(7) T20N-R2W	18	Timber Lk.		
(8) T20N-R2W	30-H/J	Forbes Lk.	38.4	R
(9) T20N-R3W	6-SW1/4	Island Lk.	109.0	R
(10) T20N-R3W	31-K	Isabella Lk.	208.0	R
(11) T20N-R4W	12-E1/2	Intermittent Lks.	75.0	R
(12) T20N-R5W	1-E	Hanks Lake	27.0	R
(13) T20N-R5W	8-N1/2	Nahwatzel Lk.	268.8	R
(14) T21N-R2W	3-P	Benson Lk.	81.8	R
(15) T21N-R2W	32-N	Spencer Lk.	220.4	R
(16) T21N-R3W	28-B	Cranberry Lk.	170.6	R
(17) T21N-R3W	27	Lk. Limerick		
(18) T21N-R3W	31-D/E	Intermittent Lk.	20.0	R
(19) T21N-R5W	21-W1/2	Bingham Lk.	24.0	R
(20) T22N-R1W	7-H	Devereaux Lk.	100.4	R
(21) T22N-R1W	19	Unnamed Lk.		
(22) T22N-R2W	23-R	Prickett Lk.	68.1	R
(23) T22N-R2W	34-F	Mason Lk.	996.0	R
(24) T22N-R3W	14-C/D	Maggie Lk.	22.3	R
(25) T22N-R4W	16-F	Cushman Res. No. 2	70.4	P,R
(26) T23N-R1W	5	Tiger Lk.	109.1	R
(27) T23N-R2W	19-S1/2	Wooten Lk.	69.8	R
(29) T23N-R2W	20-NE1/4	Bennettson Lk.	25.4	R
(30) T23N-R2W	30-H	Haven Lk.	70.5	R
(31) T23N-R3W	35-K/Q	Tee Lk.	38.4	R

Location	Section	Name	Area (Acres)	Use
(32) T23N-R4W	11-P	Lilliwaup Swamp	225.0	R
(33) T23N-R4W	12-G/H	Melbourne Lk.	34.1	R
(34) T23N-R4W	22-NE1/4	Price Lk.	61.8	R
(35) T24N-R1W	31	Panther Lk.	30.0 Mason Co. 74.1 Kitsap Co.	
			104.1 Total	R

[Order DE 72-14, § 173-20-480, filed 6/30/72.]

**WAC 173-20-490 Lakes coming under purview of chapter 90.58 RCW—Mason County lakes of statewide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T22N-R4W	5-L	Cushman Lk. (Res.)	4003.0	P,R

[Order DE 72-14, § 173-20-490, filed 6/30/72.]

**WAC 173-20-500 Lakes coming under purview of chapter 90.58 RCW—Okanogan County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T29N-R23E	10/15	Alta Lk.	187.4	R
(2) T31N-R24E	22-B	Rat Lk.	62.7	R,PS
(3) T33N-R25E	16-G	Leader Lk. (Res.)	159.0	R
(4) T34N-R21E	8-E	Patterson Lk. (Res.)	142.9	R,I
(5) T34N-R21E	15-A/H	Twin Lks. (Little)	23.8	R
(6) T34N-R21E	15-G/K	Twin Lks. (Big)	77.4	R
(7) T34N-R21E	27-NW1/4	Moccasin Lk.	33.1	R
(8) T34N-R22E	20-D/E	Davis Lk.	39.3	R
(9) T34N-R25E	13-E1/2	Green Lk.	44.8	R
(10) T34N-R26E	7-C	Brown Lk.	61.4	R
(11) T34N-R26E	10-R	Duck Lk.	29.1	R,I
(12) T34N-R29E	5-D	Crawfish Lk.	80.4	R
(13) T35N-R21E	36	Pearygin Lk. (Res.)	192.0	R,I
(14) T35N-R25E	4-K/Q	Roberts Lk.	29.8	R
(15) T35N-R25E	6-K	Salmon Lk.	313.0	R,I
(16) T35N-R25E	18-NW1/4	Conconully Res.	450.0	R,I
(17) T35N-R26E	3-P/Q	Booher Lk.	24.8	R
(18) T35N-R26E	5-S1/2	Medicine Lk.	37.9	R
(19) T35N-R26E	7-Q/R	Peninsula Lk.	23.4	R
(20) T35N-R26E	8-N	Horseshoe Lk.	28.7	R
(21) T35N-R26E	22-NE1/4	Alkali Lk.	46.1	R
(22) T35N-R26E	28-B	Evans Lk.	26.9	R
(23) T36N-R25E	22-D	Fish Lk.	102.3	R
(24) T36N-R27E	30-NW1/4	Unnamed Lk.	22.7	R
(25) T36N-R28E	21-A/B	Talkire Lk.	26.9	R
(26) T36N-R30E	19-E/F	Round Lk.	20.3	R
(27) T36N-R30E	19-G/K	"L" Lk.	21.4	R
(28) T37N-R25E	2-E	Forde Lk.	23.9	R
(29) T37N-R25E	13-H/J	Lemanasky Lk.	20.1	R
(30) T37N-R25E	21-H	Blue Lake (Res.)	186.0	R
(31) T37N-R26E	25-NW1/4	Aeneas Lk.	60.7	R
(32) T38N-R25E	35-E/F	Lower Sinlahekin Impoundment	57.7	R
(33) T38N-R26E	2-Q	Spectacle Lk.	314.8	R,I
(34) T38N-R27E	17-P	Whitestone Lk. (Res.)	169.6	R,I
(35) T38N-R28E	2-A/B	Fanchers Dam Res.	20.0	R,D
(36) T38N-R30E	17-NE1/4	Bonapart Lk.	158.7	R
(37) T38N-R30E	27-F/L	Walker Lk.	43.5	R
(38) T38N-R30E	29-C/F	Meadow Lk.	23.7	R
(39) T39N-R25E	4-R	Chopaka Lk.	148.8	R
(40) T39N-R26E	24-E	Wannacut Lk.	411.6	R
(41) T39N-R27E	6-W1/2	Blue Lk.	110.6	R
(42) T39N-R27E	22-SW1/4	Horseshoe Lk.	59.9	R
(43) T39N-R27E	27-G/K	Unnamed Lk.	26.1	R
(44) T39N-R29E	15-NW1/4	Muskrat Lk.	89.6	R
(45) T40N-R25E	17-J/R	Unnamed Lk.	23.4	R
(46) T40N-R27E	27-P	Zosels Mill Pond	100.0	R
(47) T40N-R29E	6-S1/2	Sidley Lk.	108.8	R

Location	Section	Name	Area (Acres)	Use
(48) T40N-R29E	8-D	Molson Lk.	20.3	R
(49) T40N-R29E	26-B/G	Fields Lk.	21.7	R
(50) T39N-R30E	28-E/M	Lost Lk.	46.8	R

[Order DE 76-16, § 173-20-500, filed 5/3/76; Order 72-14, § 173-20-500, filed 6/30/72.]

**WAC 173-20-510 Lakes coming under purview of chapter 90.58 RCW—Okanogan County lakes of statewide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T28N-R24E	6/7	Wells Dam Res.	4753.0	Okanogan Co.
			4850.0	Douglas Co.
			97.0	Chelan Co.
			9700.0	Total
(3) T39N-R25E	13-H	Palmer Lk.	2063.0	P,R
(4) T40N-R27E	22-M	Osoyoos Lk.	2036.0	R,I
			3693.9	Okanogan Co.
			5729.0	British Col.
				Total
				R

[Order DE 76-16, § 173-20-510, filed 5/3/76; Order DE 72-14, § 173-20-510, filed 6/30/72.]

**WAC 173-20-520 Lakes coming under purview of chapter 90.58 RCW—Pacific County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T10N-R11W	4-SW1/4	Breaker Lk.	20.3	R
(2) T10N-R11W	33-A	Black Lk.	30.0	PS
(3) T11N-R11W	9-K	Loomis Lk.	150.7	R
(4) T11N-R11W	21-E1/2	Island Lk.	55.8	R
(5) T12N-R11W	9-K/Q	Skating Lk.	66.0	R
(6) T12N-R11W	16-J/R	Espy Lk.	20.0	R

[Order DE 72-14, § 173-20-520, filed 6/30/72.]

**WAC 173-20-530 Lakes coming under purview of chapter 90.58 RCW—Pacific County lakes of statewide significance. None.**

[Order DE 72-14, § 173-20-530, filed 6/30/72.]

**WAC 173-20-540 Lakes coming under purview of chapter 90.58 RCW—Pend Oreille County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T30N-R43E	5-K/L	Lost Lk.	22.1	R
(2) T30N-R43E	8-N	Horseshoe Lk.	128.0	R
(3) T30N-R43E	9-A	Trout Lk.	94.8	R
(4) T30N-R43E	32-L	Fan Lk.	72.9	R
(5) T30N-R44E	3-SE1/4	Diamond Lk.	754.5	R
(6) T30N-R44E	35-N1/2	Chain Lk.	77.6	R
(7) T30N-R46E	30-M/N	Trask Pond	50.3	R
(8) T31N-R43E	35-B	Sacheen Lk.	282.2	R
(9) T31N-R44E	10-SE1/4	Kent Meadows Lk.	134.3	R
(10) T31N-R45E	23-S1/2	Unnamed Lk.	37.9	R
(11) T32N-R43E	27-P	Power Lk.	54.8	R,P
(12) T32N-R44E	31-G	Davis Lk.	145.9	R
(13) T32N-R45E	23-Q	Marshall Lk.	188.7	R,D
(14) T32N-R46E	31	Shearer Lk.	48.7	R
(15) T33N-R43E	12-13/14	Unnamed Slough	64.8	R
(16) T34N-R44E	36-NE1/4	North Skookum Lk.	38.5	R

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Location	Section	Name	Area (Acres)	Use
(17) T33N-R44E	2-A	Kings Lk.	53.2	R
(18) T34N-R43E	3-C/F	Parker Lk.	22.1	R
(19) T36N-R42E	3-L/M	Leo Lk.	39.3	R
(20) T36N-R43E	12-NW1/4	Scotchman Lk.	34.1	R
(21) T36N-R43E	23-NE1/4	Yocum Lk.	41.7	R

(22) T37N-R42E	35-N	Nile Lk.	22.8	R
(23) T37N-R42E	36-K/Q	Browns Lk.	20.2	R
(24) T37N-R43E	6-E1/2	Ione Mill Pond	37.2	R,PS
(25) T39N-R43E	25-A	Sullivan Res.	62.8	R,PS
(26) T40N-R43E	34-Q	Ledbetter Lk.	22.7	R
(27) T32N-R45E	4	Bead Lk.	719.8	R

[Order DE 76-16, § 173-20-540, filed 5/3/76; Order DE 72-14, § 173-20-540, filed 6/30/72.]

**WAC 173-20-550 Lakes coming under purview of chapter 90.58 RCW—Pend Oreille County lakes of statewide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T32N-R43E	12-F	Calispell Lk.	1031.0	R
(2) T39N-R44E	31	Sullivan Lk.	1400.0	R,P
(3) T40N-R43E	10-NE1/4	Boundary Res.	1600.0	R,P

[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-20-550, filed 4/15/85; Order DE 76-16, § 173-20-550, filed 5/3/76; Order DE 72-14, § 173-20-550, filed 6/30/72.]

**WAC 173-20-560 Lakes coming under purview of chapter 90.58 RCW—Pierce County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T20N-R1W	1-M	Bay Lk.	129.6	R
(2) T22N-R1W	14-A	Carney Lk.	20.5	Pierce Co.
			18.7	Kitsap Co.
			39.2	Total
(3) T16N-R3E	1-J/K	Cranberry Lk.	25.6	R
(4) T16N-R3E	7-A/B	Harts Lk.	108.8	R
(5) T16N-R3E	9-P/Q	Tule Lk.	30.8	R
(6) T16N-R3E	12-E1/2	Silver Lk.	138.0	R
(7) T16N-R3E	14-SW1/4	Kreger Lk.	42.4	R
(8) T16N-R4E	6-A	Rapjohn Lk.	55.8	R
(9) T16N-R4E	10-J	Ohop Lk.	235.6	R
(10) T16N-R4E	33-Q	La Grande Res.	55.0	P
(11) T17N-R4E	14-A/H	Whitman Lk.	29.6	R
(12) T17N-R4E	23-E	Tanwax Lk.	172.8	R
(13) T17N-R4E	26-W1/2	Clear Lk.	155.1	R
(14) T17N-R4E	27-K/L	Twenty Seven Lk.	21.0	R
(15) T17N-R4E	33-C	Mud Lk.	20.6	R
(16) T17N-R5E	5-SW1/4	Kapowsin Lk.	512.0	R
(17) T18N-R2E	34-B/C	Muck Lk.	25.7	R
(18) T18N-R5E	30-M/N	Morgan Lk.	23.0	R
(19) T19N-R1E	4-N1/2	Florence Lk.	66.5	R
(20) T19N-R1E	9-NE1/4	Josephine Lk.	72.5	R
(21) T19N-R2E	4-E/M	Louise Lk.	39.1	R
(22) T19N-R2E	10-E1/2	Gravelly Lk.	147.8	R
(23) T19N-R3E	20-SE1/4	Spanaway Lk.	262.4	R
(24) T19N-R6E	4-E1/2	Wickersham Basin	60.0	P,R
(25) T20N-R2E	24-B/G	Unnamed Lk.	29.0	R
(26) T20N-R2E	33	Wauhup Lk.		
(27) T20N-R2E	33-P/Q	Mud Lake	21.7	R
(28) T20N-R2E	34-G	Steilacoom Lk.	313.2	R
(29) T20N-R3E	29-C/F	Wapato Lk.	28.2	R
(30) T20N-R4E	4-K/Q	Surprise Lk.	29.9	R
(31) T20N-R5E	26-N1/2	Printz Basin	30.0	P,R
(32) T22N-R2E	20-A	Crescent Lk.	46.8	R
(33) T22N-R1E	19	Stansberry Lk.		
(34) T22N-R1E	30-31	Manmade Lk.		
(35) T19N-R7E	17-NE1/4	Mud Mt. Res.	600.00	R

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[Order DE 72-14, § 173-20-560, filed 6/30/72.]

**WAC 173-20-570 Lakes coming under purview of chapter 90.58 RCW—Pierce County lakes of statewide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T15N-R4E	9-F	Alder Lk. (Res.)	1689.6 1117.6 <u>124.0</u>	Pierce Co. Thurston Co. Lewis Co.
			2931.2	Total
(2) T19N-R2E	20	American Lk.	1125.1	P,R
(3) T20N-R5E	8-E	Tapps Lk. (Res.)	2296.0	R

[Order DE 72-14, § 173-20-570, filed 6/30/72.]

**WAC 173-20-580 Lakes coming under purview of chapter 90.58 RCW—San Juan County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T35N-R1W	4-G	Spencer Lk.	64.0	R
(2) T35N-R2W	23-A	Hummel Lk.	36.1	R
(3) T35N-R3W	17-Q/R	Zylstra Lk.		
(4) T35N-R3W	18-M	Trout Lk. (Res.)	54.0	PS
(5) T35N-R3W	19-G	Woods Res. (Proposed)	29.0	D,R
(6) T36N-R1W	33-N1/2	Horseshoe Lk.	84.0	R
(7) T36N-R2W	12-L	Martins Lk.	21.5	R
(8) T36N-R3W	30-E/M	Briggs Pond	29.1	PS
(9) T36N-R3W	33-Q	Sportsmans Lk.	66.0	R,D
(10) T37N-R1W	32-P	Cascade Lk.	171.6	R,P
(11) T37N-R1W	34-M	Mountain Lk.	198.0	PS,R

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-053(Order DE 80-21), § 173-20-580, filed 6/30/80; Order DE 72-14, § 173-20-580, filed 6/30/72.]

**WAC 173-20-590 Lakes coming under purview of chapter 90.58 RCW—San Juan County lakes of statewide significance. None.**

[Order DE 72-14, § 173-20-590, filed 6/30/72.]

**WAC 173-20-600 Lakes coming under purview of chapter 90.58 RCW—Skagit County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T33N-R4E	13-M/N	Devils Lk.	30.9	R
(2) T33N-R4E	15-M/N	Sixteen Lk.	41.6	R
(3) T33N-R5E	30-D	McMurray Lk.	160.6	R
(4) T33N-R6E	22-Q	Cavanaugh Lk.	844.0	R
(5) T34N-R1E	11-NE1/4	Erie Lk.	111.0	R
(6) T34N-R1E	13-H	Campbell Lk.	410.3	R
(7) T34N-R1E	23-K	Pass Lk.	98.6	R
(8) T34N-R2E	6-SW1/4	Whistle Lk.	29.7	PS
(9) T34N-R3E	36-J	Britt Slough	21.0	R
(10) T34N-R4E	1-E1/2	Clear Lk.	222.9	R
(11) T34N-R4E	2-N1/2	Unnamed Lk.	74.0	R
(12) T34N-R4E	10-SW1/4	Barney Lk.	152.0	R
(13) T34N-R4E	15-E1/2	Unnamed Lk.	28.0	R
(14) T34N-R4E	36-C	Big Lk.	545.2	R
(15) T34N-R5E	7-W1/2	Beaver Lk.	73.4	R
(16) T34N-R6E	25-F	Day Lk.	136.5	R
(17) T35N-R1E	23-K/Q	Cranberry Lk.	26.8	R
(18) T35N-R1E	36-SW1/4	Heart Lk.	60.8	R
(19) T35N-R5E	13-N1/2	Minkler Lk.	36.7	R
(20) T35N-R5E	32-E1/2	Judy Res.	108.0	PS
(21) T35N-R10E	31-A	Barnaby Slough	20.0	R
(22) T35N-R10E	32-L/M	Mill Slough	20.0	R
(23) T35N-R11E	36-SE1/4	Granite Lk. No. 3	38.4	R
(24) T36N-R8E	32	Grandy Lk.	56.0	R
(25) T34N-R2E	12-M	Old Channel Lk.	23.2	R

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[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-053 (Order DE 80-21), § 173-20-600, filed 6/30/80; Order DE 72-14, § 173-20-600, filed 6/30/72.]

**WAC 173-20-610 Lakes coming under purview of chapter 90.58 RCW—Skagit County lakes of statewide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T35N-R8E	2-M	Shannon Lk. (Res.)	2148.0	P,R

[Order DE 72-14, § 173-20-610, filed 6/30/72.]

**WAC 173-20-620 Lakes coming under purview of chapter 90.58 RCW—Skamania County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T1N-R6E	4-N1/2	Franz Lk.	99.0	R
(2) T2N-R6E	34-H/J	Unnamed Lk.	20.0	R
(3) T2N-R7E	1-NW1/4	Stevenson Lk.	84.0	PS,R
(4) T2N-R7E	11-E/F	Ashes Lk.	51.2	PS,R
(5) T2N-R7E	14-D/E	Wauna Lk.	55.2	R
(6) T2N-R7E	20-M	Greenleaf Slough (Lk)	47.8	R
(7) T2N-R7E	30-NW1/4	Unnamed Lk.	20.0	R
(8) T3N-R9E	26-S1/2	Drano Lk.	220.0	R
(9) T3N-R10E	10-B/C	Northwestern Lk.	97.0	R,P
(10) T10N-R5E	14-N	Venus Lk.	21.0	R
(11) T10N-R5E	19-E/F	Elk Lk.	30.5	R
(12) T10N-R5E	19-M/P	Hanaford Lk.	23.6	R

[Order DE 73-13, § 173-20-620, filed 8/27/73; Order DE 72-14, § 173-20-620, filed 6/30/72.]

**WAC 173-20-630 Lakes coming under purview of chapter 90.58 RCW—Skamania County lakes of statewide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T2N-R7E	21-E1/2	Bonneville Pool (Res.)	10100.0 10100.0	Skamania Co. Oregon
			20200.0	Total
(2) T7N-R5E	28-F/L	Swift Res.	4588.8	P,R
(3) T9N-R5E	15-A	Spirit Lk.	1262.0	R

[Order DE 73-13, § 173-20-630, filed 8/27/73; Order DE 72-14, § 173-20-630, filed 6/30/72.]

**WAC 173-20-640 Lakes coming under purview of chapter 90.58 RCW—Snohomish County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T27N-R4E	1-SW1/4	Martha Lk.	59.3	R
(2) T27N-R4E	32-SW1/4	Ballinger Lk.	103.2	R
(3) T27N-R5E	36-SE1/4	Crystal Lk. (Res.)	39.1	R
(4) T27N-R7E	22-A/B	Fontal Lk.	37.2	R
(5) T27N-R7E	23-SW1/4	Hannan Lk.	48.4	R
(6) T27N-R8E	21-B/C	Tomtit Lk.	27.9	R
(7) T27N-R8E	21-E/M	Dagger Lk.	27.7	R
(8) T27N-R11E	21-NE1/4	Sunset Lk.	38.4	R
(9) T28N-R4E	34-S1/2	Serene Lk.	42.3	R
(10) T28N-R4E	35-A/B	Stickney Lk.	25.7	R
(11) T28N-R5E	24-E1/4	Hanson Slough	35.0	R
(12) T28N-R5E	30-H	Silver Lk.	102.3	R
(13) T28N-R6E	1-SE1/4	Storm Lk.	78.1	R
(14) T28N-R6E	2-A	Flowing Lk.	134.8	R
(15) T28N-R6E	2-C/D	Panther Lk.	46.7	R
(16) T28N-R6E	7-NW1/4	Blackmans Lk.	60.1	R
(17) T28N-R6E	24-A	Chain Lk.	22.8	R
(18) T28N-R7E	12-J	Woods Lk.	20.5	R
(19) T28N-R7E	16-A	Cochran Lk.	33.6	R
(20) T28N-R8E	6-G	Chaplain Lk. (Res.)	443.7	PS
(21) T28N-R8E	22-G/H	Kellogg Lk.	20.2	R
(22) T28N-R9E	20-NE1/4	Wallace Lk.	55.3	R

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	Location	Section	Name	Area (Acres)	Use	Location	Section	Name	Area (Acres)	Use	
(23)	T28N-R10E	5-G/H	Boulder Lk.	21.7	R	(21)	T24N-R41E	18-W1/2	Medical Lk.	148.9	R
(24)	T28N-R11E	1-W1/2	Blanca Lk.	179.0	R	(22)	T24N-R41E	19-K/Q	Otter Lk.	26.1	R
(25)	T29N-R7E	15-NE1/4	Purdy Creek Ponds	20.0	R	(23)	T24N-R41E	19-H	Ring Lake	22.9	R
(26)	T29N-R7E	27-N/P	Hughes Lk.	20.2	R	(24)	T24N-R41E	22-N/P	Granite Lk.	105.8	R
(27)	T29N-R7E	28-E	Roesiger Lk.	352.2	R	(25)	T24N-R41E	22-P	Willow Lk.	79.7	R
(28)	T29N-R8E	21-D	Echo Lk.	24.6	R	(26)	T24N-R41E	26-B	Meadow Lk.	31.9	R
(29)	T29N-R9E	9-M/N	East Boardman Lk.	24.7	R	(27)	T24N-R41E	30-SW1/4	Clear Lk.	374.8	R,I
(30)	T29N-R9E	36-J/R	Greider Lks. Upper	58.4	R	(28)	T24N-R42E	28-B	Queen Lucas Lk.	36.8	R
(31)	T29N-R10E	4	Copper Lk.	60.8	R	(29)	T25N-R43E	18-J	Upper Falls Res.	146.0	P,R
(32)	T30N-R6E	31-C/D	Cassidy Lk.	124.6	R	(30)	T25N-R44E	24-F/G	Shelley Lk.	35.6	R
(33)	T30N-R6E	36-E1/2	Bosworth Lk.	95.4	R	(31)	T25N-R45E	22-H	Liberty Lk.	711.4	R
(34)	T31N-R4E	18-SE1/4	Martha Lk.	58.4	R	(32)	T26N-R40E	10-SW1/4	Horseshoe Lk.	67.9	R
(35)	T31N-R4E	20-L/P	Howard Lk.	27.1	R	(33)	T26N-R40E	10-G/K	Woods Lk.	32.0	R
(36)	T31N-R4E	23-L	Ki Lk.	97.4	R	(34)	T26N-R42E	6-R	Nine Mile Res.	440.0	P,R
(37)	T31N-R4E	33-G	Goodwin Lk.	546.8	R	(35)	T27N-R41E	7-K/L	Knight Lk.	34.0	R
(38)	T31N-R4E	33-P	Shoecraft Lk.	136.8	R	(36)	T28N-R43E	15-G/K	Bear Lk.	33.8	R
(39)	T31N-R4E	34-H	Crabapple Lk.	36.3	R	(37)	T29N-R42E	34-K/Q	Dragoon Lk.	22.4	R,I
(40)	T31N-R4E	35-A/H	Loma Lk.	21.1	R	(38)	T29N-R43E	15-L	Eloika Lk.	659.2	R
(41)	T32N-R4E	26-K/L	Sunday Lk.	38.7	R	(39)	T29N-R44E	19-J	Reflection Lk.	51.8	R
(42)	T32N-R5E	26-SE1/4	Armstrong Lk.	30.7	R						
(43)	T32N-R5E	27-F/G	Bryant Lk.	20.2	R						
(44)	T32N-R6E	26-C	Little Lk.	23.4	R						
(45)	T32N-R7E	19-H/J	Ritley Lk.	30.0	R						
(46)	T32N-R10E	28	Evangeline Lk.	25.0	R						

[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, chapters 70.105D, 80.50 RCW. 07-02-086 (Order 05-12), § 173-20-640, filed 1/2/07, effective 2/2/07. Statutory Authority: RCW 90.58.200. 98-09-098 (Order 97-40), § 173-20-640, filed 4/22/98, effective 5/23/98; Order DE 76-16, § 173-20-640, filed 5/3/76; Order DE 72-14, § 173-20-640, filed 6/30/72.]

**WAC 173-20-650 Lakes coming under purview of chapter 90.58 RCW—Snohomish County lakes of statewide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T29N-R6E	8-L	Stevens Lk.	1021.1	R

[Order DE 72-14, § 173-20-650, filed 6/30/72.]

**WAC 173-20-660 Lakes coming under purview of chapter 90.58 RCW—Spokane County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T21N-R39E	12-N	Fishtrap Lk. (Res.)	22.8	Spokane
			172.8	Lincoln
			195.6	Total
(2) T21N-R39E	25-Q	Downs Lk.	394.6	Spokane Co.
			28.8	Lincoln Co.
			423.4	Total
(3) T21N-R40E	7-B/C	Unnamed Lk.	21.0	R
(4) T21N-R40E	13-C	Williams Lk.	318.6	R
(5) T21N-R40E	32-NE1/4	Feustal Lk.	36.6	R
(6) T21N-R41E	4-M	Badger Lk.	243.8	R
(7) T21N-R42E	20F	Bonnie Lk.	284.3	Spokane Co.
			81.8	Whitman Co.
			366.1	Total
(8) T22N-R40E	25-N1/2	Alkali Lk.	96.0	R
(9) T22N-R40E	30-B	Hog Lk.	53.0	R
(10) T22N-R40E	33-S1/2	Mason Lk.	52.1	R
(11) T22N-R40E	36-J	Amber Lk.	116.8	R
(12) T22N-R41E	27-J	Unnamed Lk.	26.0	R
(13) T22N-R41E	36-H	Chapman Lk.	145.6	R
(14) T22N-R42E	11-K	Philleo Lk.	70.8	R
(15) T23N-R42E	5-A/H	Fish Lk.	47.1	R
(16) T23N-R42E	14-NW1/4	Unnamed Lk.	20.0	R
(17) T24N-R40E	13-W1/4	West Medical Lk.	234.8	R
(18) T24N-R40E	21-J/R	Unnamed Lk.	38.0	R
(19) T24N-R40E	27-NW1/4	Lonelyville Lk.	22.8	R
(20) T24N-R41E	17-G/H	Silver Lk.	559.1	R

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**WAC 173-20-670 Lakes coming under purview of chapter 90.58 RCW—Spokane County lakes of statewide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T26N-R45E	11-G	Newman Lk.	1190.2	R
(2) T27N-R39E	13-M	Long Lk. (Res.)	2510.0	Spokane Co.
			100.0	Lincoln Co.
			2410.0	Stevens Co.
			5020.0	Total

[Order DE 72-14, § 173-20-670, filed 6/30/72.]

**WAC 173-20-680 Lakes coming under purview of chapter 90.58 RCW—Stevens County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T27N-R39E	20-B	Little Falls Res.	125.0	P,R
(2) T30N-R37E	4-Q/R	Hunter Res.	20.0	D,I,R
(3) T30N-R37E	32-F/L	Newbill Lk.	21.7	R,D
(4) T31N-R40E	17-R	Waitts Lk.(Res.)	455.4	R,P,I
(5) T31N-R40E	36-R	Jumpoff Lk.	105.1	R
(6) T31N-R41E	21-R	Beitney Res.	24.2	D,R
(7) T31N-R41E	24-A/H	Nelson Lk.	20.4	R
(8) T32N-R37E	34-P/Q	Clark Lk.	23.8	R
(9) T32N-R39E	36-NW1/4	Rainbow Lk. (Fourmile Lk.)	27.8	R
(10) T32N-R41E	15-L	Horseshoe Lk.	23.5	R
(11) T32N-R41E	29	Bailey Lk.		
(12) T34N-R41E	20-K/Q	Pond No. 1	24.0	R
(13) T35N-R40E	19-F/L	White Mud Lk.	59.4	R
(14) T35N-R40E	30-SE1/4	Hatch Lk.	34.3	R
(15) T35N-R40E	36-K	Starvation Lk.	28.4	R
(16) T35N-R41E	3-W1/2	Black Lk.	69.6	R
(17) T35N-R41E	4-B	Spruce Lk. (Twin Lks.)	26.8	R
(18) T36N-R38E	15-D/E	Mission Lk.	21.9	R
(19) T36N-R42E	8-Q	Heritage Lk.	71.1	R
(20) T36N-R42E	17-W1/2	Thomas Lk.	162.6	R
(21) T36N-R42E	19-A	Gillette Lk.	48.0	R
(22) T36N-R42E	19-H/J	Sherry Lk.	26.1	R
(23) T37N-R39E	16-F	Peterson Swamp	37.8	R
(24) T38N-R37E	13-J/K	Dilly Lk.	35.4	R
(25) T38N-R37E	13-L/M	Perkins Lk.	25.6	R
(26) T38N-R37E	24-D	Ryan Lk.	25.4	R
(27) T38N-R38E	36-C/F	Williams Lk.	37.7	R
(28) T39N-R37E	8-G	Pierre Lk.	105.6	R
(29) T39N-R41E	34-C	Deep Lk.	198.1	R
(30) T40N-R41E	26-L	Cedar Lk.	51.2	R

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[Order DE 77-17, § 173-20-680, filed 9/1/77; Order DE 72-14, § 173-20-680, filed 6/30/72.]

**WAC 173-20-690 Lakes coming under purview of chapter 90.58 RCW—Stevens County lakes of statewide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T27N-R39E	13-M	Long Lk. (Res.)	2410.0 Stevens Co. 2510.0 Spokane Co. 100.0 Lincoln Co.	
			5020.0 Total	P,R
(2) T30N-R41E	NE1/4	Deer Lk.	1162.8	R
(3) T30N-R41E	33-L	Loon Lk.	1118.5	R,I

[Order DE 72-14, § 173-20-690, filed 6/30/72.]

**WAC 173-20-700 Lakes coming under purview of chapter 90.58 RCW—Thurston County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T16N-R1W	13-E	McIntosh Lk.	115.8	R
(2) T16N-R2W	3-NE1/4	Deep Lk.	66.1	R
(3) T17N-R1W	28-K	Bushman Lk. (Tempo)	40.0	R
(4) T17N-R1W	33-E	Offutt Lk.	192.0	R
(5) T17N-R2W	1-L/P	Munn Lk.	29.8	R
(6) T17N-R2W	33-A/H	Scott Lake	66.8	R
(7) T17N-R2W	35-H/J	Pitman Lk.	27.0	R
(8) T18N-R1W	22-H	Long Lk.	311.0	R
(9) T18N-R1W	27-L	Hicks Lk.	171.3	R
(10) T18N-R1W	29-B/G	Chambers Lk. (Little Chambers Lk.)	49.1	R
(11) T18N-R1W	29-C	Chambers Lk. (Russel Lk.)	72.5	R
(12) T18N-R1W	33-H/J	Southwick Lk.	37.1	R
(13) T18N-R1W	35-P	Patterson Lk.	257.0	R
(14) T18N-R2W	15-J	Capitol Lk.	306.0	R
(15) T18N-R2W	16-W1/2	Grass Lk.	120.0	R
(16) T18N-R2W	20-H/J	Ken Lk.	24.6	R
(17) T18N-R2W	22-G	Percival Lk.	22.4	R
(18) T18N-R2W	32-C	Black Lk.	576.1	R
(19) T18N-R2W	36-B/C	Ward Lake	66.8	R
(20) T18N-R2W	36-J	Hewitt Lk.	26.6	R
(21) T18N-R4W	13-A	Summit Lk.	522.6	R
(22) T16N-R2E	29-B	Lawrence Lk.	339.2	R
(23) T16N-R3E	31-S1/2	Clear Lk.	172.8	R
(24) T16N-R3E	32-B/C	Elbow Lk.	36.0	R
(25) T16N-R3E	32-R	Bald Hill Lk.	44.8	R
(26) T18N-R1E	31-32	St. Clair Lk.	244.7	R
(27) T17N-R1W	11	Sunwood Lk.	23.0	D
(28) T15N-R1E	17	Skookumchuck Res.	550.0	D

[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-20-700, filed 4/15/85; Order DE 73-13, § 173-20-700, filed 8/27/73; Order DE 72-14, § 173-20-700, filed 6/30/72.]

**WAC 173-20-710 Lakes coming under purview of chapter 90.58 RCW—Thurston County lakes of statewide significance.**

Location	Section	Name	Area(Acres)	Use
(1) T15N-R4E	24	Alder Lk. (Res.)	1117.6	P,R

[Order DE 72-14, § 173-20-710, filed 6/30/72.]

**WAC 173-20-720 Lakes coming under purview of chapter 90.58 RCW—Wahkiakum County lakes. None.**

[Order DE 72-14, § 173-20-720, filed 6/30/72.]

**WAC 173-20-730 Lakes coming under purview of chapter 90.58 RCW—Wahkiakum County lakes of statewide significance. None.**

[Title 173 WAC—p. 104]

[Order DE 72-14, § 173-20-730, filed 6/30/72.]

**WAC 173-20-740 Lakes coming under purview of chapter 90.58 RCW—Walla Walla County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T7N-R32E	30-SW1/4	Johnson Pond	24.0	R
(2) T7N-R36E	23-SE1/4 24-W1/2 25-NW1/4	Mill Creek Res.	52.0	PS,R
(3) T8N-R31E	20-NW1/4	"J" Line Pond	30.0	R
(4) T8N-R31E	21-NW1/4	Casey Pond	60.0	R
(5) T8N-R31E	29-H/J	Curlew Pond	35.0	R

[Order DE 72-14, § 173-20-740, filed 6/30/72.]

**WAC 173-20-750 Lakes coming under purview of chapter 90.58 RCW—Walla Walla County lakes of statewide significance. None.**

[Order DE 72-14, § 173-20-750, filed 6/30/72.]

**WAC 173-20-760 Lakes coming under purview of chapter 90.58 RCW—Whatcom County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T37N-R3E	8-N	Padden Lk. (Res.)	152.0	PS,R
(2) T37N-R3E	36-R	Samish Lk.	814.0	R
(3) T37N-R4E	8-F/L	Louise Lk.	22.4	R
(4) T37N-R4E	32-SW1/4	Cain Lk.	72.2	R
(5) T38N-R3E	11-N/P	Toad Lk.	29.7	R
(6) T38N-R4E	7-E/F	Squalicum Lk.	33.0	R
(7) T39N-R1E	16	Terrell Lk. (Res.)	438.0	R
(8) T39N-R2E	21-S1/2	Barrett Lk.	40.0	R
(9) T39N-R2E	32-A/B	Tennant Lk.	43.0	R
(10) T39N-R3E	6-NW1/4	Wiser Lk.	123.0	R
(11) T39N-R3E	13-L/P	Fazon Lk.	32.0	R
(12) T39N-R6E	30-R	Canyon Lk.	45.0	R
(13) T40N-R6E	7-R	Silver Lk.	172.8	R
(14) T41N-R4E	31-W1/2	Judson Lk.	112.0	R
(15) T41N-R1E	34-N1/2	Beaver Lk.	21.0	R

[Order DE 76-16, § 173-20-760, filed 5/3/76; Order DE 72-14, § 173-20-760, filed 6/30/72.]

**WAC 173-20-770 Lakes coming under purview of chapter 90.58 RCW—Whatcom County lakes of statewide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T38N-R3E	28-A	Whatcom Lk. (Res.)	5003.0	PS,R
(2) T37N-R9E	31	Baker Lk. (Res.)	3616.0	PS,R

[Order DE 76-16, § 173-20-770, filed 5/3/76; Order DE 72-14, § 173-20-770, filed 6/30/72.]

**WAC 173-20-780 Lakes coming under purview of chapter 90.58 RCW—Whitman County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T18N-R39E	26-A/B	Texas Lk.	23.8	R
(2) T18N-R40E	17-A/B	Intermittant Lk.	24.8	R
(3) T19N-R40E	1-SE1/4	Miller Lk. (Alkali)	25.2	R
(4) T19N-R40E	13-SE1/4	Lavista Lk.	20.7	R
(5) T19N-R40E	23-NW1/4	Unnamed Lk.	32.4	R
(6) T19N-R40E	34-H/J	Stevens Lk.	27.0	R
(7) T20N-R39E	6-E1/2	Snyder Slough	42.0	R
(8) T20N-R39E	8-SE1/4	Sheep Lk.	56.7	R
(9) T20N-R39E	15-S1/2	Folsom Lk.	85.5	R
(10) T20N-R39E	16-NE1/4	Crooked Knee Lk.	83.8	R
(11) T20N-R39E	16-F/L	Unnamed Lk.	20.7	R
(12) T20N-R40E	36-SE1/4	Tule Lk.	21.6	R
(13) T20N-R41E	12-NE1/4	Bonnie Lk.	81.8	Whitman Co. 284.3 Spokane Co.



Location	Section	Name	Area (Acres)	Use
(14) T18N-R40E	3-B/C	Duck Lk.	366.1 Total 23.4	R R

[Order DE 76-16, § 173-20-780, filed 5/3/76; Order DE 72-14, § 173-20-780, filed 6/30/72.]

**WAC 173-20-790 Lakes coming under purview of chapter 90.58 RCW—Whitman County lakes of statewide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T19N-R40E	13-N	Rock Lk.	2147.1	R

[Order DE 72-14, § 173-20-790, filed 6/30/72.]

**WAC 173-20-800 Lakes coming under purview of chapter 90.58 RCW—Yakima County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T8N-R23E	12-E	Byron Ponds (Res.)	50.0	R
(2) T9N-R22E	22-M	Horseshoe Pond	59.0	R
(3) T9N-R22E	25-F	Morgan Pond	24.6	R
(4) T9N-R22E	26-B	Giffin Lk.	104.8	R
(5) T9N-R23E	7-S1/2	Oleys Lk.	35.4	R
(6) T13N-R19E	7-M	Freeway Lk.	23.2	R
(7) T14N-R19E	31-L/P	Unnamed Lk.	22.3	R
(8) T15N-R17E	2-N	Wenas Lk. (Res.)	61.4	R,I
(9) T13N-R18E	11-S1/2, S1/2	Unnamed Lake	21.4	R
(10) T13N-R18E	11 S1/2 SE1/4	Unnamed Lake	21.3	R

[Order DE 76-16, § 173-20-800, filed 5/3/76; Order DE 72-14, § 173-20-800, filed 6/30/72.]

**WAC 173-20-810 Lakes coming under purview of chapter 90.58 RCW—Yakima County lakes of statewide significance.**

Location	Section	Name	Area (Areas)	Use
(1) T13N-R23E	2/3	Priest Rapids Dam (Res.)	1080.0 Yakima Co. 4540.0 Grant Co. 2080.0 Kittitas Co. <u>7700.0</u> Total	P,R

[Order DE 72-14, § 173-20-810, filed 6/30/72.]

**WAC 173-20-820 Private lands within the confines of federal lands.** In addition to the delimitations contained herein, lakes or portions thereof which are located on nonfederal lands within the exterior boundaries of federal lands, which lakes fall within the definitions of lakes and lakes of statewide significance, as stated in WAC 173-20-030, shall be likewise subject to the jurisdiction of chapter 90.58 RCW.

[Order DE 72-14, § 173-20-820, filed 6/30/72.]

**Chapter 173-22 WAC**

**ADOPTION OF DESIGNATIONS OF SHORELANDS AND WETLANDS ASSOCIATED WITH SHORELINES OF THE STATE**

**WAC**

173-22-010	Purpose.
173-22-020	Applicability.
173-22-030	Definitions.
173-22-035	Wetland identification and delineation.
173-22-040	Shoreland area designation criteria.
173-22-050	Review and update of designations.
173-22-052	Alterations of shorelines affecting designations.
173-22-055	Conflicts between designations and criteria.
173-22-060	Shoreline designation maps until superseded.
173-22-0602	Adams County.

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173-22-0604	Asotin County.
173-22-0606	Benton County.
173-22-0608	Chelan County.
173-22-0610	Clallam County.
173-22-0612	Clark County.
173-22-0614	Columbia County.
173-22-0616	Cowlitz County.
173-22-0618	Douglas County.
173-22-0620	Ferry County.
173-22-0622	Franklin County.
173-22-0624	Garfield County.
173-22-0626	Grant County.
173-22-0628	Grays Harbor County.
173-22-0630	Island County.
173-22-0632	Jefferson County.
173-22-0634	King County.
173-22-0636	Kitsap County.
173-22-0638	Kittitas County.
173-22-0640	Klickitat County.
173-22-0642	Lewis County.
173-22-0644	Lincoln County.
173-22-0646	Mason County.
173-22-0648	Okanogan County.
173-22-0650	Pacific County.
173-22-0652	Pend Oreille County.
173-22-0654	Pierce County.
173-22-0656	San Juan County.
173-22-0658	Skagit County.
173-22-0660	Skamania County.
173-22-0662	Snohomish County.
173-22-0664	Spokane County.
173-22-0666	Stevens County.
173-22-0668	Thurston County.
173-22-0670	Wahkiakum County.
173-22-0672	Walla Walla County.
173-22-0674	Whatcom County.
173-22-0676	Whitman County.
173-22-0678	Yakima County.
173-22-070	Lands within federal boundaries.
173-22-080	Wetland delineation manual.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

173-22-015	Relationship to National Coastal Zone Management Act of 1972. [Order DE 73-11, § 173-22-015, filed 7/20/73.] Repealed by 97-04-076 (Order 96-12), filed 2/5/97, effective 3/8/97. Statutory Authority: RCW 90.58.140 (3) and [90.58].200.
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**Reviser's note:** Order 73-24, filed 8/28/73 amends maps of wetlands associated with shorelines of the state of Washington and is to be used in conjunction with Administrative Order 73-11, filed 7/20/73. Sections within this chapter will show this date where applicable. The maps are listed by county and are entitled "Shoreline Management Act of 1971, chapter 90.58 RCW amendment to the wetland designations of the state of Washington—chapter 173-22 WAC—Department of ecology—September 1973."

Order DE 77-18, filed 9/20/77 amends chapter 173-22 WAC, regarding designations of associated wetlands which constitute shorelines of the state and are subject to the Shoreline Management Act of 1971 as defined by RCW 90.58.030 (c), (d), (e), (f) and (g).

Order DE 78-15, filed 8/15/78 designating associated wetlands in San Juan County, consists of maps omitted from publication in the Washington Administrative Code under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the maps may be obtained from the Department of Ecology, St. Martin's College, Lacey, Washington 98504.

**WAC 173-22-010 Purpose.** Pursuant to RCW 90.58.-030 (2)(f), the department of ecology herein designates the wetland areas associated with the streams, lakes and tidal waters which are subject to the provisions of chapter 90.58 RCW.

[Order DE 72-15, § 173-22-010, filed 6/30/72.]

**WAC 173-22-020 Applicability.** The provisions of this chapter shall apply statewide.

[Order DE 72-15, § 173-22-020, filed 6/30/72.]

**WAC 173-22-030 Definitions.** As used herein, the following words have the following meanings:

(1) "Associated wetlands" means those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act;

(2) "Atypical situation" as used herein, refers to areas in which one or more parameters (vegetation, soil, and/or hydrology) have been sufficiently altered by recent human activities or natural events to preclude the presence of wetland indicators of the parameter. Recent refers to the period of time since legal jurisdiction of an applicable law or regulation took effect;

(3) "Duration (inundation/soil saturation)" means the length of time during which water stands at or above the soil surface (inundation), or during which the soil is saturated. As used herein, duration refers to a period during the growing season;

(4) "Flood plain" is synonymous with one hundred-year flood plain and means that land area susceptible to being inundated by stream derived waters with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act;

(5) "Floodway" has the meaning provided in RCW 90.58.030;

(6) "Growing season" means the portion of the year when soil temperatures at 19.7 inches below the soil surface are higher than biologic zero (5°C);

(7) "Hydrophytic vegetation" means the sum total of macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. When hydrophytic vegetation comprises a community where indicators of hydric soils and wetland hydrology also occur, the area has wetland vegetation;

(8) "Hydric soil" means soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part;

(9) "Lake" means a body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of the elevation of the lake's ordinary high water mark within the stream;

(10) "Long duration" means a period of inundation from a single event that ranges from seven days to one month.

(11) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department. The following criteria clarify this mark on tidal waters, lakes, and streams:

(a) Tidal waters.

(i) In high energy environments where the action of waves or currents is sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the line of vegetation. Where there is no vegetative cover for less than one hundred feet parallel to the shoreline, the ordinary high water mark is the average tidal elevation of the adjacent lines of vegetation. Where the ordinary high water mark cannot be found, it is the elevation of mean higher high tide;

(ii) In low energy environments where the action of waves and currents is not sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the landward limit of salt tolerant vegetation. "Salt tolerant vegetation" means vegetation which is tolerant of interstitial soil salinities greater than or equal to 0.5 parts per thousand;

(b) Lakes. Where the ordinary high water mark cannot be found, it shall be the line of mean high water;

(c) Streams. Where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs;

(12) "Prevalent vegetation" means the plant community or communities that occur in an area during a given period. The prevalent vegetation is characterized by the dominant macrophytic species that comprise the plant community;

(13) "River delta" means those lands formed as an aggradational feature by stratified clay, silt, sand and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels;

(14) "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous flood plain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology. Any county or city may determine that portion of a one hundred-year flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(15) A "stream" is a naturally occurring body of periodic or continuously flowing water where:

(a) The mean annual flow is greater than twenty cubic feet per second; and

(b) The water is contained within a channel. A channel is an open conduit either naturally or artificially created. This definition does not include artificially created irrigation, return flow, or stockwatering channels;

(16) "Tidal water" includes marine and estuarine waters bounded by the ordinary high water mark. Where a stream enters the tidal water, the tidal water is bounded by the extension of the elevation of the marine ordinary high water mark within the stream;

(17) "Typically adapted" is a term that refers to a species being normally or commonly suited to a given set of environ-

mental conditions, due to some feature of its morphology, physiology, or reproduction;

(18) "Very long duration" means a period of inundation from a single event that is greater than one month.

(19) "Wetlands" or "wetland areas" means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands; and

(20) The definitions set forth in chapter 90.58 RCW shall also apply as used herein.

[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, chapters 70.105D, 80.50 RCW. 07-02-086 (Order 05-12), § 173-22-030, filed 1/2/07, effective 2/2/07. Statutory Authority: RCW 90.58.140(3) and [90.58].200. 97-04-076 (Order 96-12), § 173-22-030, filed 2/5/97, effective 3/8/97. Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-030, filed 5/23/86. Statutory Authority: RCW 90.58.030 (2)(f), 90.58.120, and 90.58.200. 80-08-086 (Order DE 80-22), § 173-22-030, filed 7/2/80; Order DE 73-11, § 173-22-030, filed 7/20/73; Order DE 72-15, § 173-22-030, filed 6/30/72.]

**WAC 173-22-035 Wetland identification and delineation.** Identification of wetlands and delineation of their boundaries pursuant to this chapter shall be done in accordance with the criteria and indicators listed in WAC 173-22-080. These criteria and indicators along with recommended methods and additional background information can be found in the Washington State Wetland Identification and Delineation Manual, Ecology Publication # 96-94.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 97-04-076 (Order 96-12), § 173-22-035, filed 2/5/97, effective 3/8/97.]

**WAC 173-22-040 Shoreland area designation criteria.** The following criteria contain the standards for the department's designation of shoreland areas associated with shorelines of the state which are subject to the jurisdiction of chapter 90.58 RCW:

(1) Tidal waters. The shoreland area shall include:

(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark; and

(b) Those wetlands which are in proximity to and either influence or are influenced by the tidal water. This influence includes but is not limited to one or more of the following: Periodic tidal inundation; hydraulic continuity; formation by tidally influenced geohydraulic processes; or a surface connection through a culvert or tide gate;

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(2) Lakes. The shoreland area shall include:

(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark; and

(b) Those wetlands which are in proximity to and either influence or are influenced by the lake. This influence includes but is not limited to one or more of the following: Periodic inundation or hydraulic continuity;

(3) Streams. The shoreland area shall include the greater of:

(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark;

(b) Those flood plains which extend landward two hundred feet as measured on a horizontal plane from the floodway: Provided, That local government may, at its discretion, include all or a larger portion of the one hundred-year flood plain within the associated shorelands. Designation of this shoreland area shall be in accordance with chapter 173-26 WAC, the state master program. If the applicable master program does not designate the shoreland area for a stream, it shall be designated under the rules which applied at the time of adoption by the department;

(c) Those wetlands which are in proximity to and either influence or are influenced by the stream. This influence includes but is not limited to one or more of the following: Periodic inundation; location within a flood plain; or hydraulic continuity; and

(d) Those lands within a river delta flood plain except for those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, chapters 70.105D, 80.50 RCW. 07-02-086 (Order 05-12), § 173-22-040, filed 1/2/07, effective 2/2/07. Statutory Authority: RCW 90.58.140(3) and [90.58].200. 97-04-076 (Order 96-12), § 173-22-040, filed 2/5/97, effective 3/8/97. Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-040, filed 5/23/86. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-22-040, filed 4/15/85. Statutory Authority: RCW 90.58.030 (2)(f), 90.58.120, and 90.58.200. 80-08-086 (Order DE 80-22), § 173-22-040, filed 7/2/80; Order DE 76-30, § 173-22-040, filed 7/27/76; Order DE 73-11, § 173-22-040, filed 7/20/73; Order DE 72-15, § 173-22-040, filed 6/30/72.]

### WAC 173-22-050 Review and update of designations.

Each local government master program shall include a map of shorelands constituting shorelines of the state within the jurisdiction of the master program that complies with the requirements of RCW 90.58.030 (2)(d). When such master program is approved by the department subsequent to the effective date of this provision, the list within the master program shall be the official list for that jurisdiction and shall supersede the list contained herein.

[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, chapters 70.105D, 80.50 RCW. 07-02-086 (Order 05-12), § 173-22-050, filed 1/2/07, effective 2/2/07. Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-050, filed 5/23/86. Statutory Authority: RCW 90.58.030 (2)(f), 90.58.120, and 90.58.200. 80-08-086 (Order DE 80-22), §

173-22-050, filed 7/2/80; Order DE 73-11, § 173-22-050, filed 7/20/73; Order DE 72-15, § 173-22-050, filed 6/30/72.]

**WAC 173-22-052 Alterations of shorelines affecting designations.** Alterations of the existing conditions of shorelines and wetlands of the state which affect the boundary or volume of those water bodies, whether through authorized development or natural causes, shall warrant a review of the designation of those shorelines and their associated wetlands.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-052, filed 5/23/86.]

**WAC 173-22-055 Conflicts between designations and criteria.** In the event that any of the shoreland designations shown on the maps adopted in WAC 173-22-060 or a shoreline master program approved under WAC 173-22-050, conflict with the criteria set forth in this chapter the criteria shall control. The boundary of the designated shoreland areas shall be governed by the criteria set forth in WAC 173-22-040 except that the local government must amend the local master program to reflect the new designation within three years of the discovery of the discrepancy.

[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, chapters 70.105D, 80.50 RCW. 07-02-086 (Order 05-12), § 173-22-055, filed 1/2/07, effective 2/2/07. Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-055, filed 5/23/86. Statutory Authority: RCW 90.58.030 (2)(f), 90.58.120, and 90.58.200. 80-08-086 (Order DE 80-22), § 173-22-055, filed 7/2/80; Order DE 73-11, § 173-22-055, filed 7/20/73.]

**WAC 173-22-060 Shoreline designation maps until superseded.** Shoreline designation maps are those maps which have been prepared and adopted by the department in a manner consistent with chapter 34.04 RCW (the Administrative Procedure Act) that designate the location of shorelines of the state and their shoreland areas. Shoreland area designations are applied under the criteria contained in WAC 173-22-040. Due to the bulk of the maps designating the shoreland areas, they are not included in the text of this chapter, but rather are incorporated herein as an appendix hereto, having full legal force and effect as if published herein. Copies of the appendix are available to the public at all reasonable times for inspection in the headquarters of the department of ecology in Lacey, the Washington state code reviser's office, the appropriate county auditor and city clerk. Copies of portions thereof, or of the complete set, will be available from the department at the expense of the party requesting the same. Volumes I, II, and III entitled *Shorelines under the Shoreline Management Act of 1971* (chapter 90.58 RCW, chapter 286, Laws of 1971 1st ex. sess.) were adopted by reference on June 30, 1972. These maps are in effect until superseded by an approved shoreline master program as described in WAC 173-22-050.

[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, chapters 70.105D, 80.50 RCW. 07-02-086 (Order 05-12), § 173-22-060, filed 1/2/07, effective 2/2/07. Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-060, filed 5/23/86. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-14-001 (Order 85-15), § 173-22-060, filed 6/20/85; 85-09-043 (Order DE 85-05), § 173-22-060, filed 4/15/85. Statutory Authority: RCW 90.58.120, 90.58.200 and 90.58.030

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(2)(f). 81-13-034 (Order DE 81-18), § 173-22-060, filed 6/15/81; Order DE 72-15, § 173-22-060, filed 6/30/72.]

**WAC 173-22-0602 Adams County.** Adams County designation maps approved June 30, 1972. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0602, filed 5/23/86.]

**WAC 173-22-0604 Asotin County.** Asotin County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0604, filed 5/23/86.]

**WAC 173-22-0606 Benton County.** Benton County designation maps approved June 30, 1972. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0606, filed 5/23/86.]

**WAC 173-22-0608 Chelan County.** Chelan County designation maps approved June 30, 1972. Revision approved August 28, 1973.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0608, filed 5/23/86.]

**WAC 173-22-0610 Clallam County.** Clallam County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved April 15, 1985.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0610, filed 5/23/86.]

**WAC 173-22-0612 Clark County.** Clark County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0612, filed 5/23/86.]

**WAC 173-22-0614 Columbia County.** Columbia County designation maps approved June 30, 1972.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0614, filed 5/23/86.]

**WAC 173-22-0616 Cowlitz County.** Cowlitz County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0616, filed 5/23/86.]

**WAC 173-22-0618 Douglas County.** Douglas County designation maps approved June 30, 1972. Revision approved August 28, 1973.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0618, filed 5/23/86.]

**WAC 173-22-0620 Ferry County.** Ferry County designation maps approved June 30, 1972. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0620, filed 5/23/86.]

**WAC 173-22-0622 Franklin County.** Franklin County designation maps approved June 30, 1972. Revision approved August 28, 1973.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0622, filed 5/23/86.]

**WAC 173-22-0624 Garfield County.** Garfield County designation maps approved June 30, 1972.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0624, filed 5/23/86.]

**WAC 173-22-0626 Grant County.** Grant County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved June 15, 1981.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0626, filed 5/23/86.]

**WAC 173-22-0628 Grays Harbor County.** Grays Harbor County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved July 2, 1980. Revision approved April 15, 1985.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0628, filed 5/23/86.]

**WAC 173-22-0630 Island County.** Island County designation maps approved June 30, 1972. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0630, filed 5/23/86.]

**WAC 173-22-0632 Jefferson County.** Jefferson County designation maps approved June 30, 1972. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0632, filed 5/23/86.]

**WAC 173-22-0634 King County.** King County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980. Revision approved June 15, 1981. Revision approved April 15, 1985.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0634, filed 5/23/86.]

**WAC 173-22-0636 Kitsap County.** Kitsap County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980. Revision approved June 15, 1981.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0636, filed 5/23/86.]

(2009 Ed.)

**WAC 173-22-0638 Kittitas County.** Kittitas County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0638, filed 5/23/86.]

**WAC 173-22-0640 Klickitat County.** Klickitat County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0640, filed 5/23/86.]

**WAC 173-22-0642 Lewis County.** Lewis County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0642, filed 5/23/86.]

**WAC 173-22-0644 Lincoln County.** Lincoln County designation maps approved June 30, 1972. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0644, filed 5/23/86.]

**WAC 173-22-0646 Mason County.** Mason County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0646, filed 5/23/86.]

**WAC 173-22-0648 Okanogan County.** Okanogan County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved September 29, 1987. Revision approved January 5, 1988.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 88-03-070 (Order DE 87-45), § 173-22-0648, filed 1/20/88. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.300. 87-20-050 (Order DE 87-35), § 173-22-0648, filed 10/2/87. Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0648, filed 5/23/86.]

**WAC 173-22-0650 Pacific County.** Pacific County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0650, filed 5/23/86.]

**WAC 173-22-0652 Pend Oreille County.** Pend Oreille County designation maps approved June 30, 1972. Revision approved April 15, 1985.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0652, filed 5/23/86.]

**WAC 173-22-0654 Pierce County.** Pierce County designation maps approved June 30, 1972. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0654, filed 5/23/86.]

**WAC 173-22-0656 San Juan County.** San Juan County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved August 15, 1978. Revision approved July 2, 1980. Revision approved June 20, 1985.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0656, filed 5/23/86.]

**WAC 173-22-0658 Skagit County.** Skagit County designation maps approved June 30, 1972. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0658, filed 5/23/86.]

**WAC 173-22-0660 Skamania County.** Skamania County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0660, filed 5/23/86.]

**WAC 173-22-0662 Snohomish County.** Snohomish County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0662, filed 5/23/86.]

**WAC 173-22-0664 Spokane County.** Spokane County designation maps approved June 30, 1972.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0664, filed 5/23/86.]

**WAC 173-22-0666 Stevens County.** Stevens County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0666, filed 5/23/86.]

**WAC 173-22-0668 Thurston County.** Thurston County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980. Revision approved April 15, 1985.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0668, filed 5/23/86.]

**WAC 173-22-0670 Wahkiakum County.** Wahkiakum County designation maps approved June 30, 1972.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0670, filed 5/23/86.]

**WAC 173-22-0672 Walla Walla County.** Walla Walla County designation maps approved June 30, 1972. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0672, filed 5/23/86.]

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**WAC 173-22-0674 Whatcom County.** Whatcom County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0674, filed 5/23/86.]

**WAC 173-22-0676 Whitman County.** Whitman County designation maps approved June 30, 1972.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0676, filed 5/23/86.]

**WAC 173-22-0678 Yakima County.** Yakima County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0678, filed 5/23/86.]

**WAC 173-22-070 Lands within federal boundaries.** In addition to those designations contained in the appendix, those nonfederal lands lying within the exterior boundaries of federal lands and those federal lands leased by the federal government to other persons, which lands fall within the definition of shorelands contained herein, shall also be subject to the jurisdiction of chapter 90.58 RCW.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.97-04-076 (Order 96-12), § 173-22-070, filed 2/5/97, effective 3/8/97; Order DE 73-11, § 173-22-070, filed 7/20/73; Order DE 72-15, § 173-22-070, filed 6/30/72.]

**WAC 173-22-080 Wetland delineation manual.** The department has prepared a Washington State Wetland Identification and Delineation Manual (Ecology publication # 96-94) to be used in implementing these regulations. The mandatory portions of this manual are adopted into the following regulations. In addition, the manual contains background information, guidance, examples, and methods which may be useful in applying these regulations. The manual is intended to be used in implementing the Shoreline Management Act and other applicable state statutes. The manual is also to be used by local governments in implementing local regulations under the Growth Management Act (chapter 36.70A RCW).

The state manual takes the original 1987 Corps of Engineers manual and incorporates the changes made by the federal government to the 1987 manual since that time. This includes the national guidance issued by the Corps in 1991 and 1992, and the regional guidance issued by the Corps and EPA in 1994. All other changes are of two types:

Additional language added to assist the user in applying the manual to the variety of situations found in the state of Washington; or

Deletion of geographic material or references irrelevant to Washington.

Since the original 1987 manual was developed for use throughout the United States, it contains many references that do not apply to our state. Where appropriate, references to species or situations found in Washington have been added.

(1) Wetland delineation. Purpose and introduction.

It is the purpose of a delineation manual to provide information and methods that will allow a delineator to make an accurate wetland delineation at any time of the year. How-

ever, it must be recognized that some wetlands will be more difficult to delineate than others and that all information collected must be used in conjunction with the knowledge and experience of the delineator. The proper collection and recording of field and other supporting data is one of the most critical aspects of any wetland delineation. The wetland delineation regulations are intended to identify areas that meet the definition of wetlands found in state law. They are also intended to identify the same areas identified in the Corps of Engineers 1987 Wetlands Delineation Manual, as amended and augmented by official federal guidance issued through January 1995.

The technical approach for identifying and delineating wetlands does not constitute a classification system. It provides a basis for determining whether a given area is a wetland for purposes of federal, state and local regulations without attempting to classify it by wetland type.

Certain wetland types, under the extremes of normal seasonal or annual variability, may not always meet all the wetland criteria defined in the manual. Examples include vernal wetlands during drought years and seasonal wetlands that may lack hydrophytic vegetation and/or wetland hydrology during the dry season. Such areas are discussed in subsection (12) of this section (**Problem Areas**), and guidance is provided for making wetland determinations in these areas.

Three key provisions of the definition of wetlands include:

(a) Inundated or saturated soil conditions resulting from permanent or periodic inundation or saturation by ground water or surface water.

(b) A prevalence of vegetation typically adapted for life in saturated soil conditions (hydrophytic vegetation).

(c) The presence of "normal circumstances."

Explicit in the definition is the consideration of three environmental parameters: Hydrology, soil, and vegetation. Positive wetland indicators of all three parameters are normally present in wetlands. Although vegetation is often the most readily observed parameter, sole reliance on vegetation or either of the other parameters as the determinant of wetlands can sometimes be misleading. Many plant species can grow successfully in both wetlands and nonwetlands, and hydrophytic vegetation and hydric soils may persist for decades following alteration of hydrology that will render an area a nonwetland. The presence of hydric soils and wetland hydrology indicators in addition to vegetation indicators will provide a logical, easily defensible, and technical basis for the presence of wetlands. The combined use of indicators for all three parameters will enhance the technical accuracy, consistency, and credibility of wetland determinations. Therefore, all three parameters were used in developing the criteria for wetlands and all approaches for applying the criteria embody the multiparameter concept.

The procedures described in the methods section of the state delineation manual have been tested and found to be reliable. However, these methods are recommendations and are not mandatory. Site-specific conditions may require modification of field procedures. The user has the flexibility to employ sampling procedures other than those described. However, the basic approach for making wetland determinations should not be altered (i.e., the determination should be based on the dominant plant species, soil characteristics, and

hydrologic characteristics of the area in question). The user should document reasons for using a different characterization procedure than described in the state manual. *CAUTION: Application of methods described in the manual or the modified sampling procedures requires that the user be familiar with wetlands of the area and use his/her training, experience, and good judgment in making wetland determinations.*

(2) Wetland identification and delineation. Technical criteria. The interaction of hydrology, vegetation, and soil results in the development of characteristics unique to wetlands. Therefore, the following criteria for wetlands are based on these three parameters.

The definition of wetlands (WAC 173-22-030) includes the language found in the federal Clean Water Act regulations. It also includes additional language found in the Shoreline Management Act and Growth Management Act which specifically excludes several types of "artificial" wetlands. Many of these areas specifically excluded in the definition will meet the technical requirements for being a wetland (i.e., will meet all three criteria). The delineation manual identifies all areas that meet the necessary wetland criteria and does not attempt to distinguish these "artificial" wetlands. If necessary, the user will need to independently determine if a wetland as identified by this manual fits in any of the categories of "artificial" wetlands specifically excluded in the definition.

(3) The following criteria, and technical approach comprise the basis for the identification and delineation of wetlands:

Wetlands meet the following criteria:

(a) Vegetation. The prevalent vegetation consists of macrophytes that are typically adapted to areas having hydrologic and soil conditions described in subsection (1)(a) of this section. Hydrophytic species, due to morphological, physiological, and/or reproductive adaptation(s), have the ability to grow, effectively compete, reproduce, and/or persist in anaerobic soil conditions. Indicators of vegetation associated with wetlands are listed in this section.

(b) Soil. A hydric soil is a soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part. (USDA-NRCS 1995, Federal Register, 7/13/94, Vol. 59, No. 133, pp 35680-83.) The following criteria reflect those soils that meet this definition:

(i) All Histosols except Folists; or

(ii) Soils in Aquic suborders, great groups, or subgroups, Albolls suborder, Aquisalids, Pachic subgroups, or Cumulic subgroups that are:

(A) Somewhat poorly drained with a water table equal to 0.0 foot (ft.) from the surface during the growing season; or

(B) Poorly drained or very poorly drained and have either:

(I) A water table equal to 0.0 ft. during the growing season if textures are coarse sand, sand, or fine sand in all layers within 20 inches (in.), or for other soils;

(II) A water table at less than or equal to 0.5 ft. from the surface during the growing season if permeability is equal to or greater than 6.0 in./hour in all layers within 20 in.; or

(III) The water table is at less than or equal to 1.0 ft. from the surface during the growing season if permeability is less than 6.0 in./hour in any layer within 20 in.; or

(iii) Soils that are frequently ponded for long or very long duration during the growing season; or

(iv) Soils that are frequently flooded for long duration or very long duration during the growing season.

Soil criteria indicators are listed in subsections (6), (7) and (8) of this section.

(c) Hydrology. Areas which are inundated and/or saturated to the surface for a consecutive number of days for more than 12.5 percent of the growing season are wetlands, provided the soil and vegetation parameters are met. Areas inundated or saturated to the surface for a consecutive number of days between 5 percent and 12.5 percent of the growing season in most years may or may not be wetlands. Areas inundated or saturated to the surface for less than 5 percent of the growing season are nonwetlands. Wetland hydrology exists if field indicators are present as described in subsection (10) of this section.

(d) Technical approach for the identification and delineation of wetlands. Except in certain situations defined in this manual, evidence of at least one positive wetland indicator from each parameter (hydrology, soil, and vegetation) must be found in order to make a positive wetland determination.

Characteristics and Indicators of Hydrophytic Vegetation, Hydric Soils, and Wetland Hydrology

(4) Hydrophytic vegetation. The plant community concept is followed throughout the manual. Emphasis is placed on the assemblage of plant species that exert a controlling influence on the character of the plant community, rather than on indicator species. Thus, the presence of scattered individuals of an upland plant species in a community dominated by hydrophytic species is not a sufficient basis for concluding that the area is an upland community. Likewise, the presence of a few individuals of a hydrophytic species in a community dominated by upland species is not a sufficient basis for concluding that the area has hydrophytic vegetation.

(5) Indicators of hydrophytic vegetation. Several indicators may be used to determine whether hydrophytic vegetation is present on a site. However, the presence of a single individual of a hydrophytic species does not mean that hydrophytic vegetation is present. The strongest case for the presence of hydrophytic vegetation can be made when several indicators, such as those in the following list, are present. One of the most common errors made in delineating wetlands has been to assume that the first indicator (a) must be met in every case. This has led to some wetland areas being called nonwetland. Keep in mind that any of the following indicators may be used to meet the vegetation criteria. However, when using any indicator other than (a), it is important to have solid documentation of wetland hydrology and hydric soils. Indicators are listed in order of decreasing reliability. Although all are valid indicators, some are stronger than others. When a decision is based on an indicator appearing in the lower portion of the list, re-evaluate the parameter to ensure that the proper decision was reached.

(a) More than 50 percent of the dominant species are OBL, FACW+, FACW, FACW-, FAC+ or FAC (Table 1) on lists of plant species that occur in wetlands. A national inter-agency panel has prepared a National List of Plant Species that Occur in Wetlands (Reed 1988a). This list categorizes

species according to their affinity for occurrence in wetlands. In addition, a 1993 supplement to the plants species list for Region 9 (Northwest) has been prepared (Reed 1993). Be sure to consult this supplement or any more recent supplements to confirm that a species has the proper indicator status. (The Seattle District of the Corps does not use the FAC neutral option as an indicator of hydrophytic vegetation but does allow the use of the FAC neutral option as an indicator of hydrology. See Hydrology indicator # 10 for definition.) FAC- species do not count as FAC species for the purposes of meeting indicator (a). Only FAC, FAC+, FACW (+, -) and OBL species count.

Table 1  
Plant Indicator Status Categories

Indicator Category	Indicator Symbol	Definition
OBLIGATE WETLAND PLANTS	OBL	Plants that almost always occur (estimated probability >99%) in wetlands under natural conditions, but which may also occur rarely (estimated probability <1%) in nonwetlands. Examples: <i>Typha latifolia</i> , <i>Lysichitum americanum</i>
FACULTATIVE WETLAND PLANTS	FACW	Plants that usually occur (estimated probability 67% to 99%) in wetlands, but also occur (estimated probability 1% to 33% in nonwetlands). Examples: <i>Fraxinus latifolia</i> , <i>Cornus stolonifera</i> .
FACULTATIVE PLANTS	FAC	Plants with a similar likelihood (estimated probability 34% to 66%) of occurring in both wetlands and nonwetlands. Examples: <i>Alnus rubra</i> , <i>Rubus spectabilis</i>
FACULTATIVE UPLAND PLANTS	FACU	Plants that sometimes occur (estimated probability 1% to 33%) in wetlands, but occur more often (estimated probability 67% to 99%) in nonwetlands. Examples: <i>Acer macrophyllum</i> , <i>Rubus discolor</i>
OBLIGATE UPLAND PLANTS	UPL	Plants that rarely occur (estimated probability <1%) in wetlands, but occur almost always (estimated probability >99%) in nonwetlands under natural conditions.

Categories were originally developed and defined by the USFWS National Wetlands Inventory and subsequently modified by the National Plant List Panel. The three facultative categories are subdivided by (+) and (-) modifiers. FAC+ species are considered to have a greater estimated probability of occurring in wetlands than FAC species, while FAC- species are considered to have a lesser estimated probability of occurring in wetlands than FAC species.



(b) Other indicators. Although there are several other indicators of hydrophytic vegetation, it will seldom be necessary to use them. However, they may provide additional useful information to strengthen a case for the presence of hydrophytic vegetation. Additional training and/or experience may be required to employ these indicators.

(i) Visual observation of plant species growing in areas of prolonged inundation and/or soil saturation. This indicator can only be applied by experienced personnel who have accumulated information through several years of field experience and written documentation (field notes) that certain species commonly occur in areas of prolonged (>12.5 percent) inundation and/or soil saturation during the growing season. In certain situations, areas with wetland hydrology and hydric soils may be dominated by plant species classified as facultative upland. The most common examples in Washington are Western Hemlock forested wetlands and wet meadows planted with pasture grasses. It is important to keep in mind that facultative upland species are found in wetlands up to 33% of the time and, under certain circumstances, can be the dominant species in a wetland plant community. Usually, however, FACU species are found in uplands. Thus, if you encounter a situation where the hydrology and soil parameters are clearly met, do not eliminate the area from consideration as a wetland based on a lack of prevalence of facultative or wetter vegetation. Species such as *Gaultheria shallon*, *Acer circinatum*, and *Pteridium aquilinum* may be found in these areas, often on hummocks or downed logs or stumps. More typical wetland species may occur in such areas, though often as nondominants. Thus, occurrence of species commonly observed in other wetland areas provides a strong indication that hydrophytic vegetation is present. If you have strong evidence that the hydrology and soil parameters are met then the vegetation is acting as a hydrophyte and the area is probably a wetland.

*CAUTION: It is necessary to have good documentation that the area experiences prolonged inundation and/or saturation in order to call it a wetland. The presence of standing water or saturated soil on a site at a single point in time or for short periods is insufficient evidence that the species present are able to tolerate long periods of inundation. The user must relate the observed species to other similar situations and determine whether they are normally found in wet areas, taking into consideration the season and immediately preceding weather conditions. If you encounter this situation, you may be dealing with an atypical situation or a problem area.*

(ii) Morphological adaptations. Some hydrophytic species have easily recognized physical characteristics that indicate their ability to occur in wetlands. A given species may exhibit several of these characteristics, but not all hydrophytic species have evident morphological adaptations.

(iii) Technical literature. The technical literature may provide a strong indication that plant species comprising the prevalent vegetation are commonly found in areas where soils are periodically saturated for long periods. Sources of available literature include:

(A) Taxonomic references. Such references usually contain at least a general description of the habitat in which a species occurs. A habitat description such as, "Occurs in water of streams and lakes and in alluvial flood plains subject

to periodic flooding," supports a conclusion that the species typically occurs in wetlands.

(B) Botanical journals. Some botanical journals contain studies that define species occurrence in various hydrologic regimes.

(C) Technical reports. Governmental agencies periodically publish reports (e.g., literature reviews) that contain information on plant species occurrence in relation to hydrologic regimes.

(D) Technical workshops, conferences, and symposia. Publications resulting from periodic scientific meetings contain valuable information that can be used to support a decision regarding the presence of hydrophytic vegetation. These usually address specific regions or wetland types.

(E) Wetland plant data base. The National Wetland Inventory has produced a plant data base that contains habitat information on over 6,700 plant species that occur at some estimated probability in wetlands, as compiled from the technical literature.

(iv) Physiological adaptations. Physiological adaptations include any features of the metabolic processes of plants that make them particularly fitted for life in saturated soil conditions. *NOTE: It is impossible to detect the presence of physiological adaptations in plant species during on-site visits.*

(v) Reproductive adaptations. Some plant species have reproductive features that enable them to become established and grow in saturated soil conditions.

(6) Hydric soils. Indicators. Indicators are listed in descending order of reliability. Although all are valid indicators, some are stronger indicators than others. When a decision is based on an indicator appearing in the lower portion of the list, re-evaluate the parameter to ensure that the proper decision was reached.

A hydric soil may be either drained or undrained, and a drained hydric soil may not continue to support hydrophytic vegetation. Therefore, not all areas having hydric soils will qualify as wetlands. Only when a hydric soil supports hydrophytic vegetation and the area has indicators of wetland hydrology may the area be referred to as a wetland.

A drained hydric soil is one in which sufficient ground or surface water has been removed by artificial means such that the area will no longer support hydrophytic vegetation or wetland hydrology. On-site evidence of drained soils includes:

(a) Presence of ditches or canals of sufficient depth to lower the water table below the major portion of the root zone of the prevalent vegetation.

(b) Presence of dikes, levees, or similar structures that obstruct normal inundation of an area.

(c) Presence of a tile system to promote subsurface drainage.

(d) Diversion of upland surface run-off from an area.

Although it is important to record such evidence of drainage of an area, a hydric soil that has been drained or partially drained still allows the soil parameter to be met. However, the area will not qualify as a wetland if the degree of drainage has been sufficient to preclude the presence of either hydrophytic vegetation or a hydrologic regime that occurs in wetlands. *NOTE: The mere presence of drainage structures in an area is not sufficient basis for concluding that a hydric*

soil has been drained; such areas may continue to have wetland hydrology.

(7) Indicators of hydric soils (nonsandy soils). Several indicators are available for determining whether a given soil meets the definition and criteria for hydric soils. Any one of the following indicates that hydric soils are present.

(a) Organic soils (Histosols). As a general rule, a soil is an organic soil when:

(i) More than 50 percent (by volume) of the upper 32 inches of soil is composed of organic soil material; or

(ii) Organic soil material of any thickness rests on bedrock. Organic soils are saturated for long periods and are commonly called peats or mucks.

(b) Histic epipedons. A histic epipedon is an 8-inch to 16-inch layer at or near the surface of a mineral hydric soil that is saturated with water for 30 consecutive days or more in most years and contains a minimum of 20 percent organic matter when no clay is present or a minimum of 30 percent organic matter when clay content is 60 percent or greater. Soils with histic epipedons are inundated or saturated for sufficient periods to greatly retard aerobic decomposition of the organic surface, and are considered to be hydric soils.

(c) Sulfidic material. When mineral soils emit an odor of rotten eggs, hydrogen sulfide is present. Such odors are only detected in soils that are permanently saturated and have sulfidic material within a few centimeters of the soil surface. Sulfides are produced only in a reducing environment.

(d) Aquic or peraquic moisture regime. An aquic moisture regime is a reducing one; i.e., it is virtually free of dissolved oxygen because the soil is saturated by ground water or by water of the capillary fringe. Because dissolved oxygen is removed from ground water by respiration of microorganisms, roots, and soil fauna, it is also implicit that the soil temperature is above biologic zero (41°F at 20 inches) at the same time the soil is saturated. Soils with peraquic moisture regimes are characterized by the presence of ground water which is always at or near the soil surface and exhibits reducing conditions. Examples include soils of tidal marshes and soils of closed, landlocked depressions that are fed by permanent streams.

(e) Reducing soil conditions. Soils saturated for long or very long duration will usually exhibit reducing conditions. Under such conditions, ions of iron are transformed (reduced) from a ferric valence state (Fe<sup>3+</sup>) to a ferrous valence state (Fe<sup>2+</sup>). This condition can often be detected in the field by a ferrous iron test. A simple colorimetric field test kit has been developed for this purpose. When a soil extract changes to a pink color upon addition of alpha-alpha-dipyridil, ferrous iron is present, which indicates a reducing soil environment.

*NOTE: This test cannot be used in mineral hydric soils having low iron content, organic soils, and soils that have been desaturated for significant periods of the growing season. Caution: This test can only be used as a positive indicator of reducing conditions and it is only effective if it is done at the time that a mineral soil is actively reducing. While the presence of a reaction indicates anaerobic conditions, the lack of a reaction does not indicate a lack of anaerobic conditions.*

(f) Soil colors. The colors of various soil components are often the most diagnostic indicator of hydric soils. Colors of these components are strongly influenced by the frequency and duration of soil saturation, which leads to reducing soil

conditions. Mineral hydric soils will be either gleyed or will have contrasting mottles and/or low chroma matrix. These are discussed below:

*NOTE: Soil terminology is undergoing constant change, and terms such as "mottles" and "low chroma colors" are being replaced with the term "redoximorphic features." In order to retain consistency with the Corps 1987 Manual, the older terms are used below.*

(i) Gleyed soils (gray colors). Gleyed soils develop when anaerobic soil conditions result in pronounced chemical reduction of iron, manganese, and other elements, thereby producing gray soil colors. Anaerobic conditions that occur in waterlogged soils result in the predominance of reduction processes, and such soils are greatly reduced. Iron is one of the most abundant elements in soils. Under anaerobic conditions, iron is converted from the oxidized (ferric) state to the reduced (ferrous) state, which results in the bluish, greenish, or grayish colors associated with the gleying effect. Gleying immediately below the A-horizon or 10 inches (whichever is shallower) is an indication of a markedly reduced soil, and gleyed soils are hydric soils. Gleyed soil conditions can be determined by using the gley page of the Munsell Color Charts (Munsell Color 1990).

(ii) Soils with contrasting mottles and/or low chroma matrix. Mineral hydric soils that are saturated for substantial periods of the growing season (but not long enough to produce gleyed soils) will either have high chroma mottles and a low chroma matrix or will lack mottles but have a low matrix chroma. Mottled means "marked with spots of contrasting color." Soils that have high chroma mottles and a low chroma matrix are indicative of a fluctuating water table.

*NOTE: Hydric soils can also have low chroma mottles that contrast with the matrix color.*

The soil matrix is the portion (usually more than 50 percent) of a given soil layer that has the predominant color. Colors should be determined in soils that have been moistened; otherwise, state that colors are for dry soils. Mineral hydric soils usually have one of the following color features in the horizon immediately below the A-horizon or 10 inches (whichever is shallower):

(A) Matrix chroma of 2 or less in mottled soils.

(B) Matrix chroma of 1 or less in unmottled soils.

*NOTE: The matrix chroma of some dark (black) mineral hydric soils (e.g., Aquolls) will not conform to the criteria described in (f)(ii)(A) and (B) of this subsection; in such soils, gray mottles occurring at 10 inches or less are indicative of hydric conditions. Mollisols that are not hydric will often still have dark colored surface soils.*

*CAUTION: Soils with significant coloration due to the nature of the parent material may not exhibit the above characteristics. In such cases, this indicator cannot be used.*

(g) Soil appearing on hydric soils list. Using the criteria for hydric soils, the NTCHS has developed a list of hydric soils. Listed soils have reducing conditions for a significant portion of the growing season in a major portion of the root zone and are frequently saturated within 12 inches of the soil surface if they have not been effectively drained. *CAUTION: Do not use this indicator unless you have field verified that the profile description of the mapping unit conforms to that of the sampled soil.*

(h) Iron and manganese concretions. During the oxidation-reduction process, iron and manganese in suspension are sometimes segregated as oxides into concretions, nodules or soft masses. These accumulations are usually black or dark brown. Concretions >2 mm. in diameter occurring within 7.5 cm. of the surface are evidence that the soil is saturated for long periods near the surface.

*CAUTION: Concretions may be relict features. Be careful to confirm that the hydrologic conditions that created the concretions still exist before using this indicator.*

(8) Additional indicators of hydric soils (for sandy soils). Not all indicators listed above can be applied to sandy soils. In particular, soil color may not be a reliable indicator in most sandy soils. However, three additional soil features may be used as indicators of sandy hydric soils, including:

(a) High organic matter content in the surface horizon. Organic matter tends to accumulate above or in the surface horizon of sandy soils that are inundated or saturated to the surface for a significant portion of the growing season. Prolonged inundation or saturation creates anaerobic conditions that greatly inhibit decomposition (oxidation) of organic matter.

(b) Streaking of subsurface horizons by organic matter. Organic matter is moved downward through sand as the water table fluctuates. This often occurs more rapidly and to a greater degree in some vertical sections of a sandy soil containing a higher content of organic matter than in others. Thus, the sandy soil appears streaked with darker areas. When soil from a darker area is rubbed between the fingers, the organic matter stains the fingers.

(c) Organic pans. As organic matter is moved downward through sandy soils, it tends to accumulate at the point representing the most commonly occurring depth to the water table. This organic matter tends to become slightly cemented with iron and aluminum, forming a thin layer of hardened soil (spodic horizon). These horizons often occur at depths of 12 to 30 inches below the mineral surface. Wet spodic soils usually have thick dark surface horizons that are high in organic matter with dull, gray horizons above the spodic horizon. Generally, the nearer to the surface the spodic horizon, the more likely the soil is hydric.

*CAUTION: In recently deposited sandy material (e.g., accreting sandbars), it may be impossible to find any of these indicators. In such cases, consider this a problem area (Entisols).*

*NOTE: The NRCS developed and published Field Indicators of Hydric Soils in the United States in July 1996. This document includes many useful indicators of hydric soils, however, some hydric soils will lack one of the indicators included in the NRCS document. Therefore, the indicators are only used as positive indicators — if one or more of the indicators is present, the soil is a hydric soil, but the lack of any of these indicators does not mean the soil is nonhydric. In addition, the Corps has not authorized the use of these new field indicators and has stated that while they may be used as additional information, they do not replace the indicators in the 1987 Manual nor may they be used to contradict the 1987 Manual indicators.*

(9) Wetland hydrology. The term "wetland hydrology" encompasses all hydrologic characteristics of areas that are periodically inundated or have soils saturated to the surface at

some time during the growing season. Areas with evident characteristics of wetland hydrology are those where the presence of water has an overriding influence on characteristics of vegetation and soils due to anaerobic and chemically reducing conditions, respectively. Such characteristics are usually present in areas that are inundated or have soils that are saturated to the surface for sufficient duration to develop hydric soils and support vegetation typically adapted for life in periodically anaerobic soil conditions. Hydrology is often the least exact of the parameters, and indicators of wetland hydrology are sometimes difficult to find in the field. However, it is essential to establish that a wetland area is periodically inundated or has saturated soils during the growing season.

It is usually impractical to accurately measure the duration of soil saturation in the field because it takes repeated visits over a lengthy (several years) period of time. However, there has been a sufficient amount of research to support that the field indicators provided in the manual and supplementary guidance can be good measures of both the frequency and duration of soil saturation.

Given the requirement that inundation/saturation must be present for a certain portion of the growing season it is important to understand how the concept of growing season should be applied. The definition of growing season is: "The portion of the year when soil temperatures at 19.7 inches below the soil surface are higher than biological zero (41 degrees F). For ease of determination this period can be approximated by the number of frost-free days." The Washington State Wetland Identification and Delineation Manual contains additional guidance on how to determine the growing season.

(10) Indicators of wetland hydrology. Indicators of wetland hydrology may include, but are not necessarily limited to: Drainage patterns, drift lines, sediment deposition, watermarks, stream gage data and flood predictions, historic records, visual observation of saturated soils, and visual observation of inundation. Any of these indicators may be evidence of wetland hydrologic characteristics.

Methods for determining hydrologic indicators can be categorized according to the type of indicator. Recorded data include stream gage data, lake gage data, tidal gage data, flood predictions, and historical records. Use of these data is commonly limited to areas adjacent to streams or other similar areas. Recorded data usually provide both short-term and long-term information about frequency and duration of inundation, but contain little or no information about soil saturation, which must be gained from soil surveys or other similar sources. The remaining indicators require field observations. Field indicators are evidence of present or past hydrologic events (e.g., location and height of flooding). Indicators are listed in order of decreasing reliability. Although all are valid indicators, some are stronger indicators than others. When a decision is based on an indicator appearing in the lower portion of the list, re-evaluate the parameter to ensure that the proper decision was reached. Indicators for recorded data and field observations include:

(a) Recorded data. Stream gage data, lake gage data, tidal gage data, flood predictions, and historical data may be available from the following sources:

(i) Corps of Engineers (CE) district offices. Most CE Districts maintain stream, lake, and tidal gage records for major water bodies in their area. In addition, CE planning and design documents often contain valuable hydrologic information. For example, a General Design Memorandum (GDM) usually describes flooding frequencies and durations for a project area. Furthermore, the extent of flooding within a project area is sometimes indicated in the GDM according to elevation (height) of certain flood frequencies (1-, 2-, 5-, 10-year, etc.).

(ii) U.S. Geological Survey (USGS). Stream and tidal gage data are available from the USGS offices throughout the Nation, and the latter are also available from the National Oceanic and Atmospheric Administration. CE Districts often have such records.

(iii) State, county, and local agencies. These agencies often have responsibility for flood control/relief and flood insurance.

(iv) Natural Resource Conservation Service Small Watershed Projects. Planning documents from this agency are often helpful, and can be obtained from the NRCS district office in the county.

(v) Planning documents of developers.

(b) Field data. The following field hydrologic indicators can be assessed quickly, and although some of them are not necessarily indicative of hydrologic events that occur only during the growing season, they do provide evidence that inundation and/or soil saturation has occurred:

*CAUTION: Many delineators have made the mistake of assuming that the wettest conditions occur in the earliest part of the growing season - usually March and April. However, in some situations, the wettest time of the growing season may be later. This is especially true in areas that receive snowmelt run-off or irrigation water or are subject to tidal influence.*

(i) Visual observation of inundation. The most obvious and revealing hydrologic indicator may be simply observing the areal extent of inundation. However, because seasonal conditions and recent weather conditions can contribute to surface water being present on a nonwetland site, both should be considered when applying this indicator.

(ii) Visual observation of soil saturation. Examination of this indicator requires digging a soil pit to a depth of 16 inches and observing the level at which water stands in the hole after sufficient time has been allowed for water to drain into the hole. The required time will vary depending on soil texture. In some cases, the upper level at which water is flowing into the pit can be observed by examining the wall of the hole. This level usually represents the depth to the water table. The depth to saturated soils will always be nearer the surface due to the capillary fringe. For soil saturation to impact vegetation, it must occur within a major portion of the root zone (usually within 12 inches of the surface) of the prevalent vegetation. The major portion of the root zone is that portion of the soil profile in which more than one half of the plant roots occur. *CAUTION: In some heavy clay soils, water may not rapidly accumulate in the hole even when the soil is saturated. If water is observed at the bottom of the hole but has not filled to the 12-inch depth, examine the sides of the hole and determine the shallowest depth at which water is entering the hole. When applying this indicator, the season of*

*the year and preceding weather conditions as well the duration of saturation must be considered. NOTE: This indicator has caused confusion in relation to the hydrology criteria, which stipulates that saturation must be to the surface. If the water table (the level at which standing water is found in an unlined hole) is found within twelve inches of the soil surface in a nonsandy soil, one can assume that soil saturation occurs to the surface. For sandy soils, the water table must be within six inches of the soil surface. However, simply finding the water table at the appropriate depth **on one particular day**, does not necessarily confirm that saturation to the surface for the appropriate length of time does occur. Conversely, finding the water table below the appropriate depth **on one particular day**, does not confirm that saturation to the surface for the appropriate length of time does not occur.*

(iii) Watermarks. Watermarks are most common on woody vegetation. They occur as stains on bark or other fixed objects (e.g., bridge pillars, buildings, tree trunks, fences, etc.). When several watermarks are present, the highest reflects the maximum extent of recent inundation.

(iv) Drift lines. This indicator is most likely to be found adjacent to streams or other sources of water flow in wetlands, but also often occurs in tidal marshes. Evidence consists of deposition of debris in a line on the surface or debris entangled in above ground vegetation or other fixed objects. Debris usually consists of remnants of vegetation (branches, stems, and leaves), sediment, litter, and other waterborne materials deposited parallel: To the direction of water flow. Drift lines provide an indication of the minimum portion of the area inundated during a flooding event; the maximum level of inundation is generally at a higher elevation than that indicated by a drift line.

(v) Sediment deposits. Plants and other vertical objects often have thin layers, coatings, or depositions of mineral or organic matter on them after inundation. This evidence may remain for a considerable period before it is removed by precipitation or subsequent inundation. Sediment deposition on vegetation and other objects provides an indication of the minimum inundation level. When sediments are primarily organic (e.g., fine organic material, algae), the detritus may become encrusted on or slightly above the soil surface after dewatering occurs.

(vi) Drainage patterns within wetlands. This indicator, which occurs primarily in wetlands adjacent to streams or in depressions with closed or restricted outlets and impervious subsoils, consists of surface evidence of drainage flow into or through an area that is restricted for a substantial duration. In some wetlands, this evidence may exist as a drainage pattern eroded into the soil, vegetative matter (debris) piled against thick vegetation or woody stems oriented perpendicular to the direction of water flow, or the absence of expected leaf litter. Scouring is often evident around roots of persistent vegetation. Debris may be deposited in or along the drainage pattern. *CAUTION: Drainage patterns also occur in upland areas after periods of considerable precipitation; therefore, topographic position must also be considered when applying this indicator.*

(vii) Oxidized rhizospheres surrounding living roots are acceptable hydrology indicators on a case-by-case basis and may be useful in ground water driven systems. Rhizospheres should also be reasonably abundant and within the upper 12

inches of the soil profile. Oxidized rhizospheres should be supported by other indicators of hydrology if hydrology evidence is weak. *Caution: Make sure that the oxidation is occurring along live roots/rhizomes and thus, that they are not relict.*

(viii) Local soil survey data - If you can field verify that the soil at your sampling site is a soil listed in the county soil survey or on the Washington State List of Hydric Soils, then the data in the soil survey referring to the flooding and/or high water table conditions for that soil can be accepted as valid for your site (assuming the site has not been effectively drained since the time it was mapped by the NRCS).

(ix) Water-stained leaves - Forested wetlands that are inundated at some time of the year will frequently have water stained leaves on the forest floor. These leaves are generally grayish or blackish in appearance, as a result of being underwater for significant periods. This indicator should be used with caution as water-stained leaves don't always indicate long-term inundation/saturation. It is important to compare the color of the leaves in the area presumed to be wetland with leaves of the same species in an adjacent area that is clearly upland. There should be a distinct difference in the color and texture of the leaves.

(x) FAC neutral test - In areas where hydrology evidence is weak or lacking, the FAC neutral test may be employed to corroborate the presence of sufficient hydrology. Apply as follows: Compare the number of dominants that are FACW and OBL with the number of dominants that are FACU and UPL (ignore the "neutral" FAC dominants). If there are more dominants that are FACW or wetter than there are dominants that are FACU or drier, then one can infer that the plant community is reflecting the presence of wetland hydrology. If there is a tie, compare the number of FAC+ and FAC- to see if there is a difference. If there is still a tie between the numbers of dominants, examine the nondominant species to determine if they provide an indication of how strongly hydrophytic the vegetation is. Any use of nondominants should be clearly documented and explained.

(xi) Other - Explain and provide rationale for use.

(11) Atypical situations. When a determination is made that positive indicators of hydrophytic vegetation, hydric soils, and/or wetland hydrology could not be found due to effects of recent human activities or natural events, it is necessary to employ different methods of determining the presence of indicators for hydrology, soils or vegetation. The term recent refers to the period of time since legal jurisdiction of an applicable law or regulation took effect.

When any of the three types of situations described below occurs, application of normal methods will lead to the conclusion that the area is not a wetland because positive wetland indicators for at least one of the three parameters will be absent. Therefore, apply procedures described in Part IV, Section F of the 1987 Corps of Engineers Wetland Delineation Manual or the Washington State Wetland Identification and Delineation Manual (as appropriate) to determine whether positive indicators of hydrophytic vegetation, hydric soils, and/or wetland hydrology existed prior to alteration of the area.

This section is applicable to delineations made in the following types of situations:

(a) Unauthorized activities. Unauthorized discharges requiring enforcement actions may result in removal or covering of indicators of one or more wetland parameters. Examples include, but are not limited to:

(i) Alteration or removal of vegetation;

(ii) Placement of dredged or fill material over hydric soils; and/or

(iii) Construction of levees, drainage systems, or dams that significantly alter the area hydrology. *NOTE: This section should not be used for activities that have been previously authorized or those that are exempted from regulation.*

(b) Natural events. Naturally occurring events may result in either creation or alteration of wetlands. For example, recent beaver dams may impound water, thereby resulting in a shift of hydrology and vegetation to wetlands. However, hydric soil indicators may not have developed due to insufficient time having passed to allow their development. Fire, avalanches, volcanic activity, and changing river courses are other examples. *NOTE: It is necessary to determine whether alterations to an area have resulted in changes that are now the "normal circumstances."* The relative permanence of the change and whether the area is now functioning as a wetland must be considered.

(c) Human-induced wetlands. These are wetlands that have been purposely or incidentally created by human activities, but in which wetland indicators of one or more parameters are absent. For example, road construction may have resulted in impoundment of water in an area that previously was nonwetland, thereby affecting hydrophytic vegetation and wetland hydrology in the area. However, the area may lack hydric soil indicators. *NOTE: This is not intended to bring into jurisdiction those human-made wetlands that are exempted under agency regulations or policy.* It is also important to consider whether the man-induced changes are now the "normal circumstances" for the area. Both the relative permanence of the change and the functioning of the area as a wetland are implied.

(12) Problem areas. There are certain wetland types and/or conditions that may make application of indicators of one or more parameters difficult, at least at certain times of the year. These are not considered to be atypical situations. Instead, they are wetland types in which wetland indicators of one or more parameters may be periodically lacking due to normal environmental conditions or seasonal or annual variations in environmental conditions that result from causes other than human activities or catastrophic natural events. When one of these wetland types is encountered, the methods described in Part IV, Section G of the 1987 Manual or the state manual should be used.

(13) Types of problem areas. Representative examples of potential problem areas, types of variations that occur, and their effects on wetland indicators are presented in the following subparagraphs. Similar situations may sometimes occur in other wetland types. *Note: This section is not intended to bring nonwetland areas having wetland indicators of two, but not all three, parameters into jurisdiction. This list is not intended to be limiting.*

(a) Wetlands on slopes (seeps) and other glacial features. Slope wetlands can occur in certain glaciated areas in which

thin soils cover relatively impermeable unsorted glacial material or till or in which layers of sorted glacial material have different hydraulic conditions that produce a broad zone of ground water seepage. Such areas are seldom, if ever, flooded, but downslope ground water movement keeps the soils saturated for a sufficient portion of the growing season to produce anaerobic and reducing soil conditions. This fosters development of hydric soil characteristics and selects for hydrophytic vegetation. Indicators of wetland hydrology may be lacking during the drier portion of the growing season.

(b) Seasonal wetlands. In Washington, some depression areas have wetland indicators of all three parameters during the wetter portion of the growing season, but normally lack wetland indicators of hydrology and/or vegetation during the drier portion of the growing season. For example, obligate and facultative wetland plant species normally are dominant during the wetter portion of the growing season, while upland species (annuals) may be dominant during the drier portion of the growing season. Also, these areas may be inundated during the wetter portion of the growing season, but wetland hydrology indicators may be totally lacking during the drier portion of the growing season. It is important to establish that an area truly is a water body. Water in a depression normally must be sufficiently persistent to exhibit an ordinary high-water mark or the presence of wetland characteristics before it can be considered as wetland potentially subject to jurisdiction. The determination that an area exhibits wetland characteristics for a sufficient portion of the growing season to qualify as a wetland must be made on a case-by-case basis. Such determinations should consider the respective length of time that the area exhibits upland and wetland characteristics, and the manner in which the area fits into the overall ecological system as a wetland. Evidence concerning the persistence of an area's wetness can be obtained from its history, vegetation, soil, drainage characteristics, uses to which it has been subjected, and weather or hydrologic records. This situation is common in eastern Washington and parts of western Washington where precipitation is highly seasonal and/or prolonged droughts occur frequently. It is important to become familiar with the types of wetlands found in these areas. In some cases, it may be necessary to withhold making a final wetland determination until a site is examined during the wettest part of the growing season. Consultation with other experienced delineators may be helpful as well.

(c) Vernal wetlands - Although these systems are usually associated with California, Washington does have vernal wetlands, particularly in the region around Spokane. These wetlands are a distinct type of seasonal wetland described above. The hydrology in these wetlands is driven by winter and early spring rain and snowmelt and may be totally lacking by early summer. A wetland plant community grows and reproduces in spring in response to the wet conditions and is replaced by an upland plant community by summer. Attempts to delineate these wetlands in summer or fall may result in a false negative conclusion. In addition, during periods of extended drought, these wetlands may remain dry for several years.

(d) Vegetated flats. In both coastal and interior areas of Washington, vegetated flats are often dominated by annual species that are categorized as OBL. Application of normal sampling procedures during the growing season will clearly

result in a positive wetland determination. However, these areas will appear to be unvegetated mudflats when examined during the nongrowing season, and the area would not qualify at that time as a wetland due to an apparent lack of vegetation.

(e) Mollisols (prairie and steppe soils) - Mollisols are dark colored, base-rich soils. They are common in grassland areas of the state, especially in eastern Washington and the prairies of the south Puget Sound basin. These soils typically have deep, dark topsoil layers (mollic epipedons) and low chroma matrix colors to considerable depths. They are rich in organic matter due largely to the vegetation (deep roots) and reworking of the soil and organic matter by earthworms, ants, moles, and rodents. The low chroma colors of mollisols are not necessarily due to prolonged saturation, so be particularly careful in making wetland determinations in these soils. Become familiar with the characteristics of mollisols with aquic moisture regimes, and be able to recognize these from nonhydric mollisols.

(f) Entisols (flood plain and sandy soils) - Entisols are usually young or recently formed soils that have little or no evidence of pedogenically developed horizons. These soils are typical of flood plains throughout Washington, but are also found in glacial outwash plains, along tidal waters, and in other areas. They include sandy soils of riverine islands, bars, and banks and finer-textured soils of flood plain terraces. Wet entisols have an aquic or peraquic moisture regime and are considered wetland soils. Some entisols are easily recognized as hydric soils such as the sulfaquents of tidal salt marshes, whereas others pose problems because they do not possess typical hydric soil field indicators. Wet sandy entisols (with loamy fine sand and coarser textures in horizons within 20 inches of the surface) may lack sufficient organic matter and clay to develop hydric soil colors. When these soils have a hue between 10YR and 10Y and distinct or prominent mottles present, a chroma of 3 or less is permitted to identify the soil as hydric (i.e., an aquic moisture regime). Also, hydrologic data showing that NTCHS criteria # 3 or # 4 are met are sufficient to verify these soils as hydric.

(g) Red parent material and volcanic ash soils - Hydric mineral soil derived from red parent materials (e.g., weathered clays, Triassic sandstones, and Triassic shales) may lack the low chroma colors characteristic of most hydric mineral soils. In these soils, the hue is redder than 10YR because of parent materials that remain red after citrate-dithionite extraction, so the low chroma requirement for hydric soil is waived. Additionally, some hydric soils in Washington that are influenced by volcanic ash or other volcanic material may not exhibit hydric soil indicators.

(h) Spodosols (evergreen forest soils) - These soils are usually associated with coniferous forests. Spodosols have a gray eluvial E-horizon overlying a diagnostic spodic horizon of accumulated (sometimes weakly cemented) organic matter and aluminum. A process called podzolization is responsible for creating these two soil layers. Organic acids from the leaf litter on the soil surface are moved downward through the soil with rainfall, cleaning the sand grains in the first horizon then coating the sand grains with organic matter and iron oxides in the second layer. Certain vegetation produces organic acids that speed podzolization including western hemlock (*Tsuga heterophylla*), spruces (*Picea* spp.), pine

(*Pinus* spp.), larches (*Larix* spp.), and oaks (*Quercus* spp.) (Buol, *et al*, 1980). To the untrained observer, the gray leached layer may be mistaken as a field indicator of hydric soil, but if one looks below the spodic horizon the brighter matrix colors often distinguish nonhydric spodosols from hydric ones. The wet spodosols (formerly called "ground water podzolic soils") usually have thick dark surface horizons, dull gray E-horizons, and low chroma subsoils.

(i) Interdunal swale wetlands - Along the Washington coastline, seasonally wet swales supporting hydrophytic vegetation are located within sand dune complexes on barrier islands and beaches. Some of these swales are inundated or saturated to the surface for considerable periods during the growing season, while others are wet for only the early part of the season. In some cases, swales may be flooded irregularly by the tides. These wetlands have sandy soils that generally lack field indicators of hydric soil. In addition, indicators of wetland hydrology may be absent during the drier part of the growing season. Consequently, these wetlands may be difficult to identify.

(j) Vegetated river bars and adjacent flats - Along streams, particularly in arid and semiarid parts of the state, some river bars and flats may be vegetated by FACU species while others may be colonized by wetter species. If these areas are frequently inundated for  $\geq 12.5\%$  of the growing season, they are wetlands. The soils often do not reflect the characteristic field indicators of hydric soils, however, and thereby pose delineation problems.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 97-04-076 (Order 96-12), § 173-22-080, filed 2/5/97, effective 3/8/97.]

### Chapter 173-24 WAC

#### TAX EXEMPTIONS AND CREDITS FOR POLLUTION CONTROL FACILITIES

##### WAC

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**WAC 173-24-010 Introduction and purpose.** Chapter 82.34 RCW provides for tax credits and exemptions for pollution control facilities approved by the appropriate control agency. The purposes of this rule are to:

(1) Establish a procedure for reviewing applications for tax benefits received from the department of revenue for review by the department of ecology; and

(2) Establish criteria for identifying the individual facilities within each application and, for each facility, either:

(a) Approve the facility;

(b) Approve the facility as a "dual purpose pollution control facility"; or

(c) Deny the facility.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-010, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 43.21A.080 and 43.21A.090 and chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-010, filed 3/14/78; Order DE 70-7, § 173-24-010, filed 8/4/71.]

**WAC 173-24-020 Authority.** This rule is adopted under the authority granted the director of the department of ecology by RCW 43.21A.080 and 43.21A.090.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-020, filed 9/22/00, effective 10/23/00; Order DE 70-7, § 173-24-020, filed 8/4/71.]

**WAC 173-24-030 Definitions.** Unless a different meaning is plainly required by the context, the following words as used in this chapter have the following meanings:

(1) "Commercial or industrial operation" means the industrial, manufacturing, waste disposal, utility or other commercial establishment operated by an applicant for a certificate under chapter 82.34 RCW.

(2) "Department" means the Washington state department of ecology.

(3) "Dual purpose pollution control facility" or "dual purpose facility" means a facility in which the portion for the purpose of pollution control is so integrated into the total facility with portions for other purposes that separation into identifiable component parts is not possible.

(4) "Facility" means any treatment works, control device, disposal system, machinery, equipment, structure or property for which a certificate is applied for under chapter 82.34 RCW or any physically or conceptually identifiable part or accessory thereof.

(5) "Necessary to the manufacture of products" means that without which manufacture of products at the present or proposed level could not be undertaken.

If the manufacture of products could be undertaken at present levels without a facility, even though the manufacture would be uneconomical or impractical, such a facility is not necessary to the manufacture of products. However, if a commercial or industrial operation is recovering or producing chemicals or heat for use in the manufacturing process at the time it submits an application, then any facilities necessary for production or for recovery of chemicals at present percentage rates will be considered necessary to the manufacture of products.

(6) "Pollution" means "air contaminant" and "air pollution" as defined in RCW 70.94.030, and "pollution" as defined in RCW 90.48.020.

(7) "Products" as used in the phrase, "manufacture of products," includes the item or items which an industrial operation is designed primarily to manufacture or produce.

(8) "Regional or local air pollution control authority" means any local or regional entity or control program considered as an "authority" for the purpose of chapter 70.94 RCW.

(9) "Single purpose facility" means a facility other than a dual purpose facility.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-030, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 43.21A.080 and 43.21A.090 and chapter 82.34 RCW. 78-04-015 (Order DE

78-2), § 173-24-030, filed 3/14/78; Order DE 70-7, § 173-24-030, filed 8/4/71.]

**WAC 173-24-040 Applications submitted to the department of revenue.** Applications filed under RCW 82.34.020 must be submitted to the department of revenue in accordance with that department's requirements. The department of revenue will supply an identifying application number and forward the application to the department or regional or local air pollution control authority, as appropriate, for review under RCW 82.34.030.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-040, filed 9/22/00, effective 10/23/00; Order DE 70-7, § 173-24-040, filed 8/4/71.]

**WAC 173-24-050 Applications reviewed by the department.** The department will review applications for approval of facilities that may be designated "water pollution control facilities" as defined in RCW 82.34.010 (1)(b). The department will also review any application relating to a facility that is not within the jurisdiction of an activated regional or local air pollution control authority, or that is within any area over which the department has assumed jurisdiction under RCW 70.94.390. The department will also review any application for approval of a facility relating to any air contaminant source subject to rules adopted by the department or its predecessor agencies under RCW 70.94-395.

The department will, when necessary, advise the department of revenue of the proper agency or agencies to which an application is to be submitted for review.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-050, filed 9/22/00, effective 10/23/00; Order DE 70-7, § 173-24-050, filed 8/4/71.]

**WAC 173-24-060 Action by the department within thirty days—Request for further information.** The department shall, within thirty days of receipt of an application from the department of revenue, make the identification and classification described in WAC 173-24-070 and approval or denial described in WAC 173-24-080, or it shall request further information from the applicant. A copy of any request from the department to the applicant for further information must be transmitted to the department of revenue. The failure of the applicant to supply any additional information requested by the department, without reasonable grounds for such a failure, may result in disapproval of all or part of the application.

The department shall notify the department of revenue, in writing, of its decisions on any application submitted and shall send a copy of the notification to the applicant by certified mail.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-060, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 43.21A.080 and 43.21A.090 and chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-060, filed 3/14/78; Order DE 70-7, § 173-24-060, filed 8/4/71.]

**WAC 173-24-070 Identification and classification of facilities.** The department will review each application to determine whether the facility is a single, integrated facility, or can be separated, either physically or conceptually, into

identifiable component parts. Each component part must be considered as a separate facility for the purpose of the department's review of the application. The department will identify all those facilities within each application.

For each facility identified, the department shall classify it as a "dual purpose facility" or a "single purpose facility."

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-070, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 43.21A.080 and 43.21A.090 and chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-070, filed 3/14/78; Order DE 70-7, § 173-24-070, filed 8/4/71.]

**WAC 173-24-080 Approval of a facility.** The department shall approve any facility when:

- (1) It was installed or intended to be installed for the primary purpose of pollution control, and;
- (2) When it is operated or intended to be operated primarily for the purpose of pollution control, and;
- (3) When it is suitable, reasonably adequate, and meets the intent and purposes of chapter 70.94 or 90.48 RCW;

If the facility does not meet these criteria, it must be denied.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-080, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 43.21A.080 and 43.21A.090 and chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-080, filed 3/14/78; Order DE 70-7, § 173-24-080, filed 8/4/71.]

**WAC 173-24-090 Installation for the purpose of pollution control.** A facility will be considered to be installed or intended to be installed for the primary purpose of pollution control when:

- (1) It was installed or intended to be installed in response to a requirement of the department or a regional or local air pollution control authority contained in a permit, order, or rule that applies to the particular industry or commercial establishment in question, and such a facility meets or exceeds the requirements of such a permit, order, or rule; and
- (2) It was installed in conformance with a requirement developed under chapter 90.48 or 70.94 RCW and not under some other statute administered by the department such as, for example, chapter 70.95 or 70.105 RCW.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-090, filed 9/22/00, effective 10/23/00. Statutory Authority: Chapter 82.34 RCW, RCW 43.21A.080, and 43.21A.090. 80-15-020 (Order DE 80-33), § 173-24-090, filed 10/7/80; Order DE 70-7, § 173-24-090, filed 8/4/71.]

**WAC 173-24-100 Operation for the purpose of pollution control.** A facility is operated or intended to be operated primarily for the purpose of pollution control when:

- (1) The emissions or effluents from the commercial or industrial operation do or will contain measurably less pollution with the facility installed than they would without the facility installed, and;
- (2) For a facility, other than a dual purpose facility, it is not necessary to the manufacture of products.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-100, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 43.21A.080 and 43.21A.090 and chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-100, filed 3/14/78; Order DE 70-7, § 173-24-100, filed 8/4/71.]



**WAC 173-24-110 Meeting the intent and purposes of chapters 70.94 and 90.48 RCW.** A facility is suitable, reasonably adequate, and meets the intent and purposes of chapters 70.94 and 90.48 RCW, when:

(1) Normal operation of the particular commercial or industrial operation with the facility installed will not be in violation of any provision of chapter 70.94 or 90.48 RCW and;

(2) Such an operation will meet the requirements of any applicable permits, orders, rules or standards of the department or a regional or local air pollution control authority.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-110, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 43.21A.080 and 43.21A.090 and chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-110, filed 3/14/78; Order DE 70-7, § 173-24-110, filed 8/4/71.]

**WAC 173-24-120 Treatment before connection to utilities.** Any facility designed for the primary purpose of reducing, controlling, disposing of, or treating industrial or commercial wastes before the ultimate conveyance thereof to the waste collecting facilities of public or privately owned utilities must be approved if it satisfies the requirements set forth in this chapter. However, any facility installed or constructed for the primary purpose of connecting any commercial establishment with the waste collecting facilities of public or privately owned utilities may not be eligible for approval.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-120, filed 9/22/00, effective 10/23/00; Order DE 70-7, § 173-24-120, filed 8/4/71.]

**WAC 173-24-125 Revision of prior findings.** On its own initiative or in compliance with the local or regional air pollution control agency in which an air pollution control facility is located, the department may revise the prior findings of the appropriate control agency whenever it appears that any of the conditions listed in RCW 82.34.100 (1) or (2) have been met or when the department determines that the prior determination had been made in error.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-125, filed 9/22/00, effective 10/23/00. Statutory Authority: Chapter 82.34 RCW, RCW 43.21A.080, and 43.21A.090. 80-15-020 (Order DE 80-33), § 173-24-125, filed 10/7/80.]

**WAC 173-24-130 Administrative appeal of department decision.** The approval or disapproval by the department under RCW 82.34.030 of any application, or any revision of prior findings by the department under RCW 82.34.100 shall constitute a decision of the department subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW. Any aggrieved party may appeal any decision in accordance with the rules of the pollution control hearings board no later than thirty days after receipt of written notice thereof.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-130, filed 9/22/00, effective 10/23/00; Order DE 70-7, § 173-24-130, filed 8/4/71.]

**WAC 173-24-140 Delegation.** The powers, duties, and functions vested in the department by chapter 82.34 RCW,

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will be performed by the deputy director of the department or his or her delegate.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-140, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 43.21A.080 and 43.21A.090 and chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-140, filed 3/14/78; Order DE 70-7, § 173-24-140, filed 8/4/71.]

**WAC 173-24-150 Delegation of state responsibilities under federal program.** The functions of the "state certifying authority" for the federal tax credit program for pollution control facilities must be performed by the deputy director of the department or his or her delegate.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-150, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 43.21A.080 and 43.21A.090 and chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-150, filed 3/14/78; Order DE 70-7, § 173-24-150, filed 8/4/71.]

## Chapter 173-26 WAC STATE MASTER PROGRAM APPROVAL/AMENDMENT PROCEDURES AND MASTER PROGRAM GUIDELINES

### WAC

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173-26-360	Ocean management.	173-26-300	Comprehensive process to prepare or amend shoreline master programs. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-300, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.
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173-26-105	Review by ecology under Part III—Election by local governments of intent to develop pursuant to Part IV. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-105, filed 11/29/00, effective 12/30/00.] Repealed by 04-10-068 (Order 04-04), filed 5/3/04, effective 6/3/04. Statutory Authority: RCW 90.58.060 and 90.58.200.	173-26-310	Environment designation system. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-310, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-26-170	Purpose of Part III. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-170, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.	173-26-320	General master program provisions. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-320, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-26-180	Applicability of Part III. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-180, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.	173-26-330	Shoreline modifications. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-330, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-26-190	Master program contents. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-190, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.	173-26-340	Shoreline uses. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-340, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-26-200	Comprehensive process to prepare or amend shoreline master programs. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-200, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.	173-26-350	Shorelines of statewide significance. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-350, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-26-210	Environment designation system. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-210, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.	<b>WAC 173-26-010 Authority and purpose.</b> The provisions of this chapter implement the requirements of chapter 90.58 RCW, the Shoreline Management Act of 1971. RCW 90.58.200 authorizes the adoption of rules by the department as necessary and appropriate to carry out the provisions of the act. RCW 90.58.080 directs local governments to develop and administer local shoreline master programs for regulation of uses on shorelines of the state. Such local programs should be integrated with other local government systems for administration and enforcement of land use regulations. RCW 36.70A.480 provides that the goals and policies contained in a local shoreline master program shall be considered an element of the local comprehensive plan required by the Growth Management Act. All other portions of the local shoreline master program, including the use regulations, are considered a part of the local development regulations required by the Growth Management Act.	
173-26-220	General master program provisions. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-220, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.	This chapter is drafted to also reflect RCW 90.58.050 which provides that the Shoreline Management Act is intended to be a cooperative program between local government and the state. It is the intent of this chapter to provide minimum procedural requirements as necessary to comply with the statutory requirements while providing latitude for local government to establish procedural systems based on local needs and circumstances.	
173-26-230	Shoreline modifications. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-230, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.	Pursuant to the Shoreline Management Act, the department must approve master programs prepared by local governments or adopt them by rule consistent with the act. In	
173-26-240	Shoreline uses. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-240, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.		
173-26-250	Shorelines of statewide significance. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-250, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.		
173-26-270	Purpose of Part IV. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-270, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.		
173-26-280	Applicability of Part IV. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-280, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.		

order to facilitate this process, Part I of this chapter establishes a recordkeeping system for the department and defines the contents of the state master program. Part II sets forth procedures for approving and adopting master programs and amendments thereto. Part III comprises the guidelines pursuant to RCW 90.58.060 and provides guidance for developing the content of shoreline master programs. Part IV - addresses the requirements of the state Ocean Resources Management Act.

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-010, filed 12/17/03, effective 1/17/04; 00-24-031 (Order 95-17a), § 173-26-010, filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-26-010, filed 9/30/96, effective 10/31/96.]

**WAC 173-26-020 Definitions.** In addition to the definitions and concepts set forth in RCW 90.58.030, as amended, and the other implementing rules for the SMA, as used herein, the following words and phrases shall have the following meanings:

(1) "Act" means the Washington State Shoreline Management Act, chapter 90.58 RCW.

(2) "Adoption by rule" means an official action by the department to make a local government shoreline master program effective through rule consistent with the requirements of the Administrative Procedure Act, chapter 34.05 RCW, thereby incorporating the adopted shoreline master program or amendment into the state master program.

(3)(a) "Agricultural activities" means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation;

(b) "Agricultural products" includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products;

(c) "Agricultural equipment" and "agricultural facilities" includes, but is not limited to:

(i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;

(ii) Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;

(iii) Farm residences and associated equipment, lands, and facilities; and

(iv) Roadside stands and on-farm markets for marketing fruit or vegetables; and

(d) "Agricultural land" means those specific land areas on which agricultural activities are conducted as of the date of adoption of a local master program pursuant to these guidelines as evidenced by aerial photography or other documentation. After the effective date of the master program, land converted to agricultural use is subject to compliance with the requirements of the master program.

(4) "Amendment" means a revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.

(5) "Approval" means an official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to the department for review and official action pursuant to this chapter; or an official action by the department to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program.

(6) "Channel migration zone (CMZ)" means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

(7) "Department" means the state department of ecology.

(8) "Development regulations" means the controls placed on development or land uses by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

(9) "Document of record" means the most current shoreline master program officially approved or adopted by rule by the department for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW 90.58.190.

(10) "Drift cell," "drift sector," or "littoral cell" means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

(11) "Ecological functions" or "shoreline functions" means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-200 (2)(c).

(12) "Ecosystem-wide processes" means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem

and determine both the types of habitat and the associated ecological functions.

(13) "Feasible" means, for the purpose of this chapter, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

(a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

(b) The action provides a reasonable likelihood of achieving its intended purpose; and

(c) The action does not physically preclude achieving the project's primary intended legal use.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

(14) "Fill" means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

(15) "Flood plain" is synonymous with one hundred-year flood plain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act.

(16) "Geotechnical report" or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

(17) "Grading" means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

(18) "Guidelines" means those standards adopted by the department to implement the policy of chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and the department in developing and amending master programs.

(19) "Local government" means any county, incorporated city or town which contains within its boundaries shorelines of the state subject to chapter 90.58 RCW.

(20) "Marine" means pertaining to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries, including the Pacific Ocean, Puget Sound, Straits of Georgia and Juan de Fuca, and the bays, estuaries and inlets associated therewith.

(21) "May" means the action is acceptable, provided it conforms to the provisions of this chapter.

(22) "Must" means a mandate; the action is required.

(23) "Nonwater-oriented uses" means those uses that are not water-dependent, water-related, or water-enjoyment.

(24) "Priority habitat" means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

- Comparatively high fish or wildlife density;
- Comparatively high fish or wildlife species diversity;
- Fish spawning habitat;
- Important wildlife habitat;
- Important fish or wildlife seasonal range;
- Important fish or wildlife movement corridor;
- Rearing and foraging habitat;
- Important marine mammal haul-out;
- Refugia habitat;
- Limited availability;
- High vulnerability to habitat alteration;
- Unique or dependent species; or
- Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife.

(25) "Priority species" means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

(a) Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

(b) Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

(c) Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and

subsistence purposes that are vulnerable to habitat loss or degradation.

(d) Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

(26) "Provisions" means policies, regulations, standards, guideline criteria or environment designations.

(27) "Restore," "restoration" or "ecological restoration" means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

(28) "Shall" means a mandate; the action must be done.

(29) "Shoreline areas" and "shoreline jurisdiction" means all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

(30) "Shoreline master program" or "master program" means the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.

As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(31) "Shoreline modifications" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

(32) "Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

(33) "Significant vegetation removal" means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

(34) "State master program" means the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by the department.

(35) "Substantially degrade" means to cause significant ecological impact.

(36) "Water-dependent use" means a use or portion of a use which cannot exist in a location that is not adjacent to the

water and which is dependent on the water by reason of the intrinsic nature of its operations.

(37) "Water-enjoyment use" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

(38) "Water-oriented use" means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

(39) "Water quality" means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

(40) "Water-related use" means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

(a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

(b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-020, filed 12/17/03, effective 1/17/04; 00-24-031 (Order 95-17a), § 173-26-020, filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-26-020, filed 9/30/96, effective 10/31/96.]

## PART I STATE MASTER PROGRAM

**WAC 173-26-030 Master programs required—State master program contents.** (1) Chapter 90.58 RCW requires all local governments with shorelines of the state within their boundaries to develop and administer a shoreline master program. The state master program is the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by the department, together with any changes pursuant to WAC 173-26-040. Local governments which are required to develop and administer shoreline master programs are listed in WAC 173-26-080.

(2) All shoreline master programs adopted by reference in chapter 173-19 WAC existing as of the effective date of this chapter, remain in full force and effect and continue to be

considered part of the state master program, as defined herein.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-26-030, filed 9/30/96, effective 10/31/96.]

**WAC 173-26-040 Master programs required—Unlisted local governments.** The department shall periodically update the list of local governments contained in WAC 173-26-080. When as a result of annexation, municipal incorporation, or change in shoreline jurisdiction, a city or town with shorelines of the state within its boundaries is not listed, such local government is required to develop and administer a shoreline master program pursuant to chapter 90.58 RCW and this chapter.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-26-040, filed 9/30/96, effective 10/31/96.]

**WAC 173-26-050 State master program register—Maintained by department.** The department shall prepare and maintain an official state master program register identifying original department adoption dates and the effective dates of subsequent amendments approved or adopted by the department for each local government shoreline master program. The master program register shall be available for public viewing and inspection during normal business hours at the headquarters of the department. Copies of the register shall be available from the department at the expense of the requesting party. The department shall keep the register current, incorporating master program adoption and amendment dates as they occur.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-26-050, filed 9/30/96, effective 10/31/96.]

**WAC 173-26-060 State master program—Complete record maintained by department.** The department shall maintain records for all master programs and subsequent amendments thereto. Master program records shall be organized consistent with the state master program register and shall be available for public viewing and inspection during normal business hours at the headquarters of the department.

The department shall maintain a record of each master program, the action taken by the department on any proposed master program or amendment, and any appeal of the department's action. Such records should be maintained in two groups of files as follows:

(1) Shoreline master program working files corresponding to each proposed master program or amendment containing, where applicable:

- (a) Initial submittal from local government;
- (b) Record of notice to the public, interested parties, agencies and tribes;
- (c) Staff reports, analysis and recommendations;
- (d) Pertinent correspondence between local government and the department;
- (e) The department's letter denying, approving as submitted or approving alternatives together with findings and conclusions and amended text and/or maps;
- (f) Documents related to any appeal of the department's action on the amendment;
- (g) Supplemental materials including:

- (i) Interested party mailing list;
- (ii) Comment letters and exhibits from federal, state, local, and tribal agencies;
- (iii) Comment letters and exhibits from the general public;

(iv) Recorded tapes and/or a summary of hearing oral testimony;

(v) A concise explanatory statement, if adopted by rule.

(2) State master program files, containing the master program currently in effect, with all text and map amendments incorporated, constituting the official state master program approved document of record.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-26-060, filed 9/30/96, effective 10/31/96.]

**WAC 173-26-070 Adoption of shoreline master programs by rule—Department action.** (1) The department may adopt a shoreline master program by rule in the following circumstances:

(a) Pursuant to RCW 90.58.070(2), when a local government fails to approve a master program relating to shorelines of the state within its jurisdiction in accordance with the time schedule provided for in RCW 90.58.080, the department shall carry out the requirements of RCW 90.58.080 and adopt by rule a master program for shorelines of the state within the jurisdiction of the local government. The department has adopted by rule a master program for shorelines of the state within the jurisdiction of those local governments listed in subsection (2) of this section;

(b) Pursuant to RCW 90.58.090(4), when the department determines that those parts of a master program relating to shorelines of statewide significance do not provide for optimum implementation of the policy of chapter 90.58 RCW to satisfy the statewide interest, the department may develop and adopt by rule an alternative to the local government's master program proposal. The department has adopted by rule an alternative master program for shorelines of statewide significance within the jurisdiction of those local governments listed in subsection (2) of this section.

(2) As set forth in subsection (1)(a) and (b) of this section, the department has adopted by rule a master program, alternative master program or portion thereof for the local governments listed below. This listing shall be updated periodically so as to remove reference to local governments who have complied with the requirements of chapter 90.58 RCW and this chapter, having prepared and submitted a shoreline master program that has been approved by the department.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-26-070, filed 9/30/96, effective 10/31/96.]

**WAC 173-26-080 Master programs required of local governments.** The following local governments, listed alphabetically by county, are required to develop and administer a shoreline master program:

Adams County.

Asotin County.

Asotin, city of.

Clarkston, city of.

Benton County.

- Benton City, city of.  
 Kennewick, city of.  
 Prosser, city of.  
 Richland, city of.  
 West Richland, city of.
- Chelan County.  
 Cashmere, city of.  
 Chelan, city of.  
 Entiat, town of.  
 Leavenworth, city of.  
 Wenatchee, city of.
- Clallam County.  
 Forks, city of.  
 Port Angeles, city of.  
 Sequim, city of.
- Clark County.  
 Camas, city of.  
 LaCenter, town of.  
 Ridgefield, town of.  
 Vancouver, city of.  
 Washougal, city of.  
 Woodland, city of.
- Columbia County.  
 Dayton, city of.  
 Starbuck, town of.
- Cowlitz County.  
 Castle Rock, city of.  
 Kalama, city of.  
 Kelso, city of.  
 Longview, city of.  
 Woodland, city of.
- Douglas County.  
 Bridgeport, town of.  
 Coulee Dam, city of.  
 East Wenatchee, city of.  
 Rock Island, town of.
- Ferry County.  
 Republic, town of.
- Franklin County.  
 Pasco, city of.
- Garfield County.
- Grant County.  
 Coulee City, city of.  
 Coulee Dam, city of.  
 Electric City, city of.  
 Grand Coulee, city of.  
 Krupp, town of.  
 Moses Lake, city of.  
 Soap Lake, city of.  
 Wilson Creek, town of.
- Grays Harbor County.  
 Aberdeen, city of.  
 Cosmopolis, city of.  
 Elma, city of.  
 Hoquiam, city of.
- Montesano, city of.  
 Oakville, city of.  
 Ocean Shores, city of.  
 Westport, city of.
- Island County.  
 Coupeville, town of.  
 Langley, city of.  
 Oak Harbor, city of.
- Jefferson County.  
 Port Townsend, city of.
- King County.  
 Auburn, city of.  
 Beaux Arts Village, town of.  
 Bellevue, city of.  
 Black Diamond, city of.  
 Bothell, city of.  
 Burien, city of.  
 Carnation, town of.  
 Des Moines, city of.  
 Duvall, city of.  
 Federal Way, city of.  
 Hunts Point, town of.  
 Issaquah, city of.  
 Kent, city of.  
 Kirkland, city of.  
 Lake Forest Park, city of.  
 Medina, city of.  
 Mercer Island, city of.  
 Milton, city of.  
 Newcastle, city of.  
 Normandy Park, city of.  
 North Bend, city of.  
 Pacific, city of.  
 Redmond, city of.  
 Renton, city of.  
 Sea-Tac, city of.  
 Seattle, city of.  
 Shoreline, city of.  
 Skykomish, town of.  
 Snoqualmie, city of.  
 Tukwila, city of.  
 Woodinville, city of.  
 Yarrow Point, town of.
- Kitsap County.  
 Bremerton, city of.  
 Port Orchard, city of.  
 Poulsbo, city of.  
 Bainbridge Island, city of.
- Kittitas County.  
 Cle Elum, city of.  
 Ellensburg, city of.  
 South Cle Elum, town of.
- Klickitat County.  
 Bingen, town of.  
 Goldendale, city of.  
 White Salmon, town of.

## Lewis County.

Centralia, city of.  
 Chehalis, city of.  
 Morton, city of.  
 Pe Ell, town of.  
 Toledo, city of.  
 Vader, city of.  
 Winlock, city of.

## Lincoln County.

Odessa, town of.  
 Sprague, city of.

## Mason County.

Shelton, city of.

## Okanogan County.

Brewster, town of.  
 Conconully, town of.  
 Coulee Dam, city of.  
 Okanogan, city of.  
 Omak, city of.  
 Oroville, town of.  
 Pateros, town of.  
 Riverside, town of.  
 Tonasket, town of.  
 Twisp, town of.  
 Winthrop, town of.

## Pacific County.

Ilwaco, town of.  
 Long Beach, town of.  
 Raymond, city of.  
 South Bend, city of.

## Pend Oreille County.

Cusick, town of.  
 Ione, town of.  
 Metaline, town of.  
 Metaline Falls, town of.  
 Newport, city of.

## Pierce County.

Bonney Lake, city of.  
 Buckley, city of.  
 Dupont, city of.  
 Eatonville, town of.  
 Fife, city of.  
 Gig Harbor, city of.  
 Lakewood, city of.  
 Milton, city of.  
 Orting, city of.  
 Pacific, city of.  
 Puyallup, city of.  
 Roy, city of.  
 Ruston, town of.  
 South Prairie, town of.  
 Steilacoom, town of.  
 Sumner, city of.  
 Tacoma, city of.  
 University Place, city of.  
 Wilkeson, town of.

## San Juan County.

Friday Harbor, town of.

## Skagit County.

Anacortes, city of.  
 Burlington, city of.  
 Concrete, town of.  
 Hamilton, town of.  
 La Conner, town of.  
 Lyman, town of.  
 Mount Vernon, city of.  
 Sedro Woolley, city of.

## Skamania County.

North Bonneville, city of.  
 Stevenson, town of.

## Snohomish County.

Arlington, city of.  
 Bothell, city of.  
 Brier, city of.  
 Edmonds, city of.  
 Everett, city of.  
 Gold Bar, town of.  
 Granite Falls, town of.  
 Index, town of.  
 Lake Stevens, city of.  
 Marysville, city of.  
 Monroe, city of.  
 Mountlake Terrace, city of.  
 Mukilteo, city of.  
 Snohomish, city of.  
 Stanwood, city of.  
 Sultan, town of.  
 Woodway, town of.

## Spokane County.

Latah, town of.  
 Medical Lake, town of.  
 Millwood, town of.  
 Rockford, town of.  
 Spokane, city of.  
 Waverly, town of.

## Stevens County.

Chewelah, city of.  
 Northport, town of.

## Thurston County.

Bucoda, town of.  
 Lacey, city of.  
 Olympia, city of.  
 Tenino, town of.  
 Tumwater, city of.  
 Yelm, town of.

## Wahkiakum County.

Cathlamet, town of.

## Walla Walla County.

Waitsburg, town of.  
 Walla Walla, city of.

## Whatcom County.

Bellingham, city of.



Blaine, city of.  
 Everson, city of.  
 Ferndale, city of.  
 Lynden, city of.  
 Nooksack, city of.  
 Sumas, city of.

Whitman County.

Albion, town of.  
 Colfax, city of.  
 Malden, town of.  
 Palouse, city of.  
 Pullman, city of.  
 Rosalia, town of.  
 Tekoa, city of.

Yakima County.

Grandview, city of.  
 Granger, town of.  
 Naches, town of.  
 Selah, city of.  
 Union Gap, city of.  
 Yakima, city of.  
 Zillah, city of.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-26-080, filed 9/30/96, effective 10/31/96.]

**PART II**  
**SHORELINE MASTER PROGRAM**  
**APPROVAL/AMENDMENT**

**DRAFT REVIEW:**

**WAC 173-26-090 Periodic review—Public involvement encouraged—Amendment of comprehensive plans, development regulations and master programs.** Each local government should periodically review a shoreline master program under its jurisdiction and make amendments to the master program deemed necessary to reflect changing local circumstances, new information or improved data. Each local government shall also review any master program under its jurisdiction and make amendments to the master program necessary to comply with the requirements of RCW 90.58.-080 and any applicable guidelines issued by the department. When the amendment is consistent with chapter 90.58 RCW and its applicable guidelines, it may be approved by local government and the department or adopted by rule when appropriate by the department.

In developing master programs and amendments thereto, the department and local governments, pursuant to RCW 90.58.130 shall make all reasonable efforts to inform, fully involve and encourage participation of all interested persons and private entities, and agencies of the federal, state or local government having interests and responsibilities relating to shorelines of the state and the local master program.

Counties and cities planning under chapter 36.70A RCW, shall establish and broadly disseminate to the public a public participation program identifying procedures whereby proposed amendments of the comprehensive plan and development regulations relating to shorelines of the state will be considered by the local governing body consistent with RCW 36.70A.130. Such procedures shall provide for early and con-

tinuous public participation through broad dissemination of informative materials, proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-26-090, filed 9/30/96, effective 10/31/96.]

**WAC 173-26-100 Local process for approving/amending shoreline master programs.** Prior to submittal of a new or amended master program to the department, local government shall solicit public and agency comment during the drafting of proposed new or amended master programs. The degree of public and agency involvement sought by local government should be gauged according to the level of complexity, anticipated controversy, and range of issues covered in the draft proposal. Recognizing that the department must approve all master programs before they become effective, early and continuous consultation with the department is encouraged during the drafting of new or amended master programs. For local governments planning under chapter 36.70A RCW, local citizen involvement strategies should be implemented that insure early and continuous public participation consistent with WAC 365-195-600.

At a minimum, local government shall:

(1) Conduct at least one public hearing to consider the draft proposal;

(2) Publish notice of the hearing in one or more newspapers of general circulation in the area in which the hearing is to be held. The notice shall include:

(a) Reference to the authority(s) under which the action(s) is proposed;

(b) A statement or summary of the proposed changes to the master program;

(c) The date, time, and location of the hearing, and the manner in which interested persons may present their views; and

(d) Reference to the availability of the draft proposal for public inspection at the local government office or upon request;

(3) Consult with and solicit the comments of any persons, groups, federal, state, regional, or local agency, and tribes, having interests or responsibilities relating to the subject shorelines or any special expertise with respect to any environmental impact. The consultation process should include adjacent local governments with jurisdiction over common shorelines of the state;

(4) Where amendments are proposed to a county or regional master program which has been adopted by cities or towns, the county shall coordinate with those jurisdictions and verify concurrence with or denial of the proposal. For concurring jurisdictions, the amendments should be packaged and processed together. The procedural requirements of this section may be consolidated for concurring jurisdictions;

(5) Solicit comments on the draft proposal from the department prior to local approval. For local governments planning under the Growth Management Act, the local government shall notify both the department and the department of community, trade, and economic development of its intent to adopt shoreline policies or regulations, at least sixty days prior to final local approval, pursuant to RCW 36.70A.106;

(6) Comply with chapter 43.21C RCW, the State Environmental Policy Act; and

(7) Approve the proposal.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-26-100, filed 9/30/96, effective 10/31/96.]

**WAC 173-26-110 Submittal to department of proposed master programs/amendments.** A master program or amendment proposed by local government shall be submitted to the department for its review and formal action. A complete submittal shall include two copies of the following, where applicable:

(1) Documentation (i.e., signed resolution or ordinance) that the proposal has been approved by the local government;

(2) If the proposal includes text amending a master program document of record, it shall be submitted in a form that can replace or be easily incorporated within the existing document. Amended text shall show strikeouts for deleted text and underlining for new text, clearly identifying the proposed changes. At the discretion of the department, strikeouts and underlined text may not be required provided the new or deleted portions of the master program are clearly identifiable;

(3) Amended environment designation map(s), showing both existing and proposed designations, together with corresponding boundaries described in text for each change of environment. Environment designation maps shall include a scale and north arrow and shall be of standard size using distinct reproducible noncolor patterns. All proposals for changes in environment designation and redesignation shall provide written justification for such based on existing development patterns, the biophysical capabilities and limitations of the shoreline being considered, and the goals and aspirations of the local citizenry as reflected in the locally adopted comprehensive land use plan;

(4) A summary of proposed amendments together with explanatory text indicating the scope and intent of the proposal, staff reports, records of the hearing, and/or other materials which document the necessity for the proposed changes to the master program;

(5) Evidence of compliance with chapter 43.21C RCW, the State Environmental Policy Act, specific to the proposal;

(6) Copies of all public, agency and tribal comments received, including a record of names and addresses of interested parties involved in the local government review process or, where no comments have been received, a comment to that effect.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-26-110, filed 9/30/96, effective 10/31/96.]

**WAC 173-26-120 State process for approving/amending shoreline master programs.** Review and approval of master programs and amendments by the department shall follow the procedures set forth below:

**FORMAL REVIEW:**

(1) The department shall review the submitted master program or amendment for compliance with WAC 173-26-100 and 173-26-110. The department shall notify the local government in writing when it determines that a complete

submittal has been received. If the submittal is determined to be incomplete, the department will identify the deficiencies and so notify the local government in writing. The review process will not commence until the department determines the submittal is complete.

(2) The department shall provide reasonable notice and opportunity for written comment to all parties of record who expressed interest regarding the local government proposal and to all persons, groups, agencies, and tribes that have requested in writing notice of proposed master programs or amendments generally or for a specific subject matter. The comment period shall be at least thirty days, unless the department determines that a lack of complexity or controversy surrounding the proposal supports a shorter period.

(3) For master program or amendment proposals involving local governments planning under chapter 36.70A RCW, the department shall provide notice to the department of community, trade, and economic development of its intent to commence formal review of the local government proposal.

(4) At the department's discretion, it may conduct a public hearing during the comment period in the jurisdiction proposing the master program or amendment.

(5) If the department conducts a hearing pursuant to subsection (4) of this section, it shall publish notice of the hearing in at least one newspaper of general circulation in the area affected by the master program. The public notice shall include:

(a) A description of the proposed master program or amendment;

(b) Reference to the authority under which the action is proposed;

(c) The dates, times, and locations of the public hearing, and the manner in which interested persons may obtain copies of the proposal and present their views.

For master program or amendment proposals involving adoption by rule, the notice of the hearing shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in the county in which the hearing is to be held.

(6) Within fifteen days after the close of the department's public comment period, the department shall request of the local government submitting the proposal a review of the issues if any, identified by the public, interested parties, groups, agencies, and tribes, and a written response as to how the proposal addresses the identified issues consistent with the policy of RCW 90.58.020 and the applicable guidelines. Local government shall submit its response to the department within forty-five days of the date of the department's letter requesting a response. If no response is received by the department within the forty-five-day period, the department may proceed with action on the proposal according to subsection (7) of this section. Within the forty-five-day period, the local government may request in writing additional time to prepare a response.

**APPROVAL:**

(7) Within thirty days after receipt of the local government written response pursuant to subsection (6) of this section, the department shall make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 90.58.020 and the applicable guidelines, provide

a response to the issues identified in subsection (6) of this section and either approve the proposal as submitted, recommend specific changes necessary to make the proposal consistent with chapter 90.58 RCW policy and its applicable guidelines, or deny the proposal in those instances where no alteration of the proposal appears likely to be consistent with the policy of RCW 90.58.020 and the applicable guidelines. The written findings and conclusions shall be provided to the local government, all interested parties, tribes, and agencies of record on the proposal.

In reaching its determination of consistency with the policy of RCW 90.58.020 and the applicable guidelines, the department shall approve those parts of a master program relating to shorelines unless it determines that the submitted parts are not consistent with the policy of RCW 90.58.020 and the applicable guidelines. The department shall approve those parts of a master program relating to shorelines of statewide significance only after determining the program provides for optimum implementation of the statewide interest as set forth in the policy of RCW 90.58.020 and the applicable guidelines.

(a) In cases where the proposal is approved as submitted, the effective date of the approved master program or amendment shall be the date of the department's letter to local government approving the submitted master program or amendments.

(b) If the department recommends changes to the proposal, within thirty days after the department mails the written findings and conclusions to the local government pursuant to this subsection (7), the local government may:

(i) Agree to the proposed changes. Receipt by the department of the written notice of agreement from the local government shall constitute final action by the department approving the revised submittal. Written notice of the local government acceptance shall be provided by the department to all parties of record. In such cases, the effective date of the approved master program or amendment is the date the department receives from local government the written notice of agreement; or

(ii) Submit an alternative proposal. If, in the opinion of the department, the alternative is consistent with the purpose and intent of the changes originally proposed by the department in this subsection (7) and with the policy of RCW 90.58.020 and the applicable guidelines, it shall approve the alternative changes and provide written notice to all parties of record. In such cases, the effective date of the approved master program or amendments is the date of the department's letter to local government approving the alternative proposal.

If the department determines the alternative proposal is not consistent with the purpose and intent of the changes proposed by the department, the department may either deny the alternative proposal or at the request of local government start anew with the review and approval process beginning at WAC 173-26-120.

(8) A master program or amendment thereto takes effect when and in such form as it is approved or adopted by rule by the department except when appealed to the shorelines board as provided for in RCW 90.58.190(4) for local governments not planning under chapter 36.70A RCW. The department's approved document of record, filed at the department, constitutes the official master program.

(9) For local governments planning under chapter 36.70A RCW, after final action by the department on a local government's shoreline master program or amendment the local government shall (pursuant to RCW 90.58.090) promptly publish a notice that the department has taken final action on the master program or amendment. For purposes of this section, the date of publication for the master program adoption or amendment shall be the date on which the local government publishes the notice that the department has taken final action on the master program or amendment.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-26-120, filed 9/30/96, effective 10/31/96.]

**WAC 173-26-130 Appeal procedures for master programs.** (1) For local governments planning under chapter 36.70A RCW, the growth management hearings board with jurisdiction shall hear and make determinations regarding the department's decision to approve, adopt by rule, or deny a proposed master program or amendment. All petitions for review shall be filed within sixty days after publication of notice by the local government of the department's final action pursuant to WAC 173-26-120(9).

(2) For local governments not planning under chapter 36.70A RCW, all petitions for review shall be filed with the state shorelines hearings board within thirty days of the written decision by the department approving or denying the master program or amendment.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-26-130, filed 9/30/96, effective 10/31/96.]

**WAC 173-26-140 Shoreline master program administrative interpretation.** As required by RCW 36.70B.110 (11), each local government planning under chapter 36.70A RCW shall adopt procedures for administrative interpretation of its development regulations, which include shoreline master programs. When developing and adopting procedures for administrative interpretation of its shoreline master program, local government shall include provisions requiring consultation with the department to insure that any formal written interpretations are consistent with the purpose and intent of chapter 90.58 RCW and the applicable guidelines.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-26-140, filed 9/30/96, effective 10/31/96.]

**WAC 173-26-150 Local government annexation—Shoreline environment predesignation in planning jurisdictions.** Cities and towns planning under the Growth Management Act, chapter 36.70A RCW, may within adopted urban growth areas predesignate environments on shorelines located outside of existing city boundaries. Shoreline environment predesignations shall be consistent with the policy of chapters 36.70A and 90.58 RCW and their applicable guidelines and rules.

Such predesignation shall be conducted under a city's or town's authority to plan for growth within adopted urban growth areas.

Environment predesignations shall be approved by the department according to the procedures set forth in this chapter for amendment of a shoreline master program. No additional procedures are required by the department at the time

of annexation. The shoreline environment designation for a predesignated shoreline area shall take effect concurrent with annexation.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-26-150, filed 9/30/96, effective 10/31/96.]

**WAC 173-26-160 Local government annexation.**

Except as provided in WAC 173-26-150, in the event of annexation of a shoreline of the state, the local government assuming jurisdiction shall notify the department of such annexation and develop or amend a master program to include the annexed area. Such master program development or amendment shall be consistent with the policy of RCW 90.58.020 and the applicable guidelines and shall be submitted to the department for approval no later than one year from the effective date of annexation.

Until a new or amended master program is adopted by the department, any decision on an application for a shoreline permit in the annexed shoreline area shall be based upon compliance with the master program in effect for the area prior to annexation.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-26-160, filed 9/30/96, effective 10/31/96.]

**PART III  
GUIDELINES**

**WAC 173-26-171 Authority, purpose and effects of guidelines.** (1) **Authority.** RCW 90.58.090 authorizes and directs the department to adopt "guidelines consistent with RCW 90.58.020, containing the elements specified in RCW 90.58.100" for development of local master programs for regulation of the uses of "shorelines" and "shorelines of statewide significance." RCW 90.58.200 authorizes the department and local governments "to adopt such rules as are necessary and appropriate to carry out the provisions of" the Shoreline Management Act.

(2) **Purpose.** The general purpose of the guidelines is to implement the "cooperative program of shoreline management between local government and the state." Local government shall have the primary responsibility for initiating the planning required by the Shoreline Management Act and "administering the regulatory program consistent with the policy and provisions" of the act. "The department shall act primarily in a supportive and review capacity with an emphasis on providing assistance to local government and insuring compliance with the policy and provisions" of the act. RCW 90.58.050.

In keeping with the relationship between state and local governments prescribed by the act, the guidelines have three specific purposes: To assist local governments in developing master programs; to serve as standards for the regulation of shoreline development in the absence of a master program along with the policy and provisions of the act and, to be used along with the policy of RCW 90.58.020, as criteria for state review of local master programs under RCW 90.58.090.

(3) **Effect.**

(a) The guidelines are guiding parameters, standards, and review criteria for local master programs. The guidelines allow local governments substantial discretion to adopt master programs reflecting local circumstances and other local

regulatory and nonregulatory programs related to the policy goals of shoreline management as provided in the policy statements of RCW 90.58.020, WAC 173-26-176 and 173-26-181. The policy of RCW 90.58.020 and these guidelines constitute standards and criteria to be used by the department in reviewing the adoption and amendment of local master programs under RCW 90.58.090 and by the growth management hearings board and shorelines hearings board adjudicating appeals of department decisions to approve, reject, or modify proposed master programs and amendments under RCW 90.58.190.

(b) Under RCW 90.58.340, the guidelines, along with the policy of the act and the master programs, also shall be standards of review and criteria to be used by state agencies, counties, and public and municipal corporations in determining whether the use of lands under their respective jurisdictions adjacent to the shorelines of the state are subject to planning policies consistent with the policies and regulations applicable to shorelines of the state.

(c) The guidelines do not regulate development on shorelines of the state in counties and cities where approved master programs are in effect. In local jurisdictions without approved master programs, development on the shorelines of the state must be consistent with the policy of RCW 90.58.020 and the applicable guidelines under RCW 90.58.140.

(d) As provided in RCW 90.58.060, the department is charged with periodic review and update of these guidelines to address technical and procedural issues that arise as from the review of shoreline master programs (SMPs) as well as compliance of the guidelines with statutory provisions. As a part of this process, ecology will compile information concerning the effectiveness and efficiency of these guidelines and the master programs adopted pursuant thereto with regard to accomplishment of the policies of the Shoreline Management Act and the corresponding principles and specific requirements set forth in these guidelines.

[Statutory Authority: RCW 90.58.060 and 90.58.200.04-01-117 (Order 03-02), § 173-26-171, filed 12/17/03, effective 1/17/04.]

**WAC 173-26-176 General policy goals of the act and guidelines for shorelines of the state.**

(1) The guidelines are designed to assist local governments in developing, adopting, and amending master programs that are consistent with the policy and provisions of the act. Thus, the policy goals of the act are the policy goals of the guidelines. The policy goals of the act are derived from the policy statement of RCW 90.58.020 and the description of the elements to be included in master programs under RCW 90.58.100.

(2) The policy goals for the management of shorelines harbor potential for conflict. The act recognizes that the shorelines and the waters they encompass are "among the most valuable and fragile" of the state's natural resources. They are valuable for economically productive industrial and commercial uses, recreation, navigation, residential amenity, scientific research and education. They are fragile because they depend upon balanced physical, biological, and chemical systems that may be adversely altered by natural forces (earthquakes, volcanic eruptions, landslides, storms, droughts, floods) and human conduct (industrial, commercial, residential, recreation, navigational). Unbridled use of shorelines ultimately could destroy their utility and value.

The prohibition of all use of shorelines also could eliminate their human utility and value. Thus, the policy goals of the act relate both to utilization and protection of the extremely valuable and vulnerable shoreline resources of the state. The act calls for the accommodation of "all reasonable and appropriate uses" consistent with "protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life" and consistent with "public rights of navigation." The act's policy of achieving both shoreline utilization and protection is reflected in the provision that "permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, in so far as practical, any resultant damage to the ecology and environment of the shoreline area and the public's use of the water." RCW 90.58.020.

(3) The act's policy of protecting ecological functions, fostering reasonable utilization and maintaining the public right of navigation and corollary uses encompasses the following general policy goals for shorelines of the state. The statement of each policy goal is followed by the statutory language from which the policy goal is derived.

(a) **The utilization of shorelines for economically productive uses that are particularly dependent on shoreline location or use.**

**RCW 90.58.020:**

*"The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration and preservation."*

*"It is the policy of the state to provide for the management of the shorelines by planning for and fostering all reasonable and appropriate uses."*

*"Uses shall be preferred which are . . . unique to or dependent upon use of the state's shoreline."*

*"Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state."*

**RCW 90.58.100:**

*"(2) The master programs shall include, when appropriate, the following:*

*(a) An economic development element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;. . .*

*(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shorelines use element.*

*(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business,*

*industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;. . ."*

(b) **The utilization of shorelines and the waters they encompass for public access and recreation.**

**RCW 90.58.020:**

*"The public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally."*

*"Alterations of the natural conditions of the shorelines of the state, in those limited instances when authorized, shall be given priority for. . . development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state."*

**RCW 90.58.100:**

*"(2) The master programs shall include, when appropriate, the following:*

*(b) A public access element making provisions for public access to publicly owned areas;*

*(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;. . ."*

\*\*\*

*"(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same."*

(c) **Protection and restoration of the ecological functions of shoreline natural resources.**

**RCW 90.58.020:**

*"The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization protection, restoration, and preservation."*

*"This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life. . ."*

*"To this end uses shall be preferred which are consistent with the control of pollution and prevention of damage to the natural environment."*

*"Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area. . ."*

**RCW 90.58.100:**

*"(2) The master programs shall include, when appropriate, the following:*

*(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;*

*(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;. . ."*

**(d) Protection of the public right of navigation and corollary uses of waters of the state.****RCW 90.58.020:**

"This policy contemplates protecting. . .generally public rights of navigation and corollary rights incidental thereto."

"Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical,. . .any interference with the public's use of the water."

**(e) The protection and restoration of buildings and sites having historic, cultural and educational value.****RCW 90.58.100:**

"(2) The master programs shall include, when appropriate, the following:

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;. . ."

**(f) Planning for public facilities and utilities correlated with other shorelines uses.****RCW 90.58.100:**

"(2) The master programs shall include, when appropriate, the following:

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element."

**(g) Prevention and minimization of flood damages.****RCW 90.58.100:**

"(2) The master programs shall include, when appropriate, the following:

(h) An element that gives consideration to the statewide interest in the prevention and minimization of flood damages."

**(h) Recognizing and protecting private property rights.****RCW 90.58.020:**

"The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership;. . .and, therefore coordinated planning is necessary. . .while, at the same time, recognizing and protecting private rights consistent with the public interest."

**(i) Preferential accommodation of single-family uses.****RCW 90.58.020:**

"Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures. . ."

**RCW 90.58.100:**

"(6) Each master program shall contain standards governing the protection of single-family residences and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and nonstructural methods of protection. The standards shall provide for methods which achieve effective and timely protection against loss or damage to single-family residences and appurtenant structures due to shoreline erosion. The standards shall provide a preference for permit issuance for

measures to protect single-family residences occupied prior to January 1, 1992, where the proposed measure is designed to minimize harm to the shoreline natural environment."

**(j) Coordination of shoreline management with other relevant local, state, and federal programs.****RCW 90.58.020:**

"In addition. . ." the legislature ". . .finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state."

". . .and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state. . ."

"There is, therefor, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."

**RCW 90.58.100:**

"In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:

(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered."

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-176, filed 12/17/03, effective 1/17/04.]

**WAC 173-26-181 Special policy goals of the act and guidelines for shorelines of statewide significance.**

In accordance with RCW 90.58.020, the "department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

(1) Recognize and protect the statewide interest over local interest;

(2) Preserve the natural character of the shoreline;

(3) Result in long term over short term benefit;

(4) Protect the resources and ecology of the shoreline;

(5) Increase public access to publicly owned areas of the shorelines;

(6) Increase recreational opportunities for the public in the shoreline;

(7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary."

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-181, filed 12/17/03, effective 1/17/04.]

**WAC 173-26-186 Governing principles of the guidelines.** The governing principles listed below are intended to articulate a set of foundational concepts that underpin the guidelines, guide the development of the planning policies and regulatory provisions of master programs, and provide direction to the department in reviewing and approving master programs. These governing principles, along with the policy statement of RCW 90.58.020, other relevant provisions of the act, the regulatory reform policies and provisions of RCW 34.05.328, and the policy goals set forth in WAC 173-26-176 and 173-26-181 should be used to assist in interpretation of any ambiguous provisions and reconciliation of any conflicting provisions of the guidelines.

(1) The guidelines are subordinate to the act. Any inconsistency between the guidelines and the act must be resolved in accordance with the act.

(2) The guidelines are intended to reflect the policy goals of the act, as described in WAC 173-26-176 and 173-26-181.

(3) All relevant policy goals must be addressed in the planning policies of master programs.

(4) The planning policies of master programs (as distinguished from the development regulations of master programs) may be achieved by a number of means, only one of which is the regulation of development. Other means, as authorized by RCW 90.58.240, include, but are not limited to: The acquisition of lands and easements within shorelines of the state by purchase, lease, or gift, either alone or in concert with other local governments; and accepting grants, contributions, and appropriations from any public or private agency or individual. Additional other means may include, but are not limited to, public facility and park planning, watershed planning, voluntary salmon recovery projects and incentive programs.

(5) The policy goals of the act, implemented by the planning policies of master programs, may not be achievable by development regulation alone. Planning policies should be pursued through the regulation of development of private property only to an extent that is consistent with all relevant constitutional and other legal limitations (where applicable, statutory limitations such as those contained in chapter 82.02 RCW and RCW 43.21C.060) on the regulation of private property. Local government should use a process designed to assure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights. A process established for this purpose, related to the constitutional takings limitation, is set forth in a publication entitled, "*State of Washington, Attorney General's Recommended Process for Evaluation of Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property*," first published in February 1992. The attorney general is required to review and update this process on at least an annual basis to maintain consistency with changes in case law by RCW 36.70A.370.

(6) The territorial jurisdictions of the master program's planning function and regulatory function are legally distinct. The planning function may, and in some circumstances must,

look beyond the territorial limits of shorelines of the state. RCW 90.58.340. The regulatory function is limited to the territorial limits of shorelines of the state, RCW 90.58.140(1), as defined in RCW 90.58.030(2).

(7) The planning policies and regulatory provisions of master programs and the comprehensive plans and development regulations, adopted under RCW 36.70A.040 shall be integrated and coordinated in accordance with RCW 90.58.-340, 36.70A.480, 34.05.328 (1)(h), and section 1, chapter 347, Laws of 1995.

(8) Through numerous references to and emphasis on the maintenance, protection, restoration, and preservation of "fragile" shoreline "natural resources," "public health," "the land and its vegetation and wildlife," "the waters and their aquatic life," "ecology," and "environment," the act makes protection of the shoreline environment an essential state-wide policy goal consistent with the other policy goals of the act. It is recognized that shoreline ecological functions may be impaired not only by shoreline development subject to the substantial development permit requirement of the act but also by past actions, unregulated activities, and development that is exempt from the act's permit requirements. The principle regarding protecting shoreline ecological systems is accomplished by these guidelines in several ways, and in the context of related principles. These include:

(a) Local government is guided in its review and amendment of local master programs so that it uses a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by affected shorelines.

(b) Local master programs shall include policies and regulations designed to achieve no net loss of those ecological functions.

(i) Local master programs shall include regulations and mitigation standards ensuring that each permitted development will not cause a net loss of ecological functions of the shoreline; local government shall design and implement such regulations and mitigation standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property.

(ii) Local master programs shall include regulations ensuring that exempt development in the aggregate will not cause a net loss of ecological functions of the shoreline.

(c) For counties and cities containing any shorelines with impaired ecological functions, master programs shall include goals and policies that provide for restoration of such impaired ecological functions. These master program provisions shall identify existing policies and programs that contribute to planned restoration goals and identify any additional policies and programs that local government will implement to achieve its goals. These master program elements regarding restoration should make real and meaningful use of established or funded nonregulatory policies and programs that contribute to restoration of ecological functions, and should appropriately consider the direct or indirect effects of other regulatory or nonregulatory programs under other local, state, and federal laws, as well as any restoration effects that may flow indirectly from shoreline development regulations and mitigation standards.

(d) Local master programs shall evaluate and consider cumulative impacts of reasonably foreseeable future devel-

opment on shoreline ecological functions and other shoreline functions fostered by the policy goals of the act. To ensure no net loss of ecological functions and protection of other shoreline functions and/or uses, master programs shall contain policies, programs, and regulations that address adverse cumulative impacts and fairly allocate the burden of addressing cumulative impacts among development opportunities. Evaluation of such cumulative impacts should consider:

- (i) Current circumstances affecting the shorelines and relevant natural processes;
- (ii) Reasonably foreseeable future development and use of the shoreline; and
- (iii) Beneficial effects of any established regulatory programs under other local, state, and federal laws.

It is recognized that methods of determining reasonably foreseeable future development may vary according to local circumstances, including demographic and economic characteristics and the nature and extent of local shorelines.

(e) The guidelines are not intended to limit the use of regulatory incentives, voluntary modification of development proposals, and voluntary mitigation measures that are designed to restore as well as protect shoreline ecological functions.

(9) To the extent consistent with the policy and use preference of RCW 90.58.020, this chapter (chapter 173-26 WAC), and these principles, local governments have reasonable discretion to balance the various policy goals of this chapter, in light of other relevant local, state, and federal regulatory and nonregulatory programs, and to modify master programs to reflect changing circumstances.

(10) Local governments, in adopting and amending master programs and the department in its review capacity shall, to the extent feasible, as required by RCW 90.58.100(1):

*"(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;*

*(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;*

*(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;*

*(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;*

*(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;*

*(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered."*

(11) In reviewing and approving local government actions under RCW 90.58.090, the department shall insure that the state's interest in shorelines is protected, including compliance with the policy and provisions of RCW 90.58.020.

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-186, filed 12/17/03, effective 1/17/04.]

**WAC 173-26-191 Master program contents.** (1) **Master program concepts.** The following concepts are the basis for effective shoreline master programs.

(a) **Master program policies and regulations.** Shoreline master programs are both planning and regulatory tools. Master programs serve a planning function in several ways. First, they balance and integrate the objectives and interests of local citizens. Therefore, the preparation and amending of master programs shall involve active public participation, as called for in WAC 173-26-201(3). Second, they address the full variety of conditions on the shoreline. Third, they consider and, where necessary to achieve the objectives of chapter 90.58 RCW, influence planning and regulatory measures for adjacent land. For jurisdictions planning under chapter 36.70A RCW, the Growth Management Act, the requirements for consistency between shoreline and adjacent land planning are more specific and are described in WAC 173-26-191 (1)(e). Fourth, master programs address conditions and opportunities of specific shoreline segments by classifying the shorelines into "environment designations" as described in WAC 173-26-211.

The results of shoreline planning are summarized in shoreline master program policies that establish broad shoreline management directives. The policies are the basis for regulations that govern use and development along the shoreline. Some master program policies may not be fully attainable by regulatory means due to the constitutional and other legal limitations on the regulation of private property. The policies may be pursued by other means as provided in RCW 90.58.240. Some development requires a shoreline permit prior to construction. A local government evaluates a permit application with respect to the shoreline master program policies and regulations and approves a permit only after determining that the development conforms to them. The regulations apply to all uses and development within shoreline jurisdiction, whether or not a shoreline permit is required, and are implemented through an administrative process established by local government pursuant to RCW 90.58.050 and 90.58.140 and enforcement pursuant to RCW 90.58.210 through 90.58.230.

(b) **Master program elements.** RCW 90.58.100(2) states that the master programs shall, when appropriate, include the following elements:

*"(a) An economic development element for the location and design of industries, industrial projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of shorelines of the state;*

*(b) A public access element making provision for public access to publicly owned areas;*

*(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;*

*(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;*

*(e) A use element which considers the proposed general distribution and general location and extent of the use on*



shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;

(h) An element that gives consideration to the statewide interest in the prevention and minimization of flood damages; and

(i) Any other element deemed appropriate or necessary to effectuate the policy of this chapter."

The Growth Management Act (chapter 36.70A RCW) also uses the word "element" for discrete components of a comprehensive plan. To avoid confusion, "master program element" refers to the definition in the Shoreline Management Act as cited above. Local jurisdictions are not required to address the master program elements listed in the Shoreline Management Act as discrete sections. The elements may be addressed throughout master program provisions rather than used as a means to organize the master program.

(c) **Shorelines of statewide significance.** The Shoreline Management Act identifies certain shorelines as "shorelines of statewide significance" and raises their status by setting use priorities and requiring "optimum implementation" of the act's policy. WAC 173-26-251 describes methods to provide for the priorities listed in RCW 90.58.020 and to achieve "optimum implementation" as called for in RCW 90.58.090 (4).

(d) **Shoreline environment designations.** Shoreline management must address a wide range of physical conditions and development settings along shoreline areas. Effective shoreline management requires that the shoreline master program prescribe different sets of environmental protection measures, allowable use provisions, and development standards for each of these shoreline segments.

The method for local government to account for different shoreline conditions is to assign an environment designation to each distinct shoreline section in its jurisdiction. The environment designation assignments provide the framework for implementing shoreline policies and regulatory measures specific to the environment designation. WAC 173-26-211 presents guidelines for environment designations in greater detail.

(e) **Consistency with comprehensive planning and other development regulations.** Shoreline management is most effective and efficient when accomplished within the context of comprehensive planning. For cities and counties planning under the Growth Management Act, chapter 36.70A RCW requires mutual and internal consistency between the comprehensive plan elements and implementing development regulations (including master programs). The requirement for consistency is amplified in WAC 365-195-500:

*"Each comprehensive plan shall be an internally consistent document and all elements shall be consistent with the future land use map. This means that each part of the plan*

*should be integrated with all other parts and that all should be capable of implementation together. Internal consistency involves at least two aspects:*

*(1) Ability of physical aspects of the plan to coexist on the available land.*

*(2) Ability of the plan to provide that adequate public facilities are available when the impacts of development occur (concurrency).*

*Each plan should provide mechanisms for ongoing review of its implementation and adjustment of its terms whenever internal conflicts become apparent."*

The Growth Management Act also calls for coordination and consistency of comprehensive plans among local jurisdictions. RCW 36.70A.100 states:

*"The comprehensive plan of each county or city that is adopted pursuant to RCW 36.70A.040 shall be coordinated with, and consistent with, the comprehensive plans adopted pursuant to RCW 36.70A.040 of other counties or cities with which the county or city has, in part, common borders or related regional issues."*

Since master program goals and policies are an element of the local comprehensive plan, the requirement for internal and intergovernmental plan consistency may be satisfied by watershed-wide or regional planning.

Legislative findings provided in section 1, chapter 347, Laws of 1995 (see RCW 36.70A.470 notes) state:

*"The legislature recognizes by this act that the growth management act is a fundamental building block of regulatory reform. The state and local governments have invested considerable resources in an act that should serve as the integrating framework for all other land-use related laws. The growth management act provides the means to effectively combine certainty for development decisions, reasonable environmental protection, long-range planning for cost-effective infrastructure, and orderly growth and development."*

And RCW 36.70A.480(1) (The Growth Management Act) states:

*"For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the fourteen goals. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations."*

Furthermore, RCW 36.70A.481 states:

*"Nothing in RCW 36.70A.480 shall be construed to authorize a county or city to adopt regulations applicable to shorelands as defined in RCW 90.58.030 that are inconsistent with the provisions of chapter 90.58 RCW."*

The Shoreline Management Act addresses the issue of consistency in RCW 90.58.340, which states:

*"All state agencies, counties, and public and municipal corporations shall review administrative and management policies, regulations, plans, and ordinances relative to lands under their respective jurisdictions adjacent to the shorelines of the state so as the [to] achieve a use policy on said land*

*consistent with the policy of this chapter, the guidelines, and the master programs for the shorelines of the state. The department may develop recommendations for land use control for such lands. Local governments shall, in developing use regulations for such areas, take into consideration any recommendations developed by the department as well as any other state agencies or units of local government. [1971 ex.s. c 286 § 34.]"*

Pursuant to the statutes cited above, the intent of these guidelines is to assist local governments in preparing and amending master programs that fit within the framework of applicable comprehensive plans, facilitate consistent, efficient review of projects and permits, and effectively implement the Shoreline Management Act. It should be noted the ecology's authority under the Shoreline Management Act is limited to review of shoreline master programs based solely on consistency with the SMA and these guidelines. It is the responsibility of the local government to assure consistency between the master program and other elements of the comprehensive plan and development regulations.

Several sections in these guidelines include methods to achieve the consistency required by both the Shoreline Management Act and the Growth Management Act.

First, WAC 173-26-191 (2)(b) and (c) describe optional methods to integrate master programs and other development regulations and the local comprehensive plan.

Second, WAC 173-26-221 through 173-26-251 translate the broad policy goals in the Shoreline Management Act into more specific policies. They also provide a more defined policy basis on which to frame local shoreline master program provisions and to evaluate the consistency of applicable sections of a local comprehensive plan with the Shoreline Management Act.

Finally, WAC 173-26-211(3) presents specific methods for testing consistency between shoreline environment designations and comprehensive plan land use designations.

(2) **Basic requirements.** This chapter describes the basic components and content required in a master program. A master program must be sufficient and complete to implement the Shoreline Management Act and the provisions of this chapter. A master program shall contain policies and regulations as necessary for reviewers to evaluate proposed shoreline uses and developments for conformance to the Shoreline Management Act. As indicated in WAC 173-26-020, for this chapter: The terms "shall," "must," and "are required" and the imperative voice, mean a mandate; the action is required; the term "should" means that the particular action is required unless there is a demonstrated, sufficient reason, based on a policy of the Shoreline Management Act and this chapter, for not taking the action; and the term "may" indicates that the action is within discretion and authority, provided it satisfies all other provisions in this chapter.

(a) **Master program contents.** Master programs shall include the following contents:

(i) **Master program policies.** Master programs shall provide clear, consistent policies that translate broad statewide policy goals set forth in WAC 173-26-176 and 173-26-181 into local directives. Policies are statements of intent directing or authorizing a course of action or specifying criteria for regulatory and nonregulatory actions by a local government. Master program policies provide a comprehensive

foundation for the shoreline master program regulations, which are more specific, standards used to evaluate shoreline development. Master program policies also are to be pursued and provide guidance for public investment and other non-regulatory initiatives to assure consistency with the overall goals of the master program.

Shoreline policies shall be developed through an open comprehensive shoreline planning process. For governments planning under the Growth Management Act, the master program policies are considered a shoreline element of the local comprehensive plan and shall be consistent with the planning goals of RCW 36.70A.020, as well as the act's general and special policy goals set forth in WAC 173-26-176 and 173-26-181.

At a minimum, shoreline master program policies shall:

(A) Be consistent with state shoreline management policy goals and specific policies listed in this chapter and the policies of the Shoreline Management Act;

(B) Address the master program elements of RCW 90.58.100;

(C) Include policies for environment designations as described in WAC 173-26-211. The policies shall be accompanied by a map or physical description of the schematic environment designation boundaries in sufficient detail to compare with comprehensive plan land use designations; and

(D) Be designed and implemented in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property.

(ii) **Master program regulations.** RCW 90.58.100 states:

*"The master programs provided for in this chapter, when adopted or approved by the department shall constitute use regulations for the various shorelines of the state."*

In order to implement the directives of the Shoreline Management Act, master program regulations shall:

(A) Be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies of this chapter, and local master program policies;

(B) Include environment designation regulations that apply to specific environments consistent with WAC 173-26-210;

(C) Include general regulations, use regulations that address issues of concern in regard to specific uses, and shoreline modification regulations; and

(D) Design and implement regulations and mitigation standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property.

(iii) **Administrative provisions.**

(A) **Statement of applicability.** The Shoreline Management Act's provisions are intended to provide for the management of all development and uses within its jurisdiction, whether or not a shoreline permit is required. Many activities that may not require a substantial development permit, such as clearing vegetation or construction of a residential bulkhead, can, individually or cumulatively, adversely impact adjacent properties and natural resources, including those held in public trust. Local governments have the authority and responsibility to enforce master program regulations on all uses and development in the shoreline area. There has

been, historically, some public confusion regarding the Shoreline Management Act's applicability in this regard. Therefore, all master programs shall include the following statement:

"All proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act, and this master program."

In addition to the requirements of the SMA, permit review, implementation, and enforcement procedures affecting private property must be conducted in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property. Administrative procedures should include provisions insuring that these requirements and limitations are considered and followed in all such decisions.

While the master program is a comprehensive use regulation applicable to all land and water areas within the jurisdiction described in the act, its effect is generally on future development and changes in land use. Local government may find it necessary to regulate existing uses to avoid severe harm to public health and safety or the environment and in doing so should be cognizant of constitutional and other legal limitations on the regulation of private property. In some circumstances existing uses and properties may become non-conforming with regard to the regulations and master programs should include provisions to address these situations in a manner consistent with achievement of the policy of the act and consistent with constitutional and other legal limitations.

(B) Conditional use and variance provisions.

RCW 90.58.100(5) states:

*"Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140(3)."*

All master programs shall include standards for reviewing conditional use permits and variances which conform to chapter 173-27 WAC.

(C) **Administrative permit review and enforcement procedures.**

RCW 90.58.140(3) states:

*"The local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. The administration of the system so established shall be performed exclusively by the local government."*

Local governments may include administrative, enforcement, and permit review procedures in the master program or the procedures may be defined by a local government ordinance separate from the master program. In either case, these procedures shall conform to the Shoreline Management Act, specifically RCW 90.58.140, 90.58.143, 90.58.210 and 90.58.220 and to chapter 173-27 WAC.

Adopting review and enforcement procedures separate from the master program allows local governments to more expeditiously revise their shoreline permit review procedures and to integrate them with other permit processing activities.

(D) **Documentation of project review actions and changing conditions in shoreline areas.**

Master programs or other local permit review ordinances addressing shoreline project review shall include a mechanism for documenting all project review actions in shoreline areas. Local governments shall also identify a process for periodically evaluating the cumulative effects of authorized development on shoreline conditions. This process could involve a joint effort by local governments, state resource agencies, affected Indian tribes, and other parties.

(b) **Including other documents in a master program by reference.** Shoreline master program provisions sometimes address similar issues as other comprehensive plan elements and development regulations, such as the zoning code and critical area ordinance. For the purposes of completeness and consistency, local governments may include other locally adopted policies and regulations within their master programs. For example, a local government may include its critical area ordinance in the master program to provide for compliance with the requirements of RCW 90.58.090(4), provided the critical area ordinance is also consistent with this chapter. This can ensure that local master programs are consistent with other regulations.

Shoreline master programs may include other policies and regulations by referencing a specific, dated edition. When including referenced regulations within a master program, local governments shall ensure that the public has an opportunity to participate in the formulation of the regulations or in their incorporation into the master program, as called for in WAC 173-26-201 (3)(b)(i). In the approval process the department will review the referenced development regulation sections as part of the master program. A copy of the referenced regulations shall be submitted to the department with the proposed master program or amendment. If the development regulation is amended, the edition referenced within the master program will still be the operative regulation in the master program. Changing the referenced regulations in the master program to the new edition will require a master program amendment.

(c) **Incorporating master program provisions into other plans and regulations.** Local governments may integrate master program policies and regulations into their comprehensive plan policies and implementing development regulations rather than preparing a discrete master program in a single document. Master program provisions that are integrated into such plans and development regulations shall be clearly identified so that the department can review these provisions for approval and evaluate development proposals for compliance. RCW 90.58.120 requires that all adopted regulations, designations, and master programs be available for public inspection at the department or the applicable county or city. Local governments shall identify all documents which contain master program provisions and which provisions constitute part of the master program. Clear identification of master program provisions is also necessary so that interested persons and entities may be involved in master

program preparation and amendment, as called for in RCW 90.58.130.

Local governments integrating all or portions of their master program provisions into other plans and regulations shall submit to the department a listing and copies of all provisions that constitute the master program. The master program shall also be sufficiently complete and defined to provide:

(i) Clear directions to applicants applying for shoreline permits and exemptions; and

(ii) Clear evaluation criteria and standards to the local governments, the department, other agencies, and the public for reviewing permit applications with respect to state and local shoreline management provisions.

(d) **Multijurisdictional master program.** Two or more adjacent local governments are encouraged to jointly prepare master programs. Jointly proposed master programs may offer opportunities to effectively and efficiently manage natural resources, such as drift cells or watersheds, that cross jurisdictional boundaries. Local governments jointly preparing master programs shall provide the opportunity for public participation locally in each jurisdiction, as called for in WAC 173-26-201 (3)(b), and submit the multijurisdictional master program to the department for approval.

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-191, filed 12/17/03, effective 1/17/04.]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

**WAC 173-26-201 Comprehensive process to prepare or amend shoreline master programs. (1) Applicability.** This section outlines a comprehensive process to prepare or amend a shoreline master program. Local governments shall incorporate the steps indicated if one or more of the following criteria apply:

(a) The master program amendments being considered represent a significant modification to shoreline management practices within the local jurisdiction, they modify more than one environment designation boundary, or significantly add, change or delete use regulations;

(b) Physical shoreline conditions have changed significantly, such as substantial changes in shoreline use or priority habitat integrity, since the last comprehensive master program amendment;

(c) The master program amendments being considered contain provisions that will affect a substantial portion of the local government's shoreline areas;

(d) There are substantive issues that must be addressed on a comprehensive basis. This may include issues such as salmon recovery, major use conflicts or public access;

(e) The current master program and the comprehensive plan are not mutually consistent;

(f) There has been no previous comprehensive master program amendment since the original master program adoption; or

(g) Monitoring and adaptive management indicate that changes are necessary to avoid loss of ecological functions.

Other revisions that do not meet the above criteria may be made without undertaking this comprehensive process provided that the process conforms to the requirements of WAC 173-26-030 through 173-26-160.

All master program amendments are subject to approval by the department as provided in RCW 90.58.090 (3) and (4).

(2) **Basic concepts.**

(a) **Use of scientific and technical information.** To satisfy the requirements for the use of scientific and technical information in RCW 90.58.100(1), local governments shall incorporate the following two steps into their master program development and amendment process.

First, identify and assemble the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern. The context, scope, magnitude, significance, and potential limitations of the scientific information should be considered. At a minimum, make use of and, where applicable, incorporate all available scientific information, aerial photography, inventory data, technical assistance materials, manuals and services from reliable sources of science. Local governments should also contact relevant state agencies, universities, affected Indian tribes, port districts and private parties for available information. While adequate scientific information and methodology necessary for development of a master program should be available, if any person, including local government, chooses to initiate scientific research with the expectation that it will be used as a basis for master program provisions, that research shall use accepted scientific methods, research procedures and review protocols. Local governments are encouraged to work interactively with neighboring jurisdictions, state resource agencies, affected Indian tribes, and other local government entities such as port districts to address technical issues beyond the scope of existing information resources or locally initiated research.

Local governments should consult the technical assistance materials produced by the department. When relevant information is available and unless there is more current or specific information available, those technical assistance materials shall constitute an element of scientific and technical information as defined in these guidelines and the use of which is required by the act.

Second, base master program provisions on an analysis incorporating the most current, accurate, and complete scientific or technical information available. Local governments should be prepared to identify the following:

(i) Scientific information and management recommendations on which the master program provisions are based;

(ii) Assumptions made concerning, and data gaps in, the scientific information; and

(iii) Risks to ecological functions associated with master program provisions. Address potential risks as described in WAC 173-26-201 (3)(d).

The requirement to use scientific and technical information in these guidelines does not limit a local jurisdiction's authority to solicit and incorporate information, experience, and anecdotal evidence provided by interested parties as part of the master program amendment process. Such information should be solicited through the public participation process described in WAC 173-26-201 (3)(b). Where information collected by or provided to local governments conflicts or is inconsistent, the local government shall base master program provisions on a reasoned, objective evaluation of the relative merits of the conflicting data.

(b) **Adaptation of policies and regulations.** Effective shoreline management requires the evaluation of changing conditions and the modification of policies and regulations to address identified trends and new information. Local governments should monitor actions taken to implement the master program and shoreline conditions to facilitate appropriate updates of master program provisions to improve shoreline management over time. In reviewing proposals to amend master programs, the department shall evaluate whether the change promotes achievement of the policies of the master program and the act. As provided in WAC 173-26-171 (3)(d), ecology will periodically review these guidelines, based in part on information provided by local government, and through that process local government will receive additional guidance on significant shoreline management issues that may require amendments to master programs.

(c) **Protection of ecological functions of the shorelines.** This chapter implements the act's policy on protection of shoreline natural resources through protection and restoration of ecological functions necessary to sustain these natural resources. The concept of ecological functions recognizes that any ecological system is composed of a wide variety of interacting physical, chemical and biological components, that are interdependent in varying degrees and scales, and that produce the landscape and habitats as they exist at any time. Ecological functions are the work performed or role played individually or collectively within ecosystems by these components.

As established in WAC 173-26-186(8), these guidelines are designed to assure, at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources and to plan for restoration of ecological functions where they have been impaired. Managing shorelines for protection of their natural resources depends on sustaining the functions provided by:

- Ecosystem-wide processes such as those associated with the flow and movement of water, sediment and organic materials; the presence and movement of fish and wildlife and the maintenance of water quality.
- Individual components and localized processes such as those associated with shoreline vegetation, soils, water movement through the soil and across the land surface and the composition and configuration of the beds and banks of water bodies.

The loss or degradation of the functions associated with ecosystem-wide processes, individual components and localized processes can significantly impact shoreline natural resources and may also adversely impact human health and safety. Shoreline master programs shall address ecological functions associated with applicable ecosystem-wide processes, individual components and localized processes identified in the ecological systems analysis described in WAC 173-26-201 (3)(d)(i).

Nearly all shoreline areas, even substantially developed or degraded areas, retain important ecological functions. For example, an intensely developed harbor area may also serve as a fish migration corridor and feeding area critical to species survival. Also, ecosystems are interconnected. For example, the life cycle of anadromous fish depends upon the viability of freshwater, marine, and terrestrial shoreline ecosystems, and many wildlife species associated with the shore-

line depend on the health of both terrestrial and aquatic environments. Therefore, the policies for protecting and restoring ecological functions generally apply to all shoreline areas, not just those that remain relatively unaltered.

Master programs shall contain policies and regulations that assure, at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources. To achieve this standard while accommodating appropriate and necessary shoreline uses and development, master programs should establish and apply:

- Environment designations with appropriate use and development standards; and
- Provisions to address the impacts of specific common shoreline uses, development activities and modification actions; and
- Provisions for the protection of critical areas within the shoreline; and
- Provisions for mitigation measures and methods to address unanticipated impacts.

When based on the inventory and analysis requirements and completed consistent with the specific provisions of these guidelines, the master program should ensure that development will be protective of ecological functions necessary to sustain existing shoreline natural resources and meet the standard. The concept of "net" as used herein, recognizes that any development has potential or actual, short-term or long-term impacts and that through application of appropriate development standards and employment of mitigation measures in accordance with the mitigation sequence, those impacts will be addressed in a manner necessary to assure that the end result will not diminish the shoreline resources and values as they currently exist. Where uses or development that impact ecological functions are necessary to achieve other objectives of RCW 90.58.020, master program provisions shall, to the greatest extent feasible, protect existing ecological functions and avoid new impacts to habitat and ecological functions before implementing other measures designed to achieve no net loss of ecological functions.

Master programs shall also include policies that promote restoration of ecological functions, as provided in WAC 173-26-201 (2)(f), where such functions are found to have been impaired based on analysis described in WAC 173-26-201 (3)(d)(i). It is intended that local government, through the master program, along with other regulatory and nonregulatory programs, contribute to restoration by planning for and fostering restoration and that such restoration occur through a combination of public and private programs and actions. Local government should identify restoration opportunities through the shoreline inventory process and authorize, coordinate and facilitate appropriate publicly and privately initiated restoration projects within their master programs. The goal of this effort is master programs which include planning elements that, when implemented, serve to improve the overall condition of habitat and resources within the shoreline area of each city and county.

(d) **Preferred uses.** As summarized in WAC 173-26-176, the act establishes policy that preference be given to uses that are unique to or dependent upon a shoreline location. Consistent with this policy, these guidelines use the terms "water-dependent," "water-related," and "water-enjoy-

ment," as defined in WAC 173-26-020, when discussing appropriate uses for various shoreline areas.

Shoreline areas, being a limited ecological and economic resource, are the setting for competing uses and ecological protection and restoration activities. Consistent with RCW 90.58.020 and WAC 173-26-171 through 173-26-186, local governments shall, when determining allowable uses and resolving use conflicts on shorelines within their jurisdiction, apply the following preferences and priorities in the order listed below, starting with (d)(i) of this subsection. For shorelines of statewide significance, also apply the preferences as indicated in WAC 173-26-251(2).

(i) Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.

(ii) Reserve shoreline areas for water-dependent and associated water-related uses. Harbor areas, established pursuant to Article XV of the state Constitution, and other areas that have reasonable commercial navigational accessibility and necessary support facilities such as transportation and utilities should be reserved for water-dependent and water-related uses that are associated with commercial navigation unless the local governments can demonstrate that adequate shoreline is reserved for future water-dependent and water-related uses and unless protection of the existing natural resource values of such areas preclude such uses. Local governments may prepare master program provisions to allow mixed-use developments that include and support water-dependent uses and address specific conditions that affect water-dependent uses.

(iii) Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.

(iv) Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.

(v) Limit nonwater-oriented uses to those locations where the above described uses are inappropriate or where nonwater-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act.

Evaluation pursuant to the above criteria, local economic and land use conditions, and policies and regulations that assure protection of shoreline resources, may result in determination that other uses are considered as necessary or appropriate and may be accommodated provided that the preferred uses are reasonably provided for in the jurisdiction.

**(e) Environmental impact mitigation.**

(i) To assure no net loss of shoreline ecological functions, master programs shall include provisions that require proposed individual uses and developments to analyze environmental impacts of the proposal and include measures to mitigate environmental impacts not otherwise avoided or mitigated by compliance with the master program and other applicable regulations. To the extent Washington's State Environmental Policy Act of 1971 (SEPA), chapter 43.21C RCW, is applicable, the analysis of such environmental impacts shall be conducted consistent with the rules implementing SEPA, which also address environmental impact mitigation in WAC 197-11-660 and define mitigation in WAC 197-11-768. Master programs shall indicate that,

where required, mitigation measures shall be applied in the following sequence of steps listed in order of priority, with (e)(i)(A) of this subsection being top priority.

(A) Avoiding the impact altogether by not taking a certain action or parts of an action;

(B) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

(C) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(D) Reducing or eliminating the impact over time by preservation and maintenance operations;

(E) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

(F) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

(ii) In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

Consistent with WAC 173-26-186 (5) and (8), master programs shall also provide direction with regard to mitigation for the impact of the development so that:

(A) Application of the mitigation sequence achieves no net loss of ecological functions for each new development and does not result in required mitigation in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions and not have a significant adverse impact on other shoreline functions fostered by the policy of the act.

(B) When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions.

**(f) Shoreline restoration planning.** Consistent with principle WAC 173-26-186 (8)(c), master programs shall include goals, policies and actions for restoration of impaired shoreline ecological functions. These master program provisions should be designed to achieve overall improvements in shoreline ecological functions over time, when compared to the status upon adoption of the master program. The approach to restoration planning may vary significantly among local jurisdictions, depending on:

- The size of the jurisdiction;
- The extent and condition of shorelines in the jurisdiction;
- The availability of grants, volunteer programs or other tools for restoration; and
- The nature of the ecological functions to be addressed by restoration planning.

Master program restoration plans shall consider and address the following subjects:

- (i) Identify degraded areas, impaired ecological functions, and sites with potential for ecological restoration;
- (ii) Establish overall goals and priorities for restoration of degraded areas and impaired ecological functions;
- (iii) Identify existing and ongoing projects and programs that are currently being implemented, or are reasonably assured of being implemented (based on an evaluation of funding likely in the foreseeable future), which are designed to contribute to local restoration goals;
- (iv) Identify additional projects and programs needed to achieve local restoration goals, and implementation strategies including identifying prospective funding sources for those projects and programs;
- (v) Identify timelines and benchmarks for implementing restoration projects and programs and achieving local restoration goals;
- (vi) Provide for mechanisms or strategies to ensure that restoration projects and programs will be implemented according to plans and to appropriately review the effectiveness of the projects and programs in meeting the overall restoration goals.

**(3) Steps in preparing and amending a master program.**

(a) **Process overview.** This section provides a generalized process to prepare or comprehensively amend a shoreline master program. Local governments may modify the timing of the various steps, integrate the process into other planning activities, add steps to the process, or work jointly with other jurisdictions or regional efforts, provided the provisions of this chapter are met.

The department will provide a shoreline master program amendment checklist to help local governments identify issues to address. The checklist will not create new or additional requirements beyond the provisions of this chapter. The checklist is intended to aid the preparation and review of master program amendments. Local governments shall submit the completed checklist with the proposed master program amendments.

**(b) Participation process.**

(i) **Participation requirements.** Local government shall comply with the provisions of RCW 90.58.130 which states:

*"To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:*

*(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and*

*(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to insure that their inter-*

*ests are fully considered by the department and local governments."*

Additionally, the provisions of WAC 173-26-100 apply and include provisions to assure proper public participation and, for local governments planning under the Growth Management Act, the provisions of RCW 36.70A.140 also apply.

At a minimum, all local governments shall be prepared to describe and document their methods to ensure that all interested parties have a meaningful opportunity to participate.

(ii) **Communication with state agencies.** Before undertaking substantial work, local governments shall notify applicable state agencies to identify state interests, relevant regional and statewide efforts, available information, and methods for coordination and input. Contact the department for a list of applicable agencies to be notified.

(iii) **Communication with affected Indian tribes.** Prior to undertaking substantial work, local governments shall notify affected Indian tribes to identify tribal interests, relevant tribal efforts, available information and methods for coordination and input. Contact the individual tribes or coordinating bodies such as the Northwest Indian Fisheries Commission, for a list of affected Indian tribes to be notified.

(c) **Inventory shoreline conditions.** Gather and incorporate all pertinent and available information, existing inventory data and materials from state agencies, affected Indian tribes, watershed management planning, port districts and other appropriate sources. Ensure that, whenever possible, inventory methods and protocols are consistent with those of neighboring jurisdictions and state efforts. The department will provide, to the extent possible, services and resources for inventory work. Contact the department to determine information sources and other relevant efforts. Map inventory information at an appropriate scale.

Local governments shall be prepared to demonstrate how the inventory information was used in preparing their local master program amendments.

Collection of additional inventory information is encouraged and should be coordinated with other watershed, regional, or statewide inventory and planning efforts in order to ensure consistent methods and data protocol as well as effective use of fiscal and human resources. Local governments should be prepared to demonstrate that they have coordinated with applicable interjurisdictional shoreline inventory and planning programs where they exist. Two or more local governments are encouraged to jointly conduct an inventory in order to increase the efficiency of data gathering and comprehensiveness of inventory information. Data from interjurisdictional, watershed, or regional inventories may be substituted for an inventory conducted by an individual jurisdiction, provided it meets the requirements of this section.

Local government shall, at a minimum, and to the extent such information is relevant and reasonably available, collect the following information:

(i) Shoreline and adjacent land use patterns and transportation and utility facilities, including the extent of existing structures, impervious surfaces, vegetation and shoreline modifications in shoreline jurisdiction. Special attention should be paid to identification of water-oriented uses and related navigation, transportation and utility facilities.

(ii) Critical areas, including wetlands, aquifer recharge areas, fish and wildlife conservation areas, geologically hazardous areas, and frequently flooded areas. See also WAC 173-26-221.

(iii) Degraded areas and sites with potential for ecological restoration.

(iv) Areas of special interest, such as priority habitats, developing or redeveloping harbors and waterfronts, previously identified toxic or hazardous material clean-up sites, dredged material disposal sites, or eroding shorelines, to be addressed through new master program provisions.

(v) Conditions and regulations in shoreland and adjacent areas that affect shorelines, such as surface water management and land use regulations. This information may be useful in achieving mutual consistency between the master program and other development regulations.

(vi) Existing and potential shoreline public access sites, including public rights of way and utility corridors.

(vii) General location of channel migration zones, and flood plains.

(viii) Gaps in existing information. During the initial inventory, local governments should identify what additional information may be necessary for more effective shoreline management.

(ix) If the shoreline is rapidly developing or subject to substantial human changes such as clearing and grading, past and current records or historical aerial photographs may be necessary to identify cumulative impacts, such as bulkhead construction, intrusive development on priority habitats, and conversion of harbor areas to nonwater-oriented uses.

(x) If archaeological or historic resources have been identified in shoreline jurisdiction, consult with the state historic preservation office and local affected Indian tribes regarding existing archaeological and historical information.

(d) **Analyze shoreline issues of concern.** Before establishing specific master program provisions, local governments shall analyze the information gathered in (c) of this subsection and as necessary to ensure effective shoreline management provisions, address the topics below, where applicable.

(i) **Characterization of functions and ecosystem-wide processes.**

(A) Prepare a characterization of shoreline ecosystems and their associated ecological functions. The characterization consists of three steps:

(I) Identify the ecosystem-wide processes and ecological functions based on the list in (d)(i)(C) of this subsection that apply to the shoreline(s) of the jurisdiction.

(II) Assess the ecosystem-wide processes to determine their relationship to ecological functions present within the jurisdiction and identify which ecological functions are healthy, which have been significantly altered and/or adversely impacted and which functions may have previously existed and are missing based on the values identified in (d)(i)(D) of this subsection; and

(III) Identify specific measures necessary to protect and/or restore the ecological functions and ecosystem-wide processes.

(B) The characterization of shoreline ecological systems may be achieved by using one or more of the approaches below:

(I) If a regional environmental management plan, such as a watershed plan or coastal erosion study, is ongoing or has been completed, then conduct the characterization either within the framework of the regional plan or use the data provided in the regional plan. This methodology is intended to contribute to an in-depth and comprehensive assessment and characterization.

(II) If a regional environmental management plan has not been completed, use available scientific and technical information, including flood studies, habitat evaluations and studies, water quality studies, and data and information from environmental impact statements. This characterization of ecosystem-wide processes and the impact upon the functions of specific habitats and human health and safety objectives may be of a generalized nature.

(III) One or more local governments may pursue a characterization which includes a greater scope and complexity than listed in (d)(i)(B)(I) and (II) of this subsection.

(C) Shoreline ecological functions include, but are not limited to:

In rivers and streams and associated flood plains:

Hydrologic: Transport of water and sediment across the natural range of flow variability; attenuating flow energy; developing pools, riffles, gravel bars, recruitment and transport of large woody debris and other organic material.

Shoreline vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, sediment removal and stabilization; attenuation of flow energy; and provision of large woody debris and other organic matter.

Hyporheic functions: Removing excessive nutrients and toxic compound, water storage, support of vegetation, and sediment storage and maintenance of base flows.

Habitat for native aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish: Habitat functions may include, but are not limited to, space or conditions for reproduction; resting, hiding and migration; and food production and delivery.

In lakes:

Hydrologic: Storing water and sediment, attenuating wave energy, removing excessive nutrients and toxic compounds, recruitment of large woody debris and other organic material.

Shoreline vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, attenuating wave energy, sediment removal and stabilization; and providing woody debris and other organic matter.

Hyporheic functions: Removing excessive nutrients and toxic compound, water storage, support of vegetation, and sediment storage and maintenance of base flows.

Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish: Habitat functions may include, but are not limited to, space or conditions for reproduction, resting, hiding and migration; and food production and delivery.

In marine waters:

Hydrologic: Transporting and stabilizing sediment, attenuating wave and tidal energy, removing excessive nutrients and toxic compounds; recruitment, redistribution and reduction of woody debris and other organic material.

Vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, attenuating wave energy,



sediment removal and stabilization; and providing woody debris and other organic matter.

Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish: Habitat functions may include, but are not limited to, space or conditions for reproduction, resting, hiding and migration; and food production and delivery.

Wetlands:

Hydrological: Storing water and sediment, attenuating wave energy, removing excessive nutrients and toxic compounds, recruiting woody debris and other organic material.

Vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, attenuating wave energy, removing and stabilizing sediment; and providing woody debris and other organic matter.

Hyporheic functions: Removing excessive nutrients and toxic compound, storing water and maintaining base flows, storing sediment and support of vegetation.

Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish: Habitat functions may include, but are not limited to, space or conditions for reproduction, resting, hiding and migration; and food production and delivery.

(D) The overall condition of habitat and shoreline resources are determined by the following ecosystem-wide processes and ecological functions:

The distribution, diversity, and complexity of the watersheds, marine environments, and landscape-scale features that form the aquatic systems to which species, populations, and communities are uniquely adapted.

The spatial and temporal connectivity within and between watersheds and along marine shorelines. Drainage network connections include flood plains, wetlands, upslope areas, headwater tributaries, and naturally functioning routes to areas critical for fulfilling life history requirements of aquatic and riverine-dependent species.

The shorelines, beaches, banks, marine near-shore habitats, and bottom configurations that provide the physical framework of the aquatic system.

The timing, volume, and distribution of woody debris recruitment in rivers, streams and marine habitat areas.

The water quality necessary to maintain the biological, physical, and chemical integrity of the system and support survival, growth, reproduction, and migration of individuals composing aquatic and riverine communities.

The sediment regime under which aquatic ecosystems evolved. Elements of the sediment regime include the timing, volume, rate, and character of sediment input, storage, and transport.

The range of flow variability sufficient to create and sustain fluvial, aquatic, and wetland habitats, the patterns of sediment, nutrient, and wood routing. The timing, magnitude, duration, and spatial distribution of peak, high, and low flows, and duration of flood plain inundation and water table elevation in meadows and wetlands.

The species composition and structural diversity of plant communities in river and stream areas and wetlands that provides summer and winter thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank erosion, and channel migration and to supply amounts and distributions of

woody debris sufficient to sustain physical complexity and stability.

(E) Local governments should use the characterization and analysis called for in this section to prepare master program policies and regulations designed to achieve no net loss of ecological functions necessary to support shoreline resources and to plan for the restoration of the ecosystem-wide processes and individual ecological functions on a comprehensive basis over time.

(ii) **Shoreline use analysis and priorities.** Conduct an analysis to estimate the future demand for shoreline space and potential use conflicts. Characterize current shoreline use patterns and projected trends to ensure appropriate uses consistent with chapter 90.58 RCW and WAC 173-26-201 (2)(d) and 173-26-211(5).

If the jurisdiction includes a designated harbor area or urban waterfront with intensive uses or significant development or redevelopment issues, work with the Washington state department of natural resources and port authorities to ensure consistency with harbor area statutes and regulations, and to address port plans. Identify measures and strategies to encourage appropriate use of these shoreline areas in accordance with the use priorities of chapter 90.58 RCW and WAC 173-26-201 (2)(d) while pursuing opportunities for ecological restoration.

(iii) **Addressing cumulative impacts in developing master programs.** The principle that regulation of development shall achieve no net loss of ecological function requires that master program policies and regulations address the cumulative impacts on shoreline ecological functions that would result from future shoreline development and uses that are reasonably foreseeable from proposed master programs. To comply with the general obligation to assure no net loss of shoreline ecological function, the process of developing the policies and regulations of a shoreline master program requires assessment of how proposed policies and regulations cause and avoid such cumulative impacts.

Evaluating and addressing cumulative impacts shall be consistent with the guiding principle in WAC 173-26-186 (8)(d). An appropriate evaluation of cumulative impacts on ecological functions will consider the factors identified in WAC 173-26-186 (8)(d)(i) through (iii) and the effect on the ecological functions of the shoreline that are caused by unregulated activities, development exempt from permitting, effects such as the incremental impact of residential bulkheads, residential piers, or runoff from newly developed properties. Accordingly, particular attention should be paid to policies and regulations that address platting or subdividing of property, laying of utilities, and mapping of streets that establish a pattern for future development that is to be regulated by the master program.

There are practical limits when evaluating impacts that are prospective and sometimes indirect. Local government should rely on the assistance of state agencies and appropriate parties using evaluation, measurement, estimation, or quantification of impact consistent with the guidance of RCW 90.58.100(1) and WAC 173-26-201 (2)(a). Policies and regulations of a master program are not inconsistent with these guidelines for failing to address cumulative impacts where a purported impact is not susceptible to being

addressed using an approach consistent with RCW 90.58.100 (1).

Complying with the above guidelines is the way that master program policies and regulations should be developed to assure that the commonly occurring and foreseeable cumulative impacts do not cause a net loss of ecological functions of the shoreline. For such commonly occurring and planned development, policies and regulations should be designed without reliance on an individualized cumulative impacts analysis. Local government shall fairly allocate the burden of addressing cumulative impacts.

For development projects that may have unanticipated or uncommon impacts that cannot be reasonably identified at the time of master program development, the master program policies and regulations should use the permitting or conditional use permitting processes to ensure that all impacts are addressed and that there is no net loss of ecological function of the shoreline after mitigation.

Similarly, local government shall consider and address cumulative impacts on other functions and uses of the shoreline that are consistent with the act. For example, a cumulative impact of allowing development of docks or piers could be interference with navigation on a water body.

(iv) **Shorelines of statewide significance.** If the area contains shorelines of statewide significance, undertake the steps outlined in WAC 173-26-251.

(v) **Public access.** Identify public access needs and opportunities within the jurisdiction and explore actions to enhance shoreline recreation facilities, as described in WAC 173-26-221(4).

(vi) **Enforcement and coordination with other regulatory programs.** Local governments planning under the Growth Management Act shall review their comprehensive plan policies and development regulations to ensure mutual consistency. In order to effectively administer and enforce master program provisions, local governments should also review their current permit review and inspection practices to identify ways to increase efficiency and effectiveness and to ensure consistency.

(vii) **Water quality and quantity.** Identify water quality and quantity issues relevant to master program provisions, including those that affect human health and safety. At a minimum, consult with appropriate federal, state, tribal, and local agencies.

(viii) **Vegetation conservation.** Identify how existing shoreline vegetation provides ecological functions and determine methods to ensure protection of those functions. Identify important ecological functions that have been degraded through loss of vegetation. Consider the amount of vegetated shoreline area necessary to achieve ecological objectives. While there may be less vegetation remaining in urbanized areas than in rural areas, the importance of this vegetation, in terms of the ecological functions it provides, is often as great or even greater than in rural areas due to its scarcity. Identify measures to ensure that new development meets vegetation conservation objectives.

(ix) **Special area planning.** Some shoreline sites or areas require more focused attention than is possible in the overall master program development process due to complex shoreline ecological issues, changing uses, or other unique features or issues. In these circumstances, the local govern-

ment is encouraged to undertake special area planning. Special area planning also may be used to address: Public access, vegetation conservation, shoreline use compatibility, port development master planning, ecological restoration, or other issues best addressed on a comprehensive basis.

The resultant plans may serve as the basis for facilitating state and local government coordination and permit review. Special area planning shall provide for public and affected Indian tribe participation and compliance with all applicable provisions of the act and WAC 173-26-090 through 173-26-120.

(e) **Establish shoreline policies.** Address all of the elements listed in RCW 90.58.100(2) and all applicable provisions of these guidelines in policies. These policies should be reviewed for mutual consistency with the comprehensive plan policies. If there are shorelines of statewide significance, ensure that the other comprehensive plan policies affecting shoreline jurisdiction are consistent with the objectives of RCW 90.58.020 and 90.58.090(4).

(f) **Establish environment designations.** Establish environment designations and identify permitted uses and development standards for each environment designation.

Based on the inventory in (c) of this subsection and the analysis in (d) of this subsection, assign each shoreline segment an environment designation.

Prepare specific environment designation policies and regulations.

Review the environment designations for mutual consistency with comprehensive plan land use designations as indicated in WAC 173-26-211(3).

In determining the boundaries and classifications of environment designations, adhere to the criteria in WAC 173-26-211(5).

(g) **Prepare other shoreline regulations.** Prepare other shoreline regulations based on the policies and the analyses described in this section as necessary to assure consistency with the guidelines of this chapter. The level of detail of inventory information and planning analysis will be a consideration in setting shoreline regulations. As a general rule, the less known about existing resources, the more protective shoreline master program provisions should be to avoid unanticipated impacts to shoreline resources. If there is a question about the extent or condition of an existing ecological resource, then the master program provisions shall be sufficient to reasonably assure that the resource is protected in a manner consistent with the policies of these guidelines. Local governments may accomplish this by including master program requirements for an on-site inventory at the time of project application and performance standard that assure appropriate protection.

(h) **Submit for review and approval.** Local governments are encouraged to work with department personnel during preparation of the master program and to submit draft master program provisions to the department for informal advice and guidance prior to formal submittal.

Local governments shall submit the completed checklist, as described in WAC 173-26-201 (3)(a), with their master program amendments proposed for adoption. Master program review and formal adoption procedures are described in Parts I and II of this chapter.

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-201, filed 12/17/03, effective 1/17/04.]

**WAC 173-26-211 Environment designation system.**

(1) **Applicability.** This section applies to the establishment of environment designation boundaries and provisions as described in WAC 173-26-191 (1)(d).

(2) **Basic requirements for environment designation classification and provisions.**

(a) Master programs shall contain a system to classify shoreline areas into specific environment designations. This classification system shall be based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through comprehensive plans as well as the criteria in this section. Each master program's classification system shall be consistent with that described in WAC 173-26-211 (4) and (5) unless the alternative proposed provides equal or better implementation of the act.

(b) An up-to-date and accurate map of the shoreline area delineating the environment designations and their boundaries shall be prepared and maintained in the local government office that administers shoreline permits. If it is not feasible to accurately designate individual parcels on a map, the master program text shall include a clear basis for identifying the boundaries, physical features, explicit criteria, or "common" boundary descriptions to accurately define and distin-

guish the environments on the ground. The master program should also make it clear that in the event of a mapping error, the jurisdiction will rely upon common boundary descriptions and the criteria contained in RCW 90.58.030(2) and chapter 173-22 WAC pertaining to determinations of shorelands, as amended, rather than the incorrect or outdated map.

(c) To facilitate consistency with land use planning, local governments planning under chapter 36.70A RCW are encouraged to illustrate shoreline designations on the comprehensive plan future land use map as described in WAC 365-195-300 (2)(d).

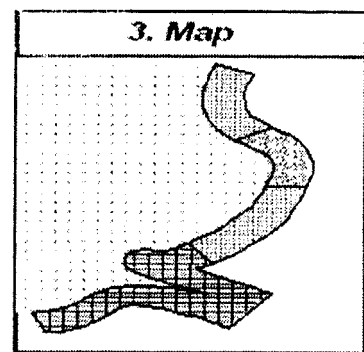
(d) Pursuant to RCW 90.58.040, the map should clearly illustrate what environment designations apply to all shorelines of the state as defined in RCW 90.58.030 (2)(c) within the local government's jurisdiction in a manner consistent with WAC 173-26-211 (4) and (5).

(e) The map and the master program should note that all areas within shoreline jurisdiction that are not mapped and/or designated are automatically assigned a "rural conservancy" designation, or "urban conservancy" designation if within a municipality or urban growth area, or the comparable environment designation of the applicable master program until the shoreline can be redesignated through a master program amendment.

(f) The following diagram summarizes the components of the environment designation provisions.

<b>1. List of Designations</b>
Aquatic
Shoreline Residential
Rural Conservancy
Natural
Others

<b>2. Common Legal Descriptions</b>
_____
_____
_____
_____
_____
_____



<b>4. For Each Designation</b>
Purpose of Designation
Designation Criteria
Management Policies

<b>6. Environment Specific Regulations</b>
Site Development
Vegetation Management
Public Access
Etc.

<b>5. Matrices (Optional)</b>				
Use Category	Environment			
	SPRING	FALL		
	P	C		
	P	C		
	X	P		
Activities				
	P	P		
	C	P		
	C	P		
Height	20'	30'		
Setback	100'	120'		
Etc.				

Diagram summarizing the components of the environment designation provisions. (This is for illustration purposes only and does not supplement or add to the language in the chapter text.)

(3) **Consistency between shoreline environment designations and the local comprehensive plan.** As noted in WAC 173-26-191 (1)(e), RCW 90.58.340 requires that policies for lands adjacent to the shorelines be consistent with the Shoreline Management Act, implementing rules, and the applicable master program. Conversely, local comprehensive plans constitute the underlying framework within which master program provisions should fit. The Growth Management Act, where applicable, designates shoreline master program policies as an element of the comprehensive plan and requires that all elements be internally consistent. Chapter 36.70A RCW also requires development regulations to be consistent with the comprehensive plan.

The following criteria are intended to assist local governments in evaluating the consistency between master program environment designation provisions and the corresponding comprehensive plan elements and development regulations. In order for shoreline designation provisions, local comprehensive plan land use designations, and development regulations to be internally consistent, all three of the conditions below should be met:

(a) **Provisions not precluding one another.** The comprehensive plan provisions and shoreline environment designation provisions should not preclude one another. To meet this criteria, the provisions of both the comprehensive plan and the master program must be able to be met. Further, when considered together and applied to any one piece of property, the master program use policies and regulations and the local zoning or other use regulations should not conflict in a manner that all viable uses of the property are precluded.

(b) **Use compatibility.** Land use policies and regulations should protect preferred shoreline uses from being impacted by incompatible uses. The intent is to prevent water-oriented uses, especially water-dependent uses, from being restricted on shoreline areas because of impacts to nearby nonwater-oriented uses. To be consistent, master programs, comprehensive plans, and development regulations should prevent new uses that are not compatible with preferred uses from locating where they may restrict preferred uses or development.

(c) **Sufficient infrastructure.** Infrastructure and services provided in the comprehensive plan should be sufficient to support allowed shoreline uses. Shoreline uses should not be allowed where the comprehensive plan does not provide sufficient roads, utilities, and other services to support them. Infrastructure plans must also be mutually consistent with shoreline designations. Where they do exist, utility services routed through shoreline areas shall not be a sole justification for more intense development.

(4) **General environment designation provisions.**

(a) **Requirements.** For each environment designation, the shoreline master program shall describe:

(i) **Purpose statement.** The statement of purpose shall describe the shoreline management objectives of the designation in a manner that distinguishes it from other designations.

(ii) **Classification criteria.** Clearly stated criteria shall provide the basis for classifying or reclassifying a specific shoreline area with an environment designation.

(iii) **Management policies.** These policies shall be in sufficient detail to assist in the interpretation of the environment designation regulations and, for jurisdictions planning

under chapter 36.70A RCW, to evaluate consistency with the local comprehensive plan.

(iv) **Regulations.** Environment-specific regulations shall address the following where necessary to account for different shoreline conditions:

(A) Types of shoreline uses permitted, conditionally permitted, and prohibited;

(B) Building or structure height and bulk limits, setbacks, maximum density or minimum frontage requirements, and site development standards; and

(C) Other topics not covered in general use regulations that are necessary to assure implementation of the purpose of the environment designation.

(b) **The recommended classification system.** The recommended classification system consists of six basic environments: "High-intensity," "shoreline residential," "urban conservancy," "rural conservancy," "natural," and "aquatic" as described in this section and WAC 173-26-211(5). Local governments should assign all shoreline areas an environment designation consistent with the corresponding designation criteria provided for each environment. In delineating environment designations, local government should assure that existing shoreline ecological functions are protected with the proposed pattern and intensity of development. Such designations should also be consistent with policies for restoration of degraded shorelines.

(c) **Alternative systems.**

(i) Local governments may establish a different designation system or may retain their current environment designations, provided it is consistent with the purposes and policies of this section and WAC 173-26-211(5).

(ii) Local governments may use "parallel environments" where appropriate. Parallel environments divide shorelands into different sections generally running parallel to the shoreline or along a physical feature such as a bluff or railroad right of way. Such environments may be useful, for example, to accommodate resource protection near the shoreline and existing development further from the shoreline. Where parallel environments are used, developments and uses allowed in one environment should not be inconsistent with the achieving the purposes of the other.

(5) **The designations.**

(a) **"Natural" environment.**

(i) **Purpose.** The purpose of the "natural" environment is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, local government should include planning for restoration of degraded shorelines within this environment.

(ii) **Management policies.**

(A) Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.

(B) The following new uses should not be allowed in the "natural" environment:

- Commercial uses.
- Industrial uses.
- Nonwater-oriented recreation.

- Roads, utility corridors, and parking areas that can be located outside of "natural" designated shorelines.

(C) Single-family residential development may be allowed as a conditional use within the "natural" environment if the density and intensity of such use is limited as necessary to protect ecological functions and be consistent with the purpose of the environment.

(D) Commercial forestry may be allowed as a conditional use in the "natural" environment provided it meets the conditions of the State Forest Practices Act and its implementing rules and is conducted in a manner consistent with the purpose of this environment designation.

(E) Agricultural uses of a very low intensity nature may be consistent with the natural environment when such use is subject to appropriate limitations or conditions to assure that the use does not expand or alter practices in a manner inconsistent with the purpose of the designation.

(F) Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses may be allowed provided that no significant ecological impact on the area will result.

(G) New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed. Do not allow the subdivision of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. That is, each new parcel must be able to support its intended development without significant ecological impacts to the shoreline ecological functions.

(iii) **Designation criteria.** A "natural" environment designation should be assigned to shoreline areas if any of the following characteristics apply:

(A) The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;

(B) The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or

(C) The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

Such shoreline areas include largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats. Shorelines inside or outside urban growth areas may be designated as "natural."

Ecologically intact shorelines, as used here, means those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. In forested areas, they generally include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies. Recognizing that there is a continuum of ecological conditions ranging from near natural conditions to totally degraded and contaminated sites, this term is intended to delineate those shoreline areas that pro-

vide valuable functions for the larger aquatic and terrestrial environments which could be lost or significantly reduced by human development. Whether or not a shoreline is ecologically intact is determined on a case-by-case basis.

The term "ecologically intact shorelines" applies to all shoreline areas meeting the above criteria ranging from larger reaches that may include multiple properties to small areas located within a single property.

Areas with significant existing agriculture lands should not be included in the "natural" designation, except where the existing agricultural operations involve very low intensity uses where there is no significant impact on natural ecological functions, and where the intensity or impacts associated with such agriculture activities is unlikely to expand in a manner inconsistent with the "natural" designation.

(b) **"Rural conservancy" environment.**

(i) **Purpose.** The purpose of the "rural conservancy" environment is to protect ecological functions, conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use, achieve natural flood plain processes, and provide recreational opportunities. Examples of uses that are appropriate in a "rural conservancy" environment include low-impact outdoor recreation uses, timber harvesting on a sustained-yield basis, agricultural uses, aquaculture, low-intensity residential development and other natural resource-based low-intensity uses.

(ii) **Management policies.**

(A) Uses in the "rural conservancy" environment should be limited to those which sustain the shoreline area's physical and biological resources and uses of a nonpermanent nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area.

Except as noted, commercial and industrial uses should not be allowed. Agriculture, commercial forestry, and aquaculture when consistent with provisions of this chapter may be allowed. Low-intensity, water-oriented commercial and industrial uses may be permitted in the limited instances where those uses have located in the past or at unique sites in rural communities that possess shoreline conditions and services to support the development.

Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling, hunting, wildlife viewing trails, and swimming beaches, are preferred uses, provided significant adverse impacts to the shoreline are mitigated.

Mining is a unique use as a result of its inherent linkage to geology. Therefore, mining and related activities may be an appropriate use within the rural conservancy environment when conducted in a manner consistent with the environment policies and the provisions of WAC 173-26-241 (3)(h) and when located consistent with mineral resource lands designation criteria pursuant to RCW 36.70A.170 and WAC 365-190-070.

(B) Developments and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed.

(C) Construction of new structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing structure or ecological functions and mitigation is applied, consistent with

WAC 173-26-231. New development should be designed and located to preclude the need for such work.

(D) Residential development standards shall ensure no net loss of shoreline ecological functions and should preserve the existing character of the shoreline consistent with the purpose of the environment. As a general matter, meeting this provision will require density, lot coverage, vegetation conservation and other provisions.

Scientific studies support density or lot coverage limitation standards that assure that development will be limited to a maximum of ten percent total impervious surface area within the lot or parcel, will maintain the existing hydrologic character of the shoreline. However, an alternative standard developed based on scientific information that meets the provisions of this chapter and accomplishes the purpose of the environment designation may be used.

Master programs may allow greater lot coverage to allow development of lots legally created prior to the adoption of a master program prepared under these guidelines. In these instances, master programs shall include measures to assure protection of ecological functions to the extent feasible such as requiring that lot coverage is minimized and vegetation is conserved.

(E) New shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications should be designed and managed consistent with these guidelines to ensure that the natural shoreline functions are protected. Such shoreline modification should not be inconsistent with planning provisions for restoration of shoreline ecological functions.

(iii) **Designation criteria.** Assign a "rural conservancy" environment designation to shoreline areas outside incorporated municipalities and outside urban growth areas, as defined by RCW 36.70A.110, if any of the following characteristics apply:

(A) The shoreline is currently supporting lesser-intensity resource-based uses, such as agriculture, forestry, or recreational uses, or is designated agricultural or forest lands pursuant to RCW 36.70A.170;

(B) The shoreline is currently accommodating residential uses outside urban growth areas and incorporated cities or towns;

(C) The shoreline is supporting human uses but subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, or flood plains or other flood-prone areas;

(D) The shoreline is of high recreational value or with unique historic or cultural resources; or

(E) The shoreline has low-intensity water-dependent uses.

Areas designated in a local comprehensive plan as "rural areas of more intense development," as provided for in chapter 36.70A RCW, may be designated an alternate shoreline environment, provided it is consistent with the objectives of the Growth Management Act and this chapter. "Master planned resorts" as described in RCW 36.70A.360 may be designated an alternate shoreline environment, provided the applicable master program provisions do not allow significant ecological impacts.

Lands that may otherwise qualify for designation as rural conservancy and which are designated as "mineral resource

lands" pursuant to RCW 36.70A.170 and WAC 365-190-070 may be assigned a designation within the "rural conservancy" environment that allows mining and associated uses in addition to other uses consistent with the rural conservancy environment.

(c) **"Aquatic" environment.**

(i) **Purpose.** The purpose of the "aquatic" environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark.

(ii) **Management policies.**

(A) Allow new over-water structures only for water-dependent uses, public access, or ecological restoration.

(B) The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.

(C) In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities should be encouraged.

(D) All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

(E) Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201 (2)(e) as necessary to assure no net loss of ecological functions.

(F) Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

(iii) **Designation criteria.** Assign an "aquatic" environment designation to lands waterward of the ordinary high-water mark.

Local governments may designate submerged and intertidal lands with shoreland designations (e.g., "high-intensity" or "rural conservancy") if the management policies and objectives for aquatic areas are met. In this case, the designation system used must provide regulations for managing submerged and intertidal lands that are clear and consistent with the "aquatic" environment management policies in this chapter. Additionally, local governments may assign an "aquatic" environment designation to wetlands.

(d) **"High-intensity" environment.**

(i) **Purpose.** The purpose of the "high-intensity" environment is to provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

(ii) **Management policies.**

(A) In regulating uses in the "high-intensity" environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Nonwater-oriented uses should not be allowed except as part of mixed use developments. Nonwater-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for

water-oriented uses or on sites where there is no direct access to the shoreline. Such specific situations should be identified in shoreline use analysis or special area planning, as described in WAC 173-26-200 (3)(d).

If an analysis of water-dependent use needs as described in WAC 173-26-201 (3)(d)(ii) demonstrates the needs of existing and envisioned water-dependent uses for the planning period are met, then provisions allowing for a mix of water-dependent and nonwater-dependent uses may be established. If those shoreline areas also provide ecological functions, apply standards to assure no net loss of those functions.

(B) Full utilization of existing urban areas should be achieved before further expansion of intensive development is allowed. Reasonable long-range projections of regional economic need should guide the amount of shoreline designated "high-intensity." However, consideration should be given to the potential for displacement of nonwater-oriented uses with water-oriented uses when analyzing full utilization of urban waterfronts and before considering expansion of such areas.

(C) Policies and regulations shall assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply in accordance with any relevant state and federal law.

(D) Where feasible, visual and physical public access should be required as provided for in WAC 173-26-221 (4)(d).

(E) Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.

(iii) **Designation criteria.** Assign a "high-intensity" environment designation to shoreline areas within incorporated municipalities, urban growth areas, and industrial or commercial "rural areas of more intense development," as described by RCW 36.70A.070, if they currently support high-intensity uses related to commerce, transportation or navigation; or are suitable and planned for high-intensity water-oriented uses.

(e) **"Urban conservancy" environment.**

(i) **Purpose.** The purpose of the "urban conservancy" environment is to protect and restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

(ii) **Management policies.**

(A) Uses that preserve the natural character of the area or promote preservation of open space, flood plain or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.

(B) Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the "urban conservancy" designation. These standards shall ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.

(C) Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

(D) Water-oriented uses should be given priority over nonwater-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.

(E) Mining is a unique use as a result of its inherent linkage to geology. Therefore, mining and related activities may be an appropriate use within the urban conservancy environment when conducted in a manner consistent with the environment policies and the provisions of WAC 173-26-240 (3)(h) and when located consistent with mineral resource lands designation criteria pursuant to RCW 36.70A.170 and WAC 365-190-070.

(iii) **Designation criteria.** Assign an "urban conservancy" environment designation to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring of the ecological functions of the area, that are not generally suitable for water-dependent uses and that lie in incorporated municipalities, urban growth areas, or commercial or industrial "rural areas of more intense development" if any of the following characteristics apply:

(A) They are suitable for water-related or water-enjoyment uses;

(B) They are open space, flood plain or other sensitive areas that should not be more intensively developed;

(C) They have potential for ecological restoration;

(D) They retain important ecological functions, even though partially developed; or

(E) They have the potential for development that is compatible with ecological restoration.

Lands that may otherwise qualify for designation as urban conservancy and which are designated as "mineral resource lands" pursuant to RCW 36.70A.170 and WAC 365-190-070 may be assigned a designation within the "urban conservancy" environment that allows mining and associated uses in addition to other uses consistent with the urban conservancy environment.

(f) **"Shoreline residential" environment.**

(i) **Purpose.** The purpose of the "shoreline residential" environment is to accommodate residential development and appurtenant structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.

(ii) **Management policies.**

(A) Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set to assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.

Local governments may establish two or more different "shoreline residential" environments to accommodate different shoreline densities or conditions, provided both environments adhere to the provisions in this chapter.

(B) Multifamily and multilot residential and recreational developments should provide public access and joint use for community recreational facilities.

(C) Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

(D) Commercial development should be limited to water-oriented uses.

(iii) **Designation criteria.** Assign a "shoreline residential" environment designation to shoreline areas inside urban growth areas, as defined in RCW 36.70A.110, incorporated municipalities, "rural areas of more intense development," or "master planned resorts," as described in RCW 36.70A.360, if they are predominantly single-family or multifamily residential development or are planned and platted for residential development.

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-211, filed 12/17/03, effective 1/17/04.]

**WAC 173-26-221 General master program provisions.** The provisions of this section shall be applied either generally to all shoreline areas or to shoreline areas that meet the specified criteria of the provision without regard to environment designation. These provisions address certain elements as required by RCW 90.58.100(2) and implement the principles as established in WAC 173-26-186.

(1) **Archaeological and historic resources.**

(a) **Applicability.** The following provisions apply to archaeological and historic resources that are either recorded at the state historic preservation office and/or by local jurisdictions or have been inadvertently uncovered. Archaeological sites located both in and outside shoreline jurisdiction are subject to chapter 27.44 RCW (Indian graves and records) and chapter 27.53 RCW (Archaeological sites and records) and development or uses that may impact such sites shall comply with chapter 25-48 WAC as well as the provisions of this chapter.

(b) **Principles.** Due to the limited and irreplaceable nature of the resource(s), prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the office of archaeology and historic preservation.

(c) **Standards.** Local shoreline master programs shall include policies and regulations to protect historic, archaeological, and cultural features and qualities of shorelines and implement the following standards. A local government may reference historic inventories or regulations. Contact the office of archaeology and historic preservation and affected Indian tribes for additional information.

(i) Require that developers and property owners immediately stop work and notify the local government, the office of archaeology and historic preservation and affected Indian tribes if archaeological resources are uncovered during excavation.

(ii) Require that permits issued in areas documented to contain archaeological resources require a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes.

(2) **Critical areas.**

(a) **Applicability.** Pursuant to the provisions of RCW 90.58.090(4) as amended by chapter 321, Laws of 2003 (ESHB 1933), shoreline master programs must provide for management of critical areas designated as such pursuant to

RCW 36.70A.170 (1)(d) and required to be protected pursuant to RCW 36.70A.060(2) that are located within the shorelines of the state with policies and regulations that:

(i) Are consistent with the specific provisions of this subsection (2) critical areas and subsection (3) of this section flood hazard reduction, and these guidelines; and

(ii) Provide a level of protection to critical areas within the shoreline area that is at least equal to that provided by the local government's critical area regulations adopted pursuant to the Growth Management Act for comparable areas other than shorelines.

When approved by ecology pursuant to RCW 90.58.-090(4), a local government's SMP becomes regulations for protection of critical areas in the shorelines of the state in the jurisdiction of the adopting local government except as noted in RCW 36.70A.480 (3)(b) and (6).

The provisions of this section and subsection (3) of this section, flood hazard reduction, shall be applied to critical areas within the shorelines of the state. RCW 36.70A.030 defines critical areas as:

*"Critical areas" include the following areas and ecosystems:*

*(a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable waters; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas."*

The provisions of WAC 365-190-080, to the extent standards for certain types of critical areas are not provided by this section and subsection (3) of this section flood hazard reduction, and to the extent consistent with these guidelines are also applicable to and provide further definition of critical area categories and management policies.

As provided in RCW 90.58.030 (2)(f)(ii) and 36.70A.-480, as amended by chapter 321, Laws of 2003 (ESHB 1933), any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that forest practices regulated under chapter 76.09 RCW, except conversions to nonforest land use, on lands subject to the provision of (f)(ii) of this subsection are not subject to additional regulations. If a local government does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized above, then the local jurisdiction shall continue to regulate those critical areas and required buffers pursuant to RCW 36.70A.-060(2).

(b) **Principles.** Local master programs, when addressing critical areas, shall implement the following principles:

(i) Shoreline master programs shall adhere to the standards established in the following sections, unless it is demonstrated through scientific and technical information as provided in RCW 90.58.100(1) and as described in WAC 173-26-201 (2)(a) that an alternative approach provides better resource protection.

(ii) In addressing issues related to critical areas, use scientific and technical information, as described in WAC 173-26-201 (2)(a). The role of ecology in reviewing master program provisions for critical areas in shorelines of the state will be based on the Shoreline Management Act and these guidelines and a comparison with requirements in currently adopted critical area ordinances for comparable areas to



ensure that the provisions are at least equal to the level of protection provided by the currently adopted critical area ordinance.

(iii) In protecting and restoring critical areas within shoreline jurisdiction, integrate the full spectrum of planning and regulatory measures, including the comprehensive plan, interlocal watershed plans, local development regulations, and state, tribal, and federal programs.

(iv) The planning objectives of shoreline management provisions for critical areas shall be the protection of existing ecological functions and ecosystem-wide processes and restoration of degraded ecological functions and ecosystem-wide processes. The regulatory provisions for critical areas shall protect existing ecological functions and ecosystem-wide processes.

(v) Promote human uses and values that are compatible with the other objectives of this section, such as public access and aesthetic values, provided they do not significantly adversely impact ecological functions.

(c) **Standards.** When preparing master program provisions for critical areas, local governments should implement the following standards and the provisions of WAC 365-190-080 and use scientific and technical information, as provided for in WAC 173-26-201 (2)(a).

In reviewing the critical areas segment of a master program, the department of ecology shall first assure consistency with the standards of this section Critical areas (WAC 173-26-221(2)), and with the Flood hazard reduction section (WAC 173-26-221(3)), and shall then assure that the master program also provides protection of comparable critical areas that is at least equal to the protection provided by the local governments adopted and valid critical area regulations in effect at the time of submittal of the SMP.

In conducting the review for equivalency with local regulations, the department shall not further evaluate the adequacy of the local critical area regulations. Incorporation of the adopted and valid critical area regulations in effect at the time of submittal by reference as provided in WAC 173-26-191 (2)(b) shall be deemed to meet the requirement for equivalency. However, a finding of equivalency does not constitute a finding of compliance with the requirements of this section and subsection (3) of this section flood hazard reduction, nor with the guidelines overall.

Note that provisions for frequently flooded areas are included in WAC 173-26-221(3).

(i) **Wetlands.**

(A) **Wetland use regulations.** Local governments should consult the department's technical guidance documents on wetlands.

Regulations shall address the following uses to achieve, at a minimum, no net loss of wetland area and functions, including lost time when the wetland does not perform the function:

- The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;
- The dumping, discharging, or filling with any material, including discharges of storm water and domestic, commercial, or industrial wastewater;
- The draining, flooding, or disturbing of the water level, duration of inundation, or water table;

- The driving of pilings;
- The placing of obstructions;
- The construction, reconstruction, demolition, or expansion of any structure;
  - Significant vegetation removal, provided that these activities are not part of a forest practice governed under chapter 76.09 RCW and its rules;
  - Other uses or development that results in a significant ecological impact to the physical, chemical, or biological characteristics of wetlands; or
  - Activities reducing the functions of buffers described in (c)(i)(D) of this subsection.

(B) **Wetland rating or categorization.** Wetlands shall be categorized based on the rarity, irreplaceability, or sensitivity to disturbance of a wetland and the functions the wetland provides. Local governments should either use the Washington state wetland rating system, Eastern or Western Washington version as appropriate, or they should develop their own, regionally specific, scientifically based method for categorizing wetlands. Wetlands should be categorized to reflect differences in wetland quality and function in order to tailor protection standards appropriately. A wetland categorization method is not a substitute for a function assessment method, where detailed information on wetland functions is needed.

(C) **Alterations to wetlands.** Master program provisions addressing alterations to wetlands shall be consistent with the policy of no net loss of wetland area and functions, wetland rating, scientific and technical information, and the mitigation priority sequence defined in WAC 173-26-201 (2)(e).

(D) **Buffers.** Master programs shall contain requirements for buffer zones around wetlands. Buffer requirements shall be adequate to ensure that wetland functions are protected and maintained in the long term. Requirements for buffer zone widths and management shall take into account the ecological functions of the wetland, the characteristics and setting of the buffer, the potential impacts associated with the adjacent land use, and other relevant factors.

(E) **Mitigation.** Master programs shall contain wetland mitigation requirements that are consistent with WAC 173-26-201 (2)(e) and which are based on the wetland rating.

(F) **Compensatory mitigation.** Compensatory mitigation shall be allowed only after mitigation sequencing is applied and higher priority means of mitigation are determined to be infeasible.

Requirements for compensatory mitigation must include provisions for:

(I) Mitigation replacement ratios or a similar method of addressing the following:

- The risk of failure of the compensatory mitigation action;
- The length of time it will take the compensatory mitigation action to adequately replace the impacted wetland functions and values;
- The gain or loss of the type, quality, and quantity of the ecological functions of the compensation wetland as compared with the impacted wetland.

(II) Establishment of performance standards for evaluating the success of compensatory mitigation actions;

(III) Establishment of long-term monitoring and reporting procedures to determine if performance standards are met; and

(IV) Establishment of long-term protection and management of compensatory mitigation sites.

Credits from a certified mitigation bank may be used to compensate for unavoidable impacts.

(ii) **Geologically hazardous areas.** Development in designated geologically hazardous areas shall be regulated in accordance with the following:

(A) Consult minimum guidelines for geologically hazardous areas, WAC 365-190-080(4).

(B) Do not allow new development or the creation of new lots that would cause foreseeable risk from geological conditions to people or improvements during the life of the development.

(C) Do not allow new development that would require structural shoreline stabilization over the life of the development. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result. The stabilization measures shall conform to WAC 173-26-231.

(D) Where no alternatives, including relocation or reconstruction of existing structures, are found to be feasible, and less expensive than the proposed stabilization measure, stabilization structures or measures to protect existing primary residential structures may be allowed in strict conformance with WAC 173-26-231 requirements and then only if no net loss of ecological functions will result.

(iii) **Critical saltwater habitats.**

(A) **Applicability.** Critical saltwater habitats include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association. Critical saltwater habitats require a higher level of protection due to the important ecological functions they provide. Ecological functions of marine shorelands can affect the viability of critical saltwater habitats. Therefore, effective protection and restoration of critical saltwater habitats should integrate management of shorelands as well as submerged areas.

(B) **Principles.** Master programs shall include policies and regulations to protect critical saltwater habitats and should implement planning policies and programs to restore such habitats. Planning for critical saltwater habitats shall incorporate the participation of state resource agencies to assure consistency with other legislatively created programs in addition to local and regional government entities with an interest such as port districts. Affected Indian tribes shall also be consulted. Local governments should review relevant comprehensive management plan policies and development regulations for shorelands and adjacent lands to achieve consistency as directed in RCW 90.58.340. Local governments should base management planning on information provided by state resource agencies and affected Indian tribes unless they demonstrate that they possess more accurate and reliable information.

The management planning should include an evaluation of current data and trends regarding the following:

- Available inventory and collection of necessary data regarding physical characteristics of the habitat, including upland conditions, and any information on species population trends;

- Terrestrial and aquatic vegetation;

- The level of human activity in such areas, including the presence of roads and level of recreational types (passive or active recreation may be appropriate for certain areas and habitats);

- Restoration potential;

- Tributaries and small streams flowing into marine waters;

- Dock and bulkhead construction, including an inventory of bulkheads serving no protective purpose;

- Conditions and ecological functions in the near-shore area;

- Uses surrounding the critical saltwater habitat areas that may negatively impact those areas, including permanent or occasional upland, beach, or over-water uses; and

- An analysis of what data gaps exist and a strategy for gaining this information.

The management planning should address the following, where applicable:

- Protecting a system of fish and wildlife habitats with connections between larger habitat blocks and open spaces and restoring such habitats and connections where they are degraded;

- Protecting existing and restoring degraded riparian and estuarine ecosystems, especially salt marsh habitats;

- Establishing adequate buffer zones around these areas to separate incompatible uses from the habitat areas;

- Protecting existing and restoring degraded near-shore habitat;

- Protecting existing and restoring degraded or lost salmonid habitat;

- Protecting existing and restoring degraded upland ecological functions important to critical saltwater habitats, including riparian vegetation;

- Improving water quality;

- Protecting existing and restoring degraded sediment inflow and transport regimens; and

- Correcting activities that cause excessive sediment input where human activity has led to mass wasting.

Local governments, in conjunction with state resource agencies and affected Indian tribes, should classify critical saltwater habitats and protect and restore seasonal ranges and habitat elements with which federal-listed and state-listed endangered, threatened, and priority species have a primary association and which, if altered, may reduce the likelihood that a species will maintain its population and reproduce over the long term.

Local governments, in conjunction with state resource agencies and affected Indian tribes, should determine which habitats and species are of local importance.

All public and private tidelands or bedlands suitable for shellfish harvest shall be classified as critical areas. Local governments should consider both commercial and recreational shellfish areas. Local governments should review the Washington department of health classification of commercial and recreational shellfish growing areas to determine the existing condition of these areas. Further consideration

should be given to the vulnerability of these areas to contamination or potential for recovery. Shellfish protection districts established pursuant to chapter 90.72 RCW shall be included in the classification of critical shellfish areas. Local governments shall classify kelp and eelgrass beds identified by the department of natural resources' aquatic resources division, the department, and affected Indian tribes as critical saltwater habitats.

Comprehensive saltwater habitat management planning should identify methods for monitoring conditions and adapting management practices to new information.

(C) **Standards.** Docks, bulkheads, bridges, fill, floats, jetties, utility crossings, and other human-made structures shall not intrude into or over critical saltwater habitats except when all of the conditions below are met:

- The public's need for such an action or structure is clearly demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;
- Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;
- The project including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat.
- The project is consistent with the state's interest in resource protection and species recovery.

Private, noncommercial docks for individual residential or community use may be authorized provided that:

- Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible;
- The project including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat.

Until an inventory of critical saltwater habitat has been done, shoreline master programs shall condition all over-water and near-shore developments in marine and estuarine waters with the requirement for an inventory of the site and adjacent beach sections to assess the presence of critical saltwater habitats and functions. The methods and extent of the inventory shall be consistent with accepted research methodology. At a minimum, local governments should consult with department technical assistance materials for guidance.

(iv) **Critical freshwater habitats.**

(A) **Applicability.** The following applies to master program provisions affecting critical freshwater habitats, including those portions of streams, rivers, wetlands, and lakes, their associated channel migration zones, and flood plains designated as such.

(B) **Principles.** Many ecological functions of river and stream corridors depend both on continuity and connectivity along the length of the shoreline and on the conditions of the surrounding lands on either side of the river channel. Environmental degradation caused by development such as improper storm water sewer or industrial outfalls, unmanaged clearing and grading, or runoff from buildings and parking lots within the watershed, can degrade ecological functions downstream. Likewise, gradual destruction or loss of the vegetation, alteration of runoff quality and quantity along the corridor resulting from incremental flood plain development can raise water temperatures and alter hydrographic

conditions and degrade other ecological functions, thereby making the corridor inhospitable for priority species and susceptible to catastrophic flooding, droughts, landslides and channel changes. These conditions also threaten human health, safety, and property. Long stretches of river and stream shorelines have been significantly altered or degraded in this manner. Therefore, effective management of river and stream corridors depends on:

(I) Planning for protection, and restoration where appropriate, along the entire length of the corridor from river headwaters to the mouth; and

(II) Regulating uses and development within the stream channel, associated channel migration zone, wetlands, and the flood plain, to the extent such areas are in the shoreline jurisdictional area, as necessary to assure no net loss of ecological functions associated with the river or stream corridors, including the associated hyporheic zone, results from new development.

As part of a comprehensive approach to management of critical freshwater habitat and other river and stream values, local governments should integrate master program provisions, including those for shoreline stabilization, fill, vegetation conservation, water quality, flood hazard reduction, and specific uses, to protect human health and safety and to protect and restore the corridor's ecological functions and ecosystem-wide processes.

Applicable master programs shall contain provisions to protect hydrologic connections between water bodies, water courses, and associated wetlands. Restoration planning should include incentives and other means to restore water connections that have been impeded by previous development.

Master program provisions for river and stream corridors should, where appropriate, be based on the information from comprehensive watershed management planning where available.

(C) **Standards.** Master programs shall implement the following standards within shoreline jurisdiction:

(I) Provide for the protection of ecological functions associated with critical freshwater habitat as necessary to assure no net loss.

(II) Where appropriate, integrate protection of critical freshwater habitat, protection with flood hazard reduction and other river and stream management provisions.

(III) Include provisions that facilitate authorization of appropriate restoration projects.

(IV) Provide for the implementation of the principles identified in (c)(iv)(B) of this subsection.

(3) **Flood hazard reduction.**

(a) **Applicability.** The following provisions apply to actions taken to reduce flood damage or hazard and to uses, development, and shoreline modifications that may increase flood hazards. Flood hazard reduction measures may consist of nonstructural measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and storm water management programs, and of structural measures, such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program. Additional relevant critical area provisions are in WAC 173-26-221(2).

(b) **Principles.** Flooding of rivers, streams, and other shorelines is a natural process that is affected by factors and land uses occurring throughout the watershed. Past land use practices have disrupted hydrological processes and increased the rate and volume of runoff, thereby exacerbating flood hazards and reducing ecological functions. Flood hazard reduction measures are most effective when integrated into comprehensive strategies that recognize the natural hydrogeological and biological processes of water bodies. Over the long term, the most effective means of flood hazard reduction is to prevent or remove development in flood-prone areas, to manage storm water within the flood plain, and to maintain or restore river and stream system's natural hydrological and geomorphological processes.

Structural flood hazard reduction measures, such as diking, even if effective in reducing inundation in a portion of the watershed, can intensify flooding elsewhere. Moreover, structural flood hazard reduction measures can damage ecological functions crucial to fish and wildlife species, bank stability, and water quality. Therefore, structural flood hazard reduction measures shall be avoided whenever possible. When necessary, they shall be accomplished in a manner that assures no net loss of ecological functions and ecosystem-wide processes.

The dynamic physical processes of rivers, including the movement of water, sediment and wood, cause the river channel in some areas to move laterally, or "migrate," over time. This is a natural process in response to gravity and topography and allows the river to release energy and distribute its sediment load. The area within which a river channel is likely to move over a period of time is referred to as the channel migration zone (CMZ) or the meander belt. Scientific examination as well as experience has demonstrated that interference with this natural process often has unintended consequences for human users of the river and its valley such as increased or changed flood, sedimentation and erosion patterns. It also has adverse effects on fish and wildlife through loss of critical habitat for river and riparian dependent species. Failing to recognize the process often leads to damage to, or loss of, structures and threats to life safety.

Applicable shoreline master programs should include provisions to limit development and shoreline modifications that would result in interference with the process of channel migration that may cause significant adverse impacts to property or public improvements and/or result in a net loss of ecological functions associated with the rivers and streams. (See also (c) of this subsection.)

The channel migration zone should be established to identify those areas with a high probability of being subject to channel movement based on the historic record, geologic character and evidence of past migration. It should also be recognized that past action is not a perfect predictor of the future and that human and natural changes may alter migration patterns. Consideration should be given to such changes that may have occurred and their effect on future migration patterns.

For management purposes, the extent of likely migration along a stream reach can be identified using evidence of active stream channel movement over the past one hundred years. Evidence of active movement can be provided from historic and current aerial photos and maps and may require

field analysis of specific channel and valley bottom characteristics in some cases. A time frame of one hundred years was chosen because aerial photos, maps and field evidence can be used to evaluate movement in this time frame.

In some cases, river channels are prevented from normal or historic migration by human-made structures or other shoreline modifications. The definition of channel migration zone indicates that in defining the extent of a CMZ, local governments should take into account the river's characteristics and its surroundings. Unless otherwise demonstrated through scientific and technical information, the following characteristics should be considered when establishing the extent of the CMZ for management purposes:

- Within incorporated municipalities and urban growth areas, areas separated from the active river channel by legally existing artificial channel constraints that limit channel movement should not be considered within the channel migration zone.
- All areas separated from the active channel by a legally existing artificial structure(s) that is likely to restrain channel migration, including transportation facilities, built above or constructed to remain intact through the one hundred-year flood, should not be considered to be in the channel migration zone.
- In areas outside incorporated municipalities and urban growth areas, channel constraints and flood control structures built below the one hundred-year flood elevation do not necessarily restrict channel migration and should not be considered to limit the channel migration zone unless demonstrated otherwise using scientific and technical information.

Master programs shall implement the following principles:

- (i) Where feasible, give preference to nonstructural flood hazard reduction measures over structural measures.
- (ii) Base shoreline master program flood hazard reduction provisions on applicable watershed management plans, comprehensive flood hazard management plans, and other comprehensive planning efforts, provided those measures are consistent with the Shoreline Management Act and this chapter.
  - (iii) Consider integrating master program flood hazard reduction provisions with other regulations and programs, including (if applicable):
    - Storm water management plans;
    - Flood plain regulations, as provided for in chapter 86.16 RCW;
    - Critical area ordinances and comprehensive plans, as provided in chapter 36.70A RCW; and
    - The National Flood Insurance Program.
  - (iv) Assure that flood hazard protection measures do not result in a net loss of ecological functions associated with the rivers and streams.
  - (v) Plan for and facilitate returning river and stream corridors to more natural hydrological conditions. Recognize that seasonal flooding is an essential natural process.
  - (vi) When evaluating alternate flood control measures, consider the removal or relocation of structures in flood-prone areas.
  - (vii) Local governments are encouraged to plan for and facilitate removal of artificial restrictions to natural channel migration, restoration of off channel hydrological connec-

tions and return river processes to a more natural state where feasible and appropriate.

(c) **Standards.** Master programs shall implement the following standards within shoreline jurisdiction:

(i) Development in flood plains should not significantly or cumulatively increase flood hazard or be inconsistent with a comprehensive flood hazard management plan adopted pursuant to chapter 86.12 RCW, provided the plan has been adopted after 1994 and approved by the department. New development or new uses in shoreline jurisdiction, including the subdivision of land, should not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway. The following uses and activities may be appropriate and/or necessary within the channel migration zone or floodway:

- Actions that protect or restore the ecosystem-wide processes or ecological functions.
- Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.
- Existing and ongoing agricultural practices, provided that no new restrictions to channel movement occur.
- Mining when conducted in a manner consistent with the environment designation and with the provisions of WAC 173-26-241 (3)(h).
- Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected section of watershed or drift cell.
- Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.
- Development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.
- Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions.
- Development in incorporated municipalities and designated urban growth areas, as defined in chapter 36.70A RCW, where existing structures prevent active channel movement and flooding.
- Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with the river or stream.

(ii) Allow new structural flood hazard reduction measures in shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions are undertaken consistent with WAC 173-26-221(5).

Structural flood hazard reduction measures shall be consistent with an adopted comprehensive flood hazard management plan approved by the department that evaluates cumulative impacts to the watershed system.

(iii) Place new structural flood hazard reduction measures landward of the associated wetlands, and designated vegetation conservation areas, except for actions that increase ecological functions, such as wetland restoration, or as noted below. Provided that such flood hazard reduction projects be authorized if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements shall be documented through a geotechnical analysis.

(iv) Require that new structural public flood hazard reduction measures, such as dikes and levees, dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

(v) Require that the removal of gravel for flood management purposes be consistent with an adopted flood hazard reduction plan and with this chapter and allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

(4) **Public access.**

(a) **Applicability.** Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Public access provisions below apply to all shorelines of the state unless stated otherwise.

(b) **Principles.** Local master programs shall:

(i) Promote and enhance the public interest with regard to rights to access waters held in public trust by the state while protecting private property rights and public safety.

(ii) Protect the rights of navigation and space necessary for water-dependent uses.

(iii) To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water.

(iv) Regulate the design, construction, and operation of permitted uses in the shorelines of the state to minimize, insofar as practical, interference with the public's use of the water.

(c) **Planning process to address public access.** Local governments should plan for an integrated shoreline area public access system that identifies specific public needs and opportunities to provide public access. Such a system can often be more effective and economical than applying uniform public access requirements to all development. This planning should be integrated with other relevant comprehensive plan elements, especially transportation and recreation. The planning process shall also comply with all relevant con-

stitutional and other legal limitations that protect private property rights.

Where a port district or other public entity has incorporated public access planning into its master plan through an open public process, that plan may serve as a portion of the local government's public access planning, provided it meets the provisions of this chapter. The planning may also justify more flexible off-site or special area public access provisions in the master program. Public participation requirements in WAC 173-26-201 (3)(b)(i) apply to public access planning.

At a minimum, the public access planning should result in public access requirements for shoreline permits, recommended projects, port master plans, and/or actions to be taken to develop public shoreline access to shorelines on public property. The planning should identify a variety of shoreline access opportunities and circulation for pedestrians (including disabled persons), bicycles, and vehicles between shoreline access points, consistent with other comprehensive plan elements.

(d) **Standards.** Shoreline master programs should implement the following standards:

(i) Based on the public access planning described in (c) of this subsection, establish policies and regulations that protect and enhance both physical and visual public access. The master program shall address public access on public lands. The master program should seek to increase the amount and diversity of public access to the state's shorelines consistent with the natural shoreline character, property rights, public rights under the Public Trust Doctrine, and public safety.

(ii) Require that shoreline development by public entities, including local governments, port districts, state agencies, and public utility districts, include public access measures as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment. Where public access planning as described in WAC 173-26-221 (4)(c) demonstrates that a more effective public access system can be achieved through alternate means, such as focusing public access at the most desirable locations, local governments may institute master program provisions for public access based on that approach in lieu of uniform site-by-site public access requirements.

(iii) Provide standards for the dedication and improvement of public access in developments for water-enjoyment, water-related, and nonwater-dependent uses and for the subdivision of land into more than four parcels. In these cases, public access should be required except:

(A) Where the local government provides more effective public access through a public access planning process described in WAC 173-26-221 (4)(c).

(B) Where it is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the shoreline environment or due to constitutional or other legal limitations that may be applicable.

In determining the infeasibility, undesirability, or incompatibility of public access in a given situation, local governments shall consider alternate methods of providing public access, such as off-site improvements, viewing platforms, separation of uses through site planning and design, and restricting hours of public access.

(C) For individual single-family residences not part of a development planned for more than four parcels.

(iv) Adopt provisions, such as maximum height limits, setbacks, and view corridors, to minimize the impacts to existing views from public property or substantial numbers of residences. Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.

(v) Assure that public access improvements do not result in a net loss of shoreline ecological functions.

(5) **Shoreline vegetation conservation.**

(a) **Applicability.** Vegetation conservation includes activities to protect and restore vegetation along or near marine and freshwater shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species.

Unless otherwise stated, vegetation conservation does not include those activities covered under the Washington State Forest Practices Act, except for conversion to other uses and those other forest practice activities over which local governments have authority. As with all master program provisions, vegetation conservation provisions apply even to those shoreline uses and developments that are exempt from the requirement to obtain a permit. Like other master program provisions, vegetation conservation standards do not apply retroactively to existing uses and structures, such as existing agricultural practices.

(b) **Principles.** The intent of vegetation conservation is to protect and restore the ecological functions and ecosystem-wide processes performed by vegetation along shorelines. Vegetation conservation should also be undertaken to protect human safety and property, to increase the stability of river banks and coastal bluffs, to reduce the need for structural shoreline stabilization measures, to improve the visual and aesthetic qualities of the shoreline, to protect plant and animal species and their habitats, and to enhance shoreline uses.

Master programs shall include: Planning provisions that address vegetation conservation and restoration, and regulatory provisions that address conservation of vegetation; as necessary to assure no net loss of shoreline ecological functions and ecosystem-wide processes, to avoid adverse impacts to soil hydrology, and to reduce the hazard of slope failures or accelerated erosion.

Local governments should address ecological functions and ecosystem-wide processes provided by vegetation as described in WAC 173-26-201 (3)(d)(i).

Local governments may implement these objectives through a variety of measures, where consistent with Shoreline Management Act policy, including clearing and grading regulations, setback and buffer standards, critical area regulations, conditional use requirements for specific uses or areas, mitigation requirements, incentives and nonregulatory programs.

In establishing vegetation conservation regulations, local governments must use available scientific and technical information, as described in WAC 173-26-201 (2)(a). At a minimum, local governments should consult shoreline man-

agement assistance materials provided by the department and *Management Recommendations for Washington's Priority Habitats*, prepared by the Washington state department of fish and wildlife where applicable.

Current scientific evidence indicates that the length, width, and species composition of a shoreline vegetation community contribute substantively to the aquatic ecological functions. Likewise, the biota within the aquatic environment is essential to ecological functions of the adjacent upland vegetation. The ability of vegetated areas to provide critical ecological functions diminishes as the length and width of the vegetated area along shorelines is reduced. When shoreline vegetation is removed, the narrower the area of remaining vegetation, the greater the risk that the functions will not be performed.

In the Pacific Northwest, aquatic environments, as well as their associated upland vegetation and wetlands, provide significant habitat for a myriad of fish and wildlife species. Healthy environments for aquatic species are inseparably linked with the ecological integrity of the surrounding terrestrial ecosystem. For example, a nearly continuous corridor of mature forest characterizes the natural riparian conditions of the Pacific Northwest. Riparian corridors along marine shorelines provide many of the same functions as their freshwater counterparts. The most commonly recognized functions of the shoreline vegetation include, but are not limited to:

- Providing shade necessary to maintain the cool temperatures required by salmonids, spawning forage fish, and other aquatic biota.
- Providing organic inputs critical for aquatic life.
- Providing food in the form of various insects and other benthic macroinvertebrates.
- Stabilizing banks, minimizing erosion, and reducing the occurrence of landslides. The roots of trees and other riparian vegetation provide the bulk of this function.
  - Reducing fine sediment input into the aquatic environment through storm water retention and vegetative filtering.
  - Filtering and vegetative uptake of nutrients and pollutants from ground water and surface runoff.
  - Providing a source of large woody debris into the aquatic system. Large woody debris is the primary structural element that functions as a hydraulic roughness element to moderate flows. Large woody debris also serves a pool-forming function, providing critical salmonid rearing and refuge habitat. Abundant large woody debris increases aquatic diversity and stabilization.
  - Regulation of microclimate in the stream-riparian and intertidal corridors.
  - Providing critical wildlife habitat, including migration corridors and feeding, watering, rearing, and refugia areas.

Sustaining different individual functions requires different widths, compositions and densities of vegetation. The importance of the different functions, in turn, varies with the type of shoreline setting. For example, in forested shoreline settings, periodic recruitment of fallen trees, especially conifers, into the stream channel is an important attribute, critical to natural stream channel maintenance. Therefore, vegetated areas along streams which once supported or could in the future support mature trees should be wide enough to accomplish this periodic recruitment process.

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Woody vegetation normally classed as trees may not be a natural component of plant communities in some environments, such as in arid climates and on coastal dunes. In these instances, the width of a vegetated area necessary to achieve the full suite of vegetation-related shoreline functions may not be related to vegetation height.

Local governments should identify which ecological processes and functions are important to the local aquatic and terrestrial ecology and conserve sufficient vegetation to maintain them. Such vegetation conservation areas are not necessarily intended to be closed to use and development but should provide for management of vegetation in a manner adequate to assure no net loss of shoreline ecological functions.

(c) **Standards.** Master programs shall implement the following requirements in shoreline jurisdiction.

Establish vegetation conservation standards that implement the principles in WAC 173-26-221 (5)(b). Methods to do this may include setback or buffer requirements, clearing and grading standards, regulatory incentives, environment designation standards, or other master program provisions. Selective pruning of trees for safety and view protection may be allowed and the removal of noxious weeds should be authorized.

Additional vegetation conservation standards for specific uses are included in WAC 173-26-241(3).

(6) **Water quality, storm water, and nonpoint pollution.**

(a) **Applicability.** The following section applies to all development and uses in shorelines of the state, as defined in WAC 173-26-020, that affect water quality.

(b) **Principles.** Shoreline master programs shall, as stated in RCW 90.58.020, protect against adverse impacts to the public health, to the land and its vegetation and wildlife, and to the waters of the state and their aquatic life, through implementation of the following principles:

(i) Prevent impacts to water quality and storm water quantity that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities, or recreational opportunities.

(ii) Ensure mutual consistency between shoreline management provisions and other regulations that address water quality and storm water quantity, including public health, storm water, and water discharge standards. The regulations that are most protective of ecological functions shall apply.

(c) **Standards.** Shoreline master programs shall include provisions to implement the principles of this section.

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-221, filed 12/17/03, effective 1/17/04.]

**WAC 173-26-231 Shoreline modifications.** (1) **Applicability.** Local governments are encouraged to prepare master program provisions that distinguish between shoreline modifications and shoreline uses. Shoreline modifications are generally related to construction of a physical element such as a dike, breakwater, dredged basin, or fill, but they can include other actions such as clearing, grading, application of chemicals, or significant vegetation removal. Shoreline modifications usually are undertaken in support of or in preparation for a shoreline use; for example, fill (shoreline modification) required for a cargo terminal (industrial use) or dredg-

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ing (shoreline modification) to allow for a marina (boating facility use).

The provisions in this section apply to all shoreline modifications within shoreline jurisdiction.

(2) **General principles applicable to all shoreline modifications.** Master programs shall implement the following principles:

(a) Allow structural shoreline modifications only where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.

(b) Reduce the adverse effects of shoreline modifications and, as much as possible, limit shoreline modifications in number and extent.

(c) Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.

(d) Assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications.

(e) Where applicable, base provisions on scientific and technical information and a comprehensive analysis of drift cells for marine waters or reach conditions for river and stream systems. Contact the department for available drift cell characterizations.

(f) Plan for the enhancement of impaired ecological functions where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur, incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.

(g) Avoid and reduce significant ecological impacts according to the mitigation sequence in WAC 173-26-201 (2)(e).

(3) **Provisions for specific shoreline modifications.**

(a) **Shoreline stabilization.**

(i) **Applicability.** Shoreline stabilization includes actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. These actions include structural and nonstructural methods.

Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water management, planning and regulatory measures to avoid the need for structural stabilization.

(ii) **Principles.** Shorelines are by nature unstable, although in varying degrees. Erosion and accretion are natural processes that provide ecological functions and thereby contribute to sustaining the natural resource and ecology of the shoreline. Human use of the shoreline has typically led to hardening of the shoreline for various reasons including reduction of erosion or providing useful space at the shore or providing access to docks and piers. The impacts of hardening any one property may be minimal but cumulatively the impact of this shoreline modification is significant.

Shoreline hardening typically results in adverse impacts to shoreline ecological functions such as:

- **Beach starvation.** Sediment supply to nearby beaches is cut off, leading to "starvation" of the beaches for the gravel, sand, and other fine-grained materials that typically constitute a beach.

- **Habitat degradation.** Vegetation that shades the upper beach or bank is eliminated, thus degrading the value of the shoreline for many ecological functions, including spawning habitat for salmonids and forage fish.

- **Sediment impoundment.** As a result of shoreline hardening, the sources of sediment on beaches (eroding "feeder" bluffs) are progressively lost and longshore transport is diminished. This leads to lowering of down-drift beaches, the narrowing of the high tide beach, and the coarsening of beach sediment. As beaches become more coarse, less prey for juvenile fish is produced. Sediment starvation may lead to accelerated erosion in down-drift areas.

- **Exacerbation of erosion.** The hard face of shoreline armoring, particularly concrete bulkheads, reflects wave energy back onto the beach, exacerbating erosion.

- **Ground water impacts.** Erosion control structures often raise the water table on the landward side, which leads to higher pore pressures in the beach itself. In some cases, this may lead to accelerated erosion of sand-sized material from the beach.

- **Hydraulic impacts.** Shoreline armoring generally increases the reflectivity of the shoreline and redirects wave energy back onto the beach. This leads to scouring and lowering of the beach, to coarsening of the beach, and to ultimate failure of the structure.

- **Loss of shoreline vegetation.** Vegetation provides important "softer" erosion control functions. Vegetation is also critical in maintaining ecological functions.

- **Loss of large woody debris.** Changed hydraulic regimes and the loss of the high tide beach, along with the prevention of natural erosion of vegetated shorelines, lead to the loss of beached organic material. This material can increase biological diversity, can serve as a stabilizing influence on natural shorelines, and is habitat for many aquatic-based organisms, which are, in turn, important prey for larger organisms.

- **Restriction of channel movement and creation of side channels.** Hardened shorelines along rivers slow the movement of channels, which, in turn, prevents the input of larger woody debris, gravels for spawning, and the creation of side channels important for juvenile salmon rearing, and can result in increased floods and scour.

Additionally, hard structures, especially vertical walls, often create conditions that lead to failure of the structure. In time, the substrate of the beach coarsens and scours down to bedrock or a hard clay. The footings of bulkheads are exposed, leading to undermining and failure. This process is exacerbated when the original cause of the erosion and "need" for the bulkhead was from upland water drainage problems. Failed bulkheads and walls adversely impact beach aesthetics, may be a safety or navigational hazard, and may adversely impact shoreline ecological functions.

"Hard" structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, while "soft" structural measures rely on less rigid materials, such as biotechnical vegetation measures or beach enhancement.



There is a range of measures varying from soft to hard that include:

- Vegetation enhancement;
- Upland drainage control;
- Biotechnical measures;
- Beach enhancement;
- Anchor trees;
- Gravel placement;
- Rock revetments;
- Gabions;
- Concrete groins;
- Retaining walls and bluff walls;
- Bulkheads; and
- Seawalls.

Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions.

Structural shoreline stabilization often results in vegetation removal and damage to near-shore habitat and shoreline corridors. Therefore, master program shoreline stabilization provisions shall also be consistent with WAC 173-26-221(5), vegetation conservation, and where applicable, WAC 173-26-221(2), critical areas.

In order to implement RCW 90.58.100(6) and avoid or mitigate adverse impacts to shoreline ecological functions where shoreline alterations are necessary to protect single-family residences and principal appurtenant structures in danger from active shoreline erosion, master programs should include standards setting forth the circumstances under which alteration of the shoreline is permitted, and for the design and type of protective measures and devices.

(iii) **Standards.** In order to avoid the individual and cumulative net loss of ecological functions attributable to shoreline stabilization, master programs shall implement the above principles and apply the following standards:

(A) New development should be located and designed to avoid the need for future shoreline stabilization to the extent feasible. Subdivision of land must be regulated to assure that the lots created will not require shoreline stabilization in order for reasonable development to occur using geotechnical analysis of the site and shoreline characteristics. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas should not be allowed.

(B) New structural stabilization measures shall not be allowed except when necessity is demonstrated in the following manner:

(I) To protect existing primary structures:

- New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, should not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address

drainage problems away from the shoreline edge before considering structural shoreline stabilization.

- The erosion control structure will not result in a net loss of shoreline ecological functions.

(II) In support of new nonwater-dependent development, including single-family residences, when all of the conditions below apply:

- The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

- Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

- The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal action, currents, and waves.

- The erosion control structure will not result in a net loss of shoreline ecological functions.

(III) In support of water-dependent development when all of the conditions below apply:

- The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

- Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

- The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.

- The erosion control structure will not result in a net loss of shoreline ecological functions.

(IV) To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to chapter 70.105D RCW when all of the conditions below apply:

- Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

- The erosion control structure will not result in a net loss of shoreline ecological functions.

(C) An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves.

- The replacement structure should be designed, located, sized, and constructed to assure no net loss of ecological functions.

- Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

- Where a net loss of ecological functions associated with critical saltwater habitats would occur by leaving the existing structure, remove it as part of the replacement measure.

- Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark.

- For purposes of this section standards on shoreline stabilization measures, "replacement" means the construction of

a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

(D) Geotechnical reports pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. Thus, where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, that report may still be used to justify more immediate authorization to protect against erosion using soft measures.

(E) When any structural shoreline stabilization measures are demonstrated to be necessary, pursuant to above provisions.

- Limit the size of stabilization measures to the minimum necessary. Use measures designed to assure no net loss of shoreline ecological functions. Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.

- Ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. See public access provisions; WAC 173-26-221(4). Where feasible, incorporate ecological restoration and public access improvements into the project.

- Mitigate new erosion control measures, including replacement structures, on feeder bluffs or other actions that affect beach sediment-producing areas to avoid and, if that is not possible, to minimize adverse impacts to sediment conveyance systems. Where sediment conveyance systems cross jurisdictional boundaries, local governments should coordinate shoreline management efforts. If beach erosion is threatening existing development, local governments should adopt master program provisions for a beach management district or other institutional mechanism to provide comprehensive mitigation for the adverse impacts of erosion control measures.

(F) For erosion or mass wasting due to upland conditions, see WAC 173-26-221 (2)(c)(ii).

(b) **Piers and docks.** New piers and docks shall be allowed only for water-dependent uses or public access. As used here, a dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this section. Pier and dock construction shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use. Water-related and water-enjoyment uses may be allowed as

part of mixed-use development on over-water structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated.

New pier or dock construction, excluding docks accessory to single-family residences, should be permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses. If a port district or other public or commercial entity involving water-dependent uses has performed a needs analysis or comprehensive master plan projecting the future needs for pier or dock space, and if the plan or analysis is approved by the local government and consistent with these guidelines, it may serve as the necessary justification for pier design, size, and construction. The intent of this provision is to allow ports and other entities the flexibility necessary to provide for existing and future water-dependent uses.

Where new piers or docks are allowed, master programs should contain provisions to require new residential development of two or more dwellings to provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence.

Piers and docks, including those accessory to single-family residences, shall be designed and constructed to avoid or, if that is not possible, to minimize and mitigate the impacts to ecological functions, critical areas resources such as eelgrass beds and fish habitats and processes such as currents and littoral drift. See WAC 173-26-221 (2)(c)(iii) and (iv). Master programs should require that structures be made of materials that have been approved by applicable state agencies.

(c) **Fill.** Fills shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.

Fills waterward of the ordinary high-water mark shall be allowed only when necessary to support: Water-dependent use, public access, cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan, disposal of dredged material considered suitable under, and conducted in accordance with the dredged material management program of the department of natural resources, expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible, mitigation action, environmental restoration, beach nourishment or enhancement project. Fills waterward of the ordinary high-water mark for any use except ecological restoration should require a conditional use permit.

(d) **Breakwaters, jetties, groins, and weirs.** Breakwaters, jetties, groins, and weirs located waterward of the ordinary high-water mark shall be allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose. Breakwaters, jetties, groins, weirs, and similar structures should require a conditional use permit, except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams. Breakwaters, jetties, groins, and weirs shall be designed to protect critical areas and shall provide for mitigation according to the sequence defined in WAC 173-26-201 (2)(e).

(e) **Beach and dunes management.** Washington's beaches and their associated dunes lie along the Pacific Ocean coast between Point Grenville and Cape Disappointment, and as shorelines of statewide significance are mandated to be managed from a statewide perspective by the act. Beaches and dunes within shoreline jurisdiction shall be managed to conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beaches. Beaches and dunes should also be managed to reduce the hazard to human life and property from natural or human-induced actions associated with these areas.

Shoreline master programs in coastal marine areas shall provide for diverse and appropriate use of beach and dune areas consistent with their ecological, recreational, aesthetic, and economic values, and consistent with the natural limitations of beaches, dunes, and dune vegetation for development. Coastal master programs shall institute development setbacks from the shoreline to prevent impacts to the natural, functional, ecological, and aesthetic qualities of the dune.

"Dune modification" is the removal or addition of material to a dune, the reforming or reconfiguration of a dune, or the removal or addition of vegetation that will alter the dune's shape or sediment migration. Dune modification may be proposed for a number of purposes, including protection of property, flood and storm hazard reduction, erosion prevention, and ecological restoration.

Coastal dune modification shall be allowed only consistent with state and federal flood protection standards and when it will not result in a net loss of shoreline ecological functions or significant adverse impacts to other shoreline resources and values.

Dune modification to protect views of the water shall be allowed only on properties subdivided and developed prior to the adoption of the master program and where the view is completely obstructed for residences or water-enjoyment uses and where it can be demonstrated that the dunes did not obstruct views at the time of original occupancy, and then only in conformance with the above provisions.

(f) **Dredging and dredge material disposal.** Dredging and dredge material disposal shall be done in a manner which avoids or minimizes significant ecological impacts and impacts which cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.

New development should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging. Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins should be allowed where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

Dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material shall not be allowed, except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the ordi-

nary high-water mark. The project must be either associated with a MTCA or CERCLA habitat restoration project or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project. Master programs should include provisions for uses of suitable dredge material that benefit shoreline resources. Where applicable, master programs should provide for the implementation of adopted regional interagency dredge material management plans or watershed management planning.

Disposal of dredge material on shorelands or wetlands within a river's channel migration zone shall be discouraged. In the limited instances where it is allowed, such disposal shall require a conditional use permit. This provision is not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially affect the geohydrologic character of the channel migration zone.

(g) **Shoreline habitat and natural systems enhancement projects.** Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines.

Master programs should include provisions fostering habitat and natural system enhancement projects. Such projects may include shoreline modification actions such as modification of vegetation, removal of nonnative or invasive plants, shoreline stabilization, dredging, and filling, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline. Master program provisions should assure that the projects address legitimate restoration needs and priorities and facilitate implementation of the restoration plan developed pursuant to WAC 173-26-201 (2)(f).

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-231, filed 12/17/03, effective 1/17/04.]

#### **WAC 173-26-241 Shoreline uses. (1) Applicability.**

The provisions in this section apply to specific common uses and types of development to the extent they occur within shoreline jurisdiction. Master programs should include these, where applicable, and should include specific use provisions for other common uses and types of development in the jurisdiction. All uses and development must be consistent with the provisions of the environment designation in which they are located and the general regulations of the master program.

#### **(2) General use provisions.**

(a) **Principles.** Shoreline master programs shall implement the following principles:

(i) Establish a system of use regulations and environment designation provisions consistent with WAC 173-26-201 (2)(d) and 173-26-211 that gives preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon uses of the state's shoreline areas.

(ii) Ensure that all shoreline master program provisions concerning proposed development of property are established, as necessary, to protect the public's health, safety, and welfare, as well as the land and its vegetation and wildlife, and to protect property rights while implementing the policies of the Shoreline Management Act.

(iii) Reduce use conflicts by including provisions to prohibit or apply special conditions to those uses which are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the state's shoreline. In implementing this provision, preference shall be given first to water-dependent uses, then to water-related uses and water-enjoyment uses.

(iv) Establish use regulations designed to assure no net loss of ecological functions associated with the shoreline.

**(b) Conditional uses.**

(i) Master programs shall define the types of uses and development that require shoreline conditional use permits pursuant to RCW 90.58.100(5). Requirements for a conditional use permit may be used for a variety of purposes, including:

- To effectively address unanticipated uses that are not classified in the master program as described in WAC 173-27-030.

- To address cumulative impacts.

- To provide the opportunity to require specially tailored environmental analysis or design criteria for types of use or development that may otherwise be inconsistent with a specific environment designation within a master program or with the Shoreline Management Act policies.

In these cases, allowing a given use as a conditional use could provide greater flexibility within the master program than if the use were prohibited outright.

(ii) If master programs permit the following types of uses and development, they should require a conditional use permit:

(A) Uses and development that may significantly impair or alter the public's use of the water areas of the state.

(B) Uses and development which, by their intrinsic nature, may have a significant ecological impact on shoreline ecological functions or shoreline resources depending on location, design, and site conditions.

(C) Development in critical saltwater habitats.

(iii) The provisions of this section are minimum requirements and are not intended to limit local government's ability to identify other uses and developments within the master program as conditional uses where necessary or appropriate.

(3) **Standards.** Master programs shall establish a comprehensive program of use regulations for shorelines and shall incorporate provisions for specific uses consistent with the following as necessary to assure consistency with the policy of the act and where relevant within the jurisdiction.

**(a) Agriculture.**

(i) For the purposes of this section, the terms agricultural activities, agricultural products, agricultural equipment and facilities and agricultural land shall have the specific meanings as provided in WAC 173-26-020.

(ii) Master programs shall not require modification of or limit agricultural activities occurring on agricultural lands. In jurisdictions where agricultural activities occur, master programs shall include provisions addressing new agricultural activities on land not meeting the definition of agricultural land, conversion of agricultural lands to other uses, and other development on agricultural land that does not meet the definition of agricultural activities.

(ii) Nothing in this section limits or changes the terms of the current exception to the definition of substantial development. A substantial development permit is required for any agricultural development not specifically exempted by the provisions of RCW 90.58.030 (3)(e)(iv).

(iv) Master programs shall use definitions consistent with the definitions found in WAC 173-26-020(3).

(v) New agricultural activities are activities that meet the definition of agricultural activities but are proposed on land not currently in agricultural use. Master programs shall include provisions for new agricultural activities to assure that:

(A) Specific uses and developments in support of agricultural use are consistent with the environment designation in which the land is located.

(B) Agricultural uses and development in support of agricultural uses, are located and designed to assure no net loss of ecological functions and to not have a significant adverse impact on other shoreline resources and values.

Measures appropriate to meet these requirements include provisions addressing water quality protection, and vegetation conservation, as described in WAC 173-26-220 (5) and (6). Requirements for buffers for agricultural development shall be based on scientific and technical information and management practices adopted by the applicable state agencies necessary to preserve the ecological functions and qualities of the shoreline environment.

(vi) Master programs shall include provisions to assure that development on agricultural land that does not meet the definition of agricultural activities, and the conversion of agricultural land to nonagricultural uses, shall be consistent with the environment designation, and the general and specific use regulations applicable to the proposed use and do not result in a net loss of ecological functions associated with the shoreline.

**(b) Aquaculture.** Aquaculture is the culture or farming of food fish, shellfish, or other aquatic plants and animals. This activity is of statewide interest. Properly managed, it can result in long-term over short-term benefit and can protect the resources and ecology of the shoreline. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. Local government should consider local ecological conditions and provide limits and conditions to assure appropriate compatible types of aquaculture for the local conditions as necessary to assure no net loss of ecological functions.

Potential locations for aquaculture are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, adjacent land uses, wind protection, commercial navigation, and, in marine waters, salinity. The technology associated with some forms of present-day aquaculture is still in its formative stages and experimental. Local shoreline master programs should therefore recognize the necessity for some latitude in the development of this use as well as its potential impact on existing uses and natural systems.

Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water-dependent uses. Aquacultural

facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline. Impacts to ecological functions shall be mitigated according to the mitigation sequence described in WAC 173-26-020.

(c) **Boating facilities.** For the purposes of this chapter, "boating facilities" excludes docks serving four or fewer single-family residences. Shoreline master programs shall contain provisions to assure no net loss of ecological functions as a result of development of boating facilities while providing the boating public recreational opportunities on waters of the state.

Where applicable, shoreline master programs should, at a minimum, contain:

(i) Provisions to ensure that boating facilities are located only at sites with suitable environmental conditions, shoreline configuration, access, and neighboring uses.

(ii) Provisions that assure that facilities meet health, safety, and welfare requirements. Master programs may reference other regulations to accomplish this requirement.

(iii) Regulations to avoid, or if that is not possible, to mitigate aesthetic impacts.

(iv) Provisions for public access in new marinas, particularly where water-enjoyment uses are associated with the marina, in accordance with WAC 173-26-221(4).

(v) Regulations to limit the impacts to shoreline resources from boaters living in their vessels (live-aboard).

(vi) Regulations that assure that the development of boating facilities, and associated and accessory uses, will not result in a net loss of shoreline ecological functions or other significant adverse impacts.

(vii) Regulations to protect the rights of navigation.

(viii) Regulations restricting vessels from extended mooring on waters of the state except as allowed by applicable state regulations and unless a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.

(d) **Commercial development.** Master programs shall first give preference to water-dependent commercial uses over nonwater-dependent commercial uses; and second, give preference to water-related and water-enjoyment commercial uses over nonwater-oriented commercial uses.

The design, layout and operation of certain commercial uses directly affects their classification with regard to whether or not they qualify as water-related or water-enjoyment uses. Master programs shall assure that commercial uses that may be authorized as water-related or water-enjoyment uses are required to incorporate appropriate design and operational elements so that they meet the definition of water-related or water-enjoyment uses.

Master programs should require that public access and ecological restoration be considered as potential mitigation of impacts to shoreline resources and values for all water-related or water-dependent commercial development unless such improvements are demonstrated to be infeasible or inappropriate. Where commercial use is proposed for location on land in public ownership, public access should be required. Refer to WAC 173-26-221(4) for public access provisions.

Master programs should prohibit nonwater-oriented commercial uses on the shoreline unless they meet the following criteria:

(i) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or

(ii) Navigability is severely limited at the proposed site; and the commercial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.

In areas designated for commercial use, nonwater-oriented commercial development may be allowed if the site is physically separated from the shoreline by another property or public right of way.

Nonwater-dependent commercial uses should not be allowed over water except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.

Master programs shall assure that commercial development will not result in a net loss of shoreline ecological functions or have significant adverse impact to other shoreline uses, resources and values provided for in RCW 90.58.020 such as navigation, recreation and public access.

(e) **Forest practices.** Local master programs should rely on the Forest Practices Act and rules implementing the act and the *Forest and Fish Report* as adequate management of commercial forest uses within shoreline jurisdiction. However, local governments shall, where applicable, apply this chapter to Class IV-General forest practices where shorelines are being converted or are expected to be converted to non-forest uses.

Forest practice conversions and other Class IV-General forest practices where there is a likelihood of conversion to nonforest uses, shall assure no net loss of shoreline ecological functions and shall maintain the ecological quality of the watershed's hydrologic system. Master programs shall establish provisions to ensure that all such practices are conducted in a manner consistent with the master program environment designation provisions and the provisions of this chapter. Applicable shoreline master programs should contain provisions to ensure that when forest lands are converted to another use, there will be no net loss of shoreline ecological functions or significant adverse impacts to other shoreline uses, resources and values provided for in RCW 90.58.020 such as navigation, recreation and public access.

Master programs shall implement the provisions of RCW 90.58.150 regarding selective removal of timber harvest on shorelines of statewide significance. Exceptions to this standard shall be by conditional use permit only.

Lands designated as "forest lands" pursuant to RCW 36.70A.170 shall be designated consistent with either the "natural," "rural conservancy," environment designation.

Where forest practices fall within the applicability of the Forest Practices Act, local governments should consult with the department of natural resources, other applicable agencies, and local timber owners and operators.

(f) **Industry.** Master programs shall first give preference to water-dependent industrial uses over nonwater-dependent industrial uses; and second, give preference to

water-related industrial uses over nonwater-oriented industrial uses.

Regional and statewide needs for water-dependent and water-related industrial facilities should be carefully considered in establishing master program environment designations, use provisions, and space allocations for industrial uses and supporting facilities. Lands designated for industrial development should not include shoreline areas with severe environmental limitations, such as critical areas.

Where industrial development is allowed, master programs shall include provisions that assure that industrial development will be located, designed, or constructed in a manner that assures no net loss of shoreline ecological functions and such that it does not have significant adverse impacts to other shoreline resources and values.

Master programs should require that industrial development consider incorporating public access as mitigation for impacts to shoreline resources and values unless public access cannot be provided in a manner that does not result in significant interference with operations or hazards to life or property, as provided in WAC 173-26-221(4).

Where industrial use is proposed for location on land in public ownership, public access should be required. Industrial development and redevelopment should be encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated. New nonwater-oriented industrial development should be prohibited on shorelines except when:

- (i) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or
- (ii) Navigability is severely limited at the proposed site; and the industrial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.

In areas designated for industrial use, nonwater-oriented industrial uses may be allowed if the site is physically separated from the shoreline by another property or public right of way.

(g) **In-stream structural uses.** "In-stream structure" means a structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

In-stream structures shall provide for the protection and preservation, of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. The location and planning of in-stream structures shall give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.

(h) **Mining.** Mining is the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other

uses. Historically, the most common form of mining in shoreline areas is for sand and gravel because of the geomorphic association of rivers and sand and gravel deposits. Mining in the shoreline generally alters the natural character, resources, and ecology of shorelines of the state and may impact critical shoreline resources and ecological functions of the shoreline. However, in some circumstances, mining may be designed to have benefits for shoreline resources, such as creation of off channel habitat for fish or habitat for wildlife. Activities associated with shoreline mining, such as processing and transportation, also generally have the potential to impact shoreline resources unless the impacts of those associated activities are evaluated and properly managed in accordance with applicable provisions of the master program.

A shoreline master program should accomplish two purposes in addressing mining. First, identify where mining may be an appropriate use of the shoreline, which is addressed in this section and in the environment designation sections above. Second, ensure that when mining or associated activities in the shoreline are authorized, those activities will be properly sited, designed, conducted, and completed so that it will cause no net loss of ecological functions of the shoreline.

(i) Identification of shoreline areas where mining may be designated as appropriate shall:

(A) Be consistent with the environment designation provisions of WAC 173-26-211 and where applicable WAC 173-26-251(2) regarding shorelines of statewide significance; and

(B) Be consistent with local government designation of mineral resource lands with long-term significance as provided for in RCW 36.70A.170 (1)(c), 36.70A.130, and 36.70A.131; and

(C) Be based on a showing that mining is dependent on a shoreline location in the city or county, or portion thereof, which requires evaluation of geologic factors such as the distribution and availability of mineral resources for that jurisdiction, as well as evaluation of need for such mineral resources, economic, transportation, and land use factors. This showing may rely on analysis or studies prepared for purposes of GMA designations, be integrated with any relevant environmental review conducted under SEPA (chapter 43.21C RCW), or otherwise be shown in a manner consistent with RCW 90.58.100(1) and WAC 173-26-201 (2)(a).

(ii) Master programs shall include policies and regulations for mining, when authorized, that accomplish the following:

(A) New mining and associated activities shall be designed and conducted to comply with the regulations of the environment designation and the provisions applicable to critical areas where relevant. Accordingly, meeting the no net loss of ecological function standard shall include avoidance and mitigation of adverse impacts during the course of mining and reclamation. It is appropriate, however, to determine whether there will be no net loss of ecological function based on evaluation of final reclamation required for the site. Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species.

(B) Master program provisions and permit requirements for mining should be coordinated with the requirements of chapter 78.44 RCW.

(C) Master programs shall assure that proposed subsequent use of mined property is consistent with the provisions of the environment designation in which the property is located and that reclamation of disturbed shoreline areas provides appropriate ecological functions consistent with the setting.

(D) Mining within the active channel or channels (a location waterward of the ordinary high-water mark) of a river shall not be permitted unless:

(I) Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole; and

(II) The mining and any associated permitted activities will not have significant adverse impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline.

(III) The determinations required by (h)(ii)(D)(I) and (II) of this subsection shall be made consistent with RCW 90.58.100(1) and WAC 173-26-201 (2)(a). Such evaluation of impacts should be appropriately integrated with relevant environmental review requirements of SEPA (chapter 43.21C RCW) and the SEPA rules (chapter 197-11 WAC).

(IV) In considering renewal, extension or reauthorization of gravel bar and other in-channel mining operations in locations where they have previously been conducted, local government shall require compliance with this subsection (D) to the extent that no such review has previously been conducted. Where there has been prior review, local government shall review previous determinations comparable to the requirements of this section to assure compliance with this subsection (D) under current site conditions.

(V) The provisions of this section do not apply to dredging of authorized navigation channels when conducted in accordance with WAC 173-26-231 (3)(f).

(E) Mining within any channel migration zone that is within Shoreline Management Act jurisdiction shall require a shoreline conditional use permit.

(i) **Recreational development.** Recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public. Master programs should assure that shoreline recreational development is given priority and is primarily related to access to, enjoyment and use of the water and shorelines of the state. Commercial recreational development should be consistent with the provisions for commercial development in (d) of this subsection. Provisions related to public recreational development shall assure that the facilities are located, designed and operated in a manner consistent with the purpose of the environment designation in which they are located and such that no net loss of shoreline ecological functions or ecosystem-wide processes results.

In accordance with RCW 90.58.100(4), master program provisions shall reflect that state-owned shorelines are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational uses for the public and give appropriate special consideration to the same.

For all jurisdictions planning under the Growth Management Act, master program recreation policies shall be consistent with growth projections and level-of-service standards established by the applicable comprehensive plan.

(j) **Residential development.** Single-family residences are the most common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. Without proper management, single-family residential use can cause significant damage to the shoreline area through cumulative impacts from shoreline armoring, storm water runoff, septic systems, introduction of pollutants, and vegetation modification and removal. Residential development also includes multifamily development and the creation of new residential lots through land division.

Master programs shall include policies and regulations that assure no net loss of shoreline ecological functions will result from residential development. Such provisions should include specific regulations for setbacks and buffer areas, density, shoreline armoring, vegetation conservation requirements, and, where applicable, on-site sewage system standards for all residential development and uses and applicable to divisions of land in shoreline jurisdiction.

Residential development, including appurtenant structures and uses, should be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other stabilization structures, are not required to protect such structures and uses. (See RCW 90.58.100(6).)

New over-water residences, including floating homes, are not a preferred use and should be prohibited. It is recognized that certain existing communities of floating and/or over-water homes exist and should be reasonably accommodated to allow improvements associated with life safety matters and property rights to be addressed provided that any expansion of existing communities is the minimum necessary to assure consistency with constitutional and other legal limitations that protect private property.

New multiunit residential development, including the subdivision of land for more than four parcels, should provide community and/or public access in conformance to the local government's public access planning and this chapter.

Master programs shall include standards for the creation of new residential lots through land division that accomplish the following:

(i) Plats and subdivisions must be designed, configured and developed in a manner that assures that no net loss of ecological functions results from the plat or subdivision at full build-out of all lots.

(ii) Prevent the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions.

(iii) Implement the provisions of WAC 173-26-211 and 173-26-221.

(k) **Transportation and parking.** Master programs shall include policies and regulations to provide safe, reasonable, and adequate circulation systems to, and through or over shorelines where necessary and otherwise consistent with these guidelines.

Transportation and parking plans and projects shall be consistent with the master program public access policies, public access plan, and environmental protection provisions.

Circulation system planning shall include systems for pedestrian, bicycle, and public transportation where appro-

appropriate. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with the master program.

Plan, locate, and design proposed transportation and parking facilities where routes will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses. Where other options are available and feasible, new roads or road expansions should not be built within shoreline jurisdiction.

Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use. Shoreline master programs shall include policies and regulations to minimize the environmental and visual impacts of parking facilities.

(1) **Utilities.** These provisions apply to services and facilities that produce, convey, store, or process power, gas, sewage, communications, oil, waste, and the like. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are "accessory utilities" and shall be considered a part of the primary use.

Master programs shall include provisions to assure that:

All utility facilities are designed and located to assure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.

Utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities, that are nonwater-oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available.

Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline area where feasible and when necessarily located within the shoreline area shall assure no net loss of shoreline ecological functions.

Utilities should be located in existing rights of way and corridors whenever possible.

Development of pipelines and cables on tidelands, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance which disrupt shoreline ecological functions should be discouraged except where no other feasible alternative exists. When permitted, provisions shall assure that the facilities do not result in a net loss of shoreline ecological functions or significant impacts to other shoreline resources and values.

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-241, filed 12/17/03, effective 1/17/04.]

**WAC 173-26-251 Shorelines of statewide significance.** (1) **Applicability.** The following section applies to local governments preparing master programs that include shorelines of statewide significance as defined in RCW 90.58.030.

(2) **Principles.** Chapter 90.58 RCW raises the status of shorelines of statewide significance in two ways. First, the Shoreline Management Act sets specific preferences for uses of shorelines of statewide significance. RCW 90.58.020 states:

*"The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:*

*(1) Recognize and protect the statewide interest over local interest;*

*(2) Preserve the natural character of the shoreline;*

*(3) Result in long term over short term benefit;*

*(4) Protect the resources and ecology of the shoreline;*

*(5) Increase public access to publicly owned areas of the shorelines;*

*(6) Increase recreational opportunities for the public in the shoreline;*

*(7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary."*

Second, the Shoreline Management Act calls for a higher level of effort in implementing its objectives on shorelines of statewide significance. RCW 90.58.090(5) states:

*"The department shall approve those segments of the master program relating to shorelines of statewide significance only after determining the program provides the optimum implementation of the policy of this chapter to satisfy the statewide interest."*

Optimum implementation involves special emphasis on statewide objectives and consultation with state agencies. The state's interests may vary, depending upon the geographic region, type of shoreline, and local conditions. Optimum implementation may involve ensuring that other comprehensive planning policies and regulations support Shoreline Management Act objectives.

Because shoreline ecological resources are linked to other environments, implementation of ecological objectives requires effective management of whole ecosystems. Optimum implementation places a greater imperative on identifying, understanding, and managing ecosystem-wide processes and ecological functions that sustain resources of statewide importance.

(3) **Master program provisions for shorelines of statewide significance.** Because shorelines of statewide significance are major resources from which all people of the state derive benefit, local governments that are preparing master program provisions for shorelines of statewide significance shall implement the following:

(a) **Statewide interest.** To recognize and protect statewide interest over local interest, consult with applicable state agencies, affected Indian tribes, and statewide interest groups and consider their recommendations in preparing shoreline master program provisions. Recognize and take into account state agencies' policies, programs, and recommendations in developing use regulations. For example, if an anadromous fish species is affected, the Washington state departments of fish and wildlife and ecology and the governor's salmon recovery office, as well as affected Indian tribes, should, at a minimum, be consulted.

(b) **Preserving resources for future generations.** Prepare master program provisions on the basis of preserving the shorelines for future generations. For example, actions that would convert resources into irreversible uses or detrimen-



tally alter natural conditions characteristic of shorelines of statewide significance should be severely limited. Where natural resources of statewide importance are being diminished over time, master programs shall include provisions to contribute to the restoration of those resources.

(c) **Priority uses.** Establish shoreline environment designation policies, boundaries, and use provisions that give preference to those uses described in RCW 90.58.020 (1) through (7). More specifically:

(i) Identify the extent and importance of ecological resources of statewide importance and potential impacts to those resources, both inside and outside the local government's geographic jurisdiction.

(ii) Preserve sufficient shorelands and submerged lands to accommodate current and projected demand for economic resources of statewide importance, such as commercial shellfish beds and navigable harbors. Base projections on statewide or regional analyses, requirements for essential public facilities, and comment from related industry associations, affected Indian tribes, and state agencies.

(iii) Base public access and recreation requirements on demand projections that take into account the activities of state agencies and the interests of the citizens of the state to visit public shorelines with special scenic qualities or cultural or recreational opportunities.

(d) **Resources of statewide importance.** Establish development standards that:

(i) Ensure the long-term protection of ecological resources of statewide importance, such as anadromous fish habitats, forage fish spawning and rearing areas, shellfish beds, and unique environments. Standards shall consider incremental and cumulative impacts of permitted development and include provisions to insure no net loss of shoreline ecosystems and ecosystem-wide processes.

(ii) Provide for the shoreline needs of water-oriented uses and other shoreline economic resources of statewide importance.

(iii) Provide for the right of the public to use, access, and enjoy public shoreline resources of statewide importance.

(e) **Comprehensive plan consistency.** Assure that other local comprehensive plan provisions are consistent with and support as a high priority the policies for shorelines of statewide significance. Specifically, shoreline master programs should include policies that incorporate the priorities and optimum implementation directives of chapter 90.58 RCW into comprehensive plan provisions and implementing development regulations.

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-251, filed 12/17/03, effective 1/17/04.]

#### PART IV OCEAN MANAGEMENT

**WAC 173-26-360 Ocean management.** (1) Purpose and intent. This section implements the Ocean Resources Management Act, (RCW 43.143.005 through 43.143.030) enacted in 1989 by the Washington state legislature. The law requires the department of ecology to develop guidelines and policies for the management of ocean uses and to serve as the basis for evaluation and modification of local shoreline management master programs of coastal local governments in

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Jefferson, Clallam, Grays Harbor, and Pacific counties. The guidelines are intended to clarify state shoreline management policy regarding use of coastal resources, address evolving interest in ocean development and prepare state and local agencies for new ocean developments and activities.

(2) Geographical application. The guidelines apply to Washington's coastal waters from Cape Disappointment at the mouth of the Columbia River north one hundred sixty miles to Cape Flattery at the entrance to the Strait of Juan De Fuca including the offshore ocean area, the near shore area under state ownership, shorelines of the state, and their adjacent uplands. Their broadest application would include an area seaward two hundred miles (RCW 43.143.020) and landward to include those uplands immediately adjacent to land under permit jurisdiction for which consistent planning is required under RCW 90.58.340. The guidelines address uses occurring in Washington's coastal waters, but not impacts generated from activities offshore of Oregon, Alaska, California, or British Columbia or impacts from Washington's offshore on the Strait of Juan de Fuca or other inland marine waters.

(3) Ocean uses defined. Ocean uses are activities or developments involving renewable and/or nonrenewable resources that occur on Washington's coastal waters and includes their associated off shore, near shore, inland marine, shoreland, and upland facilities and the supply, service, and distribution activities, such as crew ships, circulating to and between the activities and developments. Ocean uses involving nonrenewable resources include such activities as extraction of oil, gas and minerals, energy production, disposal of waste products, and salvage. Ocean uses which generally involve sustainable use of renewable resources include commercial, recreational, and tribal fishing, aquaculture, recreation, shellfish harvesting, and pleasure craft activity.

(4) Relationship to existing management programs. These guidelines augment existing requirements of the Shoreline Management Act, chapter 90.58 RCW, and those chapters in Title 173 of the Washington Administrative Code that implement the act. They are not intended to modify current resource allocation procedures or regulations administered by other agencies, such as the Washington department of fisheries management of commercial, recreational, and tribal fisheries. They are not intended to regulate recreational uses or currently existing commercial uses involving fishing or other renewable marine or ocean resources. Every effort will be made to take into account tribal interests and programs in the guidelines and master program amendment processes. After inclusion in the state coastal zone management program, these guidelines and resultant master programs will be used for federal consistency purposes in evaluating federal permits and activities in Washington's coastal waters. Participation in the development of these guidelines and subsequent amendments to master programs will not preclude state and local government from opposing the introduction of new uses, such as oil and gas development.

These and other statutes, documents, and regulations referred to or cited in these rules may be reviewed at the department of ecology, headquarters in Lacey, Washington, for which the mailing address is Mailstop PV-11, Olympia, WA 98504.

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(5) Regional approach. The guidelines are intended to foster a regional perspective and consistent approach for the management of ocean uses. While local governments may have need to vary their programs to accommodate local circumstances, local government should attempt and the department will review local programs for compliance with these guidelines and chapter 173-16 WAC: Shoreline Management Act guidelines for development of master programs. It is recognized that further amendments to the master programs may be required to address new information on critical and sensitive habitats and environmental impacts of ocean uses or to address future activities, such as oil development. In addition to the criteria in RCW 43.143.030, these guidelines apply to ocean uses until local master program amendments are adopted. The amended master program shall be the basis for review of an action that is either located exclusively in, or its environmental impacts confined to, one county. Where a proposal clearly involves more than one local jurisdiction, the guidelines shall be applied and remain in effect in addition to the provisions of the local master programs.

(6) Permit criteria: Local government and the department may permit ocean or coastal uses and activities as a substantial development, variance or conditional use only if the criteria of RCW 43.143.030(2) listed below are met or exceeded:

(a) There is a demonstrated significant local, state, or national need for the proposed use or activity;

(b) There is no reasonable alternative to meet the public need for the proposed use or activity;

(c) There will be no likely long-term significant adverse impacts to coastal or marine resources or uses;

(d) All reasonable steps are taken to avoid and minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Columbia River, Willapa Bay and Grays Harbor estuaries, and Olympic National Park;

(e) All reasonable steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;

(f) Compensation is provided to mitigate adverse impacts to coastal resources or uses;

(g) Plans and sufficient performance bonding are provided to ensure that the site will be rehabilitated after the use or activity is completed; and

(h) The use or activity complies with all applicable local, state, and federal laws and regulations.

(7) General ocean uses guidelines. The following guidelines apply to all ocean uses, their service, distribution, and supply activities and their associated facilities that require shoreline permits.

(a) Ocean uses and activities that will not adversely impact renewable resources shall be given priority over those that will. Correspondingly, ocean uses that will have less adverse impacts on renewable resources shall be given priority over uses that will have greater adverse impacts.

(b) Ocean uses that will have less adverse social and economic impacts on coastal uses and communities should be given priority over uses and activities that will have more such impacts.

(c) When the adverse impacts are generally equal, the ocean use that has less probable occurrence of a disaster should be given priority.

(d) The alternatives considered to meet a public need for a proposed use should be commensurate with the need for the proposed use. For example, if there is a demonstrated national need for a proposed use, then national alternatives should be considered.

(e) Chapter 197-11 WAC (SEPA rules) provides guidance in the application of the permit criteria and guidelines of this section. The range of impacts to be considered should be consistent with WAC 197-11-060 (4)(e) and 197-11-792 (2)(c). The determination of significant adverse impacts should be consistent with WAC 197-11-330(3) and 197-11-794. The sequence of actions described in WAC 197-11-768 should be used as an order of preference in evaluating steps to avoid and minimize adverse impacts.

(f) Impacts on commercial resources, such as the crab fishery, on noncommercial resources, such as environmentally critical and sensitive habitats, and on coastal uses, such as loss of equipment or loss of a fishing season, should be considered in determining compensation to mitigate adverse environmental, social and economic impacts to coastal resources and uses.

(g) Allocation of compensation to mitigate adverse impacts to coastal resources or uses should be based on the magnitude and/or degree of impact on the resource, jurisdiction and use.

(h) Rehabilitation plans and bonds prepared for ocean uses should address the effects of planned and unanticipated closures, completion of the activity, reasonably anticipated disasters, inflation, new technology, and new information about the environmental impacts to ensure that state of the art technology and methods are used.

(i) Local governments should evaluate their master programs and select the environment(s) for coastal waters that best meets the intent of chapter 173-16 WAC, these guidelines and chapter 90.58 RCW.

(j) Ocean uses and their associated coastal or upland facilities should be located, designed and operated to prevent, avoid, and minimize adverse impacts on migration routes and habitat areas of species listed as endangered or threatened, environmentally critical and sensitive habitats such as breeding, spawning, nursery, foraging areas and wetlands, and areas of high productivity for marine biota such as upwelling and estuaries.

(k) Ocean uses should be located to avoid adverse impacts on proposed or existing environmental and scientific preserves and sanctuaries, parks, and designated recreation areas.

(l) Ocean uses and their associated facilities should be located and designed to avoid and minimize adverse impacts on historic or culturally significant sites in compliance with chapter 27.34 RCW. Permits in general should contain special provisions that require permittees to comply with chapter 27.53 RCW if any archeological sites or archeological objects such as artifacts and shipwrecks are discovered.

(m) Ocean uses and their distribution, service, and supply vessels and aircraft should be located, designed, and operated in a manner that minimizes adverse impacts on fishing grounds, aquatic lands, or other renewable resource ocean

use areas during the established, traditional, and recognized times they are used or when the resource could be adversely impacted.

(n) Ocean use service, supply, and distribution vessels and aircraft should be routed to avoid environmentally critical and sensitive habitats such as sea stacks and wetlands, preserves, sanctuaries, bird colonies, and migration routes, during critical times those areas or species could be affected.

(o) In locating and designing associated onshore facilities, special attention should be given to the environment, the characteristics of the use, and the impact of a probable disaster, in order to assure adjacent uses, habitats, and communities adequate protection from explosions, spills, and other disasters.

(p) Ocean uses and their associated facilities should be located and designed to minimize impacts on existing water dependent businesses and existing land transportation routes to the maximum extent feasible.

(q) Onshore facilities associated with ocean uses should be located in communities where there is adequate sewer, water, power, and streets. Within those communities, if space is available at existing marine terminals, the onshore facilities should be located there.

(r) Attention should be given to the scheduling and method of constructing ocean use facilities and the location of temporary construction facilities to minimize impacts on tourism, recreation, commercial fishing, local communities, and the environment.

(s) Special attention should be given to the effect that ocean use facilities will have on recreational activities and experiences such as public access, aesthetics, and views.

(t) Detrimental effects on air and water quality, tourism, recreation, fishing, aquaculture, navigation, transportation, public infrastructure, public services, and community culture should be considered in avoiding and minimizing adverse social and economic impacts.

(u) Special attention should be given to designs and methods that prevent, avoid, and minimize adverse impacts such as noise, light, temperature changes, turbidity, water pollution and contaminated sediments on the marine, estuarine or upland environment. Such attention should be given particularly during critical migration periods and life stages of marine species and critical oceanographic processes.

(v) Preproject environmental baseline inventories and assessments and monitoring of ocean uses should be required when little is known about the effects on marine and estuarine ecosystems, renewable resource uses and coastal communities or the technology involved is likely to change.

(w) Oil and gas, mining, disposal, and energy producing ocean uses should be designed, constructed, and operated in a manner that minimizes environmental impacts on the coastal waters environment, particularly the seabed communities, and minimizes impacts on recreation and existing renewable resource uses such as fishing.

(x) To the extent feasible, the location of oil and gas, and mining facilities should be chosen to avoid and minimize impacts on shipping lanes or routes traditionally used by commercial and recreational fishermen to reach fishing areas.

(y) Discontinuance or shutdown of oil and gas, mining or energy producing ocean uses should be done in a manner that minimizes impacts to renewable resource ocean uses such as

fishing, and restores the seabed to a condition similar to its original state to the maximum extent feasible.

(8) Oil and gas uses and activities. Oil and gas uses and activities involve the extraction of oil and gas resources from beneath the ocean.

(a) Whenever feasible oil and gas facilities should be located and designed to permit joint use in order to minimize adverse impacts to coastal resources and uses and the environment.

(b) Special attention should be given to the availability and adequacy of general disaster response capabilities in reviewing ocean locations for oil and gas facilities.

(c) Because environmental damage is a very probable impact of oil and gas uses, the adequacy of plans, equipment, staffing, procedures, and demonstrated financial and performance capabilities for preventing, responding to, and mitigating the effects of accidents and disasters such as oil spills should be major considerations in the review of permits for their location and operation. If a permit is issued, it should ensure that adequate prevention, response, and mitigation can be provided before the use is initiated and throughout the life of the use.

(d) Special attention should be given to the response times for public safety services such as police, fire, emergency medical, and hazardous materials spill response services in providing and reviewing onshore locations for oil and gas facilities.

(e) Oil and gas facilities including pipelines should be located, designed, constructed, and maintained in conformance with applicable requirements but should at a minimum ensure adequate protection from geological hazards such as liquefaction, hazardous slopes, earthquakes, physical oceanographic processes, and natural disasters.

(f) Upland disposal of oil and gas construction and operation materials and waste products such as cuttings and drilling muds should be allowed only in sites that meet applicable requirements.

(9) Ocean mining. Ocean mining includes such uses as the mining of metal, mineral, sand, and gravel resources from the sea floor.

(a) Seafloor mining should be located and operated to avoid detrimental effects on ground fishing or other renewable resource uses.

(b) Seafloor mining should be located and operated to avoid detrimental effects on beach erosion or accretion processes.

(c) Special attention should be given to habitat recovery rates in the review of permits for seafloor mining.

(10) Energy production. Energy production uses involve the production of energy in a usable form directly in or on the ocean rather than extracting a raw material that is transported elsewhere to produce energy in a readily usable form. Examples of these ocean uses are facilities that use wave action or differences in water temperature to generate electricity.

(a) Energy-producing uses should be located, constructed, and operated in a manner that has no detrimental effects on beach accretion or erosion and wave processes.

(b) An assessment should be made of the effect of energy producing uses on upwelling, and other oceanographic and ecosystem processes.

(c) Associated energy distribution facilities and lines should be located in existing utility rights of way and corridors whenever feasible, rather than creating new corridors that would be detrimental to the aesthetic qualities of the shoreline area.

(11) Ocean disposal. Ocean disposal uses involve the deliberate deposition or release of material at sea, such as solid wastes, industrial waste, radioactive waste, incineration, incinerator residue, dredged materials, vessels, aircraft, ordnance, platforms, or other man-made structures.

(a) Storage, loading, transporting, and disposal of materials shall be done in conformance with local, state, and federal requirements for protection of the environment.

(b) Ocean disposal shall be allowed only in sites that have been approved by the Washington department of ecology, the Washington department of natural resources, the United States Environmental Protection Agency, and the United States Army Corps of Engineers as appropriate.

(c) Ocean disposal sites should be located and designed to prevent, avoid, and minimize adverse impacts on environmentally critical and sensitive habitats, coastal resources and uses, or loss of opportunities for mineral resource development. Ocean disposal sites for which the primary purpose is habitat enhancement may be located in a wider variety of habitats, but the general intent of the guidelines should still be met.

(12) Transportation. Ocean transportation includes such uses as: Shipping, transferring between vessels, and offshore storage of oil and gas; transport of other goods and commodities; and offshore ports and airports. The following guidelines address transportation activities that originate or conclude in Washington's coastal waters or are transporting a nonrenewable resource extracted from the outer continental shelf off Washington.

(a) An assessment should be made of the impact transportation uses will have on renewable resource activities such as fishing and on environmentally critical and sensitive habitat areas, environmental and scientific preserves and sanctuaries.

(b) When feasible, hazardous materials such as oil, gas, explosives and chemicals, should not be transported through highly productive commercial, tribal, or recreational fishing areas. If no such feasible route exists, the routes used should pose the least environmental risk.

(c) Transportation uses should be located or routed to avoid habitat areas of endangered or threatened species, environmentally critical and sensitive habitats, migration routes of marine species and birds, marine sanctuaries and environmental or scientific preserves to the maximum extent feasible.

(13) Ocean research. Ocean research activities involve scientific investigation for the purpose of furthering knowledge and understanding. Investigation activities involving necessary and functionally related precursor activities to an ocean use or development may be considered exploration or part of the use or development. Since ocean research often involves activities and equipment, such as drilling and vessels, that also occur in exploration and ocean uses or developments, a case by case determination of the applicable regulations may be necessary.

(a) Ocean research should be encouraged to coordinate with other ocean uses occurring in the same area to minimize potential conflicts.

(b) Ocean research meeting the definition of "exploration activity" of WAC 173-15-020 shall comply with the requirements of chapter 173-15 WAC: Permits for oil or natural gas exploration activities conducted from state marine waters.

(c) Ocean research should be located and operated in a manner that minimizes intrusion into or disturbance of the coastal waters environment consistent with the purposes of the research and the intent of the general ocean use guidelines.

(d) Ocean research should be completed or discontinued in a manner that restores the environment to its original condition to the maximum extent feasible, consistent with the purposes of the research.

(e) Public dissemination of ocean research findings should be encouraged.

(14) Ocean salvage. Ocean salvage uses share characteristics of other ocean uses and involve relatively small sites occurring intermittently. Historic shipwreck salvage which combines aspects of recreation, exploration, research, and mining is an example of such a use.

(a) Nonemergency marine salvage and historic shipwreck salvage activities should be conducted in a manner that minimizes adverse impacts to the coastal waters environment and renewable resource uses such as fishing.

(b) Nonemergency marine salvage and historic shipwreck salvage activities should not be conducted in areas of cultural or historic significance unless part of a scientific effort sanctioned by appropriate governmental agencies.

[Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), recodified as § 173-26-360, filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.195. 91-10-033 (Order 91-08), § 173-16-064, filed 4/24/91, effective 5/25/91.]

## Chapter 173-27 WAC SHORELINE MANAGEMENT PERMIT AND ENFORCEMENT PROCEDURES

### WAC

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## PART I

PERMITS FOR DEVELOPMENT ON SHORELINES  
OF THE STATE

**WAC 173-27-010 Authority.** The provisions of this part implement the requirements of chapter 90.58 RCW, the Shoreline Management Act. Specifically, RCW 90.58.200 authorizes the adoption of rules as necessary to implement the provisions of the act and RCW 90.58.140(3) requires that the department adopt rules for administration and enforcement of the permit system established by the act.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-010, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-020 Purpose.** RCW 90.58.140(3) requires local governments to establish a program, consistent with rules adopted by the department of ecology, for the administration and enforcement of the permit system for shoreline management. The local program should be integrated with other local government systems for administration and enforcement of land use regulations. It is the intent of these regulations to provide minimum procedural requirements as necessary to comply with statutory requirements while providing latitude for local government to establish procedural systems based on local needs and circumstances. It is also the intent of these regulations to provide for integration of the shoreline permit into a consolidated environmental review and permit process.

This regulation is drafted to also reflect RCW 90.58.050 which provides that the Shoreline Management Act is intended to establish a cooperative program between local government and the state. According to this provision, local government shall have the primary responsibility for initiating the planning required by the act and administering the regulatory program of shoreline management consistent with the policy and provisions of the act, whereas the department shall act primarily in a supportive and review capacity with an emphasis on providing assistance to local government and on insuring compliance with the policies and provisions of the Shoreline Management Act.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-020, filed 9/30/96, effective 10/31/96.]

(2009 Ed.)

**WAC 173-27-030 Definitions.** The following definitions shall apply:

(1) "Act" means chapter 90.58 RCW, the Shoreline Management Act of 1971, as amended;

(2) "Applicable master program" means the master program approved or adopted by the department pursuant to RCW 90.58.090(6) or 90.58.190(4) prior to acceptance of a complete application by local government;

(3) "Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure;

(4) "Conditional use" means a use, development, or substantial development which is classified as a conditional use or is not classified within the applicable master program;

(5) "Department" means the department of ecology;

(6) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level;

(7) "Exempt" developments are those set forth in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local master program;

(8) "Fair market value" of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

(9) "Height" is measured from average grade level to the highest point of a structure: Provided, That television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included: Provided further, That temporary construction equipment is excluded in this calculation;

(10) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to chapter 90.58 RCW;

(11) "Natural or existing topography" means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling;

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(12) "Party of record" includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail;

(13) "Permit" means any substantial development, variance, conditional use permit, or revision authorized under chapter 90.58 RCW;

(14) "Public interest" means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development;

(15) "Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels;

(16) "Transmit" means to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for hand-delivered items, is the date of receipt at the destination;

(17) "Variance" is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline;

(18) "Vessel" includes ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water;

(19) The definitions and concepts set forth in RCW 90.58.030, and chapters 173-25 and 173-26 WAC also apply as used in this chapter.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-27-030, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-040 Developments exempt from substantial development permit requirement.** (1) Application and interpretation of exemptions.

(a) Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process.

(b) An exemption from the substantial development permit process is not an exemption from compliance with the act or the local master program, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of the applicable master program and the Shoreline Management Act. A development or use that is listed as a conditional use pursuant to the local master program or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance.

(c) The burden of proof that a development or use is exempt from the permit process is on the applicant.

(d) If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.

(e) Local government may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the act and the local master program.

(2) The following developments shall not require substantial development permits:

(a) Any development of which the total cost or fair market value, whichever is higher, does not exceed five thousand dollars, if such development does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the *Washington State Register* at least one month before the new dollar threshold is to take effect. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

(b) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;

(c) Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or

reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the department of fish and wildlife.

(d) Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the local master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

(e) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: Provided, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(f) Construction or modification of navigational aids such as channel markers and anchor buoys;

(g) Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to chapter 90.58 RCW. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to

the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high water mark;

(h) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either:

(i) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or

(ii) In fresh waters the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

For purposes of this section salt water shall include the tidally influenced marine and estuarine water areas of the state including the Pacific Ocean, Strait of Juan de Fuca, Strait of Georgia and Puget Sound and all bays and inlets associated with any of the above;

(i) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands;

(j) The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(k) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;

(l) Any project with a certification from the governor pursuant to chapter 80.50 RCW;

(m) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

(i) The activity does not interfere with the normal public use of the surface waters;

(ii) The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

(iii) The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

(iv) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

(v) The activity is not subject to the permit requirements of RCW 90.58.550;

(n) The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department of ecology jointly with other state agencies under chapter 43.21C RCW;

(o) Watershed restoration projects as defined herein. Local government shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.

(i) "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

(A) A project that involves less than ten miles of stream-reach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

(B) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(C) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

(ii) "Watershed restoration plan" means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act;

(p) A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:

(i) The project has been approved in writing by the department of fish and wildlife;

(ii) The project has received hydraulic project approval by the department of fish and wildlife pursuant to chapter 77.55 RCW; and

(iii) The local government has determined that the project is substantially consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.

Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local shoreline master programs, as follows:

(A) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under (p)(iii)(A)(I) and (II) of this subsection:

(I) A fish habitat enhancement project must be a project to accomplish one or more of the following tasks:

- Elimination of human-made fish passage barriers, including culvert repair and replacement;
- Restoration of an eroded or unstable streambank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
- Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

The department of fish and wildlife shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety; and

(II) A fish habitat enhancement project must be approved in one of the following ways:

- By the department of fish and wildlife pursuant to chapter 77.95 or 77.100 RCW;
- By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;
- By the department as a department of fish and wildlife-sponsored fish habitat enhancement or restoration project;
- Through the review and approval process for the jobs for the environment program;
- Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States Fish and Wildlife Service and the natural resource conservation service;
- Through a formal grant program established by the legislature or the department of fish and wildlife for fish habitat enhancement or restoration; and
- Through other formal review and approval processes established by the legislature.

(B) Fish habitat enhancement projects meeting the criteria of (p)(iii)(A) of this subsection are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of (p)(iii)(A) of this subsection and being reviewed and



approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030 (2)(c).

(C)(I) A hydraulic project approval permit is required for projects that meet the criteria of (p)(iii)(A) of this subsection and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the department of fish and wildlife and to each appropriate local government. Local governments shall accept the application as notice of the proposed project. The department of fish and wildlife shall provide a fifteen-day comment period during which it will receive comments regarding environmental impacts. Within forty-five days, the department shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

(II) Any person aggrieved by the approval, denial, conditioning, or modification of a permit under this section may formally appeal the decision to the hydraulic appeals board pursuant to the provisions of this chapter.

(D) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of (p)(iii)(A) of this subsection and that are reviewed and approved according to the provisions of this section.

[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, chapters 70.105D, 80.50 RCW. 07-02-086 (Order 05-12), § 173-27-040, filed 1/2/07, effective 2/2/07. Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-040, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-045 Developments not subject to the Shoreline Management Act.** Certain developments are not required to meet requirements of the Shoreline Management Act as follows:

(1) Pursuant to RCW 90.58.390, certain secure community transition facilities are not subject to the Shoreline Management Act. An emergency has been caused by the need to expeditiously site facilities to house sexually violent predators who have been committed under chapter 71.09 RCW. To meet this emergency, secure community transition facilities sited pursuant to the preemption provisions of RCW 71.09.342 and secure facilities sited pursuant to the preemption provisions of RCW 71.09.250 are not subject to the provisions of this chapter.

This section expires June 30, 2009.

(2) Pursuant to RCW 90.58.045 regarding environmental excellence program agreements, notwithstanding any other provision of law, any legal requirement under the Shoreline Management Act, including any standard, limitation, rule, or

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order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.21K RCW.

(3) Pursuant to RCW 90.58.355 regarding hazardous substance remedial actions, the procedural requirements of the Shoreline Management Act shall not apply to any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. The department of ecology shall ensure compliance with the substantive requirements of chapter 90.58 RCW, chapter 173-26 WAC and the local master program through the consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to RCW 70.105D.090.

(4) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under chapter 90.58 RCW.

[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, chapters 70.105D, 80.50 RCW. 07-02-086 (Order 05-12), § 173-27-045, filed 1/2/07, effective 2/2/07.]

**WAC 173-27-050 Letter of exemption.** Some projects conducted on shorelines of the state also require review and approval by federal agencies. Ecology is designated as the coordinating agency for the state with regard to permits issued by the U.S. Army Corps of Engineers. The following is intended to facilitate ecology's coordination of local actions, with regard to exempt development, with federal permit review.

(1) The local government shall prepare a letter of exemption, addressed to the applicant and the department, whenever a development is determined by a local government to be exempt from the substantial development permit requirements and the development is subject to one or more of the following federal permit requirements:

(a) A U.S. Army Corps of Engineers section 10 permit under the Rivers and Harbors Act of 1899; (The provisions of section 10 of the Rivers and Harbors Act generally apply to any project occurring on or over navigable waters. Specific applicability information should be obtained from the Corps of Engineers.) or

(b) A section 404 permit under the Federal Water Pollution Control Act of 1972. (The provisions of section 404 of the Federal Water Pollution Control Act generally apply to any project which may involve discharge of dredge or fill material to any water or wetland area. Specific applicability information should be obtained from the Corps of Engineers.)

(2) The letter shall indicate the specific exemption provision from WAC 173-27-040 that is being applied to the development and provide a summary of the local government's analysis of the consistency of the project with the master program and the act.

(3) Local government may specify other developments not described within subsection (1) of this section as requiring a letter of exemption prior to commencement of the development.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-050, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-060 Applicability of chapter 90.58 RCW to federal lands and agencies.** (1) Direct federal agency activities in or affecting Washington's coastal zone shall be consistent to the maximum extent practicable with the enforceable policies of the most recent federally approved Washington state coastal zone management program pursuant to the Federal Coastal Zone Management Act, 16 U.S.C. 1451 et seq. (CZMA) and federal regulations adopted pursuant thereto.

Washington's coastal zone, as established in the state's approved coastal zone management program, includes the following coastal counties: Whatcom, Skagit, San Juan, Island, Snohomish, King, Pierce, Thurston, Mason, Kitsap, Jefferson, Clallam, Grays Harbor, Pacific and Wahkiakum.

The Shoreline Management Act is incorporated into the Washington state coastal zone management program and, thereby, those direct federal agency activities affecting the uses or resources subject to the act must be consistent to the maximum extent practicable with the enforceable provisions of the act, regulations adopted pursuant to the act and the local master program.

(a) When the department receives a consistency determination for an activity proposed by the federal government, it shall request that local government review the proposal and provide the department with its views regarding the consistency of the activity or development project with the enforceable policies of the local master program.

(b) The CZMA federal consistency decision-making process for federal agency activities is prescribed in the Coastal Zone Management Act (16 U.S.C. 1456 (c)(1) and (2)), in federal regulations at 15 C.F.R. part 930, subpart C, and in Washington's most recent federally approved CZM program document.

(2) Federal agency activities may be required by other federal laws to meet the permitting requirements of chapter 90.58 RCW.

(3) The policies and provisions of chapter 90.58 RCW, including the permit system, shall apply statewide to all non-federal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership.

[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, chapters 70.105D, 80.50 RCW. 07-02-086 (Order 05-12), § 173-27-060, filed 1/2/07, effective 2/2/07. Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-060, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-070 Application of the permit system to substantial development undertaken prior to the effective date of the act.** (1) Substantial development undertaken on the shorelines of the state prior to the effective date of the act, including changes in shoreline jurisdiction as described in subsection (2) of this section, shall not require a permit except under the following circumstances:

(a) When the activity was unlawful prior to the effective date of the act.

(b) When there has been an unreasonable period of dormancy in the project between its inception and the effective date of the act.

(c) When the development is not completed within two years after the effective date of the act.

(d) When substantial development occurred prior to the effective date of the act on a shoreline and continued on to a different lake, river or tributary after the effective date, a permit shall be required for the development undertaken after the effective date.

(e) Substantial development undertaken prior to the effective date of the act shall not continue without a permit into other phases that were not part of the plan being followed at the time construction commenced.

(2) The effective date of the act is determined by one of the following procedures:

(a) When a change in the area subject to the jurisdiction of the act occurs as a result of a determination of jurisdiction by the department based on the provisions of RCW 90.58.030 (2)(d) or (e), the effective date of the act shall be the date the department provides written notice of the change to the local government(s) in which the affected area is located.

(b) When a change in the area subject to the jurisdiction of the act occurs as a result of an updated shoreline master program that supersedes the jurisdiction lists in chapter 173-18, 173-20 and 173-22 WAC, the effective date of the act shall be the date the department approves the updated master program.

[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, chapters 70.105D, 80.50 RCW. 07-02-086 (Order 05-12), § 173-27-070, filed 1/2/07, effective 2/2/07. Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-070, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-080 Nonconforming use and development standards.** When nonconforming use and development standards do not exist in the applicable master program, the following definitions and standards shall apply:

(1) "Nonconforming use or development" means a shoreline use or development which was lawfully constructed or established prior to the effective date of the act or the applicable master program, or amendments thereto, but which does not conform to present regulations or standards of the program.

(2) Structures that were legally established and are used for a conforming use but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.

(3) Uses and developments that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure

or by the addition of normal appurtenances as defined in WAC 173-27-040 (2)(g) upon approval of a conditional use permit.

(4) A use which is listed as a conditional use but which existed prior to adoption of the master program or any relevant amendment and for which a conditional use permit has not been obtained shall be considered a nonconforming use. A use which is listed as a conditional use but which existed prior to the applicability of the master program to the site and for which a conditional use permit has not been obtained shall be considered a nonconforming use.

(5) A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to pre-existing nonconformities.

(6) A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:

(a) No reasonable alternative conforming use is practical; and

(b) The proposed use will be at least as consistent with the policies and provisions of the act and the master program and as compatible with the uses in the area as the preexisting use.

In addition such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the master program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.

(7) A nonconforming structure which is moved any distance must be brought into conformance with the applicable master program and the act.

(8) If a nonconforming development is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance.

(9) If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming. A use authorized pursuant to subsection (6) of this section shall be considered a conforming use for purposes of this section.

(10) An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of the act or the applicable master program but which does not conform to the present lot size standards may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the applicable master program and the act.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-27-080, filed 9/30/96, effective 10/31/96.]

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#### **WAC 173-27-090 Time requirements of permit. (1)**

The time requirements of this section shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit authorized by this chapter. Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the master program and this chapter, local government may adopt different time limits from those set forth in subsections (2) and (3) of this section as a part of action on a substantial development permit.

(2) Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a substantial development permit. However, local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to the department.

(3) Authorization to conduct development activities shall terminate five years after the effective date of a substantial development permit. However, local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the department.

(4) The effective date of a substantial development permit shall be the date of filing as provided in RCW 90.58.140(6). The permit time periods in subsections (2) and (3) of this section do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

(5) Revisions to permits under WAC 173-27-100 may be authorized after original permit authorization has expired: Provided, That this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.

(6) Local government shall notify the department in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by RCW 90.58.143 as amended shall require a new permit application.

[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, chapters 70.105D, 80.50 RCW. 07-02-086 (Order 05-12), § 173-27-090, filed 1/2/07, effective 2/2/07. Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-27-090, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-100 Revisions to permits.** A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to

its conformance to the terms and conditions of the permit, the master program and/or the policies and provisions of chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision.

When an applicant seeks to revise a permit, local government shall request from the applicant detailed plans and text describing the proposed changes.

(1) If local government determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the applicable master program and the act, local government may approve a revision.

(2) "Within the scope and intent of the original permit" means all of the following:

(a) No additional over water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less;

(b) Ground area coverage and height may be increased a maximum of ten percent from the provisions of the original permit;

(c) The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the applicable master program except as authorized under a variance granted as the original permit or a part thereof;

(d) Additional or revised landscaping is consistent with any conditions attached to the original permit and with the applicable master program;

(e) The use authorized pursuant to the original permit is not changed; and

(f) No adverse environmental impact will be caused by the project revision.

(3) Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of chapter 90.58 RCW, this regulation and the local master program. If the proposed change constitutes substantial development then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.

(4) If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or this section violate the provisions in subsection (2) of this section, local government shall require that the applicant apply for a new permit.

(5) The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the department. In addition, local government shall notify parties of record of their action.

(6) If the revision to the original permit involves a conditional use or variance, local government shall submit the revision to the department for the department's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. The department shall render and transmit to local government and the applicant its final decision within fifteen

days of the date of the department's receipt of the submittal from local government. Local government shall notify parties of record of the department's final decision.

(7) The revised permit is effective immediately upon final decision by local government or, when appropriate under subsection (6) of this section, upon final action by the department.

(8) Appeals shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one days from the date of receipt of the local government's action by the department or, when appropriate under subsection (6) of this section, the date the department's final decision is transmitted to local government and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2) of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, chapters 70.105D, 80.50 RCW. 07-02-086 (Order 05-12), § 173-27-100, filed 1/2/07, effective 2/2/07. Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-100, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-110 Notice required.** (1) Local government shall develop and adopt a system which provides for notification of the public, the department and other agencies with jurisdiction of applications for a shoreline management substantial development, conditional use, or variance permit. Notification pursuant to this section may be carried out as a part of an integrated local permit notification procedure.

(2) The system shall assure that notice of application shall be provided within fourteen days after the determination of completeness as provided in RCW 36.70B.070 and WAC 173-27-180, and include the following in whatever sequence or format the local government deems appropriate:

(a) The date of application, the date of the notice of completion for the application, and the date of the notice of application;

(b) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070, 36.70B.090 and WAC 173-27-180;

(c) The identification of other permits not included in the application to the extent known by the local government;

(d) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a city land use bulletin, the location where the application and any studies can be reviewed;

(e) A statement of the public comment period, which shall be not less than thirty days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. A local government may accept public comments at any time prior to the closing of the record of an

open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;

(f) The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;

(g) A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency; and

(h) Any other information determined appropriate by the local government.

(3) If an open record predecision hearing, as defined in RCW 36.70B.020, is required for the requested project permits, the notice of application shall be provided at least fifteen days prior to the open record hearing.

(4) The notification system shall assure that notice to the general public and property owners in the vicinity of such application is given by at least one of the following methods:

(a) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the development is proposed;

(b) Posting of the notice in a conspicuous manner on the property upon which the project is to be undertaken; or

(c) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

(5) The notification system shall provide for timely notification of individuals and organizations that request such notice in writing.

(6) The notification system shall provide notice to all agencies with jurisdiction per chapter 43.21C RCW and to all other agencies that request in writing any such notice.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-27-110, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-120 Special procedures for limited utility extensions and bulkheads.** (1) An application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to all of the requirements of this chapter except that the following time periods and procedures shall be used:

(a) The public comment period shall be twenty days. The notice provided shall state the manner in which the public may obtain a copy of the local government decision on the application no later than two days following its issuance;

(b) The local government shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in subsection (2)(a) of this section; and

(c) If there is an appeal of the decision to grant or deny the permit to the local government legislative authority, the appeal shall be finally determined by the legislative authority within thirty days.

(2) For purposes of this section, a limited utility extension means the extension of a utility service that:

(a) Is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;

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(b) Will serve an existing use in compliance with this chapter; and

(c) Will not extend more than two thousand five hundred linear feet within the shorelines of the state.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-27-120, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-130 Filing with department.** (1) All applications for a permit or a permit revision shall be submitted to the department upon a final decision by local government. Final decision by local government shall mean the order or ruling, whether it be an approval or denial, which is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals have lapsed.

(2) When a substantial development permit and a conditional use or variance permit are required for a development, the submittal on the permits shall be made concurrently.

(3) A complete submittal shall consist of the following documents and information:

(a) A copy of the complete application pursuant to WAC 173-27-180;

(b) Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable master program policies and regulations and the consistency of the project with appropriate review criteria for the type of permit(s) as established in WAC 173-27-140 through 173-27-170;

(c) The final decision of the local government;

(d) The permit data sheet required by WAC 173-27-190; and

(e) Where applicable, local government shall also file the applicable documents required by chapter 43.21C RCW, the State Environmental Policy Act, or in lieu thereof, a statement summarizing the actions and dates of such actions taken under chapter 43.21C RCW.

(4) When the project has been modified in the course of the local review process, plans or text shall be provided to the department that clearly indicate the final approved plan.

(5) Submittal of substantial development permits, conditional use permits, variances, rescissions and revisions is complete when all of the documents required pursuant to subsections (3) and (4) of this section have been received by the department. If the department determines that the submittal does not contain all of the documents and information required by this section, the department shall identify the deficiencies and so notify local government and the applicant in writing. Ecology will not act on conditional use permit or variance submittal until the material requested in writing is submitted to the department.

(6) "Date of filing" of a local government final decision involving approval or denial of a substantial development permit is the date of actual receipt by the department of a local government's final decision on the permit.

(7) "Date of filing" involving approval or denial of a variance or conditional use permit, is the date of transmittal of the department's final decision on the variance or conditional use permit to local government and the applicant.

(8) The department shall provide a written notice to the local government and the applicant of the "date of filing."

(9) Any decision on an application for a permit under the authority of this section, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general.

(10) When a permit has been appealed pursuant to RCW 90.58.180, upon conclusion of all review proceedings, a copy of the final order shall be provided by the local government to the department. When the project has been modified in the course of the review proceeding, plans or text shall be provided to the local government, consistent with the provisions of WAC 173-27-180, that clearly indicate the final approved plan and the local government shall reissue the permit accordingly and submit a copy of the reissued permit and supporting documents consistent with subsection (3) of this section to the department for completion of the file on the permit. The purpose of this provision is to assure that the local and department files on the permit are complete and accurate and not to provide a new opportunity for appeal of the permit.

[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, chapters 70.105D, 80.50 RCW. 07-02-086 (Order 05-12), § 173-27-130, filed 1/2/07, effective 2/2/07. Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-27-130, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-140 Review criteria for all development.** (1) No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program.

(2) No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-27-140, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-150 Review criteria for substantial development permits.** (1) A substantial development permit shall be granted only when the development proposed is consistent with:

- (a) The policies and procedures of the act;
- (b) The provisions of this regulation; and
- (c) The applicable master program adopted or approved for the area. Provided, that where no master program has been approved for an area, the development shall be reviewed for consistency with the provisions of chapter 173-26 WAC, and to the extent feasible, any draft or approved master program which can be reasonably ascertained as representing the policy of the local government.

(2) Local government may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and the local master program.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-27-150, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-160 Review criteria for conditional use permits.** The purpose of a conditional use permit is to provide a system within the master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the local master program.

(1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

(a) That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;

(b) That the proposed use will not interfere with the normal public use of public shorelines;

(c) That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;

(d) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

(e) That the public interest suffers no substantial detrimental effect.

(2) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

(3) Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.

(4) Uses which are specifically prohibited by the master program may not be authorized pursuant to either subsection (1) or (2) of this section.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-27-160, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-170 Review criteria for variance permits.** The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

(1) Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

(2) Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;

(b) That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;

(c) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;

(d) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

(e) That the variance requested is the minimum necessary to afford relief; and

(f) That the public interest will suffer no substantial detrimental effect.

(3) Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), or within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;

(b) That the proposal is consistent with the criteria established under subsection (2)(b) through (f) of this section; and

(c) That the public rights of navigation and use of the shorelines will not be adversely affected.

(4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

(5) Variances from the use regulations of the master program are prohibited.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-27-170, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-180 Application requirements for substantial development, conditional use, or variance permit.** A complete application for a substantial development, conditional use, or variance permit shall contain, as a minimum, the following information:

(1) The name, address and phone number of the applicant. The applicant should be the owner of the property or the

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primary proponent of the project and not the representative of the owner or primary proponent.

(2) The name, address and phone number of the applicant's representative if other than the applicant.

(3) The name, address and phone number of the property owner, if other than the applicant.

(4) Location of the property. This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.

(5) Identification of the name of the shoreline (water body) that the site of the proposal is associated with. This should be the water body from which jurisdiction of the act over the project is derived.

(6) A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.

(7) A general description of the property as it now exists including its physical characteristics and improvements and structures.

(8) A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.

(9) A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:

(a) The boundary of the parcel(s) of land upon which the development is proposed.

(b) The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.

(c) Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.

(d) A delineation of all wetland areas that will be altered or used as a part of the development.

(e) A general indication of the character of vegetation found on the site.

(f) The dimensions and locations of all existing and proposed structures and improvements including but not limited to; buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.

(g) Where applicable, a landscaping plan for the project.

(h) Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.

(i) Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.

(j) Quantity, composition and destination of any excavated or dredged material.

(k) A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.

(l) Where applicable, a depiction of the impacts to views from existing residential uses and public areas.

(m) On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-27-180, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-190 Permits for substantial development, conditional use, or variance.** (1) Each permit for a substantial development, conditional use or variance, issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b).

(2) Permits for substantial development, conditional use, or variance may be in any form prescribed and used by local government including a combined permit application form. Such forms will be supplied by local government.

(3) A permit data sheet shall be submitted to the department with each shoreline permit. The permit data sheet form shall be as provided in Appendix A of this regulation.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-27-190, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-200 Department review of conditional use and variance permits.** (1) After local government approval of a conditional use or variance permit, local government shall submit the permit to the department for the department's approval, approval with conditions, or denial. The department shall render and transmit to local government and the applicant its final decision approving, approving with conditions, or disapproving the permit within thirty days of the date of submittal by local government pursuant to WAC 173-27-110.

(2) The department shall review the complete file submitted by local government on conditional use and variance permits and any other information submitted or available that is relevant to the application. The department shall base its determination to approve, approve with conditions or deny a conditional use permit or variance on consistency with the policy and provisions of the act and, except as provided in WAC 173-27-210, the criteria in WAC 173-27-160 and 173-27-170.

[Title 173 WAC—p. 184]

(3) Local government shall provide timely notification of the department's final decision to those interested persons having requested notification from local government pursuant to WAC 173-27-130.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-27-200, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-210 Minimum standards for conditional use and variance permits.** Pursuant to RCW 90.58.-100(5) and 90.58.140(3), the criteria contained in WAC 173-27-160 and 173-27-170 for shoreline conditional use and variance permits shall constitute the minimum criteria for review of these permits by local government and the department. Local government and the department may, in addition, apply the more restrictive criteria where they exist in approved and adopted master programs.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-27-210, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-220 Requests for review.** All requests for review of any final permit decisions under chapter 90.58 RCW and chapter 173-27 WAC are governed by the procedures established in RCW 90.58.180 and chapter 461-08 WAC, the rules of practice and procedure of the shorelines hearings board.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-27-220, filed 9/30/96, effective 10/31/96.]

## PART II SHORELINE MANAGEMENT ACT ENFORCEMENT

**WAC 173-27-240 Authority and purpose.** This part is adopted under RCW 90.58.200 and 90.58.210 to implement the enforcement responsibilities of the department and local government under the Shoreline Management Act. The act calls for a cooperative program between local government and the state. It provides for a variety of means of enforcement, including civil and criminal penalties, orders to cease and desist, orders to take corrective action, and permit rescission. The following should be used in addition to other mechanisms already in place at the local level and does not preclude other means of enforcement.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-27-240, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-250 Definitions.** The definitions contained in WAC 173-27-030 shall apply in this part also except that the following shall apply when used in this part of the regulations:

(1) "Permit" means any form of permission required under the act prior to undertaking activity on shorelines of the state, including substantial development permits, variances, conditional use permits, permits for oil or natural gas exploration activities, permission which may be required for selective commercial timber harvesting, and shoreline exemptions; and

(2) "Exemption" means authorization from local government which establishes that an activity is exempt from substantial development permit requirements under WAC 173-27-040, but subject to regulations of the act and the local master program.



[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-250, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-260 Policy.** These regulations should be used by local government in carrying out enforcement responsibilities under the act, unless local government adopts separate rules to implement the act's enforcement provision.

Enforcement action by the department or local government may be taken whenever a person has violated any provision of the act or any master program or other regulation promulgated under the act. The choice of enforcement action and the severity of any penalty should be based on the nature of the violation, the damage or risk to the public or to public resources, and/or the existence or degree of bad faith of the persons subject to the enforcement action.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-260, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-270 Order to cease and desist.** Local government and/or the department shall have the authority to serve upon a person a cease and desist order if an activity being undertaken on shorelines of the state is in violation of chapter 90.58 RCW or the local master program.

(1) Content of order. The order shall set forth and contain:

(a) A description of the specific nature, extent, and time of violation and the damage or potential damage; and

(b) A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under WAC 173-27-280 may be issued with the order.

(2) Effective date. The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.

(3) Compliance. Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-270, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-280 Civil penalty.** (1) A person who fails to conform to the terms of a substantial development permit, conditional use permit or variance issued under RCW 90.58.140, who undertakes a development or use on shorelines of the state without first obtaining a permit, or who fails to comply with a cease and desist order issued under these regulations may be subject to a civil penalty by local government. The department may impose a penalty jointly with local government, or alone only upon an additional finding that a person:

(a) Has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or

(b) Has been given previous notice of the same or similar type of violation of the same statute or rule; or

(c) The violation has a probability of placing a person in danger of death or bodily harm; or

(d) Has a probability of causing more than minor environmental harm; or

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(e) Has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.

(2) In the alternative, a penalty may be issued to a person by the department alone, or jointly with local government for violations which do not meet the criteria of subsection (1)(a) through (e) of this section, after the following information has been provided in writing to a person through a technical assistance visit or a notice of correction:

(a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;

(b) A statement of what is required to achieve compliance;

(c) The date by which the agency requires compliance to be achieved;

(d) Notice of the means to contact any technical assistance services provided by the agency or others; and

(e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the agency.

Furthermore, no penalty shall be issued by the department until the individual or business has been given a reasonable time to correct the violation and has not done so.

(3) Amount of penalty. The penalty shall not exceed one thousand dollars for each violation. Each day of violation shall constitute a separate violation.

(4) Aiding or abetting. Any person who, through an act of commission or omission procures, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

(5) Notice of penalty. A civil penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department and/or the local government, or from both jointly. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, or, in appropriate cases, require necessary corrective action within a specific time.

(6) Application for remission or mitigation. Any person incurring a penalty may apply in writing within thirty days of receipt of the penalty to the department or local government for remission or mitigation of such penalty. Upon receipt of the application, the department or local government may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty.

When a penalty is imposed jointly by the department and local government, it may be remitted or mitigated only upon such terms as both the department and the local government agree.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-280, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-290 Appeal of civil penalty.** (1) Right of appeal. Persons incurring a penalty imposed by the department or imposed jointly by the department and local government may appeal the same to the shorelines hearings board. Appeals to the shorelines hearings board are adjudicatory proceedings subject to the provisions of chapter 34.05 RCW.

[Title 173 WAC—p. 185]

Persons incurring a penalty imposed by local government may appeal the same to the local government legislative authority.

(2) Timing of appeal. Appeals shall be filed within thirty days of receipt of notice of penalty unless an application for remission or mitigation is made to the department or local government. If such application is made, appeals shall be filed within thirty days of receipt of local government's and/or the department's decision regarding the remission or mitigation.

(3) Penalties due.

(a) Penalties imposed under this section shall become due and payable thirty days after receipt of notice imposing the same unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty days after receipt of local government's and/or the department's decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable upon completion of all review proceedings and upon the issuance of a final decision confirming the penalty in whole or in part.

(b) If the amount of a penalty owed the department is not paid within thirty days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington to recover such penalty. If the amount of a penalty owed local govern-

ment is not paid within thirty days after it becomes due and payable, local government may take actions necessary to recover such penalty.

(4) Penalty recovered. Penalties recovered by the department shall be paid to the state treasurer. Penalties recovered by local government shall be paid to the local government treasury. Penalties recovered jointly by the department and local government shall be divided equally between the department and the local government unless otherwise stipulated in the order.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-27-290, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-300 Criminal penalty.** The procedures for criminal penalties shall be governed by RCW 90.58.220.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-27-300, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-310 Oil or natural gas exploration—Penalty.** Persons violating the provisions of RCW 90.58.550 or chapter 173-15 WAC shall be subject to a civil penalty issued by the department in an amount of up to five thousand dollars a day. The procedures for oil or natural gas exploration penalties shall be governed by RCW 90.58.560.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200.96-20-075 (Order 95-17), § 173-27-310, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-990 Appendix A.**

**Appendix A**

**Shoreline Management Act  
Permit Data Sheet and Transmittal Letter**

From: (local government) To: (appropriate Ecology office)

Date of Transmittal: \_\_\_\_\_ Date of Receipt: (provided by Ecology)

Type of Permit: (Indicate all that apply)  
Substantial Development \_\_\_; Conditional Use \_\_\_; Variance \_\_\_; Revision \_\_\_; Other \_\_\_\_\_.

Local Government Decision: Approval \_\_\_; Conditional Approval \_\_\_; Denial \_\_\_;

Applicant Information: Name: \_\_\_\_\_ Applicant's Representative: (if primary contact)  
Name: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

Phone(s): \_\_\_\_\_ Phone(s): \_\_\_\_\_

Is the applicant the property owner? \_\_\_yes \_\_\_no  
Location of the Property: (Section Township and Range to the nearest 1/4, 1/4 Section or latitude and longitude, and a street address where available)

Water Body Name: \_\_\_\_\_

Shoreline of Statewide Significance: Yes \_\_\_ No \_\_\_.

Environment Designation: \_\_\_\_\_

**Shoreline Management Act  
Permit Data Sheet and Transmittal Letter**

Description of the Project: (Summary of the intended use or project purpose)

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Notice of Application Date: \_\_\_\_\_ Final Decision Date: \_\_\_\_\_

By: \_\_\_\_\_ (Local Government Primary Contact on this Application)

Phone No: \_\_\_\_\_

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-990, filed 9/30/96, effective 10/31/96.]

**Chapter 173-40 WAC  
POLLUTION DISCLOSURE**

**WAC**

173-40-010	Authority.
173-40-020	Purpose.
173-40-030	Definitions.
173-40-040	Critical materials registry.
173-40-050	Annual reports.

**WAC 173-40-010 Authority.** This regulation is adopted pursuant to chapter 90.52 RCW, the Pollution Disclosure Act of 1971, and chapter 43.21A RCW.

[Order 72-26, § 173-40-010, filed 11/27/72.]

**WAC 173-40-020 Purpose.** Chapter 90.52 RCW requires the director of the department of ecology to adopt a critical materials registry and establish an annual reporting procedure for those operations which discharge wastes, other than sanitary sewage, into waters of the state and/or into the air of the state.

[Order 72-26, § 173-40-020, filed 11/27/72.]

**WAC 173-40-030 Definitions.** As used herein "director" shall mean the director of the department of ecology. "Department" shall mean the department of ecology. Waters of the state shall include both surface and ground waters.

[Order 72-26, § 173-40-030, filed 11/27/72.]

**WAC 173-40-040 Critical materials registry.** The director, having consulted with a committee of environmental specialists as required by law, hereby designates the following materials as critical materials to be set forth in a critical materials registry filed at the department:

- Asbestos
- Arsenic, elemental and compounds of
- Barium, soluble salts of
- Beryllium, elemental and compounds of
- Boron, elemental and compounds of
- Cadmium, elemental and compounds of
- Chlorinated hydrocarbons, compounds
- Chlorine, elemental and compounds of
- Chromium, soluble salts and all chromates
- Copper, elemental and compounds of
- Cyanides, compounds including the organic nitriles
- Fluorine, elemental and compounds of
- Lead, elemental and compounds of
- Mercury, elemental and compounds of
- Nickel, soluble salts of

- Organo phosphorus; insecticide, algacide, and slime-icide compounds
- Phenols and polychlorinated biphenyls, compounds
- Selenium, elemental and compounds of
- Silver, soluble salts of
- Zinc, soluble salts of

[Order 72-26, § 173-40-040, filed 11/27/72.]

**WAC 173-40-050 Annual reports.** Upon notification by the director of the department of ecology, commercial operations including industrial operations which discharge wastes, other than sanitary sewage, into waters of the state and/or into the air of the state, shall file annually, during the month of January, reports, on forms provided by the department. The information required shall pertain to those materials set forth in WAC 173-40-040 above, which are in excess of the corresponding materials occurring in the intake source used by the operation. The information shall also include volumes of process and cooling water to be discharged into the water, air or into any sewer system. The information given is to be an estimate of the amount(s) of such materials to be discharged in the calendar year in which the report is being filed. The reports shall be postmarked no later than January 31 and be sent to:

Director  
Department of Ecology  
Olympia, Washington 98504  
ATTN: POLLUTION DISCLOSURE

[Order 72-26, § 173-40-050, filed 11/27/72.]

**Chapter 173-44 WAC  
FEES—RADIOACTIVE WASTE MANAGEMENT  
FACILITIES**

**WAC**

173-44-010	Purpose and scope.
173-44-020	Authority.
173-44-030	Definitions.
173-44-040	Perpetual care and maintenance fee.
173-44-050	PCM fee—Method of payment.
173-44-060	PCM fee—Disposition.
173-44-070	Severability.

**WAC 173-44-010 Purpose and scope.** The proper perpetual care and maintenance of radioactive waste management facilities is required to protect the public health, safety, and welfare. This chapter establishes the fees charged by the Washington state department of ecology for financing the necessary perpetual care and maintenance of radioactive

waste management facilities. Promulgation of this regulation is further intended to satisfy the state's financial responsibilities to the United States government pursuant to the perpetual care agreement executed July 29, 1965.

[Statutory Authority: 1983 1st ex.s. c 19 and Title 43 RCW. 83-18-020 (Order DE 83-25), § 173-44-010, filed 8/30/83. Formerly WAC 173-16-010.]

**WAC 173-44-020 Authority.** This chapter is promulgated by the state department of ecology pursuant to authority granted in RCW 43.21F.045 and chapter 19, Laws of 1983 1st ex. sess.

[Statutory Authority: 1983 1st ex.s. c 19 and Title 43 RCW. 83-18-020 (Order DE 83-25), § 173-44-020, filed 8/30/83. Formerly WAC 173-16-020.]

**WAC 173-44-030 Definitions.** (1) "Facility" means any site, location, structure, or property used or to be used for the storage, disposal, or burial of radioactive materials or waste, which lies within the one hundred acre tract described in the perpetual care agreement between the state of Washington and the United States government executed July 29, 1965.

(2) "Department" means the Washington state department of ecology.

(3) "Perpetual care and maintenance" means the activities necessary to stabilize and secure a closed facility during the perpetual care period, including but not limited to: Trench stabilization; upkeep of erosion control measures, fences, and warning signs; and sampling of monitor wells.

(4) "Sublessee" means a party to a sublease with the state of Washington for a portion of the one thousand acres of land, as described in the state's lease with the United States government executed September 10, 1964, lying within the Hanford Reservation.

[Statutory Authority: 1983 1st ex.s. c 19 and Title 43 RCW. 83-18-020 (Order DE 83-25), § 173-44-030, filed 8/30/83. Formerly WAC 173-16-030.]

**WAC 173-44-040 Perpetual care and maintenance fee.** (1) Any sublessee of the state who stores, disposes, or buries radioactive materials or waste at a facility shall pay a perpetual care and maintenance fee.

(2) The perpetual care and maintenance fee shall be one dollar seventy-five cents per cubic foot of radioactive material or waste buried or permanently stored at a facility.

[Statutory Authority: 1983 1st ex.s. c 19 and Title 43 RCW. 83-18-020 (Order DE 83-25), § 173-44-040, filed 8/30/83. Formerly WAC 173-16-040.]

**WAC 173-44-050 PCM fee—Method of payment.** (1) The perpetual care and maintenance fee shall be due on a quarterly basis for the quarters ending January 15, April 15, July 15, and October 15. All perpetual care and maintenance fee payments shall be paid within forty-five days after the due date.

(2) Perpetual care and maintenance payments shall be by check, draft, or money order payable to the Washington state department of ecology.

[Statutory Authority: 1983 1st ex.s. c 19 and Title 43 RCW. 83-18-020 (Order DE 83-25), § 173-44-050, filed 8/30/83. Formerly WAC 173-16-050.]

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**WAC 173-44-060 PCM fee—Disposition.** (1) Upon receipt of perpetual care and maintenance fee payments, the department shall transmit such payments to the state treasurer for deposit in the perpetual maintenance account authorized by chapter 19, Laws of 1983 1st ex. sess.

(2) Moneys in the perpetual maintenance account shall be invested by the state investment board in the same manner as other state moneys. Any interest accruing as a result of investment shall accrue to the perpetual maintenance account.

(3) The department shall maintain a segregated account of perpetual care and maintenance fee payments which are deposited in the perpetual maintenance account.

(4) The department, in consultation with the state radiation control agency, shall periodically evaluate the perpetual care and maintenance fee to determine whether it will provide adequate financing to assure perpetual care and maintenance of a closed facility. Any adjustments to the fees shall be made by rule adopted pursuant to chapter 34.04 RCW.

[Statutory Authority: 1983 1st ex.s. c 19 and Title 43 RCW. 83-18-020 (Order DE 83-25), § 173-44-060, filed 8/30/83. Formerly WAC 173-16-060.]

**WAC 173-44-070 Severability.** If any portion of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

[Statutory Authority: 1983 1st ex.s. c 19 and Title 43 RCW. 83-18-020 (Order DE 83-25), § 173-44-070, filed 8/30/83. Formerly WAC 173-16-070.]

## Chapter 173-50 WAC ACCREDITATION OF ENVIRONMENTAL LABORATORIES

### WAC

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**WAC 173-50-010 Purpose.** Department of ecology, department of health, and other entities require persons and organizations submitting analytical data under the purview of their programs to use environmental laboratories which are accredited. The purpose of this chapter is to establish a state program for accreditation of environmental laboratories

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which conduct tests and submit data to the department of ecology, the department of health, and other entities which require the use of accredited laboratories. The accreditation program is designed to satisfy the intent of RCW 43.21A.230 and 43.21A.445.

[Statutory Authority: RCW 43.21A.230, 02-20-090 (Order 01-12), § 173-50-010, filed 10/1/02, effective 11/1/02; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-010, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-020 Scope.** (1) The environmental laboratory accreditation program applies to laboratories which conduct tests for or prepare analytical data for submittal to any entity requiring the use of an accredited laboratory. This includes laboratories that analyze drinking water. This rule also describes how the department of ecology participates in the National Environmental Laboratory Accreditation Program (NELAP) as an accrediting authority once the department is certified by the National Environmental Laboratory Accreditation Conference (NELAC).

(2) Accreditation in itself does not authorize use of a specific method for any specific program or project. If such authorization is not granted in documentation governing a program or project within which samples are being analyzed, authorization should be obtained from the laboratory's data user.

(3) Accreditation does not guarantee validity of analytical data submitted by the accredited laboratory but rather assures that the laboratory has demonstrated its capability to reliably generate and report the analytical data (WAC 173-50-040, definition of "accreditation").

[Statutory Authority: RCW 43.21A.230, 02-20-090 (Order 01-12), § 173-50-020, filed 10/1/02, effective 11/1/02; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-020, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-030 Objectives.** Objectives of the accreditation program are to:

- Assure accredited laboratories have a demonstrated capability to accurately and defensibly analyze environmental samples;
- Assist environmental laboratories in improving their quality assurance/quality control procedures; and
- Foster cooperation between the state departments of ecology and health, local agencies, other users of environmental data, and operators of environmental laboratories.

[Statutory Authority: RCW 43.21A.230, 02-20-090 (Order 01-12), § 173-50-030, filed 10/1/02, effective 11/1/02; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-030, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-040 Definitions.** Definitions in this section apply throughout this chapter, unless context clearly indicates otherwise.

**"Accreditation"** - the formal recognition by the department that an environmental laboratory is capable of producing accurate and defensible analytical data. This recognition is signified by issuance of a written certificate accompanied by a scope of accreditation indicating the parameters for which the laboratory is accredited.

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• The term "accredit" as used in this chapter is intended to have the same meaning as the term "certify" as used in RCW 43.21A.230.

• Any laboratory accredited under this chapter shall be deemed to have been certified under RCW 43.21A.230.

• The department does not, by accrediting any laboratory pursuant to these rules, vouch for or warrant the accuracy of any particular work done or report issued by that laboratory.

**"Accuracy"** - the degree to which an analytical result corresponds to the true or accepted value for the sample being tested. Accuracy is affected by bias and precision.

**"Analytical data"** - the recorded qualitative and/or quantitative results of a chemical, physical, biological, microbiological, radiochemical, or other scientific determination.

**"Department"** - the state of Washington department of ecology when the term is not followed by another state designation.

**"Drinking water certification manual"** - the Environmental Protection Agency *Manual for the Certification of Laboratories Analyzing Drinking Water*, 4th Edition, March 1997.

**"Ecology accrediting authority"** - the supervisor of the lab accreditation unit of the environmental assessment program of the department of ecology.

**"Environmental laboratory"** - a facility:

• Under the ownership and technical management of a single entity in a single geographical locale;

• Where scientific examinations are performed on samples taken from the environment, including drinking water samples; and

• Where data is submitted to the department of ecology, department of health, or other entity requiring the use of an accredited laboratory under provisions of a regulation, permit, or contractual agreement.

**"Lab accreditation unit"** - the lab accreditation unit of the environmental assessment program of the department of ecology.

**"Mandatory analytical method"** - a recognized written procedure for acquiring analytical data which is required by law or a regulatory agency of the federal, state, or local government.

**"Matrix"** means the substance from which a material to be analyzed is extracted, including, but not limited to, ground or surface water, wastewater, drinking water, air, solid waste, soil, tissue, nuclear waste, and hazardous waste. For the purposes of establishing a fee structure (WAC 173-50-190(4)), matrices are grouped as follows:

- Nonpotable water;
- Drinking water;
- Solid and chemical materials; and
- Air and emissions.

NELAP accreditations may include other matrices as designated in the NELAC standards.

**"NELAC"** - the National Environmental Laboratory Accreditation Conference, a voluntary association of state and federal agencies.

**"NELAC standards"** - the standards for laboratory accreditation published by NELAC, September 5, 2001.

**"NELAP"** - the National Environmental Laboratory Accreditation Program governed by NELAC.

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**"Out-of-state laboratory"** - a laboratory that is not located in the state of Washington.

**"Parameter"** - a single determination or sampling procedure, or group of related determinations or sampling procedures using a specific written method.

**"Procedural manual"** - the *Procedural Manual for the Environmental Laboratory Accreditation Program* dated November 2002.

**"Proficiency testing (PT)"** - evaluation of the results from the analysis of samples, the true values of which are known to the supplier of the samples but unknown to the laboratory conducting the analyses. PT samples are provided by a source external to the environmental laboratory.

**"Quality control"** - activities designed to assure analytical data produced by an environmental laboratory meet data quality objectives for accuracy and defensibility. Those activities may include routine application of statistically based procedures to evaluate and control the accuracy of analytical results.

**"Quality assurance (QA)"** - activities intended to assure that a quality control program is effective. A QA program is a totally integrated program for assuring reliability of measurement data.

**"Quality assurance manual"** - a written record intended to assure the reliability of measurement data. A QA manual documents policies, organization, objectives, and specific QC and QA activities. Volume and scope of QA manuals vary with complexity of the laboratory mission.

**"Recognized analytical method"** - a documented analytical procedure developed through collaborative studies by organizations or groups recognized by the users of the laboratory's analytical data.

**"Regulatory program"** - a program administered by a federal, state, or other regulatory agency.

**"On-site assessment"** - an on-site inspection of laboratory capabilities.

**"Primary NELAP accreditation"** - granting of NELAP accreditation by the ecology accrediting authority after having determined through direct evaluation that the laboratory is in conformance with the NELAC standards.

**"Secondary NELAP accreditation"** - recognition by the ecology accrediting authority of a NELAP accreditation that was granted by another NELAP accrediting authority.

[Statutory Authority: RCW 43.21A.230, 02-20-090 (Order 01-12), § 173-50-040, filed 10/1/02, effective 11/1/02; 93-20-011 (Order 92-53), § 173-50-040, filed 9/22/93, effective 10/23/93; 90-21-090 (Order 90-21), § 173-50-040, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-040, filed 4/20/89 and 3/13/90, effective 4/13/90.]

#### **WAC 173-50-050 Responsibilities of the department.**

(1) The department maintains a procedural manual describing specifics of the accreditation process. As a minimum, the procedural manual describes the procedures for:

- Submitting an application and fee;
- Preparing a quality assurance manual;
- Performing proficiency testing;
- Conducting on-site assessments;
- Accrediting out-of-state laboratories;
- Issuing, denying, suspending, and revoking accreditation; and

- Notifying laboratories and authorized government officials of accreditation actions.

The department will make the procedural manual available to all interested persons.

(2) Department personnel assigned to assess the capability of drinking water laboratories participating in the environmental laboratory accreditation program must meet the experience, education, and training requirements established in the Environmental Protection Agency drinking water certification manual.

(3) When granting NELAP accreditations, the ecology accrediting authority is responsible for those actions designated in applicable chapters of the NELAC standards. If a NELAC standard is more stringent than the corresponding standard in this chapter, the NELAC standard applies for laboratories seeking NELAP accreditation.

[Statutory Authority: RCW 43.21A.230, 02-20-090 (Order 01-12), § 173-50-050, filed 10/1/02, effective 11/1/02; 93-20-011 (Order 92-53), § 173-50-050, filed 9/22/93, effective 10/23/93; 90-21-090 (Order 90-21), § 173-50-050, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-050, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-060 Responsibilities of environmental laboratories.** When applying for initial accreditation (see WAC 173-50-130 for maintaining an existing accreditation), managers of environmental laboratories must:

- Submit an application (WAC 173-50-063) and required fees (WAC 173-50-190) to the department fiscal officer;
- Submit a copy of the laboratory's quality assurance manual (WAC 173-50-067);
- Submit an initial set of acceptable PT sample analysis results (WAC 173-50-070); and
- Undergo an on-site assessment (WAC 173-50-080).

[Statutory Authority: RCW 43.21A.230, 02-20-090 (Order 01-12), § 173-50-060, filed 10/1/02, effective 11/1/02; 90-21-090 (Order 90-21), § 173-50-060, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-060, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-063 Application.** (1) Through the application, laboratory managers:

- Request accreditation for specific parameters;
- Calculate fees due the department; and
- Provide evidence that sufficient personnel and equipment are available to successfully perform analytical methods as specified in the application.

(2) Through review of the application submitted by the applicant laboratory, the lab accreditation unit determines if:

- Requested parameters are eligible for accreditation;
- The fee calculated by the applicant laboratory is correct; and
- Personnel and equipment are adequate to support successful performance of requested parameters.

(3) Following the review, the lab accreditation unit advises the applicant laboratory of any required changes.

[Statutory Authority: RCW 43.21A.230, 02-20-090 (Order 01-12), § 173-50-063, filed 10/1/02, effective 11/1/02.]

**WAC 173-50-067 Quality assurance manual.** (1) The lab accreditation unit reviews and approves the laboratory's QA manual prior to the initial on-site assessment. The QA manual submitted concurrently with the application must be

in detail and scope commensurate with the size and mission of the laboratory. Guidelines for contents of the QA manual are in the procedural manual.

(2) The QA manual must address QA and QC requirements of applicable regulatory programs. For drinking water laboratories, such requirements are found in the drinking water certification manual.

(3) For laboratories applying for primary NELAP accreditation, QA requirements, including the conduct of specific QC tests, are those designated in the NELAC standards. If a NELAC standard is more stringent than the corresponding standard in this chapter, the NELAC standard applies for laboratories seeking NELAP accreditation.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-067, filed 10/1/02, effective 11/1/02.]

**WAC 173-50-070 Performance audit.** (1) The lab accreditation unit advises applying laboratories of specific requirements for proficiency tests. Such tests are completed for applicable parameters no more frequently than twice annually. Current proficiency tests conducted under the provisions of other recognized programs may be used to satisfy the accreditation program proficiency testing requirement. The lab accreditation unit determines the sufficiency of such audits.

(2) Drinking water laboratories must analyze a minimum of one PT sample per applicable microbiology parameter per year and two PT samples for applicable chemistry parameters per year.

(3) The lab accreditation unit may require the laboratory to submit raw data along with the report of analysis of PT samples.

(4) The lab accreditation unit may waive proficiency tests for certain parameters if PT samples are not readily available or for other valid reasons.

(5) Applying laboratories are responsible for obtaining PT samples from vendors certified by the National Institute of Standards and Technology (NIST) or otherwise approved by the lab accreditation unit. No fee shall be charged to the department for the purchase or analysis of PT samples.

(6) For laboratories applying for NELAP accreditation, proficiency testing requirements are those designated in the NELAC standards. If the NELAC standard is more stringent than the corresponding standard in this chapter, the NELAC standard applies for laboratories seeking NELAP accreditation.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-070, filed 10/1/02, effective 11/1/02; 93-20-011 (Order 92-53), § 173-50-070, filed 9/22/93, effective 10/23/93; 90-21-090 (Order 90-21), § 173-50-070, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-070, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-080 On-site assessment.** The laboratory must undergo a system audit by the department to assess critical elements and areas of recommended practices. The laboratory must assist/accommodate department of ecology personnel during on-site assessments as required.

(1) **Critical elements for accreditation.** Elements of an environmental laboratory's operations which are critical to the consistent generation of accurate and defensible data are critical elements for accreditation. Critical elements are sub-

ject of intense scrutiny throughout the accreditation process. The ecology accrediting authority may deny, revoke, or suspend accreditation for deficiencies in critical elements. Functional areas including critical elements are:

(a) **Analytical methods.** The on-site assessment seeks to determine if documentation of mandatory or recognized analytical methods:

- Are present at the laboratory;
- Readily available to analysts; and
- Being implemented. If the laboratory is using a locally-developed method, the on-site assessment may include an evaluation of the adequacy of that method.

(b) **Equipment and supplies.** The on-site assessment seeks to determine if sufficient equipment and supplies as required by analytical methods are:

- Available;
- Being adequately maintained; and
- In a condition to allow successful performance of applicable analytical procedures.

To gain and maintain accreditation, laboratories must demonstrate that equipment and supply requirements of applicable regulatory programs are being met.

(c) **QA and QC records.** The on-site assessment includes a review of QA and QC records for programs/projects within which the laboratory is generating analytical data for submission to the data user.

(d) **Sample management.** The on-site assessment includes a review of applicable procedures for receipt, preservation, transportation, and storage of samples. The laboratory is responsible only for those elements of sample management over which it has direct control. To gain and maintain accreditation, laboratories must demonstrate that sample management requirements of applicable regulatory programs are being met.

(e) **Data management.** The on-site assessment includes a review of activities necessary to assure accurate management of laboratory data including:

- Raw data;
- Calculations;
- Transcription, computer data entry, reports of analytical results.

To gain and maintain accreditation, laboratories must demonstrate that data management requirements of applicable regulatory programs are being met.

(2) **Recommended practices.** Recommended practices are those elements of laboratory operations which might affect efficiency, safety, and other administrative functions, but do not normally affect quality of analytical data. Normally these practices would not be the basis for denial or revocation of accreditation status. Functional areas within which recommended practices may be noted are:

(a) **Personnel.** The department seeks to determine if managerial, supervisory, and technical personnel have adequate training and experience to allow satisfactory completion of analytical procedures and compilation of reliable, accurate data. Minimum recommended education and experience criteria for laboratory personnel are specified in the program procedural manual.

(b) **Facilities.** The department seeks to determine if laboratory facilities allow efficient generation of reliable, accurate data in a safe environment.

(c) **Safety.** The department may refer serious safety deficiencies to appropriate state or federal agencies.

(3) **NELAC requirements.** For laboratories applying for NELAP accreditation, on-site assessment requirements are those designated in the NELAC standards. If the NELAC standard is more stringent than the corresponding standard in this chapter, the NELAC standard applies.

(4) **Drinking water laboratory requirements.** For laboratories applying for accreditation of drinking water parameters, on-site assessment requirements are those designated in the drinking water certification manual. If such a standard is more stringent than the corresponding standard in this chapter, the drinking water certification manual applies.

[Statutory Authority: RCW 43.21A.230, 02-20-090 (Order 01-12), § 173-50-080, filed 10/1/02, effective 11/1/02; 93-20-011 (Order 92-53), § 173-50-080, filed 9/22/93, effective 10/23/93; 90-21-090 (Order 90-21), § 173-50-080, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-080, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-090 Evaluation and issuance of certificate.** (1) After preliminary requirements (WAC 173-50-060 through 173-50-080) have been met, the lab accreditation unit submits a report to the affected laboratory concerning the results of the overall accreditation process. The report:

- Lists findings;
- Assesses the importance of each finding; and
- Makes recommendations concerning actions necessary to assure resolution of problems.

(2) After completing the accreditation review, the ecology accrediting authority decides whether accreditation should be granted.

(a) If accreditation is warranted, the department issues a certificate and accompanying scope of accreditation. The certificate remains the property of the department and must be surrendered to the department upon revocation of accreditation status.

(b) If accreditation is not warranted, the department issues a report specifying areas of deficiency and steps necessary to upgrade the laboratory to accredited status. In such cases, the laboratory must provide documentation that the specified deficiencies have been corrected. Based on such documentation the ecology accrediting authority decides whether to grant or deny accreditation.

[Statutory Authority: RCW 43.21A.230, 02-20-090 (Order 01-12), § 173-50-090, filed 10/1/02, effective 11/1/02; 93-20-011 (Order 92-53), § 173-50-090, filed 9/22/93, effective 10/23/93; 90-21-090 (Order 90-21), § 173-50-090, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-090, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-100 Interim accreditation.** (1) If for valid reasons resulting from a deficiency in the department and not the laboratory, interim accreditation may be granted. To be considered for interim accreditation, the laboratory must:

- Submit an application and applicable fees;
- Successfully complete applicable proficiency tests; and
- Submit a QA manual that meets the requirements of WAC 173-050-067.

The lab accreditation unit may also require the laboratory to submit an analytical data package as evidence of analytical capability.

(2) For NELAP accreditation, the only valid reason for granting interim accreditation is the delay of an on-site assessment for reasons beyond the control of the laboratory.

[Statutory Authority: RCW 43.21A.230, 02-20-090 (Order 01-12), § 173-50-100, filed 10/1/02, effective 11/1/02; 93-20-011 (Order 92-53), § 173-50-100, filed 9/22/93, effective 10/23/93; 90-21-090 (Order 90-21), § 173-50-100, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-100, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-110 Provisional accreditation.** (1) The ecology accrediting authority may grant provisional accreditation to laboratories which can consistently produce valid analytical data but have deficiencies requiring corrective action. When the laboratory has corrected such deficiencies, it must provide evidence of correction to the lab accreditation unit, or request a follow-up on-site assessment, as appropriate. If the lab accreditation unit determines the deficiencies have been corrected, the ecology accrediting authority awards full accreditation as in WAC 173-50-090.

(2) The ecology accrediting authority may renew a provisional accreditation for a subsequent accreditation period if laboratory management has demonstrated that all reasonable measures to correct deficiencies have been exhausted.

(3) For drinking water laboratories, specific conditions warranting provisional accreditation and specific actions required of the laboratory when provisional accreditation is granted are found in the drinking water certification manual.

(4) Provisional accreditation does not apply to NELAP accreditations.

[Statutory Authority: RCW 43.21A.230, 02-20-090 (Order 01-12), § 173-50-110, filed 10/1/02, effective 11/1/02; 90-21-090 (Order 90-21), § 173-50-110, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-110, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-120 Accreditation categories.** (1) Environmental laboratories are accredited within one or more of the matrix groups defined in WAC 173-50-040. Additionally, accreditation is granted within the following broad categories:

- Chemistry I (General);
- Chemistry II (Trace Metals);
- Organics I (Gas Chromatography (GC) and High Pressure Liquid Chromatography (HPLC) Methods);
- Organics II (Gas Chromatography/Mass Spectrometry (GC/MS) Methods);
- Radioactivity;
- Microbiology;
- Bioassay/Toxicity;
- Immunoassay; and
- Physical.

Within these categories, laboratories are specifically accredited for well-defined parameters, such as, but not limited to, those suggested in the procedural manual, using specific, recognized analytical methods or sampling techniques chosen by the applying laboratory.

(2) The scope of accreditation accompanying the accreditation certificate indicates the parameters for which the laboratory is accredited, and any applicable qualifications, such as interim or provisional accreditation.

(3) For laboratories granted NELAP accreditation, the scope of accreditation also indicates the matrix groups within



which each parameter applies. Those matrix groups may include, but are not limited to:

- Nonpotable water;
- Drinking water;
- Solid and chemical materials;
- Biological tissue; and
- Air and emissions.

For laboratories granted NELAP accreditation, the scope of accreditation may also indicate the technology, such as gas chromatography/electron capture detection (GC/ECD) or inductively coupled plasma/mass spectrometry (ICP/MS), associated with each parameter.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-120, filed 10/1/02, effective 11/1/02; 93-20-011 (Order 92-53), § 173-50-120, filed 9/22/93, effective 10/23/93; 90-21-090 (Order 90-21), § 173-50-120, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-120, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-130 Requirements for maintaining accreditation status.** (1) Accreditation is granted for a one-year period and expires one year after the effective date of accreditation. Except for NELAP accreditation which is limited to one year, exceptions to the one year accreditation may be made for documented cause. In such cases, accreditation may be granted for a period up to two years.

(2) Renewal requires the laboratory to submit:

- An application and appropriate fees;
- An update of the laboratory's quality assurance manual if applicable; and
- Successful completion of proficiency testing requirements.

On-site assessments are required at periods not to exceed three years from the previous on-site assessment. For documented cause, on-site assessments may be extended up to four years from the previous assessment, except for laboratories accredited to analyze drinking water and NELAP accredited laboratories.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-130, filed 10/1/02, effective 11/1/02; 93-20-011 (Order 92-53), § 173-50-130, filed 9/22/93, effective 10/23/93; 90-21-090 (Order 90-21), § 173-50-130, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-130, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-140 Denying accreditation.** (1) The ecology accrediting authority may deny accreditation if the applicant laboratory:

- Fails to comply with standards for critical elements of the on-site assessment;
- Misrepresents itself to the department;
- Fails to disclose pertinent information in the application;
- Falsifies reports of analysis including PT results;
- Engages in unethical or fraudulent practices concerning generation of analytical data;
- Is deficient in its ability to provide accurate and defensible analytical data; or
- Fails to render applicable fees.

(2) A laboratory may be denied accreditation for a specific parameter for unsatisfactory analysis of that parameter in proficiency tests.

(3) Laboratories denied accreditation may appeal under the provisions of WAC 173-50-200. If an appeal does not

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result in action favorable to the laboratory, and following correction of deficiencies, laboratories denied accreditation may reapply for accreditation to include payment of appropriate fees as determined in WAC 173-50-190.

(4) Reasons for denial of NELAP accreditation are as specified in the NELAC standards.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-140, filed 10/1/02, effective 11/1/02; 90-21-090 (Order 90-21), § 173-50-140, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-140, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-150 Revoking or suspending accreditation.** (1) Revocation of accreditation is the withdrawal of a previously granted accreditation. Revocation may involve the entire laboratory or one or more individual parameters. Suspension of accreditation is for a specified period not to exceed six months during which the affected laboratory corrects deficiencies that led to the suspension. Suspension may involve the entire laboratory, or one or more individual parameters.

(2) The ecology accrediting authority may suspend or revoke accreditation if the accredited laboratory:

- Fails to comply with standards for critical elements of an on-site assessment;
- Violates a state rule relative to the analytical procedures for which it is accredited;
- Misrepresents itself to the department;
- Falsifies reports of analysis including PT results;
- Engages in unethical or fraudulent practices concerning generation of analytical data;
- Is deficient in its ability to provide accurate and defensible analytical data; or
- Refuses to permit for enforcement purposes (WAC 173-50-210).

(3) A laboratory having had its accreditation suspended or revoked may appeal under the provisions of WAC 173-50-200. If an appeal does not result in action favorable to the laboratory, and following correction of deficiencies, a laboratory having had its accreditation revoked may reapply for accreditation to include payment of appropriate fees as determined in WAC 173-50-190.

(4) Reasons for revocation or suspension of NELAP accreditation are as specified in the NELAC standards.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-150, filed 10/1/02, effective 11/1/02; 90-21-090 (Order 90-21), § 173-50-150, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-150, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-160 Reciprocity.** (1) The department may recognize accreditation (or certification, registration, licensure, approval) of an out-of-state laboratory by the laboratory's home state with which the department has established a reciprocity agreement.

(2) The out-of-state laboratory must submit:

- An application and associated fee (WAC 173-50-190(8));
- A copy of the other state's certificate;
- A copy of the other state's scope of accreditation;
- A copy of the other state's most recent on-site assessment report;

- A copy of the laboratory's corrective action report relative to the on-site assessment; and
- A complete set of the most recent PT results for applicable parameters.

(3) In consideration of a request to recognize a reciprocity agreement as the basis for accreditation by the ecology accrediting authority, the lab accreditation unit reviews the application and supporting documentation to assure compliance with minimum accreditation requirements as stated in this chapter. If the review is favorable, a certificate and scope of accreditation are granted as in WAC 173-50-090.

(4) In granting secondary NELAP accreditation, the ecology accrediting authority must recognize the accreditation of other NELAP accrediting authorities.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-160, filed 10/1/02, effective 11/1/02; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-160, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-170 Third-party accreditation.** (1) The department may recognize accreditation (or certification, registration, licensure, approval) of a laboratory by a third party when the accreditation process is determined to be equivalent to that described in this chapter.

(2) Laboratories applying for recognition of third party's accreditation submit:

- An application and associated fee (WAC 173-50-190(7));
- A copy of the third party's certificate;
- A copy of the third party's scope of accreditation;
- A copy of the third party's most recent on-site assessment report;
- A copy of the laboratory's corrective action report relative to the on-site assessment; and
- A complete set of the most recent PT results for the applicable parameters.

(3) In consideration of a request to recognize a third party's accreditation as the basis for accreditation by the ecology accrediting authority, the lab accreditation unit reviews the application and supporting documentation to assure compliance with minimum accreditation requirements as stated in this chapter. If the review is favorable, a certificate and scope of accreditation are granted as in WAC 173-50-090.

(4) Washington laboratories accredited or applying for accreditation in recognition of a third party's accreditation must notify the lab accreditation unit of on-site assessments scheduled by the third party and allow a department observer to attend such on-site assessments.

(5) Primary NELAP accreditation cannot be granted in recognition of the accreditation by a third party.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-170, filed 10/1/02, effective 11/1/02; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-170, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-180 Exemptions.** (1) The application form provides for wastewater dischargers whose laboratories meet the exemption qualifications of RCW 43.21A.230 to request exemption from the accreditation program. Those laboratories shall be required to submit evidence that they are participating in a federal Environmental Protection Agency

Administered Quality Assurance Program including as a minimum the following elements: Current QA program/project plans; performance evaluation audits; system audits; corrective action for audit deficiencies; quality control guidelines and records; and training in quality assurance for laboratory management personnel. The department shall grant exemption from accreditation requirements of this chapter upon receipt of confirmation from Region 10 of the federal Environmental Protection Agency of such participation by a laboratory.

(2) Exemption is granted only for those analytical parameters included in the federal Environmental Protection Agency Quality Assurance Program. The exemption status shall be reviewed annually based upon submittal by the laboratory of a new application and updated evidence of continued participation in a sufficient quality assurance program.

Note: The federal Environmental Protection Agency does not presently administer a complete quality assurance program for wastewater dischargers in the state of Washington, such as would provide an exemption under subsection (1) of this section. Thus, this exemption is not presently available. The Environmental Protection Agency considers annual analysis of performance evaluation samples to constitute only one element of participation in a quality assurance program. The complete Environmental Protection Agency Quality Assurance Program is described in their Order 5360.1, "Policy and Program Requirements to Implement the Mandatory Quality Assurance Program," which is the basis for exemption requirements stated in subsection (1) of this section.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-180, filed 10/1/02, effective 11/1/02; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-180, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-190 Fee structure.** (1) Fees in this chapter are in U.S. dollars and are established to cover costs of administering the accreditation program. The fee per parameter and maximum fee per category for each matrix are identified in Table 1.

(2) Examples of parameters for each category are published in the procedural manual. Accreditation may be requested for parameters in addition to those listed in the procedural manual.

(3) A fee is assessed only once for a given parameter even though that specific parameter may be accredited under more than one matrix.

TABLE 1 - FEE SCHEDULE

MATRIX	CATEGORY	FEE/ PARAMETER	MAX FEE PER CATEGORY
Nonpotable Water	Chemistry I (General)	\$65	\$1150
	Chemistry II (Trace Metals)	\$65	\$975
	Organics I (GC/HPLC)	\$115	\$975
	Organics II (GC/MS)	\$345	\$1035
	Radioactivity	\$145	\$1380
	Microbiology	\$175	\$520
	Bioassay/Toxicity	\$230	\$1435
	Immunoassay	\$65	\$390
	Physical	\$65	\$260
	Drinking Water	Chemistry I (General)	\$60
Chemistry II		\$60	\$720

TABLE 1 - FEE SCHEDULE

MATRIX	CATEGORY	FEE/ PARAMETER	MAX FEE PER CATEGORY
Solid and Chemical Materials	Organics I (GC/HPLC)	\$155	\$615
	Organics II (GC/MS)	\$155	\$155
	Microbiology	\$155	\$460
	Chemistry I (General)	\$65	\$1150
	Chemistry II (Trace Metals)	\$65	\$975
	Organics I (GC/HPLC)	\$115	\$975
	Organics II (GC/MS)	\$345	\$1035
	Radioactivity	\$145	\$1380
	Microbiology	\$175	\$520
	Immunoassay	\$65	\$390
Air and Emissions	Physical	\$65	\$260
	Chemistry I (General)	\$65	\$1150
	Chemistry II (Trace Metals)	\$65	\$975
	Organics I (GC/HPLC)	\$115	\$975
	Organics II (GC/MS)	\$345	\$1035

(4) In addition to paying the fee indicated in Table 1, out-of-state laboratories must pay for the actual cost of travel associated with on-site assessments. The department invoices the laboratory for such costs after completion of the on-site assessment.

(5) The laboratory must pay applicable fees before:

- Its quality assurance manual is reviewed by the department;
- The on-site assessment is conducted if applicable; and
- Interim, provisional, or full accreditation is granted.

(6) The fee for recognition of a third party accreditation (WAC 173-50-170), other than NELAP accreditation (WAC 173-50-190(9)), is three hundred forty-five dollars.

(7) The fee for recognition of a laboratory under a reciprocity agreement (WAC 173-50-160) is three hundred forty-five dollars, or as specified in the reciprocity agreement, but not less than three hundred forty-five dollars.

(8) The fee for recognition of accreditation by a NELAP accrediting authority for laboratories in Washington is three hundred forty-five dollars. For out-of-state laboratories, the fee for recognition of accreditation by a NELAP accrediting authority is the fee indicated in Table 1.

(9) For drinking water laboratories, the base fee to defray the extra cost incurred by the department because of the need to coordinate directly with two regulatory agencies is one hundred fifteen dollars.

(10) If a laboratory withdraws from the accreditation process after the application has been processed, but before accreditation is granted, the fee is nonrefundable up to an amount of two hundred thirty dollars as reimbursement for costs of processing the application. If a laboratory withdraws from the accreditation process after the on-site assessment has been completed, the department may retain the entire fee including reimbursement of travel costs if applicable.

(11) Dollar amounts listed in Table 1 and subsections (6), (7), (8), (9), and (10) of this section may be adjusted every year based on inflation as indicated by the *Implicit*

*Price Deflator for State and Local Government Services* as published by the economic and revenue forecast council. Dollar amounts listed in Table 1 and subsections (6), (7), (8), (9), and (10) of this section may be decreased at any time the department determines they are higher than needed to meet accreditation program requirements. The department notifies affected parties of any fee adjustment at least thirty days prior to the effective date of the adjusted fee.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-190, filed 10/1/02, effective 11/1/02; 93-20-011 (Order 92-53), § 173-50-190, filed 9/22/93, effective 10/23/93; 90-21-090 (Order 90-21), § 173-50-190, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-190, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-200 Appeals.** An environmental laboratory manager may appeal final accreditation actions within thirty days of notification of final action in accordance with chapter 43.21B RCW.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-200, filed 10/1/02, effective 11/1/02; 93-20-011 (Order 92-53), § 173-50-200, filed 9/22/93, effective 10/23/93; 90-21-090 (Order 90-21), § 173-50-200, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-200, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-210 Enforcement.** (1) For the purpose of conducting on-site assessments or otherwise enforcing this chapter, the department may enter any premises in which analytical data pertaining to accreditation under the provisions of this chapter are generated or stored.

(2) Refusal to permit entry for such purposes shall result in denial, revocation, or suspension of accreditation or registration status.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-210, filed 10/1/02, effective 11/1/02; 90-21-090 (Order 90-21), § 173-50-210, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-210, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-220 Assistance to laboratories.** Laboratories scheduled to undergo an on-site assessment may request a training session be conducted by department staff in conjunction with that assessment. Accredited laboratories may also request on-site assistance at times other than the on-site assessment. Whether requested as part of the on-site assessment or otherwise, the department will provide such assistance to the extent allowed by staff resources available at the time.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-220, filed 10/1/02, effective 11/1/02; 90-21-090 (Order 90-21), § 173-50-220, filed 10/19/90, effective 11/19/90.]

**Chapter 173-58 WAC**

**SOUND LEVEL MEASUREMENT PROCEDURES**

**WAC**

173-58-010	Introduction.
173-58-020	Definitions.
173-58-030	Instrumentation.
173-58-040	Ambient conditions.
173-58-050	Measurement equipment preparation and use.
173-58-060	Equipment variation allowances.
173-58-070	Environmental noise measurement procedure.
173-58-080	Close proximity exhaust system sound level measurement procedure.
173-58-090	Reserved.

**WAC 173-58-010 Introduction.** (1) Authority. Statutory authority for the guidance and direction contained in these procedures is authorized by chapter 70.107 RCW, the Noise Control Act of 1974.

(2) Purpose. The purpose of these rules is to establish standardized procedures for the measurement of sound levels of sources regulated by the department of ecology, including, but not limited to, environmental noise, motor racing vehicles, construction, float planes, railroads, and aircraft engine testing. Vessels, as defined in RCW 88.12.010 (21) and regulated for noise under chapter 88.12 RCW (Regulation of recreational vessels), shall be exempt from chapter 173-58 WAC.

(3) Personnel. For the purposes of enforcement, the measurements shall be conducted only by persons qualified by training in the use of sound measuring equipment and proper site selection.

(4) These regulations will be amended as needed to include any new instrumentation, equipment, or procedures which the department shall deem necessary to accurately measure sound levels for enforcement purposes.

[Statutory Authority: Chapter 70.107 RCW. 94-12-001 (Order 92-41), § 173-58-010, filed 5/18/94, effective 6/18/94; 79-04-033 (Order DE 78-19), § 173-58-010, filed 3/22/79.]

**WAC 173-58-020 Definitions.** As used in this chapter, unless the context clearly indicates otherwise:

(1) "Background sound level" means the level of all sounds in a given environment, independent of the specific source being measured.

(2) "dBA" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter.

(3) "Department" means the department of ecology.

(4) "Director" means the director of the department of ecology.

(5) "EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

(6) "Impulse sound" means either a single pressure peak or a single burst of multiple pressure peaks which occur for a duration of less than one second as measured on a peak unweighted sound level meter.

(7) "Local government" means county or city government or any combination of the two.

(8) "Noise" means the intensity, duration and character of sounds, from any and all sources.

(9) "Operator" means any person who is in actual physical or electronic control of a motor vehicle, aircraft, off highway vehicle, or any other engine driven vehicle.

(10) "Person" means any individual, corporation, partnership, association, governmental body, state agency, or other entity whatsoever.

(11) "Property boundary" means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.

(12) "Racing event" means any motor vehicle competition conducted under a permit issued by a governmental authority having jurisdiction or, if such permit is not

required, then under the auspices of a recognized sanctioning body.

(13) "Receiving property" means real property within which the maximum permissible noise levels specified in WAC 173-60-040 shall not be exceeded from sources outside such property.

(14) "Shoreline" means the existing intersection of water with the ground surface or with any permanent, shore-connected facility.

(15) "Sound level meter" means a device or combination of devices which measures sound pressure levels and conforms to Type 1, Type 2, or Type 3 standards as specified in the American National Standards Institute Specification S1.4-1971. An impulse sound level meter shall be a peak or impulse, unweighted sound level meter which is capable of measuring impulse sound in conformance with the Type 1 or Type 2 specifications of ANSI S1.4-1971.

[Statutory Authority: Chapter 70.107 RCW. 94-12-001 (Order 92-41), § 173-58-020, filed 5/18/94, effective 6/18/94; 79-04-033 (Order DE 78-19), § 173-58-020, filed 3/22/79.]

**WAC 173-58-030 Instrumentation.** The following instrumentation and equipment shall be used for the measurement procedures established in this chapter:

(1) Sound level meter. The sound level meter shall meet the Type 1, Type 2, or Type 3 requirements of ANSI S1.4-1971. The meter weighting and response mode will be set as required in the specific procedure used. The sound level meter shall be returned to the manufacturer or a qualified laboratory at least once a year, to be calibrated to standards traceable to the National Bureau of Standards.

Type 1, Type 2, or Type 3 sound level meters shall be used for any initial inspection procedures, but only Type 1 or Type 2 sound level meters shall be used for the measurement of sound levels for enforcement purposes.

(2) Sound level calibrator. An acoustically coupled calibrator shall be used periodically to assure the accuracy of the sound level meter and microphone. The calibrator shall be returned to the manufacturer or a qualified laboratory at least once a year to be calibrated to standards traceable to the National Bureau of Standards.

(3) Tachometer. The tachometer shall be either one of two types: Electric or vibrating reed. The electric tachometer shall be an inductive pickup type for easy attachment to any spark plug cable, contain its own internal power supply, and shall meet SAE J197 specifications for off road electric tachometers. The vibrating reed tachometer shall be designed for use on any internal combustion engine. Calibration accuracy for both types of tachometers shall be at least  $\pm 3$  percent of full scale reading. All tachometers shall be calibrated at least once a year in accordance with the manufacturer's calibration procedures.

(4) Windscreen. A windscreen of open cell foam, cloth, or other acoustically invisible material as shall be provided by the manufacturer, shall be placed over the microphone to protect it from moisture, exhaust gases and wind effects.

(5) Anemometer. An anemometer shall be used periodically during measurements to test the wind speed.

[Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-030, filed 3/22/79.]

**WAC 173-58-040 Ambient conditions.** The following ambient conditions shall be observed during measurements and shall determine whether testing is to occur or not:

(1) Wind. Sound level measurements shall not be made when the wind speed is in excess of:

(a) 20 mph (32 km/hr) for the close proximity test, WAC 173-58-080;

(b) 12 mph (19 km/hr) for all other tests.

(2) Precipitation. Sound level measurements shall not be made when precipitation is falling in such a way as to affect the equipment or the measurement readings.

(3) Background sound level. Sound level measurements shall not be made when the difference between the background sound level and the level of the measured sound source is less than 10 dBA, unless, the measurement personnel are technically qualified to logarithmically subtract the background level from the measured source's sound level.

[Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-040, filed 3/22/79.]

**WAC 173-58-050 Measurement equipment preparation and use.** (1) Battery check. A battery check shall be conducted on all instruments before field calibration and measurement.

(2) Calibration. Sound level meters shall be field calibrated (using procedures described in the manufacturer's instruction manual) at the beginning and end of each measurement period, and at intervals not exceeding two hours when the instrument is used for more than a two-hour period.

(3) Microphone orientation. The microphone shall be oriented with respect to the sound source as described in the manufacturer's instruction manual.

[Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-050, filed 3/22/79.]

**WAC 173-58-060 Equipment variation allowances.** Due to unavoidable variations in measurement sites and test instruments, the following allowances shall be made for the respective sound level meters:

± 1 dBA for Type 1 sound level meters

± 2 dBA for Type 2 sound level meters

This tolerance value shall be applied, after all necessary calculations have been made, to the final reported sound level for the measured sound source.

[Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-060, filed 3/22/79.]

**WAC 173-58-070 Environmental noise measurement procedure.** (Reserved.)

[Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-070, filed 3/22/79.]

**WAC 173-58-080 Close proximity exhaust system sound level measurement procedure.** This section establishes specific procedures for the measurement of sound levels from exhaust systems at a distance of 20 inches (0.5 meter) from the exhaust outlet. The procedures of subsections (3), (4) and (5) of this section shall not be used for exhaust systems which utilize the introduction of water to the exhaust

gas flow for the purpose of muffling the exhaust noise levels, or systems which exhaust the gas flow directly into water.

(1) For the purposes of this section "vehicle" means any motor driven contrivance used as a means of transportation or recreation off of public highways.

(2) Initial inspection. An initial inspection of the vehicle exhaust system shall be conducted to determine if the following defects or modifications exist:

(a) The absence of a muffler;

(b) The presence of a muffler cut-out, bypass, or similar device which is not standard or normal equipment for the exhaust system being inspected;

(c) Defects in the exhaust system including, but not limited to, pinched outlets, and holes or rusted through areas of the muffler or pipes;

(d) The presence of equipment which will produce excessive or unusual noise from the exhaust system.

If the above defects are observed and are a violation of the muffler integrity standards established for the type of vehicle which is being inspected, then a citation shall be issued in accordance with the enforcement section of the applicable regulation.

An evaluation of the vehicle sound level shall also be made by the enforcement officer, using the human ear as a sensing device.

If the exhaust noise is discernibly louder than the engine noise, or if any of the defects or modifications described above exist but are not violations of applicable regulations, the enforcement officer shall request the vehicle operator to submit the vehicle to any measurement procedures described in this chapter which are applicable to the type of vehicle being inspected. If the operator refuses to submit the vehicle to these measurement procedures, he shall be in violation of this chapter.

(3) Test site and instrumentation set up. The test site and instrumentation shall be set up as follows:

(a) The test site shall be a flat, open area free of large, sound-reflecting surfaces (other than the surface on which the vehicle is resting), such as signboards, buildings, large docks, hillsides, or other vehicles, located within a 16-foot (5-meter) radius of the vehicle being tested and the location of the microphone. The vehicle shall not be on a hoist, rack, or over a pit. Testing shall not occur within a shop or building. Nobody shall stand in the measurement area, except the observer and the vehicle operator.

(b) The microphone shall be at the same height as the center of the exhaust outlet if possible, but no closer to any surface than 8 inches (0.2 meter). The microphone shall be positioned with its longitudinal axis parallel to the ground, 20 ± 1 inches (0.5 meter) from the edge of the exhaust outlet, and 45 ± 10 degrees from the axis of the outlet. For exhaust outlets located inboard from the vehicle body, the microphone shall be located at the above specified angle and at least 8 inches (0.2 meter) from the nearest part of the vehicle.

For vehicles provided with exhaust outlets spaced more than 12 inches (0.3 meter) apart, measurements shall be made for each outlet as if it were the only one, and the highest level shall be recorded. If the exhaust outlets are less than twelve inches (0.3 meter) apart, a single measurement shall be made for any one of the outlets.

For vehicles with a vertical exhaust, the microphone shall be placed at a height of  $48 \pm 2$  inches (1.2 meter). Its axis shall be vertical and oriented upwards. It shall be placed at a distance of  $20 \pm 1$  inches (0.5 meter) from the side of the vehicle nearest the exhaust outlet.

For vehicles with the exhaust system outlet near the engine, the engine hood (if one exists) should be closed as much as possible to reduce engine noise.

If a measuring device is attached to the exhaust outlet and the microphone to maintain proper distance, insure that no vibrations from the vehicle shall be transmitted to the instrument.

(4) Vehicle operation. The vehicle shall be operated as follows:

(a) Controlled ignition vehicles. The engine shall be operated at a normal operating temperature with transmission in park or neutral. Sound level measurements shall be made at three-fourths (75 percent) of the RPM for rated horsepower  $\pm 100$  RPM of meter reading.

(b) Vehicles with motorcycle engines. The engine shall be operated at normal operating temperatures with the transmission in neutral. If no neutral is provided, the vehicle shall be operated either with the rear wheel or wheels 2-4 inches (5-10 centimeters) clear of the ground, or with the drive chain or belt removed. The sound level measurement shall be made with the engine speed stabilized at one of the following values:

(i) If the engine data is available, test the vehicle at one-half (50 percent) of the RPM for maximum rated horsepower  $\pm 100$  RPM.

(ii) If the engine data is not available, and if the vehicle has a tachometer showing the manufacturer's recommended maximum engine speed ("red line"), test the vehicle at 60 percent of the "red line" RPM  $\pm 100$  RPM.

(iii) If the engine data and red line RPM are not available, test the vehicle at:

(A)  $3500 \pm 100$  RPM for engines with total cylinder displacement between 0-950 cc (0-58 in.<sup>3</sup>).

(B)  $2800 \text{ RPM} \pm 100 \text{ RPM}$  for engines with total cylinder displacement greater than 950 cc (58 in.<sup>3</sup>).

(c) Diesel engine vehicles. The engine shall be operated at normal operating temperatures with transmission in park or neutral. Sound level measurements shall be made at the vehicle's maximum governed no-load speed. If the engine is not provided with a governor, the vehicle shall be operated in the same manner as a vehicle with a controlled ignition.

(5) Measurement. The exhaust system sound level shall be measured as follows:

(a) The sound level meter shall be set for slow response and on the "A" weighting scale.

(b) The sound level meter shall be observed during the full cycle of engine acceleration-deceleration. The recorded sound level shall be the highest value obtained at the appropriate, constant engine speed as specified in subsection (4) of this section, and shall exclude peaks due to unrelated ambient noise, engine noise, or extraneous impulsive-type noise.

(c) At least two measurements shall be made, and the reported sound level shall be the average of the two highest readings which are within one dBA of each other.

[Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-090, filed 3/22/79.]

### WAC 173-58-090 Reserved.

[Statutory Authority: Chapter 70.107 RCW. 94-12-001 (Order 92-41), § 173-58-090, filed 5/18/94, effective 6/18/94; 79-04-033 (Order DE 78-19), § 173-58-090, filed 3/22/79.]

## Chapter 173-60 WAC

### MAXIMUM ENVIRONMENTAL NOISE LEVELS

#### WAC

173-60-010	Authority and purpose.
173-60-020	Definitions.
173-60-030	Identification of environments.
173-60-040	Maximum permissible environmental noise levels.
173-60-050	Exemptions.
173-60-060	Nuisance regulations not prohibited.
173-60-070	Reserved.
173-60-080	Variations and implementation schedules.
173-60-090	Enforcement policy.
173-60-100	Appeals.
173-60-110	Cooperation with local government.
173-60-120	Effective date.

**WAC 173-60-010 Authority and purpose.** These rules are adopted pursuant to chapter 70.107 RCW, the Noise Control Act of 1974, in order to establish maximum noise levels permissible in identified environments, and thereby to provide use standards relating to the reception of noise within such environments. Vessels, as defined in RCW 88.12.010 (21) and regulated for noise under chapter 88.12 RCW (Regulation of recreational vessels), shall be exempt from chapter 173-60 WAC.

[Statutory Authority: Chapter 70.107 RCW. 94-12-001 (Order 92-41), § 173-60-010, filed 5/18/94, effective 6/18/94; Order 74-32, § 173-60-010, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-020 Definitions.** (1) "Background sound level" means the level of all sounds in a given environment, independent of the specific source being measured.

(2) "dBA" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure of 20 micropascals.

(3) "Department" means the department of ecology.

(4) "Director" means the director of the department of ecology.

(5) "Distribution facilities" means any facility used for distribution of commodities to final consumers, including facilities of utilities that convey water, waste water, natural gas, and electricity.

(6) "EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

(7) "Existing" means a process, event, or activity in an established area, producing sound subject to or exempt from this chapter, prior to the effective date of September 1, 1975.

(8) "Local government" means county or city government or any combination of the two.

(9) "Noise" means the intensity, duration and character of sounds, from any and all sources.

(10) "Person" means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever.

(11) "Property boundary" means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.

(12) "Racing event" means any motor vehicle competition conducted under a permit issued by a governmental authority having jurisdiction or, if such permit is not required, then under the auspices of a recognized sanctioning body.

(13) "Receiving property" means real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.

(14) "Sound level meter" means a device which measures sound pressure levels and conforms to Type 1 or Type 2 as specified in the American National Standards Institute Specification S1.4-1971.

[Statutory Authority: Chapter 70.107 RCW. 94-12-001 (Order 92-41), § 173-60-020, filed 5/18/94, effective 6/18/94; 83-15-046 (Order DE 82-42), § 173-60-020, filed 7/19/83; Order DE 77-1, § 173-60-020, filed 6/1/77; Order 74-32, § 173-60-020, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-030 Identification of environments.** (1)

Except when included within specific prior designations as provided in subsections (2), (3), and (4) of this section, the EDNA of any property shall be based on the following typical uses, taking into consideration the present, future, and historical usage, as well as the usage of adjacent and other lands in the vicinity.

(a) Class A EDNA - Lands where human beings reside and sleep. Typically, Class A EDNA will be the following types of property used for human habitation:

- (i) Residential
- (ii) Multiple family living accommodations
- (iii) Recreational and entertainment, (e.g., camps, parks, camping facilities, and resorts)
- (iv) Community service, (e.g., orphanages, homes for the aged, hospitals, health and correctional facilities)

(b) Class B EDNA - Lands involving uses requiring protection against noise interference with speech. Typically, Class B EDNA will be the following types of property:

- (i) Commercial living accommodations
- (ii) Commercial dining establishments
- (iii) Motor vehicle services
- (iv) Retail services
- (v) Banks and office buildings
- (vi) Miscellaneous commercial services, property not used for human habitation
- (vii) Recreation and entertainment, property not used for human habitation (e.g., theaters, stadiums, fairgrounds, and amusement parks)
- (viii) Community services, property not used for human habitation (e.g., educational, religious, governmental, cultural and recreational facilities).

(c) Class C EDNA - Lands involving economic activities of such a nature that higher noise levels than experienced in other areas is normally to be anticipated. Persons working in these areas are normally covered by noise control regulations

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of the department of labor and industries. Uses typical of Class A EDNA are generally not permitted within such areas. Typically, Class C EDNA will be the following types of property:

- (i) Storage, warehouse, and distribution facilities.
- (ii) Industrial property used for the production and fabrication of durable and nondurable man-made goods
- (iii) Agricultural and silvicultural property used for the production of crops, wood products, or livestock.
- (d) Where there is neither a zoning ordinance in effect nor an adopted comprehensive plan, the legislative authority of local government may, by ordinance or resolution, designate specifically described EDNAs which conform to the above use criteria and, upon departmental approval, EDNAs so designated shall be as set forth in such local determination.

(e) Where no specific prior designation of EDNAs has been made, the appropriate EDNA for properties involved in any enforcement activity will be determined by the investigating official on the basis of the criteria of (a), (b), and (c) of this subsection.

(2) In areas covered by a local zoning ordinance, the legislative authority of the local government may, by ordinance or resolution designate EDNAs to conform with the zoning ordinance as follows:

- (a) Residential zones - Class A EDNA
- (b) Commercial zones - Class B EDNA
- (c) Industrial zones - Class C EDNA

Upon approval by the department, EDNAs so designated shall be as set forth in such local determination. EDNA designations shall be amended as necessary to conform to zone changes under the zoning ordinance.

(3) In areas not covered by a local zoning ordinance but within the coverage of an adopted comprehensive plan the legislative authority of the local government may, by ordinance or resolution designate EDNAs to conform with the comprehensive plan as follows:

- (a) Residential areas - Class A EDNA
- (b) Commercial areas - Class B EDNA
- (c) Industrial areas - Class C EDNA

Upon approval by the department EDNAs so designated shall be as set forth in such local determination. EDNA designations shall be amended as necessary to conform to changes in the comprehensive plan.

(4) The department recognizes that on certain lands, serenity, tranquillity, or quiet are an essential part of the quality of the environment and serve an important public need. Special designation of such lands with appropriate noise level standards by local government may be adopted subject to approval by the department. The director may make such special designation pursuant to the procedures of the Administrative Procedure Act, chapter 34.04 RCW.

[Order 74-32, § 173-60-030, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-040 Maximum permissible environmental noise levels.** (1) No person shall cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise levels set forth below in this section.

(2)(a) The noise limitations established are as set forth in the following table after any applicable adjustments provided for herein are applied.

EDNA OF NOISE SOURCE	EDNA OF RECEIVING PROPERTY		
	Class A	Class B	Class C
CLASS A	55 dBA	57 dBA	60 dBA
CLASS B	57	60	65
CLASS C	60	65	70

(b) Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNAs.

(c) At any hour of the day or night the applicable noise limitations in (a) and (b) above may be exceeded for any receiving property by no more than:

- (i) 5 dBA for a total of 15 minutes in any one-hour period; or
- (ii) 10 dBA for a total of 5 minutes in any one-hour period; or
- (iii) 15 dBA for a total of 1.5 minutes in any one-hour period.

[Order 74-32, § 173-60-040, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-050 Exemptions.** (1) The following shall be exempt from the provisions of WAC 173-60-040 between the hours of 7:00 a.m. and 10:00 p.m.:

(a) Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances.

(b) Sounds created by the discharge of firearms on authorized shooting ranges.

(c) Sounds created by blasting.

(d) Sounds created by aircraft engine testing and maintenance not related to flight operations: Provided, That aircraft testing and maintenance shall be conducted at remote sites whenever possible.

(e) Sounds created by the installation or repair of essential utility services.

(2) The following shall be exempt from the provisions of WAC 173-60-040 (2)(b):

(a) Noise from electrical substations and existing stationary equipment used in the conveyance of water, waste water, and natural gas by a utility.

(b) Noise from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have consistently operated in excess of 15 hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours, which would affect exemptions under this regulation, require approval of the department.

(3) The following shall be exempt from the provisions of WAC 173-60-040, except insofar as such provisions relate to the reception of noise within Class A EDNAs between the hours of 10:00 p.m. and 7:00 a.m.

(a) Sounds originating from temporary construction sites as a result of construction activity.

(b) Sounds originating from forest harvesting and silvicultural activity.

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(4) The following shall be exempt from all provisions of WAC 173-60-040:

(a) Sounds created by motor vehicles when regulated by chapter 173-62 WAC.

(b) Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations.

(c) Sounds created by surface carriers engaged in interstate commerce by railroad.

(d) Sounds created by warning devices not operating continuously for more than five minutes, or bells, chimes, and carillons.

(e) Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible.

(f) Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health safety or welfare of the community.

(g) Sounds originating from motor vehicle racing events at existing authorized facilities.

(h) Sounds originating from officially sanctioned parades and other public events.

(i) Sounds emitted from petroleum refinery boilers during startup of said boilers: Provided, That the startup operation is performed during daytime hours whenever possible.

(j) Sounds created by the discharge of firearms in the course of hunting.

(k) Sounds caused by natural phenomena and unamplified human voices.

(l) Sounds created by motor vehicles, licensed or unlicensed, when operated off public highways EXCEPT when such sounds are received in Class A EDNAs.

(m) Sounds originating from existing natural gas transmission and distribution facilities. However, in circumstances where such sounds impact EDNA Class A environments and complaints are received, the director or his designee may take action to abate by application of EDNA Class C source limits to the facility under the requirements of WAC 173-60-050(5).

(6) Nothing in these exemptions is intended to preclude the department from requiring installation of the best available noise abatement technology consistent with economic feasibility. The establishment of any such requirement shall be subject to the provisions of the Administrative Procedure Act, chapter 34.04 RCW.

[Statutory Authority: Chapter 70.107 RCW. 94-12-001 (Order 92-41), § 173-60-050, filed 5/18/94, effective 6/18/94; 83-15-046 (Order DE 82-42), § 173-60-050, filed 7/19/83; Order DE 77-1, § 173-60-050, filed 6/2/77; Order 75-18, § 173-60-050, filed 8/1/75; Order 74-32, § 173-60-050, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-060 Nuisance regulations not prohibited.** Nothing in this chapter or the exemptions provided herein, shall be construed as preventing local government from regulating noise from any source as a nuisance. Local resolutions, ordinances, rules or regulations regulating noise on such a basis shall not be deemed inconsistent with this chapter by the department.

[Order 74-32, § 173-60-060, filed 4/22/75, effective 9/1/75.]

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**WAC 173-60-070 Reserved.** Reserved.

[Statutory Authority: Chapter 70.107 RCW. 00-24-134 (Order 00-24), § 173-60-070, filed 12/6/00, effective 1/6/01; 94-12-001 (Order 92-41), § 173-60-070, filed 5/18/94, effective 6/18/94; Order DE 77-1, § 173-60-070, filed 6/1/77; Order 74-32, § 173-60-070, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-080 Variances and implementation schedules.** (1) Variances may be granted to any person from any particular requirement of this chapter, if findings are made that immediate compliance with such requirement cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors, encroachment [encroachment] upon an existing noise source, or because of nonavailability of feasible technology or control methods. Any such variance or renewal thereof shall be granted only for the minimum time period found to be necessary under the facts and circumstances.

(2) An implementation schedule for achieving compliance with this chapter shall be incorporated into any variance issued.

(3) Variances shall be issued only upon application in writing and after providing such information as may be requested. No variance shall be issued for a period of more than 30 days except upon due notice to the public with opportunity to comment. Public hearings may be held, when substantial public interest is shown, at the discretion of the issuing agency.

(4) Sources of noise, subject to this chapter, upon which construction begins after the effective date hereof shall immediately comply with the requirements of this chapter, except in extraordinary circumstances where overriding considerations of public interest dictate the issuance of a variance.

[Order 74-32, § 173-60-080, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-090 Enforcement policy.** Noise measurement for the purposes of enforcing the provisions of WAC 173-60-040 shall be measured in dBA with a sound level meter with the point of measurement being at any point within the receiving property. Such enforcement shall be undertaken only upon receipt of a complaint made by a person who resides, owns property, or is employed in the area affected by the noise complained of, EXCEPT for parks, recreational areas, and wildlife sanctuaries. For enforcement purposes pursuant to RCW 70.107.050, each day, defined as the 24-hour period beginning at 12:01 a.m., in which violation of the noise control regulations (chapter 173-60 WAC) occurs, shall constitute a separate violation.

[Order DE 76-5, § 173-60-090, filed 2/5/76; Order 74-32, § 173-60-090, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-100 Appeals.** Any person aggrieved by any decision of the department in relation to the enforcement of the maximum permissible noise levels provided for herein, the granting or denial of a variance or the approval or disapproval of a local resolution or ordinance for noise abatement and control may appeal to the pollution control hearings board pursuant to chapter 43.21B RCW under the procedures of chapter 371-08 WAC.

[Order 74-32, § 173-60-100, filed 4/22/75, effective 9/1/75.]

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**WAC 173-60-110 Cooperation with local government.** (1) The department conceives the function of noise abatement and control to be primarily the role of local government and intends actively to encourage local government to adopt measures for noise abatement and control. Wherever such measures are made effective and are being actively enforced, the department does not intend to engage directly in enforcement activities.

(2) No ordinance or resolution of any local government which imposes noise control requirements differing from those adopted by the department shall be effective unless and until approved by the director. If approval is denied, the department, following submission of such local ordinance or resolution to the department, shall deliver its statement or order of denial, designating in detail the specific provision(s) found to be objectionable and the precise grounds upon which the denial is based, and shall submit to the local government, the department's suggested modification.

(3) The department shall encourage all local governments enforcing noise ordinances pursuant to this chapter to consider noise criteria and land use planning and zoning.

[Statutory Authority: Chapter 70.107 RCW. 87-06-056 (Order 86-40), § 173-60-110, filed 3/4/87; Order 74-32, § 173-60-110, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-120 Effective date.** This chapter shall become effective on September 1, 1975. It is the intention of the department to periodically review the provisions hereof as new information becomes available for the purpose of making amendments as appropriate.

[Order 74-32, § 173-60-120, filed 4/22/75, effective 9/1/75.]

**Chapter 173-62 WAC**

**MOTOR VEHICLE NOISE PERFORMANCE STANDARDS**

**WAC**

173-62-010	Authority and purpose.
173-62-020	Definitions.
173-62-030	Standards.
173-62-040	Exemptions.
173-62-050	Implementation schedules.
173-62-060	Enforcement.
173-62-070	Effective date.

**WAC 173-62-010 Authority and purpose.** (1) Under RCW 70.107.030(5) of the Noise Control Act of 1974 (chapter 183, Laws of 1974), the legislature directed the department of ecology, in exercising rule-making authority to give first priority to the adoption of motor vehicle noise performance standards. The purpose of this chapter is to carry out that legislative directive through the adoption of noise emission standards for new motor vehicles and noise emission standards for the operation of motor vehicles on public highways.

(2) Local needs. The standards established in this chapter provide several methods of evaluating motor vehicle noise levels. Nothing in these rules is meant to require enforcement agencies or local governments to adopt or use every standard in this chapter to determine a violation. Specific local needs shall dictate the standard(s) which may be adopted or used.

[Statutory Authority: Chapter 70.107 RCW, 80-14-041 (Order DE 80-29), § 173-62-010, filed 9/30/80; Order DE 74-33, § 173-62-010, filed 1/30/75, effective 7/1/75.]

**WAC 173-62-020 Definitions.** As used in this chapter:

(1) "dBA" means the sound level in decibels measured using the "A" weighting network on a sound level meter as specified in the American National Standard Specification for Sound Level Meters S1.4-1971. A decibel is a unit of sound, based on a logarithmic scale, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure of 20 micropascals;

(2) "Department" means the department of ecology;

(3) "Director" means director of the department of ecology;

(4) "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single vehicle;

(5) "In-use" motor vehicle is any motor vehicle which is used on a public highway, except farm vehicles as defined under RCW 46.04.181;

(6) "Motor vehicle" means any vehicle which is self-propelled, used primarily for transporting persons or property upon public highways and required to be licensed under RCW 46.16.010 (aircraft, water craft and vehicles used exclusively on stationary rails or tracks are not motor vehicles as that term is used herein);

(7) "Motorcycle" means any motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, except farm tractors;

(8) "Muffler" means a device consisting of a series of chambers or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise to comply with the standards of this chapter;

(9) "New motor vehicle" means a motor vehicle manufactured after December 31, 1975, whose equitable or legal title has never been transferred to a person who, in good faith, purchases the new motor vehicle for purposes other than resale;

(10) "Off-highway vehicle" means any self-propelled vehicle not used primarily for transporting persons or property upon public highways nor required to be licensed under RCW 46.16.010;

(11) "Person" means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever;

(12) "Public highway" means the entire width between the boundary lines of every way publicly maintained by the department of highways or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right;

(13) "Sound level" means a weighted sound pressure level measured by use of a sound level meter using the "A" weighting network and reported as dBA.

[Statutory Authority: Chapter 70.107 RCW, 80-14-041 (Order DE 80-29), § 173-62-020, filed 9/30/80; Order DE 75-17, § 173-62-020, filed 8/11/75; Order DE 74-33, § 173-62-020, filed 1/30/75, effective 7/1/75.]

**WAC 173-62-030 Standards.** (1) No person shall operate any motor vehicle or any combination of such vehicles upon any public highway under any conditions of grade, load, acceleration or deceleration in such a manner as to exceed the maximum permissible sound levels for the category of vehicle in Table I, as measured at a distance of 50 feet (15.2 meters) from the center of the lane of travel within the speed limits specified, under procedures established by the state commission on equipment in chapter 204-56 WAC, "procedures for measuring motor vehicle sound levels."

Table I

IN-USE MOTOR VEHICLE NOISE PERFORMANCE STANDARDS

Measured @ 50 feet (15.2 meters)

Vehicle Category (type)	Effective Date	Maximum Sound Level, dBA Speed Zones		
		45 mph (72 kph) or less	Over 45 mph (72 kph)	Stationary Test
Motorcycles	July 1, 1980	78	82	N/A
Automobiles, light trucks and all other motor vehicles 10,000 pounds (4536 kg) GVWR or less	July 1, 1980	72 35 mph (56 kph) or less	78 Over 35 mph (56 kph)	N/A
All motor vehicles over 10,000 pounds (4536 kg) GVWR	June 1, 1977 1986 and after	86 Reserved	90 Reserved	86 Reserved

(2) Every motor vehicle operated upon the public highways shall at all times be equipped with an exhaust system and a muffler in good working order and constant operation to prevent excessive or unusual noise.

(3) No person shall operate a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such noise from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason, except that noise resulting from emergency braking to avoid imminent danger shall be exempt from this provision.

(4) No person shall operate any motor vehicle upon any public highway if the vehicle exhaust system exceeds the maximum permissible sound levels of Table II for the category and year of vehicle, as measured at a distance of twenty inches (0.5 meter) from the exhaust outlet under procedures established by the state commission on equipment in chapter 204-56 WAC, "procedures for measuring motor vehicle sound levels."

(5) No person shall sell or offer for sale a NEW MOTOR VEHICLE except an off-highway vehicle, which produces a maximum noise exceeding the noise levels in Table III at a distance of 50 feet (15.2 meters) under acceleration test procedures established by the state commission on equipment in chapter 204-56 WAC, "procedures for measuring motor vehicle sound levels."

**Table II**  
IN-USE MOTOR VEHICLE EXHAUST SYSTEM NOISE PERFORMANCE STANDARDS

Measured @ 20 inches (0.5 meters)

Vehicle Category (type)	Model Year	Maximum Sound Level, dBA
Motorcycles	before 1986	99
	1986 and after	(reserved)
Automobiles, light trucks and all other motor vehicles 10,000 pounds (4536 kg) GVWR or less	before 1986	95
	1986 and after	(reserved)

**Table III**  
MAXIMUM SOUND LEVELS FOR NEW MOTOR VEHICLES

Measured @ 50 feet (15.2 meters)

Vehicle Category (type)	Date of Manufacture	Maximum Sound Level, dBA
Any motor vehicle over 10,000 pounds (4536 kg) GVWR excluding buses	before January 1, 1978	86
	after January 1, 1978	83
	after January 1, 1982	80
All buses over 10,000 pounds (4536 kg) GVWR	after January 1, 1980	85
	after January 1, 1983	83
	after January 1, 1986	80
Motorcycles	after January 1, 1976	83
	after January 1, 1986	80
Automobiles, light trucks and all other motor vehicles 10,000 pounds (4536 kg) GVWR or less	after January 1, 1976	80

[Statutory Authority: Chapter 70.107 RCW, 80-14-041 (Order DE 80-29), § 173-62-030, filed 9/30/80; Order DE 77-2, § 173-62-030, filed 6/1/77; Order DE 75-17, § 173-62-030, filed 8/11/75; Order DE 74-33, § 173-62-030, filed 1/30/75, effective 7/1/75.]

**WAC 173-62-040 Exemptions.** The provisions of this chapter shall not apply to noise caused by auxiliary equipment on motor vehicles used for highway maintenance, nor to noise caused in the performance of emergency work for the immediate safety, health or welfare of the community or of individuals of the community, or to restore property to a safe condition following a public calamity.

[Order DE 75-17, § 173-62-040, filed 8/11/75; Order DE 74-33, § 173-62-040, filed 1/30/75, effective 7/1/75.]

**WAC 173-62-050 Implementation schedules.** (1) **Conditions of issuance.** The department may approve and issue to any person, an implementation schedule for meeting any particular requirement of this chapter, if it finds that immediate compliance with such requirement cannot be achieved because of conditions beyond the control of such person or because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors or because of the nonavailability of feasible technology or control methods.

(2) **Requesting procedure.** Implementation schedules shall be issued only upon application in writing to the department. Such application shall state in a concise manner the

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facts to show cause why such schedule should be approved. Any aggrieved person may appeal the department's decision on an application to the pollution control hearings board pursuant to chapter 43.21B RCW.

[Order DE 74-33, § 173-62-050, filed 1/30/75, effective 7/1/75.]

**WAC 173-62-060 Enforcement.** (1) Measurements shall be made with a sound level meter meeting Type 1, S1A, 2 or S2A requirements as specified in the American National Standards Specifications for Sound Level Meters S1.4-1971 as required under measurement procedures established in chapter 204-56 WAC, "procedures for measuring motor vehicle sound levels."

(2) Violation of any in-use motor vehicle noise standard set forth in this chapter shall be a traffic infraction, enforced by such authorities and in such manner as violations of chapter 46.37 RCW.

(3) Law enforcement personnel selected to measure vehicle sound levels shall have received training in the techniques of sound measurement and the operation of sound measuring instruments.

(4) Any enforcement officer who by use of the initial inspection procedures of chapter 204-56 WAC suspects that a motor vehicle may be in violation of the standards of this chapter may require the operator to have the vehicle presented for sound level measurement. Measurements of a motor vehicle may be performed at off-road sites to determine compliance with the in-use standards.

(5) Any operator who fails to comply with the directive to present the vehicle to a sound level measurement test shall be in violation of this chapter.

(6) Any seller, importer, or manufacturer who sells or offers for sale a motor vehicle which violates the standards in WAC 173-62-030 shall be subject to a civil penalty not to exceed one hundred dollars as established in RCW 70.107.050. Every motor vehicle sold or offered for sale shall constitute a separate violation.

[Statutory Authority: Chapter 70.107 RCW, 80-14-041 (Order DE 80-29), § 173-62-060, filed 9/30/80; Order DE 74-33, § 173-62-060, filed 1/30/75, effective 7/1/75.]

**WAC 173-62-070 Effective date.** This chapter shall become effective July 1, 1975.

[Order DE 74-33, § 173-62-070, filed 1/30/75, effective 7/1/75.]

**Chapter 173-80 WAC**

**LIMITATIONS ON USE OF REFERENDUM 39 GRANT FUNDS FOR WATER POLLUTION ABATEMENT**

**WAC**

- 173-80-010 Purpose and scope.
- 173-80-020 Definitions.
- 173-80-030 Limitations on the use of funds.
- 173-80-040 Provision of guidelines.
- 173-80-050 Wastewater treatment works grants—Priority rating and other provisions.
- 173-80-060 Lake restoration project grants—General eligibility requirements and priority rating.
- 173-80-070 Agricultural wastes project grants—General eligibility requirements and priority rating.
- 173-80-080 Limiting the use of existing Referendum 39 regulations and funds.

**WAC 173-80-010 Purpose and scope.** The purpose of this chapter is to set forth limitations on the allocation and uses of moneys administered by the department of ecology for purposes of providing grants and loans for wastewater treatment facilities, agricultural pollution abatement facilities, and lake restoration projects pursuant to chapter 43.99F RCW (Referendum 39). To derive the most benefit for the state in protecting the health and safety of the people it is necessary to establish criteria for the use of funds made available by Referendum 39. This chapter will outline (1) limitations on the allocation and uses of the funds, (2) the criteria to be considered for determining who will receive funds, and (3) the process to be followed for distributing the funds.

[Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-010, filed 2/5/82.]

**WAC 173-80-020 Definitions.** (1) "Department" means the Washington state department of ecology.

(2) "Wastewater treatment works construction program" (hereinafter referred to as the wastewater treatment program) means the state/local program of grants and loans under chapter 43.99F RCW (Referendum 39) to public entities for the purpose of planning, designing, constructing, or upgrading treatment works.

(3) "Agricultural wastes grants program" means the program of grants and loans administered by the department for the planning, design and construction of publicly owned or operated agricultural pollution control facilities.

(4) "Lake restoration grants program" means the program of state grants and loans administered by the department for the planning, design and implementation of lake restoration projects.

(5) "Director" means the director of the Washington state department of ecology or his or her authorized designee.

(6) "Management of wastes" means the control, collection, transport, treatment, and disposal of nonradioactive solid and nonradioactive liquid waste materials.

(7) "Renewable energy" means, but is not limited to, the production of steam, hot water for steam heat, electricity, cogeneration, gas, fuel through incineration of wastes, refuse-derived fuel processes, pyrolysis, hydrolysis or bio-conversion, and energy savings through material recovery from waste source separation and/or recycling.

(8) "Energy savings as a result of the management of the wastes" means but is not limited to the capital cost associated with an energy efficient treatment or transport process chosen over a process more commonly used in standard engineering practice which is more energy intensive.

(9) "Project priority list" means the annual list of rated and ranked projects for which state grant assistance is expected during the year for which the list is issued.

(10) "Priority rating system" means the process and criteria used by the department of ecology to rate and rank projects in the state that are considered eligible for assistance under chapter 43.99F RCW.

[Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-020, filed 2/5/82.]

**WAC 173-80-030 Limitations on the use of funds.** (1) The following water program projects shall be eligible for state grants, loans, or combination of grants and loans in an

amount not to exceed seventy-five percent of the total eligible cost of the project as determined by the department and subject to the special provisions contained in this chapter.

(a) Wastewater treatment projects.

(b) Lake restoration projects.

(c) Agricultural pollution control projects.

(2) Loans may be authorized by the director, provided:

(a) The loan repayment period does not exceed five years.

(b) The cumulative total of all loans authorized during any biennium does not exceed ten percent of the cumulative total of funds appropriated by the legislature for that biennium, excluding any special appropriation authorized by WAC 173-80-050(6).

(c) The director considers and documents why it is in the best interest of the state's citizens to provide a loan.

(d) The director considers and documents how the loan will be repaid.

(3) The wastewater treatment program will establish an accounting procedure to identify the money which is spent on projects that are capable of producing renewable energy or energy savings as a result of the management of the wastes.

[Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-030, filed 2/5/82.]

**WAC 173-80-040 Provision of guidelines.** The department will publish guidelines which establish procedures for awarding grants and eligibility criteria for each Referendum 39 grant program identified in WAC 173-80-030(1). These guidelines will describe the grant application, review, and award process and will be available prior to the first grant award.

[Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-040, filed 2/5/82.]

**WAC 173-80-050 Wastewater treatment works grants—Priority rating and other provisions.** (1) In instances where applications for wastewater treatment works grant funds exceed the amount currently available to the department, the director will establish a project priority list using published priority rating criteria which consider, but are not limited to, the following:

(a) Water quality impacts caused by existing circumstances.

(b) Public health impacts caused by existing circumstances.

(c) The prior local effort expended toward correcting the existing or similar wastewater problems.

(d) The cost-benefit relationship of the proposed project.

(e) Problem prevention aspects of the proposed project.

(2) In instances where a priority list is required, the director will ensure that:

(a) A project priority list is developed on an annual basis.

(b) The priority list be readily available to the public for review and comment thirty days prior to its approval by the director.

(c) Comments received during any review period are considered and responded to before a final list is approved by the director.

(d) An approved list is available on or about forty-five days after the close of the application period.

(3) The department may use funds authorized by chapter 43.99F RCW as fifteen percent grants to wastewater treatment projects for public entities who have received a federal grant under Title II of Public Law 97-117 prior to October 1, 1982, or a written guarantee from the department, prior to the effective date of this chapter, that such a grant will be available when a federal grant is received. New phases of those continuing construction wastewater treatment projects begun prior to October 1, 1982, are also eligible for a fifteen percent grant. Funds are to be awarded under this authority only if funds provided by chapter 43.83A RCW (Referendum Bill No. 26) are not available.

(4) Prior to December 31, 1982, the department may award a grant for seventy-five percent of the eligible costs for completion of any wastewater treatment facility that began construction under the federal wastewater treatment program prior to October 1, 1981, and is not scheduled to receive a federal grant prior to federal fiscal year 1983.

(5) Wastewater treatment program projects, except those allowed by WAC 173-80-050(4), shall not receive grants exceeding fifty percent of the eligible costs of the project.

(6) The director may enter into a single lump sum design and construction contract with a grantee whose project exceeds a total cost of \$100 million and requires more than three years to design and construct, providing that all the following conditions are met:

(a) The project appears on the current project priority list within the range fundable with remaining, unobligated moneys authorized by chapter 43.99F RCW.

(b) The contract contains provisions limiting the total amount of state funding to fifty percent of the eligible costs or an agreed upon figure (whichever is less), establishing cash flow agreements, and any other provisions the director deems necessary to protect the financial interests of the state.

(c) The legislature appropriates the necessary funds.

(d) The grantee agrees to a one-time grant, including limited increases at time of bid, and will not thereafter seek any further funds under the provisions of chapter 43.99F RCW.

[Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-050, filed 2/5/82.]

**WAC 173-80-060 Lake restoration project grants—General eligibility requirements and priority rating.** (1) General eligibility requirements include:

(a) The lake must have a documented water quality problem which is resulting in impairment of beneficial uses;

(b) The proposed project must be sponsored by a public body as defined in chapter 43.99F RCW;

(c) The project sponsor must be able to provide at least ten percent of the total project cost unless a lower share is specifically authorized by the director; and

(d) Public access must be provided which is sufficient to allow the general public the same opportunity to enjoy the lake's recreational benefits as that enjoyed by residents living immediately adjacent to the lake.

(2) When applications for grant funds exceed the amount currently available to the department, the director will establish a lake restoration project priority list using rating criteria which consider, but are not limited to, the following:

(a) Water quality improvements to be achieved

(b) Increased or enhanced lake utilization

(c) Restoration potential

(d) Public health impacts to be corrected

(3) When a lake restoration project priority list is required, the director will ensure that the priority list is readily available to the public for review and comment thirty days prior to its approval by the director.

[Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-060, filed 2/5/82.]

**WAC 173-80-070 Agricultural wastes project grants—General eligibility requirements and priority rating.** (1) General eligibility requirements include:

(a) The project sponsor must be a public body as defined in chapter 43.99F RCW;

(b) Eligible project elements must benefit the public and be utilized by more than one member of the sponsoring group or agency;

(c) The project must directly benefit the quality of the receiving water; and

(d) The project sponsor must provide at least ten percent of the grant eligible costs unless a lesser amount is authorized by the director.

(2) Project rating—When applications for grant funds exceed the amount currently available to the department, the director will establish an agricultural wastes project priority list using criteria which includes, but are not limited to:

(a) Water quality improvements to be achieved

(b) Improved efficiency in water quantity utilization

(c) Resource conservation potential

(d) Reduction in impairment of beneficial uses

(3) When an agricultural waste project priority list is required, the director will ensure that the priority list is readily available to the public for review and comment thirty days prior to its approval by the director.

[Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-070, filed 2/5/82.]

**WAC 173-80-080 Limiting the use of existing Referendum 39 regulations and funds.** This chapter is not applicable to the allocation and uses of moneys administered by the department of ecology pursuant to chapter 3, Laws of 1986.

[Statutory Authority: 1986 c 3 § 4. 86-19-041 (Order DE 86-26), § 173-80-080, filed 9/12/86.]

**Chapter 173-95A WAC**

**USES AND LIMITATIONS OF CENTENNIAL CLEAN WATER FUNDS**

**WAC**

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173-95A-030	How and under what conditions, can money from the centennial fund be used? [Statutory Authority: Chapter 70.146 RCW. 01-01-042 (Order 00-10), § 173-95A-030, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 70.146.070 and 36.70A.040. 97-24-096 (Order 97-31), § 173-95A-030, filed 12/3/97, effective 1/3/98.] Repealed by 07-14-096 (Order 05-16), filed 6/29/07, effective 7/30/07. Statutory Authority: RCW 90.48-035.
173-95A-040	Where can I obtain details about the application and review process for centennial funds? [Statutory Authority: Chapter 70.146 RCW. 01-01-042 (Order 00-10), § 173-95A-040, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 70.146.070 and 36.70A.040. 97-24-096 (Order 97-31), § 173-95A-040, filed 12/3/97, effective 1/3/98.] Repealed by 07-14-096 (Order 05-16), filed 6/29/07, effective 7/30/07. Statutory Authority: RCW 90.48.035.
173-95A-050	How can a local area have a role in determining funding priorities? [Statutory Authority: Chapter 70.146 RCW. 01-01-042 (Order 00-10), § 173-95A-050, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 70.146.070 and 36.70A.040. 97-24-096 (Order 97-31), § 173-95A-050, filed 12/3/97, effective 1/3/98.] Repealed by 07-14-096 (Order 05-16), filed 6/29/07, effective 7/30/07. Statutory Authority: RCW 90.48.035.
173-95A-060	What are the limitations on the use of funds? [Statutory Authority: Chapter 70.146 RCW. 01-01-042 (Order 00-10), § 173-95A-060, filed 12/8/00, effective 1/8/01.] Repealed by 07-14-096 (Order 05-16), filed 6/29/07, effective 7/30/07. Statutory Authority: RCW 90.48-035.
173-95A-070	How does the Growth Management Act impact the use of funds? [Statutory Authority: Chapter 70.146 RCW. 01-01-042 (Order 00-10), § 173-95A-070, filed 12/8/00, effective 1/8/01.] Repealed by 07-14-096 (Order 05-16), filed 6/29/07, effective 7/30/07. Statutory Authority: RCW 90.48.035.
173-95A-080	What is the "step process" for planning facilities and activities projects? [Statutory Authority: Chapter

70.146 RCW. 01-01-042 (Order 00-10), § 173-95A-080, filed 12/8/00, effective 1/8/01.] Repealed by 07-14-096 (Order 05-16), filed 6/29/07, effective 7/30/07. Statutory Authority: RCW 90.48.035.

173-95A-090 What other laws, regulations or requirements must recipients comply with? [Statutory Authority: Chapter 70.146 RCW. 01-01-042 (Order 00-10), § 173-95A-090, filed 12/8/00, effective 1/8/01.] Repealed by 07-14-096 (Order 05-16), filed 6/29/07, effective 7/30/07. Statutory Authority: RCW 90.48.035.

**WAC 173-95A-010 Purpose.** (1) The purpose of this chapter is to set forth requirements for the department of ecology's administration of the centennial clean water program, as authorized by chapter 70.146 RCW, Water pollution control facilities financing. This fund provides financial assistance to public bodies for statewide, high-priority water quality projects in the form of grants and loans through appropriation by the Washington state legislature.

(2) The centennial program may be used for the following purposes:

(a) To make grants and loans to finance the planning, design, and/or construction of water pollution control facilities; and

(b) To make grants and loans for nonpoint source pollution control management programs, including planning and implementing elements of the most current version of the "Washington's Water Quality Management Plan to Control Nonpoint Sources of Pollution," (ecology publication #05-10-027).

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-010, filed 6/29/07, effective 7/30/07. Statutory Authority: Chapter 70.146 RCW. 01-01-042 (Order 00-10), § 173-95A-010, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 70.146.070 and 36.70A.040. 97-24-096 (Order 97-31), § 173-95A-010, filed 12/3/97, effective 1/3/98.]

**WAC 173-95A-015 Integrated funding approach.** (1) Where possible, the Washington state department of ecology combines the management of the centennial program with other funding programs, such as the Washington state water pollution control revolving fund, and the Clean Water Act section 319 nonpoint source fund.

(2) The integrated funding process includes a combined funding cycle, program guidelines, funding offer and applicant list, and statewide funding workshops.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-015, filed 6/29/07, effective 7/30/07.]

**WAC 173-95A-020 Definitions.** For the purposes of this chapter:

(1) **Activities** see water pollution control activities.

(2) **Applicant** means a public body that has applied for funding.

(3) **Best management practices (BMP)** means physical, structural, and/or managerial practices approved by the department that prevent or reduce pollutant discharges.

(4) **Cash match** means moneys used to match the state share of a grant.

(5) **Ceiling amount** means the highest level of financial assistance the department can provide to a recipient for an individual project.

(6) **Centennial** means the centennial clean water program.

(7) **Commercial, industrial, and institutional flows** mean the portion of the total flows to a facility that originate from commercial establishments, industrial facilities, or institutional sources such as schools, hospitals, and prisons.

(8) **Competitive funding** means moneys available for projects through a statewide evaluation process.

(9) **Completion date** or **expiration date** means the date indicated in the funding agreement in which all milestones and objectives associated with the goals of the project are met.

(10) **Concentrated animal feeding operation (CAFO)** means:

(a) An animal livestock feeding operation that discharges animal waste to the waters of Washington state more frequently than the twenty-five-year, twenty-four-hour storm event; or

(b) An operation that is under a department administrative order, notice of violation, a National Pollution Discharge Elimination System permit; or

(c) An operation that will be required to have a National Pollution Discharge Elimination System permit coverage in the near future; or

(d) An operation designated by the Environmental Protection Agency as polluting the waters of Washington state.

(11) **Conservation easement** means a recorded legal agreement between a landowner and a public body to allow or restrict certain activities and uses that may take place on his or her property.

(12) **Conservation plan** means a document that outlines how a project site will be managed using best management practices to avoid potential negative environmental impacts.

(13) **Construction** means to erect, install, expand, or improve water pollution control facilities or activities. Construction includes construction phase engineering and preparation of the operation and maintenance manual.

(14) **Cost-effective alternative** means the option selected in an approved facilities plan that meets the requirements of the project, recognizes environmental and other nonmonetary impacts, and offers the lowest cost over the life of the project (i.e., lowest present worth or equivalent annual value).

(15) **Department** means the Washington state department of ecology.

(16) **Design** means the preparation of the plans and specifications used for construction of water pollution control facilities or activities.

(17) **Director** means the director of the Washington state department of ecology or his or her authorized designee.

(18) **Draft offer and applicant list** means a catalog of all projects considered and proposed for funding based on an evaluation and the appropriations in the Washington state capital budget.

(19) **Easement** means a recorded legal agreement between a public body and a landowner that allows the public body to have access to the landowner's property at any time to inspect, maintain, or repair loan-or-grant-funded activities or facilities.

(20) **Effective date** means the date the loan or grant agreement is signed by the department's water quality program manager.

(21) **Eligible cost** means the portion of the facilities or activities project that can be funded.

(22) **Enforcement order** means an administrative requirement issued by the department under the authority of RCW 90.48.120 that directs a public body to complete a specified course of action within an explicit period to achieve compliance with the provisions of chapter 90.48 RCW.

(23) **Engineering report** means a document that includes an evaluation of engineering and other alternatives that meet the requirements in chapter 173-240 WAC, Submission of plans and reports for construction of wastewater facilities.

(24) **Environmental degradation** means the reduced capacity of the environment to meet social and ecological objectives and needs.

(25) **Environmental emergency** means a problem that a public body and the department agree poses a serious, immediate threat to the environment or to the health or safety of a community and requires immediate corrective action.

(26) **Estimated construction cost** means the expected amount for labor, materials, equipment, and other related work necessary to construct the proposed project.

(27) **Existing need** means water pollution control facility's capacity reserved for all users, at the time of application, in order to meet the requirements of the water quality based effluent limitations in the associated National Pollution Discharge Elimination System or state waste discharge permit.

(28) **Existing residential need** means water pollution control facility's capacity reserved for the residential population, at the time of application, in order to meet the water quality based effluent limitations in the associated National Pollution Discharge Elimination System or state waste discharge permit.

(29) **Extended grant payments** means cash disbursements for eligible project costs made with equal annual payments as established in RCW 70.146.075.

(30) **Facilities** see water pollution control facility.

(31) **Facilities plan** means an engineering report that includes all the elements required by the state environmental review process (SERP), National Environmental Policy Act (NEPA) as appropriate, other federal statutes, and planning requirements under chapter 173-240 WAC, Submission of plans and reports for construction of wastewater facilities.

(32) **Final offer and applicant list** means a catalog of all projects considered and proposed for funding and those offered funding.

(33) **Force account** means loan or grant project work performed using labor, materials, or equipment of a public body.

(34) **Funding cycle** means the events related to the competitive process used to allocate moneys from the clean water state revolving fund, centennial clean water program, and the Clean Water Act section 319 nonpoint source fund for a state fiscal year.

(35) **Grant agreement** means a contractual arrangement between a public body and the department.

(36) **Indirect cost** means costs that benefit more than one activity of the recipient and not directly assigned to a particular project objective.

(37) **In-kind contributions** means the value of noncash contributions provided for a project.

(38) **Interlocal agreement** means a written arrangement between a grant recipient and another public body to provide eligible grant match contributions to a project. Interlocal agreements are subject to chapter 39.34 RCW, Interlocal Cooperation Act.

(39) **Interlocal costs** means the value of goods or services provided to a project by a public body under the terms of an interlocal agreement. Interlocal contributions satisfy cash matching requirements.

(40) **Infiltration and inflow** means water, other than wastewater, that enters a sewer system.

(41) **Infiltration and inflow correction** means the cost-effective alternative or alternatives identified in an approved facilities plan or engineering report for eliminating or reducing the infiltration and inflow to an existing sewer system.

(42) **Landowner agreement** means a written arrangement between a public body and a landowner that allows the public body to have access to the property to inspect project-related components.

(43) **Loan agreement** means a contractual arrangement between a public body and the department that involves a disbursement of moneys that must be repaid.

(44) **Loan default** means failure to make a loan repayment to the department within sixty days after the payment was due.

(45) **Match** means the recipient share of eligible project costs.

(46) **Nonpoint source water pollution** means pollution that enters any waters from widespread water-based or land-use activities. Nonpoint source water pollution includes, but is not limited to atmospheric deposition; surface water runoff from agricultural lands, urban areas, and forest lands; subsurface or underground sources; and discharges from boats or other marine vessels.

(47) **Plans and specifications** means the construction contract documents and supporting engineering documents prepared in sufficient detail to allow contractors to bid on and construct water pollution control facilities. "Plans and specifications" and "design" may be used interchangeably.

(48) **Preliminary project priority list** means a catalog of all projects considered for funding based on the governor's budget and submitted to the Washington state legislature for its consideration during budget development.

(49) **Project** means a water quality improvement effort funded with a grant or loan.

(50) **Project completion or expiration** means the date indicated in the funding agreement in which all milestones and objectives associated with the goals are met.

(51) **Public body** means a state of Washington county, city or town, conservation district, other political subdivision, municipal corporation, quasi-municipal corporation, those Indian tribes recognized by the federal government, or institutions of higher education when the proposed project is not part of the school's statutory responsibility.

(52) **Public health emergency** means a situation declared by the Washington state department of health in which illness or exposure known to cause illness is occurring or is imminent.

(53) **Recipient** means a public body that has an effective loan or grant agreement with the department.

(54) **Riparian buffer or zone** means a swath of vegetation along a channel bank that provides protection from the erosive forces of water along the channel margins and external nonpoint sources of pollution.

(55) **Scope of work** means a detailed description of project tasks, milestones, and measurable objectives.

(56) **Service area population** means the number of people served in the area of the project.

(57) **Severe public health hazard** means a situation declared by the Washington state department of health in which the potential for illness exists, but illness is not occurring or imminent.

(58) **Sewer** means the pipe and related pump stations located on public property or on public rights of way and easements that convey wastewater from buildings.

(59) **Side sewer** means a sanitary sewer service extension from the point five feet outside the building foundation to the publicly owned collection sewer.

(60) **State environmental review process (SERP)** means the National Environmental Policy Act (NEPA)-like environmental review process adopted to comply with the requirements of the Environmental Protection Agency's Code of Regulations (40 CFR § 35.3140). SERP combines the State Environmental Policy Act (SEPA) review with additional elements to comply with federal requirements.

(61) **Total eligible project cost** means the sum of all expenses associated with a water quality project that are eligible for funding.

(62) **Total project cost** means the sum of all expenses associated with a water quality project.

(63) **Water pollution** means contamination or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor; or any discharge of a liquid, gas, solid, radioactive substance, or other substance into any waters of the state that creates a nuisance or renders such waters harmful, detrimental, or injurious to the public, to beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(64) **Water pollution control activities or activities** means actions taken by a public body for the following purposes:

- (a) To prevent or mitigate pollution of underground water;
- (b) To control nonpoint sources of water pollution;
- (c) To restore the water quality of freshwater lakes; and
- (d) To maintain or improve water quality through the use of water pollution control facilities or other means.

(65) **Water pollution control facility or facilities** means any facilities or systems for the control, collection, storage, treatment, disposal, or recycling of wastewater, including, but not limited to, sanitary sewage, storm water, residential, commercial, industrial, and agricultural wastes. Facilities include all necessary equipment, utilities, structures, real property, and interests in and improvements on real property.

(66) **Water resource inventory area (WRIA)** means one of the watersheds in the state of Washington, each composed of the drainage areas of a stream or streams, as established in the Water Resources Management Act of 1971 (chapter 173-500 WAC).



[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-020, filed 6/29/07, effective 7/30/07. Statutory Authority: Chapter 70.146 RCW. 01-01-042 (Order 00-10), § 173-95A-020, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 70.146.070 and 36.70A.040. 97-24-096 (Order 97-31), § 173-95A-020, filed 12/3/97, effective 1/3/98.]

## PART 1 ELIGIBLE PROJECT TYPES

**WAC 173-95A-100 Grant and loan eligible.** Certain projects or project elements, including but not limited to the following may be eligible for centennial loan or grant assistance:

(1) **Aquatic plant control** when the water quality degradation is due to the presence of aquatic plants, and the source(s) of pollution can be addressed sufficiently to ensure that the pollution is eliminated;

(2) **BMP implementation** on private property:

(a) Best management practices that consist of new, innovative or alternative technology not yet demonstrated in the department's region in which it is proposed;

(b) Best management practices in the riparian buffer or zone, such as revegetation or fence construction and where a conservation easement or landowner agreement is granted by the landowner; and

(c) Other water quality best management practices that are evaluated and approved by the department on a case-by-case basis, and where a conservation easement or landowner agreement is granted by the landowner;

(3) **BMP implementation** on public property;

(4) **Computer equipment and software** specific to the funded project and preapproved by the department;

(5) **Diagnostic studies** to assess current water quality;

(6) **Education and outreach** efforts for the public;

(7) **Environmental checklists**, assessments, and impact statements necessary to satisfy requirements for the SEPA, the NEPA, and the SERP;

(8) **Equipment and tools** as identified in a grant or loan agreement;

(9) **Ground water protection activities** such as wellhead protection and critical aquifer recharge area protection;

(10) **Hardship assistance** for wastewater treatment facilities construction, storm water management, and on-site septic system repair and replacement, and construction elements of a design-build-operate project;

(11) **Implementation** of eligible projects identified in water quality plans;

(12) **Indirect costs** as defined in the most recently updated edition of *Administrative Requirements for Ecology Grants and Loans* (publication #91-18);

(13) **Lake implementation and planning activities** on lakes with public access;

(14) **Landscaping for erosion control** directly related to a project, or site-specific landscaping in order to mitigate site conditions and comply with requirements in the State Environmental Policy Act or the National Environmental Policy Act;

(15) **Light refreshments** for meetings when specified in the loan or grant agreement;

(16) **Monitoring BMP effectiveness;**

(17) **Monitoring equipment** used for water quality assessment;

(18) **Monitoring water quality;**

(19) **On-site septic systems:**

(a) **Development and administration of a local loan fund for on-site septic system repair and replacement** for residential and small commercial systems; and

(b) **On-site wastewater** system surveys;

(20) **Model ordinances** development and dissemination of model ordinances to prevent or reduce pollution from non-point sources;

(21) **Planning** comprehensive basin, watershed, and area-wide water quality development;

(22) **Riparian and wetlands habitat restoration** and enhancement, including revegetation;

(23) **Sales tax;**

(24) **Stream restoration** that meets recognized water quality standards;

(25) **Storm water** certain nonpermit-related planning activities, such as education and outreach, establishing a storm water utility, identifying and mapping of pollution sources, and department-approved erosion control;

(26) **Total maximum daily load study** development and implementation;

(27) **Training** to develop specific skills that are necessary to directly satisfy the scope of work. Training, conference registration, or annual meeting fees must be preapproved by the department;

(28) **Wastewater or storm water utility development;**

(29) **Wastewater or storm water utility rate** or development impact fee studies;

(30) **Water quality education** and stewardship programs; and

(31) **Wellhead protection.**

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-100, filed 6/29/07, effective 7/30/07. Statutory Authority: Chapter 70.146 RCW. 01-01-042 (Order 00-10), § 173-95A-100, filed 12/8/00, effective 1/8/01.]

**WAC 173-95A-110 Loan only eligible.** Certain projects or project elements, including but not limited to the following may be eligible for centennial loan assistance:

(1) **CAFOs**, for BMP implementation;

(2) **Facilities** for wastewater and storm water:

(a) **Planning:**

(i) **Comprehensive sewer planning**, including wastewater elements of capital facilities planning under the Growth Management Act;

(ii) **Facilities planning** for water pollution control facilities; and

(iii) **Storm water** planning for permitted facilities;

(b) **Design** preparation of plans and specifications for water pollution control facilities;

(c) **Construction of:**

(i) Combined sewer overflow abatement;

(ii) Side sewers or individual pump stations or other appurtenances on private residential property;

(iii) Sewers and side sewers on public property for infiltration and inflow correction projects, and to replace existing water pollution control facilities;

(iv) Facilities for the control, storage, treatment, conveyance, disposal, or recycling of storm water; and

(v) Water pollution control facility construction with reserve capacities to meet up to one hundred ten percent of existing residential needs;

(d) **Value engineering** for water pollution control facilities;

(e) **Design or construction** costs associated with design-build or design-build-operate contracts;

(3) **Land acquisition:**

(a) As an integral part of the treatment process (e.g., land application);

(b) For prevention of water pollution;

(c) For siting of water pollution control facilities, sewer rights of way, easements, and associated costs; or

(d) for wetland habitat preservation;

(4) **Legal expenses** will be determined on a case-by-case basis, such as development of local ordinances, use of a bond counsel, review of technical documents;

(5) **On-site septic systems:**

(a) **Local loan fund** program development and administration;

(b) **New sewer systems** to eliminate failing or failed on-site septic systems;

(6) **Spare parts** initial set of spare parts for equipment that is critical for a facility to operate in compliance with discharge permit requirements; and

(7) **Transferring ownership** of a small wastewater system to a public body.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-110, filed 6/29/07, effective 7/30/07. Statutory Authority: Chapter 70.146 RCW. 01-01-042 (Order 00-10), § 173-95A-110, filed 12/8/00, effective 1/8/01.]

**WAC 173-95A-120 Projects ineligible for centennial program funding.** While it is impossible to list every project or project element that is not eligible, some examples of ineligible projects include:

(1) **Abandonment** or demolition of existing structures;

(2) **Acts of nature** that alter the natural environment, thereby causing water quality problems;

(3) **Commercial, institutional or industrial** wastewater pretreatment;

(4) **Compensation** or damages for any claim or injury of any kind arising out of the project, including any personal injury, damage to any kind of real or personal property, or any kind of contractual damages, whether direct, indirect, or consequential;

(5) **Cost-plus-a-percentage-of-cost contracts** (also known as multiplier contracts), time and materials contracts, and percent-of-construction contracts in facilities projects;

(6) **Facilities** intended solely to control, transport, treat, dispose, or otherwise manage commercial, institutional, or industrial wastewater;

(7) **Fines and penalties** due to violations of or failure to comply with federal, state, or local laws;

(8) **Flood control**, projects or project elements intended solely for flood control;

(9) **Funding application preparation** for loans or grants;

(10) **Interest** on bonds, interim financing, and associated costs to finance projects;

(11) **Landscaping** for aesthetic reasons;

[Title 173 WAC—p. 210]

(12) **Legal expenses** associated with claims and litigation;

(13) **Lobbying** or expenses associated with lobbying;

(14) **Monitoring equipment** for sampling and analysis of commercial, institutional, or industrial discharges;

(15) **Office furniture** not included in the recipient's indirect rate;

(16) **Operating expenses** of local government, such as the salaries and expenses of a mayor, city council member, city attorney, etc.;

(17) **Operation and maintenance** costs;

(18) **Overtime** differential paid to employees of a public body to complete administrative or force account work;

(19) **Permit fees;**

(20) **Professional dues;**

(21) **Reclamation** of abandoned mines;

(22) **Refinance** of existing debt;

(23) **Rework costs** or previously funded objectives;

(24) **Solid or hazardous waste;**

(25) **Vehicle purchase** except for vehicles intended for the transportation of liquid or dewatered sludge or septage; and

(26) **Water quantity** or other water resource projects that solely address water quantity issues.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-120, filed 6/29/07, effective 7/30/07.]

## PART 2 LOAN INTEREST RATES

**WAC 173-95A-200 Centennial clean water program loan interest rates.** The department bases loan recipient interest rates on the average market interest rate. The average market interest rate is based on the daily market rate published in the bond buyer's index for tax-exempt municipal bonds for the period from sixty to thirty days before the annual funding application cycle begins. See WAC 173-95A-400 for hardship interest rates.

Loan terms and interest rates are as follows:

Repayment Period	Interest Rate
Up to five years:	Thirty percent of the average market rate.
More than five but no more than twenty years:	Sixty percent of the average market rate.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-200, filed 6/29/07, effective 7/30/07.]

## PART 3 HOW TO APPLY FOR FUNDING

**WAC 173-95A-300 Application for funding.** (1) To apply for funding the applicant must submit a completed application to the department. The department will provide the application on the agency web site.

(2) The applicant may be asked to provide the following project information:

(a) Basic information such as names of contacts, addresses, and other tracking information;

(b) Project summary;

(c) Project goals, objectives, and milestones;

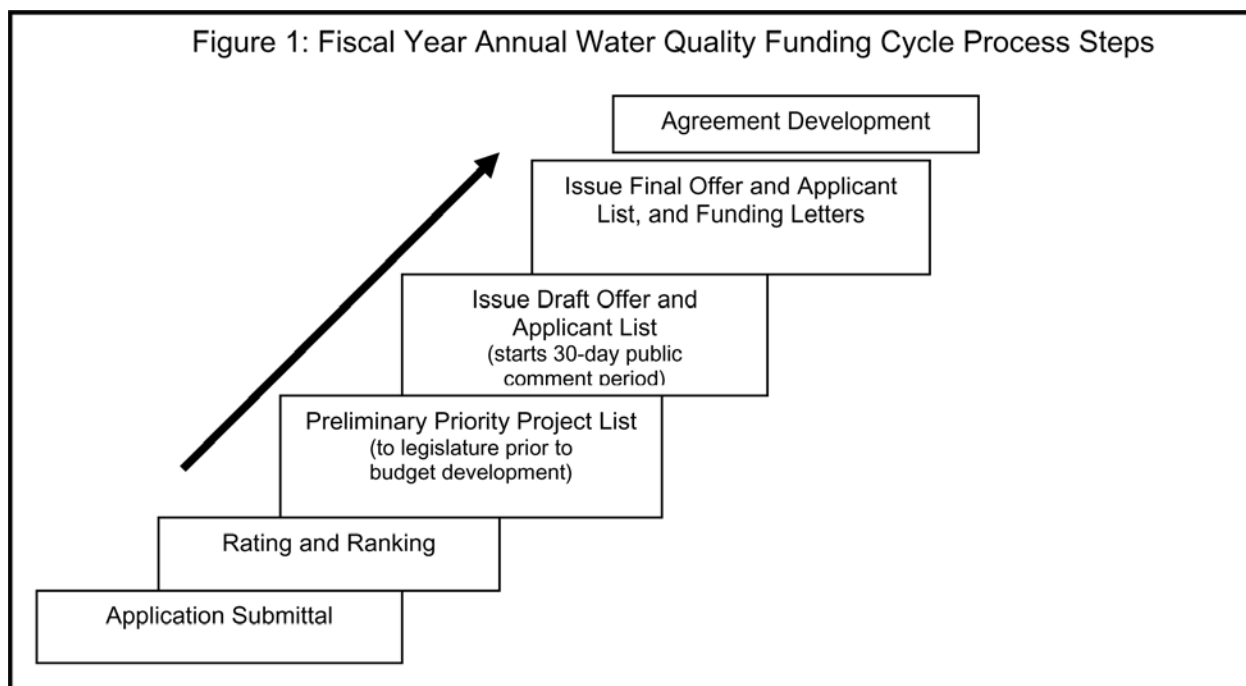
(2009 Ed.)

- (d) Overall water quality benefits;
- (e) Public health benefits;
- (f) Sources of pollution addressed;
- (g) How the project will address state and federal mandates, elements in "Washington's water quality plan to control nonpoint sources of pollution," or other such plans;
- (h) Performance measures and postproject assessment monitoring;

- (i) Readiness to proceed, likelihood of success, and measures of success specific to the project;
- (j) Local initiatives, commitments, or priorities related to the project; or
- (k) Other information requested by the department.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-300, filed 6/29/07, effective 7/30/07.]

**WAC 173-95A-310 Ecology's responsibilities.** (1) A general funding cycle schedule is provided in figure 1.



- (2) Ecology will provide the following services:
  - (a) Make available the application and applicable guidelines before the associated funding cycle begins;
  - (b) Conduct at least one application workshop in each of ecology's four regions;
  - (c) Conduct preapplication workshops to discuss regional level priorities if applicable;
  - (d) After the application deadline, complete an initial review of project proposals for funding eligibility;
  - (e) Request other agencies to provide evaluation assistance as needed;
  - (f) Rate and rank the applications using a consistent scoring system;
  - (g) Prepare a combined preliminary project priority list, after evaluation and scoring of all applications;
  - (h) Submit preliminary project priority list to the state legislature for budget consideration;
  - (i) Develop a combined draft offer and applicant list;
  - (j) Facilitate a public review and comment period for the combined draft offer and applicant list;
  - (k) Sponsor at least one public meeting to explain the combined draft offer and applicant list;
  - (l) Develop a combined "final offer and applicant list." Public comments collected during draft public review period will be incorporated and result in a responsiveness summary;
  - (m) Issue funding decision letters to all applicants; and

- (n) Negotiate, develop, and finalize loan or grant agreements.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-310, filed 6/29/07, effective 7/30/07.]

**WAC 173-95A-320 Final offer and applicant list.**

Loan and grant offers identified on the "final offer and applicant list" will be effective for up to one year from the publication date of the "final offer and applicant list." Loan and grant offers that do not result in a signed agreement are automatically terminated.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-320, filed 6/29/07, effective 7/30/07.]

**PART 4  
FINANCIAL HARDSHIP ASSISTANCE**

**WAC 173-95A-400 Wastewater treatment facilities construction.** (1) There are three primary factors considered in determining hardship funding for the construction portion of a wastewater treatment facilities projects:

- (a) Service area population;
- (b) Existing residential need at the time of application; and
- (c) Level of financial burden placed on the ratepayers.

(2) **Service area population.** Applicants serving an area of twenty-five thousand or less can request hardship-funding consideration by submitting a financial hardship analysis form, provided by the department, along with the grant and loan funding application. If the service area population is different from the population of the applicant, the applicant must show that the hardship assistance is solely used to benefit the population of the service area.

(3) **Existing residential need.** Water pollution control facilities construction costs that are associated with existing residential need plus ten percent at the time of application may be eligible for funding. Additional reserve capacity for growth is not eligible for grant funding.

For example:

If an applicant applies for ten million dollars to finance facilities construction costs, where six million dollars is for existing residential need and the remaining four million dollars is for reserve capacity for growth, the applicant may be eligible for six million six hundred thousand dollars in grant funding.

Residential need:	\$6,000,000
Reserve capacity for growth (10% of \$6M):	<u>\$600,000</u>
Grant Eligible Amount	\$6,600,000

(4) **Level of financial burden.**

(a) Financial burden for the sewer ratepayer is determined by calculating the residential sewer user fee as a percent of the median household income (MHI). The residential sewer user fee is calculated using:

- (i) Estimated construction cost;
- (ii) Projected future operation and maintenance costs for the total facility;
- (iii) The applicant's current and future debt service on the project;
- (iv) Other grants;
- (v) Existing annual operation, maintenance, and equipment replacement costs;
- (vi) The total number of households existing at the time of application that will be served by the project; and
- (vii) The nonresidential share of the total annual costs;

(b) The sewer user fee as a percentage of the MHI is the basis for the department's grant and loan hardship-funding continuum (shown below in figure 2 and figure 3);

(c) The most recent available census data determines the median household income. This data is updated yearly based on inflation rates as measured by the Federal Bureau of Labor Statistics and published as the *Consumer Price Index*; and

(d) If median household income data are not available for a community or if the community disputes the data used by the department, the department may allow an applicant to conduct a scientific survey to determine the median household income.

(5) **Hardship grant ceiling amounts.** The department uses the grant hardship-funding continuum, shown in figure 2 below, to determine the percent of grant awarded. There is a funding ceiling of five million dollars per project.

For example:

When a grant applicant with a service area population of twenty-five thousand or less can demonstrate that its sewer user rates for the proposed project are between three and five percent of the median household income, the applicant may receive a grant of seventy-five percent of eligible project costs, not to exceed five million dollars (see figure 2 below).

(6) If a project in the hardship category receives partial funding due to department funding constraints, the department may offer the remaining funding, up to five million dollars, in the next funding cycle, and on a case-by-case basis. The department may require further hardship analysis before offering the remaining moneys.

(7) **Loan terms and interest rates.** The department uses the loan hardship-funding continuum, shown in figure 2 below, to determine the hardship-loan interest rates. There is a funding ceiling of five million dollars. In addition to a reduced interest rate, the applicant may receive longer loan repayment terms, not to exceed twenty years.

For example:

Assuming that the average market rate for tax-exempt municipal bonds is five percent, the following would apply.

When a loan applicant with a service area population of twenty-five thousand or less can demonstrate that its sewer user rates for the proposed project are between three and five percent of the median household income, the applicant may be eligible for a twenty-year repayment term and a one percent interest rate. This interest rate represents twenty percent of the average market rate for tax-exempt municipal bonds (see figure 3 below).

(8) **Design-build-operate (construction portion).**

(a) Design-build or design-build-operate projects must be consistent with applicable statutes, such as chapter 39.10 RCW, Alternative public works contracting procedures, chapter 70.150 RCW, Water Quality Joint Development Act, and/or chapter 35.58 RCW, Metropolitan municipal corporations;

(b) The construction portion of a design-build-operate project under chapter 70.150 RCW, Water Quality Joint Development Act, may be eligible for a grant if the public body can demonstrate financial hardship in accordance with WAC 173-95A-400. Hardship-grant ceiling amounts found in WAC 173-95A-520 apply;

(c) Design-build-operate projects must comply with chapter 35.58 RCW, Metropolitan municipal corporations;

(d) The project scope of work must implement a department-approved facilities plan;

(e) In addition to the project application information found in WAC 173-95A-300, the project will be evaluated on the applicant's level of administrative and technical expertise;

(f) At the time of application, the following must be provided:

(i) A legal opinion from an attorney of the public body indicating that the public body has sufficient legal authority to utilize the process;

(ii) A department-approved facilities plan;

(iii) A report detailing the projected savings based on a cost and time-to-complete as compared to the traditional design-bid-construct process;

(g) The department may require that the public body obtain delegation authority consistent with chapter 90.48 RCW, Water pollution control, and assume the responsibility for sequential review and approval of plans, specifications, and change orders. The department will continue to make all eligibility determinations;

(h) Costs associated with change orders are not eligible for reimbursement;

(10) **Figure 2: Grant Hardship-Funding Continuum**

Sewer User Fee divided by MHI	Below 2.0%	2.0% and above, but Below 3.0%	3.0% and above, but below 5.0%	5.0% and above
<b>Hardship Designation</b>	<i>Nonhardship</i> (Low sewer user rates in relation to MHI) (Not funded with grant dollars)	<i>Moderate Hardship</i>	<i>Elevated Hardship</i>	<i>Severe Hardship</i> (Very high sewer user rates in relation to median household income (MHI))
<b>Grant Hardship-Funding Continuum</b>	<b>0% Grant</b>	<b>50% Grant</b> (up to five million dollars)	<b>75% Grant</b> (up to five million dollars)	<b>100% Grant</b> (up to five million dollars)

(11) **Figure 3: Loan Hardship-Funding Continuum**

Sewer User Fee divided by MHI	Below 2.0%	2.0% and above, but Below 3.0%	3.0% and above, but below 5.0%	5.0% and above
<b>Hardship Designation</b>	<i>Nonhardship</i> (Low sewer user rates in relation to MHI) (Not funded with grant dollars)	<i>Moderate Hardship</i>	<i>Elevated Hardship</i>	<i>Severe Hardship</i> (Very high sewer user rates in relation to median household income (MHI))
<b>Loan Hardship-Funding Continuum</b>	Loan at 60% of market rate	Loan at 40% of market rate	Loan at 20% of market rate	Loan at 0% interest

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-400, filed 6/29/07, effective 7/30/07.]

**WAC 173-95A-410 On-site septic system repair and replacement programs.** Applicants may apply for grant funding in conjunction with a state water pollution control revolving fund loan to establish or continue programs that provide hardship funding for on-site septic system repair and replacement for homeowners and small commercial enterprises. The ceiling amounts used for activities grants, cited in WAC 173-95A-520, also apply.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-410, filed 6/29/07, effective 7/30/07.]

**WAC 173-95A-420 Storm water projects.** (1) Storm water-related activities, such as education and outreach, monitoring, and some planning efforts, are not grant eligible when those activities are required under a permit, unless the applicant can demonstrate financial hardship.

(2) There are three primary factors in determining financial hardship for storm water projects:

- (a) Service area population;
- (b) Presence of a permit; and
- (c) Community's median household income (MHI).

(3) **Service area population, presence of permit, and median household income.** Applicants under a permit, whose service area population is less than twenty-five thousand, and whose median household income is sixty percent or

(i) Projects must be completed according to the timeline in WAC 173-95A-700 and 173-95A-710; and

(j) Before the loan agreement is signed, the following must be approved by the department:

- (i) Primary design elements;
- (ii) Final service agreements.

(9) **Extended grant payments.** In some cases, the legislature may appropriate extended grant payments per RCW 70.146.075.

less of the average statewide MHI, can request hardship-funding consideration.

(4) In rare cases where financial hardship cannot be determined using population and percent of median household income, the department will make financial hardship determinations on a case-by-case basis.

(a) The most recent available census data determines the statewide average median household income; and

(b) This data is updated yearly based on inflation rates as measured by the Federal Bureau of Labor Statistics and published as the *Consumer Price Index*.

(5) **Matching requirements, percent of grant, and grant ceiling amounts.** Storm water-hardship grants are fifty percent grants with a fifty percent cash-matching requirement.

The maximum amount available for a storm water-hardship grant is \$500,000.

For example:

When a grant applicant whose service area population is twenty-five thousand or less can demonstrate that its MHI is sixty percent or less of the average statewide MHI, the applicant may be eligible for a fifty percent grant, not to exceed five hundred thousand dollars.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-420, filed 6/29/07, effective 7/30/07.]

**PART 5  
REQUIREMENTS FOR MANAGING GRANTS AND  
LOANS**

**WAC 173-95A-500 Funding allocation.** There are two project categories in which the competitive funding is allocated: Activities and facilities.

(1) The scores derived from the application rating and ranking process will determine the allocation of the competitive funding;

(2) No more than two-thirds of the fund can go to either category;

(3) If the demand for funding is low in either category, then moneys may be shifted amongst categories; and

(4) The department will adjust the funding allocation based on the following:

(a) To provide match for other funding sources, such as the Clean Water Act section 319 nonpoint source fund or other funding programs; or

(b) To comply with funding restrictions in legislative appropriations.

For example:

If fifty percent of the competitive centennial program funding is comprised of state building construction account moneys, then fifty percent of the centennial program funding must be allocated to projects approved for that funding source.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-500, filed 6/29/07, effective 7/30/07.]

**WAC 173-95A-510 Funding recognition.** (1) The recipient must acknowledge department funding in reports, technical documents, publications, brochures, and other materials.

(2) Site-specific projects must display a sign acknowledging department funding. The sign must be large enough to be seen from nearby roadways, and include a department logo.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-510, filed 6/29/07, effective 7/30/07.]

**WAC 173-95A-520 Ceiling amounts.** (1) **Activities projects.** Grants for activities projects made under the centennial program are subject to ceiling amounts of:

(a) Five hundred thousand dollars if the match for the grant is in the form of cash and/or interlocal costs; or

(b) Two hundred fifty thousand dollars if any part of the match is in the form of in-kind goods and services; and

(c) Five hundred thousand dollars for activities project loans.

(2) **Facilities projects.** Loans are subject to ceiling amounts of five million dollars.

(3) **Hardship projects.** Grants for facilities construction projects are subject to ceiling amounts of five million dollars.

(4) **Partially funded projects.** If a project is offered partial funding due to the lack of available centennial moneys, and the recipient is demonstrating progress on the

project, the recipient may apply for the remaining eligible project costs in the subsequent funding cycle.

(5) **Water pollution control facilities construction bid overruns.**

(a) If the low responsive responsible construction bid(s) exceeds the engineer's estimate of construction costs, the department may approve funding increases for up to ten percent of the engineer's original estimate;

(b) The ceiling amounts in the year the project was offered funding and as established in WAC 173-95A-520 apply; and

(c) First priority for availability of moneys will be given to hardship communities based on the severity of financial need. For more information, see WAC 173-95A-400.

(6) **Water pollution control facilities construction change orders:**

(a) The department may approve funding for change orders for up to five percent of the eligible portion of the low responsive responsible construction bid(s);

(b) The ceiling amounts in the year the project was offered funding and as established in WAC 173-95A-520 apply; and

(c) First priority for availability of moneys will be given to hardship communities based on the severity of financial need. For more information on hardship, see WAC 173-95A-400.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-520, filed 6/29/07, effective 7/30/07.]

**WAC 173-95A-530 Match.** (1) Depending on the grant amount, match can consist of cash or interlocal and in-kind contributions that total twenty-five percent of the total eligible project cost.

(2) No match is required for loans under the centennial program.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-530, filed 6/29/07, effective 7/30/07.]

**WAC 173-95A-540 Step process for facilities.** (1) The step process is required for facilities construction projects. The process begins with site-specific planning, and continues through design to construction or implementation. At the time of application, all previous steps must be approved by the department. Draft documents must be sent to the department's engineers at least sixty days prior to end of application cycle for approval by end of application cycle. Funding for one step does not guarantee the future funding of subsequent steps.

(2) The step process includes the following:

(a) **Planning (step one):** Step one involves the preparation of a site-specific facilities plan that identifies the cost-effective alternatives for addressing a water pollution control problem. There is no prerequisite for planning. If there is an existing engineering report, it must be upgraded to a facilities plan;

(b) **Design (step two):** Step two includes the preparation of plans and specifications for use in construction. These must be based on the preferred cost-effective alternative identified in the facilities plan. Facilities plans must be approved by the department before an application for design can be considered for funding. Facilities plans approved by

the department more than two years prior to the close of the application period must contain evidence of recent review by the department to ensure the document reflects current conditions; and

(c) **Construction (step three):** Step three includes the actual building of facilities based on the approved design. Design must be approved by the department before an application for construction can be considered for funding.

(3) **Combined steps for smaller design-bid-construct projects (step four):** In some cases, design and construction may be combined into one loan. Step four applicants must demonstrate that step two (design) can be completed and approved by the department within one year of the effective date of the funding agreement. The total project costs for step four projects must be five million dollars or less.

(4) **Step deviations.** During the application phase of the funding cycle, the department may allow an applicant to deviate from the traditional step requirements if:

(a) The Washington state department of health has declared a public health emergency; and

(b) The proposed project would remedy this situation.

No loan agreement will be signed until all previous steps have been completed and approved by the department.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-540, filed 6/29/07, effective 7/30/07.]

**WAC 173-95A-550 Commercial, industrial, and institutional flows.** (1) The portion of a project designed to serve the needs of commercial, industrial, and institutional customers may be funded using loans only.

(2) Capacity to serve local public primary and secondary schools may be grant eligible if the applicant can demonstrate financial hardship according to WAC 173-95A-400.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-550, filed 6/29/07, effective 7/30/07.]

**WAC 173-95A-560 Step process for water pollution control activities.** The step process is required for lake projects and recommended for all activities projects.

(1) **Planning** involves the identification of problems and evaluation of cost-effective alternatives.

(2) **Implementation** is the actual implementation of the project based on the planning document. Where the project includes construction, a design element may be included before the implementation step.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-560, filed 6/29/07, effective 7/30/07.]

**WAC 173-95A-570 Performance measures and post-project assessment.** (1) The department may require a recipient to develop and implement a postproject assessment plan.

(2) A recipient may be required to participate in a post-project survey and interview regarding performance measures.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-570, filed 6/29/07, effective 7/30/07.]

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## PART 6 COMPLIANCE WITH OTHER LAWS, RULES, AND REQUIREMENTS

**WAC 173-95A-600 General requirements.** (1) Recipients must fully comply with all applicable federal, state, and local laws and regulations relating to topics such as procurement, discrimination, labor, job safety, drug-free environments, and minority and women owned businesses.

(2) Ongoing management of most aspects of loan projects is subject to the most recent edition of *Administrative Requirements for Ecology Grants and Loans*.

(3) Ongoing management of all aspects of loan projects is subject to the associated funding program guidelines.

(4) The applicant shall secure all necessary permits required by authorities having jurisdiction over the project. Copies must be available to the department upon request.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-600, filed 6/29/07, effective 7/30/07.]

### WAC 173-95A-610 The Growth Management Act.

(1) A local government not in compliance with the Growth Management Act may not receive loans or grants from the department, except, in limited circumstances, where a local government must address a public health need or substantial environmental degradation.

(2) For the purposes of this section, "compliance with the Growth Management Act" means that:

A county, city, or town that is required to or chooses to plan under RCW 36.70A.040 has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by chapter 36.70A RCW.

(3) For the purposes of this chapter, a public health need related to a loan or grant must be documented by a letter signed by the secretary of the Washington state department of health or his or her designee and addressed to the public official who signed the loan or grant application. "Public health need" means a situation where:

(a) There is a documented potential for:

(i) Contaminating a source of drinking water; or

(ii) Failure of existing wastewater system or systems resulting in contamination being present on the surface of the ground in such quantities and locations as to create a potential for public contact; or

(iii) Contamination of a commercial or recreational shellfish bed as to create a critical public health risk associated with consumption of the shellfish; or

(iv) Contamination of surface water so as to create a critical public health risk associated with recreational use; and

(b) The problem generally involves a serviceable area including, but not limited to, a subdivision, town, city, or county, or an area serviced by on-site sewage disposal systems; and

(c) The problem cannot be corrected through more efficient operation and maintenance of an existing wastewater disposal system or systems.

(4) For the purposes of this chapter, a substantial environmental degradation related to a loan or grant must be documented by a letter signed by the director and addressed to the public official who signed the loan or grant application. "Substantial environmental degradation" means that:

[Title 173 WAC—p. 215]

(a) There is a situation causing real, documented, critical environmental contamination that:

(i) Contributes to violations of the state's water quality standards; or

(ii) Interferes with beneficial uses of the waters of the state; and

(b) The problem generally involves a serviceable area including, but not limited to, a subdivision, town, city, or county, or an area serviced by on-site sewage disposal systems; and

(c) The problem cannot be corrected through more efficient operation and maintenance of an existing wastewater disposal system or systems.

(5) A county, city, or town that has been offered a loan or grant for a water pollution control facilities project may not receive loan or grant funding while the county, city, or town is not in compliance with the Growth Management Act unless:

(a) Documentation showing that a public health need has been provided by the Washington state department of health; or documentation showing that a substantial environmental degradation exists has been provided by the department; and

(b) The county, city, or town has provided documentation to the department that actions or measures are being implemented to address the public health need or substantial environmental degradation; and

(c) The department has determined that the project is designed to address only the public health need or substantial environmental degradation described in the documentation, and does not address unrelated needs including, but not limited to, provisions for additional growth.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-610, filed 6/29/07, effective 7/30/07.]

## PART 7 TIMELY USE OF CENTENNIAL PROGRAM MONEYS

**WAC 173-95A-700 Starting a project.** Costs incurred before a grant or loan agreement is effective are not eligible for reimbursement, unless prior authorization is granted by the department.

### (1) **Prior authorization to incur costs.**

(a) An applicant may request prior authorization to incur eligible project costs if the following applies:

(i) The project is identified on the "final offer and applicant list";

(ii) Costs are incurred between the publication date of the "final offer and applicant list" and when the funding agreement is signed by the water quality program manager or other schedules set in the prior authorization letter; and

(iii) The written request is made to the water quality program manager;

(b) The water quality program manager will send the applicant a letter approving or denying the prior authorization; and

(c) Any project costs incurred prior to the publication date of the "final offer and applicant list" are not eligible for reimbursement. All costs incurred before the agreement is signed by the water quality program manager are at the applicant's own risk.

[Title 173 WAC—p. 216]

(2) **Project initiation.** Grant or loan moneys must be spent in a timely fashion. The recipient must consistently meet the performance measures agreed to in the grant or loan agreement. These performance measures include, but are not limited to, the following:

(a) Work on a project must be started within sixteen months of the publication date of the "final offer and applicant list" on which the project was proposed.

(b) Starting a project means making any measurable steps toward achieving the milestones, objectives, and overall goals of the project.

(c) Loan and grant offers identified on the "final offer and applicant list" will be effective for up to one year from the publication date of the "final offer and applicant list." Loan and grant offers that do not result in a signed agreement are automatically terminated, see WAC 173-95A-320 Final offer and applicant list.

(3) **Project initiation extension.** Certain circumstances may allow a time extension of no more than twelve months for starting a project. For example:

(a) Schedules included in water quality permits, consent decrees, or enforcement orders; or

(b) There is a need to do work during an environmental window in a specific season of the year.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-700, filed 6/29/07, effective 7/30/07.]

**WAC 173-95A-710 Finishing a project.** Costs incurred after the project completion or expiration dates are not eligible for reimbursement.

### (1) **Project completion.**

(a) Work on a project must be completed within five years of the publication date of the "final offer and applicant list" on which the project was proposed. A shorter time period may be specified in the grant or loan agreement; and

(b) Completing a project means fulfilling all milestones and objectives associated with the goals of the grant or loan agreement.

### (2) **Project completion extension.**

(a) After the five-year limit is reached, a time extension of no more than twelve months may be made under certain circumstances, including but not limited to:

(i) Schedules included in water quality permits, consent decrees, or enforcement orders; or

(ii) There is a need to do work during an environmental window in a specific season of the year; and

(b) To ensure timely processing, the time extension request must be made prior to the completion or expiration date of the loan or grant agreement.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-710, filed 6/29/07, effective 7/30/07.]

## PART 8 GENERAL ADMINISTRATIVE PROVISIONS

**WAC 173-95A-800 Accounting requirements for grant and loan recipients.** (1) Recipients must maintain accounting records in accordance with RCW 43.09.200, Local government accounting—Uniform system of accounting. For example, charges must be properly supported,

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related to eligible costs, and documented by appropriate records. These records must be maintained separately.

(2) Accounting irregularities may result in an immediate payment hold. The director may require immediate repayment of misused loan or grant moneys.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-800, filed 6/29/07, effective 7/30/07.]

**WAC 173-95A-810 Appealing a department decision.** If a dispute arises concerning eligibility decisions made by the department within the context of a loan agreement, the decision may be appealed. A lawsuit cannot be brought to superior court unless the aggrieved party follows these procedures, which are intended to encourage the informal resolution of disputes consistent with RCW 34.05.060.

(1) First, the recipient may seek review of the financial assistance program's initial decision within thirty days of the decision by a written appeal to the water quality program manager. The program manager will consider the appeal information and may choose to discuss the matter by telephone or in person;

(2) The program manager will issue a written decision within thirty days from the time the appeal is received;

(3) If the recipient is not satisfied with the program manager's decision, the recipient may request review of the decision within thirty days to the deputy director;

(4) The deputy director will consider the appeal information, and may choose to discuss the matter by telephone or in person. The deputy director will issue a written decision within thirty days from the time the appeal is received, and that decision will be the final decision of the department;

(5) If the recipient is not satisfied with the deputy director's final decision, the recipient may appeal to the Thurston County superior court, pursuant to RCW 34.05.570(4), which pertains to the review of "other agency action"; and

(6) Unless all parties to such appeal agree that a different time frame is appropriate, the parties shall attempt to bring the matter for a superior court determination within four months of the date in which the administrative record is filed with the court. This time frame is to ensure minimal disruption to the program.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-810, filed 6/29/07, effective 7/30/07.]

**WAC 173-95A-820 Audit requirements for grant and loan recipients.** The department, or at the department's discretion another authorized auditor, will audit the grant or loan agreement and records.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-95A-820, filed 6/29/07, effective 7/30/07.]

**Chapter 173-98 WAC**

**USES AND LIMITATIONS OF THE WATER POLLUTION CONTROL REVOLVING FUND**

**WAC**

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**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

173-98-050	What are the limitations on the use of funds and how are the funds categorized? [Statutory Authority: Chapter 90.50A RCW. 01-01-043 (Order 00-11), § 173-98-050, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-050, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-050,
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- filed 8/29/89, effective 9/29/89.] Repealed by 07-14-096 (Order 05-16), filed 6/29/07, effective 7/30/07. Statutory Authority: RCW 90.48.035.
- 173-98-060 What is the step process for planning facilities and activities projects? [Statutory Authority: Chapter 90.50A RCW. 01-01-043 (Order 00-11), § 173-98-060, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-060, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-060, filed 8/29/89, effective 9/29/89.] Repealed by 07-14-096 (Order 05-16), filed 6/29/07, effective 7/30/07. Statutory Authority: RCW 90.48.035.
- 173-98-070 What other laws, regulations, or requirements must recipients comply with? [Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-070, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-070, filed 8/29/89, effective 9/29/89.] Repealed by 07-14-096 (Order 05-16), filed 6/29/07, effective 7/30/07. Statutory Authority: RCW 90.48.035.
- 173-98-075 How does the Growth Management Act impact the use of funds? [Statutory Authority: Chapter 90.50A RCW. 01-01-043 (Order 00-11), § 173-98-075, filed 12/8/00, effective 1/8/01.] Repealed by 07-14-096 (Order 05-16), filed 6/29/07, effective 7/30/07. Statutory Authority: RCW 90.48.035.
- 173-98-080 Indemnification. [Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-080, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-080, filed 8/29/89, effective 9/29/89.] Repealed by 07-14-096 (Order 05-16), filed 6/29/07, effective 7/30/07. Statutory Authority: RCW 90.48.035.
- 173-98-090 How are loans managed? [Statutory Authority: Chapter 90.50A RCW. 01-01-043 (Order 00-11), § 173-98-090, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-090, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-090, filed 8/29/89, effective 9/29/89.] Repealed by 07-14-096 (Order 05-16), filed 6/29/07, effective 7/30/07. Statutory Authority: RCW 90.48.035.
- 173-98-120 General provisions. [Statutory Authority: Chapter 90.50A RCW. 01-01-043 (Order 00-11), § 173-98-120, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-120, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-120, filed 8/29/89, effective 9/29/89.] Repealed by 07-14-096 (Order 05-16), filed 6/29/07, effective 7/30/07. Statutory Authority: RCW 90.48.035.

**WAC 173-98-010 Purpose.** The purpose of this chapter is to set forth requirements for the department of ecology's administration of the Washington state water pollution control revolving fund, as authorized by chapter 90.50A RCW, water pollution control facilities financing. This fund is primarily comprised of federal capitalization grants, state matching moneys, and principal and interest repayments. It is used to provide loan assistance to public bodies for statewide, high-priority water quality projects that are consistent with the Clean Water Act, 33 U.S.C. 1251-1387.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-010, filed 6/29/07, effective 7/30/07. Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-010, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-010, filed 8/29/89, effective 9/29/89.]

**WAC 173-98-020 Integrated funding approach.** (1) Where possible, the Washington state department of ecology

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combines the management of the Washington state water pollution control revolving fund with other funding programs, such as the centennial clean water program, and the federal Clean Water Act section 319 nonpoint source fund.

(2) The integrated funding process includes a combined funding cycle, program guidelines, funding offer and applicant list, and statewide funding workshops.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-020, filed 6/29/07, effective 7/30/07. Statutory Authority: Chapter 90.50A RCW. 01-01-043 (Order 00-11), § 173-98-020, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-020, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-020, filed 8/29/89, effective 9/29/89.]

**WAC 173-98-030 Definitions.** For the purposes of this chapter:

(1) **Act** means the federal Clean Water Act (33 U.S.C. 1251-1387).

(2) **Activities** see water pollution control activities.

(3) **Annual debt service** means the amount of debt the applicant is obligated to pay on the loan in one year.

(4) **Applicant** means a public body that has applied for funding.

(5) **Best management practices (BMP)** means physical, structural, and/or managerial practices approved by the department that prevent or reduce pollutant discharges.

(6) **Ceiling amount** means the highest level of financial assistance the department can provide to a recipient for an individual project.

(7) **Commercial, industrial, and institutional flows** mean the portion of the total flows to a facility that originate from commercial establishments, industrial facilities, or institutional sources such as schools, hospitals, and prisons.

(8) **Competitive funding** means moneys available for projects through a statewide evaluation process.

(9) **Completion date** or **expiration date** means the date indicated in the funding agreement in which all milestones and objectives associated with the goals of the project are met.

(10) **Concentrated animal feeding operation (CAFO)** means:

(a) An animal livestock feeding operation that discharges animal waste to the waters of Washington state more frequently than the twenty-five-year, twenty-four-hour storm event;

(b) An operation that is under a department administrative order, notice of violation, a National Pollution Discharge Elimination System permit;

(c) An operation that will be required to have a National Pollution Discharge Elimination System permit coverage in the near future; or

(d) An operation designated by the Environmental Protection Agency as polluting the waters of Washington state.

(11) **Conservation easement** means a recorded legal agreement between a landowner and a public body to allow or restrict certain activities and uses that may take place on his or her property.

(12) **Conservation plan** means a document that outlines how a project site will be managed using best management practices to avoid potential negative environmental impacts.

(13) **Construction** means to erect, install, expand, or improve water pollution control facilities or activities. Construction includes construction phase engineering and preparation of the operation and maintenance manual.

(14) **Cost-effective alternative** means the option selected in an approved facilities plan that meets the requirements of the project, recognizes environmental and other nonmonetary impacts, and offers the lowest cost over the life of the project (i.e., lowest present worth or equivalent annual value).

(15) **Department** means the Washington state department of ecology.

(16) **Design** means the preparation of the plans and specifications used for construction of water pollution control facilities or activities.

(17) **Director** means the director of the Washington state department of ecology or his or her authorized designee.

(18) **Draft offer and applicant list** means a catalog of all projects considered and proposed for funding based on an evaluation and the appropriations in the Washington state capital budget.

(19) **Easement** means a recorded legal agreement between a public body and a landowner that allows the public body to have access to the landowner's property at any time to inspect, maintain, or repair loan-funded activities or facilities.

(20) **Effective date** means the date the loan agreement is signed by the department's water quality program manager.

(21) **Eligible cost** means the portion of the facilities or activities project that can be funded.

(22) **Enforcement order** means an administrative requirement issued by the department under the authority of RCW 90.48.120 that directs a public body to complete a specified course of action within an explicit period to achieve compliance with the provisions of chapter 90.48 RCW.

(23) **Engineering report** means a document that includes an evaluation of engineering and other alternatives that meet the requirements in chapter 173-240 WAC, Submission of plans and reports for construction of wastewater facilities.

(24) **Environmental degradation** means the reduced capacity of the environment to meet social and ecological objectives and needs.

(25) **Environmental emergency** means a problem that a public body and the department agree poses a serious, immediate threat to the environment or to the health or safety of a community and requires immediate corrective action.

(26) **Estimated construction cost** means the expected amount for labor, materials, equipment, and other related work necessary to construct the proposed project.

(27) **Existing need** means water pollution control facility's capacity reserved for all users, at the time of application, in order to meet the requirements of the water quality based effluent limitations in the associated National Pollution Discharge Elimination System or state waste discharge permit.

(28) **Existing residential need** means water pollution control facility's capacity reserved for the residential population, at the time of application, in order to meet the water quality based effluent limitations in the associated National Pollution Discharge Elimination System or state waste discharge permit.

(29) **Facilities** see water pollution control facility.

(30) **Facilities plan** means an engineering report that includes all the elements required by the state environmental review process (SERP), National Environmental Policy Act (NEPA) as appropriate, other federal statutes, and planning requirements under chapter 173-240 WAC, Submission of plans and reports for construction of wastewater facilities.

(31) **Federal capitalization grant** means a federal grant awarded by the U.S. Environmental Protection Agency (EPA) to the state to help expand the state water pollution control revolving fund.

(32) **Final offer and applicant list** means a catalog of all projects considered and proposed for funding and those offered funding.

(33) **Force account** means loan project work performed using labor, materials, or equipment of a public body.

(34) **Funding category** see "water pollution control activities funding category" and "water pollution control facilities funding category."

(35) **Funding cycle** means the events related to the competitive process used to allocate moneys from the Washington state water pollution control revolving fund, centennial clean water program, and the Clean Water Act section 319 nonpoint source fund for a state fiscal year.

(36) **General obligation debt** means an obligation of the recipient secured by annual ad valorem taxes levied by the recipient and by the full faith, credit, and resources of the recipient.

(37) **Indirect cost** means costs that benefit more than one activity of the recipient and not directly assigned to a particular project objective.

(38) **Infiltration and inflow** means water, other than wastewater, that enters a sewer system.

(39) **Infiltration and inflow correction** means the cost-effective alternative or alternatives and the associated corrective actions identified in an approved facilities plan or engineering report for eliminating or reducing the infiltration and inflow to existing sewer system.

(40) **Initiation of operation** means the actual date the recipient begins using, or could begin using, the facilities for its intended purpose. This date may occur prior to final inspection or project completion.

(41) **Intended use plan (IUP)** means a document identifying the types of projects proposed and the amount of all money available for financial assistance from the water pollution control revolving fund for a fiscal year as described in section 606(c) of the act.

(42) **Landowner agreement** means a written arrangement between a public body and a landowner that allows the public body to have access to the property to inspect project-related components.

(43) **Loan agreement** means a contractual arrangement between a public body and the department that involves a disbursement of moneys that must be repaid.

(44) **Loan default** means failure to make a loan repayment to the department within sixty days after the payment was due.

(45) **Nonpoint source water pollution** means pollution that enters any waters from widespread water-based or land-use activities. Nonpoint source water pollution includes, but is not limited to atmospheric deposition; surface water runoff

from agricultural lands, urban areas, and forest lands; subsurface or underground sources; and discharges from some boats or other marine vessels.

(46) **Perpetuity** means the point at which the water pollution control revolving fund is earning at least fifty percent of the market rate for tax-exempt municipal bonds on its loan portfolio.

(47) **Plans and specifications** means the construction contract documents and supporting engineering documents prepared in sufficient detail to allow contractors to bid on and construct water pollution control facilities. "Plans and specifications" and "design" may be used interchangeably.

(48) **Preliminary project priority list** means a catalog of all projects considered for funding based on the governor's budget and submitted to the Washington state legislature for its consideration during budget development.

(49) **Project** means a water quality improvement effort funded with a grant or loan.

(50) **Project completion or expiration** means the date indicated in the funding agreement in which all milestones and objectives associated with the goals are met.

(51) **Public body** means a state of Washington county, city or town, conservation district, other political subdivision, municipal corporation, quasi-municipal corporation, those Indian tribes recognized by the federal government, or institutions of higher education when the proposed project is not part of the school's statutory responsibility.

(52) **Public health emergency** means a situation declared by the Washington state department of health in which illness or exposure known to cause illness is occurring or is imminent.

(53) **Recipient** means a public body that has an effective loan agreement with the department.

(54) **Reserve account** means an account created by the recipient to secure the payment of the principal and interest on the water pollution control revolving fund loan.

(55) **Revenue-secured debt** means an obligation of the recipient secured by a pledge of the revenue of a utility.

(56) **Revolving fund** means the water pollution control revolving fund.

(57) **Riparian buffer or zone** means a swath of vegetation along a channel bank that provides protection from the erosive forces of water along the channel margins and external nonpoint sources of pollution.

(58) **Scope of work** means a detailed description of project tasks, milestones, and measurable objectives.

(59) **Senior lien obligations** means all revenue bonds and other obligations of the recipient outstanding on the date of execution of a loan agreement (or subsequently issued on a parity therewith, including refunding obligations) or issued after the date of execution of a loan agreement having a claim or lien on the gross revenue of the utility prior and superior to the claim or lien of the loan, subject only to maintenance and operation expense.

(60) **Service area population** means the number of people served in the area of the project.

(61) **Severe public health hazard** means a situation declared by the Washington state department of health in which the potential for illness exists, but illness is not occurring or imminent.

(62) **Sewer** means the pipe and related pump stations located on public property, or on public rights of way and easements that convey wastewater from buildings.

(63) **Side sewer** means a sanitary sewer service extension from the point five feet outside the building foundation to the publicly owned collection sewer.

(64) **State environmental review process (SERP)** means the National Environmental Policy Act (NEPA)-like environmental review process adopted to comply with the requirements of the Environmental Protection Agency's Code of Regulations (40 CFR § 35.3140). SERP combines the State Environmental Policy Act (SEPA) review with additional elements to comply with federal requirements.

(65) **Total eligible project cost** means the sum of all expenses associated with a water quality project that are eligible for funding.

(66) **Total project cost** means the sum of all expenses associated with a water quality project.

(67) **Water pollution** means contamination or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters; or any discharge of a liquid, gas, solid, radioactive substance, or other substance into any waters of the state that creates a nuisance or renders such waters harmful, detrimental, or injurious to the public, to beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(68) **Water pollution control activities or activities** means actions taken by a public body for the following purposes:

(a) To prevent or mitigate pollution of underground water;

(b) To control nonpoint sources of water pollution;

(c) To restore the water quality of freshwater lakes; and

(d) To maintain or improve water quality through the use of water pollution control facilities or other means.

(69) **Water pollution control activities funding category** means that portion of the water pollution control revolving fund dedicated to nonpoint source pollution projects.

(70) **Water pollution control facility or facilities** means any facilities or systems for the control, collection, storage, treatment, disposal, or recycling of wastewater, including, but not limited to, sanitary sewage, storm water, residential, commercial, industrial, and agricultural wastes. Facilities include all necessary equipment, utilities, structures, real property, and interests in and improvements on real property.

(71) **Water pollution control facilities funding category** means that portion of the water pollution control revolving fund dedicated to facilities projects.

(72) **Water pollution control revolving fund** (revolving fund) means the water pollution control revolving fund established by RCW 90.50A.020.

(73) **Water resource inventory area (WRIA)** means one of the watersheds in the state of Washington, each composed of the drainage areas of a stream or streams, as established in the Water Resources Management Act of 1971 (chapter 173-500 WAC).

[Statutory Authority: RCW 90.48.035, 07-14-096 (Order 05-16), § 173-98-030, filed 6/29/07, effective 7/30/07. Statutory Authority: Chapter 90.50A RCW, 01-01-043 (Order 00-11), § 173-98-030, filed 12/8/00, effective

1/8/01; 00-09-010 (Order 00-02), § 173-98-030, filed 4/7/00, effective 5/8/00. Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-030, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-030, filed 8/29/89, effective 9/29/89.]

**WAC 173-98-040 Water pollution control revolving fund (revolving fund) uses.** The revolving fund may be used for the following purposes:

- (1) To provide loans to finance the planning, design, and/or construction of water pollution control facilities;
- (2) To provide loans for nonpoint source pollution control management projects that implement the Washington's water quality management plan to control nonpoint sources of pollution, and for developing and implementing a conservation and management plan under section 320 of the act;
- (3) To provide loans for up to twenty years reserve capacity for water pollution control facilities;
- (4) To buy or refinance the debt obligations incurred by applicants after March 7, 1985, for the construction of water pollution control facilities;
- (5) To guarantee or purchase insurance for local obligations to improve credit market access or reduce interest rates;
- (6) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the state if the proceeds of those bonds will be deposited in the revolving fund; and
- (7) To finance administration costs incurred by the department as authorized by the act and chapter 90.50A RCW.

[Statutory Authority: RCW 90.48.035, 07-14-096 (Order 05-16), § 173-98-040, filed 6/29/07, effective 7/30/07. Statutory Authority: Chapter 90.50A RCW. 01-01-043 (Order 00-11), § 173-98-040, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-040, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-040, filed 8/29/89, effective 9/29/89.]

## PART 1 ELIGIBLE PROJECT TYPE

**WAC 173-98-100 Eligible.** Certain projects or project elements, including, but not limited to the following, may be eligible for loan assistance:

- (1) **Aquatic plant control** when the water quality degradation is due to the presence of aquatic plants, and the source(s) of pollution is addressed sufficiently to ensure that the pollution is eliminated;
- (2) **BMP implementation** on private property:
  - (a) Best management practices that consist of new, innovative, or alternative technology not yet demonstrated in the department's region in which it is proposed;
  - (b) Best management practices in the riparian buffer or zone, such as revegetation or fence construction and where a conservation easement or landowner agreement is granted by the landowner; and
  - (c) Other water quality best management practices that are evaluated and approved by the department on a case-by-case basis, and where a conservation easement or landowner agreement is granted by the landowner.
- (3) **BMP implementation** on public property;

(4) **Capacity for growth.** Loans for up to twenty years capacity for water pollution control facilities. Capacity in excess of the twenty year design capacity are not eligible;

(5) **Computer equipment and software** specific to the funded project and preapproved by the department;

(6) **Confined animal feeding operations (CAFO)** water pollution control projects located in federally designated national estuaries;

(7) **Conservation planning;**

(8) **Design-build or design-build-operate** (alternative contracting/service agreements) for water pollution control facilities and other alternative public works contracting procedures;

(9) **Diagnostic studies** to assess current water quality;

(10) **Education and outreach** efforts for the public;

(11) **Environmental checklists**, assessments, and impact statements necessary to satisfy requirements for the SEPA, the NEPA, and the SERP;

(12) **Equipment and tools** as identified in a loan agreement;

(13) **Facilities** for the control, storage, treatment, conveyance, disposal, or recycling of domestic wastewater and storm water for residential, and/or a combination of residential, commercial, institutional and industrial:

(a) **Planning:**

(i) **Comprehensive sewer planning**, including wastewater elements of capital facilities planning under the growth management act;

(ii) **Storm water planning;**

(iii) **Facilities planning** for water pollution control facilities;

(b) **Design** preparation of plans and specifications for water pollution control facilities;

(c) **Construction of:**

(i) Facilities for the control, storage, treatment, conveyance, disposal, or recycling of domestic wastewater and storm water;

(ii) Combined sewer overflow abatement;

(iii) Facilities to meet existing needs plus twenty years for growth;

(iv) Side sewers or individual pump stations or other appurtenances on private residential property if solving a nonpoint source pollution problem, such as failing on-site septic systems;

(v) Side sewers existing on public property or private property (with an easement) to correct infiltration and inflow and replace existing water pollution control facilities; and

(vi) New sewer systems to eliminate failing or failed on-site septic systems;

(d) **Value engineering** for water pollution control facilities;

(e) **Design or construction** costs associated with design-build or design-build-operate contracts.

(14) **Ground water protection activities** such as well-head protection and critical aquifer recharge area protection;

(15) **Hardship assistance** for wastewater treatment facilities construction, storm water, and on-site septic system repair and replacement;

(16) **Indirect costs** as defined in the most recently updated edition of *Administrative Requirements for Ecology Grants and Loans* (publication #91-18);

- (17) **Lake implementation and associated planning activities** on lakes with public access;
- (18) **Land acquisition:**
  - (a) As an integral part of the treatment process (e.g., land application); or
  - (b) For wetland habitat preservation;
- (19) **Landscaping for erosion control** directly related to a project, or site-specific landscaping in order to mitigate site conditions and comply with requirements in the SERP;
- (20) **Legal expenses** will be determined on a case-by-case basis, such as development of local ordinances, use of a bond counsel, review of technical documents;
- (21) **Light refreshments** for meetings when preapproved by the department;
- (22) **Monitoring BMP effectiveness;**
- (23) **Monitoring equipment** used for water quality assessment;
- (24) **Monitoring water quality;**
- (25) **Model ordinances** development and dissemination of model ordinances to prevent or reduce pollution from non-point sources;
- (26) **On-site septic systems:**
  - (a) **On-site septic system repair and replacement** for residential and small commercial systems;
  - (b) **On-site wastewater** system surveys;
  - (c) **Local loan fund** program development and implementation;
- (27) **Planning** comprehensive basin, watershed, and area-wide water quality development;
- (28) **Refinancing** of water pollution control facility debt;
- (29) **Riparian and wetlands habitat restoration** and enhancement, including revegetation;
- (30) **Sales tax;**
- (31) **Spare parts** initial set of spare parts for equipment that is critical for a facility to operate in compliance with discharge permit requirements;
- (32) **Stream restoration projects;**
- (33) **Total maximum daily load study** development and implementation;
- (34) **Training** to develop specific skills that are necessary to directly satisfy the funding agreement scope of work. Training, conference registration or annual meeting fees must be preapproved by the department;
- (35) **Transferring ownership** of a small wastewater system to a public body;
- (36) **Wastewater or storm water utility development;**
- (37) **Wastewater or storm water utility rate** or development impact fee studies;
- (38) **Water quality education** and stewardship programs.

[Statutory Authority: RCW 90.48.035, 07-14-096 (Order 05-16), § 173-98-100, filed 6/29/07, effective 7/30/07. Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW, 98-24-036 (Order 98-10), § 173-98-100, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW, 89-18-019 (Order 89-34), § 173-98-100, filed 8/29/89, effective 9/29/89.]

**WAC 173-98-110 Noneligible.** Certain projects or project elements, including but not limited to the following are not eligible for loan assistance:

- (1) **Abandonment** or demolition of existing structures not interfering with proposed construction of a wastewater or storm water treatment facility;
- (2) **Acts of nature** that alter the natural environment, thereby causing water quality problems;
- (3) **Aquatic plant control** for aesthetic reasons, navigational improvements, or other purposes unrelated to water quality;
- (4) **Bond costs** for debt issuance;
- (5) **Bonus or acceleration payments** to contractors to meet contractual completion dates for construction;
- (6) **Commercial, institutional or industrial** wastewater pollution control activities or facilities or portions of those facilities that are solely intended to control, transport, treat, dispose, or otherwise manage wastewater;
- (7) **Commercial, institutional or industrial** monitoring equipment for sampling and analysis of discharges from municipal water pollution control facilities;
- (8) **Commercial, institutional or industrial** wastewater pretreatment;
- (9) **Compensation** or damages for any claim or injury of any kind arising out of the project, including any personal injury, damage to any kind of real or personal property, or any kind of contractual damages, whether direct, indirect, or consequential;
- (10) **Cost-plus-a-percentage-of-cost contracts** (also known as multiplier contracts), time and materials contracts, and percent-of-construction contracts in facilities projects;
- (11) **Engineering reports;**
- (12) **Fines and penalties** due to violations of or failure to comply with federal, state, or local laws;
- (13) **Flood control**, projects or project elements intended solely for flood control;
- (14) **Funding application preparation** for loans or grants;
- (15) **Interest** on bonds, interim financing, and associated costs to finance projects;
- (16) **Landscaping** for aesthetic reasons;
- (17) **Legal expenses** associated with claims and litigation;
- (18) **Lobbying** or expenses associated with lobbying;
- (19) **Mitigation** unless it addresses water quality impacts directly related to the project, and determined on a case-by-case basis;
- (20) **Office furniture** not included in the recipient's indirect rate;
- (21) **Operating expenses** of local government, such as the salaries and expenses of a mayor, city council member, city attorney, etc.;
- (22) **Operation and maintenance** costs;
- (23) **Overtime** differential paid to employees of public body to complete administrative or force account work;
- (24) **Permit fees;**
- (25) **Personal injury compensation** or damages arising out of the project, whether determined by adjudication, arbitration, negotiation, or other means;
- (26) **Professional dues;**
- (27) **Reclamation** of abandoned mines;
- (28) **Refinancing** of existing debt;
- (29) **Solid or hazardous waste cleanup;**

(30) **Vehicle purchase** except for vehicles intended for the transportation of liquid, dewatered sludge, septage, or special purpose vehicles as approved by the department; and

(31) **Water quantity** or other water resource projects that solely address water quantity issues.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-110, filed 6/29/07, effective 7/30/07. Statutory Authority: Chapter 90.50A RCW. 01-01-043 (Order 00-11), § 173-98-110, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-110, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-110, filed 8/29/89, effective 9/29/89.]

**PART 2  
HOW TO APPLY FOR FUNDING**

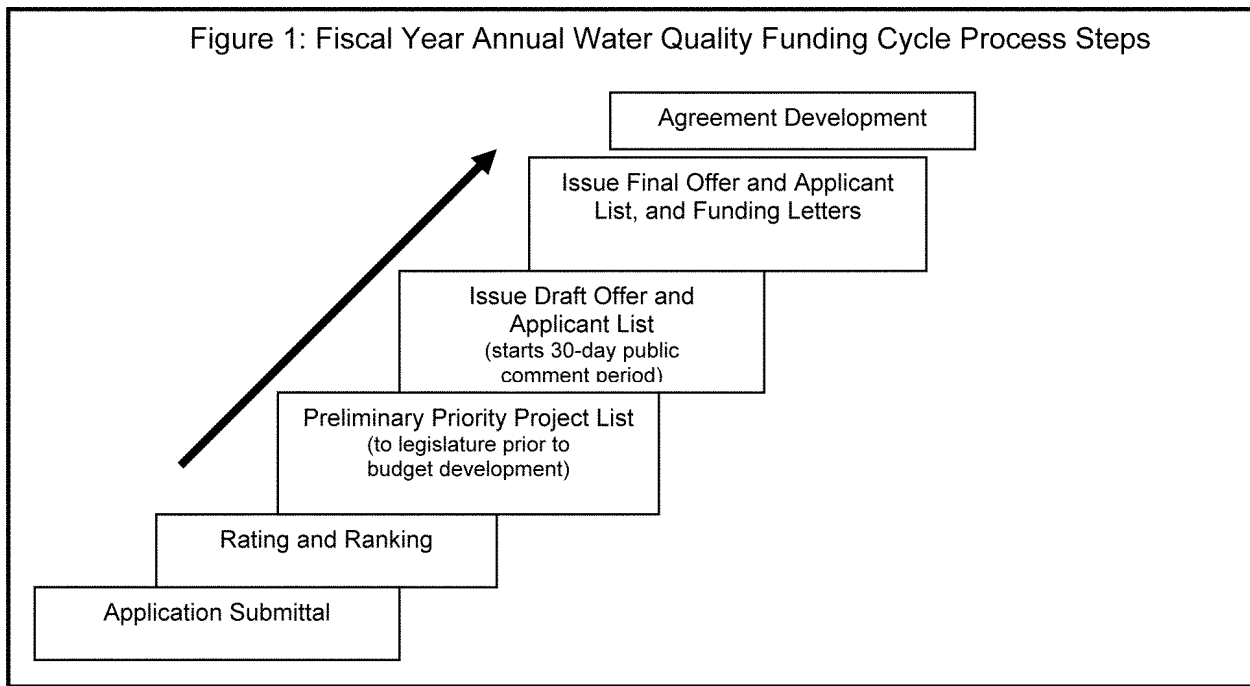
**WAC 173-98-200 Application for funding.** (1) To apply for funding the applicant must submit a completed application to the department. The department will provide the application on the agency web site.

(2) The applicant may be asked to provide the following project information:

- (a) Basic information such as names of contacts, addresses, and other tracking information;
- (b) Project summary;
- (c) Project goals, objectives, and milestones;
- (d) Overall water quality benefits;
- (e) Public health benefits;
- (f) Sources of pollution addressed;
- (g) How the project will address state and federal mandates, elements in "Washington's water quality plan to control nonpoint sources of pollution," or other such plans;
- (h) Performance measures and postproject assessment monitoring;
- (i) Readiness to proceed, likelihood of success, and measures of success specific to the project;
- (j) Local initiatives, commitments, or priorities related to the project; or
- (k) Other information requested by the department.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-200, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-210 Ecology's responsibilities.** (1) A general funding cycle schedule is provided in figure 1.



(2) Ecology will provide the following services:

- (a) Make available the application and applicable guidelines before the associated funding cycle begins;
- (b) Conduct at least one application workshop in each of ecology's four regions;
- (c) Conduct preapplication workshops to discuss regional level priorities if applicable;
- (d) After the application deadline, complete an initial review of project proposals for funding eligibility;
- (e) Request other agencies to provide evaluation assistance as needed;
- (f) Rate and rank the applications using a consistent scoring system;

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- (g) Prepare a combined preliminary project priority list, after evaluation and scoring of all applications;
- (h) Submit preliminary project priority list to the state legislature for budget consideration;
- (i) Develop a combined draft offer and applicant list and a draft revolving fund IUP;
- (j) Facilitate a public review and comment period for the combined draft offer and applicant list and revolving fund IUP;
- (k) Sponsor at least one public meeting to explain the combined draft offer and applicant list and the revolving fund IUP;
- (l) Develop a combined "final offer and applicant list" and a final revolving fund IUP. Public comments collected

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during draft public review period will be incorporated and result in a responsiveness summary;

- (m) Issue funding decision letters to all applicants; and
- (n) Negotiate, develop, and finalize loan agreements.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-210, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-220 Final offer and applicant list.** Loan offers identified on the "final offer and applicant list" will be effective for up to one year from the publication date of the "final offer and applicant list." Loan offers that do not result in a signed agreement are automatically terminated.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-220, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-230 Revolving fund intended use plan (IUP).** (1) As required by the EPA, the department issues an IUP for each funding cycle.

(2) The IUP is issued in conjunction with the "final offer and applicant list."

(3) It contains a detailed report of how the department expects to allocate moneys available in the current funding cycle.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-230, filed 6/29/07, effective 7/30/07.]

### PART 3 FINANCIAL HARDSHIP ASSISTANCE

**WAC 173-98-300 Wastewater treatment facilities construction.** (1) There are three primary factors considered in determining hardship funding for the construction portion of wastewater treatment facilities projects:

- (a) Service area population;
- (b) Existing residential need at the time of application; and

(c) Level of financial burden placed on the ratepayers.

(2) **Service area population.** Applicants with a service area population of twenty-five thousand or less can request hardship-funding consideration by submitting a financial hardship analysis form along with the funding application. If the service area population is different from the population of the applicant, the applicant must show that the hardship assistance is solely used to benefit the population of the service area.

(3) **Existing residential need.** The applicant and the department calculate the water pollution control facilities construction costs that are associated with existing residential need at the time of application.

(4) **Level of financial burden.**

(a) Financial burden for the sewer ratepayer is determined by calculating the residential sewer user fee as a percent of the median household income (MHI). The residential sewer user fee is calculated using the construction cost estimates including:

- (i) Estimated construction cost;
- (ii) Existing annual operation and maintenance costs;
- (iii) Discounted, existing annual operation and maintenance costs as a result of constructing the project;
- (iv) Projected future annual operation and maintenance costs for the total facility;

(v) The applicant's current and future annual debt service on the project;

(vi) The revolving fund annual debt service for the funded project;

(vii) Other grants;

(viii) The applicant's level of debt for other wastewater facilities not associated with the project;

(ix) The total number of households existing at the time of application that will be served by the project;

(x) The nonresidential share of the total annual costs is deducted; and

(xi) Median household income;

(b) The sewer user fee as a percentage of MHI is the basis for the department's loan hardship-funding continuum shown in figure 2;

(c) The most recent available census data determines the median household income. This data is updated yearly based on inflation rates as measured by the federal Bureau of Labor Statistics and published as the *Consumer Price Index*; and

(d) If median household income data are not available for a community or if the community disputes the data used by the department, the department may allow an applicant to conduct a scientific survey to determine the median household income.

(5) **Loan terms and interest rates.** The department uses the loan hardship-funding continuum to determine the hardship-loan interest rates. Not more than fifty percent of the funding category can be awarded to any one applicant per funding cycle. In addition to a reduced interest rate, the applicant may receive longer loan repayment terms, not to exceed twenty years.

For example:

Assuming that the average market rate for tax-exempt municipal bonds is five percent, the following would apply.

When an applicant with a service area population of twenty-five thousand or less can demonstrate that its sewer user rates for the proposed project are between three and five percent of the median household income, the applicant may be eligible for a twenty-year repayment term and a one percent interest rate. This interest rate represents twenty percent of the average market rate for tax-exempt municipal bonds (see figure 2).



(6) Figure 2. Loan Hardship-Funding Continuum

Sewer User Fee divided by MHI	Below 2.0%	2.0% and above, but Below 3.0%	3.0% and above, but below 5.0%	5.0% and above
<b>Hardship Designation</b>	<i>Nonhardship</i> (Low sewer user rates in relation to MHI) (Not funded with grant dollars)	<i>Moderate Hardship</i>	<i>Elevated Hardship</i>	<i>Severe Hardship</i> (Very high sewer user rates in relation to median household income (MHI))
<b>Loan Hardship-Funding Continuum</b>	Loan at 60% of market rate	Loan at 40% of market rate	Loan at 20% of market rate	Loan at 0% interest

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-300, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-310 On-site septic system repair and replacement programs.** (1) Applicants may apply for a revolving fund loan to establish or continue programs that provide funding for on-site septic repair and replacement for homeowners and small commercial enterprises.

(2) **Final loan blended interest rate.** The department may adjust the recipient's interest rates based on the interest rates that the recipient charged to homeowners and small commercial enterprises. To receive the adjusted interest rate, the recipient must issue loans shown in figure 3.

(3) Figure 3 shows the interest rate schedule for loans targeted to homeowners at three levels of county median household income. For information on how the market rate is determined, see WAC 173-98-400.

Figure 3.

Homeowner Income is:	20-Year Term	5-Year Term	Hardship Level
Above 80% county MHI	60% of MR	30% of MR	Nonhardship
50 - 80% county MHI	30% of MR	Up to 15% of MR	Moderate
Below 50% county MHI	Up to 15% of MR	0%	Severe

Figure 4.

Figure 4 shows the interest rate schedules for loans targeted to small commercial enterprises at three levels of annual gross revenue. For example, in order for a small commercial enterprise to be considered for moderate to severe hardship, the business must provide documentation to substantiate that annual gross revenue is less than one hundred thousand dollars.

Small Commercial Enterprise Annual Gross Revenue is:	20-Year Term	5-Year Term	Hardship Level
Above \$100,000	60% of MR	30% of MR	Nonhardship
\$50,000 - \$100,000	30% of MR	Up to 15% of MR	Moderate
Below \$50,000	Up to 15% of MR	0%	Severe

(4) The recipient agrees to submit a final compilation of the local loans provided to homeowners and small commercial enterprises throughout the duration of the project. The

list will include information provided by the RECIPIENT regarding the number and final dollar amounts of loans funded in the following respective homeowner income and small commercial enterprise revenue levels:

- (a) Homeowner income:
  - (i) Above 80% of county MHI
  - (ii) 50 to 80% of county MHI
  - (iii) Below 50% of county MHI
- (b) Small commercial enterprise annual gross revenue:
  - (i) Above \$100,000
  - (ii) \$50,000 to \$100,000
  - (iii) Below \$50,000

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-310, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-320 Storm water projects.** (1) There are three primary factors in determining financial hardship for storm water projects:

- (a) Service area population;
- (b) Presence of a permit; and
- (c) Community's median household income (MHI).

(2) **Service area population, presence of permit, and median household income.** Applicants under a permit, with a service area population of twenty-five thousand or less, and whose MHI is sixty percent or less of the average statewide MHI can request hardship-funding consideration. If the service area population is different from the population of the applicant, the applicant must show that the hardship assistance is solely used to benefit the population of the service area.

(3) If MHI data are not available for a community or if the community disputes the data used by the department, the department may allow an applicant to conduct a scientific survey to determine the MHI.

(4) Figure 5 describes the interest rate schedule. For information on how the market rate is determined, see WAC 173-98-400.

Figure 5.

Service area MHI is:	20-Year Term	5-Year Term
Above 60% statewide MHI	Not eligible	Not eligible
60% or below statewide MHI	Up to 30% of MR	Up to 15% of MR

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-320, filed 6/29/07, effective 7/30/07.]

**PART 4  
LOAN TERMS**

**WAC 173-98-400 Loan interest rates.** (1) Interest will accrue on each disbursement as it is paid to the recipient.

(2) The department bases loan interest rates on the average market interest rate. The average market interest rate is:

(a) Based on the daily market rate published in the bond buyer's index for tax-exempt municipal bonds; and

(b) Taken from the period sixty to thirty days before the annual funding application cycle begins.

(3) See WAC 173-98-300 or 173-98-3010 for hardship interest rates.

**Figure 6: Loan Terms and Interest Rates**

Repayment Period	Interest Rate
Up to 5 years:	30% of the average market rate.
More than 5 but no more than 20 years:	60% of the average market rate.

(4) The director may approve lower interest rates for the annual funding application cycle if a financial analysis of the revolving fund demonstrates that lower interest rates for that year are not detrimental to the perpetuity of the revolving fund.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-400, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-410 Refinancing.** (1) There are two kinds of refinance with different regulations: Standard refinance and interim refinance.

(2) **Standard refinance** refers to a completed project funded with moneys from a source other than the department. It is limited to water pollution control facilities where project construction began after March 7, 1985.

(a) Applicants requesting standard refinancing must meet all the requirements contained in the act;

(b) Standard refinance projects will only be funded if there is limited demand for moneys for new projects;

(c) All department prerequisites must have been met at the time the project was undertaken;

(d) If multiple standard refinance applications are received, priority will be given based on impacts to the rate payers in the service area of the project;

(e) Standard refinance projects are not eligible for hardship financial assistance; and

(f) Repayment begins six months after a funding agreement becomes effective.

(3) **Interim refinance** applies to a project that is in progress using moneys from a source other than the department. Interim refinance retires existing debt and also covers the remaining eligible project costs. Interim refinance projects must meet all applicable requirements of this chapter.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-410, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-420 Defeasance.** (1) No defeasance is allowed as long as the department holds the loan.

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(2) Defeasance means setting money aside in a special account that is dedicated to pay all or some of the principal and interest on a debt when it comes due.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-420, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-430 Repayment.** When a project is complete and all disbursements are made the department will execute a final amendment that will include:

(1) A final loan repayment schedule that reflects the length of repayment terms and the principal from disbursements and accrued interest;

(2) The first repayment of principal and interest will be due one year after the initiation of operation date, or one year after the project completion date, whichever occurs first;

(3) Equal payments will be due every six months;

(4) If the due date for any payment falls on a Saturday, Sunday, or designated holiday for Washington state agencies, the payment shall be due on the next business day for Washington state agencies;

(5) Loan balances may be repaid or additional principal payments may be made at any time without penalty; and

(6) The department may assess a late fee for delinquent payments, according to WAC 173-98-470.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-430, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-440 Loan security.** Loans shall be secured by a general obligation pledge or a revenue pledge of the recipient. The obligation of the recipient to make loan repayments from the sources identified in its revolving fund loan agreement shall be absolute and unconditional, and shall not be subject to diminution by setoff, counterclaim, or abatement of any kind.

(1) **General obligation.** Repayment of the loan may be secured by a general obligation pledge. The recipient shall pledge to include in its budget an amount sufficient to pay the principal and interest on the loan when due. For so long as the loan is outstanding, the recipient shall ensure adequate funds are available to enable timely loan repayment, which may require the recipient to levy additional annual taxes against the taxable property within its boundaries. The full faith, credit, and resources of the recipient shall be pledged irrevocably for the annual levy and collection of those taxes and the prompt payment of the principal of and interest on the loan.

(2) **Revenue obligation.** Repayment of a loan may be secured by an irrevocable pledge of the net revenues of the recipient's utility and, in appropriate cases, utility local improvement district assessments.

Repayment of a loan shall constitute a lien and charge upon the net revenues of the recipient's utility prior and superior to any other charges whatsoever, except that the lien and charge shall be junior and subordinate to the lien and charge of any senior lien obligations. If applicable, repayment of a loan shall constitute a lien and charge upon utility local improvement district assessments prior and superior to any other charges whatsoever.

(3) **Tribal governmental enterprises.** Federally recognized Indian tribes may provide loan security through dedicated revenue from governmental enterprises. The recipient must demonstrate that the security used has a sufficient track

record of income to secure the loan. Tribal governmental enterprises may include leases, gaming as provided under approved gaming compacts, forestry, or other tribal government-owned enterprises.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-440, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-450 Loan reserve requirements.** For a revenue obligation secured loan with terms greater than five years, the recipient must accumulate a reserve account equivalent to the annual debt service on the loan. This reserve must be established before or during the first five years of the loan repayment period. The reserve account may be used to make the last two payments on the revolving fund loan.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-450, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-460 Loan default.** In the event of loan default, the state of Washington may withhold any amounts due to the recipient from the state for other purposes. Such moneys will be applied to the debt.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-460, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-470 Late payments.** A late fee of one percent per month on the past due amount will be assessed starting on the date the debt becomes past due and until it is paid in full.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-470, filed 6/29/07, effective 7/30/07.]

## PART 5

### WATER POLLUTION CONTROL REVOLVING FUND REQUIREMENTS FOR MANAGING LOANS

**WAC 173-98-500 Funding categories.** (1) The revolving fund is split into two funding categories:

(a) Water pollution control facilities category: Eighty percent of the revolving fund is used for facilities projects as established under section 212 of the act; and

(b) Water pollution control activities category: Twenty percent of the revolving fund will be available for the implementation of programs or projects established under the "Washington's water quality management plan to control nonpoint sources of pollution."

(2) If the demand is limited in either funding category, the department can shift moneys between the funding categories.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-500, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-510 Funding recognition.** (1) Where applicable, the recipient must acknowledge department and EPA funding in reports, technical documents, publications, brochures, and other materials.

(2) Where applicable, the recipient must display signs for site-specific projects acknowledging department and EPA funding. The sign must be large enough to be seen from nearby roadways and include a department or EPA logo.

(2009 Ed.)

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-510, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-520 Ceiling amounts.** (1) Water pollution control facilities category:

(a) Not more than fifty percent of the revolving fund in this category will be available to any one applicant per funding cycle; and

(b) No more than five million dollars is available for each smaller combined design-construct project (step four). See WAC 173-98-530 for information on smaller combined design-construct projects (step four).

(2) Water pollution control activities category: Not more than fifty percent of the revolving fund in this category will be available to any one applicant per funding cycle.

(3) Partially funded projects: If a project is offered partial funding due to the lack of available revolving fund moneys, and the recipient is demonstrating progress on the project, the recipient may apply for the remaining eligible project costs in the subsequent funding cycle.

(4) Water pollution control facilities construction bid overruns:

(a) If the low responsive responsible construction bid(s) exceeds the engineer's estimate of construction costs, the department may approve funding increases for up to ten percent of the engineer's original estimate;

(b) The ceiling amounts that were established in the fiscal year in which the project was offered funding apply; and

(c) First priority for funding bid overruns will be given to hardship communities based on the severity of financial need.

(5) Water pollution control facilities construction change orders:

(a) The department may approve funding for change orders for up to five percent of the eligible portion of the low responsive responsible construction bid(s);

(b) The ceiling amounts that were established in the fiscal year in which the project was offered funding apply; and

(c) First priority for funding change orders will be given to hardship communities based on the severity of financial need.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-520, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-530 Step process for water pollution control facilities.** (1) The step process is required for facilities projects. The process begins with site-specific planning, and continues through design to construction.

(2) For steps one through three, an applicant may only apply for funding for one step of the process at a time. At the time of application, completion of the previous steps must be approved by the department. Funding of one step does not guarantee the funding of subsequent steps.

(3) The step process includes the following:

(a) **Planning (step one):** Step one involves the preparation of a site-specific facilities plan that identifies the cost-effective alternatives for addressing a water pollution control problem. There is no prerequisite for planning. If there is an existing engineering report, it must be upgraded to a facilities plan;

(b) **Design (step two):** Step two includes the preparation of plans and specifications for use in construction. These

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must be based on the preferred cost-effective alternative identified in the facilities plan. A facilities plan must be approved by the department before an application for design can be considered for funding.

Facilities plans approved by the department more than two years prior to the close of the application period must contain evidence of recent review by the department to ensure the document reflects current conditions; and

(c) **Construction (step three):** Step three includes the actual building of facilities based on the approved design. Design must be approved by the department before an application for construction can be considered for funding.

(4) **Combined steps for smaller design-construct projects (step four):** In some cases, design and construction may be combined into one loan. Step four applicants must demonstrate that step two (design) can be completed and approved by the department within one year of the effective date of the funding agreement. The total project costs for step four projects must be five million dollars or less.

(5) **Step deviations.** During the application phase of the funding cycle, the department may allow an applicant to deviate from the traditional step requirements if:

(a) The Washington state department of health has declared a public health emergency; and

(b) The proposed project would remedy this situation.

No loan agreement will be signed until all previous steps have been completed and approved by the department.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-530, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-540 Step process for water pollution control activities.** The step process is required for lake projects and recommended for all activities projects.

(1) **Planning** involves the identification of problems and evaluation of cost-effective alternatives.

(2) **Implementation** is the actual implementation of the project based on the planning document. Where the project includes construction, a design element may be included before the implementation step.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-540, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-550 Declaration of construction after project completion.** Recipients shall submit a declaration of construction of water pollution control facilities to the department within thirty days of project completion.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-550, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-560 Performance measures and post-project assessment.** (1) The department may require a recipient to develop and implement a postproject assessment plan.

(2) A recipient may be required to participate in a post-project survey and interview regarding performance measures.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-560, filed 6/29/07, effective 7/30/07.]

[Title 173 WAC—p. 228]

## PART 6 DESIGN-BUILD AND DESIGN-BUILD-OPERATE PROJECTS

**WAC 173-98-600 Design-build and design-build-operate project requirements.** (1) Design-build or design-build-operate projects must be consistent with applicable statutes, such as chapter 39.10 RCW, Alternative public works contracting procedures, chapter 70.150 RCW, Water Quality Joint Development Act, and/or chapter 35.58 RCW, Metropolitan municipal corporations.

(2) The design and construction portions of a design-build-operate project under chapter 70.150 RCW, Water Quality Joint Development Act, may be eligible for reduced interest rate if the public body can demonstrate financial hardship in accordance with WAC 173-98-300.

(3) The following conditions apply to design-build and design-build-operate projects:

(a) The ceiling amounts in WAC 173-98-520;

(b) If eligible project costs exceed the ceiling amounts in WAC 173-98-520, then public bodies can compete for additional funding in the subsequent funding cycle;

(c) Interest rates for nonhardship projects are set according to WAC 173-98-400;

(d) In the case of hardship, a reduced interest rate may be available for the design and construction portion of a design-build-operate project;

(e) The project scope of work must implement a department-approved facilities plan;

(f) In addition to the project application information listed in WAC 173-98-200, the project will be evaluated on the applicant's level of administrative and technical expertise;

(g) Applicants may apply for up to one hundred ten percent of the facilities planning estimate for design and construction. The loan agreement will be written for the final negotiated contract price;

(h) At the time of application, the following must be provided:

(i) A legal opinion from an attorney of the public body indicating that the public body has sufficient legal authority to utilize the process;

(ii) A department-approved facilities plan;

(iii) A report detailing the projected savings based on a cost and time-to-complete as compared to the traditional design-bid-construct process;

(i) The department may require that the public body obtain delegation authority consistent with chapter 90.48 RCW, Water pollution control, and assume the responsibility for sequential review and approval of plans, specifications, and change orders. The department will continue to make all eligibility determinations;

(j) Costs associated with change orders are not eligible for reimbursement;

(k) Before delegation authority is granted to the applicant and the loan agreement is signed, the following must be approved by the department:

(i) Primary design elements;

(ii) Final service agreements and/or contracts;

(l) Projects funded prior to the effective date of this rule will continue to be managed in accordance with the program guidelines for the year the project was funded;

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(m) Projects must be completed according to the timeline in WAC 173-98-800 and 173-98-810; and

(n) Projects funded under the alternative contracting service agreement AC/SA pilot rule of 2002 are placed at the top of the "final offer and applicant list" and IUP each year in relative priority to other AC/SA projects. Loan moneys may be disbursed in equal annual payments or by other means that are not detrimental to the perpetuity of the revolving fund.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-600, filed 6/29/07, effective 7/30/07.]

## PART 7

### COMPLIANCE WITH OTHER LAWS, RULES, AND REQUIREMENTS

**WAC 173-98-700 General requirements.** (1) Recipients must fully comply with all applicable federal, state, and local laws and regulations relating to topics such as procurement, discrimination, labor, job safety, drug-free environments, and minority and women owned businesses.

(2) Ongoing management of most aspects of loan projects is subject to the most recent edition of *Administrative Requirements for Ecology Grants and Loans*.

(3) Ongoing management of all aspects of loan projects is subject to the associated funding program guidelines.

(4) The applicant shall secure all necessary permits required by authorities having jurisdiction over the project. Copies must be available to the department upon request.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-700, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-710 The Growth Management Act.** (1) A local government not in compliance with the Growth Management Act may not receive loans or grants from the department, except, in limited circumstances, where a local government must address a public health need or substantial environmental degradation.

(2) For the purposes of this section, "compliance with the Growth Management Act" means: A county, city, or town that is required to or chooses to plan under RCW 36.70A.040 has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by chapter 36.70A RCW.

(3) For the purposes of this chapter, a public health need related to a loan must be documented by a letter signed by the secretary of the Washington state department of health or his or her designee and addressed to the public official who signed the loan application. "Public health need" means a situation where:

(a) There is a documented potential for:

(i) Contaminating a source of drinking water; or

(ii) Failure of existing wastewater system or systems resulting in contamination being present on the surface of the ground in such quantities and locations as to create a potential for public contact; or

(iii) Contamination of a commercial or recreational shellfish bed as to create a critical public health risk associated with consumption of the shellfish; or

(iv) Contamination of surface water so as to create a critical public health risk associated with recreational use; and

(2009 Ed.)

(b) The problem generally involves a serviceable area including, but not limited to, a subdivision, town, city, or county, or an area serviced by on-site sewage disposal systems; and

(c) The problem cannot be corrected through more efficient operation and maintenance of an existing wastewater disposal system or systems.

(4) For the purposes of this chapter, a substantial environmental degradation related to a loan must be documented by a letter signed by the director and addressed to the public official who signed the loan application. "Substantial environmental degradation" means that:

(a) There is a situation causing real, documented, critical environmental contamination that:

(i) Contributes to violations of the state's water quality standards; or

(ii) Interferes with beneficial uses of the waters of the state;

(b) The problem generally involves a serviceable area including, but not limited to, a subdivision, town, city, or county, or an area serviced by on-site sewage disposal systems; and

(c) The problem cannot be corrected through more efficient operation and maintenance of an existing wastewater disposal system or systems.

(5) A county, city, or town that has been offered a loan for a water pollution control facilities project may not receive loan funds while the county, city, or town is not in compliance with the Growth Management Act unless:

(a) Documentation showing that a public health need has been provided by the Washington state department of health; or documentation showing that a substantial environmental degradation exists has been provided by the department;

(b) The county, city, or town has provided documentation to the department that actions or measures are being implemented to address the public health need or substantial environmental degradation; and

(c) The department has determined that the project is designed to address only the public health need or substantial environmental degradation described in the documentation, and does not address unrelated needs including, but not limited to, provisions for additional growth.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-710, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-720 State environmental review process (SERP).** (1) All recipients must comply with the SERP.

(2) SERP includes all the provisions of the State Environmental Policy Act (SEPA), chapter 43.21C RCW, and the SEPA rules, chapter 197-11 WAC, and applicable federal requirements.

(3) All mitigation measures committed to in documents developed in the SERP process, such as the environmental checklist, environmental report, SEPA environmental impact statement (EIS), the finding of no significant impact/environmental assessment, or record of decision/federal EIS will become revolving fund loan agreement conditions. Failure to abide by these conditions will result in withholding of payments and may result in immediate repayment of the loan.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-720, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-730 Cost-effectiveness analysis for water pollution control facilities.** (1) Funding will only be considered if the project is shown to be the cost-effective alternative/solution to the water pollution control problem. The cost-effective alternative is determined using a cost-effectiveness analysis.

(2) A cost-effectiveness analysis must be included in the facilities plan and must include the following:

(a) A comparison of the total cost, total present worth or annual equivalent costs of alternatives considered for the planning period;

(b) The no action alternative; and

(c) A consideration of the monetary or nonmonetary costs/benefits of each alternative, such as the environmental impact, energy impacts, growth impacts, and community priorities.

(3) Facilities plans proposing design-build or design-build-operate projects must demonstrate that this approach is the cost-effective alternative for procurement.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-730, filed 6/29/07, effective 7/30/07.]

## PART 8 TIMELY USE OF REVOLVING FUND LOAN MONEYS

**WAC 173-98-800 Starting a project.** Costs incurred before a loan agreement is effective are not eligible for reimbursement, unless prior authorization is granted by the department or interim refinancing is approved. For more information on interim refinancing, see WAC 173-98-410.

(1) **Prior authorization to incur eligible costs.**

(a) An applicant may request prior authorization to incur eligible project costs if the following applies:

(i) The project is identified on the IUP;

(ii) Costs are incurred between the publication date of the "final offer and applicant" list and when the funding agreement is signed by the water quality program manager or other schedules set in the prior authorization letter; and

(iii) The written request is made to the water quality program manager;

(b) The water quality program manager will send the applicant a letter approving or denying the prior authorization; and

(c) Any project costs incurred prior to the publication date of the "final offer and applicant list" are not eligible for reimbursement. All costs incurred before the agreement is signed by the water quality program manager are at the applicant's own risk.

(2) **Project initiation.** Loan moneys must be spent in a timely fashion. The recipient must consistently meet the performance measures agreed to in the loan agreement. These performance measures include, but are not limited to, the following:

(a) Work on a project must be started within sixteen months of the publication date of the "final offer and applicant list" on which the project was proposed.

(b) Starting a project means making any measurable step toward achieving the milestones, objectives, and overall goals of the project.

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(c) Loan offers identified on the "final offer and applicant list" will be effective for up to one year from the publication date of the "final offer and applicant list." Local offers that do not result in a signed agreement are automatically terminated, see WAC 173-98-220 Final offer and applicant list.

(3) **Project initiation extension.** Certain circumstances may allow a time extension of no more than twelve months for starting a project. For example:

(a) Schedules included in water quality permits, consent decrees, or enforcement orders; or

(b) There is a need to do work during an environmental window in a specific season of the year; or

(c) Other reasons as identified by the department on a case-by-case basis.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-800, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-810 Finishing a project.** Costs incurred after the project completion or expiration dates are not eligible for reimbursement.

(1) **Project completion.**

(a) Work on a project must be completed within five years of the publication date of the "final offer and applicant list" on which the project was proposed. A shorter time period may be specified in the loan agreement; and

(b) Completing a project means completing all milestones and objectives associated with the goals of the loan agreement.

(2) **Project completion extension.**

(a) After the five-year limit is reached, a time extension of no more than twelve months may be made under certain circumstances, including but not limited to:

(i) Schedules included in water quality permits, consent decrees, or enforcement orders; or

(ii) There is a need to do work during an environmental window in a specific season of the year; and

(b) To ensure timely processing, the time extension request must be made prior to the completion or expiration date of the loan agreement.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-810, filed 6/29/07, effective 7/30/07.]

## PART 9 ADMINISTRATIVE PROVISIONS

**WAC 173-98-900 Water pollution control revolving fund (revolving fund) perpetuity.** (1) The act requires that the revolving fund be managed in perpetuity.

(2) The department will strive to achieve perpetuity, as defined by WAC 173-98-030, by 2016.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-900, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-910 Accounting requirements for loan recipients.** (1) Recipients must maintain accounting records in accordance with RCW 43.09.200 Local government accounting—Uniform system of accounting.

(2) Accounting irregularities may result in a payment hold until irregularities are resolved. The director may require immediate repayment of misused loan moneys.

(2009 Ed.)

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-910, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-920 Appealing a department decision.**

If a dispute arises concerning eligibility decisions made by the department within the context of a loan agreement, the decision may be appealed. A lawsuit cannot be brought to superior court unless the aggrieved party follows these procedures, which are intended to encourage the informal resolution of disputes consistent with RCW 34.05.060.

(1) First, the recipient may seek review of the financial assistance program's initial decision within thirty days of the decision in writing to the water quality program manager. The program manager will consider the appeal information and may choose to discuss the matter by telephone or in person;

(2) The program manager will issue a written decision within thirty days from the time the appeal is received;

(3) If the recipient is not satisfied with the program manager's decision, the recipient has thirty days to submit a written request to the deputy director for a review of the decision;

(4) The deputy director will consider the appeal information, and may choose to discuss the matter by telephone or in person. The deputy director will issue a written decision within thirty days from the time the appeal is received. The deputy director's decision will be the final decision of the department;

(5) If the recipient is not satisfied with the deputy director's final decision, the recipient may appeal to the Thurston County superior court, pursuant to RCW 34.05.570(4), which pertains to the review of "other agency action"; and

(6) Unless all parties to such appeal agree that a different time frame is appropriate, the parties shall attempt to bring the matter for a superior court determination within four months of the date in which the administrative record is filed with the court. This time frame is to ensure minimal disruptions to the program.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-920, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-930 Audit requirements for loan recipients.** The department, or at the department's discretion, another authorized auditor may audit the revolving fund loan agreement and records.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-930, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-940 Insurance for water pollution control facilities projects.** Recipients shall maintain comprehensive insurance coverage on the project for an amount equal to the moneys disbursed.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-940, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-950 Indemnification.** To the extent that the Constitution and laws of the state of Washington permit, the recipient shall indemnify and hold the department harmless from and against any liability for any or all injuries to persons or property arising out of a project funded with a revolving fund loan except for such damage, claim, or liability

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ity resulting from the negligence or omission of the department.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-950, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-960 Sale of facilities to private enterprises.** Recipients may sell facilities financed with the revolving fund to private enterprises. However, the revolving fund loan agreement must be terminated and the revolving fund loan must be repaid immediately upon the sale of that facility.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-960, filed 6/29/07, effective 7/30/07.]

**WAC 173-98-970 Self-certification.** (1) The department may authorize a recipient to certify compliance with selected program requirements. The recipient must:

- (a) Request certification authority;
- (b) Document that it has the capability and resources;
- (c) Document that it is in the best interest of the state;

and

(d) Demonstrate that the request is consistent with state and federal laws and regulations.

(2) Concurrences required in the environmental review process cannot be delegated to recipients.

[Statutory Authority: RCW 90.48.035. 07-14-096 (Order 05-16), § 173-98-970, filed 6/29/07, effective 7/30/07.]

## Chapter 173-100 WAC

### GROUND WATER MANAGEMENT AREAS AND PROGRAMS

#### WAC

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**WAC 173-100-010 Purpose.** The purpose of this chapter is to establish guidelines, criteria, and procedures for the designation of ground water management areas, subareas or zones and to set forth a process for the development of ground water management programs for such areas, subareas, or zones, in order to protect ground water quality, to assure ground water quantity, and to provide for efficient management of water resources for meeting future needs while recognizing existing water rights. The intent of this chapter is to forge a partnership between a diversity of local, state, tribal and federal interests in cooperatively protecting the state's ground water resources.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-010, filed 12/20/85.]

**WAC 173-100-020 Authority.** This chapter is promulgated by the department of ecology pursuant to RCW 90.44.400, 90.44.410, 90.44.420, 90.44.430 and 90.44.440.

[Statutory Authority: RCW 90.44.400, 86-02-004 (Order DE 85-24), § 173-100-020, filed 12/20/85.]

**WAC 173-100-030 Overview.** This regulation establishes a process for the identification and designation of ground water management areas and for the development of comprehensive ground water management programs. From a general schedule of probable ground water management areas, the department of ecology in cooperation with local government will designate specific ground water management areas, subareas, or depth zones within such areas and will appoint a lead agency to develop a ground water management program and an advisory committee to oversee the development of the program for each designated area. Following completion of the program and a public hearing to be held by the department of ecology, the program must be certified to be consistent with the intent of this chapter. The program will then be implemented through state regulations and local ordinances. The programs must thereafter be periodically reviewed.

[Statutory Authority: RCW 90.44.400, 86-02-004 (Order DE 85-24), § 173-100-030, filed 12/20/85.]

**WAC 173-100-040 Definitions.** For the purposes of this chapter the following definitions shall apply:

(1) "Aquifer" means a geologic formation, group of formations or part of a formation capable of yielding a significant amount of ground water to wells or springs.

(2) "Department" means the Washington state department of ecology.

(3) "Ground water" means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.

(4) "Ground water advisory committee" means a committee appointed by the department to assist in the development of a ground water management program.

(5) "Ground water area or subarea" means a geographic area designated pursuant to RCW 90.44.130.

(6) "Ground water management area" means a specific geographic area or subarea designated pursuant to this chapter for which a ground water management program is required.

(7) "Ground water management program" means a comprehensive program designed to protect ground water quality, to assure ground water quantity and to provide for efficient management of water resources while recognizing existing ground water rights and meeting future needs consistent with local and state objectives, policies and authorities within a designated ground water management area or subarea and developed pursuant to this chapter.

(8) "Ground water management zone" means any depth or stratigraphic zone separately designated by the department in cooperation with local government for ground water management purposes within a ground water management area. Ground water management zones may consist of a specific geologic formation or formations or other reasonable bounds

determined by the department consistent with the purposes of this chapter.

(9) "Ground water right" means an authorization to use ground water established pursuant to chapter 90.44 RCW, state common or statutory law existing prior to the enactment of chapter 90.44 RCW, or federal law.

(10) "Ground water user group" means an established association of holders of ground water rights located within a proposed or designated ground water management area.

(11) "Lead agency" means the agency appointed by the department to coordinate and undertake the activities necessary for the development of a ground water management program. Either the department or an agency of local government may be the lead agency.

(12) "Local government" means any county, city, town, or any other entity having its own incorporated government for local affairs including, but not limited to, a metropolitan municipal corporation, public utility district, water district, irrigation district, and/or sewer district.

(13) "Local government legislative authority" means the city or town council, board of county commissioners, special district commission, or that body assigned such duties by a city, county or district charter as enacting ordinances, passing resolutions, and appropriating funds for expenditure.

(14) "Probable ground water management area" means a specific geographic area identified by the department, in cooperation with other state agencies, local government and ground water user groups, as a candidate area for designation as a ground water management area pursuant to this chapter.

[Statutory Authority: RCW 90.44.400, 86-02-004 (Order DE 85-24), § 173-100-040, filed 12/20/85.]

**WAC 173-100-050 Probable ground water management areas.** The department in cooperation with local government and ground water user groups shall identify probable ground water management areas.

(1) Probable ground water management areas may be proposed for identification at any time by the department upon its own motion or at the request of other state agencies, local government or ground water user groups.

(2) Probable ground water management area boundaries shall be delineated so as to enclose one or more distinct bodies of public ground water as nearly as known facts permit. Probable ground water management subareas shall be delineated so as to enclose all or any part of a distinct body of public ground water. Boundaries shall be based on hydrogeologic properties such as limits to lateral extent of aquifers, major perennial rivers, and regional ground water divides or as deemed appropriate by the department to most effectively accomplish the purposes of this chapter.

(3) The criteria to guide identification of probable ground water management areas shall include, but not be limited to, the following:

(a) Geographic areas where ground water quality is threatened;

(b) Aquifers that are declining due to restricted recharge or over-utilization;

(c) Aquifers in which over-appropriation may have occurred and adjudication of water rights has not yet been completed;



(d) Aquifers reserved or being considered for water supply reservation under chapter 90.54 RCW for future beneficial uses;

(e) Aquifers identified as the primary source of supply for public water supply systems;

(f) Aquifers underlying a critical water supply service area where the coordinated water system plan established pursuant to chapter 70.116 RCW has identified a need for a ground water management program;

(g) Aquifers designated as sole source aquifers by the federal Environmental Protection Agency;

(h) Geographic areas where the ground water is susceptible to contamination or degradation resulting from land use activities;

(i) Aquifers threatened by seawater intrusion; or

(j) Aquifers from which major ground water withdrawals have been proposed or appear imminent.

(4) The state agency, local government or ground water user group requesting probable ground water management area identification shall provide sufficient information for the department to determine if the area should be so identified. The department and other affected state and local governments and user groups may cooperate in preparing the request for identification.

(a) The request for identification shall be presented in a concise, factual report form and shall consider the guidelines and criteria set forth in subsections (2) and (3) of this section as they relate to the proposed area. It shall also contain: (i) Supporting data as to the need for such identification; (ii) a general description of and rationale for the proposed ground water management area boundary; (iii) goals and objectives for the proposed ground water management area; (iv) an estimated cost of developing the ground water management program and potential funding sources; (v) recommendations for agencies, organizations and groups to be represented on the ground water management area advisory committee; and (vi) a recommendation for the lead agency, taking into consideration the responsibilities contained in WAC 173-100-080.

(b) The recommendation for lead agency shall first be submitted to the county or counties with jurisdiction for written concurrence. Such written concurrence shall be included with the information required in (a) of this subsection. If such concurrence cannot be obtained, the department shall attempt to mediate an agreement between the parties.

(c) The agency or ground water user group initiating the request for identification shall hold at least one public meeting for the purpose of receiving comments from the public, affected local, state and tribal agencies and ground water user groups.

(d) Upon completion, the request for identification shall be submitted to the department and other affected state and local agencies and ground water user groups for their review and comment. Comments shall be submitted to the department.

(5) If the department is proposing an area for identification, the department shall prepare a report containing the information in subsection (4)(a) of this section, hold a public meeting, and submit the report to affected state and local agencies and ground water user groups for their review and comment.

(6) Based upon review of the request for identification together with any comments received and a finding that the proposed area meets the guidelines and criteria of subsections (2) and (3) of this section, the department shall identify the proposed area as a probable ground water management area, establish the general planning boundaries and appoint a lead agency. When a probable ground water management area is included within only one county and that county indicates its desire to assume lead agency status, the department shall appoint the county as lead agency. The department shall notify affected state and local agencies, ground water user groups, tribal governments and local news media of such identification.

[Statutory Authority: Chapters 43.27A and 90.44 RCW. 88-13-037 (Order 88-11), § 173-100-050, filed 6/9/88. Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-050, filed 12/20/85.]

**WAC 173-100-060 General schedule.** The department shall establish a general schedule for the designation of specific ground water management areas. The general schedule shall guide the department in the designation of specific ground water management areas and in the allocation of the department's available water resources funding and staffing.

(1) The general schedule for designation of ground water management areas shall identify the relative priority of each of the probable ground water management areas. The relative priority of the probable ground water management areas shall be based upon:

(a) The availability of local or state agency resources to develop and implement a ground water management program;

(b) The significance, severity or urgency of the problems or potential problems described in the request for identification submitted for each area, with the highest priority given to areas where the water quality is imminently threatened;

(2) The department shall revise the general schedule as needed to comply with the intent of this chapter. After each revision the general schedule shall be published in the news media and the Washington State Register. A public hearing will be held in June of each year to receive public comment on the general schedule.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-060, filed 12/20/85.]

**WAC 173-100-070 Designation of ground water management areas for program planning purposes.** The department shall designate ground water management areas by order of the department in accordance with the general schedule. The department shall hold a public hearing within the county or counties containing the probable ground water management area prior to such designation. The order shall be issued to the lead agency as well as the agency or ground water user group originally requesting identification of the areas, with copies sent to other affected state agencies, local governments, tribal governments and those parties recommended for ground water advisory committee membership. Copies of the order shall be published by the department in newspapers of general circulation within the area. The order shall contain a general description of the planning boundary for the ground water management area and shall state that the department, in cooperation with the lead agency and local

government, intends to appoint a ground water advisory committee to oversee the development of a ground water management program for the area.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-070, filed 12/20/85.]

**WAC 173-100-080 Lead agency responsibilities.** The lead agency shall be responsible for coordinating and undertaking the activities necessary for development of the ground water management program. These activities shall include collecting data and conducting studies related to hydrogeology, water quality, water use, land use, and population projections; scheduling and coordinating advisory committee meetings; presenting draft materials to the committee for review; responding to comments from the committee; coordinating SEPA review; executing interlocal agreements or other contracts; and other duties as may be necessary. The lead agency shall also prepare a work plan, schedule, and budget for the development of the program that shows the responsibilities and roles of each of the advisory committee members as agreed upon by the committee. Data collection, data analysis and other elements of the program development may be delegated by the lead agency to other advisory committee members.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-080, filed 12/20/85.]

**WAC 173-100-090 Ground water advisory committee.** (1) The ground water advisory committee shall be responsible for overseeing the development of the ground water management program; reviewing the work plan, schedule and budget for the development of the program; assuring that the program is technically and functionally sound; verifying that the program is consistent with this chapter and with the respective authorities of the affected agencies; and formulating and implementing a public involvement plan.

(2) The membership of each ground water advisory committee shall represent a broad spectrum of the public in order to ensure that the ground water is protected and utilized for the greatest benefit to the people of the state. The committee shall include, but not be limited to, representation from the following groups:

- (a) Local government legislative authorities within the designated area;
- (b) Planning agencies having jurisdiction within the designated area;
- (c) Health agencies having jurisdiction within the designated area;
- (d) Ground water user groups within the designated area, including domestic well owners;
- (e) The department;
- (f) Department of social and health services;
- (g) Other local, state, and federal agencies as determined to be appropriate by the department;
- (h) Tribal governments, where a ground water management program may affect tribal waters;
- (i) Public and special interest groups such as agricultural, well drilling, forestry, environmental, business and/or industrial groups within the area, as determined to be appropriate by the department.

[Title 173 WAC—p. 234]

(3) The department shall appoint, by letter, members and alternates to the ground water advisory committee after seeking nominations from the groups listed above. Members and alternates shall serve until the ground water management program for the area is certified. The department may appoint replacement members or alternates upon request of the appointee or the ground water advisory committee.

(4) The lead agency shall hold the first meeting of the ground water advisory committee within sixty days of the appointment of the committee. Public notice shall be given for each meeting. The lead agency shall chair the first meeting, during which the advisory committee shall determine, by general agreement, rules for conducting business, including voting procedures, and the chairperson of the advisory committee.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-090, filed 12/20/85.]

**WAC 173-100-100 Ground water management program content.** The program for each ground water management area will be tailored to the specific conditions of the area. The following guidelines on program content are intended to serve as a general framework for the program, to be adapted to the particular needs of each area. Each program shall include, as appropriate, the following:

- (1) An area characterization section comprised of:
  - (a) A delineation of the ground water area, subarea or depth zone boundaries and the rationale for those boundaries;
  - (b) A map showing the jurisdictional boundaries of all state, local, tribal, and federal governments within the ground water management area;
  - (c) Land and water use management authorities, policies, goals and responsibilities of state, local, tribal, and federal governments that may affect the area's ground water quality and quantity;
  - (d) A general description of the locale, including a brief description of the topography, geology, climate, population, land use, water use and water resources;
  - (e) A description of the area's hydrogeology, including the delineation of aquifers, aquitards, hydrogeologic cross-sections, porosity and horizontal and vertical permeability estimates, direction and quantity of ground water flow, water-table contour and potentiometric maps by aquifer, locations of wells, perennial streams and springs, the locations of aquifer recharge and discharge areas, and the distribution and quantity of natural and man-induced aquifer recharge and discharge;
  - (f) Characterization of the historical and existing ground water quality;
  - (g) Estimates of the historical and current rates of ground water use and purposes of such use within the area;
  - (h) Projections of ground water supply needs and rates of withdrawal based upon alternative population and land use projections;
  - (i) References including sources of data, methods and accuracy of measurements, quality control used in data collection and measurement programs, and documentation for and construction details of any computer models used.

(2) A problem definition section that discusses land and water use activities potentially affecting the ground water

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quality or quantity of the area. These activities may include but are not limited to:

- Commercial, municipal, and industrial discharges
- Underground or surface storage of harmful materials in containers susceptible to leakage
- Accidental spills
- Waste disposal, including liquid, solid, and hazardous waste
- Storm water disposal
- Mining activities
- Application and storage of roadway deicing chemicals
- Agricultural activities
- Artificial recharge of the aquifer by injection wells, seepage ponds, land spreading, or irrigation
- Aquifer over-utilization causing seawater intrusion, other contamination, water table declines or depletion of surface waters
- Improperly constructed or abandoned wells
- Confined animal feeding activities

The discussion should define the extent of the ground water problems caused or potentially caused by each activity, including effects which may extend across ground water management area boundaries, supported by as much documentation as possible. The section should analyze historical trends in water quality in terms of their likely causes, document declining water table levels and other water use conflicts, establish the relationship between water withdrawal distribution and rates and water level changes within each aquifer or zone, and predict the likelihood of future problems and conflicts if no action is taken. The discussion should also identify land and water use management policies that affect ground water quality and quantity in the area. Areas where insufficient data exists to define the nature and extent of existing or potential ground water problems shall be documented.

(3) A section identifying water quantity and quality goals and objectives for the area which (a) recognize existing and future uses of the aquifer, (b) are in accordance with water quality standards of the department, the department of social and health services, and the federal environmental protection agency, and (c) recognize annual variations in aquifer recharge and other significant hydrogeologic factors;

(4) An alternatives section outlining various land and water use management strategies for reaching the program's goals and objectives that address each of the ground water problems discussed in the problem definition section. If necessary, alternative data collection and analysis programs shall be defined to enable better characterization of the ground water and potential quality and quantity problems. Each of the alternative strategies shall be evaluated in terms of feasibility, effectiveness, cost, time and difficulty to implement, and degree of consistency with local comprehensive plans and water management programs such as the coordinated water system plan, the water supply reservation program, and others. The alternative management strategies shall address water conservation, conflicts with existing water rights and minimum instream flow requirements, programs to resolve such conflicts, and long-term policies and construction prac-

tices necessary to protect existing water rights and subsequent facilities installed in accordance with the ground water management area program and/or other water right procedures.

(5) A recommendations section containing those management strategies chosen from the alternatives section that are recommended for implementation. The rationale for choosing these strategies as opposed to the other alternatives identified shall be given;

(6) An implementation section comprised of:

(a) A detailed work plan for implementing each aspect of the ground water management strategies as presented in the recommendations section. For each recommended management action, the parties responsible for initiating the action and a schedule for implementation shall be identified. Where possible, the implementation plan should include specifically worded statements such as model ordinances, recommended governmental policy statements, interagency agreements, proposed legislative changes, and proposed amendments to local comprehensive plans, coordinated water system plans, basin management programs, and others as appropriate;

(b) A monitoring system for evaluating the effectiveness of the program;

(c) A process for the periodic review and revision of the ground water management program.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-100, filed 12/20/85.]

**WAC 173-100-110 SEPA review.** The proposed ground water management program shall be subject to review pursuant to the State Environmental Policy Act, chapter 43.21C RCW, as required under the applicable implementing regulations.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-110, filed 12/20/85.]

**WAC 173-100-120 Hearings and implementation.** (1) Upon completion of the ground water area management program, the department shall hold a public hearing within the designated ground water management area for the purpose of taking public testimony on the proposed program. Local governments are encouraged to hold joint hearings with the department to hear testimony on the proposed management program. Following the public hearing, the department and each affected local government shall prepare findings on the ground water management program within ninety days. This period may be extended by the department for an additional ninety days. The findings shall evaluate the program's technical soundness, economic feasibility, and consistency with the intent of this chapter and other federal, state and local laws. The findings shall identify any revisions necessary before the program can be certified and shall contain a statement of the agency's concurrence, indicating its intent to adopt implementing policies, ordinances and programs if required, or a statement of nonconcurrence with the program if such be the case.

(2) The lead agency will consolidate the findings and present them to the advisory committee. Statements of nonconcurrence shall be resolved by the committee and the program revised if necessary.

(3) The program shall then be submitted by the ground water advisory committee to the department which shall certify that the program is consistent with the intent of this chapter.

(4) Following such certification, state agencies and affected local governments shall adopt or amend regulations, ordinances, and/or programs for implementing those provisions of the ground water management program which are within their respective jurisdictional authorities.

(5) The department, the department of social and health services and affected local governments shall be guided by the adopted program when reviewing and considering approval of all studies, plans and facilities that may utilize or impact the implementation of the ground water management program.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-120, filed 12/20/85.]

**WAC 173-100-130 Designation of ground water areas.** The procedures provided in RCW 90.44.130 may be utilized by the department to designate ground water areas, subareas, or zones for the purposes described therein either in conjunction with the procedures of this chapter or independently thereof.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-130, filed 12/20/85.]

**WAC 173-100-140 Intergovernmental agreements.** In order to fully implement this chapter, the department may negotiate and enter into cooperative agreements with Indian tribal governments, adjacent states and Canadian governmental agencies when a ground water management area is contiguous with or affects lands under their jurisdiction. Such cooperative agreements shall not affect the jurisdiction over any civil or criminal matters that may be exercised by any party to such an agreement. Intergovernmental agreements shall further the purposes of this chapter, and shall serve to establish a framework for intergovernmental coordination, minimize duplication, and efficiently utilize program resources to protect ground water resources.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-140, filed 12/20/85.]

**WAC 173-100-150 Appeals.** All final written decisions of the department pertaining to designation of ground water management areas, certification of ground water management programs, permits, regulatory orders, and related decisions pursuant to this chapter shall be subject to review by the pollution control hearings board under chapter 43.21B RCW.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-150, filed 12/20/85.]

**WAC 173-100-160 Regulation review.** The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.27A and 90.44 RCW. 88-13-037 (Order 88-11), § 173-100-160, filed 6/9/88.]

[Title 173 WAC—p. 236]

## Chapter 173-124 WAC

### QUINCY GROUND WATER MANAGEMENT SUBAREA AND ZONES

#### WAC

173-124-010	Background.
173-124-020	Purpose.
173-124-030	Authority.
173-124-040	Subarea definition.
173-124-050	Subarea zone definition.
173-124-060	Subarea map.
173-124-070	Subarea, zone, and unit distinctions.
173-124-080	Regulation review.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-124-06001	Subarea, zone, and unit distinctions. [Statutory Authority: RCW 43.21A.080, 43.27A.090 and 90.44.130. 78-05-007 (Order DE 77-36), § 173-124-060, (codified as WAC 173-124-06001), filed 4/7/78.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW.
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**WAC 173-124-010 Background.** (1) On March 1, 1969, the department of water resources promulgated WAC 508-14-010 to curtail further ground water development in a defined area of the Columbia Basin, referred to as the "Quincy Basin," pending the outcome of detailed ground water investigations to determine if further appropriation of public ground waters in this area should be allowed.

(2) The extensive investigation program was to be completed no later than December 31, 1972, and thereafter procedures would be developed to insure proper allocation and management of the Quincy Basin ground water resource.

(3) Since the effective date of WAC 508-14-010, all applications to appropriate ground water in the defined Quincy Basin have been held in abeyance pending the outcome of the ground water investigations.

(4) As part of the investigation program a digital ground water model has been developed to analyze ground water conditions in most of the Columbia Basin including the Quincy Basin.

(5) Through use of this ground water model it has been possible to define with reasonable accuracy the extent of a practical ground water management unit in the Quincy Basin area.

[Order 72-24, § 173-124-010, filed 1/15/73.]

**WAC 173-124-020 Purpose.** The purpose of this regulation is to establish areal boundaries and depth zones for the Quincy ground water subarea as the initial step toward development of a proper ground water management program for this part of the Columbia Basin.

[Order 72-24, § 173-124-020, filed 1/15/73.]

**WAC 173-124-030 Authority.** This regulation is promulgated by the department of ecology under authority and procedures provided in chapters 43.21A, 90.03, and 90.44 RCW and after giving notice as provided in chapter 34.04 RCW.

[Order 72-24, § 173-124-030, filed 1/15/73.]

**WAC 173-124-040 Subarea definition.** "Quincy ground water subarea" shall mean those lands lying within the Columbia Basin described as follows:

Town-ship (North)	Range (East)	Sections
17	23	1 thru 4, 11 and 12
17	24	1 thru 16
17	25	1 thru 18 and 24
17	26	1 thru 24
17	27	1 thru 24
17	28	1 thru 20
17	29	1 thru 12 and 14 thru 18
17	30	*1 thru 8, 12, and that part of 9, 10, 11, 13 and 14 lying to the right of the center line of the east low canal
17	31	*7 and that part of 5, 6, 8, 17 and 18 lying to the right of the center line of the east low canal
18	22	1, 12, and 13
18	23	1 thru 36
18	24	1 thru 36
18	25	1 thru 36
18	26	1 thru 36
18	27	1 thru 36
18	28	1 thru 36
18	29	1 thru 36
18	30	*3 thru 10, 15 thru 24, 26 thru 36 and that part of 2, 11, 13, 14 and 25 lying to the right of the center line of the east low canal
18	31	*That part of 17, 18, 19, 30, and 31 lying to the right of the center line of the east low canal
19	23	1 thru 5 and 8 thru 17, 20 thru 29 and 31 thru 36
19	24	1 thru 36
19	25	1 thru 36
19	26	1 thru 36
19	27	1 thru 36
19	28	1 thru 36
19	29	*5 thru 8, 17 thru 21, 28 thru 33, and that part of 4, 9, 15, 16, 22, 23, 27, 34, 35 and 36 lying to the right of the center line of the east low canal
19	30	*That part of 28 and 31 thru 35 lying to the right of the center line of the east low canal
20	23	1 thru 5 and 8 thru 17, 20 thru 29 and 32 thru 36
20	24	1 thru 36
20	25	1 thru 36
20	26	1 thru 36
20	27	1 thru 36
20	28	1 thru 36
20	29	*19, 20, 29 thru 32, and that part of 6, 7, 16, 17, 18, 21, 28, and 33 lying to the right of the center line of the east low canal

Town-ship (North)	Range (East)	Sections
21	23	25 thru 28 and 32 thru 36
21	24	25 thru 36
21	25	24 thru 36
21	26	1 thru 4, 9 thru 16 and 19 thru 36
21	27	1 thru 36
21	28	*5 thru 9, 13 thru 36 and that part of 3, 4, 9, 10, 11 and 12 lying to the right of the center line of the east low canal
21	29	*That part of 7, 8, 17, 18, 19, 30, and 31 lying to the right of the center line of the east low canal
22	26	2, 10 thru 16, 21 thru 28 and 33 thru 36
22	27	1 thru 4 and 7 thru 36
22	28	*1 thru 11, 31 and that part of 18, 19, 29, 30, 32, and 33 lying to the right of the center line of the east low canal
23	27	34 thru 36
23	28	31 thru 36

\* Right and left sides are determined by looking in the downstream direction or direction of flow.

[Order 72-24, § 173-124-040, filed 1/15/73.]

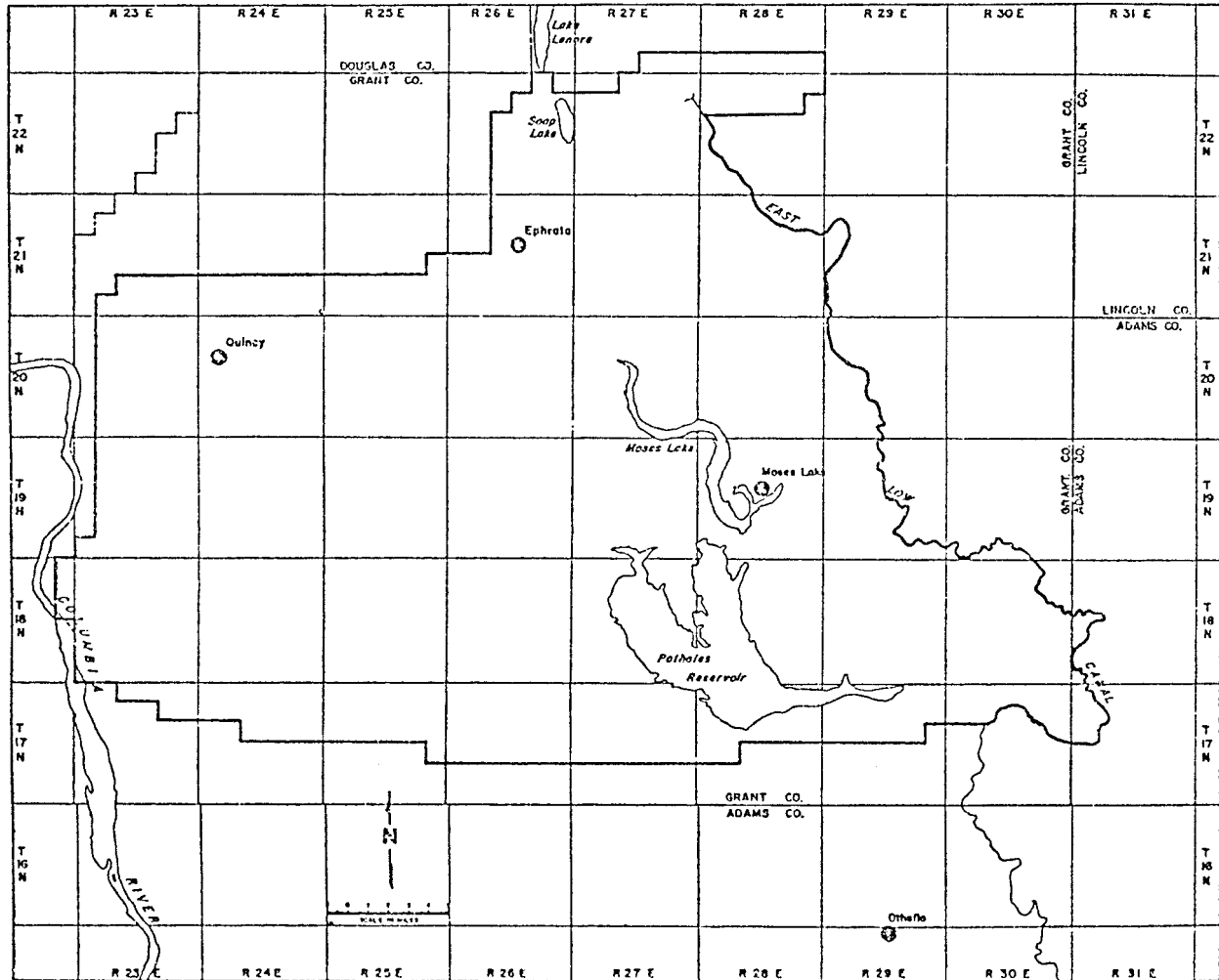
**WAC 173-124-050 Subarea zone definition. (1)** "Quincy unconsolidated zone" shall mean those rock units in the Quincy ground water subarea lying between ground surface and the top of the uppermost basalt flow.

(2) "Quincy basalt zone" shall mean those rock units in the Quincy ground water subarea consisting of basalt flows of tertiary age.

[Order 72-24, § 173-124-050, filed 1/15/73.]

WAC 173-124-060 Subarea map. "Quincy ground water subarea" shall include those lands that lie within the heavy outline shown on the following map:

QUINCY GROUND WATER SUBAREA



[Order 72-24, § 173-124-060, filed 1/15/73.]

**WAC 173-124-070 Subarea, zone, and unit distinctions.** The Quincy unconsolidated zone and the Quincy basalt zone, defined at WAC 173-124-050, are separate and distinct depth zones, as that term is used in chapter 90.44 RCW. The Quincy unconsolidated zone and the Quincy basalt zone are different than the Quincy shallow management unit and the Quincy deep management unit, which are defined at WAC 173-134-020.

The horizontal boundaries of the Quincy depth zones and the Quincy management units are identical to the exterior boundaries of the Quincy ground water subarea, and no Quincy depth zone or management unit extends beyond those boundaries, for comprehensive water management purposes. Neither does any depth zone of the Odessa ground water subarea, as defined at chapter 173-130 WAC, extend beyond the exterior boundaries of the Odessa ground water subarea, as those are defined and indicated at chapter 173-128 WAC. The bodies of ground water contained within the exterior boundaries of the Quincy ground water subarea are considered to be separate and distinct from the bodies of ground

water contained within the exterior boundaries of the Odessa ground water subarea, which is significantly different than the Quincy ground water subarea in various respects.

This regulation is adopted to clarify the differences between the Quincy ground water subarea and the Odessa ground water subarea, and the differences among depth zones and management units. This regulation merely restates what the department of ecology consistently has understood to be the meaning and effect of this chapter and related chapters, notwithstanding any other understanding by the public or any other agency or board, federal or state.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-124-070, filed 6/9/88.]

**WAC 173-124-080 Regulation review.** The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-124-080, filed 6/9/88.]

**Chapter 173-128A WAC**

**ODESSA GROUND WATER MANAGEMENT SUBAREA**

**WAC**

- 173-128A-010 Authority.
- 173-128A-020 Background.
- 173-128A-030 Purpose.
- 173-128A-040 Subarea definition.
- 173-128A-050 Subarea map.
- 173-128A-060 Regulation review.

**WAC 173-128A-010 Authority.** This regulation is promulgated by the department of ecology under authority and procedures provided in chapters 34.04, 43.21A, 90.03, and 90.44 RCW.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-14-041 (Order DE 82-23), § 173-128A-010, filed 6/30/82. Formerly WAC 173-128-030.]

**WAC 173-128A-020 Background.** (1) Since 1967, the segment of the Columbia basin ground water system centered around the community of Odessa has experienced a steady decline in ground water levels.

(2) Spurred by local concern and foreseeable management problems, the department of water resources (now department of ecology) closed an area of approximately 1,100 square miles to the drilling of large producing water wells and initiated a detailed investigation of ground water conditions in the Odessa basin.

(3) As a result of this investigation, a digital ground water model of the Odessa basin was developed and used in 1974 and 1975 to predict the effect of additional ground water withdrawals on existing water level declines.

(4) In 1975, the department expanded its ground water monitoring program and discontinued use of the predictive model.

(5) The expanded monitoring program, with additional data on the actual effects of pumping, included wells south of the subarea which showed ground water declines similar in magnitude to those inside the subarea.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-14-041 (Order DE 82-23), § 173-128A-020, filed 6/30/82. Formerly WAC 173-128-010.]

**WAC 173-128A-030 Purpose.** The purpose of this regulation is to expand the boundaries of the Odessa ground water subarea as originally set forth in chapter 173-128 WAC.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-14-041 (Order DE 82-23), § 173-128A-030, filed 6/30/82. Formerly WAC 173-128-020.]

**WAC 173-128A-040 Subarea definition.** "Odessa ground water subarea" shall mean those lands lying within the Columbia Basin described as follows:

Township (North)	Range (East)	Sections
13	31	1 thru 12
13	32	1 thru 12
14	31	*1 thru 6, 8 thru 17, 19 thru 36, and that part of 7 and 18 lying to the left of the center line of the East Low Canal
14	32	*1 thru 36
15	30	*1, and that part of 2, 11, 12 lying to the left of the center line of the East Low Canal
15	31	*1 thru 29, 32 thru 36, and that part of 30 and 31 lying to the left of the center line of the East Low Canal
15	32	1 thru 36
15	33	1 thru 36
16	30	*1 thru 4, 10 thru 14, 23 thru 25, 36, and that part of 5, 6, 8, 9, 15, 16, 21, 22, 26, 27, 28, 34, and 35 lying to the left of the center line of the East Low Canal
16	31	1 thru 36
6	32	1 thru 36
16	33	1 thru 36
16	34	1 thru 22
16	35	1 thru 18
16	36	6 and 7
17	30	*15, 16, 21 thru 28, 33 thru 36, and that part of 8 thru 11, 13, 14, 17, 20, 29, 31, and 32 lying to the left of the center line of the East Low Canal
17	31	*1 thru 4, 9 thru 16, 19 thru 36, and that part of 5, 6, 8, 17 and 18 lying to the left of the center line of the East Low Canal
17	32	1 thru 36
17	33	1 thru 36
17	34	1 thru 36
17	35	1 thru 36
17	36	5 thru 8, 17 thru 20, 30 and 31
18	30	*1, 12 and that part of 2, 11, 13, and 14 lying to the left of the center line of the East Low Canal
18	31	*1 thru 16, 20 thru 29, 32 thru 36, and that part of 17, 18, 19, 30, and 31 lying to the left of the center line of the East Low Canal
18	32	1 thru 36
18	33	1 thru 36
18	34	1 thru 36
18	35	1 thru 36
18	36	4 thru 9, 16 thru 21, and 28 thru 33
19	29	*1 thru 3, 10 thru 14, 24, 25, and that part of 3, 4, 9, 10, 15, 16, 22, 23, 26, 27, 34, 35, and 36 lying to the left of the center line of the East Low Canal

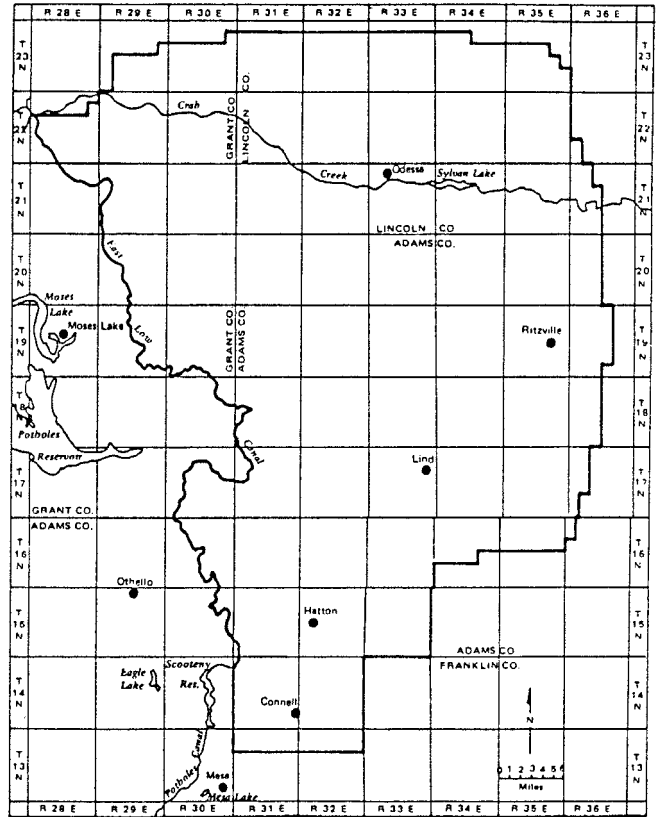
Township (North)	Range (East)	Sections
19	30	*1 thru 27, 29, 30, 36 and that part of 28 and 31 thru 35 lying to the left of the center line of the East Low Canal
19	31	1 thru 36
19	32	1 thru 36
19	33	1 thru 36
19	34	1 thru 36
19	35	1 thru 36
19	36	3 thru 10, 15 thru 22 and 27 thru 33
20	29	*1 thru 5, 8 thru 15, 22 thru 27, 34 thru 36 and that part of 6, 7, 16, 17, 18, 21, 28 and 33 lying to the left of the center line of the East Low Canal
20	30	1 thru 36
20	31	1 thru 36
20	32	1 thru 36
20	33	1 thru 36
20	34	1 thru 36
20	35	1 thru 36
20	36	4 thru 9, 16 thru 21, and 28 thru 33
21	28	*1, 2, and that part of 3, 4, 10, 11 and 12 lying to the left of the center line of the East Low Canal
21	29	*1 thru 6, 9 thru 16, 20 thru 29, 32 thru 36 and that part of 7, 8, 17, 18, 19, 30 and 31 lying to the left of the center line of the East Low Canal
21	30	1 thru 36
21	31	1 thru 36
21	32	1 thru 36
21	33	1 thru 36
21	34	1 thru 36
21	35	1 thru 36
21	36	5 thru 8, 16 thru 21, and 28 thru 33
22	28	*12 thru 17, 20 thru 28, 34 thru 36 and that part of 18, 19, 29, 30, 32 and 33 lying to the left of the center line of the East Low Canal
22	29	1 thru 36
22	30	1 thru 36
22	31	1 thru 36
22	32	1 thru 36
22	33	1 thru 36
22	34	1 thru 36
22	35	1 thru 36
22	36	30 and 31
23	29	13, 20 thru 29, and 32 thru 36
23	30	12 thru 36
23	31	7 thru 36
23	32	7 thru 36
23	33	7 thru 36
23	34	7 thru 9 and 13 thru 36
23	35	15 thru 23 and 25 thru 36

\* Right and left sides are determined by looking in the downstream or flow direction.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-14-041 (Order DE 82-23), § 173-128A-040, filed 6/30/82. Formerly WAC 173-128-040.]

**WAC 173-128A-050 Subarea map.** "Odessa ground water subarea" shall include those lands that lie within the heavy outline shown on the following map:

ODESSA GROUND—WATER SUBAREA



[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-14-041 (Order DE 82-23), § 173-128A-050, filed 6/30/82. Formerly WAC 173-128-050.]

**WAC 173-128A-060 Regulation review.** The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-128A-060, filed 6/9/88.]

**Chapter 173-130A WAC  
ODESSA GROUND WATER SUBAREA  
MANAGEMENT POLICY**

**WAC**

- 173-130A-010 Authority.
- 173-130A-020 Background.
- 173-130A-030 Definitions.
- 173-130A-040 Purpose.
- 173-130A-050 Exemptions.
- 173-130A-060 Rate of decline in water level to be controlled.
- 173-130A-070 Maximum lowering of the water table.
- 173-130A-080 Regulation of withdrawal of ground water.
- 173-130A-090 Notice of regulation.
- 173-130A-100 Applications for withdrawal of ground water.



173-130A-110	Distance of wells from East Low Canal.
173-130A-120	Ground water mound—Columbia Basin project interests.
173-130A-130	Irrigation season.
173-130A-140	Airlines.
173-130A-150	Water duty.
173-130A-160	Development schedule.
173-130A-170	Casing and sealing.
173-130A-180	Reworking wells.
173-130A-190	Bore hole information.
173-130A-200	Acreage expansion program.
173-130A-210	General implementation.
173-130A-215	Enforcement.
173-130A-217	Appeals.
173-130A-220	Regulation review.

**WAC 173-130A-010 Authority.** This regulation is promulgated by the department of ecology under authority and procedures provided in chapters 34.04, 43.21A. 90.03 and 90.44 RCW.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-010, filed 8/4/82. Formerly WAC 173-130-020.]

**WAC 173-130A-020 Background.** The Odessa ground water subarea was established and the boundaries set forth in chapter 173-128A WAC.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-020, filed 8/4/82. Formerly WAC 173-130-010.]

**WAC 173-130A-030 Definitions.** For the purposes of this chapter, the following definitions shall be used:

- (1) "Water table" shall mean the surface formed by mapping the altitude at which water stands in wells.
- (2) "Priority" shall mean the date of receipt by the department of ecology or its predecessor of an acceptable application to appropriate public ground water.
- (3) "Department" shall mean the department of ecology.
- (4) "Bore hole information" shall include data required to determine the extent and nature of subsurface geologic and hydrologic properties. Examples of bore hole information includes data contained on a completed department water well report form, all or a portion of a suite of geophysical logs such as resistivity, flow, caliper, and television video scanning.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-030, filed 8/4/82. Formerly WAC 173-130-030.]

**WAC 173-130A-040 Purpose.** The purpose of this regulation is to provide a procedure for managing ground water within the Odessa ground water subarea to insure the maintenance of a safe sustaining yield from the ground water body within a reasonable and feasible pumping lift.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-040, filed 8/4/82. Formerly WAC 173-130-040.]

**WAC 173-130A-050 Exemptions.** The following shall not be subject to this management regulation:

- (1) Wells from which the withdrawal is less than 5,000 gallons per day;

(2009 Ed.)

(2) Wells drilled under prior authorization which were defined as "Zone C" wells in WAC 173-130-030(3), now repealed.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-050, filed 8/4/82.]

**WAC 173-130A-060 Rate of decline in water level to be controlled.** The rate of decline in the water level will be limited to a total amount of thirty feet in three consecutive years. In the case of a new well, the base time shall commence in the spring following the first season of irrigation use.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-060, filed 8/4/82. Formerly WAC 173-130-060.]

**WAC 173-130A-070 Maximum lowering of the water table.** These regulations will be used to prevent the spring static water table, as measured prior to commencement of pumping for irrigation, from lowering more than three hundred feet below the altitude of the static water level as it existed in the spring of 1967.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-070, filed 8/4/82. Formerly WAC 173-130-070.]

**WAC 173-130A-080 Regulation of withdrawal of ground water.** (1) Upon complaint from a water right holder that the water level in the associated well or wells is being drawn down at a rate in excess of thirty feet in three years as set forth in WAC 173-130A-060 as a primary result of pumping by subsequent appropriators, the department shall evaluate the complaint and take appropriate regulatory action, to the extent practicable, to protect the rights of the prior appropriator.

(2) Whenever the department has reason to believe that the provision of WAC 173-130A-070 is going to be violated, regulatory action to limit withdrawals in the affected area will be initiated according to the procedure outlined in WAC 173-130A-090. Such regulation shall conform to the priority of the pertinent, valid rights and shall prevail on an annual basis until the condition no longer exists, unless the aggregate withdrawal is decreased by mutual agreement of the affected water right holders pursuant to RCW 90.44.180.

(3) The department shall take regulatory action, to the extent necessary, to assure compliance with water right conditions.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-080, filed 8/4/82. Formerly WAC 173-130-080.]

**WAC 173-130A-090 Notice of regulation.** (1) Notice of regulation shall be provided to each water right holder within the area identified pursuant to WAC 173-130A-080(2) by certified mail on or before May 1 of each year when regulation of withdrawals is contemplated for the next calendar year. Said notice shall also provide for a public meeting within thirty days to be held in the affected area to discuss proposed regulatory action.

(2) Within sixty days following this public meeting, departmental orders will be sent to those water right holders to be regulated.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-090, filed 8/4/82. Formerly WAC 173-130-090.]

**WAC 173-130A-100 Applications for withdrawal of ground water.** All applications for permits to appropriate ground water from within the Odessa ground water subarea shall be analyzed in order of priority to determine the calculated effect that the requested rate and volume of withdrawal will have on existing ground water declines. No permit will be issued for withdrawals which calculations show will cause the conditions of WAC 173-130A-060 or 173-130A-070 to be exceeded at any location within the subarea.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-100, filed 8/4/82. Formerly WAC 173-130-140.]

**WAC 173-130A-110 Distance of wells from East Low Canal.** No well may be drilled closer than one-quarter mile to the centerline of the East Low Canal.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-110, filed 8/4/82. Formerly WAC 173-130-170.]

**WAC 173-130A-120 Ground water mound—Columbia Basin project interests.** Irrigation of Columbia Basin project lands lying westerly of the East Low Canal and canal leakage have caused development of a ground water mound lying generally under the canal. The retention of existing water levels under the canal is necessary to maintain the present water table gradient toward the Potholes Reservoir to allow the recapture and utilization of artificially stored ground water (see order of the department of ecology, under Docket No. 74-772, dated the 8th day of January, 1975). All applications for permit within the following described area will be evaluated on a case-by-case basis consistent with this chapter. Additionally, the potential effects of the proposed appropriation on existing rights including protection of the ground water mound will be determined. All new permits will be conditioned to assure retention of the existing water levels under the East Low Canal.

Twp N	Rge E	Section
17	30	15, 16, 23, 24 and all those portions of 9 through 11, 13 and 14 lying southerly of the East Low Canal.
	31	3, 4, 9 through 11, 14 through 16, 19 through 23, and those portions of 5, 6, 8, and 17 lying easterly of the East Low Canal.
18	30	1, 12, and all those portions of 2, 11, 13 and 14 lying easterly of East Low Canal.
	31	4 through 10, 15, 16, 21, 22, 27 through 29, 32 through 34, and all those portions of 17 through 20, 30 and 31 lying northerly and easterly of the East Low Canal.

Twp N	Rge E	Section
19	29	1 through 3, 10 through 14, 24 through 26, and all those portions of 4, 9, 15, 16, 22, 23, 27, and 34 through 36 lying easterly and northerly of the East Low Canal.
	30	19 through 23, 25 through 27, 29, 30, 36, and all those portions of 28, 31 through 35 lying northerly and easterly of the East Low Canal.
	31	30 and 31
20	29	27, 35, and all those portions of 21, 28, 33 and 34 lying easterly of the East Low Canal.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-120, filed 8/4/82.]

**WAC 173-130A-130 Irrigation season.** The irrigation season for withdrawal of ground water in the Odessa ground water subarea shall be from February 1 to November 30, each year. However, the department recognizes that conditions will vary from year to year, making application of water to the land necessary during December and/or January in some years. Permission to withdraw ground water during December and January may be granted by the department upon showing of a need by individual permit or certificate holders and if not inconsistent with the regulatory program of this chapter.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-130, filed 8/4/82. Formerly WAC 173-130-195.]

**WAC 173-130A-140 Airlines.** An airline and pressure gauge shall be installed and maintained in operating condition on all new or reworked wells and equipped with a standard tire valve, placed in an accessible location. The airline shall extend from land surface to the top of the pump bowls. The total length of the airline and any changes in length shall be reported to the department.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-140, filed 8/4/82.]

**WAC 173-130A-150 Water duty.** The duty of water issued in permits for agricultural irrigation shall be not more than 2.5 acre feet per acre per calendar year.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-150, filed 8/4/82.]

**WAC 173-130A-160 Development schedule.** All new permits issued will require beginning of construction of the authorized well(s) within two years after permit issuance. Beginning of construction means that the well drilling has been started and is being actively pursued toward completion. No extensions of time will be granted to this schedule. Violation of this requirement will result in cancellation of the related permits.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-160, filed 8/4/82.]

**WAC 173-130A-170 Casing and sealing.** In order to protect existing shallow domestic and stock water wells, and springs, casing and sealing requirements will be determined on a case-by-case basis and included as a provision on all new permits issued. New permits will also be conditioned to prohibit cascading water in wells in accordance with chapter 173-160 WAC (Minimum standards for construction and maintenance of water wells). Sealing of required casing shall consist of filling the annular space between casing and well bore with cement grout placed by pumping from the bottom of the casing to land surface. Alternative methods to provide the same protection afforded by casing and sealing may be submitted to the department for review and shall only be used if approved in writing by the department prior to well completion.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-170, filed 8/4/82.]

**WAC 173-130A-180 Reworking wells.** Any well which is reworked shall be constructed to comply with the casing and sealing provisions of WAC 173-130A-170. Reworking shall include, but not be limited to, reaming to enlarge well diameter or deepening.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-180, filed 8/4/82. Formerly WAC 173-130-155.]

**WAC 173-130A-190 Bore hole information.** It shall be the responsibility of the owner of all new or reworked wells drilled in the Odessa ground water subarea to provide the department of ecology with such logs as the department may reasonably require.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-190, filed 8/4/82. Formerly WAC 173-130-160.]

**WAC 173-130A-200 Acreage expansion program.** (1) Water right certificate holders who wish to expand their authorized irrigated acreage while not increasing actual historic withdrawal rates in gallons per minute or acre feet per year, within the maximum limits of their water right, may submit a request in writing to the department at least four months prior to initiation of irrigation. Such request shall include documentation substantiating actual quantities applied to a beneficial use within authorized acreage for a minimum of the three previous consecutive irrigation seasons. This documentation shall consist of accurate flow meter readings, electrical consumption which has been converted to actual acre footage withdrawn, or any other data acceptable to the department.

(2) The acreage expansion, if authorized, will allow the certificate holder to apply the average of the quantity of water beneficially used during the past three consecutive years to more land.

(3) Where the acreage expansion program is continuous from year to year, the initial documentation of beneficial use of water shall apply to each subsequent year.

(2009 Ed.)

(4) New wells will not be permitted to be drilled as part of this program. Every well authorized for use under this program must be equipped with an accurately operating flow meter before acreage expansion can be implemented.

(5) By December 31 of each year, the water user shall submit in writing to the department a statement of the total water used, in acre feet, under the acreage expansion program for the completed irrigation season.

(6) The acreage expansion program will be administered as a temporary change through an annual letter of authorization. No permanent amendment or change in any water right certificate shall be issued as part of this program.

The penalty for noncompliance with the provisions of this section shall include, but not be limited to, termination from the acreage expansion program for one calendar year.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-200, filed 8/4/82.]

**WAC 173-130A-210 General implementation.** The department recognizes the uncertainties associated with ground water occurrence and water well construction, both being dependent in large part on the geologic and hydrologic characteristics of the aquifer materials underlying a specific proposed well site. Therefore, the department shall endeavor to implement this chapter in a reasonable and practical manner consistent with its purpose.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-210, filed 8/4/82.]

**WAC 173-130A-215 Enforcement.** In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-130A-215, filed 6/9/88.]

**WAC 173-130A-217 Appeals.** All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-130A-217, filed 6/9/88.]

**WAC 173-130A-220 Regulation review.** The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-130A-220, filed 6/9/88. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-220, filed 8/4/82. Formerly WAC 173-130-200.]

## Chapter 173-132 WAC

DUCK LAKE GROUND WATER MANAGEMENT  
SUBAREA

## WAC

173-132-010	Background.
173-132-020	Purpose.
173-132-030	Authority.
173-132-040	Subarea definition.
173-132-050	Subarea map.
173-132-060	Regulation review.

**WAC 173-132-010 Background.** (1) Through well data collected since 1958 and refraction seismic surveys conducted in 1970 and 1971, the department of ecology has identified a semiclosed ground water basin in the area of Duck Lake in Okanogan County, Washington.

(2) The principal aquifer in this area consists of glacial and fluvial sands and gravels that lie unconformably over metamorphic and igneous bedrock.

(3) Natural recharge to the aquifer occurs primarily through ground water migration from Johnson Creek Valley which lies northwest of the Duck Lake basin.

(4) The aquifer is also artificially recharged through waters diverted to Duck Lake from Salmon and Johnson creeks by the Okanogan irrigation district and from waters incidental to irrigation of project lands.

(5) Since the basin retains substantial quantities of artificially stored ground water, in accordance with chapter 90.44 RCW it has been recommended that the Duck Lake aquifer be designated as a ground water subarea.

[Order DE 74-24, § 173-132-010, filed 10/18/74.]

**WAC 173-132-020 Purpose.** The purpose of this regulation is to establish areal boundaries for the Duck Lake ground water subarea as the initial step toward development of an appropriate ground water management program for this area.

[Order DE 74-24, § 173-132-020, filed 10/18/74.]

**WAC 173-132-030 Authority.** This regulation is promulgated by the department of ecology under authorities and procedures provided in chapters 43.21A, 90.03 and 90.44 RCW and after giving notice as provided in chapter 34.04 RCW.

[Order DE 74-24, § 173-132-030, filed 10/18/74.]

**WAC 173-132-040 Subarea definition.** "Duck Lake ground water subarea" shall mean those lands lying within Okanogan County described as follows:

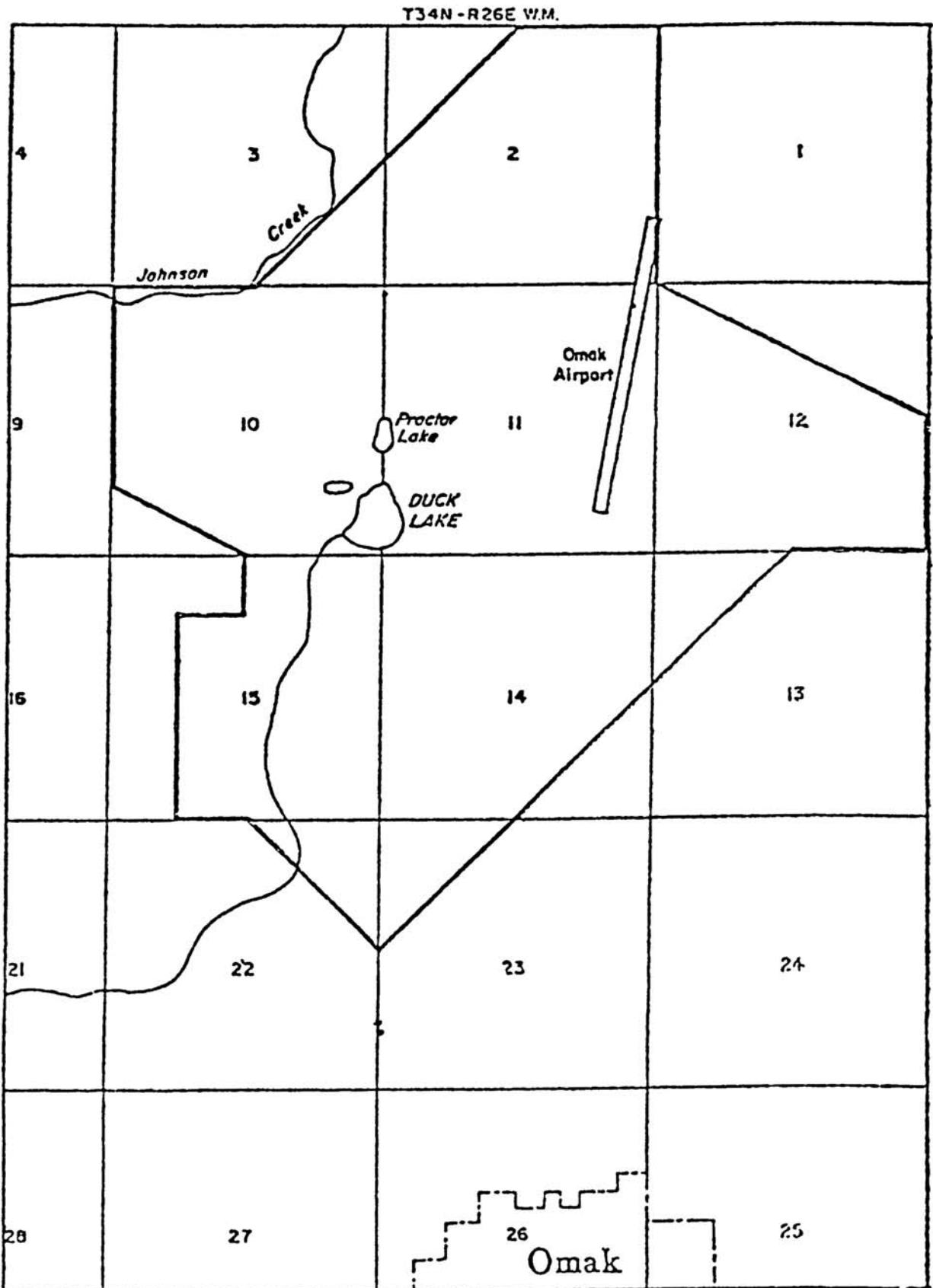
Beginning at the west quarter corner of Sec. 23; thence northeast through the north quarter corner of Sec. 23 and the east quarter corner of Sec. 14 to the north quarter corner of Sec. 13; thence east to the northeast corner of Sec. 13; thence north to the east quarter corner of Sec. 12; thence northwest to the southeast corner of Sec. 2; thence northwest to the center of the northwest quarter of Sec. 2; thence southwest through the west quarter corner of Sec. 2 to the south quarter corner of Sec. 3; thence west to the southwest corner of Sec. 3; thence south along the west line of Sec. 10 to the "bedrock" exposure

which lies approximately 1,300 feet north from the southwest corner of Sec. 10; thence southeasterly along the "bedrock" to the south quarter corner of Sec. 10; thence south 1,320 feet; thence west 1,320 feet to the center of the northwest quarter of Sec. 15; thence south 3,960 feet to the south line of Sec. 15; thence east to the south quarter corner of Sec. 15; thence southeast to the point of beginning; ALL in T. 34 N., R. 26 E.W.M., Okanogan County.

[Order DE 77-3, § 173-132-040, filed 4/21/77; Order DE 74-24, § 173-132-040, filed 10/18/74.]

**WAC 173-132-050 Subarea map.** "Duck Lake ground water subarea" shall include those lands that lie within the heavy outline shown on the following map:

DUCK LAKE GROUND WATER SUBAREA



**WAC 173-132-060 Regulation review.** The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-132-060, filed 6/9/88.]

### Chapter 173-134A WAC QUINCY GROUND WATER SUBAREA MANAGEMENT POLICY

#### WAC

173-134A-010	Authority.
173-134A-020	Background.
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173-134A-040	Definitions.
173-134A-050	Management and regulation.
173-134A-060	Withdrawal of waters of deep management unit.
173-134A-070	Public ground water permit amendments.
173-134A-080	Regulation of waters of the shallow management unit— Permit requirements.
173-134A-085	Applicability.
173-134A-090	Responsibility for water management—Designation of critical management areas.
173-134A-100	Establishment of a technical committee.
173-134A-110	Request for protection of interest.
173-134A-120	Exemptions.
173-134A-130	Agreements.
173-134A-140	Existing laws and rights.
173-134A-150	Regulation review.
173-134A-160	Relinquishments—Public ground water.
173-134A-165	Enforcement.
173-134A-170	Appeals.

**WAC 173-134A-010 Authority.** This chapter is promulgated by the department of ecology under authority and procedures provided in chapters 34.04, 43.21A, 90.03, and 90.44 RCW.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-010, filed 6/1/83. Formerly chapter 173-134 WAC.]

**WAC 173-134A-020 Background.** The Quincy ground water subarea was duly established and the boundaries were set forth in chapter 173-124 WAC on January 15, 1973. Management rules for the Quincy subarea were then adopted on January 9, 1975, as chapter 173-134 WAC and amended on July 26, 1979.

The department has managed the ground waters within the Quincy subarea since that time in accordance with those rules.

The following information is provided as a background to assist in understanding this chapter.

By the end of the 1973 irrigation season (in October), there were approximately 3,493,142 acre-feet of imported waters stored underground in the Quincy ground water subarea. These imported waters are derived from the activities of the bureau and the Columbia Basin project. Most of the imported water is located in the shallow management unit where it commingles with naturally occurring public ground waters.

The general pattern of flow of ground water in the shallow management unit is toward Potholes Reservoir, a facility of the Columbia Basin project.

By order of the department of ecology, under Docket No. 74-772, dated the 8th day of January, 1975, declarations of

artificially stored waters of the United States Bureau of Reclamation were accepted for the Quincy subarea and zones. There are no other accepted declarations relating to the Quincy subarea and zones.

Based on the best information available to the department in 1983, all waters naturally supplied to the Quincy Basin ground water system have been allocated to permits or certificates under state law. Of the aggregate thus allocated, it appears that because of nonuse, small additional amounts of such water can be appropriated without overdraft.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-020, filed 6/1/83. Formerly WAC 173-134-030.]

**WAC 173-134A-030 Purpose.** The purpose of this chapter is to set forth rules of the department of ecology for the administration of all ground waters within the Quincy ground water subarea, including among others, commingled public ground waters and artificially stored ground waters. This chapter replaces chapter 173-134 WAC. The rules established herein set forth the regulatory and management program for these waters and all such waters shall be authorized for withdrawal and otherwise regulated in accordance with the provisions hereof. This state program is designated to protect both the public interest and private rights and interests in such waters and shall be implemented in a spirit of cooperation with affected persons and entities, public and private, including the holder of a declaration accepted by the department pursuant to RCW 90.44.130.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-030, filed 6/1/83. Formerly WAC 173-134-010.]

**WAC 173-134A-040 Definitions.** For purposes of this chapter, the following definitions shall apply:

(1) "Artificially stored ground waters" means waters beneath the land surface within an area, subarea, or zone which are the subject of the declaration by the bureau and accepted by the department of ecology.

(2) "Bureau" means the United States Department of the Interior, Bureau of Reclamation.

(3) "Critical management area" means a specified locality within the Quincy subarea where depletion of ground waters, including interference with surface waters, necessitates the implementation of special ground water restrictions to ensure protection to rights and interests in said waters as set forth in this chapter.

(4) "Deep management unit" means all ground waters underlying the shallow management unit.

(5) "Department" means the department of ecology.

(6) "Ground waters" means all waters that exist beneath the land surface or beneath the bed of any stream, lake, or reservoir, or other body of surface water within the boundaries of the Quincy ground water subarea.

(7) "Public ground waters" means all ground waters in the Quincy ground water subarea other than artificially stored ground water.

(8) "Quincy ground water subarea," and "Quincy subarea" mean the subarea established pursuant to RCW 90.44.130 and set forth in chapter 173-124 WAC.

(9) "Shallow management unit" means the ground water hydraulically continuous between land surface and a depth of 200 feet into the Quincy basalt zone and includes all of the Quincy unconsolidated zone.

It is noted that the definitions of (1) and (7) hereof are not intended to be identical with the definitions in RCW 90.44.035.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-040, filed 6/1/83. Formerly WAC 173-134-020.]

#### **WAC 173-134A-050 Management and regulation.**

All public and artificially stored ground water of the Quincy subarea shall be managed and regulated by the department of ecology in accordance with this chapter.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-050, filed 6/1/83. Formerly WAC 173-134-040.]

**WAC 173-134A-060 Withdrawal of waters of deep management unit.** All withdrawals of waters of the deep management unit will be controlled by the prior appropriation provisions of RCW 90.44.050 and 90.44.060 and related code sections. The total authorized withdrawals under state permits or certificates from the deep management unit shall not exceed 97,901 acre-feet per year, unless the department should determine otherwise through further studies.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-060, filed 6/1/83. Formerly WAC 173-134-050.]

**WAC 173-134A-070 Public ground water permit amendments.** The department may approve amendments to public ground water permits for lands located within the Quincy subarea, including changes in points of withdrawal, purpose, and places of use, only if it believes, after investigation, that the activities proposed in the amendment or amendments will not:

- (1) Impair existing rights;
- (2) Prove detrimental to the public interest;
- (3) Cause the tapping of a different body of ground water (as defined herein or as determined by the department);
- (4) Adversely affect the comprehensive scheme of water management adopted for the Quincy subarea.

In addition, with regard to holders of permits or certificates for the use of public ground waters in the Quincy subarea, said permits and certificates shall represent "a valid right to withdraw public ground waters," as that term is used in RCW 90.44.100, only to the extent of beneficial use actually made under the permit or certificate.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-070, filed 6/1/83. Formerly WAC 173-134-055.]

**WAC 173-134A-080 Regulation of waters of the shallow management unit—Permit requirements.** Waters of the shallow management unit shall be subject to the following:

- (1) Applications for withdrawal of public ground waters shall be processed in accordance with the provisions of chapters 90.44 and 90.03 RCW.

(2009 Ed.)

The total quantity of withdrawals of public waters, whether authorized by permits and certificates issued under RCW 90.44.050, 90.44.060 or otherwise, shall not exceed 58,000 acre-feet per year. It appears there may be relatively small amounts of public waters (in the range of not more than 4,000 acre-feet annually) available for appropriation in the shallow management unit. Such small amounts are reserved for withdrawal for domestic and group domestic uses.

(2) No withdrawal of, or construction of any works for the withdrawal of artificially stored ground waters shall be commenced by any person without obtaining permission of the department of ecology. Permission shall be obtained through the issuance of a permit as provided in chapter 173-136 WAC. Application for a permit shall be on a form furnished by the department. In relation to ruling upon any such application, the following shall apply:

(a) Each permit shall be conditioned to ensure that no withdrawal will interfere with the furnishing of adequate supplies of water to the Potholes Reservoir facility of the bureau to satisfy existing and future project needs of the bureau.

(b) Each permit shall be conditioned to ensure that no interference with rights established under state law, previously or in the future, to withdraw public waters or artificially stored ground waters shall be allowed. Rights described herein shall include rights to the (1) maintenance of certain ground water levels to ensure availability and (2) protection of the use ability of certain withdrawal facilities.

(c) To the maximum extent possible, consistent with rights and interest in the ground waters of the Quincy subarea; wildlife, recreation, and other values associated with the general public interest in the ground water in the subarea shall be protected and permits issued hereunder shall be so conditioned.

(d) Permits shall be conditioned such that the well depth shall be no greater than 200 feet into the basalt (the shallow management unit). However, when the total production from the authorized well(s), completed within the shallow management unit does not produce the quantity of water authorized under the permit in gallons per minute, the permittee may apply to the department of ecology for an exemption to the well depth limitation imposed by these regulations. Such an exemption will be granted if reasonable efforts have been made to develop water in the shallow management unit and the proposed deepening will not adversely affect existing rights in the deep management unit. The depth of the well(s) in any event shall not penetrate the top of the Grand Ronde Basalt unit. When an exemption is granted, the department will advise the permittee of the depth to the top of the Grand Ronde Basalt unit at the specific well site(s). The authorized wells must be of adequate diameter and casing wall thickness to accommodate a pump of sufficient capacity to produce the permitted quantity in gallons per minute. Notwithstanding the definitions in WAC 173-134A-040, withdrawals of water subject to exemptions shall be considered as artificially stored ground water.

(e) Each permit shall be conditioned to provide that failure of the permittee to comply with the terms of an executed agreement as described in WAC 173-134A-130 shall constitute grounds for the department to terminate a permit issued under this subsection.

[Title 173 WAC—p. 247]

(f) Applications for permits shall be processed in order of their priority, based on the date of receipt of an application by the department of ecology.

(g) Permits granted herein shall pertain to a specific point(s) of withdrawal, and purpose, and place of use. No assignment of such permits can be made without written approval of the department.

The department may approve amendments to permits granted herein regarding changes in point of withdrawal, purpose, and place of use, if it believes, after investigation, that the amendment will comply with WAC 173-134A-070 (1) through (4). Application for amendments provided herein shall be made on forms provided by the department.

Permits for the use of artificially stored ground waters may be amended as to places of use and purpose only to the extent that waters actually have been placed to beneficial use pursuant to the terms of said permits.

(h) No permit shall authorize the withdrawal of waters for agricultural irrigation use for more acres than authorized by federal reclamation law.

(i) Permits issued hereunder shall have no expressed termination date provided, however, the permit shall be modifiable and terminable by the department at any time for good cause in order to accomplish the water management and regulation program of this chapter. Modifications and terminations as provided herein shall be effectuated through the issuance of regulatory orders as described in WAC 173-134A-090.

All permits provided for in chapter 173-136 WAC shall contain development schedules requiring that water be put to beneficial use within a three-year period from the date of issuance. Any permit under which development has not been completed may be perfected to the extent of beneficial use, and cancellation proceedings will be initiated on the remaining undeveloped portion.

(j) By applying for and obtaining a permit hereunder, an applicant expressly waives all other claims of rights to withdraw ground waters of the Quincy subarea for irrigation uses, except as such rights are (1) embodied in a permit or certificate pertaining to public ground waters issued previously by the department of ecology or one of its predecessors or (2) based upon rights established prior to the enactment of chapter 90.44 RCW and are the subject of a claim filed with the department of ecology pursuant to RCW 90.14.041.

(k) There shall be no fee for filing an application for a permit authorized for withdrawal of artificially stored ground waters under this subsection. Said application shall include the names and signatures of all legal owners of the lands proposed for irrigation.

(l) Withdrawals of artificially stored waters authorized by permit under this section shall be limited to a maximum cumulative total of no more than 177,000 acre-feet for each calendar year.

Withdrawals from wells presently drilled into both the shallow and deep management units, covered by an application filed with the department or a license to withdraw water issued by the bureau between May 12, 1967, and February 14, 1974, and which are also subject of a permit issued under this subsection (2), shall be considered as withdrawals from the shallow management unit.

(m) The duty of water for agricultural irrigation uses shall be not more than 3.5 acre-feet for each acre for each calendar year.

(n) No applications for permits submitted pursuant to WAC 173-134A-080(2) shall be approved for withdrawals of artificially stored ground waters from wells located on lands adjacent to bureau waterways and on lands underlain by ground water that hydraulically responds to changes in the water level of the Potholes Reservoir, which specifically are those lands described in amended department of ecology Order No. 75-54, second amendment, entered on February 3, 1986.

[Statutory Authority: RCW 43.21A.060. 86-04-057 (Order DE 86-01), § 173-134A-080, filed 2/4/86. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-080, filed 6/1/83. Formerly WAC 173-134-060.]

**WAC 173-134A-085 Applicability.** The total withdrawal limitations of WAC 173-134A-060 and 173-134A-080 shall apply only to that geographical area within the Quincy ground water subarea that was described in the declaration of ownership of artificially stored waters by the United States Bureau of Reclamation accepted by order of the department under Docket Number 74-772 dated January 8, 1975.

[Statutory Authority: RCW 43.21A.060. 86-04-057 (Order DE 86-01), § 173-134A-085, filed 2/4/86.]

**WAC 173-134A-090 Responsibility for water management—Designation of critical management areas.** (1) The department of ecology shall be responsible for the water management and regulation program applicable to the comingled waters provided in this chapter, including the authorization of withdrawals of artificially stored ground waters and regulation of the same. The department shall, in order to ensure compliance with the water regulation and administration programs of this chapter, issue regulatory orders. Such orders shall be issued pursuant to RCW 43.27A.190 through 43.27A.210 and shall be subject to review as provided in chapter 43.21B RCW, before the pollution control hearings board.

(2) In times of shortage of water available to satisfy all ground water withdrawals authorized under WAC 173-134A-080(2), the department shall reduce withdrawals, through issuance of regulatory orders, in order of the priority date of the permit, with the latest priority being regulated first. In relation thereto, the department may designate critical management areas within the Quincy subarea based upon any of the following:

(a) Where there is an inadequate supply of water to the Potholes Reservoir and the Potholes canal system;

(b) When there is a shortage of water to satisfy ground water withdrawals authorized under WAC 173-134A-080(2);

(c) Where existing wildlife, recreational, and other values associated with the general public interest are or will be detrimentally affected on a significant scale, or

(d) Where necessary to protect rights to withdraw public waters. Designation of critical management areas shall be made through issuance of regulatory orders which shall define the areas and specify if the regulatory period is per-



manent or not. During this management period, the department shall determine the allowable limits of withdrawal of artificially stored ground water within the critical management area.

(3) As part of its enforcement program, the department shall terminate permits, through the issuance of regulatory orders, when permittees fail to comply with the terms of an executed agreement as provided in WAC 173-134A-130.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-090, filed 6/1/83. Formerly WAC 173-134-070.]

**WAC 173-134A-100 Establishment of a technical committee.** (1) For the purpose of advising the department in the implementation of this chapter, there is established a technical committee consisting of one permanent member and one alternate member each from the bureau and the department assisted by other technical advisors (e.g. irrigation districts, municipalities) as the permanent members consider necessary.

(2) The role of the committee shall relate generally to providing advice pertaining to ground and surface water conditions and management in the Quincy subarea.

(3) The committee shall meet as necessary when called by a permanent member of the committee. Telephone conference calls may constitute a committee meeting.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-100, filed 6/1/83. Formerly WAC 173-134-080.]

**WAC 173-134A-110 Request for protection of interest.** Whenever the bureau believes its interest in the ground waters of the Quincy subarea are not being adequately protected, it may request the department to issue regulatory orders or take other appropriate management and regulatory actions designed to protect such interest. If the department concludes the requested action is not warranted in the administration of this chapter, the department shall issue an order denying the request.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-110, filed 6/1/83. Formerly WAC 173-134-085.]

**WAC 173-134A-120 Exemptions.** (1) The permit program of WAC 173-134A-080(2) shall not relate to (a) agricultural drains or (b) withdrawals of artificially stored ground waters performed for the purpose of removing excess waters injurious to private or project lands, to bureau canals or wasteways or other similar facilities; provided that no activities pertaining to (b) above will be conducted without first notifying the department and requesting its comment within a reasonable time.

(2) The permit program of WAC 173-134A-080(2) shall not relate to withdrawals by public entities of artificially stored ground waters performed as a necessary incident of the operation of an essential public service activity, such as a solid waste disposal facility or the fighting of fires. The public entity shall not construct facilities for making such withdrawals or engage in such withdrawals without first notifying the department and requesting comments from the department regarding the intended action. This subsection shall not

relate to other than essential public services and shall not pertain to the supplying of water for general municipal uses pertaining to satisfaction of industrial and domestic needs.

(3) No permit shall be required under WAC 173-134A-080(2) for withdrawals of artificially stored ground waters of less than 5,000 gallons per day for stockwatering purposes, for watering of a lawn or of a noncommercial garden not exceeding one-half acre in area, for single or group domestic uses, or for an industrial purpose as prescribed in RCW 90.44.050 pertaining to the withdrawal of public ground waters.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-120, filed 6/1/83. Formerly WAC 173-134-090.]

**WAC 173-134A-130 Agreements.** (1) No use of water under a permit issued pursuant to WAC 173-134A-080(2) shall take place until the recipient of such permit shall enter into an agreement with the bureau, on a form and in a content, approved and previously agreed to by the bureau and the department, pertaining to withdrawal of artificially stored ground waters. The agreement shall relate to reasonable charges for withdrawal of artificially stored ground waters and other pertinent provisions necessary to comply with federal law and ensure payment of such charges. Use of water before the permittee enters into an agreement with the bureau shall cause the permit to be terminated by the department.

(2) The bureau shall not enter into an agreement, as provided in WAC 173-134A-130(1), until a copy of a permit issued by the department pursuant to WAC 173-134A-080(2) is received by the bureau. Thereafter, upon presentation of a request the bureau shall enter into an agreement with eligible persons having state permits as described in WAC 173-134A-130(1).

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-130, filed 6/1/83. Formerly WAC 173-134-100.]

**WAC 173-134A-140 Existing laws and rights.** (1) Nothing in this chapter, including any permit issued pursuant hereto, shall authorize the use of waters in a manner which injures the property of others.

(2) Nothing in this chapter purports or is intended to modify any rights of an irrigation district created under a water delivery and "repayment" contract between the United States and irrigation districts located within the Columbia Basin project.

(3) Nothing herein shall modify the rights of the United States to make use of the courts to protect its interests.

(4) Nothing in this chapter is intended to require the bureau to obtain a permit for recapture of ground water for project purposes by wasteways and drains, including Pot-holes Reservoir, which water is covered by an accepted declaration of right to withdraw artificially stored ground water pursuant to RCW 90.44.130.

(5) Nothing in this chapter purports to regulate the administration and operation of Columbia Basin project facilities.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-140, filed 6/1/83. Formerly chapter 173-134 WAC.]

**WAC 173-134A-150 Regulation review.** The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-134A-150, filed 6/9/88. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-150, filed 6/1/83. Formerly chapter 173-134 WAC.]

**WAC 173-134A-160 Relinquishments—Public ground water.** To the extent the department identifies ground water rights that have reverted to the state pursuant to RCW 90.14.130, et seq.; it, in its discretion, may issue public ground water permits not exceeding those quantities. Public ground water made available due to relinquishment of water rights shall be subject to appropriation, reservation, or withdrawal in accordance with the applicable state water laws.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44-130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-160, filed 6/1/83.]

**WAC 173-134A-165 Enforcement.** In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-134A-165, filed 6/9/88.]

**WAC 173-134A-170 Appeals.** All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions, made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-134A-170, filed 6/9/88. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-170, filed 6/1/83.]

**Chapter 173-136 WAC**

**THE ESTABLISHMENT OF A SYSTEM OF AUTHORIZING THE WITHDRAWAL OF ARTIFICIALLY STORED GROUND WATERS EMBODIED IN AN APPROVED DECLARATION UNDER RCW 90.44.130, WHICH ARE COMMINGLED WITH PUBLIC GROUND WATERS IN GROUND WATER AREAS, SUBAREAS, AND ZONES ESTABLISHED UNDER RCW 90.44.130**

**WAC**

173-136-010	Purpose of chapter.
173-136-020	Definitions—This chapter.
173-136-030	Permit to withdraw.
173-136-040	Criteria for ruling upon application for permits.
173-136-050	Public notice of application and public hearings—When required.
173-136-060	Permits—Priorities and conditions of right of withdrawal.
173-136-070	Permits do not establish or embody water rights.
173-136-080	Permits shall be transmitted to the holder of a declaration.
173-136-090	Failure to obtain permit—Unlawful.

173-136-095	Enforcement.
173-136-100	Appeals.
173-136-110	Regulation review.

**WAC 173-136-010 Purpose of chapter.** The purpose of this chapter is to establish a permit system as a part of a comprehensive state water management and regulatory control program pertaining to the withdrawal and use of ground waters consisting of commingled artificially stored ground waters and public waters located in areas, subareas, and zones designated pursuant to RCW 90.44.130. The permit system established in this chapter relates only to the withdrawal and use of artificially stored ground waters of such ground waters.

[Order 74-36, § 173-136-010, filed 1/9/75.]

**WAC 173-136-020 Definitions—This chapter.** Definitions. For purposes of this chapter the following definitions shall apply. (It is noted that the (2) and (6) hereof are not intended to be identical with definitions contained in RCW 90.44.035.)

(1) "Area, subarea, or zone" means a ground water area, subarea, or zone designated by the department of ecology pursuant to RCW 90.44.130(3), which contains commingled artificially stored and public ground waters.

(2) "Artificially stored ground waters" mean water beneath the land surface within an area, subarea, or zone(s) which are the subject of a declaration accepted by the department of ecology pursuant to RCW 90.44.130(6).

(3) "Department" means the department of ecology.

(4) "Ground waters" means all waters beneath the land surface of an area, subarea, or zone.

(5) "Person" means individual, public, or private corporation, municipality, county, partnership, association, federal, or state agency or body, or any other entity whatsoever.

(6) "Public ground waters" means all ground waters within an area, subarea, or zone other than artificially stored ground waters.

[Order 74-36, § 173-136-020, filed 1/9/75.]

**WAC 173-136-030 Permit to withdraw.** No person, unless expressly exempted by a specific management regulation of the department adopted for an area or subarea, may withdraw any artificially stored ground waters for beneficial use from any area, subarea, or zone without first obtaining a permit from the department of ecology as hereinafter provided. An application for a permit shall be submitted on a form provided by the department. The application shall contain the following information:

- (1) Name
- (2) Address
- (3) Point of withdrawal
- (4) Place of use
- (5) Purpose of use
- (6) Time of use
- (6a) Amounts of withdrawal, including both maximum rate and the total volume each calendar year
- (7) The area, subarea, and zone from which the waters are to be withdrawn.

[Order 74-36, § 173-136-030, filed 1/9/75.]

**WAC 173-136-040 Criteria for ruling upon application for permits.** (1) The criteria for ruling on an application for a permit are as follows. An application shall be approved if:

- (a) Artificially stored waters are available for withdrawal; and
- (b) The public interest will not be detrimentally affected; and
- (c) Rights to withdraw public water will not be impaired; and
- (d) The interests of the holder embodied [embodied] in a declaration accepted by the department pursuant to RCW 90.44.130(6) will not be impaired.

(e) The withdrawal and use proposed in the application can be performed consistent with the provision of the chapter of the Washington Administrative Code containing the water management and regulation regulations for the specific ground water area, subarea, or zone to which the application relates.

(2) Prior to issuance of a permit to withdraw artificially stored ground water, the department shall consult with the holder of a declaration accepted by the department pursuant to RCW 90.44.130.

[Order 74-36, § 173-136-040, filed 1/9/75.]

**WAC 173-136-050 Public notice of application and public hearings—When required.** (1) Public notices of applications filed with the department shall be required by the department only when it appears to the department that the public interest will be served. When a notice is required the applicant shall be responsible for its publication in a form, manner, and frequency as determined by the department unless otherwise specified.

(2) Public hearings on such applications shall be required by the department only when it appears to the department that the public interest will be served.

[Order 74-36, § 173-136-050, filed 1/9/75.]

**WAC 173-136-060 Permits—Priorities and conditions of right of withdrawal.** Every permit issued pursuant to this chapter shall be:

(1) Conditioned to insure the protection of public interest and values and of the rights of withdrawal and use established in public waters and artificially stored ground waters both prior and subsequent to the issuance of such a permit.

(2) Conditioned to comply with the provisions of the chapter of the Washington Administrative Code containing the water management and regulation regulations for the specific ground water area, subarea, or zone to which the application relates.

(3) Conditioned to provide for inspection, monitoring, entry, and reporting of data by or to the department and the holder of an accepted declaration as required by the department.

(4) Conditioned to provide that a permit shall be subject to termination or modification for failure to comply with any agreement, approved by the department, between the permittee and the holder of a declaration accepted by the department of ecology pursuant to RCW 90.44.130.

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(5) Subject to termination or modification, through issuance of supplemental orders of the department, for good cause, including but not limited to:

- (a) Violation of a permit condition;
- (b) Obtaining a permit by misrepresentation or failure to fully disclose all relevant facts;
- (c) The receipt of new facts or information dictate the same.

[Order 74-36, § 173-136-060, filed 1/9/75.]

**WAC 173-136-070 Permits do not establish or embody water rights.** Permits issued pursuant to this chapter do not establish or embody water rights as provided in RCW 90.44.050 and 90.44.060.

[Order 74-36, § 173-136-070, filed 1/9/75.]

**WAC 173-136-080 Permits shall be transmitted to the holder of a declaration.** A copy of each permit issued by the department under this chapter shall be transmitted, at the time of issuance, to the holder of a declaration accepted by the department pursuant to RCW 90.44.130 pertaining to artificially stored ground water.

[Order 74-36, § 173-136-080, filed 1/9/75.]

**WAC 173-136-090 Failure to obtain permit—Unlawful.** Failure to comply with the provisions of this chapter, including failure to obtain a permit as required herein and violation of a condition of such a permit, shall constitute a basis for the imposition of civil and criminal sanctions contained in applicable state statutes.

[Order 74-36, § 173-136-090, filed 1/9/75.]

**WAC 173-136-095 Enforcement.** In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-136-095, filed 6/9/88.]

**WAC 173-136-100 Appeals.** All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-136-100, filed 6/9/88; Order 74-36, § 173-136-100, filed 1/9/75.]

**WAC 173-136-110 Regulation review.** The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-136-110, filed 6/9/88.]

## Chapter 173-145 WAC

## ADMINISTRATION OF THE FLOOD CONTROL ASSISTANCE ACCOUNT PROGRAM

## WAC

173-145-010	Authority and purpose.
173-145-020	Definitions.
173-145-030	Eligibility criteria for FCAAP funds.
173-145-040	Comprehensive flood control management plan (CFCMP).
173-145-050	Flood plain management activities.
173-145-060	FCAAP project application process.
173-145-070	FCAAP project approval process.
173-145-080	Criteria for allocation of funds.
173-145-090	Flood control assistance account funding and matching requirements.
173-145-100	Emergency fund administration.
173-145-110	Multiyear projects.
173-145-120	Work standards for all FCAAP projects.
173-145-130	Project construction monitoring.
173-145-140	Written agreements.
173-145-155	Approval of changes to written agreements.

## DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-145-150	Equipment rental. [Statutory Authority: Chapter 86.26 RCW. 85-14-002 (Order DE 85-10), § 173-145-150, filed 6/21/85.] Repealed by 87-04-022 (Order 86-36), filed 1/28/87. Statutory Authority: Chapter 86.26 RCW.
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**WAC 173-145-010 Authority and purpose.** RCW 86.26.050 provides that counties and other municipal corporations responsible for flood control maintenance may apply to the department of ecology for financial assistance for the preparation of comprehensive flood control management plans and for flood control maintenance projects. The purpose of those plans is described in RCW 86.26.105. The department shall determine priorities and allocate available funds from the flood control assistance account program (FCAAP) among those counties applying for assistance, and shall adopt rules establishing the criteria by which those allocations must be made. The criteria must be based upon proposals that are likely to bring about public benefits commensurate with the amount of state funds allocated thereto. This chapter describes the manner in which ecology will implement the provisions of the act.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-010, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-010, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-010, filed 6/21/85.]

**WAC 173-145-020 Definitions.** For the purposes of this chapter, the following definitions are used:

(1) "Applicant." An eligible municipal corporation seeking matching funds for flood control maintenance work.

(2) "Appropriate local authority." A county, city, or town that has planning and land use jurisdiction within a given area that is covered by the comprehensive flood control management plan.

(3) "Certification." Certification is the written confirmation between ecology and the appropriate local authority and the county engineer who verifies the understanding as to what the comprehensive flood control management plan will contain, the timing and anticipated product, and a reporting schedule that will allow for ecology review and input during the plan development.

(4) "Comprehensive flood control management plan (CFCMP)." A document that determines the need for flood control work, considers alternatives to in-stream flood control work, identifies and considers potential impacts of in-stream flood control work on the state's in-stream resources, and identifies the river's meander belt or floodway, as described in WAC 173-145-040.

(5) "County engineer." The appointed public works director, county engineer, or the person designated to act for the county engineer.

(6) "Eligible municipal corporation." Counties, cities, towns, conservation districts, flood control zone districts, or any special districts subject to flood conditions.

(7) "Emergency fund." That portion of the biennial appropriation allocated to the flood control assistance account which is set aside for emergency projects.

(8) "Emergency project." Flood control work necessary for reasons declared by the appropriate local authority and as authorized and approved by ecology that must be done immediately to protect lives or property.

(9) "Flood compatible land uses." Those uses of the land within the river's meander belt or floodway which comply with the minimum state, federal, and local flood plain management rule requirements.

(10) "Flood plain management activities." Activities described in WAC 173-145-050 performed by local governments through ordinances or other means to reduce the damaging effects of flooding.

(11) "Floodway." The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base (one hundred year frequency) flood without cumulatively increasing the water surface elevation more than a designated height.

(12) "Maintenance project." The work necessary to preserve or restore the natural condition or to restore man-made flood control facilities to their former condition using in-kind replacement materials or acceptable alternatives. This work is necessary due to anticipated or actual damage or destruction from flooding by action of erosion, stream flow, sheet runoff, or other damages by the sea or other bodies of water.

(13) "Meander belt." That portion of the flood plain, that can be identified by the evidence of present and previous meanders. This includes the present stream channel. Where there is no identified floodway, that area which is floodprone and has similar topographic characteristics to present and historic stream channels is considered as a meander belt.

(14) "Public benefit." Benefit to the health, safety, or general welfare of the citizens of the state or community at large that results from a flood control project or plan, or some benefit by which their rights or liabilities are affected such as an effect on public property or facilities owned or maintained by an eligible municipal corporation.

(15) "Special district." A district as defined in chapter 85.38 RCW that is either a:

- Diking district;
- Drainage district;
- Diking, drainage, and/or sewerage improvement district;
- Intercounty diking and drainage district;

(e) Consolidated diking district, drainage district, diking improvement district, and/or drainage improvement district; or

(f) Flood control district.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-020, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-020, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-020, filed 6/21/85.]

**WAC 173-145-030 Eligibility criteria for FCAAP funds.** Criteria to be used in determining eligibility for FCAAP funds are as follows:

(1) Eligible municipal corporation. The applicant must be an eligible municipal corporation as defined in WAC 173-145-020(6).

(2) Public benefit. The applicant must demonstrate that their comprehensive flood control management plans and flood control maintenance projects will further the general public and state interest as differentiated from a private interest and that they will bring about public benefits commensurate with FCAAP funds provided.

(3) Comprehensive flood control management plan. The requirements of WAC 173-145-040 must be complied with by the appropriate local authority with flood control jurisdiction over the area where the proposed project is located.

(4) Flood plain management activities. The appropriate local authority within whose jurisdiction projects are located must be engaging in approved flood plain management activities as described in WAC 173-145-050.

(5) Budget report. Any eligible municipal corporation seeking FCAAP funds shall submit its annual budget for flood control purposes to the county engineer within thirty calendar days after its final adoption. The county engineer shall then forward the budget report for eligible municipal corporations and for the county to ecology. The information will provide the basis for preparation of a preliminary plan for the most beneficial and orderly allocation of FCAAP funds. Soil conservation districts are exempt from the provisions of this section.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-030, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-030, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-030, filed 6/21/85.]

**WAC 173-145-040 Comprehensive flood control management plan (CFCMP).** The county engineer of the county within which the maintenance project is located shall certify that the CFCMP has been completed and adopted by the appropriate local authority or is being prepared. Comprehensive flood control management plans, and any revisions to the plans, must be approved by ecology, in consultation with the department of fish and wildlife. The CFCMP must be completed and adopted within three years of the date that it is certified as being prepared. If, after the three-year period has elapsed, such a plan has not been completed and adopted, the appropriate local authority may not make grants to the county for flood control maintenance projects until the CFCMP is completed and adopted by the appropriate local authority. During the three-year period, projects within a drainage area, designated as the CFCMP study area, may be funded as part of a phased project plan: Provided, That preliminary studies

for the CFCMP have been conducted to identify the one-hundred-year frequency flood plain problem areas and factors contributing to flooding: And provided further, That the proposed projects have been prioritized to achieve the greatest efficiency in flood control for the overall CFCMP study area. These limitations on grants may not preclude allocations for emergency purposes made under RCW 86.26.060. The appropriate local authority may require the applicant to fully or partially fund the preparation of the CFCMP. The plan must include:

- (1) Determination of the need for flood control work.
  - (a) Description of the watershed;
  - (b) Identification of types of watershed flood problems;
  - (c) Location and identification of specific problem areas;
  - (d) Description of flood damage history;
  - (e) Description of potential flood damages;
  - (f) Short-term and long-term goals and objectives for the planning area;

(g) Description of rules that apply within the watershed including, but not limited to, local shoreline management master programs, and zoning, subdivision, and flood hazard ordinances;

(h) Determination that the instream flood control work is consistent with applicable policies and rules.

(2) Alternative flood control work.

(a) Description of potential measures of instream flood control work;

(b) Description of alternatives to instream flood control work.

(3) Identification and consideration of potential impacts of instream flood control work on the following instream uses and resources.

- (a) Fish resources;
- (b) Wildlife resources;
- (c) Scenic, aesthetic, and historic resources;
- (d) Navigation;
- (e) Water quality;
- (f) Hydrology;
- (g) Existing recreation;
- (h) Other impacts.

(4) Area of coverage for the comprehensive plan shall include, as a minimum, the area of the one-hundred-year frequency flood plain within a reach of the watershed of sufficient length to ensure that a comprehensive evaluation can be made of the flood problems for a specific reach of the watershed. The plan may or may not include an entire watershed. Comprehensive plans shall also include flood hazard areas not subject to riverine flooding such as areas subject to coastal flooding, flash flooding, or flooding from inadequate drainage. Either the meander belt or floodway must be identified on aerial photographs or maps that will be included with the plan.

(5) Conclusion and proposed solution(s). The CFCMP must be finalized by the following action from the appropriate local authority:

- (a) Evaluation of problems and needs;
- (b) Evaluation of alternative solutions;
- (c) Recommended corrective action with proposed impact resolution measures for resource losses; and
- (d) Corrective action priority.

(6) A certification from the state department of community, trade, and economic development that the local emergency management organization is administering an acceptable comprehensive emergency operations plan.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-040, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-040, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-040, filed 6/21/85.]

**WAC 173-145-050 Flood plain management activities.** Local jurisdictions within which flood control maintenance projects are located, must be engaging in flood plain management activities. Under chapter 86.26 RCW the director of the department of ecology must approve the flood plain management activities of the county, city, or town that has jurisdiction over the area where the project will be located. To be eligible for FCAAP funding the local jurisdiction must be required to:

(1) Participate in the National Flood Insurance Program (NFIP) and meet all of the NFIP requirements.

(2) Restrict land uses within the meander belt or floodway of rivers to only flood compatible uses. Where applicable, adopted shoreline management master programs will be considered a minimum land use measure.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-050, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-050, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-050, filed 6/21/85.]

**WAC 173-145-060 FCAAP project application process.** The project application process for the eligible municipal corporations' applications includes the following in the general sequence given.

(1) The applicant shall prepare the project application to comply with the provisions of chapter 86.26 RCW and this chapter. The application must be made on a form furnished by ecology. A complete application shall include the following:

(a) A written description of the project containing the following as a minimum: Name of applicant, name of affected water body, project summary, location, amount of local match, and proposed local funding source;

(b) A detailed cost estimate identifying major project elements;

(c) A map to identify water body names, stream river mile, section-township-range;

(d) Construction plans; and

(e) A description of the project benefits that describes how the project will mitigate flood damages and describes development which exists on adjacent and nearby lands which are protected by the facility.

(2) The applicant shall review the preliminary project proposal with the county engineer, the Washington department of fish and wildlife and the department of natural resources and any affected Indian tribes.

(3) The applicant shall submit a prioritized list of project applications to the county engineer.

(4) The county engineer shall submit a prioritized list of all project applications within the county to ecology.

(5) The county engineer shall furnish evidence to ecology that the comprehensive flood control management plan

described in WAC 173-145-040 is being prepared or is completed and adopted by the appropriate local authority and the flood plain management activities described in WAC 173-145-050 are being implemented.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-060, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-060, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-060, filed 6/21/85.]

**WAC 173-145-070 FCAAP project approval process.** The project approval process for the eligible municipal corporations' applications includes the following in the general sequence given.

(1) Ecology will review all projects for compliance with the requirements under this chapter and chapter 86.26 RCW.

(2) Ecology shall consult with the state department of fish and wildlife in the development of a project priority list. The state department of natural resources, affected Indian tribes, and other affected parties may review and comment on the proposed project plans before the approval of those plans.

(3) Thirty days public notice must be given that the project priority list will be the subject of a public hearing. Notice of this hearing shall appear in the *Washington State Register* in accordance with chapter 34.08 RCW.

(4) The project priority list will be available at the shorelands and environmental assistance program of the department of ecology, at least fifteen days before the public hearing.

(5) The public comments will be reviewed and ecology shall approve the project priority list as proposed or as revised in accordance with public comments.

(6) Ecology shall prepare and finalize the written agreements with the counties.

(7) The counties shall prepare and finalize the written agreements with the involved eligible municipal corporations within the county.

(8) The applicant shall prepare the construction plans and specifications for approval by the county engineer before submitting them to ecology for review and approval of each project for compliance with all requirements.

(9) The applicant shall acquire the necessary federal, state, and local permits or authorizations along with any other permission required to complete the project.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-070, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-070, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-070, filed 6/21/85.]

**WAC 173-145-080 Criteria for allocation of funds.** The priority given to projects by ecology, the counties, and other eligible municipal corporations shall involve consideration of the following criteria:

(1) The relationship of public benefits to total project costs;

(2) The priority that has already been established by each county;

(3) Intensity of local flood control management problems including, but not limited to, their inter-relationships with:

(a) Population affected;

(b) Property and related development affected;

- (c) Land management and zoning;
- (d) Existing flood control management practices.

(4) Where the CFCMP is completed and adopted, the following will be considered:

- (a) Consistency with the plan or plan recommendations;
- (b) Priority of the project as identified in the plan;
- (c) Implementation of the plan or plan recommendations;

- (d) Potential impacts of instream uses and resources;

(5) Where a CFCMP is being developed or has not been initiated, the following will be considered:

(a) Evidence of multijurisdictional cooperation necessary for development of a comprehensive county or multi-county comprehensive flood control management plan (CFCMP);

(b) Availability of qualified personnel or resources for planning purposes;

(c) Availability of qualified personnel or resources for project construction purposes;

(d) Other planning efforts undertaken or proposed within the planning jurisdiction and their relationship to flood control management;

(e) Ability to make rapid progress toward development of a comprehensive flood control management plan;

(f) Existing and proposed participation of community groups, private industry, professional organizations, the general public, and others toward the development and implementation of the proposed comprehensive flood control management plan.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-080, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-080, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-080, filed 6/21/85.]

**WAC 173-145-090 Flood control assistance account funding and matching requirements.** The flood control assistance account is established at four million dollars at the beginning of each biennium. The following criteria must be used for allocating FCAAP funds:

(1) The amount of FCAAP funding for any project, except emergency projects described in WAC 173-145-100, may not exceed seventy-five percent of the total project cost, including planning and design costs.

(2) The amount of FCAAP funds for cost sharing feasibility studies for new flood control projects shall not exceed fifty percent of the matching funds that are required by the federal government, and shall not exceed twenty-five percent of the total cost of the feasibility study.

(3) The amount of FCAAP funds to prepare a CFCMP may not exceed seventy-five percent of the full planning costs.

(4) The amount of FCAAP funds available for all non-emergency projects and CFCMP's in any county may not exceed five hundred thousand dollars per biennium.

(5) In addition to the limits in subsection (4) of this section, an agency formed under chapter 86.13 RCW must be allowed up to one hundred thousand dollars in FCAAP funds per biennium.

(6) In those areas where a designated CFCMP area extends into two or more jurisdictions, costs for a CFCMP may be shared by the involved local authorities.

(2009 Ed.)

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-090, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-090, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-090, filed 6/21/85.]

**WAC 173-145-100 Emergency fund administration.**

Funds must be available for flood control projects in response to unusual, unforeseeable [unforeseeable], and emergent flood conditions and must be allocated in amounts adequate for the preservation of life and property. The following criteria must be the basis of allocating the emergency funds:

(1) Appropriations from the FCAAP fund for emergency projects will require the declaration of an emergency by the appropriate local authority.

(2) Application for emergency funds must be made on the same form used for nonemergency fund applications.

(3) Payment of FCAAP funds for emergency projects will be based on project construction costs. Flood fighting costs may be included.

(4) Payment for emergency work must be allocated on a first-come first-serve basis and may not be based on any priority system.

(5) At the discretion of ecology, emergency funds may be made available for use on nonemergency projects.

(6) The maximum amount of emergency funds initially available for any one county is one hundred fifty thousand dollars per biennium. If the total available emergency funds are not needed by other counties, and the amount of emergency funds needed in a county exceeds one hundred fifty thousand dollars, the county can request additional emergency funds.

(7) The flood control assistance account contribution may not exceed eighty percent of the eligible project cost of an emergency project.

(8) Emergency funds will only be made available to projects that have been given approval for matching funds by the department of ecology before construction work is performed.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-100, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-100, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-100, filed 6/21/85.]

**WAC 173-145-110 Multiyear projects.** Approval for eligibility by ecology will only be required once for a project that continues more than one biennium, but funding for each subsequent biennium is subject to further FCAAP appropriation by the legislature.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-110, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-110, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-110, filed 6/21/85.]

**WAC 173-145-120 Work standards for all FCAAP projects.** All work that is funded from the flood control assistance account shall conform to the standards and specifications of the county engineer.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-120, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-120, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-120, filed 6/21/85.]

**WAC 173-145-130 Project construction monitoring.**

The following are the responsibilities and criteria for project construction monitoring and final approval:

(1) County engineer responsibilities. Associated with responsibility for project plan approval and supervision of the project work, the county engineer shall provide inspection to assure that all project work is conducted and completed according to the construction plans and specifications.

(2) Ecology's responsibilities. The authorized representative of the department of ecology has the right to enter at all reasonable times in or upon any property, public or private, for the purpose of monitoring and inspecting the project work as necessary to assure compliance with the terms of the appropriate written agreement. The authorized representative of the department of ecology is the contract officer and must be identified in the written agreement. The county engineer will be informed before any inspection for purposes of construction monitoring and guidance by any representative of ecology other than the contract officer. Representatives of ecology may observe the construction process without prior notification of the county engineer.

(3) Final inspection and approval. Upon completion of the work, the county engineer, along with representatives from ecology and the applicant, shall make a final detailed inspection. Results of the final inspection must be displayed in a written report prepared by ecology and, when appropriate, on "as built" construction plans. "As built" construction plans must be submitted to ecology within thirty days after the final project inspection.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-130, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-130, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-130, filed 6/21/85.]

**WAC 173-145-140 Written agreements.** Written agreements will be prepared by ecology as a means to reimburse eligible municipal corporations for work done on approved eligible projects or for development of CFCMP's. Written agreements, billing, and payment shall comply with ecology's standard requirements for grants and contracts. Notification is required when written agreements will not be accepted or executed to allow ecology the opportunity to award prioritized, unfunded projects.

[Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-140, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-140, filed 6/21/85.]

**WAC 173-145-155 Approval of changes to written agreements.** All flood control maintenance and comprehensive flood control management planning (CFCMP) projects subject to the provisions of this rule must be conducted in accordance with the plans, specifications, and conditions approved by ecology. Any contemplated changes during construction or planning process that are significant deviations from conditions of the approved agreement, must first be submitted to ecology for approval. Any changes to the total cost of the project following execution of the written agreement must be submitted to ecology for approval before the construction or the completion of the plan.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-155, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-155, filed 1/28/87.]

**Chapter 173-150 WAC****PROTECTION OF WITHDRAWAL FACILITIES ASSOCIATED WITH GROUND WATER RIGHTS****WAC**

173-150-010	Purpose.
173-150-020	Authority.
173-150-030	Definitions.
173-150-040	Reasonable or feasible pumping lift.
173-150-050	Establishment of new rights—Interference considerations.
173-150-060	Impairment of water right.
173-150-070	Notification of impairment of right.
173-150-080	Procedures for correction of impairment.
173-150-090	Voluntary agreements.
173-150-100	Water quality.
173-150-110	Saltwater intrusion and ground water contamination.
173-150-120	Applicability.
173-150-125	Enforcement.
173-150-130	Appeals.
173-150-135	Regulation review.
173-150-140	Existing laws and regulations not affected.

**WAC 173-150-010 Purpose.** The purpose of this chapter is to establish and set forth the policies and procedures of the department of ecology in regard to the protection of the availability of ground water as it pertains to the water withdrawal facilities of holders of ground water rights.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-010, filed 5/29/85.]

**WAC 173-150-020 Authority.** This chapter is promulgated by the department of ecology pursuant to chapters 43.21A, 90.44, 90.54 and 18.104 RCW.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-020, filed 5/29/85.]

**WAC 173-150-030 Definitions.** For the purposes of this chapter the following definitions shall apply:

(1) "Department" means the Washington state department of ecology.

(2) "Ground water right" means an authorization to use ground water established pursuant to chapter 90.44 RCW, state common or statutory law existing prior to the enactment of chapter 90.44 RCW, or federal law.

(3) "Withdrawal facilities" means and includes any well, infiltration trench or other excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed, together with the casing, screen, pump, pump column, motor and related equipment, which is used for the withdrawal of ground water.

(4) "Aquifer" means any geologic formation that will yield water to a well or other withdrawal works in sufficient quantity for beneficial use.

(5) "Ground water" means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.

(6) "Contamination" means an impairment of the beneficial use of ground water arising from the modification of the quality thereof by the introduction of organisms, chemical, organic or radioactive material or of heated or cooled water.

(7) "Significant modification" means the deepening or reaming of a well, lowering the pump bowls by adding lengths of pump column, adding water quality treatment



devices, or other similar modifications, where the total cost or value of such modifications exceeds (1) \$500.00 for domestic, stock or other water withdrawal facilities withdrawing less than 5,000 gallons per day, or (2) \$2500.00 for all other facilities.

(8) "Qualifying withdrawal facilities" means those withdrawal facilities which in the opinion of the department constitute a reasonable development of the aquifer. A reasonable development must satisfy the following requirements:

(a) The withdrawal facilities must be constructed in accordance with chapter 18.104 RCW (Water Well Construction Act) and chapter 173-160 WAC (Minimum standards for construction and maintenance of water wells) and the water right permit provisions, if any, or the applicable state laws and the regulations of the department which were in effect at the time of construction of the facilities.

(b) The withdrawal facilities must have a depth of aquifer penetration which will allow the withdrawal of water from a reasonable or feasible pumping lift;

(c) The withdrawal facilities must be able to accommodate a reasonable variation in seasonal pumping water levels;

(d) The withdrawal facilities, including the pumping facilities, must be properly sized to the ability of the aquifer to produce water.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-030, filed 5/29/85.]

**WAC 173-150-040 Reasonable or feasible pumping lift.** For the purposes of this chapter, reasonable or feasible pumping lift shall be determined by the department taking into account the following factors, among others:

(1) The geohydraulic characteristics of the aquifer;

(2) The state of construction technology of water withdrawal facilities;

(3) Historic considerations in regards to the construction, maintenance and use of water withdrawal facilities within the vicinity;

(4) The ground water area or subarea management program for the vicinity, if one exists.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-040, filed 5/29/85.]

**WAC 173-150-050 Establishment of new rights—Interference considerations.** If the department determines that a proposed appropriation of ground water would cause a lowering of the water levels below a reasonable or feasible pumping lift in any withdrawal facilities of an existing ground water right holder or that approval of the proposed appropriation would impair any existing water rights or would otherwise be detrimental to the public welfare, the application shall be rejected. If, however, the application is to be rejected because of conflict with existing rights, and the applicant thereafter indicates that such existing rights will be acquired by the applicant by purchase, gift or condemnation under RCW 90.03.040, the department may issue an interim conditional ruling and defer final decision on the application for a reasonable period of time to be specified by the department in the interim ruling.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-050, filed 5/29/85.]

(2009 Ed.)

**WAC 173-150-060 Impairment of water right.** For the purposes of this chapter, a ground water right which pertains to qualifying withdrawal facilities, shall be deemed to be impaired whenever:

(1) There is an interruption or an interference in the availability of water to said facilities, or a contamination of such water, caused by the withdrawal of ground water by a junior water right holder or holders; and

(2) Significant modification is required to be made to said facilities in order to allow the senior ground water right to be exercised.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-060, filed 5/29/85.]

**WAC 173-150-070 Notification of impairment of right.** Any senior ground water right holder who believes that his water right has been impaired may notify the department of such impairment and request the assistance of the department to protect the availability of water to his qualifying withdrawal facilities. Such notification and request for assistance must be in writing and must contain the following information:

(1) Name, address and signature of the senior water right holder;

(2) Description of the water right, including the water right number if one exists; the quantities of water permitted and the quantities of water historically withdrawn; the priority date of the water right; the location of the withdrawal facilities; a description of the withdrawal facilities including well depth, casing, pump size and depth and historic water levels, and any recent changes made to the withdrawal facilities or the use of such facilities, especially in relation to WAC 173-150-030(8); the name of the water well contractor and a copy of the water well report of the construction of the withdrawal facilities, if available;

(3) Description of the alleged impairment of the senior water right, the date of the beginning of impairment, the degree of impairment and any steps taken by the senior water right holder to alleviate the impairment;

(4) Location and description of the junior water withdrawal facilities together with the name of the user thereof, if known, which in the opinion of the senior water right holder are the cause of the impairment;

(5) Any other pertinent information which may reasonably be required by the department.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-070, filed 5/29/85.]

**WAC 173-150-080 Procedures for correction of impairment.** Upon notification to the department of the impairment of a ground water right as provided in WAC 173-150-070 or on the department's own motion, the department may, when appropriate, notify the water right holders of the alleged impairment and of its intention to make investigations concerning the matter. The department may conduct aquifer or pump tests and make investigations of the withdrawal works, geology, hydrology, water quality, historic water use or other factors which may influence the local aquifers, and may make a written report of its findings. If it is determined that ground water withdrawals by a junior water right holder or holders have caused the impairment, the

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department may, through regulatory orders, take one or more of the following actions:

(1) Bar or regulate the withdrawals of the junior appropriator(s) in a fashion which will preclude future impairment of the senior right;

(2) Bar or regulate the ground water withdrawals of the most junior water right holders in order of priority of right if the aggregate withdrawals exceed the maximum amount set by the department for the area, subarea or zone pursuant to the procedures of RCW 90.44.180;

(3) Require the well owner(s), including the senior water right holder, to rehabilitate or abandon the well(s) in accordance with chapter 173-160 WAC in the case of impairment caused by the failure of wells to meet the well construction standards or the requirements of water right permit or certificate provisions, if any;

(4) Rescind authorizations for additional junior withdrawal facilities and/or reduce the authorized withdrawal rates, as appropriate, where the department finds that an appropriation by a junior right holder is the cause of the impairment and where the said junior ground water right holder has not yet completed construction of the authorized withdrawal facilities. The department shall include a provision concerning the possibility of such rescissions as a condition on ground water permits with multiple points of withdrawal.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-080, filed 5/29/85.]

**WAC 173-150-090 Voluntary agreements.** (1) Notwithstanding the provisions of WAC 173-150-080, should the senior and junior water right holders reach a voluntary agreement which satisfies the concerns stated in the notification of impairment, the department, if it determines that the public interest is fully protected thereby, shall not regulate the withdrawals by the junior water right holder under this regulation.

(2) If such an agreement includes provisions for the delivery of water from another water withdrawal facility to the holder of the senior water right, said agreement shall not take effect until all requirements of RCW 90.44.100 are satisfied or, if a new right to withdraw water is required to be established, a permit is issued pursuant to RCW 90.44.050.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-090, filed 5/29/85.]

**WAC 173-150-100 Water quality.** As a general rule, an element of a ground water right is the right to use waters of quality appropriate to the beneficial use. In addition to the protection of the availability of ground water to the water withdrawal facilities of ground water right holders, it shall be the policy of the department to protect the quality of the ground waters of the state and in relation thereto to discourage any withdrawal facilities construction methods, water use or disposal practices which would contaminate or otherwise reduce the quality of the ground waters or impair the beneficial uses of ground waters of the state.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-100, filed 5/29/85.]

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**WAC 173-150-110 Saltwater intrusion and ground water contamination.** In addition to the procedures outlined in WAC 173-150-080, the department may regulate or control saltwater intrusion conditions caused by withdrawals from a freshwater aquifer or ground water contamination caused by improper well construction techniques or other causes, through other means, including artificial recharge projects, the importation of additional water from other sources, or any other means deemed by the department to be reasonable, feasible and appropriate.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-110, filed 5/29/85.]

**WAC 173-150-120 Applicability.** The provisions of this chapter shall apply to all ground water rights and ground water users under state jurisdiction, except that WAC 173-150-080 shall apply only to permits issued or other ground water rights established subsequent to the effective date of this chapter, or to withdrawal facilities which are the subject of an application for change of water right filed pursuant to RCW 90.44.100 subsequent to the effective date of this chapter. Cases of impairment caused by facilities or ground water rights which are not subject to this chapter shall be subject to existing state laws and regulations.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-120, filed 5/29/85.]

**WAC 173-150-125 Enforcement.** In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

[Statutory Authority: Chapters 18.104, 43.21A, 43.27A, 90.44 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-150-125, filed 6/9/88.]

**WAC 173-150-130 Appeals.** All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapters 18.104, 43.21A, 43.27A, 90.44 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-150-130, filed 6/9/88. Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-130, filed 5/29/85.]

**WAC 173-150-135 Regulation review.** The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 18.104, 43.21A, 43.27A, 90.44 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-150-135, filed 6/9/88.]

**WAC 173-150-140 Existing laws and regulations not affected.** Nothing in this chapter shall be construed to in any manner limit the authority of the department to administer and enforce the existing water resources laws of the state, including but not limited to chapters 18.104, 90.03, 90.36, 90.44, 90.48 and 90.54 RCW, and regulations promulgated thereunder.

(2009 Ed.)

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-140, filed 5/29/85.]

## Chapter 173-152 WAC

### WATER RIGHTS

#### WAC

173-152-010	Purpose.
173-152-020	Definitions.
173-152-030	Organization and management of work load.
173-152-040	Basin assessments.
173-152-050	Criteria for priority processing of competing applications.
173-152-060	Exceptions.

**WAC 173-152-010 Purpose.** This rule establishes the framework under which the department can provide for the organization of its work, prioritize basins to be assessed, conduct basin assessments, prioritize investigations of water right applications by geographic areas, and establish criteria for priority processing of applications for new water rights and applications for change or transfer of existing water rights.

[Statutory Authority: RCW 43.21A.064(8) and 43.27A.090(11). 98-06-042 (Order 97-14), § 173-152-010, filed 2/27/98, effective 3/30/98.]

**WAC 173-152-020 Definitions.** For the purposes of this chapter the following definitions apply:

- (1) "Department" means the department of ecology.
- (2) "Public water system" means a water supply system as defined in RCW 70.119A.020.
- (3) "Applications to change or transfer" means applications made under RCW 90.03.380 or 90.44.100.
- (4) "Competing applications" means all existing applications for water right from the same water source, whether for a new water right or for a change or transfer of an existing water right.
- (5) "Same water source" or "source of water" means an aquifer or surface water body, including a stream, stream system, lake, or reservoir and any spring water or underground water that is part of or tributary to the surface water body or aquifer, that the department determines to be an independent water body for the purposes of water right administration.

[Statutory Authority: RCW 43.21A.064(8) and 43.27A.090(11). 98-06-042 (Order 97-14), § 173-152-020, filed 2/27/98, effective 3/30/98.]

**WAC 173-152-030 Organization and management of work load.** (1) The department may establish regions and maintain regional offices or field offices for the purposes of maximizing the efficiency of its work. Regional offices and their geographic jurisdictions as of the effective date of this rule are as follows:

- (a) Northwest regional office serving Island, King, Kitsap, San Juan, Skagit, Snohomish, and Whatcom counties;
- (b) Southwest regional office serving Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, and Wahkiakum counties;
- (c) Central regional office serving Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, and Yakima counties; and
- (d) Eastern regional office serving Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman counties.

(2009 Ed.)

(2) The department will make decisions on new water right applications and applications for change or transfer of an existing water right within a region or within a regional or field office's geographic area in the order the application was received except as provided for in subsection (3) of this section and WAC 173-152-050.

(3) The department may, based on the criteria identified in subsection (4) of this section, conduct an investigation and make decisions on one or more water right applications for the use of water from the same water source. Within a regional office, more than one water source may be investigated at a time. When numerous applications for water from the same water source are being investigated, the decisions will be made in the order in which the applications were received. Each application will be considered individually under the requirements of chapters 90.03 and 90.44 RCW.

(4) Criteria for selecting a water source include, but are not limited to:

- (a) The number and age of pending applications, and the quantities of water requested;
- (b) The ability to efficiently investigate applications because of the availability of data related to water supply and future needs, streamflow needs for instream values, and hydrogeology of the basin;
- (c) The ability of the department to support implementation of local land use plans or implementation of water resource plans;
- (d) The projected population and economic growth in the area; and/or
- (e) The completion of an initial basin assessment as provided for in WAC 173-152-040(5).

[Statutory Authority: RCW 43.21A.064(8) and 43.27A.090(11). 98-06-042 (Order 97-14), § 173-152-030, filed 2/27/98, effective 3/30/98.]

**WAC 173-152-040 Basin assessments.** (1) The department may conduct assessments to assemble and correlate information related to water use, water availability, the quantity of water allocated to existing rights, claims, instream flow, and the hydrology of a basin to use in making decisions on future water resource allocation and use. The department may also enter into agreements or contracts with public or private parties to conduct assessments. Geographic areas or same water sources within a regional office service area will be identified or considered for assessment in cooperation with federal, state, tribal, and local jurisdictions and other interested parties. In determining a basin or same water source to assess, the department's consideration may include, but is not limited to, the following factors:

- (a) The number and age of pending applications, and the quantities of water requested;
- (b) The projected population, growth and off-stream needs for water in the area;
- (c) Known water quality problems;
- (d) Existence of distressed or endangered fish stocks;
- (e) Risk of impairment to senior rights (including instream flow rights);
- (f) Availability of data related to water supply and future need, streamflow needs for instream values, and hydrogeology of the basin;
- (g) The number of claims to water rights submitted pursuant to chapter 90.14 RCW; and

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(h) The ability of the department to support local land use activities.

(2) Multiple basin assessments may be conducted within a region at the same time. When the department determines it is in the public interest to conduct a basin assessment, it will:

(a) Publish notice of the intent to conduct a basin assessment once a week, for two consecutive weeks in a newspaper of general circulation within the geographic area;

(b) Hold in abeyance decisions on all competing water right applications in the basin after publication of a notice to initiate a basin assessment and until the initial basin assessment is complete and published except for applications prioritized pursuant to WAC 173-152-050; and

(c) Make decisions on competing applications after the initial basin assessment is complete and published to the extent sufficient information is available.

(3) Initial basin or water source assessments will be conducted to assemble the following existing information:

(a) Physical characterization of the watershed related to:

(i) Climatic impacts to water resources;

(ii) Geology;

(iii) Streamflow trends;

(iv) Ground water elevation trends and the contribution of ground water to streamflows; and

(v) Surface and ground water quality in the basin or water source.

(b) Out-of-stream water use characterization related to:

(i) Water rights, federal rights, and claims to water rights;

(ii) Estimated use of water pursuant to water rights and claims to water rights;

(iii) Water use pursuant to RCW 90.44.050;

(iv) Extent of unauthorized water use; and

(v) Potential future demands for out-of-stream water use in the basin.

(c) Instream water use characterization related to:

(i) National Pollution Discharge Elimination System permits and the need for instream flow for pollution assimilation;

(ii) Fish stocks and habitat requirements;

(iii) Wildlife habitat requirements;

(iv) Recreational requirements; and

(v) Water rights and claims to water rights.

(4) Upon completion and publication of the initial basin assessment, the department in consultation with the public and federal, state, tribal, local jurisdictions and interested parties will evaluate the basin assessment. The evaluation will assess the data, analysis, and presentation of information in the basin assessment in terms of quality, adequacy, and utility to make decisions on future water resource allocation and use.

(5) The department will make decisions on competing applications for water from a source of water within the basin where sufficient information for water resource allocation exists. If the department determines that the information assembled and correlated is not sufficient, the department may withdraw the water source from appropriation pursuant to RCW 90.54.050(2). The department in consultation with the public, federal, state, tribal, local jurisdictions and interested parties will design and conduct additional investigations, to the extent resources allow, to obtain the information

necessary to make future decisions on water allocation and use.

(6) The information obtained and compiled during an initial basin assessment of the water resources in a basin or water source will be contained in an open file technical report at the regional or field office.

[Statutory Authority: RCW 43.21A.064(8) and 43.27A.090(11). 98-06-042 (Order 97-14), § 173-152-040, filed 2/27/98, effective 3/30/98.]

**WAC 173-152-050 Criteria for priority processing of competing applications.**

(1) An application may be processed prior to competing applications if the application resolves or alleviates a public health or safety emergency caused by a failing public water supply system currently providing potable water to existing users. Inadequate water rights for a public water system to serve existing hook-ups or to accommodate future population growth or other future uses do not constitute a public health or safety emergency. The application must be filed specifically to correct the actual or anticipated cause(s) of the public water system failure. To be considered a failing public water system, the system must meet one or more of the following conditions:

(a) The department, upon notification by and in consultation with the department of health or local health authority, determines a public water system has failed, or is in danger of failing within one year, to meet state board of health standards for the delivery of potable water to existing users in adequate quantity or quality to meet basic human drinking, cooking and sanitation needs;

(b) The current water source has failed or will fail so that the public water system is or will become incapable of exercising its existing water right to meet existing needs for drinking, cooking and sanitation purposes after all reasonable conservation efforts have been implemented; or

(c) A change in source is required to meet drinking water quality standards and avoid unreasonable treatment costs, or the state department of health determines that the existing source of supply is unacceptable for human use.

(2) An application may be processed prior to competing applications if the department determines:

(a) Immediate action is necessary for preservation of public health or safety; or

(b) The proposed water use is nonconsumptive and if approved would substantially enhance or protect the quality of the natural environment.

(3) An application for change or transfer to an existing water right may be processed prior to competing applications provided one or more of the following criteria are satisfied:

(a) The change or transfer if approved would substantially enhance the quality of the natural environment; or

(b) The change or transfer if approved would result in providing public water supplies to meet general needs of the public for regional areas;

(c) The change or transfer was filed by water right holders participating in an adjudication, and a decision is needed expeditiously to ensure that orders or decrees of the superior court will be representative of the current water use situation.

(4) Within each regional office, the department shall process applications satisfying the criteria in subsections (1) through (3) of this section in the following priority:

- (a) Public health and safety emergencies under subsection (1) of this section;
- (b) Preservation of other public health and safety concerns under subsection (2)(a) of this section;
- (c) Transfers or changes under subsection (3)(a) of this section;
- (d) Transfers or changes under subsection (3)(b) of this section;
- (e) Transfers or changes under subsection (3)(c) of this section; and
- (f) Nonconsumptive uses under subsection (2)(b) of this section.

[Statutory Authority: RCW 43.21A.064(8) and 43.27A.090(11). 98-06-042 (Order 97-14), § 173-152-050, filed 2/27/98, effective 3/30/98.]

**WAC 173-152-060 Exceptions.** Nothing in this chapter precludes the department from processing applications or requests filed for temporary permits, preliminary permits or for emergent or emergency circumstances under RCW 43.83B.410, 90.03.383(7), or 90.03.390 and/or where the law provides a specific process for evaluation of an application and issuance of a decision.

[Statutory Authority: RCW 43.21A.064(8) and 43.27A.090(11). 98-06-042 (Order 97-14), § 173-152-060, filed 2/27/98, effective 3/30/98.]

**Chapter 173-153 WAC  
WATER CONSERVANCY BOARDS**

**WAC**

173-153-010	What are the purpose and authority of this chapter?
173-153-020	To what does this chapter apply?
173-153-030	How are terms defined in this rule?
173-153-040	How is a water conservancy board created?
173-153-042	How are water conservancy board commissioners and alternates appointed and the length of their terms determined?
173-153-043	How can a board's authority be revoked or the board dissolved?
173-153-045	What is the process for restructuring a board?
173-153-050	What are the training requirements for board commissioners and alternates?
173-153-060	What is the scope of authority of a water conservancy board?
173-153-070	What does an applicant need to know about filing an application for transfer of a water right?
173-153-080	What public notice is given on a water right transfer application before a board?
173-153-090	How can protests and letters of concern or support on a water right transfer application be submitted to a board?
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173-153-110	What is involved in the examination of an application before a board?
173-153-120	What assistance is available to water conservancy boards?
173-153-130	How are records of decision and reports of examination made by a water conservancy board?
173-153-140	What is the process for notifying parties of a record of decision and report of examination?
173-153-150	What is ecology's review process of a board's record of decision?
173-153-160	When is a board-approved water right transfer that has been affirmed by ecology complete?
173-153-170	What are a board's reporting requirements?
173-153-180	What actions may be appealed under this chapter?
173-153-190	Existing rights are not affected.
173-153-200	Will ecology review this chapter in the future to determine if changes are necessary?

**WAC 173-153-010 What are the purpose and authority of this chapter?** The purpose of this chapter is to

establish procedures the department of ecology (ecology), water conservancy boards, applicants, concerned agencies, and the public will follow in implementing chapter 90.80 RCW. Chapter 90.80 RCW authorizes establishment of water conservancy boards and vests them with certain powers relating to water right transfers. RCW 90.80.040 authorizes the department to adopt rules necessary to carry out the purposes of the statute.

[Statutory Authority: RCW 90.80.040. 03-01-039 (Order 01-13), § 173-153-010, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-010, filed 11/17/99, effective 12/18/99.]

**WAC 173-153-020 To what does this chapter apply?**

These procedures apply to the establishment of water conservancy boards in accordance with chapter 90.80 RCW and to:

- (1) How such boards will function when processing water right transfer applications that are filed with a board or that are transferred to a board from ecology at an applicant's request;
- (2) Reporting requirements of boards;
- (3) How ecology will support and interact with boards; and
- (4) How interested agencies and the public may participate in the board process.

[Statutory Authority: RCW 90.80.040. 03-01-039 (Order 01-13), § 173-153-020, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-020, filed 11/17/99, effective 12/18/99.]

**WAC 173-153-030 How are terms defined in this rule?** For the purposes of this chapter, unless the context clearly indicates otherwise, the following definitions apply:

**"Application"** means an application made on an ecology form identified as an Application for Change/Transfer to Water Right, form number 040-1-97 for a transfer of a water right, including those transfers proposed under authority of RCW 90.03.380, 90.03.390 and 90.44.100. A board may supplement the application with additional forms or requests for additional documentation. These forms and documentation become a part of the application.

**"Board"** means a water conservancy board pursuant to chapter 90.80 RCW.

**"Bylaws"** means the internal operating procedures, policies, or other guidance adopted by a board and designated as the board's bylaws.

**"Consumptive use"** means use of water whereby there is a diminishment of the water source.

**"Director"** means the director of the department of ecology.

**"Ecology"** means the department of ecology.

**"Ecology regional office"** means the water resources program at the ecology regional office designated to a board as the office where the board shall interact as identified within this chapter.

**"Geographic area"** means an area within the state of Washington in which an established board would have authority to process water right transfer applications. This area is identified by the legislative authority or authorities of the county or counties seeking to establish the water conservancy board. The area may be a single county, more than one

county, a single water resource inventory area, or more than one water resource inventory area. If the identified geographic area contains all or part of more than one county, the counties involved must identify a "lead county" for certain administrative purposes.

**"Lead county"** means the county legislative authority with which ecology will communicate for administrative purposes in cases where a water conservancy board's geographic area includes more than one county legislative authority.

**"Nonwater right holder"** means, solely for the purpose of satisfying RCW 90.80.050(2) in regard to determining whether a potential water conservancy board commissioner is a "nonwater right holder," any party who:

(1) Does not meet the criteria of a water right holder as defined in this section; or

(2) Receives water solely through a water distributing entity.

**"Record of decision"** means the written conclusion reached by a water conservancy board regarding a transfer application, with documentation of each board commissioner's vote on the decision. The record of decision must be on a form provided by ecology and identified as a Record of Decision, form number 040-105.

**"Report of examination"** means the written explanation, factual findings, and analysis that support a board's record of decision. The report of examination is an integral part of the record of decision. The report of examination must be on a form provided by ecology and identified as Water Conservancy Board Report of Examination, form number 040-106.

**"Source"** means the water body from which water is or would be diverted or withdrawn under an existing water right which an applicant has proposed to be transferred.

**"Transfer"** means a transfer, change, amendment, or other alteration of part or all of a water right, as authorized under RCW 90.03.380, 90.03.390 or 90.44.100.

**"Trust water right"** means any water right acquired by the state under chapter 90.38 or 90.42 RCW, for management in the state's trust water rights program.

**"Water conservancy board coordinator"** means the person designated by the director or his or her designee to coordinate statewide water conservancy board activities, communication, and training, and to advocate for consistent statewide implementation of chapter 90.80 RCW and chapter 173-153 WAC.

**"Water right holder"** means, solely for the purpose of satisfying RCW 90.80.020 (2)(d) and 90.80.050(2) in regard to determining whether the qualifications of petitioners to create a board and a potential water conservancy board commissioner are "water right holders," and as used within this rule, any individual who asserts that he or she has a water right and can provide appropriate documentation of a privately owned water right which is appurtenant to the land that they individually or through marital community property own or in which they have a majority interest. Exception to the definition of a water right holder for the purpose of determining a person's eligibility to be appointed as a commissioner is found in RCW 90.80.050(5).

[Statutory Authority: RCW 90.80.040, 06-18-102 (Order 05-18), § 173-153-030, filed 9/6/06, effective 10/7/06; 03-01-039 (Order 01-13), § 173-153-030, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80

RCW. 99-23-101 (Order 98-11), § 173-153-030, filed 11/17/99, effective 12/18/99.]

**WAC 173-153-040 How is a water conservancy board created?** All eligible entities identified in this section under subsection (1)(a) of this section are encouraged to consult with ecology when considering creation of a water conservancy board. In accordance with chapter 90.80 RCW, boards may have either three or five commissioners and must be established to serve an identified geographic area, as defined in WAC 173-153-030. A newly established board cannot include in the geographic area in which it will serve any area that overlaps with a geographic area served by an existing board.

(1) Creation of a water conservancy board is accomplished by the following steps:

(a) A resolution or petition is proposed to or by the legislative authority or authorities of a county or counties;

(b) Public notice;

(c) Public hearing(s);

(d) Adoption of a resolution creating the board by the legislative authority or authorities of the county or counties;

(e) When a board is created by more than one county legislative authority, a lead county is designated;

(f) A petition is submitted to the director; and

(g) The director must approve the creation of a board.

**Where is the resolution or petition calling for the creation of a board submitted?**

(2) A resolution or petition calling for creation of a water conservancy board must be submitted to the legislative authority or authorities of the county or counties in which the board would serve.

**Who can initiate a petition calling for the creation of a board?**

(3) A resolution or petition may be initiated by the following entities:

(a) The legislative authority or authorities of the county or counties which would be served by the board;

(b) The legislative authority of an irrigation district, a public utility district that operates a public water system, a reclamation district, a city operating a public water system, or a water-sewer district that operates a public water system;

(c) The governing body of a cooperative or mutual corporation that operates a public water system serving one hundred or more accounts;

(d) Five or more water right holders, in the geographic area which would be served by the board, who divert or withdraw water for a beneficial use, or whose nonuse of water is due to a sufficient cause or an exemption pursuant to RCW 90.14.140; or

(e) Any combination of the above.

**What information must be included in the proposed resolution or petition calling for the creation of a board?**

(4) The resolution or petition must include:

(a) A statement describing the need for the board;

(b) Proposed bylaws that will govern the operation of the board;

(c) Identification of the geographic area within which the board would serve; and

(d) A description of the proposed method(s) for funding the operation of the board.

**What notice is given to the public regarding the proposed creation of a board?**

(5) A public notice must be published in a newspaper of general circulation in the county or, if the board would serve more than one county, a public notice must be published in a newspaper of general circulation in each county in which the board would serve. The notice(s) must be published not less than ten days and not more than thirty days before the date of a public hearing on the proposed creation of the board. The notice(s) shall describe the:

- (a) Time;
- (b) Date;
- (c) Place;
- (d) Purpose of the hearing; and
- (e) Purpose of the board.

Notice must be sent to the ecology regional office at the time of publication of the public notice, and an effort shall be made to ensure that any watershed planning unit and Indian tribe with an interest in water rights in the area to be served by the board also receives the notice.

**How many public hearings must be held for the creation of a board?**

(6) At least one public hearing on the proposed creation of the board must be held by the legislative authority of each county in which the board would serve.

**What must be included in the adopted resolution which establishes a board?**

(7) If the legislative authority or authorities of the county or counties decide to establish a board after the public hearing(s) a resolution must be adopted by the legislative authority or authorities of the county or counties, approving the creation of the board. The resolution must describe or include:

- (a) The need for the board;
- (b) The geographic area to be served by the board;
- (c) The method or methods which will be used to fund the board;
- (d) Whether the proposed board will consist of three or five commissioners;
- (e) The designated lead county if a board is proposed which would serve in more than one county; and
- (f) A finding that the creation of the board is in the public interest.

**What is included in a petition to ecology for the creation of a board?**

(8) The petition submitted to ecology to create the board must include the following:

(a) A copy of the resolution or petition to or by the legislative authority or authorities of the county or counties calling for the creation of a board. If a board is proposed which would serve in more than one county, the resolution shall be provided by the lead county as designated under subsection (7)(e) of this section. If five petitioners meeting the definition of a water right holder in the county or counties which initiate the petition, the petition must also include the names and addresses of the petitioners;

(b) A summary of the public testimony presented during the public hearing(s) conducted by the legislative authority or authorities of the county or counties in response to the resolution or petition to create a board. The summary shall be clearly identified and include the date of the hearing;

(c) A copy of the resolution adopted by the legislative authority or authorities of the county or counties approving the creation of a water conservancy board. The resolution must include all elements described in subsection (7) of this section; and

(d) A copy of the board's proposed bylaws.

**What is the process for the director to approve or deny the creation of a water conservancy board?**

(9) Upon submission to the water conservancy board coordinator of the required documentation pursuant to subsection (8) of this section, the director will determine whether the creation of a water conservancy board will further the purposes of the law and be in the public interest. The public interest includes, but is not limited to, whether ecology has sufficient staffing resources to provide the necessary training, monitoring, and technical assistance to the board and to make timely responses to the board's records of decisions.

(10) The director's determination regarding creation of the board shall be made within forty-five days of receiving all items listed in subsection (8) of this section.

(11) If creation of a board is approved, ecology will include in its notice of approval any unique conditions or provisions under which the approval is made, if any, and a description of the initial training requirements for board commissioners as outlined in WAC 173-153-050.

[Statutory Authority: RCW 90.80.040.03-01-039 (Order 01-13), § 173-153-040, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-040, filed 11/17/99, effective 12/18/99.]

**WAC 173-153-042 How are water conservancy board commissioners and alternates appointed and the length of their terms determined?****How do counties notify ecology of board commissioner's and alternate's appointments and terms?**

(1) Upon approval of a new board by ecology, or upon approval of restructuring the number of commissioners on an existing board, the legislative authority of the county or the lead county shall submit to ecology's water conservancy board coordinator a written statement identifying the individuals appointed to the board. The statement must include:

(a) The name, mailing address, and phone number or other contact information of the commissioners and/or alternates;

(b) The terms of office of the commissioners; these terms of office must be staggered as described in RCW 90.80.050 (1).

**What happens when a board commissioner's term expires or a board position becomes vacant?**

(2) Upon the expiration of a board commissioner's or alternate's term, the appropriate legislative authority or authorities of the county or counties shall either:

(a) Reappoint the incumbent commissioner or alternate; or

(b) Appoint a new commissioner or alternate to the board. A written statement including the information as described in subsection (1) of this section shall be submitted to ecology's water conservancy board coordinator.

(3) In the event a board position becomes vacant, the legislative authority or authorities of the county or counties shall appoint a new commissioner in accordance with RCW

90.80.050(2). A statement as described in subsection (1) of this section must be submitted to ecology's water conservancy board coordinator. The new commissioner or alternate shall fill the vacancy only for the remainder of the unexpired term and, upon completion of the unexpired term, may be reappointed, as described in subsection (2) of this section, to serve a full six-year term.

(4) If a board commissioner or alternate is reappointed to a position previously held by that commissioner or alternate within one year of resigning the position or within one year of the expiration of the commissioner's or alternate's term of service, then the original appointment date will be considered as the appointment date of record.

**What are the terms of board commissioners and alternates?**

(5) Initial terms of commissioners appointed to a newly created board shall be staggered as described in RCW 90.80.050. All alternate positions shall be for six-year terms.

(6) Upon the expiration of the initially appointed commissioners' terms, all subsequent appointments shall be for six-year terms.

(7) The initial terms of office of board commissioners on a restructured board shall be staggered as set forth in RCW 90.80.050. As each of the commissioners' term of office expires, newly or reappointed commissioners shall all be appointed to six-year terms.

**How would an appointed board commissioner or alternate resign the position?**

(8) A board commissioner or alternate may resign the board position by submitting a letter of resignation to the appointing county or counties. A copy of the resignation letter must be submitted to the water conservancy board coordinator by either the resigning board commissioner or alternate or by the board.

**What is the responsibility of a board in notification of board vacancies?**

(9) It is the responsibility of the board to notify the appointing county(ies) and the water conservancy board coordinator that there is a board commissioner vacancy.

(10) The appointing county(ies) and the board will determine and conduct a process to fill the commissioner vacancy in accordance with subsection (3) of this section.

[Statutory Authority: RCW 90.80.040. 06-18-102 (Order 05-18), § 173-153-042, filed 9/6/06, effective 10/7/06; 03-01-039 (Order 01-13), § 173-153-042, filed 12/9/02, effective 1/9/03.]

**WAC 173-153-043 How can a board's authority be revoked or the board dissolved?**

**Revocation:**

(1)(a) Ecology may revoke legal authority of a board to make any decisions regarding water right transfers for reasons which include, but are not limited to, the following:

(i) If the board fails to issue a record of decision for a period of two years or more from the date the board was approved or from the date that the last record of decision was issued; or

(ii) If the board demonstrates a pattern of ignoring statutory and regulatory requirements in its processing of applications or in its records of decision; or

(iii) If requested by the legislative authority or authorities of the county or counties that called for the board's formation.

(b) The board will be allowed thirty days to respond to any revocation before it becomes effective. Ecology may reverse the revocation based upon the board response.

**Dissolution:**

(2)(a) The legislative authority of a county or lead county may adopt a resolution to dissolve a board.

(b) Ecology may petition the legislative authority of the county or lead county, with a copy to the board, for dissolution of a board.

(c) Upon resolution by the legislative authority of the county or lead county to approve the dissolution of a board, the board will be allowed thirty days after the date of the resolution to respond to the petition for dissolution.

(d) The resolution by a county or lead county to approve the dissolution of a board will become effective thirty days after adoption of the resolution.

(e) The legislative authority of the county or lead county may reverse the dissolution based upon the board's response.

[Statutory Authority: RCW 90.80.040. 03-01-039 (Order 01-13), § 173-153-043, filed 12/9/02, effective 1/9/03.]

**WAC 173-153-045 What is the process for restructuring a board?** (1) A board may be restructured as to the number of commissioners on the board and the geographic area of its jurisdiction.

(2) A board, a county legislative authority, or a lead county legislative authority may request to restructure an existing board within its geographical jurisdiction. It is suggested that the legislative authority or authorities of the county or counties and the existing board communicate and work cooperatively during the board restructuring process.

(3) If a request is made to restructure an existing board to a multicounty board, WRIA board, or multi-WRIA board, the county legislative authority with the existing board must determine if the restructured board would include geographic areas within an additional county or counties. If the restructure includes a geographic area of another county, the county legislative authority or all county legislative authorities of the affected counties must agree:

(a) To the number of board commissioners serving on the board;

(b) Whether the commissioners and alternates currently appointed to and serving on the existing board or boards shall continue in that capacity;

(c) That areas within the county may be included within the geographic jurisdiction of the multicounty, WRIA, or multi-WRIA board.

(4) If the county legislative authorities included in the restructuring cannot agree to the terms of the restructure using an existing board, the county or counties in which a county legislative authority already has an established board may dissolve the existing board and work cooperatively with the other county legislative authority or county legislative authorities to establish a new board.

(5) The legislative authority or authorities of the pertinent county or counties shall hold a public hearing and adopt a resolution including:



(a) The manner of restructuring and the need for restructuring the board;

(b) The number of commissioners to serve on the board;

(c) The proposed geographic area of jurisdiction of the board;

(d) If the proposed geographic area of jurisdiction is restructured to include more than one county legislative authority, the legislative authorities of each county included within the restructuring shall identify a lead county; and

(e) A summary of the public testimony presented during the public hearing(s) conducted by the legislative authority or authorities of the county or counties in response to the resolution to restructure a board. The summary shall be clearly identified and include the date of the hearing.

(6) Upon submission to the water conservancy board coordinator of the required documentation pursuant to subsection (3) of this section, the director will determine whether the restructuring of a board will further the purposes of the law and be in the public interest as described in WAC 173-153-040(10).

(7) The director's determination to approve or deny restructuring of the board shall be made within forty-five days of receiving all items listed in subsection (5) of this section.

(8) If the board restructuring is approved, ecology will include in its notice of approval any unique conditions or provisions under which the approval is made, if any, and shall identify the date the restructuring of the board will take effect. The director shall also identify any additional training required of the board if it assumes jurisdiction of a new geographic area.

[Statutory Authority: RCW 90.80.040, 06-18-102 (Order 05-18), § 173-153-045, filed 9/6/06, effective 10/7/06; 03-01-039 (Order 01-13), § 173-153-045, filed 12/9/02, effective 1/9/03.]

### **WAC 173-153-050 What are the training requirements for board commissioners and alternates?**

#### **What training is required for newly appointed board commissioners and alternates?**

(1) Every commissioner and alternate of a board shall complete a training program provided by ecology:

(a) Before participating in any decision concerning a water right transfer application being considered by the board;

(b) Within one year of appointment to the board by the county legislative authority. If the training program is offered and is not completed within one year of appointment to the board, ecology may inform the county and request the county to seek the commissioner's resignation;

(c) Not more than one year prior to the commissioner's or alternate's appointment to the board by the county legislative authority. If the training program is completed by board administrative staff or other participating noncommissioners more than one year prior to subsequent appointment to the board, the commissioner will be required to repeat the training.

(2) Attendance at a training session for new commissioners shall be limited to board commissioners, their administrative staff, board alternates, and individuals providing training. Due to the complexity of the training and the need to provide adequate time to focus on questions from board

commissioners, the number of participants attending each training session shall be left to the discretion of the water conservancy board coordinator. Training for new commissioners shall be scheduled depending on, but not limited to:

(a) Whether ecology has sufficient staffing resources to provide the necessary training; and/or

(b) Whether there are sufficient numbers of board commissioners and/or alternates needing training.

(3) Successful completion of the training program will:

(a) Consist of at least thirty-two hours of instruction, from or sponsored by ecology, regarding hydrology, state water law, state water policy, administrative and judicial case law developments, field practices, evaluation of existing water rights, and practical experience working with ecology staff on applications for water right transfers;

(b) Require demonstrating an understanding of course materials during training, and demonstrating sufficient mastery of the training curriculum through an examination administered by an ecology employee upon completion of training; and

(c) Only be recognized and tracked by ecology for appointed commissioners and alternates.

(4) If a board is restructured to modify the geographic area, the director may require additional training of all board commissioners.

(5) Upon a water conservancy board commissioner's or alternate's successful completion of the training, ecology will certify such completion in writing to the county or lead county of the geographic area served by the board. A copy of this letter shall also be sent to the board.

#### **Are there continuing education requirements for board commissioners and alternates?**

(6) After completing one year of service on a water conservancy board, each following year prior to the anniversary of their appointment date to the board, commissioners and alternates must complete an additional eight hours of continuing education provided or approved by ecology. Each commissioner and alternate shall complete the minimum continuing education requirement before participating in any decision concerning a water right transfer application being considered by a board.

(7) The anniversary date for a board commissioner or alternate serving on more than one board concurrently will be determined by the earliest of all combined board appointment dates.

(8) If less than six months has passed between the termination of service as a commissioner or alternate and appointment to any board as a commissioner or alternate, any current continuing education credit received during the last twelve months of the period of service with the previous board will apply to the new term under the new date of appointment in accordance with WAC 173-153-042. If a period of greater than six months has passed between the termination of service as a commissioner or alternate and appointment to any other board as a commissioner or alternate, any current continuing education credit received during the period of service with the previous board will not apply to the new term under the new date of appointment.

(9) Each board commissioner and alternate must ensure his or her own eligibility and remain current on continuing education. Eligibility of a board commissioner or alternate

could become a basis for ecology's reversal of a record of decision or an appeal by a third party of ecology's final administrative order.

(10) Ecology may, at its discretion, and in response to requests, provide continuing education training periodically. Ecology may also combine training for more than one board. Attendance at continuing education sessions provided by ecology water resources program shall generally be limited to board commissioners, administrative staff to boards, board alternates, and individuals providing training. Ecology may, at its discretion, and in response to requests, invite other identified entities to participate in continuing education sessions.

**How can a board commissioner or alternate receive credit for continuing education not provided or sponsored by ecology water resources program?**

(11) Continuing education training requirements may be fulfilled through training not provided or sponsored by ecology's water resources program. However, such training will be accepted only if it is reported to ecology on a form provided by ecology and identified as the Water Conservancy Board Training Credit Request Form, form number 040-104, and approved at ecology's discretion.

(12) To receive continuing education credit for participating in a training activity sponsored by another entity other than ecology water resources program, a Water Conservancy Board Training Credit Request Form, form number 040-104:

- (a) Must be used;
- (b) Must be submitted to the water conservancy board coordinator at ecology;
- (c) Must include all required information. If the form is incomplete, it will be returned to the commissioner or alternate requesting the credit;
- (d) Must include documentation of course attendance. If attendance documentation is not provided, a written summary of the training activity and information learned must be included;
- (e) Must provide enough information to justify the hours requested;
- (f) Will only be accepted by ecology after completion of the commissioner's or alternate's participation in the training activity.

(13) The complete training credit request form identified under subsection (12) of this section will be reviewed as expeditiously as possible by ecology. The hours credited to the commissioner or alternate will be documented by ecology in a letter to the commissioner or alternate requesting the training credit. A copy of the letter will be sent to the ecology designated regional representative and the water conservancy board.

(14) The approved credit hours count toward a commissioner's or alternate's eligibility only upon the receipt by the commissioner or alternate of written confirmation from ecology.

(15) The hours credited in subsection (13) of this section are effective based on the date of the letter issued by ecology approving the training.

(16) Training means that the commissioner or alternate participates in a forum specifically intended for learning from another person such as an author, instructor, speaker, or presenter.

(17) Reasonable and appropriate continuing education subjects that directly relate to water conservancy board authorities and responsibilities include, but are not limited to:

- (a) State water law;
- (b) State water policy;
- (c) Administrative and judicial case law developments;
- (d) Field practices;
- (e) Evaluation of existing water rights;
- (f) Hydrology;
- (g) Technical writing;
- (h) Other related topics.

(18) Reasonable and appropriate continuing education activities that directly relate to water conservancy board authorities and responsibilities include, but are not limited to:

- (a) Seminars;
- (b) Conferences;
- (c) Classes;
- (d) Presentations given by others;
- (e) Readings. Readings may include books on water resource issues or law, proceedings and papers associated with conferences related to subjects included in subsection (17) of this section;
- (f) Field experiences; and
- (g) Research completed for a presentation, speech, or instruction given by the board commissioner or alternate.

(19) Examples of activities not considered reasonable and appropriate continuing education include, but are not limited to:

- (a) Meetings in which the commissioner or alternate acts as a member of a committee, or integral participant in proceedings, appeals, or litigation;
- (b) Presentations, speeches, or instruction personally made by, or readings authored by, the commissioner or alternate requesting the training credit;
- (c) Work done by a commissioner or alternate as part of the direct responsibilities of the water conservancy board such as:
  - (i) Field examinations;
  - (ii) Investigation of a water right change application;
  - (iii) Discussions of applications;
  - (iv) Technical assistance received specific to an application; and
  - (v) Litigation initiated by a water conservancy board, or a board commissioner or alternate or litigation initiated by an entity against the water conservancy board or board commissioner or alternate;
- (d) Topics that do not directly relate to water conservancy board authorities and responsibilities.

(20) Board commissioners are encouraged to report to the water conservancy board coordinator all relevant continuing education received. Ecology will track all training received and reported by board commissioners and alternates as required in subsections (11) through (19) of this section. Any continuing education hours received and reported beyond the required eight hours annually will be documented and kept on file at ecology. Continuing education in excess of the required eight hours cannot be carried over to the next year.

[Statutory Authority: RCW 90.80.040. 06-18-102 (Order 05-18), § 173-153-050, filed 9/6/06, effective 10/7/06; 03-01-039 (Order 01-13), § 173-153-050, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80

RCW 99-23-101 (Order 98-11), § 173-153-050, filed 11/17/99, effective 12/18/99.]

**WAC 173-153-060 What is the scope of authority of a water conservancy board?** (1) A board has authority to:

(a) Evaluate water right transfer applications and issue records of decision and reports of examination for water right transfers;

(b) Act upon the transfer of water rights to the state trust water right program, when doing so is associated with an application to transfer a water right. Boards are encouraged to immediately contact ecology for technical assistance when acting on changes involving trust water rights;

(c) Establish and maintain a water right transfer information exchange program regarding the sale and lease of water rights; and

(d) Perform other activities as may be authorized under chapter 90.80 RCW, subject to other applicable state laws and regulations.

**How does a board process a water right change application?**

(2) A board may accept for processing an application to transfer a surface or ground water right if the water right is currently diverted, withdrawn, or used within or, if approved, would be diverted, withdrawn, or used within the boundaries of the geographic area in which the board has jurisdiction, exceptions to this are stated in subsection (7) of this section. The application may be for a permanent or temporary use.

(a) The board should promptly request from the department a copy of the water right file related to the water right transfer application filed with the board. The department will comply with the request at no charge to the board.

(b) The board shall investigate the application and determine whether the proposal should be approved or denied and, if approved, under what conditions, if any, the approval should be granted.

(c) As part of the process described in subsection (2)(b) of this section, boards should determine whether a watershed planning unit is involved in planning related to the source of water that would be affected by the application being considered. If so, the board should notify the planning unit of the application, and consider comments from the watershed planning unit prior to issuing its record of decision.

(3) Decisions on applications must be made by a board in the order in which the applications were originally accepted by the board. Exceptions are outlined in RCW 90.03.380 and chapter 173-152 WAC.

(4) Boards must take into consideration the effect of a proposed transfer on the availability of water for, or possible impairment of, previously filed transfer applications for water from the same source regardless of the order in which applications are processed. This includes any applications for transfers filed with ecology or any other water conservancy board. Ecology will cooperate with boards to resolve any problems associated with conflicting applications.

(5) Neither the annual quantity nor the instantaneous quantity of water tentatively determined by the board to be associated with a water right may be increased. Uses may not be added and the acreage irrigated may not be expanded, except in the circumstances allowed in RCW 90.03.380, in

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which the annual consumptive use under the water right is not increased.

(6) As described in RCW 90.66.065, under a family farm permit, surplus waters made available through water-use efficiency may, subject to laws including WAC 173-152-110, be transferred to any purpose of use that is a beneficial use of water.

(7) Any water right or portion of a water right that has not previously been put to actual beneficial use cannot be transferred, except as authorized by RCW 90.44.100, or RCW 90.03.395 and 90.03.397.

**Where can an applicant file a water right change application?**

(8) If a board has been established in an area where an applicant wishes to apply for a water right transfer, applicants have the option of applying either directly to ecology or to a board.

**What happens if two boards have overlapping jurisdictions?**

(9) Overlapping jurisdiction occurs because boards may transfer rights into and out of their geographic area. Water conservancy boards may negotiate inter-board agreements to determine which board will act in instances of overlapping jurisdiction. Boards are advised to research applicable law, including chapter 39.34 RCW, the Interlocal Cooperation Act, prior to entering into any agreement. Any such agreement must be filed with the water conservancy board coordinator within fifteen days of its effective date.

(10) In circumstances in which more than one board may have authority to process water right transfers in a particular area, but the boards have not negotiated an inter-board agreement as specified in subsection (9) of this section, an applicant may file an application with either board. For example, if one board has authority to transfer the applicant's water right out of its jurisdiction, while another board has authority to transfer the water right into its jurisdiction, the applicant can apply to either board.

[Statutory Authority: RCW 90.80.040, 03-01-039 (Order 01-13), § 173-153-060, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-060, filed 11/17/99, effective 12/18/99.]

**WAC 173-153-070 What does an applicant need to know about filing an application for transfer of a water right?**

**How are applications accepted for processing by a board?**

(1) Ecology will provide water right transfer application forms and applicant instructions to boards, which will make them available to the public upon request. All applications to a board must be made using the water right application for change/transfer form supplied by ecology, form number 040-1-97.

(2) Boards and ecology shall inform all applicants that the decision to file a transfer application with a board rather than directly with ecology is solely at the discretion of the applicant, provided a board is active in the area addressed by the transfer application.

(3) A water right transfer application is considered filed when it is received by a board commissioner, or a designated

administrative support person for a board at the location designated by the board.

(4) A separate application must be filed for each water right that is proposed to be transferred.

(5) A majority vote of a quorum of a board is required to accept a complete application for processing.

**What must a complete application include?**

(6) Boards shall require that applications submitted directly to them are complete and legible. A complete application shall:

(a) Contain the information requested on the application form as applicable.

(b) Include all required signatures.

(c) Be accompanied by such maps and drawings, in duplicate, and such other data or fees, as may be required by the board. Such accompanying data shall be considered as part of the application as described in RCW 90.03.260.

(7) A board may request that an applicant provide additional information as part of the application by requiring, for example, that the applicant complete additional forms supplemental to the standard application or that applicant prepare and/or provide specific reports regarding aspects of the application.

**How is an application number assigned to a water right transfer application filed with a board?**

(8) The board shall assign a unique number to a water right transfer application upon acceptance of the application by the board.

(9) The number assigned by the board to the water right transfer application shall be written in ink within the "office use only" space provided on the application for the application number.

(10) The water right transfer application, public notice, record of decision, and report of examination produced by the board in processing the application shall reference the board-assigned number.

(11) The unique application number is assigned in accordance with the following three-part format:

(a) The first part of the board-assigned application number will identify the board that has accepted the application as follows:

(i) Boards having jurisdiction within a geographic area that is based upon a county boundary or the boundary of multiple counties will begin all application numbers with the first four letters of the name of the county or of the lead county. For example, a board with jurisdiction within Kittitas County will begin each application number with the letters "KITT."

(ii) Boards that have jurisdiction within a geographic area that is based upon a water resource inventory area (WRIA) or multiple WRIsAs will use the number of the WRIA of jurisdiction or, in the case of multi-WRIA boards, the WRIA of jurisdiction associated with the water right.

(b) The second part of the board-assigned application number will be the last two digits of the year in which the application was accepted. For example, applications that are accepted during the year 2003 will use the digits "03."

(c) The third part of the board-assigned application number will be a sequential two-digit number beginning with the number "01" for the first application accepted after the effective date of this rule and beginning with number "01" for the

first application accepted by the board during each subsequent calendar year.

(d) A dash (-) will be used to separate the three parts of the application number as provided within (a), (b), and (c) of this subsection. For instance, the first application accepted by the Kittitas County water conservancy board during the year 2003 will be assigned number KITT-03-01.

**Can applications before a board also be considered filed with ecology?**

(12) The board must forward the complete original application form upon which the board has legibly written the board-assigned application number in the "office use only" space to the ecology designated regional representative within five business days of the date the board accepts the application for processing.

(13) Within thirty business days from the date ecology receives the application from the board, ecology will assign a state water right change application number to the application and inform the board of the assigned number. The number assigned by ecology will be used for ecology's internal administrative purposes, including the recording of the application within the state water right record. The ecology-assigned number need not be used by the board in processing the application, including within the public notice.

(14) Ecology will open and maintain a file regarding the application for permanent recordkeeping. The application will not be considered as part of ecology's active application processing workload while the application is being processed by the board, but upon receipt of the application by ecology, the application is considered to be dual-filed with both the board and ecology. The application will retain a place in line with ecology based upon the date of acceptance by the board without payment of state examination fees as long as the board is processing the application.

(15) Ecology shall not act on the application unless it is notified by the board that the board has declined to process the application and upon receiving a written request from the applicant that ecology process the application. Upon written request from the applicant that ecology process the application, the required state examination fee will be due. Ecology shall notify the applicant that examination fees are due to ecology. The applicant must submit the required state examination fee within sixty days after the written request to ecology to process the application. Ecology will not process an application until all fees are paid.

(16) The applicant may voluntarily withdraw the application from the board by making such request to the board in written form. The board shall forward a copy of the applicant's request to withdraw the application to the ecology designated regional representative. The application is considered withdrawn from ecology upon the withdrawal of the application from the board. Ecology will remove the application from its line and reject the application.

**How can responsibility for processing an application previously filed with ecology be transferred to a board?**

(17) If an application has previously been filed with ecology, the applicant may make a request that ecology convey the application to the board with geographic jurisdiction. Such a request must be in written form. A copy of the written request to ecology must be sent to the board at the same time. Ecology will comply with the request by providing all related

file documents to the appropriate board. The original application will continue to be on file and maintained at ecology but will not be considered as part of ecology's active workload while the application is being processed by the board.

(18) The board shall notify ecology if it accepts the application for processing. Upon acceptance for processing by the board, the application will retain its place in line at ecology and be considered dual-filed with both the board and ecology. Ecology will remove the application from its active workload. The board will assign an application number in accordance with subsection (11) of this section and inform the ecology designated regional representative in writing of the board's application number within five business days of accepting the application.

(19) If an application previously filed directly with ecology is accepted for processing by a board, the board shall ensure that a public notice of the application consistent with WAC 173-153-080 is made, regardless of whether the application was previously subject to public notice by ecology.

**Can a board decide not to accept an application for processing, or decide to discontinue processing an application?**

(20) By a majority vote of a quorum of a board, a board may decline to process or may discontinue processing an application at any time. The board must inform the applicant of its decision in writing within fourteen business days of making the decision. The board must, at the same time, send the ecology regional office a copy of the board's written notice to the applicant. If the basis of the board's decision to decline processing the application is not sufficiently clear from the written notice, and the applicant filed a written request that ecology process the application, ecology may request a further written explanation regarding the board's decision not to process or finish processing the application. The board must provide this additional written explanation within thirty days of ecology's request.

(21) If a board declines to process or discontinues processing an application, it must return the application to the applicant and must inform the applicant that the application may be filed with ecology and advise the applicant of the appropriate ecology office where the application should be filed.

**Who must receive copies of applications being processed by a board?**

(22) Boards must ensure that copies of applications accepted by them for processing are provided to interested parties in compliance with existing laws. To assist the boards in this, ecology will provide a list of parties which have identified themselves to ecology as interested in the geographic area of the board. Additional interested parties, including Indian tribes, may request copies of applications from boards.

(23) A notice of each application accepted by a board shall be provided to any Indian tribe that has reservation lands or trust lands contiguous with or encompassed within the geographic area of the board's jurisdiction.

[Statutory Authority: RCW 90.80.040, 06-18-102 (Order 05-18), § 173-153-070, filed 9/6/06, effective 10/7/06; 03-01-039 (Order 01-13), § 173-153-070, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-070, filed 11/17/99, effective 12/18/99.]

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**WAC 173-153-080 What public notice is given on a water right transfer application before a board?** (1) Upon acceptance by a board of a water right transfer application in accordance with this chapter, the board shall publish a public notice of the proposed water right transfer in accordance with RCW 90.03.280. This notice must be published at least once a week for two consecutive weeks in the legal notice section of a newspaper of general circulation in the project area of the county or counties where the application proposes to use, divert, withdraw and/or store water. Ecology must provide the board with a list of newspapers generally acceptable for the publication of public notices. The board should consider publishing an additional public notice in other areas that could be affected by the transfer proposal. The public notice of each individual application for transfer must include the following information:

- (a) The applicant's name and city or county of residence;
- (b) The board's assigned water right change application number;
- (c) The water right priority date;
- (d) A description of the water right to be transferred, including the number of any water right document, that embodies the water right such as a permit, certificate or claim filed under chapter 90.14 RCW, the location of the point of diversion or withdrawal; the place of use; the purpose(s) of use; the period of use; if for irrigation purposes, the total acres irrigated; and the instantaneous rate and annual quantities as stated on the water right document;
- (e) A description of the proposed transfer(s) to be made, including, when applicable, the proposed location of point(s) of diversion or withdrawal; the proposed place(s) of use; the proposed purpose(s) of use; if for irrigation purposes, the total number of acres to be irrigated; and the instantaneous rate and annual quantities of water associated with the proposed water right transfer including the description of a transfer that includes only a portion of a water right;
- (f) The manner and time limit for filing protests with ecology under RCW 90.03.470 and WAC 508-12-170; and
- (g) The manner for providing written and oral comments or other information to the board, including the board's mailing address and the place, date, and time of any public meeting or hearing scheduled to consider, discuss, or decide the application.

(2) The board may require the applicant to review and confirm the information in the public notice prior to publication. If the board does so, the applicant assumes responsibility for any errors contained in the description of the application published in the public notice.

**How does the board verify that proper public notice of the application was made?**

(3) The board must send a copy of the public notice to the ecology designated regional representative at the same time the public notice is submitted for publication.

(4) Before issuing a decision on an application, the board must first receive a notarized affidavit of publication from each newspaper in which the public notice regarding the application was published, and the board must verify that publication occurred correctly. The board must also allow at least thirty days following the last date of publication of the notice, to allow for protests or objections to be filed with ecology before the board issues a record of decision.

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**How are errors or omissions in the public notice corrected? When does a public notice need to be republished?**

(5) The public notice must be republished in all newspapers of original publication when an applicant substantively amends an application for a transfer of a water right subsequent to publication of the notice, or when the publication contains a substantive error or omission occurs in the publication. All parties who were sent the original application as required by WAC 173-153-070(22) and/or the original public notice must be sent corrected copies of any amended transfer application and/or an amended public notice. For the purposes of this subsection, the term "substantive error or omission" for publication purposes, refers to any item identified in subsection (1) of this section that is omitted from or inadequately characterized in the public notice. An application is considered substantively amended if it expands the intent of the original proposal or results in a substantial change, such as an alteration to the proposed point of diversion or withdrawal, proposed purpose(s) of use, or to the proposed place of use.

[Statutory Authority: RCW 90.80.040. 06-18-102 (Order 05-18), § 173-153-080, filed 9/6/06, effective 10/7/06; 03-01-039 (Order 01-13), § 173-153-080, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-080, filed 11/17/99, effective 12/18/99.]

**WAC 173-153-090 How can protests and letters of concern or support on a water right transfer application be submitted to a board?**

**Where is a protest submitted regarding a water right transfer application before a board?**

(1) A protest against granting a proposed water right change or transfer, as identified in RCW 90.03.470(12), must be received by ecology, with the statutory protest fee, within thirty days of the last date of publication of the public notice.

(2) Ecology shall provide a copy of the protest to the appropriate board within five days of receipt of the protest.

(3) In accordance with WAC 508-12-170 and 508-12-220, a board will thoroughly investigate all pertinent protests of a transfer application before the board.

(4) Ecology shall consider all pertinent protests during its review of the board's record of decision on the application.

(5) Persons inquiring of the board or ecology regarding protest procedures shall be directed to file the protest with ecology.

(6) A board must immediately forward to ecology any protests it receives including the statutory protest fee.

**What is included in a valid protest?**

(7) A protest must include:

(a) The name, address and phone number (if any) of the protesting party;

(b) Clear identification of the transfer application being protested; and

(c) A statement identifying the basis for the protest.

(d) The statutory protest fee.

**What is the difference between a protest and a letter of concern or support?**

(8) Any protest received more than thirty days after the last date of publication of the public notice, or without the required fee, will be filed as a letter of concern.

(9) A letter of support is any comment addressing the benefit of the project proposed in an application.

(10) A party who provides a letter of concern or support regarding an application to a water conservancy board is not considered to be a protesting party unless the party has also filed a valid protest with ecology in compliance with this section.

**Will a protest or letter of concern be considered?**

(11) Boards must accept and consider any oral or written comments or protests in evaluating an application, in accordance with chapter 90.80 RCW, this chapter, and board bylaws.

[Statutory Authority: RCW 90.80.040. 06-18-102 (Order 05-18), § 173-153-090, filed 9/6/06, effective 10/7/06; 03-01-039 (Order 01-13), § 173-153-090, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-090, filed 11/17/99, effective 12/18/99.]

**WAC 173-153-100 How does a water conservancy board operate?**

(1) Water conservancy board meetings must be in compliance with the Open Public Meetings Act, chapter 42.30 RCW. Additionally, minutes of the meetings must be recorded pursuant to chapter 42.32 RCW and such minutes must be made available for public review upon request.

(2) At the beginning of any meeting or hearing in which any application to change or transfer a water right is to be discussed, or upon which a decision is to be made, those individuals in attendance must be informed that any known allegations of conflict of interest must be expressed in that meeting or hearing or their right to do so may be forfeited in accordance with RCW 90.80.120 (2)(a).

(3) A board may adopt and amend its own bylaws through which board meetings, operations, and processes are governed.

**How can a board be contacted by the public?**

(4) Each board must designate at least one primary contact person for communicating with ecology and other entities. The board must inform the water conservancy board coordinator of:

(a) The name of the primary contact;

(b) How to contact that person; and

(c) Any changes to the contact information for the primary contact of the board.

(5) Boards are subject to the Public Records Act, chapter 42.17 RCW and as described in RCW 90.80.135.

[Statutory Authority: RCW 90.80.040. 03-01-039 (Order 01-13), § 173-153-100, filed 12/9/02, effective 1/9/03.]

**WAC 173-153-110 What is involved in the examination of an application before a board?**

(1) Boards shall base their records of decision and reports of examination regarding a transfer application on applicable state laws and regulations. In addition to specific water law, boards must also consult and consider other relevant state laws, including, but not limited to, the Growth Management Act (chapter 36.70A RCW).

(2) Generally, a board should conduct a field examination of the site(s) identified in the transfer application, and clarify any unclear information by contacting and discussing the information with the applicant or other appropriate persons.

(3) All relevant information must be identified, discussed, and considered in the board's examination. This may include the need for a board to collect pertinent detailed hydrological or hydrogeological information regarding the site(s) involved in the proposal. Any person providing an engineering, hydrologic, geologic and/or hydrogeological analysis on behalf of an applicant with an application before a board must be licensed in accordance with chapter 18.43 or 18.220 RCW, as applicable. The analysis must be certified by the individual's professional stamp.

(4) A board may require an applicant to provide additional information at the applicant's expense, if that information is necessary to render an adequately informed record of decision on an application.

**How are comments and protests considered during the examination of the water right transfer application?**

(5) Boards may also request that commenters or protesters provide additional information regarding their comments if such information is necessary to render an adequately informed record of decision on an application. Boards may also discuss the concerns raised in comments and protests with the persons who filed them.

(6) Boards must consider all comments and protests received about a pending application, whether or not additional information is provided by the protestor or commenter.

(7) Ecology, as is the case with any public agency, may provide formal written or oral comments regarding the application under discussion at a public meeting of the board. However, if ecology does provide formal comments in the context of a public meeting, the comments shall not be taken as giving either technical assistance or direction to the board, any more than any other comments would be so considered.

**What other entities should be consulted when a board examines an application?**

(8) When public interest applies to the application evaluation or when there may be existing rights that could be impaired, boards shall determine whether an Indian tribe, watershed planning unit, or other governmental body is directly involved in planning or water management related to the source of water that would be affected by the application. If this is found to be the case, the board should consult the tribe, watershed planning unit, or other governmental body in the board's effort to obtain information concerning the application.

**What other information must a board consider in its examination of the application?**

(9) Boards must evaluate an application, including all information obtained by the board that is associated with the application, and determine whether or not the transfer as proposed is in accordance with applicable state laws and regulations. The board must also make a tentative determination as to the extent and validity of the water right proposed to be transferred, as well as whether the transfer can be made without injury or detriment to existing rights. The board must evaluate a transfer proposal pursuant to RCW 90.44.100 as to whether the proposed transfer is detrimental to the public interest. Public interest shall not be considered when deciding whether to grant an application for change pursuant to RCW 90.03.380 exclusively.

(10) Boards shall ensure that the requirements of the State Environmental Policy Act (SEPA), chapter 43.21C

RCW, and the SEPA rules, chapter 197-11 WAC, have been met before finalizing a record of decision. If a board concludes it is appropriate under WAC 197-11-922 through 197-11-944, the board may be the lead agency for SEPA compliance.

(11) A board shall consult with ecology if it encounters new, unusual, or controversial issues in the course of examining an application. Ecology will provide assistance as to how to proceed in accordance with existing state laws, rules, and current ecology policies and administrative practices.

(12) When a board receives an application to transfer a water right that is located in an area subject to an ongoing general water rights adjudication process, the board shall consult with ecology prior to taking any action on the application. Ecology will seek guidance from the pertinent superior court regarding the court's role in administering the water rights that are subject to the adjudication. Ecology shall then advise the board on whether and how the board may process applications.

[Statutory Authority: RCW 90.80.040.03-01-039 (Order 01-13), § 173-153-110, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-110, filed 11/17/99, effective 12/18/99.]

**WAC 173-153-120 What assistance is available to water conservancy boards?** (1) The director, or his or her designee, shall assign a representative of ecology to be available to provide technical assistance to each board as provided in RCW 90.80.055 (1)(d).

(2) Upon request by a board, an ecology representative will provide technical assistance as the board:

- (a) Reviews applications for formal acceptance;
- (b) Prepares draft records of decision and reports of examination;
- (c) Considers technical factors; and
- (d) Considers legal factors affecting the board's development of a record of decision.

(3) A board may request and accept additional technical assistance from ecology.

(4) A board may also request and accept assistance and support from the government or governments of the county or counties in which it operates, as well as from other interested parties.

(5) Ecology recognizes that boards are independent entities with the legal right to make records of decision on water right transfer applications without seeking assistance from ecology. However, should a board desire assistance from ecology in processing an application or regarding its administrative functions, ecology will provide technical assistance upon request of the board. This technical assistance may address issues involved in application processing, including procedural requirements and administrative functions, and can include specific information regarding approaches to resolving particular issues. However, in deference to the independent status of boards, such technical assistance shall be solely in the form of guidance and shall not dictate or otherwise direct any board to reach a specific conclusion regarding any aspect of application processing or of a board's administrative functions.

(6) Technical assistance and training provided to a board is not subject to the Open Public Meetings Act.

[Statutory Authority: RCW 90.80.040, 03-01-039 (Order 01-13), § 173-153-120, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-120, filed 11/17/99, effective 12/18/99.]

**WAC 173-153-130 How are records of decision and reports of examination made by a water conservancy board?**

(1) Records of decision and reports of examination are adopted by a majority vote of a board, pursuant to RCW 90.80.070(4). A board's record of decision and report of examination must be in writing, and the record of decision and report of examination become part of the public record.

(2) When a board proposes to deny an application, in whole or in part, the board must issue to both the applicant and ecology a record of decision and report of examination denying the transfer, or a portion of the transfer, subject to review and final determination by ecology.

(3) When a board proposes to approve an application, the board must issue to both the applicant and ecology a record of decision and a report of examination approving the transfer, subject to review and final approval by ecology.

**What is included in a record of decision?**

(4) The record of decision must be prepared on a form provided by ecology and identified as the Record of Decision, form number 040-105, and must include the conclusion of the board as to whether the application is denied or approved and a record of the individual vote or abstention of each participating commissioner or that a commissioner has refused him or herself.

**What is included in a report of examination?**

(5) It is the responsibility of the water conservancy board to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination.

(6) The report of examination will consist of a form provided by ecology and identified as Water Conservancy Board Report of Examination, form number 040-106, documenting and summarizing the basic facts associated with the decision. This shall include:

(a) Within a section entitled "background":

(i) A description of the water right proposed for transfer, including the board-assigned water right change application number, and the board's tentative determination as to the validity and quantification of the right, as well as the historical water use information that was considered by the board;

(ii) An explanation of how the board complied with the State Environmental Policy Act; and

(iii) A description of any previous change decisions associated with the water right.

(b) Within a section entitled "comments and protests": A description of any protests, and written or oral comments, including:

(i) The names and addresses of the protestors or commenters;

(ii) A description of the issues raised; and

(iii) The board's analysis regarding each issue raised.

(c) Within a section entitled "investigation":

(i) A description of the project proposed by the applicant, including any issues related to development, such as the applicant's proposed development schedule and an analysis of the effect of the proposed transfer on other water rights, pending applications for changes or transfers, and instream flows established under state law;

(ii) A narrative description of any other water rights or other water uses associated with both the current and proposed place of use and an explanation of how those other rights or uses will be exercised in conjunction with the right proposed to be transferred;

(iii) If the proposed transfer is authorized under RCW 90.44.100, an analysis of the transfer as to whether it is detrimental to the public interest, including impacts on any watershed planning activity. Public interest shall not be considered if the proposed transfer is authorized pursuant to RCW 90.03.380 exclusively;

(iv) Any information indicating that an existing water right or portion of a water right has been relinquished or abandoned due to nonuse and the basis for the determination;

(v) A description of the results of any geologic, hydrogeologic, or other scientific investigations that were considered by the board and how this information contributed to the board's conclusions;

(d) Within a section entitled "conclusions": A list of conclusions that the board drew from the information compiled regarding the transfer proposal. Conclusions must, at a minimum, describe:

(i) Whether, and to what extent, a valid water right exists;

(ii) Any relinquishment or abandonment of the water right associated with the water right transfer application as discussed in subsection (6)(d)(i) of this section;

(iii) The result, as adopted by the board, of any hydraulic analysis done related to the proposed water right transfer;

(iv) The board's conclusions of issues raised by any comments and protests received;

(v) Whether the transfer proposal will impair existing rights of others; and

(vi) If the proposed transfer is authorized pursuant to RCW 90.44.100, whether it is detrimental to the public interest. Public interest shall not be considered if the proposed transfer is authorized pursuant to RCW 90.03.380 exclusively;

(e) Within a section entitled "decision": A complete description of the board's decision, fully and comprehensively addressing the entire application proposal;

(f) Within a section entitled "provisions":

(i) Any conditions and limitations recommended as part of an approved transfer, and/or any other corrective action necessary to maintain the water use in compliance with state laws and regulations;

(ii) Any requirement to mitigate adverse effects of the project. Mitigation may be proposed by the applicant or the board and be required in the board's decision; and

(iii) A schedule for development and completion of the water right transfer, if approved in part or in whole, that includes a definite date for completion of the transfer and application of the water to an authorized beneficial use.

(7) Ecology may request additional information from the water conservancy board regarding the application and the



board's decision, in addition to the requirements of subsection (6) of this section.

(8) A board's record of decision must clearly state that the applicant is not permitted to proceed to act on the proposal until ecology makes a final decision affirming, in whole or in part, the board's recommendation. However, if ecology does not act on a board's recommendation within the time frame established in RCW 90.80.080, the applicant is allowed to initiate the water right transfer pursuant to the board's record of decision after that period of time has expired. It is advised that the applicant not proceed until the appeal period of ecology's decision is complete, in compliance with WAC 173-153-180.

[Statutory Authority: RCW 90.80.040, 06-18-102 (Order 05-18), § 173-153-130, filed 9/6/06, effective 10/7/06; 03-01-039 (Order 01-13), § 173-153-130, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-130, filed 11/17/99, effective 12/18/99.]

**WAC 173-153-140 What is the process for notifying parties of a record of decision and report of examination?**

**Who is notified of a board's record of decision and report of examination?**

(1) Ecology shall identify to all boards the ecology designated regional representative for receipt of each board's records of decision. Boards shall hand deliver or send by mail records of decision and reports of examination to:

- (a) The applicant;
- (b) The ecology regional office;
- (c) Any person who protested the transfer;
- (d) Any person who requested notice of the board's record of decision;
- (e) Any tribe with reservation or trust lands contiguous with or wholly or partly within the area of jurisdiction of the board; and
- (f) Any commenting agency or tribe.

**How is the record of decision and report of examination transmitted?**

(2) Within fifteen business days of a board's decision, the board shall simultaneously mail a copy of the record of decision and the report of examination to all parties identified in subsection (1) of this section. A paper copy of the following shall simultaneously be mailed or delivered to the ecology designated regional representative:

- (a) The record of decision;
- (b) The report of examination;
- (c) The application;
- (d) Public notices; and
- (e) Attachments to the application.

The board shall state to the parties receiving the record of decision and report of examination that it has been simultaneously sent to ecology. Whenever boards have the capacity to do so, they must transmit a signed electronic copy of the record of decision and report of examination to the ecology regional office on the same day that copies of the decision are mailed or hand-delivered.

(3) As stated in WAC 173-153-130, boards must fully document their process of arriving at a record of decision regarding water right transfer applications. Once the board has concluded its work on a water right transfer application, the board must submit to ecology, within fourteen days after

the completion of ecology's review period, any remaining original documents not previously submitted to ecology in accordance with subsection (2) of this section, and any documents received or developed by the board related to its deliberations regarding the application upon which it has made a decision. All documents submitted shall be clearly marked with the board-assigned water right change application number on the water right transfer application pursuant to WAC 173-153-070(7). As noted, the original versions of these documents must be provided to ecology; copies are not acceptable for submission. These documents must be sent to the ecology regional office designated by ecology. The board may retain a copy of all of the above-mentioned documents. After the board completes its business on a water right transfer application, and upon submission to ecology of all records related to the application file, ecology shall be responsible for public records requests related to that file.

(4) Any comments received by a board regarding its record of decision within thirty days after ecology's final decision must be forwarded to ecology within five business days of the board's receipt of such comments by the board. For the purposes of this subsection, the term "receipt" refers to the act of a board commissioner or designated administrative support person for the board picking up the board's mail. These comments must be submitted by the board to the ecology regional office.

[Statutory Authority: RCW 90.80.040, 06-18-102 (Order 05-18), § 173-153-140, filed 9/6/06, effective 10/7/06; 03-01-039 (Order 01-13), § 173-153-140, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-140, filed 11/17/99, effective 12/18/99.]

**WAC 173-153-150 What is ecology's review process of a board's record of decision?**

(1) Upon receipt of a record of decision and report of examination, ecology shall document and acknowledge the date of receipt of such documents in writing to the issuing board. Ecology will post on its internet site, generally within five business days, the record of decision, documenting the vote and signature of all board commissioners who participated in the decision, and the report of examination. For boards with the capacity to send signed documents electronically, ecology will post the record of decision and the report of examination generally within three business days of receiving the electronic version. The posted document will be referenced by both the board-assigned application number and by the ecology-assigned application number.

**How does ecology review the record of decision?**

(2) Ecology will review all records of decisions made by water conservancy boards. Upon receipt of a record of decision made by a board, ecology will review:

- (a) The record of decision for compliance with state water laws and regulations;
- (b) The record developed by the board in processing the application; and
- (c) Any other relevant information.

(3) In reviewing a board's decision, ecology may consider any letters of concern or support received within thirty days of the date ecology receives the board's record of decision.

(4) Ecology will not evaluate the internal operations of a board as it reviews a board's record of decision. Exceptions are to the extent that such review is necessary to determine whether the board's decision was in compliance with state laws and regulations concerning water right transfers, including possible cases of a conflict of interest as identified in RCW 90.80.120.

**What are ecology's potential review responses and how are the responses made?**

(5)(a) Ecology may affirm, reverse, or modify the records of decision based upon the report of examination issued by boards.

(b) If ecology determines that a board's submitted decision was not adopted in accordance with WAC 173-153-130(1), which addresses the adoption of a decision by the board; WAC 173-153-050 (1) and (6), which address training requirements of board commissioners; RCW 90.80.070 (4) through (8), which address the minimum number of commissioners required to adopt a decision on an application and the requirements for an alternate commissioner to participate in the decision; or, RCW 90.80.055, which addresses additional board powers, the submitted record of decision, report of examination, and supporting documents shall be returned to the board without action. Ecology's forty-five-day review period shall not begin until the board has satisfied all requirements in the adoption of a record of decision listed in this subsection and resubmitted the decision in accordance with WAC 173-153-140.

(c) Ecology's decision will be made in the form of a written administrative order and must be issued within forty-five days of receipt of the board's record of decision by the ecology regional office, except that the forty-five-day time period may be extended an additional thirty days by ecology's director, or his or her designee, or at the request of the board or applicant in accordance with RCW 90.80.080. If ecology does not act on the record of decision within the forty-five-day time period, or within the extension period, the board's record of decision becomes final.

(6) Ecology may issue an order affirming a board's decision. If ecology modifies the record of decision made by a board, ecology shall issue and send to the applicant and the board an order containing its modification of the record of decision. The order shall specify which part(s) of the record of decision ecology has modified. If ecology reverses the record of decision by the board, ecology shall send the applicant and the board an order reversing the record of decision with a detailed explanation of the reasons for the reversal.

**Under what conditions may ecology remand a record of decision to a board?**

(7) Ecology may consider conflict of interest issues during its final review of a board's record of decision. In accordance with chapter 90.80 RCW, if ecology determines that a commissioner should have been disqualified from participating in a decision on a particular application under review, the director, or his or her designee, must remand the record of decision to the board for reconsideration and resubmission of the record of decision. Upon ecology's remand, the disqualified commissioner shall not participate in any further board review of that particular application.

(8) Ecology's decision on whether to remand a record of decision under this section may only be appealed at the same

time and in the same manner as an appeal of ecology's decision to affirm, modify, or reverse the record of decision after remand.

**Can a board withdraw its record of decision from ecology?**

(9) If ecology has not yet formally acted on a record of decision by a board, a board may withdraw the record of decision during the period allowed for ecology's review. If a board withdraws a record of decision, ecology shall remove the record of decision from its internet site and post a notice that the decision has been withdrawn. All of the associated documents submitted to ecology by the board with the record of decision will be returned to the board. A board may withdraw the record of decision under the following conditions:

(a) The board must follow chapter 42.30 RCW, the Open Public Meetings Act, in making a decision to withdraw the record of decision;

(b) The decision to withdraw the record of decision must be adopted by a majority of the quorum of the board; and

(c) The board must send a notice of withdrawal of a record of decision to ecology on a form provided by ecology and identified as Decision to Withdraw a Record of Decision, form number 040-107.

**Who is notified of ecology's order relating to a record of decision?**

(10) Ecology will send its order to all parties on the same day. The order must be sent by mail, within five business days of ecology reaching its decision, to:

(a) The board;

(b) The applicant;

(c) Any person who protested;

(d) Persons who requested notice of ecology's decision;

(e) The Washington department of fish and wildlife;

(f) Any affected Indian tribe; and

(g) Any affected agency.

**What is the process should ecology fail to act on a record of decision?**

(11) Except as specified in subsection (5) of this section, if ecology fails to act within the specified time after receipt of the board's record of decision, the board's record of decision becomes the final order of ecology. If a board concludes that the time allowed for ecology to issue its order has lapsed, the board shall notify ecology, the applicant, any protestors, and any parties that have expressed interest to the board about the application that the time period has lapsed. If ecology agrees that the review period has lapsed, ecology will send an order to the board, and all entities listed in subsection (10) of this section, stating that the record of decision is final. If ecology disagrees with the board's conclusion, ecology shall work with the board to establish the beginning date of the review period based upon the date of receipt of the record of decision and report of examination by the ecology regional office.

[Statutory Authority: RCW 90.80.040, 06-18-102 (Order 05-18), § 173-153-150, filed 9/6/06, effective 10/7/06; 03-01-039 (Order 01-13), § 173-153-150, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-150, filed 11/17/99, effective 12/18/99.]

**WAC 173-153-160 When is a board-approved water right transfer that has been affirmed by ecology complete?**

**Who provides documentation of the transfer when it is completed?**

(1) When an affirmed transfer has been completed and the transferred water right has been put to beneficial use, the person authorized to transfer the water right must submit satisfactory evidence to ecology showing the transfer has been completed in accordance with ecology's order authorizing the transfer of the water right. Upon verification of the extent of development as authorized, ecology will issue a change certificate, superseding permit, or a superseding certificate to the water right holder(s) to document that the approved transfer was accomplished. When evaluating the proposed water right transfer application, the board will consider and address in the report of examination any issues pertaining to completion of the development or the application of the water to a beneficial use of water as it is proposed to be changed.

**Who receives a copy of the document identifying the perfection of the transfer approval?**

(2) When a document, as described in subsection (1) of this section, is issued to the applicant, ecology shall provide a copy to the appropriate board for its records, if requested by the board. The document shall also be recorded, at the applicant's expense, by the county or counties in which the water is authorized for use.

**What happens if the approved transfer is not completed within the development schedule or if the change authorization is canceled?**

(3) If development of the approved transfer is not completed in accordance with the development schedule that accompanies the approval, extensions may be requested in accordance with RCW 90.03.320, and will be evaluated by ecology.

(4) If the person authorized to transfer a water right fails to accomplish the transfer in accordance with the authorization, or any subsequent extensions granted by ecology, and does not receive an extension from ecology, or fails to comply with the requirements of the transfer authorization, ecology will cancel the transfer authorization. Upon cancellation of the transfer authorization, ecology will evaluate the water right to make a tentative determination as to the present validity of the water right and the conditions under which the water right can legally be exercised.

[Statutory Authority: RCW 90.80.040. 03-01-039 (Order 01-13), § 173-153-160, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-160, filed 11/17/99, effective 12/18/99.]

**WAC 173-153-170 What are a board's reporting requirements?** Boards are required to submit reports to ecology on their activities at the end of October of each year. The reports must be submitted to the water conservancy board coordinator on a form provided by ecology each year and must include information about board activities during the previous twelve months. The reports shall contain the following information:

**Water right transfer application data:**

(1) Information about applications to the board, to include:

- (a) The number of applications filed with the board, identified by water resources inventory area (WRIA);
- (b) The number of records of decision withdrawn from ecology by the board;
- (c) The number of records of decision approving or partially approving an application;
- (d) The number of records of decision denying an application;
- (e) The number of records of decision remanded back to the board from ecology;
- (f) The number of applications received by the board, distinguishing between requests to transfer surface water and ground water;
- (g) The number of applications to transfer a water right documented by a claim;
- (h) The number of applications to transfer a water right documented by a certificate;
- (i) The number of applications proposing transfer related to trust water;
- (j) The number of applications filed directly with the board, and the number transferred from ecology to the board; and
- (k) The number of hearings held within other counties other than the county or counties which established the board, when water rights were proposed to be transferred from one county to another.

**Operational information about the boards:**

- (2) Information about the operations of the board, to include:
- (a) The chair of the board;
  - (b) The primary contact of the board;
  - (c) The board address, phone, and/or e-mail;
  - (d) The board commissioners' names and their terms of office;
  - (e) The regular meeting location, if any;
  - (f) The regular meeting schedule, if any;
  - (g) Any changes in membership of the board, including background and contact information for any new commissioners;
  - (h) Current fees and changes to previously set fees;
  - (i) Training received other than from ecology;
  - (j) Ownership of property by the board;
  - (k) Water marketing activities;
  - (l) Number of staff employed by the board, and number of staff that provide volunteer service to the board; and
  - (m) Any litigation in which the board is involved.

[Statutory Authority: RCW 90.80.040. 03-01-039 (Order 01-13), § 173-153-170, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-170, filed 11/17/99, effective 12/18/99.]

**WAC 173-153-180 What actions may be appealed under this chapter?** Any person aggrieved by ecology's decision to approve or disapprove the establishment or restructuring of a board, or by an ecology order to affirm, reverse modify, or remand a record of decision made by a board, may appeal the decision or order to the state pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: RCW 90.80.040. 03-01-039 (Order 01-13), § 173-153-180, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80

RCW. 99-23-101 (Order 98-11), § 173-153-180, filed 11/17/99, effective 12/18/99.]

**WAC 173-153-190 Existing rights are not affected.** Nothing in this chapter is intended to impair any existing water rights.

[Statutory Authority: RCW 90.80.040. 03-01-039 (Order 01-13), § 173-153-190, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-190, filed 11/17/99, effective 12/18/99.]

**WAC 173-153-200 Will ecology review this chapter in the future to determine if changes are necessary?** This chapter may be reviewed by ecology whenever new information, changing conditions, or statutory modifications make it prudent to consider revisions. In carrying out such a review, ecology shall consult with existing boards.

[Statutory Authority: RCW 90.80.040. 03-01-039 (Order 01-13), § 173-153-200, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-200, filed 11/17/99, effective 12/18/99.]

## Chapter 173-154 WAC

### PROTECTION OF UPPER AQUIFER ZONES

#### WAC

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**WAC 173-154-010 Background.** In many parts of the state ground water aquifers exist at various depths below land surface. Such aquifers or groups of such aquifers may demonstrate a natural hydraulic separation to a significant degree over local or regional areas as evidenced, in part, by differing hydraulic heads and variable responses to pumping stress. The upper aquifer or upper aquifer zone often will not yield water in sufficient or sustainable quantities for uses which require a large volume of water. Therefore, they have often been traditionally used for domestic water supplies, stockwatering and other uses that require only minimal water supplies and for which it is not cost effective to tap deeper aquifers. Further, the uppermost aquifers also commonly contribute to spring and stream flows. In some cases, the withdrawal of water from the lower aquifers causes the depletion of the upper aquifers through cascading waters or simultaneous withdrawals from both upper and lower aquifers, and in such cases, poor quality waters from one zone can also contaminate a different aquifer zone.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-010, filed 5/29/85.]

**WAC 173-154-020 Purpose.** The purpose of this chapter is to establish and set forth the policies and procedures of the department of ecology in regard to the protection of the

occurrence and availability of ground water within the upper aquifers or upper aquifer zones where there are multiple aquifer systems. Consistent therewith, the department shall manage the state's ground water resources in a manner that protects, to the extent practicable, the upper aquifers of multiple aquifer systems from depletions, excessive water level declines or reductions in water quality, and which recognizes that the highest and best use of the waters of limited capacity aquifers may be for domestic, stockwater and other similar uses and for the preservation of spring and stream flows.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-020, filed 5/29/85.]

**WAC 173-154-030 Authority.** This chapter is promulgated by the department of ecology pursuant to chapters 18.104, 43.21A, 90.44 and 90.54 RCW.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-030, filed 5/29/85.]

**WAC 173-154-040 Definitions.** For the purposes of this chapter the following definitions shall apply:

(1) "Department" means the Washington state department of ecology.

(2) "Ground water right" means an authorization to use ground water established pursuant to chapter 90.44 RCW, state common or statutory law existing prior to the enactment of chapter 90.44 RCW, or federal law.

(3) "Withdrawal facilities" means and includes any well, infiltration trench or other excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed, together with the casing, screen, pump, pump column, motor and related equipment which is used for the withdrawal of ground water.

(4) "Aquifer" means any geologic formation that will yield water to a well or other withdrawal facilities in sufficient quantity for beneficial use.

(5) "Ground water" means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.

(6) "Multiple aquifer system" means any geologic formation(s) which contains distinct aquifers at different depths that exhibit a significant degree of local or regional hydraulic separation.

(7) "Upper aquifer zone" means all aquifers within a multiple aquifer system lying between the land surface and a depth or geologic formation, as determined by the department consistent with the purposes of this chapter, or as set forth in the ground water subarea management program for the area, if one exists.

(8) "Lower aquifer zone" means any aquifers occurring at a depth below the upper aquifer zone, as determined by the department, or as set forth in the ground water subarea management program for the area, if one exists.

(9) "Cascading waters" means any ground waters which fall or flow through a well or other withdrawal facilities, from one ground water aquifer to another.

(10) "Rehabilitation of withdrawal facilities" means the work necessary to reconstruct or modify existing withdrawal facilities in order to bring them into conformance with appli-

cable laws, regulations, permit or certificate provisions and orders of the department.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-040, filed 5/29/85.]

**WAC 173-154-050 Protection of upper aquifer zones.**

In any multiple aquifer system, where the department determines that the uppermost aquifers or upper aquifer zone will not sustain large volume ground water withdrawals without exceeding the safe sustaining yield or causing (1) adverse effects to existing water rights, (2) an unreasonable drop in the water table, (3) permanent damage to the aquifer through depletion of the aquifer or zone, (4) an impairment of the beneficial use of the ground waters arising from a modification of the water quality, or (5) depletions of spring or stream flows, the department shall require new or additional large volume withdrawals to be restricted to a lower aquifer zone. Permits for withdrawals of water from such lower aquifer zones may specify an approved manner of construction of the withdrawal facilities, including but not limited to, a minimum and maximum well depth, specific casing and sealing requirements, and the construction of monitoring wells for the purpose of periodic measurements in areas where the aquifers cannot be readily monitored through the use of existing wells.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-050, filed 5/29/85.]

**WAC 173-154-060 Inspections and tests.** The department may require inspections and/or tests of withdrawal facilities prior to their use in order to ensure compliance with any construction requirements imposed by the department pursuant to this chapter. Such inspections and tests shall be performed at the expense of the holder of the permit, except that there shall be no charge for any portions of such tests or inspections which are performed by department employees. If it is the determination of the department that the facilities are not properly constructed or that the facilities may adversely affect the upper aquifers or upper aquifer zone, the department may (1) require further construction and/or testing of the facilities, or (2) require abandonment of the facilities in accordance with chapter 173-160 WAC, or (3) revoke the permit.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-060, filed 5/29/85.]

**WAC 173-154-070 Rehabilitation of withdrawal facilities.** The department may require the rehabilitation of existing withdrawal facilities if it finds that the facilities were not constructed or are presently not in accordance with the permit provisions, if any, or the applicable laws and regulations of the department which were in effect at the time of construction of the facilities, and that the withdrawal of waters from such facilities will adversely affect the upper aquifers or upper aquifer zone. The department shall allow a reasonable period for completion of such rehabilitation.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-070, filed 5/29/85.]

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**WAC 173-154-080 Deepening of withdrawal facilities.** At any time that the holder of a valid ground water right proposes to deepen a withdrawal facility, the modification of the facility shall be made in such a manner as to preclude the occurrence of cascading waters. Such a facility shall not be deepened to tap a different body of public ground water, or a different aquifer zone where such zones have been determined by the department, without further appropriate authorization from the department.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-080, filed 5/29/85.]

**WAC 173-154-090 Applicability.** The provisions of this chapter shall apply to all ground water rights under state jurisdiction, except that WAC 173-154-050 and 173-154-060 shall apply only to permits issued or other ground water rights established subsequent to the effective date of this chapter and to withdrawal facilities which are the subject of an application for change of water right filed pursuant to RCW 90.44.100 subsequent to the effective date of this chapter.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-090, filed 5/29/85.]

**WAC 173-154-095 Enforcement.** In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-154-095, filed 6/9/88.]

**WAC 173-154-100 Appeals.** All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-154-100, filed 6/9/88. Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-100, filed 5/29/85.]

**WAC 173-154-105 Regulation review.** The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-154-105, filed 6/9/88.]

**WAC 173-154-110 Existing laws and regulations not affected.** Nothing in this chapter shall be construed to limit in any manner the authority of the department to administer and enforce the existing water resources laws of the state, including but not limited to chapters 18.104, 90.03, 90.36, 90.44, 90.48 and 90.54 RCW, and regulations promulgated thereunder.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-110, filed 5/29/85.]

**Chapter 173-157 WAC**  
**UNDERGROUND ARTIFICIAL STORAGE AND RECOVERY**

## WAC

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## PART I INTRODUCTION

**WAC 173-157-010 What is the purpose of this rule?**

The purpose of this rule is to establish the standards for review of applications for underground artificial storage and recovery projects and, when necessary, to identify options for mitigation of potential adverse impacts to ground water quality or the environment. The rule also outlines the process the department of ecology will use to evaluate applications and issue permits to artificially store water in underground geological formations and subsequently recover it for beneficial use.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-010, filed 1/15/03, effective 2/15/03.]

**WAC 173-157-020 What is the authority for this rule?** In 2000, the Washington state legislature passed Engrossed Second Substitute House Bill 2867 (E2SHB 2867), which amended chapters 90.03 and 90.44 RCW. This bill expanded the definition of "reservoir" in RCW 90.03.370 to include "any naturally occurring underground geological formation where water is collected and stored for subsequent use as part of an underground artificial storage and recovery project." Projects of this type are more commonly known as "aquifer storage and recovery" or "ASR" projects. The legislation directed the department to adopt rules establishing the "standards for review and standards for mitigation of adverse impacts for an underground artificial storage and recovery project." The department of ecology promulgates this rule under the authorities provided in chapter 34.05 RCW and RCW 90.03.370.

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[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-020, filed 1/15/03, effective 2/15/03.]

**WAC 173-157-030 To whom does this rule apply?**

This rule applies to any firm, association, water users' association, corporation, irrigation district, municipal corporation, or anyone else that intends to obtain a reservoir permit to develop an underground artificial storage and recovery project pursuant to RCW 90.03.370. This chapter does not apply to projects utilizing irrigation return flow, or to operational and seepage losses that occur during the irrigation of land, or to water that is artificially stored due to the construction, operation, or maintenance of an irrigation district project, or to projects involving water reclaimed in accordance with chapter 90.46 RCW.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-030, filed 1/15/03, effective 2/15/03.]

**WAC 173-157-040 What are the meanings of words and phrases used in this rule? "Aquifer storage and recovery project," "ASR project," or "underground artificial storage and recovery project"** means those projects where the intent is to artificially store water in an underground geological formation through injection, surface spreading and infiltration, or other department-approved method, and to make subsequent use of the stored water.

**"Artificial recharge"** means either controlled subsurface addition of water directly to the aquifer or controlled application of water to the ground surface for the purpose of replenishing the aquifer.

**"Beneficial use"** includes, among others, uses for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, thermal power production, municipal, and preservation of environmental and aesthetic values.

**"Confined aquifer"** means an aquifer where the permeability of the beds above and below the aquifer is significantly lower than the aquifer itself.

**"Department"** means the Washington department of ecology.

**"DOH"** means the Washington department of health.

**"Hydraulic continuity"** means the existence of some degree of interconnection between two or more sources of water, either surface water and ground water or two ground water sources.

**"Hydrogeology"** means the study of the geologic aspects of subsurface waters.

**"Normative flow"** means a flow that resembles the natural flow sufficiently enough to sustain all life stages of several species native to the state of Washington, including salmonid populations.

**"Permeability"** means the ability for a fluid to be transmitted in porous rock, sediment, or soil.

**"Piezometric elevation"** means the static level to which the water from a given aquifer will rise under its full head.

**"RCW"** means the Revised Code of Washington.

**"Receiving aquifer" or "reservoir"** means any portion of a naturally occurring underground geological formation in which the source water will be collected and stored for a future beneficial use as part of an ASR project.

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**"Reservoir permit"** means a permit to artificially store water in underground geological formations and subsequently recover it for beneficial use.

**"SEPA"** means the State Environmental Policy Act, chapter 43.21C RCW.

**"Secondary permit"** means a permit for the appropriation of ground water which was artificially stored in underground geological formations for subsequent beneficial use.

**"Source water"** means water that will be stored in a receiving aquifer.

**"Stored water"** means water that has been stored in a receiving aquifer pursuant to a reservoir permit issued in accordance with the provisions of this chapter.

**"Transmissivity"** is a measure of the rate which water passes through the geologic material within an aquifer.

**"UIC"** means the Underground Injection Control program, which was created by the U.S. Environmental Protection Agency pursuant to federal legislation (the Safe Drinking Water Act) and is administered by the department's water quality program.

**"Vadose zone"** means within the zone of aeration, i.e., water vapor above the saturation zone within an aquifer.

**"WAC"** means Washington Administrative Code.

**"WDFW"** means the Washington department of fish and wildlife.

**"You"** and **"I"** means any firm, association, water users' association, corporation, irrigation district, municipal corporation, or anyone else that intends to obtain a reservoir permit to develop an underground artificial storage and recovery project pursuant to RCW 90.03.370.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-040, filed 1/15/03, effective 2/15/03.]

**WAC 173-157-050 What authorization is required for an ASR project?** The following permits or authorizations are required:

(1) **Water rights to source waters.**

(a) Any source water you use as part of a project by diverting from a state watercourse or withdrawing state ground waters, must be obtained under a valid water right permit, certificate, or registered water right claim.

(b) The underlying water right specifies authorized uses. Any proposal to use stored water for different uses will require issuance of a secondary permit.

(2) **Reservoir permit.** When proposing to collect and store water in a naturally occurring underground geological formation for subsequent use as part of an ASR project, you must apply for a reservoir permit in accordance with the provisions of RCW 90.03.370 (2)(a).

(3) **Secondary permit.** You must apply for a secondary permit in accordance with the provisions of RCW 90.03.370 if you propose to apply the water stored in a reservoir to a beneficial use, except that you are not required to apply for a secondary permit if you already have a water right for the source water that authorizes the proposed beneficial use.

(4) **UIC registration.** All UIC wells to be utilized as part of an ASR project must be registered with the department in accordance with the provisions of chapter 90.48 RCW. Additionally, the construction and technical aspects of the injection wells must abide by UIC regulations as stated in chapter 173-160 WAC.

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(5) **NPDES permit.** Discharges to surface water must meet water quality standards set forth in chapter 173-201A WAC to protect aquatic life.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-050, filed 1/15/03, effective 2/15/03.]

## PART II APPLICATION PROCESS

**WAC 173-157-100 What should I know before I apply?** (1) You must assess potential impacts to the hydrogeologic system and the environment prior to submitting your application. If your application does not describe the general setting and conditions with sufficient information for the department to assess the application, the department may require you to perform a detailed feasibility study. This feasibility study should reduce uncertainty of the impacts, and better quantify the available storage capacity of the aquifer.

(2) To further reduce uncertainty, you must design a pilot phase for the project, to be used to collect data that will be used to validate the conceptual model, monitor efficacy, and adjust the monitoring, operation, and mitigation plans based upon results. The duration of this phase will be determined by the complexity of the project and stated within the reservoir permit.

(3) You may schedule a preapplication meeting with the department to discuss the project plan and likely requirements for monitoring and mitigation.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-100, filed 1/15/03, effective 2/15/03.]

**WAC 173-157-110 What types of information will I need to provide as part of my application?** Your application for an ASR project must contain, at a minimum:

(1) A description (conceptual model) of the hydrogeologic system (see WAC 173-157-120) prepared by a hydrogeologist licensed in the state of Washington.

(2) A project operation plan (see WAC 173-157-130) with a description of the pilot and operational phases of the ASR project prepared by an engineer or geologist licensed in the state of Washington.

(3) A description of the legal framework (see WAC 173-157-140) for the proposed project.

(4) An environmental assessment and analysis (see WAC 173-157-150) of any potential adverse conditions or potential impacts to the surrounding ecosystem(s) that might result from the project, along with a plan to mitigate such conditions or impacts.

The environmental assessment will establish whether a determination of nonsignificance or an environmental impact statement is required per SEPA regulations.

(5) A project mitigation plan (see WAC 173-157-160), if required.

(6) A project monitoring plan (see WAC 173-157-170).

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-110, filed 1/15/03, effective 2/15/03.]

**WAC 173-157-120 What must I include in the hydrogeologic system description?** Your hydrogeologic system description must include a conceptual hydrogeologic model that describes:

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(1) The aquifer targeted for storage, to include at a minimum estimates for:

- (a) Lateral and vertical extent;
- (b) Whether the aquifer is confined or unconfined;
- (c) Permeability;
- (d) Total storage volume available;
- (e) Effective hydraulic conductivity;
- (f) Transmissivity; and
- (g) Potential for physio-chemical changes in the aquifer or vadose zone as a consequence of recharge.

(2) The estimated flow direction(s) and rate of movement.

(3) The anticipated changes to the ground water system due to the proposed ASR project.

(4) The estimated area that could be affected by the project.

(5) The general geology in the vicinity of the proposed project, including stratigraphy and structure.

(6) The locations of existing documented natural hazards that could be affected or exacerbated by the project, such as landslide-prone areas or areas of subsidence along with a plan to mitigate such conditions or impacts.

(7) The locations of surface waters such as springs, creeks, streams or rivers that could be affected by the ASR project.

(8) The locations of all wells or other sources of ground water of record within the area affected by the project.

(9) The chemical and physical composition of the source water(s) and their compatibility with the naturally occurring waters of the receiving aquifer.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-120, filed 1/15/03, effective 2/15/03.]

**WAC 173-157-130 What must I include in the project operation plan?** Your project operation plan should include, at a minimum, the following information:

(1) The quantity and times of year source water is available for recharge.

(2) The proposed rate of injection and withdrawal of water.

(3) The length of time the water is proposed to be stored.

(4) The location, number, and capacity of proposed recharge wells or infiltration basins, and recovery facilities.

(5) Any variability in quality and reliability of the source water.

(6) A description of any water treatment method(s) you will use at the time of injection and recovery to ensure compliance with the water quality standards set forth in chapter 173-200 WAC, as well as the department's antidegradation policy.

(7) Any plans to discharge ASR water to a surface body should include information on the quantity, timing, duration, and water quality parameters such as chlorine, pH and dissolved oxygen of the ASR discharge water.

(8) Any operation and maintenance plans to discharge ground water and suspended sediment from the ASR well shall provide information on the quantity, duration, quality, and means of discharge.

(9) Destination(s) and permitting for water used for operation and maintenance (e.g., flushing water).

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[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-130, filed 1/15/03, effective 2/15/03.]

**WAC 173-157-140 What must I include in the description of the legal framework?** Your description of the legal framework should include, at a minimum:

(1) Documentation of the water rights for the source waters intended to be stored for the proposed ASR project.

(2) A list of other water rights within the ASR project area.

(3) Instream flows established by the department or stream closures in the vicinity of the point of diversion/withdrawal of the source water and/or within the ASR project area.

(4) Ownership and control of any facilities to be used for the proposed project.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-140, filed 1/15/03, effective 2/15/03.]

**WAC 173-157-150 What must I include in the environmental assessment and analysis?** Your environmental assessment and analysis must, at a minimum, describe:

(1) The environment within the ASR project area, including:

(a) Proximity to contaminated areas;

(b) Present and prior land use(s) within the ASR project area;

(c) Location(s) of historical or existing wetland habitat(s);

(d) Location(s) of historical or existing flood plain(s);

(e) Location(s) of historical or existing surface water body or spring, including documented:

(i) Base flows;

(ii) Seven-day low flows;

(iii) Maximum flows.

(2) Adverse impacts to the surrounding environment by the ASR project, including, but not limited to:

(a) Slope stability;

(b) Wetland habitat;

(c) Flood plain;

(d) Ground deformation;

(e) Surface water body or spring.

(3) If an environmental assessment has already been performed for the purposes of this specific ASR project, the application may simply refer to that documentation and need not repeat that analysis.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-150, filed 1/15/03, effective 2/15/03.]

**WAC 173-157-160 What must I include in the project mitigation plan?** Your project mitigation plan, if necessary, must be reviewed and approved or prepared by an appropriately experienced engineer licensed in the state of Washington. The mitigation plan shall prescribe actions to be taken to prevent adverse impacts to the environment and methods for evaluation of the effectiveness of these actions.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-160, filed 1/15/03, effective 2/15/03.]

**WAC 173-157-170 What must I include in the project monitoring plan?** Your project monitoring plan,

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which will be utilized to evaluate and verify the assumptions in the conceptual model, during the pilot and operational phases, must include the following:

(1) Proposed time intervals for sampling and subsequent reporting.

(2) Descriptions of measurement methodology, threshold values, and evaluation techniques for the following criteria:

(a) The quality of the source and receiving waters. This information must be provided for the period or periods of the year when the water will be stored. Testing must be done by a laboratory certified by either the department or DOH.

(b) The actual quantity of water injected.

(c) Changes in ground water piezometric elevations in the receiving aquifer.

(d) The percentage of the initial amount of stored water that is recoverable after varying lengths of storage time to validate the estimates of the amount of stored water that is actually recovered.

(e) Data necessary to evaluate the effectiveness of required mitigation.

(f) Other data you or the department determine necessary for monitoring the ASR project and adverse impacts.

You must provide a report of the monitoring data, at least annually, to the department. Based on the complexity of the project, the department may require you to comply with a more frequent reporting schedule. The required reporting frequency will be specified in the reservoir permit.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-170, filed 1/15/03, effective 2/15/03.]

**WAC 173-157-180 Where do I submit my application for a reservoir and/or secondary permit?** You must submit your application to the ecology water resources regional office that serves the area where your project would be located. Please refer to the department's web site for telephone numbers.

(1) The Northwest regional office serves Whatcom, Island, Kitsap, San Juan, Skagit, Snohomish, and King counties.

(2) The Southwest regional office serves Clallam, Jefferson, Grays Harbor, Mason, Thurston, Pierce, Pacific, Lewis, Wahkiakum, Cowlitz, Clark, and Skamania counties.

(3) The Central regional office serves Okanogan, Chelan, Douglas, Kittitas, Yakima, Klickitat, and Benton counties.

(4) The Eastern regional office serves Ferry, Stevens, Pend Oreille, Lincoln, Spokane, Grant, Adams, Whitman, Franklin, Walla Walla, Columbia, Garfield, and Asotin counties.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-180, filed 1/15/03, effective 2/15/03.]

### PART III APPLICATION REVIEW PROCESS

**WAC 173-157-200 How will the department issue reservoir permits and/or secondary permits for ASR projects?** (1) The department will process applications for permits for ASR projects in accordance with the provisions of RCW 90.03.250 through 90.03.320, RCW 90.03.370,

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chapter 173-152 WAC and this chapter. The department shall expedite processing applications for those projects that:

(a) Will not require a new water right for diversion or withdrawal of the water to be stored;

(b) Are adding or changing one or more purposes of use for the stored water;

(c) Are adding to the storage capacity of an existing reservoir; or

(d) Are applying for the secondary permit to secure use of water stored in an existing reservoir.

(2) The department shall give strong consideration to the overriding public interest in its evaluation of compliance with ground water quality protection standards.

(3) Any application considered under this chapter that may impact surface waters will be subject to review by the department, WDFW, DOH, and the appropriate Indian tribe(s), specifically to ensure that the following do not occur during ASR project injections or withdrawals:

(a) Alteration of the normative hydrograph which may result in adverse impacts to fish;

(b) Detrimental changes in temperature, nutrient, heavy metals, hydrocarbon, or other deleterious material levels during critical spawning and rearing periods;

(c) Disruption of natural downwelling or upwelling within stream during critical spawning and rearing periods; or

(d) Saturation of stream bank which could lead to erosion, bank failure, and excess sedimentation entering the stream which can alter stream chemistry, flow, and bed morphology.

Each ASR project application will be subject to public notice and comment per RCW 90.03.280. The department will consider any comments by the reviewers in evaluating the application.

(4) The department may issue a conditioned permit to prevent any long-term changes to the aquifer, or other adverse impacts to the environment. The conditioning will provide for a pilot phase of the project, to be used to collect data, monitor efficacy, evaluate the effectiveness of any mitigation plan approved under WAC 173-157-150, and adjust the ASR project or mitigation plan based upon pilot phase results.

(5) Permits will contain a schedule for:

(a) Development and completion of the project;

(b) Monitoring and reporting during the pilot and operational phases of the project.

(6) The department can, upon a showing of good cause, issue extensions for the permit in accordance with the provisions of RCW 90.03.320.

(7) Once sufficient information is developed and provided to the department to verify that the project is viable and the requirements of RCW 90.03.330 have been met, the department will issue proper documentation for the reservoir and secondary permit, if any, with the priority date or dates based on the underlying source water right.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-200, filed 1/15/03, effective 2/15/03.]

**WAC 173-157-210 Can I appeal a decision made by the department on my application?** Yes, all final written decisions of the department made on applications pursuant to

this chapter are subject to review by the pollution control hearings board in accordance with the provisions of chapter 43.21B RCW if you comply with the requirements for appeal established by statute and rule.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-210, filed 1/15/03, effective 2/15/03.]

**WAC 173-157-220 Can this regulation be reviewed or updated?** Yes, the department may initiate a review of the rules established in this chapter whenever new information, changing conditions, statutory modifications, or other factors make it necessary or desirable to consider revisions.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-220, filed 1/15/03, effective 2/15/03.]

**WAC 173-157-230 Where can I obtain copies of ecology statutes and regulations?** Copies of statutes and regulations cited in this chapter may be obtained from the public records office at the department's headquarters office. You may also obtain copies by downloading documents from the department's internet site at <http://www.ecy.wa.gov> or copies of rules of the pollution control hearings board from the pollution control hearings board's internet site at <http://www.eho.wa.gov>.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-230, filed 1/15/03, effective 2/15/03.]

## Chapter 173-158 WAC FLOOD PLAIN MANAGEMENT

### WAC

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173-158-064	Additional state requirements.
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173-158-075	Existing farmhouse standards.
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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-158-060	Additional state requirements. [Statutory Authority: RCW 86.16.061. 89-07-022 and 90-06-059 (Order 88-57 and 88-57A), § 173-158-060, filed 3/7/89 and 3/6/90, effective 4/6/90. Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-060, filed 5/4/88.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
173-158-100	Local compliance schedule. [Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-100, filed 5/4/88.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
173-158-110	State assumption of regulatory authority. [Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-110, filed 5/4/88.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.

**WAC 173-158-010 Authority.** This chapter is adopted pursuant to chapter 86.16 RCW as amended during the 1989 legislative session.

Note: Copies of all statutes, regulations, and other documents cited or referred to in this chapter may be viewed at the Department of Ecology, Mailstop PV-11, Olympia, Washington 98504.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-010, filed 10/19/90, effective 11/19/90. Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-010, filed 5/4/88.]

**WAC 173-158-020 Purpose.** Chapter 86.16 RCW establishes statewide authority for flood plain management through the adoption and administration by local governments of regulatory programs which are compliant with the minimum standards of the National Flood Insurance Program (NFIP). Chapter 86.16 RCW also directs the department of ecology to establish minimum state requirements for flood plain management which equal the NFIP minimum standards; to provide technical assistance and information to local governments related to administration of their flood plain management ordinances and the NFIP; to provide assistance to local governments in identifying the location of the one hundred year (base) flood plain; and allows for the issuance of regulatory orders.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-020, filed 10/19/90, effective 11/19/90. Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-020, filed 5/4/88.]

**WAC 173-158-030 Definitions.** For the purposes of this chapter the following definitions shall apply:

"Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year. Also referred to as the "one hundred-year flood."

"Best available information" means in the absence of official flood insurance rate map data, communities can use data from other federal, state, or other sources provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience.

"Designated floodway" means the regulatory floodway which has been delineated on the flood insurance rate map (FIRM) or the flood boundary/floodway map (FBFM) of a community's flood insurance study and is included in the community's flood damage prevention ordinance.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, extraction or drilling operations or storage of equipment or materials.

" Dwelling" means one or more rooms designed for occupancy by a person or family for living and sleeping purposes, containing kitchen facilities and rooms with internal accessibility, for use solely by the dwelling's occupants.

"Encroachment" means any alteration or development within the regulatory floodway that would result in any increase in flood levels during the occurrence of the base flood discharge.

"Existing farmhouse" means a farmhouse which was built prior to the adoption of the local flood insurance rate map and local ordinances implementing the NFIP.

"Farmhouse" means a single family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters; and/or
- The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood insurance rate map (FIRM)" means the official map on which the federal insurance administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of the local ordinance.

"Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or any agency of the state or local governmental unit however designated.

"Replacement residential structure" means a residential structure built as a substitute for a previously existing residential structure of equivalent use and size.

"Residential structure" means a place in which one lives: Dwelling.

"Special flood hazard area" means an area subject to a base or one hundred-year flood; areas of special flood hazard are shown on a flood hazard boundary map or flood insurance rate map as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, or V.

"Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground. Manufactured homes are considered structures.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Substantial damage" means damage of any origin sustained by a structure where the cost of restoring the structure to its before damage condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement or building official and are the minimum necessary to assure safe living conditions; or
- Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands have one or more of the following three attributes: At least periodically, the land supports predominantly hydrophytes; the substrate is predominantly undrained hydric soil; and the substrate is nonsoils and is saturated with water or covered by shallow water at some time during the growing season of each year.

[Statutory Authority: Chapter 86.16 RCW. 02-15-093 (Order 00-26), § 173-158-030, filed 7/16/02, effective 8/16/02. Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-030, filed 10/19/90, effective 11/19/90; 89-07-022 and 90-06-059 (Order 88-57 and 88-57A), § 173-158-030, filed 3/7/89 and 3/6/90, effective 4/6/90. Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-030, filed 5/4/88.]

**WAC 173-158-040 Regulatory area.** The minimum regulatory area for state and local flood plain management regulations shall be those areas subject to a base (one hundred year) flood and designated as special flood hazard areas on the most recent maps provided by the Federal Emergency Management Agency (FEMA) for the National Flood Insurance Program (NFIP). Best available information shall be used if these maps are not available or sufficient as determined by the Federal Emergency Management Agency.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-040, filed 10/19/90, effective 11/19/90. Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-040, filed 5/4/88.]

**WAC 173-158-045 Technical assistance.** The department of ecology shall provide technical assistance to local governments in the administration of their flood plain management ordinances. The department shall also assist counties, cities, and towns in identifying the location of the one hundred-year flood plain, and petitioning the federal government to alter its designations of where the one hundred-year flood plain is located if the federally recognized location of the one hundred-year flood plain is found to be inaccurate.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-045, filed 10/19/90, effective 11/19/90.]

**WAC 173-158-050 Criteria for land management and use.** The standards and definitions contained in 44 CFR, Parts 59 and 60 for the National Flood Insurance Program are adopted as the minimum state standards by reference.

[Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-050, filed 5/4/88.]

**WAC 173-158-064 Additional state requirements.** State requirements may be established for specific flood plains that exceed the minimum federal requirements of the NFIP, in accordance with RCW 86.16.031(8) and the following:

(1) A written request must be submitted to the department of ecology by the affected county, city, or town to initiate the process.

(2) The location of the one hundred-year flood plain must be reexamined by the affected community and the department of ecology, and has been certified by the department as being accurate for the affected areas.

(3) The department of ecology shall negotiate with the affected community to determine the content of proposed additional requirements.

(4) The department of ecology shall notify the public of related public meetings and public hearings.

(5) The department of ecology must find that the proposed increased requirements are necessary due to local circumstances and general public safety.

(6) The area where the additional requirements apply is to be clearly identified.

(7) Additional state requirements shall be established as needed in accordance with the required state rule-making procedures.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-064, filed 10/19/90, effective 11/19/90.]

**WAC 173-158-070 Additional floodway requirements.** The following additional state requirements are established in accordance with RCW 86.16.041.

(1) Special flood hazard areas with designated floodways. In addition to those NFIP requirements for designated floodways, communities with designated floodways shall restrict land uses within such areas to include the prohibition of construction or reconstruction of residential structures except for: (a) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (b) repairs, reconstruction, or improvements to a structure the cost of which does not exceed fifty percent of the market value of the structure either (i) before the repair, reconstruction, or improvement is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes which have been identified by the local code enforcement or building official and are the minimum necessary to assure safe living conditions shall not be included in the fifty percent determination in (b) of this subsection. A residential dwelling located partially within a designated floodway will be considered as totally within a designated floodway and must comply with this chapter. However, the floodway prohibition in this subsection does not apply to existing farmhouses in designated floodways that meet the provisions of WAC 173-158-075, or to residen-

tial dwellings other than farmhouses that meet the depth and velocity and erosion analysis provisions of WAC 173-158-076, or to structures identified as historical places.

(2) Special flood hazard areas without designated floodways. When a regulatory floodway for a stream has not been designated, the community may require that applicants for new construction and substantial improvements reasonably utilize the best available information from a federal, state, or other source to consider the cumulative effect of existing, proposed, and anticipated future development and determine that the increase in the water surface elevation of the base flood will not be more than one foot at any point in the community. Building and development near streams without a designated floodway shall comply with the requirements of 44 CFR 60.3 (b)(3) and (4), and (c)(10) of the NFIP regulations.

[Statutory Authority: Chapter 86.16 RCW. 02-15-093 (Order 00-26), § 173-158-070, filed 7/16/02, effective 8/16/02. Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-070, filed 10/19/90, effective 11/19/90. Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-070, filed 5/4/88.]

**WAC 173-158-075 Existing farmhouse standards.** Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and which are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 shall be permitted subject to the following:

(1) The new farmhouse is a replacement for an existing farmhouse on the same farm site;

(2) There is no potential safe building site for a replacement farmhouse on the same farm site outside the designated floodway or the location requires close proximity to other structures in the farm operation in order to maintain the integrity and operational viability of the farm; in no case shall a replacement be located into an area with higher flood hazards in terms of depths, velocities and erosion;

(3) Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;

(4) A replacement farmhouse shall not exceed the total square footage of encroachment of the structure it is replacing;

(5) A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;

(6) For substantial improvements, and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum one foot higher than the base flood elevation;

(7) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;

(8) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and

(9) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

[Statutory Authority: Chapter 86.16 RCW. 02-15-093 (Order 00-26), § 173-158-075, filed 7/16/02, effective 8/16/02.]

**WAC 173-158-076 Substantially damaged residential dwellings other than farmhouses.** For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the department, at the request of the local government, is authorized to assess the risk of harm to life and property posed by the specific conditions of the floodway. Based upon scientific analysis of depth, velocity, flood-related erosion and debris load potential, the department may exercise best professional judgment in recommending to the local permitting authority repair, replacement or relocation of a substantially damaged structure. The property owner shall be responsible for submitting to local government any information necessary to complete the assessment required by this section when such information is not otherwise available.

(1) Recommendation to repair or replace a substantially damaged residential structure located in the regulatory floodway shall be based on the flood characteristics at the site. In areas of the floodway that are subject to shallow and low velocity flooding, low flood-related erosion potential, and adequate flood warning time to ensure evacuation, the department may recommend the replacement or repair of the damaged structure. Any substantially damaged residential structure located in the regulatory floodway in a high risk zone based on the flood characteristics will not be recommended to be repaired or replaced. Flood warning times must be twelve hours or greater, except if the local government demonstrates that it has a flood warning system and/or emergency plan in operation. For purposes of this paragraph flood characteristics must include:

(a) Flood depths can not exceed more than three feet; flood velocities cannot exceed more than three feet per second.

(b) No evidence of flood-related erosion. Flood erosion will be determined by location of the project site in relationship to channel migration boundaries adopted by the local government. Absent channel migration boundaries, flood erosion will be determined by evidence of existing overflow channels and bank erosion.

At the request of local government, the department will prepare a report of findings and recommendations for local government concurrence on repair or replacement of substantially damaged residential structures located in the regulatory floodway.

Without a recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

(2) Before the repair, replacement, or reconstruction is started, all requirements of the National Flood Insurance Program, the state requirements adopted pursuant to RCW 86.16.031(8), and all applicable local regulations must be satisfied. In addition the following conditions must be met:

(a) There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.

(b) A replacement residential structure is a residential structure built as a substitute for a previously existing residential structure of equivalent use and size.

(c) Repairs or reconstruction or replacement of a residential structure shall not increase the total square footage of floodway encroachment.

(d) The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the base flood elevation.

(e) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.

(f) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.

(g) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

[Statutory Authority: Chapter 86.16 RCW. 02-15-093 (Order 00-26), § 173-158-076, filed 7/16/02, effective 8/16/02.]

**WAC 173-158-080 Wetlands management.** Wetlands are areas of great natural productivity and hydrological utility, providing natural flood control, flood desynchronization, and flow stabilization of rivers and streams. The unrestricted use and development of wetlands will destroy many of these beneficial qualities which directly affect human health and safety during flood events. The piecemeal alteration and destruction of wetlands through draining, dredging, filling and other means has an adverse cumulative impact on their ability to reduce flood damages.

Communities should, to the maximum extent possible, seek to avoid the short and long term adverse impacts associated with the destruction or modification of wetlands, especially those activities which limit or disrupt the ability of the wetland to ameliorate flooding impacts. Proposals for development within special flood hazard areas (base flood plains) should be reviewed for their possible impacts on wetlands located within the flood plain. Communities should ensure that development activities in or around wetlands do not negatively affect public safety, health, and welfare by disrupting the wetlands' ability to reduce flood and storm hazards.

Communities may request technical assistance from the department of ecology in identifying wetland areas. Existing wetland map information from the National Wetlands Inventory (NWI) can be used in conjunction with the community's FIRM to prepare an overlay zone indicating critical wetland areas deserving special attention. Local wetlands management strategies can also be developed which will preserve these valuable areas.

[Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-080, filed 5/4/88.]

**WAC 173-158-084 Submittal of local ordinances.** Communities shall submit to the department of ecology and to the federal Emergency Management Agency (FEMA) regional office newly adopted or amended flood damage prevention ordinances to incorporate the requirements of chapter 86.16 RCW and this chapter. Such ordinances or amendments shall take effect thirty days from filing with the depart-

ment unless the department disapproves such ordinance or amendment, in writing, within that time period. The department may disapprove any ordinance or amendment which does not comply with the requirements of the NFIP, or WAC 173-158-040, 173-158-064, or 173-158-070. The department will provide guidance and assistance to communities in preparation and review of draft ordinances upon request by the community.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-084, filed 10/19/90, effective 11/19/90.]

**WAC 173-158-086 Local option to exceed minimum requirements.** In accordance with RCW 86.16.045 a county, city, or town may adopt flood plain management ordinances or requirements that exceed the minimum federal requirements of the National Flood Insurance Program and the state requirements of this chapter without following the procedures provided in RCW 86.16.031(8) and WAC 173-158-064.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-086, filed 10/19/90, effective 11/19/90.]

**WAC 173-158-090 Penalties and enforcement. (1)** The attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to ensure compliance with this chapter.

(2) Any person who fails to comply with this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each violation or each day of noncompliance shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Any penalty imposed pursuant to this section by the department shall be subject to review by the pollution control hearings board. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the pollution control hearings board.

[Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-090, filed 5/4/88.]

**WAC 173-158-120 Variances.** The variance procedure contained in 44 CFR, Part 60.6 and the local flood damage prevention ordinance shall apply to this chapter unless an activity or use is expressly prohibited therein.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-120, filed 10/19/90, effective 11/19/90. Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-120, filed 5/4/88.]

## Chapter 173-160 WAC

### MINIMUM STANDARDS FOR CONSTRUCTION AND MAINTENANCE OF WELLS

#### WAC

#### REQUIREMENTS THAT APPLY TO ALL WELLS

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173-160-451	What are the minimum standards for direct push resource protection wells?	173-160-110	Design and construction—Sealing of casing—General. [Order 73-6, § 173-160-110, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-453	What are the minimum standards for construction of ground source heat pump borings?		
173-160-456	What are the minimum standards for construction of grounding wells?	173-160-115	Enforcement. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-115, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
173-160-457	How are vibrating wire piezometers constructed?		
173-160-458	What sealing materials are allowed for sealing vibrating wire piezometers?		
173-160-460	What is the decommissioning process for resource protection wells?	173-160-120	Design and construction—Sealing of consolidated formations. [Order 73-6, § 173-160-120, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-990	Well construction illustrations.		
<b>DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER</b>			
173-160-020	General. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-020, filed 4/6/88; Order 73-6, § 173-160-020, filed 4/30/73.] Repealed by 98-13-112 (Order 98-05), filed 6/17/98, effective 7/18/98. Statutory Authority: Chapter 18.104 RCW.	173-160-125	Appeals. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-125, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
173-160-055	Well construction notification (start card). [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-055, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-130	Sealing of unconsolidated formations without significant clay beds. [Order 73-6, § 173-160-130, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-060	Location of well site and access requirements. [Order 73-6, § 173-160-060, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-135	Regulation review. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-135, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
173-160-065	Design and construction. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-065, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-140	Sealing of unconsolidated formations with clay beds. [Order 73-6, § 173-160-140, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-070	Design and construction. [Order 73-6, § 173-160-070, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-150	Special sealing standards for artesian wells. [Order 73-6, § 173-160-150, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-075	Design and construction—Sealing of casing—General. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-075, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-160	Artificial gravel-packed wells—General. [Order 73-6, § 173-160-160, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-080	Design and construction—Casing. [Order 73-6, § 173-160-080, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-170	Sealing of artificial gravel-packed wells. [Order 73-6, § 173-160-170, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-085	Capping. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-085, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-180	Sealing of dug wells. [Order 73-6, § 173-160-180, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-090	Design and construction—Well completion—General. [Statutory Authority: RCW 18.104.040(4). 79-02-010 (Order DE 78-22), § 173-160-090, filed 1/10/79; Order 73-6, § 173-160-090, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-190	Special standards for driven or jetted wells. [Order 73-6, § 173-160-190, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-09001	Recommended well diameters. [Statutory Authority: RCW 18.104.040(4). 79-02-010 (Order DE 78-22), § 173-160-09001, filed 1/10/79.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-200	Upper terminal of well. [Statutory Authority: RCW 18.104.040(4). 79-02-010 (Order DE 78-22), § 173-160-200, filed 1/10/79; Order 73-6, § 173-160-200, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-095	Relationship to other authorities. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-095, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-205	Location of well site and access requirements. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-205, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
173-160-100	Design and construction—Sealing materials. [Statutory Authority: RCW 18.104.040(4). 79-02-010 (Order DE 78-22), § 173-160-100, filed 1/10/79; Order 73-6, § 173-160-100, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-210	Capping. [Order 73-6, § 173-160-210, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-105	Comparable construction standards. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-105, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-215	Design and construction—Well completion—General. [Statutory Authority: Chapter 18.104 RCW. 89-15-017 and 90-07-016 (Orders 89-4 and 89-4A), § 173-160-215, filed 7/12/89 and 3/13/90, effective 8/12/89 and 4/13/90; 88-08-070 (Order 88-58), § 173-160-215, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
		173-160-220	Testing of well. [Order 73-6, § 173-160-220, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
		173-160-225	Design and construction—Casing. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-225, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.

173-160-230	Testing of well—Access port or pressure gage. [Order 73-6, § 173-160-230, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-315	Sealing of dug wells. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-315, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
173-160-235	Recommended well diameters. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-235, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-320	Abandonment or destruction of wells—Abandonment or destruction of artesian wells. [Order 73-6, § 173-160-320, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-240	Disinfection. [Order 73-6, § 173-160-240, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-325	Special standards for driven or jetted wells. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-325, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
173-160-245	Design and construction—Sealing materials. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-245, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-330	Abandonment or destruction of wells—Abandonment or destruction of dug wells. [Order 73-6, § 173-160-330, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-250	Quality of drilling water. [Order 73-6, § 173-160-250, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-335	Upper terminal of well. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-335, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
173-160-255	Design and construction—Sealing of consolidated formations. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-255, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-340	Abandonment or destruction of wells—Plugging of test wells. [Order 73-6, § 173-160-340, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-260	Pump installation. [Order 73-6, § 173-160-260, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-345	Testing of well. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-345, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
173-160-265	Sealing of unconsolidated formations without significant clay beds. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-265, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-350	Artificial recharge of ground water bodies. [Order 73-6, § 173-160-350, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-270	Explosives. [Order 73-6, § 173-160-270, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-355	Testing of well—Access port or pressure gage. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-355, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
173-160-275	Sealing of unconsolidated formations with clay beds. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-275, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-360	Special exemptions. [Order 73-6, § 173-160-360, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-280	Chemical conditioning. [Order 73-6, § 173-160-280, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-365	Disinfection. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-365, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
173-160-285	Special sealing standards for artesian wells. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-285, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-370	Relationship to other authorities. [Order 73-6, § 173-160-370, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-290	Abandonment or destruction of wells. [Statutory Authority: RCW 18.104.040(4). 79-02-010 (Order DE 78-22), § 173-160-290, filed 1/10/79; Order 73-6, § 173-160-290, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-375	Quality of drilling water. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-375, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
173-160-295	Artificial gravel-packed wells—General. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-295, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-380	Comparable construction standards. [Order 73-6, § 173-160-380, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-300	Abandonment or destruction of wells—Abandonment or destruction of drilled or jetted wells. [Order 73-6, § 173-160-300, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-385	Pump installation. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-385, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
173-160-305	Sealing of artificial gravel-packed wells. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-305, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-395	Explosives. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-395, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
173-160-310	Abandonment or destruction of wells—Abandonment or destruction of gravel-packed wells. [Order 73-6, § 173-160-310, filed 4/30/73.] Repealed by 88-08-070	173-160-405	Chemical conditioning. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-405, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.



- 173-160-415 Abandonment of wells. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-415, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-425 Abandonment of wells—Abandonment of drilled or jetted wells. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-425, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-435 Abandonment of wells—Abandonment of gravel-packed wells. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-435, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-445 Abandonment of wells—Abandonment of artesian wells. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-445, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-455 Abandonment of wells—Abandonment of dug wells. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-455, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-465 Abandonment of wells—Plugging of test wells. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-465, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-475 Artificial recharge of ground-water bodies. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-475, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-500 Design and construction—General. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-500, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-510 Design and construction—Surface protective measures. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-510, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-520 Design and construction—Casing. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-520, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-530 Design and construction—Cleaning. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-530, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-540 Design and construction—Well screen, filter pack, and development. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-540, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-550 Design and construction—Well seals. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-550, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-560 Abandonment of resource protection wells. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-560, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.

## REQUIREMENTS THAT APPLY TO ALL WELLS

**WAC 173-160-010 What is the purpose of this regulation?** (1) These regulations are adopted under chapter 18.104 RCW, to establish minimum standards for the construction and decommissioning of all wells in the state of Washington.

(2) The following are excluded from these regulations:

(a) Any excavation that is not intended to locate, divert, artificially recharge, observe, monitor, dewater, or withdraw ground water except resource protection wells, ground source heat pump borings, grounding wells, and geotechnical soil borings.

(b) Any excavation for the purpose of obtaining or prospecting for oil, natural gas, minerals, products of mining, quarrying, inserting media to repressure oil or natural gas bearing formations, storing petroleum, natural gas, or other products, as provided in chapter 78.52 RCW.

(c) Infiltration or exfiltration galleries, trenches, ponds, pits, and sumps, except where the department determines that the intended use of the excavation meets a definition in RCW 18.104.020.

(d) Grounding wells and grounding rods that are installed to a depth of twenty-five feet or less.

(3) Under chapter 90.48 RCW, those excavations excluded in subsection (2)(a) through (d) of this section shall be constructed, maintained, and decommissioned to ensure protection of the ground water resource and to prevent the contamination and waste of that resource.

(4) The following wells are regulated under this chapter and may be regulated under chapter 173-218 WAC: Injection wells used to dispose of water which has been withdrawn for heating or cooling purposes and remediation wells that are used to inject any substance to remediate, clean up, or control potential or actual contamination.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-010, filed 12/19/08, effective 1/19/09; 06-23-121 (Order 06-08), § 173-160-010, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-010, filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-010, filed 4/6/88; Order 73-6, § 173-160-010, filed 4/30/73.]

**WAC 173-160-030 When will this regulation be reviewed?** (1) The department of ecology shall initiate review of the rules established in this chapter:

(a) When new information, changing conditions, or statutory modifications make it necessary to consider revisions; or

(b) When statutes require the review of this regulation, whichever comes first.

(2) The technical advisory group (TAG) established under chapter 18.104 RCW shall assist the department in the development and revision of rules.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-030, filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-030, filed 4/6/88; Order 73-6, § 173-160-030, filed 4/30/73.]

**WAC 173-160-040 How does this regulation relate to other authorities?** (1) Nothing in these regulations may be construed to waive any legal requirements of other state

agencies or local governmental entities relating to well construction, nor may it preclude the adoption of more stringent minimum well construction standards by local government.

(2) Well contractors shall be familiar with all state and local well construction requirements, and existing and approved site plans, to include septic permits, for their job sites prior to initiating construction. Drillers working in counties that have delegated authority to inspect wells shall check with the county environmental health section for inspection requirements. Drillers are required to obey all county notification and reporting requirements.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-040, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-040, filed 3/23/98, effective 4/23/98. Statutory Authority: Chapters 34.05, 90.54, 18.104, 90.03 and 90.44 RCW. 91-23-093 (Order 91-27), § 173-160-040, filed 11/19/91, effective 12/20/91. Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-040, filed 4/6/88; Order 73-6, § 173-160-040, filed 4/30/73.]

**WAC 173-160-050 What are the department's enforcement options?** The department may impose the sanctions that are appropriate under authorities vested in it, including:

- (1) The issuance of regulatory orders under RCW 43.27A.190;
- (2) Civil penalties under RCW 90.03.600 and 18.104.-155; and
- (3) Criminal penalties under RCW 18.104.160.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-050, filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-050, filed 4/6/88; Order 73-6, § 173-160-050, filed 4/30/73.]

**WAC 173-160-061 May I appeal the department's decision?** (1) Yes. All final, written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made under this chapter are subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

(2) If you wish to appeal a decision of the department of ecology, you must appeal it before that board.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-061, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-071 May I appeal decisions made by delegated authorities?** (1) Yes. Any person who feels aggrieved by a decision made by a local health district or county under delegated authority may appeal the decision to the department of ecology.

(2) The appeal must be made within thirty days of receipt of the decision.

(3) An appeal to the department shall contain at least the following information:

- (a) Name, address, and phone number of appealing party;
- (b) Copy of the decision under appeal;
- (c) A clear statement of what issues are disputed;
- (d) A clear statement of what relief the appellant is seeking.

(4) The department will consider the appeal, and either affirm, reverse, or modify the decision of the delegated

authority. A written response shall be provided to the applicant and the delegated authority within thirty days of the department's receipt of the appeal.

(5) The department's decision is subject to review by the pollution control hearings board, in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-071, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-073 How will the delegated authorities be evaluated?** The department will, on an annual basis, review each of the local health jurisdictions or counties, inter-agency agreements. The review shall include an audit of the construction inspections, decommissioning inspections, enforcement activities, variance decisions, training needs, technical assistance, coordination with drillers and other driller interactions that occurred during the year. The review will also address the need to update or otherwise change portions of the delegation agreements.

The department will summarize the reviews into an annual report. The report will be completed no later than April 1 of each year. The completed report will be available to the public upon request and posted on the department's web site.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-073, filed 11/21/06, effective 12/22/06.]

## PART ONE—GENERAL REQUIREMENTS FOR WATER WELL CONSTRUCTION

**WAC 173-160-101 What are the general standards that apply to all water wells?** The following minimum standards apply to all water wells constructed and decommissioned in the state of Washington. It is the responsibility and liability of the water well operator who constructs the well, the property owner, and the water well contractor, to take whatever measures are necessary to guard against waste and contamination of the ground water resources.

(1) It is necessary in some cases to construct and decommission wells with additional requirements beyond the minimum standards. Additional requirements may be necessary when the well is constructed or decommissioned adjacent to a known, or potential source of contamination. Examples of sources, or potential sources of contamination are found in the well siting section, WAC 173-160-171.

(2) Nothing in these regulations limits the department's authority to approve comparable alternative specifications for well construction as technology in the industry develops, or new and comparable methods of construction become known to the department.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-101, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-101, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-106 How do I apply for a variance on a water well?** (1) When strict compliance with the requirements and standards of this chapter are impractical, any person may request a variance to the department from a regulation or regulations. The application for variance must propose a comparable alternative specification that will provide equal

or greater human health and resource protection than the minimum standards. Application for a variance shall be made in writing and approved prior to the construction or decommissioning of the well.

(2) The variance application shall contain at least the following information:

- (a) Name, address, and phone number of the person requesting the variance;
- (b) Address of well site;
- (c) 1/4, 1/4, section, township, range;
- (d) The specific regulation(s) that cannot be followed;
- (e) The comparable alternative specification;
- (f) Justification for the request.

(3) At the department's discretion, the proponent may be required to provide additional technical information justifying the variance.

(4) The variance application will be evaluated, and a response will be given within fourteen days. In a public health emergency or other exceptional circumstance, verbal notification for a variance may be given. An emergency usually consists of a well failure resulting in a dry well or an unusable well. Driller convenience does not constitute an emergency.

(5) The emergency variance recipient must immediately follow up with a written notification to the department so that a permanent record is made of the variance.

(6) Local health districts or counties with delegated authority may grant variances under the provision chapter 18.104 delegated authority.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-106, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-106, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-111 What are the definitions of specific words as used in this chapter?** (1) "Abandoned well" means a well that is unmaintained or is in such disrepair that it is unusable or is a risk to public health and welfare.

(2) "Access port" is a 1/2- to 2-inch tapped hole or tube equipped with a screw cap, which provides access to the inner casing, for measurement of the depth to water surface. An access port also means a removable cap.

(3) "Annular space" is the space between the surface or outer casing and the inner casing, or the space between the wall of the drilled hole and the casing.

(4) "Aquifer" is a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

(5) "Artesian well" is a well tapping an aquifer bounded above and below by confining or impermeable rock or soil layers, or rock or soil layers of distinctly lower permeability than the aquifer itself. The water will rise in the well above the point of initial penetration (above the bottom of the confining or impermeable layer overlying the aquifer). This term includes both flowing and nonflowing wells.

(6) "Artificial gravel pack" is a mixture of gravel or sand placed in the annular space around the liner, perforated pipe, or well screen. A gravel pack is used to reduce the movement of finer material into the well and provide lateral support to the screen in unstable formations.

(7) "Artificial recharge" is the addition of water to an aquifer by activities of man, such as irrigation or induced infiltration from streams, or injection through wells, trenches, pits, and ponds.

(8) "Bentonite" is a mixture of swelling clay minerals, predominantly sodium montmorillonite.

(9) "Building drain" means that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two feet outside the building wall.

(10) "Building sewer" means that part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system, or other point of disposal.

(11) "Capped well" is a well that is not in use and has a watertight seal or cap installed on top of the casing.

(12) "Casing" is a pipe, generally made of metal or plastic, which is installed in the bore hole as part of the drilling process to maintain the opening. Casing may be utilized in either consolidated or unconsolidated formations and must meet the requirements of WAC 173-160-201.

(13) "Confining layer" or "confining formation" means a layer of low hydraulic conductivity material that significantly limits vertical movement of ground water.

(14) "Consolidated formation" means any geologic formation in which the earth materials have become firm and cohesive through natural rock forming processes. Such rocks commonly found in Washington include basalt, granite, sandstone, shale, conglomerate, and limestone.

(15) "Constructing a well" or "construct a well" means:

- (a) Boring, digging, drilling, or excavating a well;
- (b) Installing casing, sheeting, lining, or well screens, in a well;
- (c) Drilling a geotechnical soil boring;
- (d) Installing an environmental investigation well; or
- (e) Alteration of an existing well.

(16) "Contamination" has the meaning provided in RCW 90.48.020.

(17) "Curbing" is a liner or pipe made of concrete, precast tile or steel installed in dug wells to provide an annular space between the well bore and the liner or pipe for sealing.

(18) "Decommissioning" means to fill or plug a well so that it will not produce water, serve as a channel for movement of water or pollution, or allow the entry of pollutants into the well or aquifer(s).

(19) "Department" means the department of ecology.

(20) "Design pumping rate" means the maximum pumping rate as determined by the well driller, without exceeding the department's policy on sand and turbidity.

(21) "Dewatering well" means a cased or lined excavation or boring that is intended to withdraw or divert ground water for the purpose of facilitating construction, stabilizing a land slide, or protecting an aquifer.

(22) "Director" means director of the department of ecology.

(23) "Disinfection" or "disinfecting" is the use of chlorine, or other disinfecting agent or process approved by the department, in sufficient concentration and contact time adequate to inactivate coliform or other indicator organisms.

(24) "Domestic water supply" is any water supply which serves a family residence(s).

(25) "Draw down" is the measured difference between the static ground water level and the ground water level induced by pumping.

(26) "Drilled well" is a well in which the hole is usually excavated by mechanical means such as rotary, cable tool, or auger drilling equipment.

(27) "Drilling log" means a water or resource protection well report.

(28) "Driven well" is a well constructed by joining a "drive point" to a length of pipe, then driving the assembly into the ground.

(29) "Dug well" is a well generally excavated with hand tools or by mechanical methods. The side walls may be supported by material other than standard weight steel casing.

(30) "Filter pack" means clean, well rounded, smooth, uniform, sand or gravel, which is placed in the annulus of the well between the bore hole wall and the liner, perforated pipe, or well screen to prevent formation material from entering the well.

(31) "Formation" means an assemblage of earth materials grouped together into a unit that is convenient for description or mapping.

(32) "Ground source heat pump boring" means a vertical boring constructed for the purpose of installing a closed loop heat exchange system for a ground source heat pump.

(33) "Ground water" means and includes ground waters as defined in RCW 90.44.035.

(34) "Grounding well" means a grounding electrode installed in the earth by the use of drilling equipment to prevent buildup of voltages that may result in undue hazards to persons or equipment. Examples are anode and cathode protection wells.

(35) "Grout" is a fluid mixture of cement, bentonite, and water used to seal the annular space around or between well casings, or to decommission wells.

(36) "Impermeable" is a descriptive term for earth materials which have a texture or structure that does not permit fluids to perceptibly move into or through its pores or interstices.

(37) "Liner" means a pipe inserted into a larger casing, or bore hole, after the drilling process has occurred, as a means of maintaining the structural integrity of the well. Liners may only be used in consolidated formations and must meet the requirements of WAC 173-160-201.

(38) "Maximum pumping rate" means the maximum pumping rate, as determined by the well driller, without exceeding the department's policy on sand and turbidity.

(39) "Operator" means a person who:

(a) Is employed by a well contractor;

(b) Is licensed under this chapter; or

(c) Who controls, supervises, or oversees the construction of a well or who operates well construction equipment.

(40) "Owner" or "well owner" means the person, firm, partnership, copartnership, corporation, association, other entity, or any combination of these, who owns the property on which the well is or will be constructed or has the right to the well by means of an easement, covenant, or other enforceable legal instrument for the purpose of benefiting from the well.

(41) "NSF/ANSI" means the National Sanitation Foundation/American National Standards Institute.

(42) "Permeability" is a measure of the ease of which liquids or gas move through a porous material.

(a) For water, this is usually expressed in units of centimeters per second or feet per day. Hydraulic conductivity is a term for water permeability.

(b) Soils and synthetic liners with a water permeability of  $1 \times 10^{-7}$  cm/sec or less may be considered impermeable.

(43) "Pollution" has the meaning provided in RCW 90.48.020.

(44) "Pressure grouting" is a method of forcing grout into specific portions of a well for sealing purposes.

(45) "Public water supply" is any water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities where water is furnished to any community, collection or number of individuals, available to the public for human consumption or domestic use, excluding water supplies serving one single-family residence and a system with four or fewer connections, all of which serve residences on the same farm.

(46) "PVC" means polyvinyl chloride, a type of thermoplastic casing or liner.

(47) "Static water level" is the vertical distance from the surface of the ground to the water level in a well when the water level is not affected by withdrawal of ground water.

(48) "Temporary surface casing" is a length of casing (at least four inches larger in diameter than the nominal size of the permanent casing) which is temporarily installed during well construction to maintain an annular space for later placement of the surface seal as described in WAC 173-160-231. The temporary surface casing shall be removed before well completion.

(49) "Test well" is a well (either cased or uncased), constructed to determine the quantity of water available for beneficial uses, identifying underlying rock formations (lithology), and to locate optimum zones to be screened or perforated. If a test well is constructed with the intent to withdraw water for beneficial use, it must be constructed in accordance with the minimum standards for water supply wells, otherwise they shall be constructed in accordance with the minimum standards for resource protection wells. A water right permit, preliminary permit, or temporary permit shall be obtained prior to constructing a test well unless the anticipated use of water is exempt as provided in RCW 90.44.050. A "test well" is a type of "water well."

(50) "Tremie tube" is a small diameter pipe used to place grout, filter pack material, or other well construction materials in a well.

(51) "Turbidity" means the clarity of water expressed as nephelometric turbidity units (NTU) and measured with a calibrated turbidimeter.

(52) "Unconsolidated formation" means any naturally occurring, loosely cemented, or poorly consolidated earth material including such materials as uncompacted gravel, sand, silt and clay.

Alluvium, soil, and overburden are terms frequently used to describe such formations.

(53) "Water well" means any excavation that is constructed when the intended use of the well is for the location,

diversion, artificial recharge, observation, monitoring, dewatering or withdrawal of ground water. Water wells include ground source heat pump borings and grounding wells.

(54) "Water well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing water wells.

(55) "Water well report" means a document that describes how a water well, ground source heat pump, or grounding well was constructed or decommissioned and identifies components per the requirements of WAC 173-160-141.

(56) "Well alteration(s)" include(s): Deepening, hydrofracturing or other operations intended to increase well yields, or change the characteristics of the well. Well alteration does not include general maintenance, cleaning, sanitation, and pump replacement.

(57) "Well completion" means that construction has progressed to a point at which the drilling equipment has been removed from the site, or a point at which the well can be put to its intended use.

(58) "Well contractor" means a resource protection well contractor and water well contractor licensed and bonded under chapter 18.27 RCW.

(59) "Well driller(s)" or "driller(s)" is synonymous with "operator(s)."

(60) "Well" means water wells, resources protection wells, dewatering wells, and geotechnical soil borings. Well does not mean an excavation made for the purpose of obtaining or prospecting for oil or natural gas, geothermal resources, minerals, or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas, or other products.

(61) "Well screen" means a device, usually made of plastic or metal that is capable of preventing unconsolidated or poorly consolidated geologic material from entering the well. The size of the material which is prevented from entering the well is predetermined and controlled by the screen opening or slot size of the screen. A well screen may include a riser pipe.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-111, filed 12/19/08, effective 1/19/09; 06-23-121 (Order 06-08), § 173-160-111, filed 11/21/06, effective 12/22/06; 98-18-104 (Order 98-17), § 173-160-111, filed 9/2/98, effective 10/3/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-111, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-121 What should I know about drilling wells that require water right permits?** (1) Unless a ground water withdrawal is exempt from the permit requirements under RCW 90.44.050, a well cannot be drilled without the well owner first obtaining a water right permit from the department authorizing the use of water from the well.

(2) The licensed operator must have a copy of the water right permit or certificate on site at all times.

(3) Every well that requires a permit shall be constructed to meet the provisions of that permit. Provisions may include:

- (a) Limitations on zones of completion.
- (b) Special sealing requirements.
- (c) Special casing and liner requirements.
- (d) Other specific construction and testing details.

(4) As provided in WAC 173-548-050, no water well may be constructed for any purpose in subbasins closed in the Methow water resources regulation:

(a) Including those exempted from permitting under RCW 90.44.050;

(b) Unless written approval has been obtained from the department prior to beginning well construction.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-121, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-121, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-131 What should the well owner know about water metering?** The department may require water users to measure the quantity of water withdrawn from wells, to record water use, and/or to report the water use information to the department. Until the department develops specific metering and reporting requirements, these requirements may be provided for in individual water right permits or as otherwise ordered by the department for specific wells and ground water use.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-131, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-131, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-141 What are the requirements regarding water well reports?** (1) Anyone who constructs or decommissions a well is required to submit a complete report on the construction or decommissioning of the well to the water resources program within thirty days after completion of a well, or after the drilling equipment has left the site. The report must be an accurate summation of the data collected in the field taken from field notes written as the well was constructed or decommissioned. Field notes must be available at all times during construction or decommissioning for review by state and local inspectors and kept until the well report is submitted. Submission of a well report to consulting firms does not meet the well contractor's obligation under this section.

(a) This applies to all water wells.

(b) The water well report must be made on a form provided by the department, or a reasonable facsimile of the form, as approved by the department.

(2) Where applicable the water well report must include, at least, the following information:

(a) Owner name; operator/trainee name; operator/trainee license number; contractor registration number, drilling company name;

(b) Tax parcel number;

(c) Well location address;

(d) Location of the well to at least 1/4, 1/4 section or smallest legal subdivision;

(e) Unique well identification tag number;

(f) Construction or decommissioning date;

(g) Start notification number;

(h) Intended use of well;

(i) The well depth, diameter, and general specifications of each well;

(j) Total depth of casing;

(k) Well head elevation;

- (l) Drilling method;
  - (m) Seal material, seal location and type of placement used;
  - (n) Filter pack location; filter pack material used;
  - (o) The thickness and character of each bed, stratum or formation penetrated by each well, including identification of each water bearing zone;
  - (p) Casing gauge, diameter, stickup, type of material, and length, also of each screened interval or perforated zone in the casing;
  - (q) The tested capacity of each well in gallons per minute, and the test duration and draw down of the water level at the end of the capacity test;
  - (r) Recovery data;
  - (s) For each nonflowing well, the depth to the static water level, as measured below the land surface;
  - (t) For each flowing well, the shut-in pressure measured above the land surface, or in pounds per square inch at the land surface; and
  - (u) Water right permit or certificate number for all wells that are not exempt under RCW 90.44.050; and
  - (v) Such additional factual information as may be required by the department.
- (3) The well report must include one of the following:
- (a) The license number and signature of the person who constructed or decommissioned the well.
  - (b) The license number and signature of the trainee and the licensed operator under chapter 18.104 RCW.
  - (c) The license number and signature of the exempted individual as defined under RCW 18.104.180(3).
  - (d) The signature of the individual exempted under RCW 18.104.180(1).

(4) If a well report is missing, a new report may be generated. This report shall contain all physical components of the well and report all available information in accordance with this section. The report shall be signed by the individual collecting the physical information of the well. Submittal of this report does not relieve the person who constructed the well of their obligation to submit a complete well report under subsection (1) of this section.

(5) This rule shall allow an individual to submit electronic reports in accordance with department procedures. The use of a digital signature in the electronic report will be authorized as a substitute for an original signature under subsection (3) of this section.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-141, filed 12/19/08, effective 1/19/09; 06-23-121 (Order 06-08), § 173-160-141, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-141, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-151 Does the department require prior notice and fees for well constructing, reconstructing, or decommissioning a water well?** (1) Yes. The property owner, owner's agent, or water well operator shall notify the department of their intent to begin well construction or decommissioning procedures at least seventy-two hours before starting work.

(2) The notice of intent is submitted on forms provided by the department and must contain the following:

- (a) Well owner name;

- (b) Well location; street address; county name, 1/4, 1/4 section, township, and range, and tax parcel number;
- (c) Proposed use; (if the intended withdrawal requires a water right, the permit or certificate shall be attached to the notice of intent);

(d) Approximate start and completion dates;

(e) Contractor registration number;

(f) Operator/trainee name and license number; and

(g) Drilling company name.

(3) In an emergency, a public health emergency, or in exceptional instances, the department may allow verbal notification to the appropriate regional office, with a notice of intent and payment of fee submitted within twenty-four hours. An emergency situation may consist of a failing well, or water quality issues which could result in a public health or safety concern.

(4) The notice must be accompanied by the following fees which apply to all newly constructed or altered wells:

(a) The fee for one water well, other than a dewatering well, with a top casing diameter of less than twelve inches is two hundred dollars. This fee does not apply to a ground source heat pump boring or a grounding well.

(b) The fee for one water well, other than a dewatering well, with a top casing diameter of twelve inches or greater is three hundred dollars.

(c) The fee for a ground source heat pump boring or a grounding well is forty dollars for construction of up to four ground source heat pump borings or grounding wells per project and ten dollars for each additional ground source heat pump boring or grounding well constructed on a project with more than four wells.

(d) The combined fee for construction and decommissioning of a dewatering well system shall be forty dollars for each two hundred horizontal lineal feet, or portion of horizontal lineal feet, of the dewatering well system.

(e) The fee to decommission a water well is fifty dollars.

(f) The fee to decommission a ground source heat pump boring or a grounding well is twenty dollars.

(5) If drilling results in an unusable well:

(a) A notice of intent and fee for decommissioning will apply for each unusable well;

(b) No additional notice of intent or fee to construct a water well for each subsequent unusable well is required, provided:

(i) A subsequent attempt at constructing a new well is made immediately; and

(ii) The unusable well(s) is properly decommissioned before drilling equipment leaves the well site; and

(iii) The driller follows all requirements under WAC 173-160-040(2); and

(iv) The department is notified of all decommissionings; and

(v) A well report describing the decommissioning process is submitted to the department in accordance with this chapter.

(6) A new notice of intent and fee shall be required on all follow-up construction after the drilling equipment has left the drill site.

(7) A refund shall be made on any well that has not been constructed provided, a written request on an approved form is made by the person who paid the fee and is submitted to the

department within six months from the date the notice and fee were received by the department.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-151, filed 12/19/08, effective 1/19/09; 06-23-121 (Order 06-08), § 173-160-151, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-151, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-161 How shall each water well be planned and constructed?** Every well must be planned and constructed so that it is:

(1) Adapted to those geologic and ground water conditions known to exist at the well site to insure utilization of any natural protection available;

(2) Not a conduit for contaminating the ground water or surface water nor a means of wasting water;

(3) Capable of yielding, where obtainable, the quantity of water necessary to satisfy the requirements the user has stated are needed and for which the well water is intended to be used.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-161, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-161, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-171 What are the requirements for the location of the well site and access to the well?** (1) The proposed water well shall be located where it is not subject to ponding and is not in the floodway, except as provided in chapter 86.16 RCW.

(2) It shall be protected from a one hundred-year flood and from any surface or subsurface drainage capable of impairing the quality of the ground water supply.

(3) All wells shall not be located within certain minimum distances of known or potential sources of contamination.

(a) Some examples of sources or potential sources of contamination include:

(i) Septic systems, including proposed and reserve sites under a valid septic design: Provided, that the design has been approved for installation by a health authority;

(ii) Manure, sewage, and industrial lagoons;

(iii) Landfills;

(iv) Hazardous waste sites;

(v) Sea/salt water intrusion areas;

(vi) Chemical and petroleum storage areas;

(vii) Pipelines used to convey materials with contamination potential;

(viii) Livestock barns and livestock feed lots.

(b) Minimum set-back distances for water wells other than for public water supply are:

(i) Five feet from any existing building structure or building projection. Water wells shall not be located in garages, barns, storage buildings or dwellings. When locating a nonpublic water well adjacent to a building, the well location shall be measured from the building sewer and closest building projection.

(ii) Fifty feet from a septic tank, septic holding tank, septic containment vessel, septic pump chamber, and septic distribution box.

(iii) Fifty feet from building sewers, public sewers, collection and nonperforated sewer distribution lines except building drains.

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(iv) One hundred feet from the edge of a drainfield, proposed drainfield which has been approved by a health authority, and reserve drainfield areas.

(v) One hundred feet from all other sources or potential sources of contamination except for solid waste landfills.

(vi) One thousand feet from the boundary of a permitted or previously permitted (under chapter 173-304, 173-306, 173-351, or 173-350 WAC) solid waste landfill as defined by the permit; or one thousand feet from the property boundary of other solid waste landfills. Except, a variance may be granted if documentation is provided that demonstrates the construction and operation of the well adjacent to the landfill will not further degrade the environment and will not cause a public health risk.

(c) All public water supply well locations shall be approved by the department of health or the local health jurisdiction or other department of health designee.

(i) Before construction begins, final site approval must be obtained from the department of health or the local health jurisdiction.

(ii) The requirements of the state board of health regulation regarding public water supplies shall apply.

(iii) This regulation includes requirements for zones of protection, location of the well, accessibility features, and certain construction requirements.

(4) In siting a well, the driller shall consider:

(a) All local and state water well construction regulations, policies, and ordinances;

(b) Permeability of the soil or rock;

(c) Adjacent land uses;

(d) Local ground water conditions; and

(e) End use of the well.

(5) Before construction, the water well operator should strongly emphasize to the well owner, the importance of retaining good accessibility to the well to permit future inspection, maintenance, supplementary construction, and decommissioning.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-171, filed 12/19/08, effective 1/19/09; 06-23-121 (Order 06-08), § 173-160-171, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-171, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-181 What are the requirements for preserving the natural barriers to ground water movement between aquifers?** (1) In constructing a water well, care shall be taken to preserve the natural barriers to ground water movement between aquifers.

(2) Care shall be taken to seal aquifers or strata penetrated during drilling operations which might impair water quality or result in cascading water.

(3) Water wells may not interconnect aquifers.

(4) All sealing must be permanent and prevent movement of surface, or ground water into the annular space between the permanent casing and the bore hole.

(5) Sealing shall prevent the upward movement of artesian waters within the annular space around the well casing and prevent the contamination or wasting of ground water.

(6) Sealing shall prevent the movement of ground water either upward or downward from zones that were cased off.

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[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-181, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-191 What are the design and construction requirements for completing wells?** (1) You may complete wells with screens, perforated liners or pipe, or open bottom completion. The well driller or designer shall advise the owner or the owner's representative of the most appropriate method of completion.

(2) All well components must be of sufficient strength to withstand the typical forces to which they are subjected during and after construction.

(3) Water wells must be completed in a manner which prevents the production of untreatable amounts of sand, silt, or turbid water which would render the well unusable.

(4) Open bottom completion is appropriate where the withdrawn waters are essentially free of sand, silt and turbidity.

(5) Perforated pipe completion is suitable for a coarse-grained, permeable aquifer where the withdrawn waters are free of sand, silt or turbidity.

(6) Perforations above the static water level are not permitted.

(7) In place perforations with Star, Mills knife, or similar type perforators are acceptable.

(8) Perforated pipe liners, either saw cut, torch cut, mill slotted, or punched are acceptable.

(9) The use of perforated casing for working casing as the hole is being drilled is prohibited, except in those cases where the contractor can, through personal experience in the particular area of drilling, attest to the sufficiency of the pre-perforated casing in all respects for the specific well being constructed.

(10) Pipe liners may be of steel, plastic or other suitable corrosion resistant material.

(11) All liners must be of sufficient strength to withstand typical forces exerted upon the liner material during installation and operation.

(12) Liners may be used only in consolidated formations.

(13) The installation of a liner without a gravel pack is prohibited when conditions exist that will result in excessively turbid water.

(14) Well screens and well points must be constructed of compatible corrosion resistant material.

(a) A neoprene, or grout seal shall be fitted to the top of the well screen assembly, if necessary.

(b) The bottom of the well screen shall be plugged or capped.

(c) The use of lead packers is prohibited.

(15) The alignment of the bore hole, permanent casing, or liner shall be sufficiently plumb and straight to allow the installation of screens, liners, pumps, and pump columns without binding or having adverse affects on the operation of the installed pumping equipment.

(a) Alignment of the well casing or bore hole shall not deviate from an alignment that would allow a twenty foot test section of pipe to be inserted to the bottom of the well without binding.

(b) The diameter of the test section of pipe shall be per Table 1 in WAC 173-160-201.

(c) For testing alignment in casing reductions, each section shall be tested separately.

(16) For wells completed in an unconsolidated formation in which the bore hole extends beyond the completed casing or screen depth, the driller must backfill that portion of the bore hole that extends more than ten feet beyond the casing or screen. The backfill shall consist of either bentonite or chlorinated sand or pea gravel. If any portion of the bore hole extension penetrates a clay layer which is greater than six feet in thickness, that portion of the bore hole shall be sealed with bentonite. A notice of intent to decommission a water well is not required for this work.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-191, filed 12/19/08, effective 1/19/09; 06-23-121 (Order 06-08), § 173-160-191, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-191, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-201 What are the casing and liner requirements?** (1) Proper casing must be installed in all water supply wells.

(2) The casing shall withstand typical forces which act upon it during and after installation. It shall be resistant to the corrosive effects of the surrounding formations, earth, and water and shall be impervious to any contaminants encountered.

(3) All plastic casing or liner pipe used in potable water supply wells must be manufactured to conform to National Sanitation Foundation (NSF) Standard 14-84, or the most recent revision.

(4) Unless prior approval is obtained from the department, well casings and liner pipes must be made of either steel or plastic.

(5) Liner pipe must be of sufficient strength to withstand breakage or collapse when the well is pumped and meet ASTM potable water standards.

(6) When installed, liner pipe shall extend or telescope at least two feet into the lower end of the well casing. If more than one string of liner pipe is installed, each string shall extend or telescope at least eight feet into the adjacent larger diameter liner pipe.

(7) Liner pipe may not be permanently fixed to a well casing below land surface.

(8) Minimum specifications for steel casing and steel liner pipe for water wells are shown in Table 1.

TABLE 1  
Minimum Specifications for Steel Casing and Steel Liner Pipe

NOMINAL SIZE (inches)	OUTSIDE DIAMETER (inches)	WALL THICKNESS (inches)	WEIGHT PER FOOT (pounds)	TEST SECTION OUTSIDE DIAMETER (inches)
1.25	1.660	0.140	2.27	0.500
1.5	1.900	0.145	2.72	0.750
2.0	2.375	0.154	3.65	1.000
2.5	2.875	0.203	5.79	1.500
3.0	3.500	0.216	7.58	2.000
3.5	4.000	0.226	9.11	2.500
4.0	4.500	0.237	10.79	3.000
5.0	5.563	0.258	14.62	3.500
6.0	6.625	0.250	17.02	4.000
8.0	8.625	0.250	22.36	6.000
10	10.750	0.250	28.04	8.000



NOMINAL SIZE (inches)	OUTSIDE DIAMETER (inches)	WALL THICKNESS (inches)	WEIGHT PER FOOT (pounds)	TEST SECTION OUTSIDE DIAMETER (inches)
12	12.750	0.250	33.38	10.000
14	14.000	0.312	45.61	11.000
16	16.000	0.375	57.52	14.000
18	18.000	0.375	70.59	16.000
20	20.000	0.375	78.60	18.000
24	24.000	0.375	94.62	20.000
30	30.000	0.375	118.65	24.000

(9) Steel casing larger than thirty inches shall have a minimum wall thickness of 0.375 inches.

(10) Minimum specifications for plastic casing and plastic liner pipe for water wells are shown in Table 2.

TABLE 2  
Minimum Specifications for Plastic Casing and Plastic Liner Pipe

NOMINAL CASING DIAMETER (inches)	MINIMUM THICKNESS (inches)	SDR
2.0	0.133	21
2.5	0.137	21
3.0	0.167	21
3.5	0.190	21
4.0	0.214	21
4.5	0.236	21
5.0	0.265	21
6.0	0.316	21
8.0	0.410	21
10	0.511	21
12	0.606	21

(11) Steel casing and steel liner: All steel casing and steel liner must be new or, in like new condition, and be structurally sound.

(a) Casing or liner that has been exposed to a contaminant shall not be used in well construction unless the contaminant can be entirely removed.

(b) When casing or liner lengths are joined together, they must be connected by watertight weld or screw coupled joints.

(i) Welded joints must be at least as thick as the wall thickness of the well casing and be fully penetrating.

(ii) All steel well casing or liner shall meet or exceed the minimum American Society for Testing and Materials (ASTM) A-53 A or B specification for steel pipe.

(12) Plastic casing and plastic liner: Plastic, fiberglass, PVC, SR, ABS, CPVC or other type of nonmetallic well casing or liner must be manufactured and installed to conform with ANSI/ASTM F 480-81, or the most recent revision.

(a) SDR is calculated by dividing the outside diameter of the pipe by the wall thickness.

(b) SDR 21 is the minimum requirement (Class 200); higher pressure rated pipe may be used.

(c) All plastic casing must be installed only in an oversized drill hole without driving. The oversized hole must be a diameter of at least four inches larger than the outside diameter of the plastic casing or coupling hubs, whichever is larger. Plastic casing and liner must be of sufficient strength to withstand breakage or collapse when installed and while the well is pumped. Plastic casing and liner must meet ASTM potable water standards.

(d) All plastic casing or liner must be new or, in like new condition and clearly marked by the manufacturer showing nominal size, class, type of plastic material, SDR, ASTM designation, and have a NSF seal of approval for use in potable water supplies.

(e) Casing or liner that has been exposed to a contaminant shall not be used in well construction unless the contaminant is entirely removed.

(f) Plastic casing or liner joints must be watertight.

(i) Either "bell" type, threaded joints, or coupling hubs are approved.

(ii) Hub couplings must be of materials meeting the specifications for plastic casings as stipulated in subsection (2) of this section.

(iii) If joints are secured with solvent cement, it must be done in accordance with manufacturer's directions.

(13) Concrete curbing: The concrete used to make curbing must consist of clean, hard and durable aggregate with not less than five sacks (ninety-four pounds per sack) of portland cement per cubic yard of concrete.

(a) The maximum diameter of aggregate particles may not exceed 1 1/2 inches, but in any case may not exceed 1/5 the minimum width of the casing thickness.

(b) The ratio of coarse aggregate to fine aggregate (passing No. 4 U.S. Standard Sieve) must be approximately 1 1/2 to 1 by volume, but in any case, may not exceed 2 to 1 nor be less than 1 to 2.

(14) The curbing shall be at least six inches thick and free of voids. The walls shall be poured in one continuous operation.

(15) When concrete tile is used to line a well, the combined total wall thickness and seal shall be a minimum of six inches.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-201, filed 12/19/08, effective 1/19/09; 06-23-121 (Order 06-08), § 173-160-201, filed 11/21/06, effective 12/22/06; 98-18-104 (Order 98-17), § 173-160-201, filed 9/2/98, effective 10/3/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-201, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-211 What are the recommended well diameters?**

TABLE 3  
Recommended Well Diameters

Anticipated Well Yield in gpm	Nominal Size of Pump Bowls in inches	Optimum Size of Well Casing in inches
Less than 100	4	6 ID
75 to 175	5	8 ID
150 to 350	6	10 ID
300 to 700	8	12 ID
500 to 1000	10	14 OD
800 to 1800	12	16 OD
1200 to 3000	14	20 OD
2000 to 3800	16	24 OD
3000 to 6000	20	30 OD

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-211, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-214 What are the limitations for use of drilling materials?** (1) At no time shall a product contain materials that:

- (a) Are toxic or polluting;
- (b) Develop odor or color changes in the water; or
- (c) Serve as a microbial nutrient.

(2) Organic materials which foster or promote undesired organic growth or have the potential to degrade water quality shall not be employed in the construction of a water supply well. This includes, but is not limited to, brans, hulls, grains, starches, and proteins, unless NSF/ANSI approved.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-214, filed 12/19/08, effective 1/19/09.]

**WAC 173-160-216 What are the standards for use of polymers and additives?** (1) All polymers and additives used in any well shall be certified by NSF/ANSI approval standards for use in potable water supply wells, or equivalent

standards as approved by the department. The product shall be clearly labeled as meeting these standards.

(2) Polymers and additives must be designed and manufactured to meet industry standards to be nondegrading and must not act as a medium which will promote growth of microorganisms.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-216, filed 12/19/08, effective 1/19/09.]

**WAC 173-160-221 What are the standards for sealing materials?** (1) **Bentonite sealant:**

(a) Bentonite used to prepare slurries for sealing or decommissioning shall be specifically designed for this purpose. All bentonite slurries shall be prepared and installed according to the manufacturer's instructions. Active solids content (bentonite) shall be twenty percent by weight or greater in all bentonite slurries. The active solids shall be checked by using the following formula:

$$\frac{\text{Weight of bentonite (lbs.)}}{\text{Weight of bentonite (lbs.)} + (\text{gallons of water} \times 8.33 \frac{\text{lbs.}}{\text{gal.}})} \times 100 = \% \text{ solids}$$

Example:

$$\frac{50 \text{ lbs. of bentonite}}{50 \text{ lbs. of bentonite} + (24 \text{ gallons of water} \times 8.33 \frac{\text{lbs.}}{\text{gal.}})} \times 100 = 20\% \text{ solids}$$

(b) Unhydrated bentonite including pelletized, granulated, powder, or chip bentonite may be used in the construction of seals or in decommissioning of wells. The bentonite material shall be specifically designed for sealing or decommissioning and be within the industry tolerances for dry western sodium bentonite. Placement of bentonite shall conform to the manufacturer's specifications and result in a seal free of voids or bridges.

(c) All bentonite used in any well shall be certified by NSF/ANSI approval standards for use in potable water supply wells, or equivalent standards as approved by the department. The product shall be clearly labeled as meeting these standards.

**(2) Cement sealants:**

(a) Neat cement consists of either portland cement types I, II, III, or high-alumina cement mixed with not more than six gallons of potable water per sack of cement (ninety-four pounds per sack).

(b) Neat cement grout consists of neat cement with up to five percent bentonite clay added, by dry weight of the bentonite. Bentonite is added to improve flow qualities and compensate for shrinkage.

(c) Concrete sealants consist of clean, hard and durable aggregate with not less than five sacks (ninety-four pounds per sack) of portland cement per cubic yard of concrete sealant and water.

(i) The maximum diameter of aggregate particles may not exceed 1 1/2 inches, but in any case may not exceed 1/5 the minimum width of the casing thickness.

(ii) The ratio of coarse aggregate to fine aggregate (passing No. 4 U.S. Standard Sieve) must be approximately 1 1/2 to 1 by volume, but in any case, may not exceed 2 to 1 nor be less than 1 to 2.

(iii) The quantity of water used for each batch of cement sealant shall not exceed manufacturer's recommendation.

(d) Expanding agents, such as aluminum powder, may be used at a rate not exceeding 0.075 ounce (1 level teaspoon) per sack (ninety-four pounds per sack) of dry cement. The powder may not contain polishing agents. High-alumina cement and portland cement of any type must not be mixed together.

(e) Controlled density fill (CDF) or fly ash shall not be used in any well construction or decommissioning.

(f) All cement sealants shall be mechanically mixed prior to placing in the well or bore hole.

**(3) Sealing methods:**

(a) When neat cement or neat cement grout is used in sealing, it shall be placed seventy-two hours before additional drilling takes place, unless special additives are mixed with the neat cement or neat cement grout that cause it to set in a shorter period of time.

(b) All hydrated sealing materials shall be placed by tremying the mixture from the bottom of the annular space to the surface in one continuous operation.

(4) This section may not preclude the use of new sealant materials which have been approved by the technical advisory group.

(5) Sealing materials shall be impervious to any contaminants encountered.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-221, filed 12/19/08, effective 1/19/09; 06-23-121 (Order 06-08), § 173-160-221, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-221, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-231 What are the standards for surface seals?** (1) All water wells constructed shall have a surface seal which seals the annular space between the bore hole and the permanent surface casing.

(a) The seal shall be constructed to prevent surface contaminants from reaching the ground water.

(b) The surface seal must have a minimum diameter of four inches larger than the nominal size of the surface casing, to include the outside diameter of the bell, in bell and hub couplings.

(c) The surface seal must extend from land surface to a minimum depth of eighteen feet. Except, when the minimum surface seal requirements for driven, jetted, dewatering and some dug wells are less than eighteen feet. See the appropriate section for these wells for a detailed description of their sealing requirements.

(2) Sealing material must be placed in an open annular space that is a minimum of four inches greater in diameter than the nominal size of the permanent casing. The annular space must be kept at least one-half full of sealing material whenever the production casing is advanced.

(3) The completed surface seal must fully surround the permanent casing, must be evenly distributed, free of voids, and extend to undisturbed or recompacted soil.

(4) After the permanent casing has been set in final position, the annular space shall be filled to land surface with bentonite or neat cement grout or neat cement. Leaving voids for future installation of equipment such as a pitless adapter is prohibited.

(5) A temporary surface casing with a minimum length of eighteen feet and a minimum nominal diameter of four inches greater than the permanent casing shall be used in all unconsolidated formations such as in gravels, sands, or other unstable conditions when the use of drilling fluid or other means of keeping the bore hole open are not employed. Except driven and jetted wells shall utilize a temporary surface casing with a minimum length of six feet and a minimum nominal diameter of four inches greater than the permanent casing shall be used in all unconsolidated formations such as in gravels, sands, or other unstable conditions when the use of drilling fluid or other means of keeping the bore hole open are not employed.

(6) Whenever reconstruction involves permanent surface casing movement; or the existing surface seal is damaged; or a surface seal never existed; the driller shall repair, replace, or install a minimum of eighteen feet of surface seal around the permanent casing.

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[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-231, filed 12/19/08, effective 1/19/09; 06-23-121 (Order 06-08), § 173-160-231, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-231, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-241 What are the requirements for formation sealing?** (1) Unconsolidated formation sealing - Without significant clay beds or other confining formations - Drilled wells that penetrate an aquifer overlain by unconsolidated formations such as sand and gravel without significant clay beds (at least six feet thick) or other confining formations shall be sealed in accordance with the surface sealing requirements of WAC 173-160-231. See Figure 1.

(2) Unconsolidated formation sealing - With significant clay beds or other significant confining formations - Drilled wells that penetrate an aquifer overlain by clay or other confining formations that are at least six feet thick, shall be sealed to prevent movement of water or contamination in the annular space between the permanent casing and the clay or other confining formation(s). One of the following methods shall be used to seal the annular space:

(a) A drill hole at least four inches greater in diameter than the nominal size of the permanent well casing shall extend from the land surface into the clay bed or other confining formation located directly above the aquifer to be developed. The annular space shall be filled with bentonite (slurry or unhydrated), neat cement grout, or neat cement to form a watertight seal between the permanent casing and all significant confining formations encountered during drilling. If bentonite slurry, neat cement grout, or neat cement is used to seal the annular space it must be placed by either pumping or tremying the seal material from the lowest clay bed or other confining formation of significance encountered, to land surface. The drill hole shall be kept open through the use of a temporary casing or any other drilling method that stabilizes the bore hole wall. See Figure 1.

(b) An upper drill hole at least four inches greater in diameter than the nominal size of the permanent well casing shall extend to a minimum of eighteen feet from land surface. A temporary casing or other means of maintaining an open bore hole shall be utilized. All temporary casing will have an outside diameter of a minimum of four inches larger than the permanent casing (for example, a ten-inch temporary casing for a six-inch permanent casing). The upper drill hole shall always contain a minimum of nine feet of sealant throughout the advancement of the permanent casing. Except, if the temporary casing is removed or not utilized, the upper drill hole shall be kept full of sealant. See Figure 1.

(3) Consolidated formations - In drilled wells that penetrate an aquifer, either within or overlain by a consolidated formation, sealing of the casing shall conform with one of the following procedures.

(a) Procedure one - An upper drill hole at least four inches greater in diameter than the nominal size of the permanent well casing shall extend from land surface into a sound, unfractured, consolidated formation. An unperforated permanent casing shall be installed to extend to this same depth, and the lower part of the casing shall be driven into the consolidated formation and sealed in a manner that establishes a watertight seal between the formation and the casing. The

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remainder of the annular space to land surface shall be filled with neat cement grout, neat cement, or bentonite.

(i) If the consolidated formation is encountered at a depth less than eighteen feet from land surface, the upper drill hole and permanent casing shall extend to a minimum of eighteen feet from land surface. See Figure 2.

(ii) If neat cement grout, neat cement, or bentonite slurry is placed by pumping to seal the entire annulus from the bottom up to land surface, the upper drill hole may be a minimum of two inches larger than the outside diameter of the permanent casing.

(b) Procedure two - An upper drill hole at least four inches greater in diameter than the nominal size of the permanent casing extends from land surface to a depth of at least eighteen feet. An unperforated permanent casing shall be driven into the consolidated formation and sealed in a manner that establishes a watertight seal between the formation and the casing. Throughout the driving of the well casing to the consolidated formation, the annular space between the upper drill hole and the permanent casing shall be kept at least one-half full with unhydrated bentonite, or bentonite slurry. The remainder of the annular space to land surface shall be filled with cement grout, neat cement, or bentonite. See Figure 2.

(c) If temporary surface casing is used in either procedure (a) or (b) of this subsection, the casing must be a minimum of eighteen feet long and at least four inches larger in diameter than the permanent casing. If a consolidated formation is encountered within the first eighteen feet, the temporary casing may terminate at the interface of the consolidated formation. Withdrawal of the temporary casing must take place simultaneously with proper sealing of the annular space to land surface.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-241, filed 12/19/08, effective 1/19/09; 06-23-121 (Order 06-08), § 173-160-241, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-241, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-251 What are the special sealing standards for artesian wells?** (1) When flowing artesian conditions are known or suspected, the operator shall have a written sealing plan prepared prior to initiation of construction. The plan shall identify the type of sealing material that will be used and the method for sealing. The plan shall also contain at least one alternative construction method for sealing and an emergency contingency section which will identify steps to be taken if the ground water flow cannot be controlled.

(2) When artesian water is encountered in the well, an unperforated well casing shall extend into the confining stratum overlying the artesian zone. The casing shall be sealed into the confining stratum to prevent surface and subsurface leakage from the artesian zone. If the well flows at land surface, it must be equipped with a control valve so that flow can be completely stopped.

(3) The well shall be completed with seals, packers or grout that eliminates leakage around the well casing. The driller shall not move the drilling rig from the well site until leakage is completely stopped, unless authority for temporary removal is granted by the department, or when loss of life or property is imminent.

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[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-251, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-261 How do I seal dug wells?** The surface seal of all dug wells shall be constructed to effectively seal the annular space between the undisturbed native material of the upper well hole and the well curbing, which may consist of concrete tile, steel pipe or liner. The seal depth shall be at least eighteen feet from land surface or to within three feet of the bottom in dug wells that are less than twenty-one feet in depth. Dug wells may be sealed with cement, neat cement, bentonite, or neat cement grout. A cap shall be placed on all dug wells. Except during maintenance, the cap shall remain in place. The cap shall prevent entry of pollutants, insects, and mammals into the well. See Figure 3.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-261, filed 12/19/08, effective 1/19/09; 06-23-121 (Order 06-08), § 173-160-261, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-261, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-271 What are the special sealing standards for driven wells, jetted wells, and dewatering wells?**

(1) Driven wells - An upper hole at least four inches greater in diameter than the permanent casing shall extend a minimum of six feet below land surface. The annular space between the upper oversized drill hole and the permanent casing must be kept at least one-half full with bentonite or bentonite slurry throughout all driving of the pipe. The remaining annular space to land surface shall be filled with neat cement grout, neat cement, or bentonite. See Figure 4.

(2) Jetted wells - The surface seal in jetted wells shall be constructed to seal the annular space between the permanent casing and undisturbed native soil. An upper hole at least four inches greater in diameter than the permanent casing shall extend a minimum of six feet below land surface.

(3) Dewatering wells:

(a) Permanent dewatering wells shall be sealed in one of the following manners:

(i) For wells in which the top of the screen interval is greater than twenty-one feet below land surface, the minimum sealing depth shall be eighteen feet.

(ii) If the top of the screen interval is twenty-one feet or less below the land surface, the seal shall be within three feet of the top of the screen. In no instance shall the seal be less than ten feet in depth.

(iii) All permanent dewatering wells shall be constructed to prevent interconnection of separate aquifers penetrated by the well, and provide casing stability.

(b) Temporary dewatering wells are wells that are in place less than twelve months.

(i) Temporary dewatering wells shall have a minimum of a three-foot surface seal.

(ii) Temporary dewatering wells that connect different aquifers, allowing waters to commingle, must have a dewatering plan that addresses and mitigates potential inter-aquifer transfer and cross-contamination.

(iii) All temporary dewatering wells must be decommissioned or reconstructed to meet standards for permanent dewatering wells within twelve months from the date of installation.

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(c) The minimum annular space requirements, sealing material, and decommissioning procedures of this chapter apply to all dewatering wells. This includes wells that have been cut down, altered or damaged during the dewatering process. Temporary dewatering wells located within an area to be excavated for construction are exempt from these sealing requirements but are required to be decommissioned in accordance with this chapter.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-271, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-271, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-281 What are the construction standards for artificial gravel-packed wells?** Wells must be constructed in accordance with sealing standards under this chapter. In gravel-packed wells, the gravel mixture shall be placed around the screen so that bridging or size separation does not occur. The gravel pack must be clean, and chemically stable. All gravel and water used must be disinfected with at least fifty parts per million chlorine for a contact time of at least thirty minutes. Rinse water containing chlorine is a pollutant. Chlorine in the rinse water must be allowed to dissipate and the water must be discharged in a safe manner consistent with the intent of the Water Pollution Control Act, chapter 90.48 RCW.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-281, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-281, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-291 What are the standards for the upper terminal of water wells?** (1) The watertight casing or curbing of any well shall extend at least six inches above the ground surface. Pit completion is prohibited.

(2) Where the site is subject to flooding, the top of the casing must be at least two feet above the estimated water level of a one hundred-year frequency flood.

(3) All drilled wells shall be capped to prevent contamination of the aquifer. The cap shall be designed for that purpose and consist of metal or plastic material that is mechanically secured or welded to the casing. All wells shall be equipped with an access port that allows for the measurement of the depth to water surface, or with a pressure gage that indicates the shut-in pressure of a flowing artesian well. See Figure 6. The access ports and pressure gages or other openings in the cover are sealed or capped to prevent entrance of surface water or foreign material into the well.

(4) Any vent opening, observation ports or air-line equipment shall extend from the upper end of the well by watertight piping to a point at least six inches above land surface. The terminals of these facilities shall be shielded or sealed to prevent entrance of foreign matter or pollutants.

(5) A pitless adapter, or similar device is permitted on water wells if it is made with fittings approved by the department of health. The use and installation of pitless adapters must meet manufacturer's standards. The connection must be above static water level except for adapters specifically designed for installation below static water level.

(6) Any person who removes any part of a surface seal to install a pitless adapter shall be responsible to have the seal

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repaired by a licensed or otherwise qualified person so that the seal is brought up to land surface.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-291, filed 12/19/08, effective 1/19/09; 06-23-121 (Order 06-08), § 173-160-291, filed 11/21/06, effective 12/22/06; 98-18-104 (Order 98-17), § 173-160-291, filed 9/2/98, effective 10/3/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-291, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-301 What are the requirements for temporary capping?** (1) All wells which are not in use, or are temporarily out of service, must be securely capped so that no contamination can enter the well.

(2) Capping must be affixed by solid welds or equal seal to prevent unauthorized access to the well.

(3) Temporary capping alone will not satisfy the decommissioning requirements of this chapter.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-301, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-311 What are the well tagging requirements?** (1) It shall be the operator's responsibility to place a well identification tag with a unique identification number on every well that they construct, alter, or reconstruct within thirty days of completion of the well. The original unique identification number shall be used on all subsequent work and documentation.

(a) The alpha-numeric number shall be recorded on the drilling report in the space provided.

(b) The operator shall remove the well identification tag on all wells they decommission and shall attach the tag to the decommissioning well report.

(2) It shall be the well owner's responsibility to place a well identification tag with a unique identification number on every well they own, unless the well has been previously tagged.

(a) Upon request, the department shall furnish the well owner with a well tag and tagging instructions.

(b) The well owner shall tag their well(s) and submit a completed tagging report to the department.

(3) The well tag shall be permanently attached to the outer well casing or other prominent well feature and be visible above land surface.

(4) All well identification tags shall be supplied by the department.

(5) It is unlawful for a person to tamper with or remove a well identification tag except during well alteration.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-311, filed 12/19/08, effective 1/19/09; 06-23-121 (Order 06-08), § 173-160-311, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-311, filed 3/23/98, effective 4/23/98.]

**Reviser's note:** The permanent filing 09-01-125 contained no amendments to this section.

**WAC 173-160-321 How do I test a well?** (1) Well authorized by appropriation permit - Before being put to use, each well shall be test pumped for yield and draw down. Reports of the test pumping shall be submitted as required in chapter 90.44 RCW. The driller shall be familiar with and meet all testing procedures outlined in the water right permit. The well shall be test pumped at rates equal to, or greater

than, are expected from the well during its normal usage. The test pump for public water supply wells shall be operated continuously for a minimum of four hours, or longer if required by the department of health. The yield and draw down shall be determined following at least four hours of constant rate pumping. Periodic water level observation should be made during draw down and subsequent recovery periods. Periods of observation shall be more frequent during the onset of the draw down and may decrease in frequency as the draw down or recovery proceeds. A bailer test is not an acceptable substitute for testing wells under permit or for public water supply wells.

(2) Wells not requiring appropriation permit - Testing of a well that does not require an appropriation permit shall be conducted at a constant rate for a period of at least one hour or longer if required by the department of health. Test pumping under this section can be either by bailer, air lift, or with a pump.

(3) Test data shall be reported to the department on the water well report by the operator at the time the report is submitted.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-321, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-321, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-331 How do I make sure my equipment and the water well are free of contaminants?** (1) All tools, drilling equipment and materials shall be free of contaminants prior to beginning well construction. Contaminants include lubricants, fuel, bacteria that will reduce the well efficiency, and any other item(s) that will be harmful to public health and/or the resource or reduce the life of the water well.

(2) Every new or reconditioned water well, after completion of construction or repair, and before being placed in service, shall be cleared of all foreign materials, and free of contamination.

(3) The well casing shall be swabbed and cleaned to remove oil, grease or joint dope.

(4) All pumping equipment, sand or gravel used in gravel-packed water wells and the well casing shall be thoroughly sluiced with clean water and disinfected. The disinfecting agent shall be safe and not impair the potability of the ground water. All disinfectants shall be used in accordance with manufacturer's recommendations.

(5) Before the well is put to use, the standing water in the well shall be disinfected and flushed to remove all traces of disinfectant. A water sample may then be taken and tested for coliform bacteria or other items required by the state department of health or local health authority. Examples of other test items may include: Nitrates, dissolved solids, sodium, iron, pH, manganese, conductivity, hardness, and turbidity. If testing indicates a presence of coliform bacteria, more stringent disinfecting methods may be required by the department of health or local health authority.

If chlorine is used to disinfect the well water, sufficient chlorine will be added to the standing water to give a residual of fifty ppm free chlorine. The chlorine shall remain in the well for a period of at least twenty-four hours. After twenty-four hours, a minimum of one ppm free chlorine residual shall remain in the water before the well is flushed free of

chlorine and a sample taken. Other disinfectants placed in the ground water shall be used in quantities that are safe, non-polluting, and that are not a detriment to the potability of the ground water. All disinfectants used in ground water shall be used in accordance with manufacturer's recommendations.

(6) Chlorine and other disinfectants can pollute. Allow the chlorine or other disinfectants in the rinse water to dissipate before discharging the water to surface water. This water shall be discharged in a safe manner consistent with the intent of the Water Pollution Control Act, chapter 90.48 RCW.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-331, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-341 How do I ensure the quality of drilling water?** All water introduced into a well for drilling purposes and for mixing sealing materials shall be obtained from a potable water source and have a chlorine residual of not more than 1 ppm free chlorine.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-341, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-351 What are the standards for pump installation?** All pumps and pumping equipment and materials must be free of contamination and shall be installed in a manner consistent with the intent and purposes of these regulations.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-351, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-361 Who may supervise the use of explosives?** Explosives used for developing or reconditioning any water well must be used under the direct supervision of an individual licensed under chapter 70.74 RCW.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-361, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-371 What are the standards for chemical conditioning?** The use of detergents, chlorine, acids or other chemicals in wells for the purpose of increasing or restoring yield, shall be used according to manufacturer's recommendations. Within a consolidated formation, the placement or use of packers and subsequent pressurization within the bore hole or casing while cleaning or hydrofracturing shall not damage the seal at the drive shoe. Except for disinfection and cleaning of wells, a well drilling license is required for all other chemical conditioning that alters the condition of the water well.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-371, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-371, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-381 What are the standards for decommissioning a well?** Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned. The decommissioning procedure (as prescribed by these regulations) must be recorded and reported as required by the department.

(1) Cased wells. Remove all liners, debris, accumulated sediments, and obstructions from the well casing, except well screens and packers. All cased water wells, including driven and jetted wells shall be decommissioned in one of the following ways:

(a) Perforate the casing from the bottom to within five feet of the land surface and pressure seal the casing.

(i) Perforations shall be at least four equidistant cuts per row, and one row per foot. The perforations must be sufficient enough to allow neat cement grout or neat cement, or bentonite slurry to migrate outside the casing and effectively prevent the movement of water.

(ii) Apply enough pressure to force the sealing material through the perforations, filling any voids on the outside of the casing.

(iii) The casing shall be filled completely with neat cement grout, neat cement, or bentonite slurry. The screen and up to five feet of riser pipe may be filled with unhydrated bentonite. The remainder of the riser pipe must be removed.

(iv) The casing may be cut off at a maximum of five feet below land surface; or

(b) Withdraw the casing and fill the bore hole with concrete, neat cement grout, neat cement, unhydrated bentonite, or bentonite slurry as the casing is being withdrawn.

(2) Uncased wells - Remove all liners, debris, accumulated sediments, and obstructions. Seal uncased wells with concrete, neat cement grout, neat cement, or bentonite.

(3) Dug wells -

(a) The following criteria are required for the decommissioning of all dug wells:

(i) Remove all debris, accumulated sediments, and obstructions that impede decommissioning or that may contaminate the aquifer from within the dug well.

(ii) Dug wells may have a maximum of three feet of soil cover from top of sealing material to land surface.

(iii) Dug wells shall be sealed with either unhydrated bentonite, neat cement, neat cement grout, or concrete. The use of controlled density fill (CDF), bentonite slurry, or fly ash is prohibited.

(iv) Dug wells that are not cast-in-place must have a minimum of three feet of sealing material in contact with native soil below land surface.

(b) Dug wells less than twenty feet deep.

(i) Dry wells (dry at any time during the year). Decommission by placing unhydrated bentonite, neat cement, neat cement grout or concrete from the bottom to within three feet of land surface.

(ii) Static water level ten feet or less from land surface. Decommission by placing clean chlorinated sand or pea gravel to a maximum depth of ten feet below land surface. The remainder of the well shall be filled with unhydrated bentonite, neat cement, neat cement grout, or concrete to within three feet of land surface.

(iii) Static water level of greater than ten feet from land surface. Decommission by placing clean chlorinated sand or pea gravel to the static level. The remainder of the well shall be filled with unhydrated bentonite, neat cement, neat cement grout, or concrete to within three feet of land surface.

(c) Dug wells twenty feet or greater in depth.

(i) Static water level twenty feet or less from the land surface. Decommission by placing chlorinated sand or pea

gravel to twenty feet below land surface. The remainder of the well shall be filled with unhydrated bentonite, neat cement, neat cement grout, or concrete to within three feet of land surface.

(ii) Static water level greater than twenty feet from land surface. These wells may be decommissioned by placing chlorinated sand or pea gravel to the static level and then placing alternating layers of sealing material and chlorinated sand or pea gravel to within twenty feet of land surface. The alternating layers of sand or pea gravel must be a maximum of five feet thick. The minimum thickness of the sealing layers must be five feet. The remainder of the well shall be filled with unhydrated bentonite, neat cement, neat cement grout, or concrete to within three feet of land surface.

(4) Flowing artesian wells that are not leaking on the outside of the casing shall be decommissioned by pressure grouting with neat cement or weighted high solids bentonite slurry from the bottom of the well bore to land surface. If the well is leaking on the outside of the casing or if leaking develops while the decommissioning method above is employed, then the casing must be perforated and pressure grouted to replace all confining layers and to stop leakage.

(5) Placement of sealing material.

(a) Sealing material placed below the water level shall be piped directly to the point of application or placed by means of a dump bailer or pumped through a tremie tube. As the sealing material is placed, the existing well tile may be encapsulated into the seal material. If concrete, neat cement grout, bentonite, bentonite slurry, or neat cement is used to seal below the static water level in the well, the material shall be placed from the bottom up by methods that avoid segregation or dilution of the material. When used to place concrete, neat cement, neat cement grout, or bentonite slurry the discharge end of the tremie tube shall be submerged in the sealing material to avoid breaking the seal while filling the annular space.

(b) All authorized sealing material placed above the static water level or into the dewatered portion of the well may be hand poured above the static water level, provided the material does not dilute or segregate, and result in a seal free of voids.

(c) When decommissioning wells that were originally constructed without casing, unhydrated bentonite chips or pellets may be hand placed, provided it forms a continuous seal.

[Statutory Authority: Chapter 18.104 RCW, 09-01-125 (Order 08-10), § 173-160-381, filed 12/19/08, effective 1/19/09; 07-06-004 (Order 06-16), § 173-160-381, filed 2/22/07, effective 3/25/07; 06-23-121 (Order 06-08), § 173-160-381, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080, 98-08-032 (Order 97-08), § 173-160-381, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-390 Artificial recharge of ground water bodies.** Approval must be obtained from the department before starting any project related to the artificial recharge of ground water bodies.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080, 98-08-032 (Order 97-08), § 173-160-390, filed 3/23/98, effective 4/23/98.]

**PART TWO—GENERAL REQUIREMENTS FOR RESOURCE PROTECTION WELL CONSTRUCTION AND GEOTECHNICAL SOIL BORINGS**

**WAC 173-160-400 What are the minimum standards for resource protection wells and geotechnical soil borings?** The following minimum standards shall apply to all resource protection wells and geotechnical soil borings constructed in the state of Washington. It is the responsibility of the resource protection well operator, resource protection well contractor, and the property owner to take whatever measures are necessary to guard against waste and contamination of the ground water resource.

(1) It will be necessary in some cases to construct resource protection wells and geotechnical soil borings with additional requirements beyond the minimum standards.

(2) Nothing in this section limits the department's authority to approve comparable alternative specifications for construction as technology in the industry is developed, or new methods of construction become known to the department.

[Statutory Authority: Chapter 18.104 RCW, 06-23-121 (Order 06-08), § 173-160-400, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080, 98-08-032 (Order 97-08), § 173-160-400, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-406 How do I apply for a variance on a resource protection well?** (1) When strict compliance with the requirements and standards of this chapter are impractical, any person may submit a variance request to the department from a regulation or regulations. The application for variance must propose a comparable alternative specification that will provide equal or greater human health and resource protection than the minimum standards. Application for a variance shall be made in writing and approved prior to the construction or decommissioning of the well.

(2) The variance application shall contain at least the following information:

- (a) Name, address, and phone number of the person requesting the variance;
- (b) Address of well site;
- (c) 1/4, 1/4, section, township, range;
- (d) The specific regulation(s) that cannot be followed;
- (e) The comparable alternative specification;
- (f) Justification for the request.

(3) The variance application will be evaluated, and a response will be given within fourteen days. In a public health emergency or other exceptional circumstance, verbal notification for a variance may be given. An emergency usually consists of a drilling situation, which if left unaddressed, could harm the ground water resource. Driller convenience does not constitute an emergency.

(4) The emergency variance recipient must immediately follow up with a written notification to the department so that a permanent record is made of the variance.

(5) Local health districts or counties with delegated authority may grant variances under the provision of chapter 18.104 RCW delegated authority.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080, 98-08-032 (Order 97-08), § 173-160-406, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-410 What are the specific definitions for words in this chapter?** This section specifically defines words associated with resource protection wells and geotechnical soil borings. To find the definitions of other words, see WAC 173-160-111.

(1) "Confining layer" or "confining formation" means a layer of low hydraulic conductivity material that significantly limits vertical movement of ground water.

(2) "Environmental investigation well" means a cased hole intended or used to extract a sample or samples of ground water, vapor, or soil from an underground formation and which is decommissioned immediately after the sample or samples are obtained. An environmental investigation well is typically installed using direct push technology or auger boring and uses the probe, stem, auger, or rod as casing. An environmental investigation well is not a geotechnical soil boring.

(3) "Geotechnical soil boring" or "boring" means a well drilled for the purpose of obtaining soil samples or information to ascertain structural properties of the subsurface.

(4) "Ground source heat pump boring" means a vertical boring constructed for the purpose of installing a closed loop heat exchange system for a ground source heat pump.

(5) "Grounding well" means a grounding electrode installed in the earth by the use of drilling equipment to prevent buildup of voltages that may result in undue hazards to persons or equipment. Examples are anode and cathode protection wells.

(6) "Instrumentation well" means a well in which pneumatic or electric geotechnical or hydrological instrumentation is permanently or periodically installed to measure or monitor subsurface strength and movement. Instrumentation well includes bore hole extensometers, slope indicators, pneumatic or electric pore pressure transducers, and load cells.

(7) "Monitoring well" means a well designed to obtain a representative ground water sample or designed to measure the water level elevations in either clean or contaminated water or soil.

(8) "Nested well" means the installation of more than one cased resource protection well in one bore hole. This does not preclude casing reductions or installation of vibrating wire piezometers.

(9) "Observation well" means a well designed to measure the depth to the water or water level elevation in either clean or contaminated water or soil.

(10) "Piezometer" means a well designed to measure water level elevation at a specific depth beneath the water table.

(11) "PTFE" means polytetrafluoroethylene casing materials such as teflon. The use of the term teflon is not an endorsement for any specific PTFE product.

(12) "Remediation well" means a well intended or used to withdraw ground water or inject water, air (for air sparging), or other solutions into the subsurface for the purpose of remediating, cleaning up, or controlling potential or actual ground water contamination.

(13) "Resource protection well" means a cased boring intended or used to collect subsurface information or to determine the existence or migration of pollutants within an underground formation. Resource protection wells include



monitoring wells, observation wells, piezometers, spill response wells, remediation wells, environmental investigation wells, vapor extraction wells, ground source heat pump boring, grounding wells, and instrumentation wells.

(14) "Resource protection well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing resource protection wells or geotechnical soil borings.

(15) "Resource protection report" or "geotechnical soil boring report" means a document that describes how a resource protection well or geotechnical soil boring was constructed or decommissioned and identifies its components per the requirements of WAC 173-160-420.

(16) "Spill response well" means a well used to capture or recover any spilled or leaked fluid which has the potential to, or has contaminated the ground water.

(17) "Structural properties" means subsurface engineering properties or geotechnical information used for the purpose of designing structures such as bridges, buildings, highways, pipelines, or for assessing slope stability samples.

(18) "Vapor extraction well" means a well used to withdraw gases or vapors from soil, rock, landfill, backfill or ground water for the purpose of investigating or remediating soil or ground water contamination or managing gases or vapors.

(19) "Vibrating wire piezometer" is a down hole instrument that measures water pore pressure and converts it to an electronic signal.

(20) "Well driller" or "driller" means a resource protection well contractor or operator and a water well contractor or operator.

(21) "Well" means water wells, resources protection wells, instrumentation wells, dewatering wells, and geotechnical soil borings. Well does not mean an excavation made for the purpose of obtaining or prospecting for oil or natural gas, geothermal resources, minerals, or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas, or other products.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-410, filed 12/19/08, effective 1/19/09; 06-23-121 (Order 06-08), § 173-160-410, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-410, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-420 What are the general construction requirements for resource protection wells?** (1) No resource protection well or soil boring excavation may be used to withdraw or inject water for domestic, industrial, municipal, commercial, or agricultural purposes.

(2) No resource protection well or soil boring excavation may interconnect aquifers.

(3) Nested resource protection wells are prohibited.

(4) Cuttings, development water, and other investigation derived waste from resource protection well construction or geotechnical soil borings shall be managed in a manner consistent with the intent and purposes of the Water Pollution Control Act, chapter 90.48 RCW, the Hazardous Waste Management Act, chapter 70.105 RCW, and implementing regulations.

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(5) Well tagging:

(a) It shall be the driller's responsibility to place a well identification tag with a unique identification number on every resource protection well that they construct or alter within thirty days of completion of the well. Uncased geotechnical soil borings and environmental investigation wells are exempt from the tagging requirements of this chapter.

(i) The alpha-numeric number shall be recorded on the drilling report in the space provided.

(ii) The driller shall remove the well identification tag on all resource protection wells they decommission and shall attach the tag to the decommissioning well report.

(b) It shall be the well owner's responsibility to place a well identification tag with a unique identification number on every resource protection well they own and which was completed prior to the effective date of this regulation.

(i) Upon request, the department shall furnish the well owner with a well tag and tagging instructions.

(ii) The well owner shall tag their well(s) and submit a completed tagging report to the department.

(c) The well tag shall be permanently attached to:

(i) The well casing and be visible above land surface for all wells which have been completed above land surface.

(ii) The well casing or to any permanent and protected portion of the vault for wells completed below land surface.

(iii) A prominent system component visible above land surface for ground source heat pump borings.

(d) All well identification tags shall be supplied by the department.

(e) It is unlawful for a person to tamper with or remove a well identification tag except during well alteration.

(6) All resource protection wells will be sealed in accordance with WAC 173-160-450 regardless of the method of installation. Except, resource protection wells that are properly decommissioned prior to the removal of any drilling equipment from the well location are exempted from the surface sealing requirements of this chapter. Provided the decommissioning process includes the removal of any conduit, tubing, probe, or other items inserted into the ground.

(7) All geotechnical soil borings shall be decommissioned under the terms of this chapter.

(8) Except as provided in RCW 18.104.180, all construction, alteration, reconstruction, and decommissioning of resource protection wells and geotechnical soil borings shall be done by an individual licensed under the provisions of chapter 173-162 WAC.

(9) A notice of intent to construct or decommission a resource protection well and a geotechnical soil boring shall be filed with the department a minimum of seventy-two hours prior to initiating construction or decommissioning of the well(s) or boring(s). A fee must accompany each notice of intent to construct or decommission a resource protection well.

(a) The fee for a resource protection well, except for an environmental investigation well, a ground source heat pump boring, or a grounding well, is forty dollars for each well.

(b) The fee for an environmental investigation well in which ground water is sampled or measured is forty dollars for the construction of up to four environmental investigation wells per project, and ten dollars for each additional environmental investigation well constructed on a project with more

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than four wells. There is no fee for soil or vapor sampling purposes.

(c) The fee for a ground source heat pump boring or a grounding well is forty dollars for construction of up to four ground source heat pump borings or grounding wells per project and ten dollars for each additional ground source heat pump boring or grounding well constructed on a project with more than four wells.

(d) The fee to decommission a resource protection well, except for an environmental investigation well, is twenty dollars per well. There is no fee to decommission an environmental investigation well or a geotechnical soil boring.

(e) The fee to decommission a ground source heat pump boring or a grounding well is twenty dollars per well.

(f) Under some circumstances, it may be necessary to construct more resource protection wells or geotechnical soil borings than originally anticipated. When additional resource protection wells are constructed on a site for which a notice of intent and fee were submitted, a second notice and fee shall be submitted within twenty-four hours after all wells have been completed or as soon as the final number of wells to be constructed is determined, whichever is sooner. When additional geotechnical soil borings are needed, the borings may be completed. A follow-up notice of intent shall be submitted to the department within twenty-four hours after all borings are constructed. Notification to construct multiple wells or geotechnical soil borings within the same quarter/quarter section, township, and range may be submitted on one notice form.

(10) Resource protection well reports.

(a) Anyone who constructs or decommissions a well is required to submit a complete well report on the construction or decommissioning of all resource protection wells and geotechnical soil borings. Reports must be submitted to the water resources program within thirty days after completion of construction or decommissioning. Submission of a well report to consulting firms does not meet the requirement of this section. The report must be an accurate summation of data collected in the field taken from field notes written as the well was constructed or decommissioned. Field notes must be available at all times during construction or decommissioning for review by state and local inspectors and kept until the well report is submitted.

(b) The resource protection well report must be made on a form provided by the department, or a reasonable facsimile of the form, as approved by the department.

(c) Where applicable the report shall include the following information:

- (i) Owner's name; operator/trainee name; operator/trainee license number; contractor registration number, drilling company name;
- (ii) Tax parcel number;
- (iii) Well location address;
- (iv) Location of the well to at least 1/4, 1/4 section or smallest legal subdivision;
- (v) Unique well identification tag number;
- (vi) Construction date;
- (vii) Start notification number;
- (viii) Intended use of well;
- (ix) The well depth, diameter, and general specifications of each well;

- (x) Total depth of casing;
- (xi) Well head elevation;
- (xii) Drilling method;
- (xiii) Seal material, seal location and type of placement used;
- (xiv) Filter pack location; filter pack material used;
- (xv) The thickness and character of each bed, stratum or formation penetrated by each well including identification of each water bearing zone;
- (xvi) Casing gauge, diameter, stickup, type of material, and length, also of each screened interval or perforated zone in the casing;
- (xvii) The depth to the static water level, as measured below the land surface; and
- (xviii) Such additional factual information as may be required by the department.

(d) The well report must include one of the following:

- (i) The license number and signature of the person who constructed or decommissioned the well;
- (ii) The license number and signature of the trainee and the licensed operator under chapter 18.104 RCW; or
- (iii) The license number and signature of an exempted individual as defined under RCW 18.104.180(3).

(e) This rule shall allow an individual to submit electronic reports in accordance with department procedures. The use of a digital signature in the electronic reports will be authorized as a substitute for an original signature under (d) of this subsection.

#### **What are the surface protection requirements?**

(11) All resource protection wells shall be capped and protected using one of the following methods:

(a) If the well is cased with metal and completed above the ground surface, you must attach a watertight cap with a lock to the top of the casing.

(b) If the well is not cased with metal and completed above the land surface, you must install a protective metal casing over and around the well. The protective casing shall extend at least six inches above the top of the well casing and be cemented at least two feet into the ground. A cap with lock shall be attached to the top of the protective casing.

(12) You shall protect the well(s) completed above ground from damage by:

(a) Cementing three metal posts, at least three inches in diameter, in a triangular array around the casing and at least two feet from it. Each post shall extend at least three feet above and below the land surface.

(b) A reinforced concrete pad may be installed to protect against and prevent frost heave. If installed, the concrete pad shall extend to a depth equal to anticipated frost depth. When a concrete pad is used, the well seal may be part of the concrete pad.

(13) If the well is completed below land surface, a watertight cap with a lock shall be attached to the top of the well casing. A metal monument or equivalent shall be installed over and around the well. The monument shall serve as a protective cover and be installed level with the land surface and be equipped with a waterproof seal to prevent the inflow of any water or contaminants. Drains will be provided, when feasible, to keep water out of the well and below the well cap. The cover must be designed to withstand the maximum expected loading.

(14) The protective measures may be waived or modified upon written approval from the department (a variance).

(15) If the well is damaged, the well protection measures and casing shall be repaired to meet the requirements of this chapter. If the well is damaged beyond repair, it shall be decommissioned in accordance with WAC 173-160-460.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-420, filed 12/19/08, effective 1/19/09; 06-23-121 (Order 06-08), § 173-160-420, filed 11/21/06, effective 12/22/06; 98-18-104 (Order 98-17), § 173-160-420, filed 9/2/98, effective 10/3/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-420, filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-420, filed 4/6/88.]

**WAC 173-160-430 What are the minimum casing standards?** (1) The casing may not affect or interfere with the chemical, physical, radiological, or biological constituents of interest. The casing shall be resistant to the corrosive effects of the surrounding formations, earth, and water and shall be impervious to any contaminants encountered.

(2) The casing shall withstand typical forces which act upon it during and after installation. All resource protection well casing shall conform to ASTM Standards, or at least 304 or 316 stainless steel, PTFE, or Schedule 40 PVC casing.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-430, filed 12/19/08, effective 1/19/09; 06-23-121 (Order 06-08), § 173-160-430, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-430, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-440 What are the equipment cleaning standards?** (1) When drilling in known or potential areas of contamination, steam clean the drill rig derrick and all drilling equipment on site before and after well construction. If the equipment is used to drill in radioactive areas, you must develop a decontamination plan and the department must approve that plan prior to the equipment being removed from the drill site.

(2) All well construction materials to include casing, screen(s), and filter pack material must be free of contaminants prior to installation.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-440, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-442 What are the limitations for use of drilling materials?** (1) At no time shall a product contain materials that:

- (a) Are toxic or polluting;
- (b) Develop odor or color changes in the water; or
- (c) Serve as a microbial nutrient.

(2) Organic materials which foster or promote undesired organic growth or have the potential to degrade water quality shall not be employed in the construction of a resource protection well. This includes, but is not limited to, brans, hulls, grains, starches, and proteins, unless NSF/ANSI approved.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-442, filed 12/19/08, effective 1/19/09.]

**WAC 173-160-444 What are the standards for use of polymers and additives?** (1) All polymers and additives used in any well shall be certified by NSF/ANSI approval standards for use in potable water supply wells, or equivalent

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standards as approved by the department. The product shall be clearly labeled as meeting these standards.

(2) Polymers and additives must be designed and manufactured to meet industry standards to be nondegrading and must not act as a medium which will promote growth of microorganisms.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-444, filed 12/19/08, effective 1/19/09.]

**WAC 173-160-450 What are the well sealing requirements?** (1) All resource protection wells constructed shall have a continuous seal, which seals the annular space between the bore hole and the permanent casing. The seal shall be constructed to prevent interconnection of separate aquifers penetrated by the well, and shall provide casing stability. Except for environmental investigation wells, the seal shall have a minimum diameter of four inches larger than the nominal size of the permanent casing, and shall extend from land surface to the top of the filter pack. The filter pack shall be no less than one foot or greater than five feet above the screen interval. See Figure 7. Wells that are installed using direct push technology will follow the sealing guidelines of WAC 173-160-451.

(2) After the permanent casing has been set in final position, the filter pack (optional) and sealing material shall be placed in the open bore hole annular space that must be a minimum of four inches greater in diameter than the nominal size of the permanent casing. After installing the filter pack (optional) a layer of bentonite shall be placed on top of the filter pack to maintain separation between the seal material and the screened interval. Insure that placement will not disturb the filter pack. The remaining annular space shall be filled to land surface in a continuous operation with bentonite, neat cement, or neat cement grout. If neat cement, neat cement grout or bentonite slurry is used as the sealant, it shall be installed with a tremie tube and pumped from the top of the bentonite plug (above the filter pack) to land surface. Use only potable water to hydrate the mixture.

(3) The completed annular seal shall fully surround the permanent casing, be evenly distributed, free of voids, and extend from the permanent casing to undisturbed or recompact soil.

(4) All sealing materials used shall conform to one of the following minimum requirements:

(a) **Bentonite sealants:**

(i) Bentonite used to prepare slurries for sealing or decommissioning shall be specifically designed for this purpose. All bentonite slurries shall be prepared and installed according to the manufacturer's instructions. Active solids content (bentonite) shall be twenty percent by weight or greater in all bentonite slurries. The active solids shall be checked by using the following formula:

$$\frac{\text{Weight of bentonite (lbs.)}}{\text{Weight of bentonite (lbs.)} + (\text{gallons of water} \times 8.33 \frac{\text{lbs.}}{\text{gal.}})} \times 100 = \% \text{ solids}$$

Example:

$$\frac{50 \text{ lbs. of bentonite}}{50 \text{ lbs. of bentonite} + (24 \text{ gallons of water} \times 8.33 \frac{\text{lbs.}}{\text{gal.}})} \times 100 = 20\% \text{ solids}$$

(ii) Unhydrated bentonite—pelletized, granulated, powder, or chip bentonite may be used in the construction of seals or in decommissioning of wells. The bentonite material shall be specifically designed for sealing or decommissioning and be within the industry tolerances for dry western sodium bentonite. Placement of bentonite shall conform to the manufacturer's specifications and result in a seal free of voids or bridges.

(iii) All bentonite used in any well shall be certified by NSF/ANSI approval standards for use in potable water supply wells, or equivalent standards as approved by the department. The product shall be clearly labeled as meeting these standards.

**(b) Cement sealants:**

(i) Neat cement consists of either portland cement types I, II, III, or high-alumina cement mixed with not more than six gallons of potable water per sack of cement (ninety-four pounds per sack).

(ii) Neat cement grout consists of neat cement with up to five percent bentonite clay added, by dry weight of the bentonite. Bentonite is to be added to improve flow qualities and compensate for shrinkage.

(iii) Expanding agents, such as aluminum powder, may be used at a rate not exceeding 0.075 ounce (1 level teaspoon) per sack (ninety-four pounds per sack) of dry cement. The powder may not contain polishing agents. High-alumina cement and portland cement of any type must not be mixed together.

(5) This section may not preclude the use of new sealant materials which have been approved by the technical advisory group.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-450, filed 12/19/08, effective 1/19/09; 06-23-121 (Order 06-08), § 173-160-450, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-450, filed 3/23/98, effective 4/23/98.]

**WAC 173-160-451 What are the minimum standards for direct push resource protection wells?** (1) Resource protection wells that are installed using direct push technology shall comply with the applicable standards in these rules for reporting, casing, screening, development, surface protection, cleaning, tagging, and completion.

(2) Resource protection wells that are installed using direct push technology shall also comply with the following standards:

(a) Prepacked or sand packed screens shall be used. The sand pack or filter pack shall not extend more than three feet above the top or one foot below the bottom of the well screen; and

(b) The outside diameter of the bore hole shall be a minimum of one inch greater than the outside diameter of the well casing; and

(c) Granular bentonite shall not be used in the sealed interval below the static water level. Prepacked or slurry sealant is required below static level. Any sealing method used must result in a continuous and effective seal meeting the minimum sealing standards of this chapter; and

(d) Direct push wells shall not be constructed through more than one water bearing formation and the seal shall be from the top of the sand pack to land surface. Direct push wells shall not be greater than thirty feet in depth unless a variance is obtained. A request for a variance must be accompanied by a site-specific plan; and

(e) If the total probe depth exceeds the depth of the bottom of the screen it must be properly decommissioned to the bottom of the screen.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-451, filed 11/21/06, effective 12/22/06.]

**WAC 173-160-453 What are the minimum standards for construction of ground source heat pump borings?** (1) General requirements.

(a) Applicability of minimum standards. The minimum standards set forth herein apply to all ground source heat pump borings as defined in WAC 173-160-111.

(b) Prohibition against other uses. Ground source heat pump borings cannot be used for any purpose other than heat exchange. After completion, ground source heat pump borings shall not be converted to any other type of well except by written approval by the department. The operator shall ensure that the ground source heat pump boring is constructed according to this chapter.

(2) Location of ground source heat pump borings.

(a) A ground source heat pump boring shall not be located within one hundred feet from any water supply well.

(b) The setback from public water supply wells for ground source heat pump borings must comply with applicable department of health sanitary control zone regulations for the public water supply wells. Where the sanitary control zone is greater than one hundred feet the setback should reflect the expanded distance.

(c) Variances to the standard setback for water supply wells can be obtained when:

(i) The approved sanitary control zone for the public supply well is less than one hundred feet. Notification and concurrence is required from the department of health to insure that the new setback is consistent with the approved public water supply well sanitary control zone. Variances for public supply wells will be issued by the local or state health authority.

(ii) The water supply well is not a public water supply well and the reduced set back is adequate to protect against encroachment on the well and can provide adequate protection against potential contamination. The reduced set back shall be no less than seventy-five feet.

(d) No variance shall be approved for a setback less than the approved sanitary control zone for a water supply well, unless it can be demonstrated that the water supply well is hydrogeologically protected from any potential threat posed by the closed-loop heat system.

(3) Construction standards for ground source heat pump borings. Site specific conditions shall be assessed to determine the best method and materials to be used for sealing the well annulus to protect the ground water.

(a) Casing material. If permanent casing is needed in a ground source heat pump boring, it must meet standards set out in WAC 173-160-201 for steel and for plastic.

(b) In a closed-loop ground source heat pump boring, the material used to make up the heat exchange loop that is placed into the ground must be able to withstand the typical forces which act upon it during and after construction. It shall be resistant to the corrosive effects of the surrounding formations, earth, water, and heat exchange fluids within the pipe.

(c) Pressure testing. Pressure testing will be done in accordance with manufacturer recommended specifications. The closed-loop assembly pipe within the bore hole shall not leak or cause contamination to the ground water.

(d) All fluids used in the construction and testing of ground source heat pump borings will be handled and utilized in a manner that does not contaminate the ground water or surface water.

(e) Bore hole size. The hole size for ground source heat pump borings must be of sufficient size to allow placement of the heat exchange loop and tremie tube to the bottom of the hole.

(f) No more than one heat exchange loop can be placed in one bore hole.

(g) Grouting of an uncased bore hole. Grouting (sealing) the bore hole of a ground source heat pump boring must be completed immediately after the heat exchange loop is installed to avoid cave in of the uncased hole. The near surface area where the ground source heat pump borings will be connected to a manifold to connect it to the closed-loop system may be filled with earth materials.

(i) Sealing must be done with an active solids content bentonite grout slurry (minimum twenty percent active solids

by weight) per WAC 173-160-221. Use of controlled density fill (CDF) and fly ash is prohibited.

(ii) Sealing material placed in the bore hole shall be uncontaminated; drilling fluids must be purged from the bore hole during the installation of the sealing material. Neither cuttings from the drilling process nor drilling fluid shall be used as bore hole sealing material.

(iii) Mixes of bentonite slurry shall be installed by pumping through a tremie tube in a continuous operation using a positive displacement method. Polymer additives designed to retard swelling are acceptable for use with the bentonite slurry per WAC 173-160-450. The tremie tube will extend to the full depth of the bore hole before pumping begins. Minimum slurry volume used must be equal to or exceed the calculated annulus volume of the bore hole. Grouting material shall surround all pipes remaining in the bore hole to land surface.

(h) Grouting of a permanently cased bore hole shall be sealed in accordance with this chapter. Exception: When the casing is perforated from bottom to land surface and is pressure grouted in accordance with WAC 173-160-381 (1)(a).

(i) Unsuccessful installation of a ground source heat pump boring. If grouting is not successful, the department must preapprove an alternate completion of the ground source heat pump boring. If an alternate completion is not approved, the well must be properly decommissioned.

(j) An open-loop system must meet the construction standards of a water well. If the withdrawal of ground water exceeds the exemption requirements of RCW 90.44.050, a water right permit is required.

(k) It shall be the responsibility of the driller to properly construct the bore hole, pressure test the loop pipe, install the loop pipe, and grout the bore hole.

[Statutory Authority: Chapter 18.104 RCW, 09-01-125 (Order 08-10), § 173-160-453, filed 12/19/08, effective 1/19/09; 06-23-121 (Order 06-08), § 173-160-453, filed 11/21/06, effective 12/22/06.]

**WAC 173-160-456 What are the minimum standards for construction of grounding wells?** (1) Grounding wells (cathodic protection wells or anode wells) must be constructed in accordance with the provisions of Part One—General Requirements for Water Well Construction, chapter 173-160 WAC.

(2) Grounding wells shall be designed by an engineer, licensed in Washington state, trained in the design of corrosion protection wells.

(3) The internal materials used and size of element installed shall meet all industry standards for cathodic protection and anode wells.

(4) Grounding wells shall not pollute the waters of the state.

(5) If constructed within one hundred feet of a potential source of contamination, sealing is required to a minimum depth of fifty feet or the first significant confining layer, whichever is deeper, in accordance with WAC 173-160-241.

(6) Where the well construction regulations cannot be met, a variance may be requested.

(7) Grounding wells twenty-five feet in depth or less are exempt from all notice, licensing, fees, and reporting requirements of these regulations, however, commingling of aquifers is still prohibited.

(8) Driven grounding rods installed to a depth of twenty-five feet or less are exempt from all notice, licensing, fees, and reporting requirements of these regulations.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-456, filed 12/19/08, effective 1/19/09; 06-23-121 (Order 06-08), § 173-160-456, filed 11/21/06, effective 12/22/06.]

**WAC 173-160-457 How are vibrating wire piezometers constructed?** (1) The bore hole containing the vibrating wire piezometers shall have a minimum diameter at least four inches larger than the diameter of the instrument.

(2) When sealing with a grout or slurry, the bore hole shall be grouted from the bottom up via a tremie tube. The tremie tube may be left within the bore hole provided: It meets casing standards, is filled completely with grout and the annular requirements of this section are met.

(3) UngROUTED tubing, piping, liner, or casings shall not be left in the bore hole upon completion.

(4) Individual transducers may be sand packed provided that the sand pack is not more than five feet in thickness.

(5) Sealing between sand packed transducers shall be designed and constructed to prohibit flow between monitored zones. At no time shall a vibrating wire piezometer bore hole connect aquifers.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-457, filed 12/19/08, effective 1/19/09.]

**WAC 173-160-458 What sealing materials are allowed for sealing vibrating wire piezometers?** (1) Vibrating wire piezometers shall be sealed using materials as allowed in WAC 173-160-450; or sealing materials as designed and recommended by the manufacturer provided that the material, when placed, provides a permeability of  $1 \times 10^{-7}$  cm/sec or less. The licensed driller or engineer shall provide documentation from the manufacturer demonstrating that the sealing material meets the permeability requirements of this section.

(2) The use of bentonite products intended for use as drilling fluids, low solids content bentonite mixtures, fly ash, and hydrated lime are prohibited as additives or sealants.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-458, filed 12/19/08, effective 1/19/09.]

**WAC 173-160-460 What is the decommissioning process for resource protection wells?** (1) For resource protection wells and geotechnical soil borings that were not constructed in accordance with these regulations, or for which a drilling report required under this section is missing, remove all debris, accumulated sediment, equipment and obstructions from the well casing, except well screens and packers, and decommission in one of the following ways:

(a) Perforate the casing from the bottom to land surface and pressure grout the casing.

(i) Perforations shall be at least four equidistant cuts per row, and one row per foot. Each cut shall be at least one and one-half inches long.

(ii) Apply enough pressure to force the sealing material through the perforations, filling any voids on the outside of the casing.

(iii) The remainder of the casing shall be filled with neat cement grout, neat cement, or bentonite slurry; or

(b) Withdraw the casing and fill the bore hole with neat cement grout, neat cement, bentonite or bentonite slurry as the casing is being withdrawn.

(2) For resource protection wells and geotechnical soil borings that were constructed in accordance with these regulations, remove all debris, accumulated sediment, equipment and obstructions from the well casing, except well screens and packers and then decommission in one of the following ways:

(a) Wells with an inside casing diameter equal to or greater than one inch and constructed in accordance with these regulations as verified through a field examination and review of the drilling report shall be decommissioned by filling the casing from bottom to land surface with bentonite, bentonite slurry, neat cement grout, or neat cement.

(b) Wells with an inside casing diameter less than one inch shall be decommissioned by pressure grouting the entire casing length with bentonite slurry, neat cement grout, or neat cement.

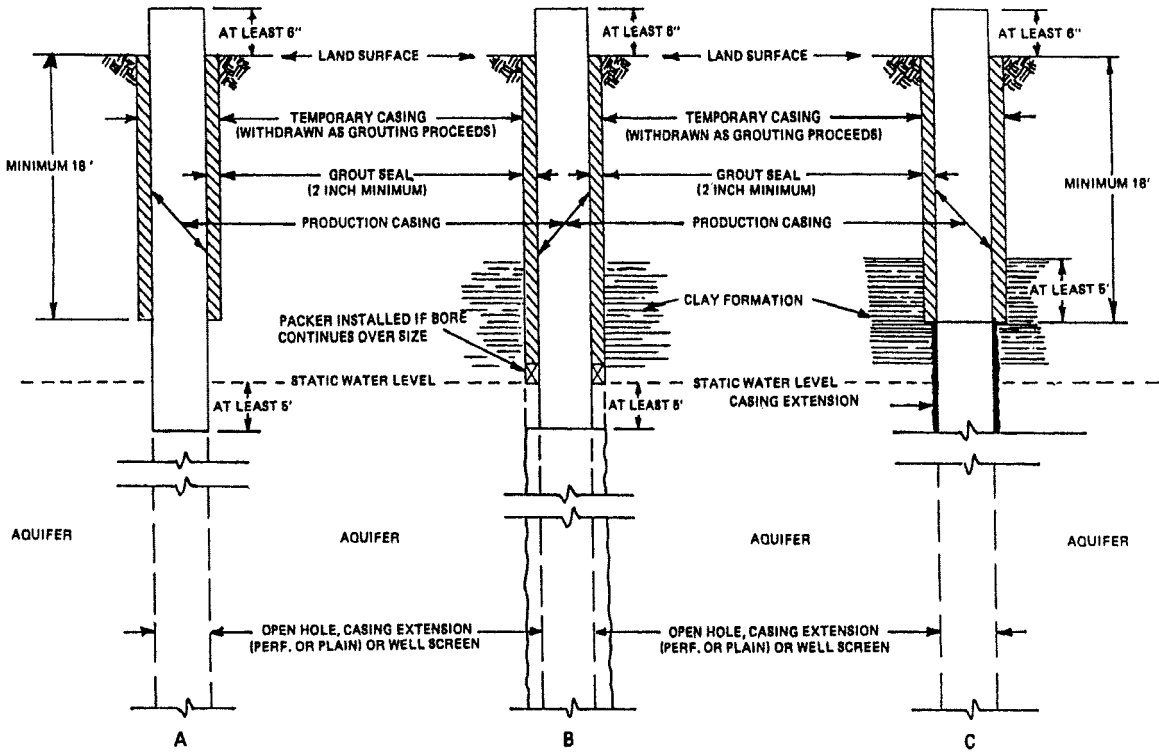
(c) Vibrating wire piezometers installed to meet or exceed the sealing requirements of WAC 173-160-450, 173-160-457, and 173-160-458 are exempt from the decommissioning procedures and decommissioning reporting requirements provided here.

(d) Direct push wells shall be decommissioned in accordance with this section.

(e) Geotechnical soil borings, or boring, shall be decommissioned by sealing from bottom to land surface with bentonite, bentonite slurry, neat cement grout, or neat cement. Sealing material placed below the static water level shall be piped directly to the point of application or placed by means of a dump bailer or pumped through a tremie tube. If bentonite slurry, neat cement grout or neat cement is used to seal below the water level in the well, the material shall be placed from the bottom up by methods that avoid segregation or dilution of the material. When used to place bentonite slurry, neat cement or neat cement grout, the discharge end of the tremie tube shall be submerged in the bentonite slurry, neat cement or neat cement grout to avoid breaking the seal while filling the annular space. Provided the material does not dilute or segregate and the resulting seal is free of voids, sealing material may be hand poured above the static water level.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-460, filed 12/19/08, effective 1/19/09; 06-23-121 (Order 06-08), § 173-160-460, filed 11/21/06, effective 12/22/06; 98-18-104 (Order 98-17), § 173-160-460, filed 9/2/98, effective 10/3/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-460, filed 3/23/98, effective 4/23/98.]

WAC 173-160-990 Well construction illustrations.



NOT TO SCALE

Figure 1. SEALING OF UNCONSOLIDATED FORMATIONS

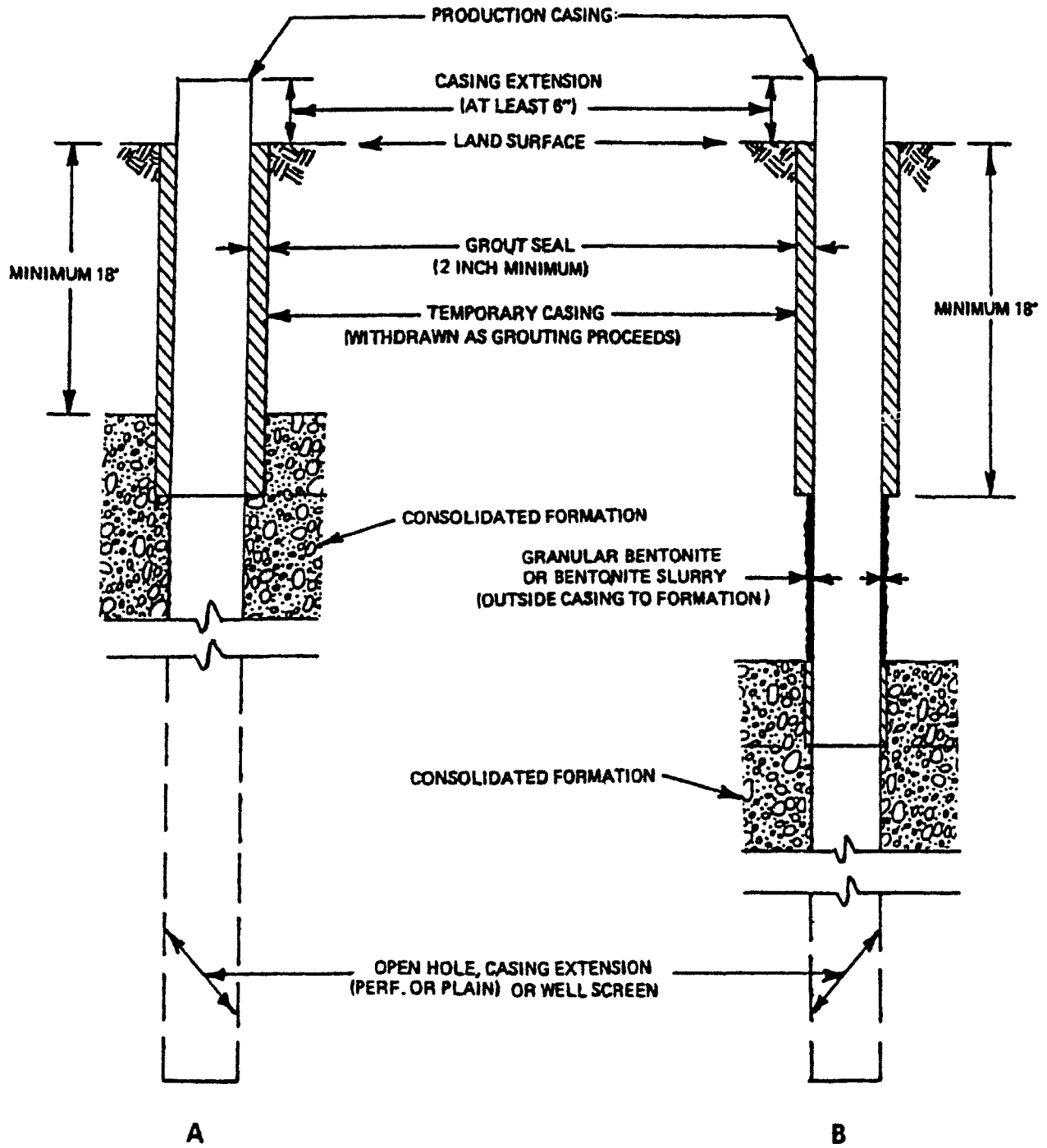


Figure 2. SEALING OF CONSOLIDATED FORMATIONS



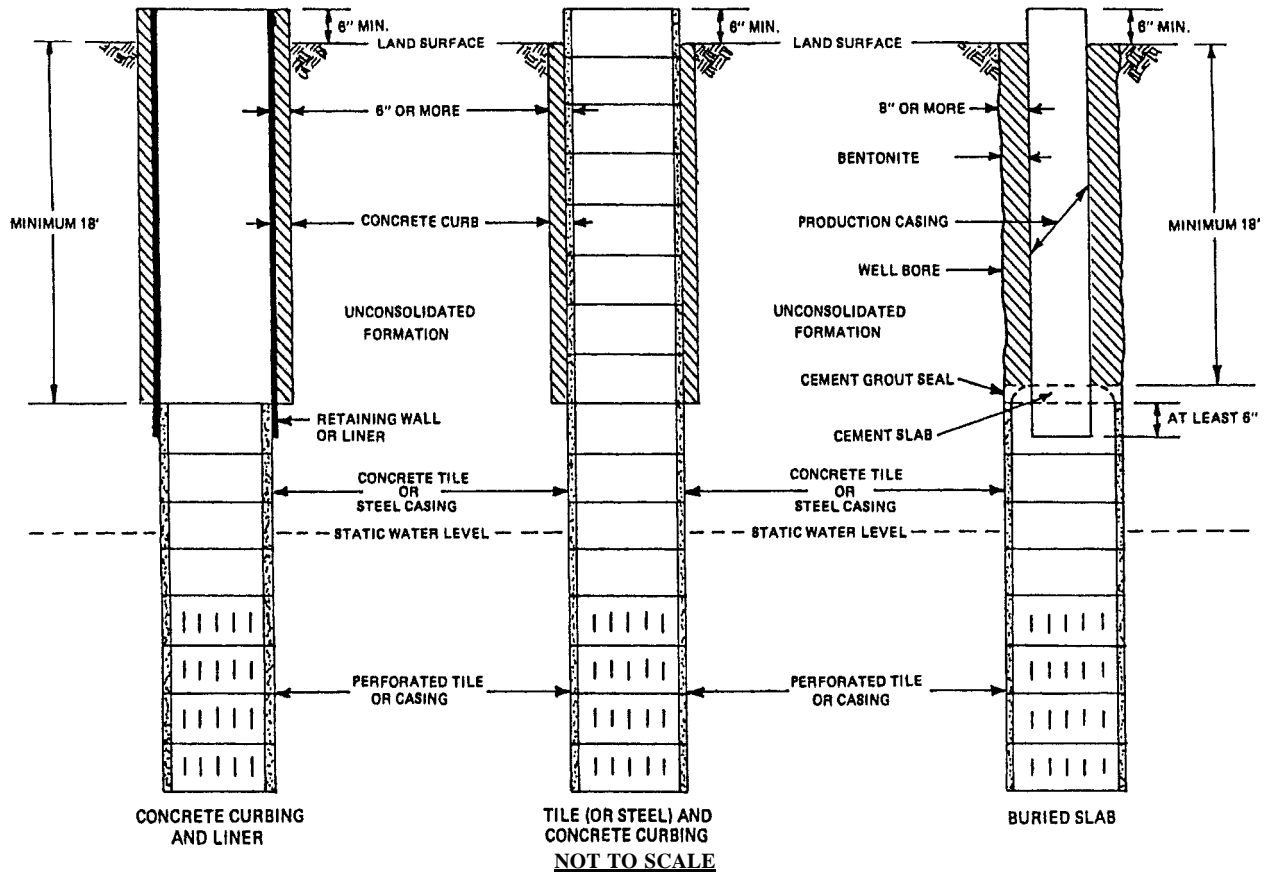
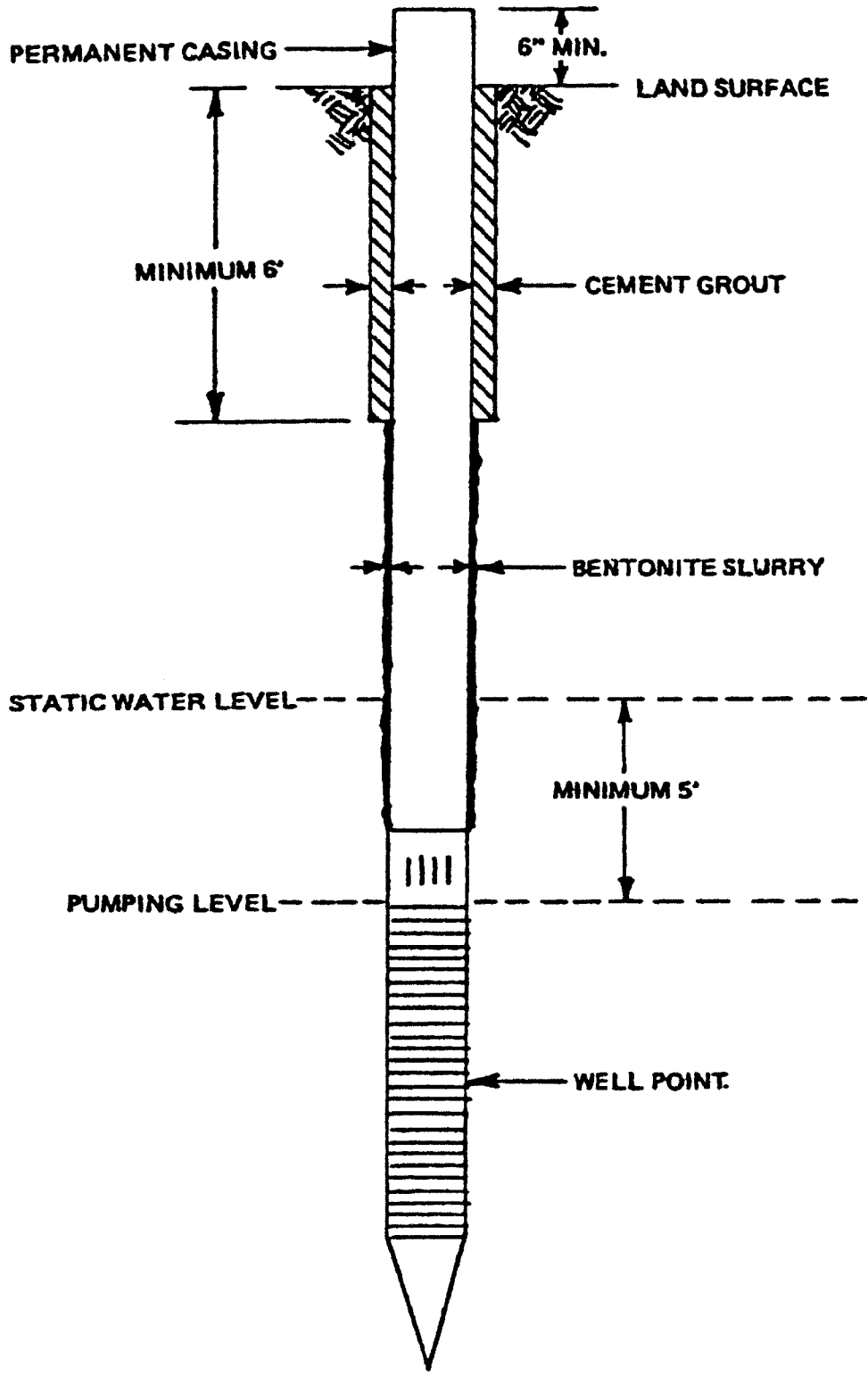
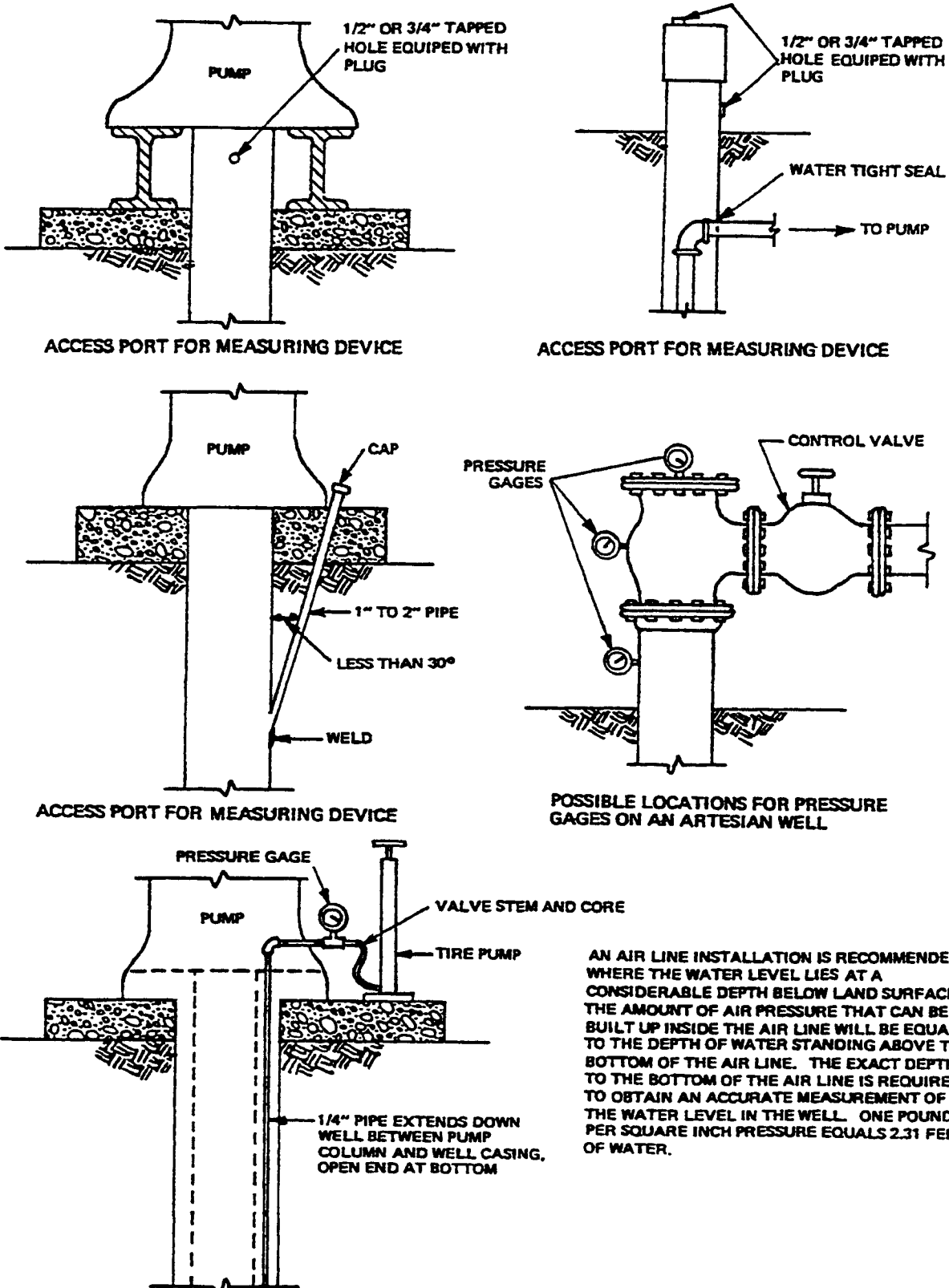


Figure 3. SEALING OF DUG WELLS



NOT TO SCALE

Figure 4. SEALING OF DRIVEN AND JETTED WELLS



AN AIR LINE INSTALLATION IS RECOMMENDED WHERE THE WATER LEVEL LIES AT A CONSIDERABLE DEPTH BELOW LAND SURFACE. THE AMOUNT OF AIR PRESSURE THAT CAN BE BUILT UP INSIDE THE AIR LINE WILL BE EQUAL TO THE DEPTH OF WATER STANDING ABOVE THE BOTTOM OF THE AIR LINE. THE EXACT DEPTH TO THE BOTTOM OF THE AIR LINE IS REQUIRED TO OBTAIN AN ACCURATE MEASUREMENT OF THE WATER LEVEL IN THE WELL. ONE POUND PER SQUARE INCH PRESSURE EQUALS 2.31 FEET OF WATER.

Figure 5. SUGGESTED METHODS FOR INSTALLING PRESSURE GAGES AND AIR LINES FOR MEASURING WATER LEVELS IN WELLS

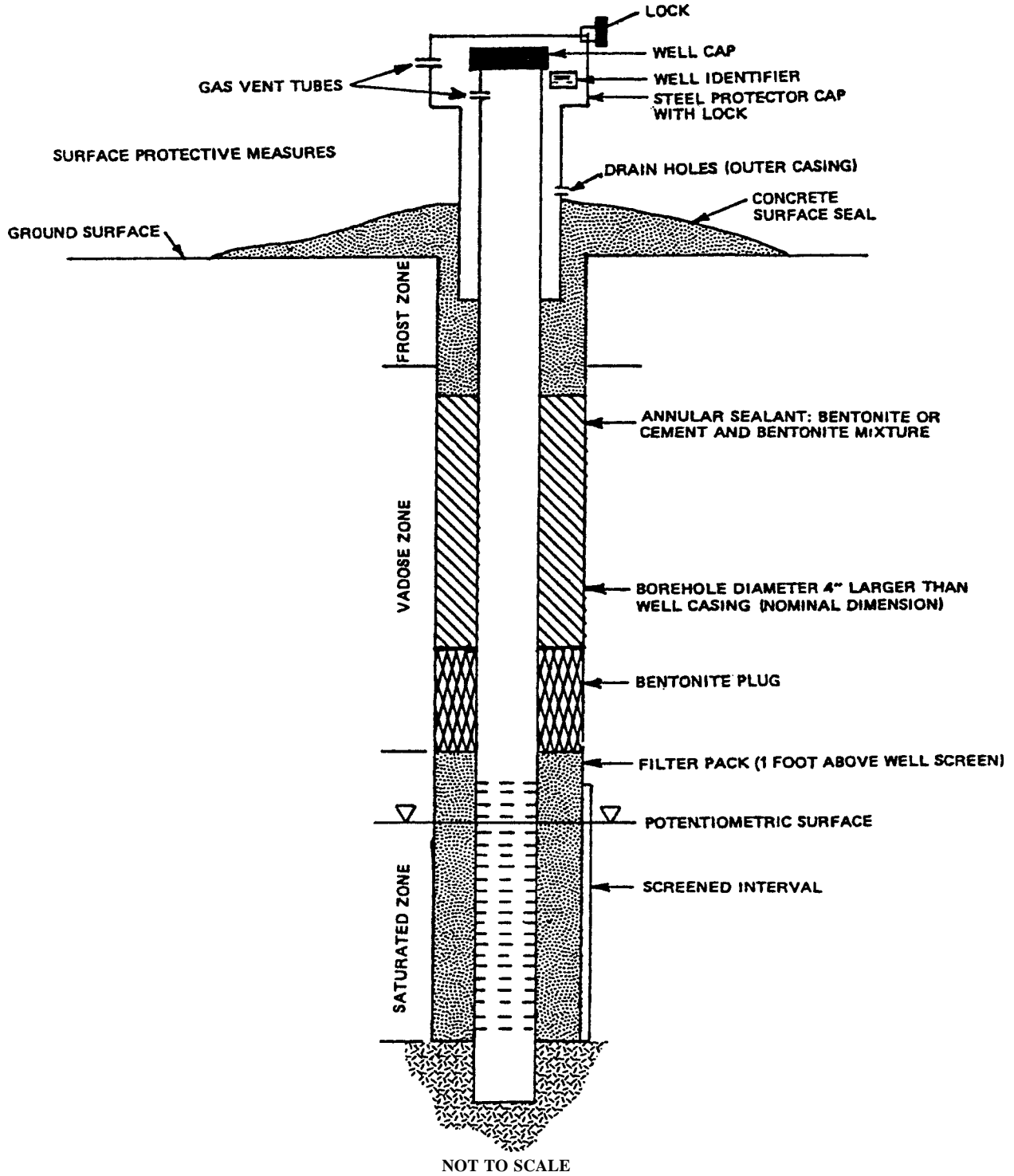


Figure 6. GENERAL RESOURCE PROTECTION WELL—CROSS SECTION.

[Statutory Authority: Chapter 18.104 RCW. 09-01-125 (Order 08-10), § 173-160-990, filed 12/19/08, effective 1/19/09; 98-18-104 (Order 98-17), § 173-160-990, filed 9/2/98, effective 10/3/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-990, filed 3/23/98, effective 4/23/98.]