# Chapter 118-03 WAC

# MT. ST. HELENS CLOSURE—RULES FOR PERMITTED ENTRY AND/OR OCCUPATION

WAC


118-03-010 Purpose.
118-03-030 Definitions.
118-03-050 Exempted personnel.
118-03-070 Conditions for entry.
118-03-090 Washington state department of licensing to process permits.
118-03-110 Application/processing procedures—Nonpermanent residents.
118-03-130 Permit and waiver issuance procedures—Permanent residents.
118-03-150 Permit and waiver issuance procedures—Recreation property owners, renters, or lessees.
118-03-170 Permit and waiver issuance procedures—Visitors to permanent residents or recreational property owners.
118-03-190 Permit and waiver issuance procedures—Media and scientific research.
118-03-210 Conditions for entry—Permanent residents and recreation property owners.
118-03-230 Conditions for entry—Employees, contractors, and agents of individual(s) or government entity(s) issued industrial permits.
118-03-250 Industrial permit reapplication procedure.
118-03-270 Federal, state, and local government administrative personnel.
118-03-290 Other permit applicants.
118-03-310 Revocation and suspension.


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

118-03-330 Uniform procedural rules. [Statutory Authority: Chapters 43.06 and 38.52 RCW. 81-15-012 (Order 81-03), § 118-03-330, filed 7/7/81.] Repealed by 00-05-012, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.

**WAC 118-03-010 Purpose.** The purpose of this chapter is to adopt rules, regulations, and guidelines to implement executive orders issued by the governor prohibiting any person or persons with certain limited exceptions from entering the high risk danger zone known as the restricted zone of the Mt. St. Helens volcano as described in that executive order, and providing entry permit procedures for persons excepted. These rules may be amended from time to time as conditions warrant. The executive orders issued by the governor recognize the continuing danger from additional eruptions, earthquakes, flash floods, and other related events from Mt. St. Helens.

[Statutory Authority: Chapters 43.06 and 38.52 RCW. 85-20-062 (Order 85-02), § 118-03-010, filed 9/27/85; 83-16-025 (Order 83-01), § 118-03-010, filed 7/27/83; 82-15-007 (Order 86-06), § 118-03-010, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-010, filed 7/7/81.]

**WAC 118-03-030 Definitions.** "Restricted zone" shall mean that high hazard area immediately adjacent to or surrounding the Mt. St. Helens volcano closed to public access by the governor of the state of Washington pursuant to RCW 43.06.010, 43.06.210, 43.06.220, 38.52.050, and 38.52.010. The restricted zone boundary area may change from time to time as conditions warrant. "Fallback zones" shall mean areas immediately adjacent or surrounding the restricted zone which may be closed to public access by the governor of the state of Washington pursuant to RCW 43.06.010, 43.06.210, 43.06.220, 38.52.050, and 38.52.010. When closed to public access by the governor, a fallback zone shall be a part of the restricted zone defined by this section. Fallback zones may be instituted from time to time as conditions warrant. The abbreviation "DEM" as used hereinafter shall mean the Washington state department of emergency management. The term "director" used hereinafter shall mean the director of the department of emergency management. "DOL" shall mean the Washington state department of licensing. "News media" shall include journalists, publishers, television and radio broadcast persons who are regularly engaged in the business of publishing or broadcasting. "ECC" shall mean the emergency coordinating center located at the U.S. Forest Service Office in Vancouver, Washington. "Individual(s)" shall mean a person, partnership, joint venture, private or public corporation, association, firm, public service company, public utility district, or any other entity, public or private, however organized. "Control" shall mean to lease or rent. "DLE" shall mean driver's license examiner. "USFS" shall mean United States Forest Service. "USGS" shall mean United States Geological Survey.

[Statutory Authority: Chapters 43.06 and 38.52 RCW. 85-20-062 (Order 85-02), § 118-03-030, filed 9/27/85; 82-15-007 (Order 86-06), § 118-03-030, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-030, filed 7/7/81.]

**WAC 118-03-050 Exempted personnel.** The following shall be subject to a limited exception to the prohibition against entry or occupancy in the restricted zone.

(1) U.S. Geological Survey personnel who are performing official duties related to scientific evaluation and hazard assessments that require their presence in the restricted zone.

(2) U.S. Forest Service personnel who are performing official duties that require entry into the restricted zone.

(3) U.S. Army Corps of Engineers personnel who are performing official duties that require their presence in the restricted zone.

(4) Search and rescue personnel registered or identified pursuant to RCW 38.52.010(5) on official search and rescue missions within the restricted zone. The sheriffs of counties whose jurisdictions lie within the boundaries of the restricted zone or their designee(s) shall have the authority to approve entry and/or occupation by search and rescue personnel.

(5) Federal, state, county and local law enforcement and firefighting personnel whose jurisdiction is within the restricted zone and who are on official business within the restricted zone.

(6) Federal, state, county or local administrative personnel on official business within the restricted zone.

(7) Individual(s) who own and/or control real property, or personal property being used as a residence, and whose official permanent residence is within the restricted zone when applicable.

(8) Individual(s) with a legitimate business reason for being within the restricted zone as determined by the director, department of emergency management, or his designee(s).

[Statutory Authority: Chapters 43.06 and 38.52 RCW. 85-20-062 (Order 85-02), § 118-03-050, filed 9/27/85; 83-16-025 (Order 83-01), § 118-03-050, filed 7/27/83; 82-15-007 (Order 86-06), § 118-03-050, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-050, filed 7/7/81.]

**WAC 118-03-070 Conditions for entry.** (1) All permit holders must have two-way communications available within the restricted zone with a base station located outside of the zone. The base station must be monitored at all times while the permittee is in the restricted zone. The base station emergency phone number must be on file with DEM or the USFS.

(2) The restricted zone will be closed by a coordinated decision of the DEM and the USFS on the advice of the USGS that hazards are elevated. The restricted zone will be closed when there is an alert issued by the U.S. Geological Survey, and if necessary during advisories issued by the U.S. Geological Survey.

(3) Overnight stays in the restricted zone will be granted only by special permission by the USFS or by the director of DEM or his designee. The permit holder must be doing work requiring night time operations and have constant radio communications. Otherwise, entry and occupancy of the restricted zone will normally be limited to the period one-half hour before sunrise to one-half hour after sunset, as established by the National Weather Service.

(4) The permit for entry into the restricted zone will contain specified routes of travel, duration of stay, type of vehicle or aircraft and description, destination, evacuation route, base radio contact alternative routes, and names of those entering.

(5) Helicopters entering the restricted zone must obtain a mission number from the Mt. St. Helens National Volcanic Monument ((206) 247-5473). Information required is the number of people entering, destination and estimated entry and departure times. All aircraft are to monitor aircraft radio frequently 122.75 MHZ.

(6) Entry into the crater will be limited to scientists, media permit holders, and other officials on official business with supervision by the U.S. Forest Service or U.S. Geological Survey.

(7) Permit holders must be able to leave the restricted zone within one hour.

(8) Permit holders will leave the restricted zone when ordered by proper authorities.

(9) Anyone entering the restricted zone must have with them either a restricted zone permit or a restricted zone contractor's permit card.

(10) It is strongly recommended that all who enter the restricted zone carry emergency gear and a first-aid kit. Recommended minimal emergency equipment should include: Hard hat, respirator or face mask, goggles, water and food.

[Statutory Authority: Chapters 43.06 and 38.52 RCW. 85-20-062 (Order 85-02), § 118-03-070, filed 9/27/85; 82-15-007 (Order 86-06), § 118-03-070, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-070, filed 7/7/81.]

**WAC 118-03-090 Washington state department of licensing to process permits.** When the restricted zone is expanded by governor's executive order to include areas outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

The DOL may process restricted zone entry permit applications at but limited to the following locations:

| | | |
|---|---|---|
| Longview | — | 73 Third Avenue,<br>98632 |
| Vancouver | — | 915 MacArther Blvd.,<br>98661 |
| Morton | — | 141 North 2nd,<br>98356 (P. O. Box 774) |
| Centralia | — | 112 Harrison Ave.,<br>98531 |
| Seattle | — | King County Administrative<br>Bldg. Room 615<br>500 4th Avenue |

The DOL, under the direction of the director of DEM or his designee(s), may issue a permit for entry to the restricted zone, only to such individuals and for such purposes as are clearly permitted by this chapter and executive order. The DOL shall compile a daily status list of approved and denied entry permits to the restricted zone. DOL shall also maintain a daily status list of those permanent residents or property owners who are currently occupying their property within the restricted zone. Permanent residents or property owners will keep DOL advised by mail of the names and number of visitors and the dates that the visitors will be present.

PHONE NUMBERS OF DOL OFFICES

| | | |
|---|---|---|
| Longview | — | 360-577-2235 or 2236 |
| Vancouver | — | 360-696-6671 or 6672 |
| Morton | — | 360-496-5637 |
| Centralia | — | 360-736-2855 or 2856 |
| Seattle | — | 206-464-5846 |

[Statutory Authority: Chapters 43.06 and 38.52 RCW. 85-20-062 (Order 85-02), § 118-03-090, filed 9/27/85; 82-15-007 (Order 86-06), § 118-03-090, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-090, filed 7/7/81.]

**WAC 118-03-110 Application/processing procedures—Nonpermanent residents.** When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(1) Individuals desiring access to the restricted zones should contact one of the designated DOL driver's license examiners at the locations listed during regular business hours, Tuesday through Saturday, 8:30 a.m. to 5 p.m., and complete an application form for a permit stating the nature and need for access and sign the waiver contained on the application form. Federal, state and local governmental personnel on official business will only be required to complete and submit a permit application form. Upon completion and submission of this application to DOL, the application will be approved or disapproved within five regular working days by DOL. After approval of the application a permit will be issued immediately.

(2) Individuals who are employers or government entities applying for a permit under WAC 118-03-230 may com-

plete and submit an industrial application form to be issued an industrial permit which would allow the entry and/or occupation within the restricted zone by its authorized employees, contractors or agents for business reasons.

(3) DOL will screen applicants according to the criteria published herein and will issue permits to those that have demonstrated a need to enter and/or occupy the restricted zone. The DLE will assure that all pertinent data such as time of entry, duration of need, and mode of travel has been presented and will inform the applicant of entry requirements as stated herein.

(4) DOL will provide the director, DEM; the director, USFS emergency coordination center; and the sheriffs of counties whose jurisdictions lie within the boundaries of the restricted zone with a daily list of permits issued.

[Statutory Authority: Chapters 43.06 and 38.52 RCW. 85-20-062 (Order 85-02), § 118-03-110, filed 9/27/85; 82-15-007 (Order 86-06), § 118-03-110, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-110, filed 7/7/81.]

**WAC 118-03-130 Permit and waiver issuance procedures—Permanent residents.** When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(1) Permanent residence applicants must present proof of ownership or control of real property or personal property being used as a residence and a permanent residence status at the time of application.

(2) Permanent residence applicants eighteen years of age and older shall be required to obtain a permit and sign a waiver.

(3) Permanent residence applicants between sixteen years of age or older, but who have not attained eighteen years of age, shall obtain a permit and their parent/guardian must sign a waiver on their behalf.

(4) All permanent residence applicants under sixteen years of age must be included on the application of their parent/guardian.

(5) DOL will maintain a current list of permanent residents with permits within the restricted zone.

(6) Permanent residents must have either a proven two-way communications system for warning or be a part of a local government warning and evacuation system.

[Statutory Authority: Chapters 43.06 and 38.52 RCW. 85-20-062 (Order 85-02), § 118-03-130, filed 9/27/85; 82-15-007 (Order 86-06), § 118-03-130, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-130, filed 7/7/81.]

**WAC 118-03-150 Permit and waiver issuance procedures—Recreation property owners, renters, or lessees.** When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(1) Recreation property owners, renters, or lessees must comply with the following conditions:

(a) Applicants must present proof of ownership or control of real property or personal property.

(b) Applicants eighteen years of age and older shall be required to obtain a permit and sign a waiver.

(c) Applicants between sixteen years of age or older, but who have not attained eighteen years of age, shall obtain a permit and their parent/guardian must sign a waiver on their behalf.

(d) Applicants under sixteen years of age must be included on the application of their parent/guardian.

(2) DOL will maintain a current list of recreation property owners, renters, or lessees with permits within the restricted zone.

(3) Recreation property owners, renters, or lessees must have either a proven two-way communications system for warning or be a part of a local government warning and evacuation system.

[Statutory Authority: Chapters 43.06 and 38.52 RCW. 85-20-062 (Order 85-02), § 118-03-150, filed 9/27/85; 82-15-007 (Order 86-06), § 118-03-150, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-150, filed 7/7/81.]

**WAC 118-03-170 Permit and waiver issuance procedures—Visitors to permanent residents or recreational property owners.** When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(1) Visitors must maintain a signed waiver on file with DOL.

(a) All visitors eighteen years of age and older shall sign a waiver.

(b) All visitors between sixteen years of age or older, but who have not attained eighteen years of age must have a waiver signed on their behalf by their parent/guardian.

(c) All visitors under sixteen years of age must be included on the waiver signed by their parent/guardian.

(2) Permanent residents or recreational property owners must notify DOL by mail in advance of the names of visitors and the dates the visitors will be with them in the restricted zone.

(3) Visitor(s) will obtain their pending permit that is being held at the DOL office where the visitor permit application was mailed.

[Statutory Authority: Chapters 43.06 and 38.52 RCW. 85-20-062 (Order 85-02), § 118-03-170, filed 9/27/85; 82-15-007 (Order 86-06), § 118-03-170, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-170, filed 7/7/81.]

**WAC 118-03-190 Permit and waiver issuance procedures—Media and scientific research.** (1) Media permit applications will be reviewed by a USFS review committee.

(2) Scientific research permit applications will be reviewed by a USFS scientific research review committee.

(3) Requests for permits by both media and scientific research personnel will be forwarded to the USFS ECC coordinator for distribution and consideration by the appropriate review committee.

(4) Applicants must meet all criteria contained in WAC 118-03-070 and 118-03-230.

[Statutory Authority: Chapters 43.06 and 38.52 RCW. 85-20-062 (Order 85-02), § 118-03-190, filed 9/27/85; 82-15-007 (Order 86-06), § 118-03-190, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-190, filed 7/7/81.]

**WAC 118-03-210 Conditions for entry—Permanent residents and recreation property owners.** When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(1) Individuals who establish proof of permanent residence in communities or areas within the restricted zone will be issued a permit by DOL.

(2) Movement within the restricted zone will be restricted to the most direct access/exit route, the generally recognized boundaries of the community and service and supply locations within the zone.

(3) The permit does not allow the holder unlimited movement or access to any other areas within the restricted zone unless a specific permit has been issued.

[Statutory Authority: Chapters 43.06 and 38.52 RCW. 85-20-062 (Order 85-02), § 118-03-210, filed 9/27/85; 82-15-007 (Order 86-06), § 118-03-210, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-210, filed 7/7/81.]

**WAC 118-03-230 Conditions for entry—Employees, contractors, and agents of individual(s) or government entity(s) issued industrial permits.** When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(1) Individual(s) or governmental entity(s) issued a permit under WAC 118-03-050, 118-03-110, and 118-03-270 shall:

(a) Have a method to identify the location(s) of each authorized employee, agent and contractor who is within the restricted zone for the permittee's business.

(b) Inform each authorized employee, agent and contractor of predesignated escape routes.

(c) Monitor the local sheriff's department or other governmental agency radio frequency which is established for transmitting emergency messages related to Mt. St. Helens.

(d) Maintain a daily check-in and check-out procedure for all authorized employee(s), agent(s) and contractor(s) who are within the restricted zone under the permittee's business.

(e) Issue an identification card, tag or other form of identification approved by the director of DEM or his designee to each authorized employee, agent and contractor who is within the restricted zone for the permittee's business.

(f) Provide the foreman of each work crew, or one member of each group working together with a two-way radio and require them to make regular contact with a central dispatcher.

(g) Inform each employee, agent and contractor authorized to enter the restricted zone for permittee's business that they must be able to leave the restricted zone within one hour.

(h) Make every reasonable effort to ensure compliance from their authorized employee(s), agent(s), and contractor(s) according to WAC 118-03-070, 118-03-230, and all other applicable safety regulations and procedures.

(2) Individual(s) other than government entity(s) shall indemnify the United States, the state of Washington, all political subdivisions thereof and their officer(s), agent(s) and employee(s), against all claims and liabilities which may be asserted against them for any damages, injuries, or losses due to natural volcanic or flash flood causes suffered by any person while within the restricted zones or as a result of entering or occupying this zone under the authority of the industrial permit.

(3) Entry and occupancy of the restricted zone for industrial permittees will be authorized as per WAC 118-03-070(3).

(a) Industrial permits will be good for the length of contract, not to exceed three months.

(b) Industrial permits may be renewed upon approval of the director of DEM or his designee(s).

(4) Entry and occupancy of the restricted zone for continuous 24-hour periods by industrial permittees will be permitted on a case-by-case basis by the director of DEM or his designee(s) upon a showing of overriding necessity.

(5) Each individual(s) at the time of application for an industrial permit issued under WAC 118-03-050 and 118-03-110 or prior to application must file with DEM an evacuation, emergency communication and warning plan.

(6) The evacuation plan must include the following:

(a) A description of the areas of operation by township, range, and section.

(b) Number of personnel to be engaged within these areas.

(c) Type and number of vehicles to be used for evacuation.

(d) Primary and alternate escape routes to be used.

(7) The emergency communication and warning plans must include the following:

(a) Manner in which the industrial permit holder would receive notification of a volcanic event.

(b) Procedures which the industrial permit holder would use to warn his/her personnel in the restricted zone.

[Statutory Authority: Chapters 43.06 and 38.52 RCW. 85-20-062 (Order 85-02), § 118-03-230, filed 9/27/85; 82-15-007 (Order 86-06), § 118-03-230, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-230, filed 7/7/81.]

**WAC 118-03-250 Industrial permit reapplication procedure.** When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(1) Industrial permits issued for the restricted zone prior to August 1, 1985, are valid until the expiration date on the permit has been attained and then only if all requirements under WAC 118-03-230 have been complied with.

(2) Industrial permittee(s) may request a new permit prior to the existing permit date via telephone or personal contact with/or in person to the DLE whose DOL office issued the application and permit.

(3) The DLE must be advised of the date and approximate time an authorized agent of the industrial permittee will arrive to sign and pick up the new permit.

(4) The industrial permittee must also give all necessary information required to process the application.

(5) On assigned day, the authorized industrial agent must go to the DOL, identify him/herself to the DLE, review the application form and permit for accuracy, and sign the waiver.

[Statutory Authority: Chapters 43.06 and 38.52 RCW. 85-20-062 (Order 85-02), § 118-03-250, filed 9/27/85; 82-15-007 (Order 86-06), § 118-03-250, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-250, filed 7/7/81.]

**WAC 118-03-270 Federal, state, and local government administrative personnel.** Federal, state or local gov-

ernment administrative personnel on official business shall be authorized entry into the restricted zone when:

(1) Such entry will not burden official search and rescue missions or other emergency operations in the restricted zone, and

(2) Such entry be limited, to the extent possible, to specified destination(s) and route(s) within the restricted zone, and

(3) Approval for permit issue has been made by the director, DEM or his designee(s) or the USFS, and

(a) Such entry is necessary to provide for the health, safety, and welfare of citizens in the disaster area, or

(b) Such entry is necessary to assess damages caused by the volcanic activity for the purpose of mitigating further damage or providing for the well being of disaster victims, or

(c) Such entry will provide information necessary for federal, state or local officials responsible for disaster response.

[Statutory Authority: Chapters 43.06 and 38.52 RCW. 85-20-062 (Order 85-02), § 118-03-270, filed 9/27/85; 82-15-007 (Order 86-06), § 118-03-270, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-270, filed 7/7/81.]

**WAC 118-03-290 Other permit applicants.** The director, DEM, his designee(s) or the USFS may authorize persons not included in the above specific categories to enter the restricted zone when:

(1) Such entry be limited, to the extent possible, to specified destinations and routes within the restricted zone, and

(2) Such entry will not burden official search and rescue missions or other emergency operations, and

(3) Such entry is limited in duration and by type of transportation to minimize, to the extent consistent with urgency of the entry, the safety of those granted entry permits, and

(a) Such entry is necessary for or will contribute to the health, safety, and welfare of the citizens in the disaster area, or

(b) Such entry is necessary for maintenance of privately owned property within the restricted zone when applicable, or

(c) Such entry is necessary or will contribute to the successful mitigation of damages caused by volcanic activity.

[Statutory Authority: Chapters 43.06 and 38.52 RCW. 85-20-062 (Order 85-02), § 118-03-290, filed 9/27/85; 82-15-007 (Order 86-06), § 118-03-290, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-290, filed 7/7/81.]

**WAC 118-03-310 Revocation and suspension.** (1) In the event that volcanic activity or other events increase the danger already present in the restricted zone, permits, except permanent residents, when applicable, and scientific personnel approved by the director of DEM, his designee(s), or the USFS may be suspended or revoked by the director, DEM, his designee(s), or the USFS. This decision will be based on available scientific information and/or joint evaluation by the USFS (ECC director) and DEM. This evaluation will be made on a daily basis or as necessary. Notification of revocation/suspension will be made by DEM and the USFS in accordance with established DEM and USFS operational procedures.

(2) The director of DEM or his designee(s) may suspend or revoke any permit issued under this chapter of the Washington Administrative Code, except for permanent residents when applicable, upon the failure of the permit holder(s) to meet the conditions of the permit of this chapter.

[Statutory Authority: Chapters 43.06 and 38.52 RCW. 85-20-062 (Order 85-02), § 118-03-310, filed 9/27/85; 82-15-007 (Order 86-06), § 118-03-310, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-310, filed 7/7/81.]