

# Washington State Register

December 2, 1998

OLYMPIA, WASHINGTON

ISSUE 98-23



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filed not later than November 18, 1998

## CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: the 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

## PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 786-6697.

## REPUBLICATION OF OFFICIAL DOCUMENTS

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## CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of December 1998 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

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# WASHINGTON STATE REGISTER

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# STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

## 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following nine sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Intent that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **EXPEDITED REPEAL**-includes the Preproposal Statement of Inquiry that lists rules being repealed using the expedited repeal process. Expedited repeals are not consistently filed and may not appear in every issue of the register.
- (c) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (d) **EXPEDITED ADOPTION**-includes the full text of rules being changed using the expedited adoption process. Expedited adoptions are not consistently filed and may not appear in every issue of the Register.
- (e) **PERMANENT**-includes the full text of permanently adopted rules.
- (f) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (g) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (h) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (i) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

## 2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
  - (i) underlined material is new material;
  - (ii) ~~deleted material is ((lined out between double parentheses))~~;
- (b) Complete new sections are prefaced by the heading **NEW SECTION**;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading **REPEALER**.

## 3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

## 4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one hundred twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

## 5. EDITORIAL CORRECTIONS

Material inserted by the code reviser's office for purposes of clarification or correction or to show the source or history of a document is enclosed in [brackets].

## DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>	Expedited Adoption <sup>4</sup>
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS			
<i>For Inclusion in -</i>	<i>File no later than 12:00 noon -</i>			<i>Count 20 days from -</i>	<i>For hearing on or after</i>	<i>First Agency Adoption Date</i>
98 - 16	Jul 7, 98	Jul 21, 98	Aug 5, 98	Aug 18, 98	Sep 7, 98	Oct 2, 98
98 - 17	Jul 22, 98	Aug 5, 98	Aug 19, 98	Sep 2, 98	Sep 22, 98	Oct 17, 98
98 - 18	Aug 5, 98	Aug 19, 98	Sep 2, 98	Sep 16, 98	Oct 6, 98	Oct 31, 98
98 - 19	Aug 26, 98	Sep 9, 98	Sep 23, 98	Oct 7, 98	Oct 27, 98	Nov 21, 98
98 - 20	Sep 9, 98	Sep 23, 98	Oct 7, 98	Oct 21, 98	Nov 10, 98	Dec 5, 98
98 - 21	Sep 23, 98	Oct 7, 98	Oct 21, 98	Nov 4, 98	Nov 24, 98	Dec 19, 98
98 - 22	Oct 7, 98	Oct 21, 98	Nov 4, 98	Nov 18, 98	Dec 8, 98	Jan 2, 99
98 - 23	Oct 21, 98	Nov 4, 98	Nov 18, 98	Dec 2, 98	Dec 22, 98	Jan 16, 99
98 - 24	Nov 4, 98	Nov 18, 98	Dec 2, 98	Dec 16, 98	Jan 5, 99	Jan 30, 99
99 - 01	Nov 25, 98	Dec 9, 98	Dec 23, 98	Jan 6, 99	Jan 26, 99	Feb 20, 99
99 - 02	Dec 9, 98	Dec 23, 98	Jan 6, 99	Jan 20, 99	Feb 9, 99	Mar 6, 99
99 - 03	Dec 23, 98	Jan 6, 99	Jan 20, 99	Feb 3, 99	Feb 23, 99	Mar 20, 99
99 - 04	Jan 6, 99	Jan 20, 99	Feb 3, 99	Feb 17, 99	Mar 9, 99	Apr 3, 99
99 - 05	Jan 20, 99	Feb 3, 99	Feb 17, 99	Mar 3, 99	Mar 23, 99	Apr 17, 99
99 - 06	Feb 3, 99	Feb 17, 99	Mar 3, 99	Mar 17, 99	Apr 6, 99	May 1, 99
99 - 07	Feb 24, 99	Mar 10, 99	Mar 24, 99	Apr 7, 99	Apr 27, 99	May 22, 99
99 - 08	Mar 10, 99	Mar 24, 99	Apr 7, 99	Apr 21, 99	May 11, 99	Jun 5, 99
99 - 09	Mar 24, 99	Apr 7, 99	Apr 21, 99	May 5, 99	May 25, 99	Jun 19, 99
99 - 10	Apr 7, 99	Apr 21, 99	May 5, 99	May 19, 99	Jun 8, 99	Jul 3, 99
99 - 11	Apr 21, 99	May 5, 99	May 19, 99	Jun 2, 99	Jun 22, 99	Jul 17, 99
99 - 12	May 5, 99	May 19, 99	Jun 2, 99	Jun 16, 99	Jul 6, 99	Jul 31, 99
99 - 13	May 26, 99	Jun 9, 99	Jun 23, 99	Jul 7, 99	Jul 27, 99	Aug 21, 99
99 - 14	Jun 9, 99	Jun 23, 99	Jul 7, 99	Jul 21, 99	Aug 10, 99	Sep 4, 99
99 - 15	Jun 23, 99	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 24, 99	Sep 18, 99
99 - 16	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 7, 99	Oct 2, 99
99 - 17	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 21, 99	Oct 16, 99
99 - 18	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 15, 99	Oct 5, 99	Oct 30, 99
99 - 19	Aug 25, 99	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 26, 99	Nov 20, 99
99 - 20	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 9, 99	Dec 4, 99
99 - 21	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 23, 99	Dec 18, 99
99 - 22	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 7, 99	Jan 1, 00
99 - 23	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 21, 99	Jan 15, 00
99 - 24	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 15, 99	Jan 4, 00	Jan 29, 00

<sup>1</sup>All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

<sup>2</sup>A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

<sup>3</sup>At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

<sup>4</sup>A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230, as amended by section 202, chapter 409, Laws of 1997.



## **REGULATORY FAIRNESS ACT**

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

### **Small Business Economic Impact Statements (SBEIS)**

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

### **Mitigation**

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

### **When is an SBEIS Required?**

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

### **When is an SBEIS Not Required?**

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

There is less than minor economic impact on business;

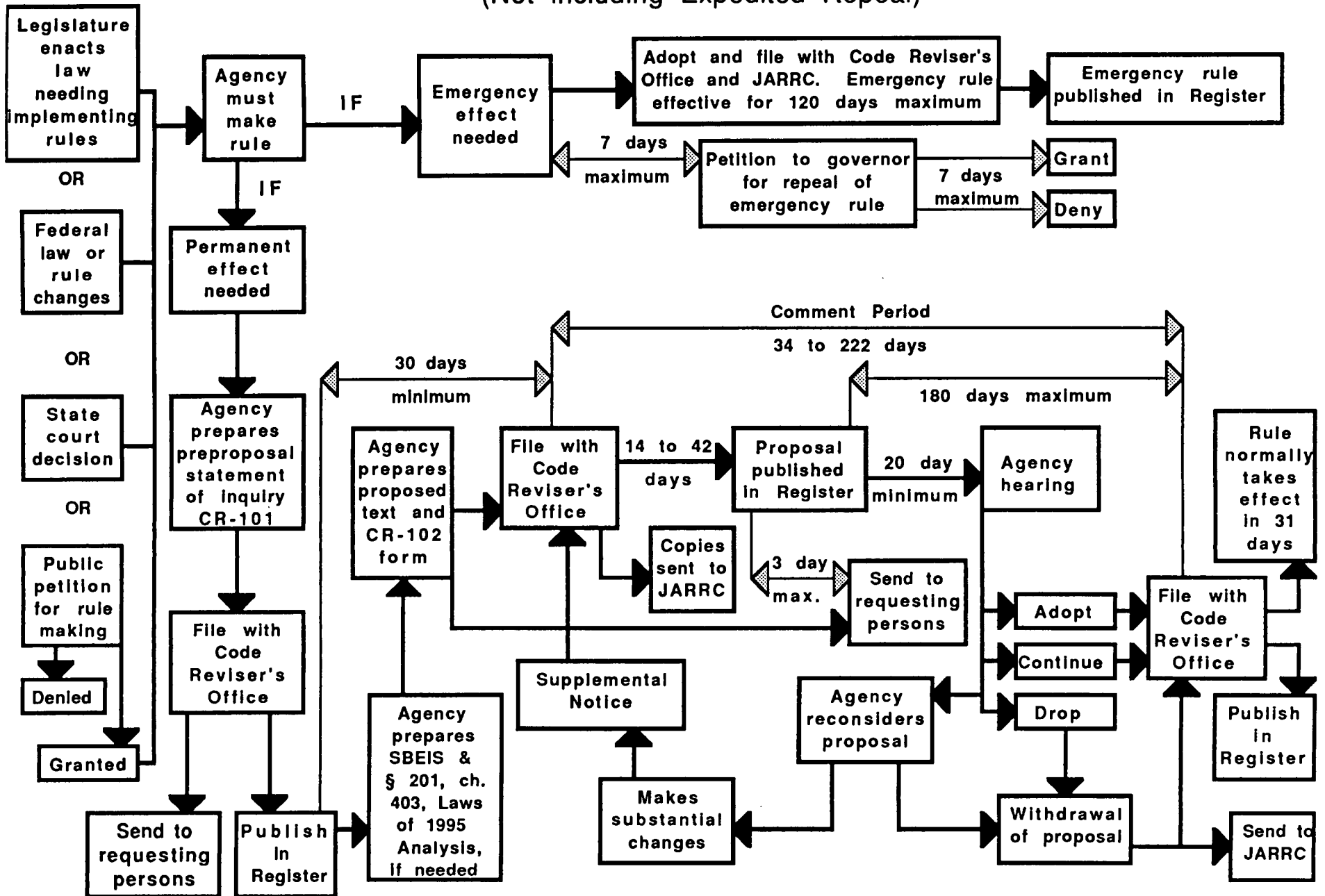
The rule **REDUCES** costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

# RULE-MAKING PROCESS

(Not including Expedited Repeal)



**WSR 98-23-039****PREPROPOSAL STATEMENT OF INQUIRY  
HIGHER EDUCATION  
COORDINATING BOARD**

[Filed November 10, 1998, 4:18 p.m.]

**Subject of Possible Rule Making:** Address state need grant rules, chapter 250-20 WAC, concerning grant amounts, dependent care documentation, self-help requirements, and various technical corrections.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** Chapter 28B.80 RCW.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Revisions to the state need grant rules are needed to implement board approved changes to the program. These changes are intended to take effect for the 1999-2000 academic year.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** None.

**Process for Developing New Rule:** Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Klacik, Higher Education Coordinating Board, P.O. Box 43430, Olympia, WA 98504-3430, (360) 753-7851, fax (360) 753-7808, e-mail johnk@hecb.wa.gov or Becki Collins, Higher Education Coordinating Board, phone (360) 753-7872, e-mail beckic@hecb.wa.gov.

November 10, 1998

John Klacik  
Associate Director**WSR 98-23-046****PREPROPOSAL STATEMENT OF INQUIRY  
ENERGY FACILITY SITE  
EVALUATION COUNCIL**

[Filed November 13, 1998, 1:06 p.m.]

**Subject of Possible Rule Making:** Pursuant to Executive Order 97-02, the Energy Facility Site Evaluation Council (EFSEC) is reviewing its rule on council enforcement actions, WAC 463-54-070, against the criteria established in the order.

The purpose of the existing rule is to establish a framework for EFSEC's enforcement of the terms of its site certification agreements (SCAs). The rule establishes four categories of enforcement, states the conditions under which each is appropriate, and outlines a general process for each category of action.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 80.50.040(a) gives EFSEC the power to make rules to carry out its duties under the chapter, including monitoring and enforcement of its SCAs and permits.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Rules on this subject are necessary because certain violations of the terms of an SCA could threaten the welfare of the citizens of Washington or its environment. The existing rule is intended to structure the

council's response to violations to provide maximum protection to all involved.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Outside EFSEC projects, the Washington Department of Ecology has authority to enforce requirements regarding discharge to air or water, and discharge of hazardous waste. Outside EFSEC projects, the Washington Department of Health has authority to enforce requirements regarding discharge of radionuclides. These rules allow EFSEC to work cooperatively with the Departments of Ecology and Health. The existing level of consultation and coordination has been positive and constructive.

**Process for Developing New Rule:** The council's review of this rule will result in a decision about whether the rule should be amended, repealed, or left "as is."

The council will consider the recommendation of its staff and written public comments received in response to this "preproposal statement of inquiry" in reaching its decision. If the council decides to amend the rule, it will schedule a meeting to receive additional public comment.

Public comments may include the following:

- Evaluation of whether the existing rule meets the criteria in Executive Order 97-02 (need, effectiveness/efficiency, clarity, statutory authority, coordination with other agencies, cost, fairness to regulated community).
- Suggestions for changes to this rule, including a clear explanation of why change is necessary, and how the proposed suggestions will address this need.
- Your name and address if you wish to receive notice of further council action regarding this rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Comments regarding this preproposal statement of inquiry should be addressed to Sarah Blocki, P.O. Box 43172, Olympia, WA 98504, fax (360) 956-2158, e-mail sarahb@ep.cted.wa.gov.

Information regarding the council's rules review may be found on the council's website, [www.efsec.wa.gov](http://www.efsec.wa.gov).

For additional information, please contact Allen Fiksdal, EFSEC Manager, (360) 956-2152.

November 9, 1998

Allen J. Fiksdal  
EFSEC Manager**WSR 98-23-047****PREPROPOSAL STATEMENT OF INQUIRY  
ENERGY FACILITY SITE  
EVALUATION COUNCIL**

[Filed November 13, 1998, 1:07 p.m.]

**Subject of Possible Rule Making:** Pursuant to Executive Order 97-02, the Energy Facility Site Evaluation Council (EFSEC) is reviewing its rules regarding the amendment and/or termination of a site certification agreement (SCA) against the criteria established in the order. This includes its

rules involving site restoration. Specifically, the rules under review are chapter 463-36 WAC, WAC 463-42-655, 463-42-665, 463-42-680, and 463-54-080.

The purpose of the existing rules is to establish a process for the amendment and/or termination of an SCA and to inform certificate holders about these procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.50.040(a) gives EFSEC the power to make rules to carry out its duties under the chapter, including ensuring that site certification agreements remain updated and enforceable.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments change the terms and/or conditions of an SCA, which are written to protect the welfare of the citizens of Washington and its environment. Rules establishing a procedure for amendment and/or termination (1) provide fairness, consistency, and predictability for certificate holders, (2) provide guidance to council members and staff, and (3) protect public health, safety, and welfare (including the environment).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: For minor amendments to an SCA, the council has sole authority. For more significant amendments, the council makes a recommendation to the governor, who may approve or reject the proposed amendment.

Process for Developing New Rule: The council's review of this rule will result in a decision about whether the rules should be amended, repealed, or left "as is."

The council will consider the recommendation of its staff and written public comments received in response to this "preproposal statement of inquiry" in reaching its decision. If the council decides to amend the rules, it will schedule a meeting to receive additional public comment.

Public comments may include the following:

- Evaluation of whether the existing rule meets the criteria in Executive Order 97-02 (need, effectiveness/efficiency, clarity, statutory authority, coordination with other agencies, cost, fairness to regulated community).
- Suggestions for changes to this rule, including a clear explanation of why change is necessary, and how the proposed suggestions will address this need.
- Your name and address if you wish to receive notice of further council action regarding this rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication.

Comments regarding this preproposal statement of inquiry should be addressed to Sarah Blocki, P.O. Box 43172, Olympia, WA 98504, fax (360) 956-2158, e-mail sarahb@ep.cted.wa.gov.

Information regarding the council's rules review may be found on the council's website, [www.efsec.wa.gov](http://www.efsec.wa.gov).

For additional information, please contact Allen Fiksdal, EFSEC Manager, (360) 956-2152.

November 9, 1998  
Allen J. Fiksdal  
EFSEC Manager

## WSR 98-23-048

### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed November 13, 1998, 1:56 p.m.]

Subject of Possible Rule Making: Establish the minimum hours for appraisal courses and seminars taken for continuing education for license renewal.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.140.030(8).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposed amendment is designed to establish the minimum hours for continuing education courses and seminars.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cleotis Borner, Jr., Real Estate Appraiser Program, Department of Licensing, P.O. Box 9015, Olympia, WA 98507-9015, phone (360) 753-1062, fax (360) 586-0998.

November 13, 1998  
Cleotis Borner, Jr.  
Program Manager

## WSR 98-23-062

### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FINANCIAL INSTITUTIONS

[Filed November 16, 1998, 10:27 a.m.]

Subject of Possible Rule Making: Member business loans.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 31.12.426(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: **Superseding NCUA's MBL Rules:** All Washington state-chartered credit unions (WASCUs) are federally insured by the National Credit Union Share Insurance Fund (NCUSIF), administered by the National Credit Union Administration (NCUA). RCW 31.12.407. Among other requirements, the NCUA requires all insured credit unions to comply with its member business loan (MBL) rules. 12 C.F.R. Section 741.203; Part 723 (recently adopted at 63 Federal Register 51793, September 29, 1998).

The NCUA's MBL rules preempt the application of any less restrictive state laws to federally insured, state credit unions, including the DFI's MBL rules (chapter 208-464 WAC). As a result of this preemption, the DFI's existing MBL rule does not apply to any WASCUs, unless nonfederally insured credit unions are permitted to do business in this state in the future under RCW 31.12.408. For this reason, the DFI intends to repeal its existing MBL in a separate proceeding.

However, state MBL rules may, upon a determination by the NCUA board, supersede the NCUA's MBL rules. 12 C.F.R. Section 741.203(a). Although in the past the NCUA

would not reach such a determination unless the state MBL rules were virtually identical to the NCUA's, the NCUA has recently given signals that it is willing to relax its standards.

The DFI believes that it should adopt new MBL rules that are more flexible than its existing MBL rules, for submission to the NCUA board for such a determination. More flexible rules will allow credit unions to better serve the needs of their members. Because DFI's existing MBL rules need to be extensively revised, the DFI believes that it would be more convenient to adopt new MBL rules, rather than amend its existing MBL rules. To revise its MBL rules for this purpose, the DFI is adopting new MBL rules through this rule-making proceeding.

The DFI's new MBL rules will not take effect until the NCUA board has reached a determination that they supersede the NCUA's MBL rules.

**Substance of DFI's New MBL Rules:** The DFI intends to use the NCUA's new MBL rules as a starting point for drafting DFI's new MBL rules. See the NCUA's interim final MBL rules at 63 Federal Register 51793, September 29, 1998. Interested parties should provide comments to the Division of Credit Unions on which provisions of the NCUA's MBL rules should be amended or deleted, and what new provisions should be added to these rules, for the purpose of drafting the DFI's new MBL rules.

**Expedited Repeal of DFI's Existing MBL Rules:** On the date of filing of this form CR-101, the DFI is filing a preproposal statement of inquiry, form CR-101XR, for the expedited repeal of its existing MBL and appraisal rules.

**Continuing Safety and Soundness Restriction on Aggregate MBL as Multiple of Reserves:** Notwithstanding the proposed repeal of WAC 208-464-030, a section in DFI's existing MBL rules, the DFI has taken the position that as a matter of safety and soundness the aggregate amount of a credit union's MBL (as defined by the Federal Credit Union Act, as recently amended by H.R. 1151) may not exceed an amount equal to three times its reserves, without the written permission of the DFI.

**Other Agencies' Regulation of MBL:** No other Washington state agencies regulate credit unions' MBL.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** See above.

**Process for Developing New Rule:** Consultation with interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting J. Parker Cann, Director of Credit Unions, Department of Financial Institutions, P.O. Box 41200, Olympia, WA 98504-1200, phone (360) 902-8778, fax (360) 704-6978, e-mail pcann@dfi.wa.gov.

November 13, 1998

John L. Bley  
Director

### WSR 98-23-070

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed November 17, 1998, 8:38 a.m.]

**Subject of Possible Rule Making:** The regulation of temporary practice permits. This effort includes educational prerequisites.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 18.83.050 Examining board—Powers and duties, 18.83.082 Temporary permit, 18.130.075 Temporary practice permits—Penalties.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Disciplining authorities are mandated to issue temporary practice permits to eligible applicants and to establish by rule the duration of the permit. The Examining Board of Psychology is soliciting input from the public on the appropriate duration of temporary permits.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** None.

**Process for Developing New Rule:** Collaborative rule making. Develop in consultation with stakeholders through public meetings, telephone, and correspondence.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Janice K. Boden, Department of Health, Examining Board of Psychology, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 753-3095, fax (360) 664-9484.

September 16, 1998

Janice K. Boden

Program Manager

### WSR 98-23-071

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed November 17, 1998, 8:38 a.m.]

**Subject of Possible Rule Making:** Amending WAC 246-840-700 Standards of nursing conduct or practice, 246-840-705 Functions of a licensed practice nurse, 246-840-710 Violations of standards of nursing conduct or practice, and 246-840-715 Standards/competencies.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 18.79.110.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** These amendments are necessary to make these four practice standards easier to understand. There are several redundancies within the rules, a subsection in WAC 246-840-715 which should be listed under WAC 246-840-700 as it is the more logical rule for this section and a definition of competencies is unclear.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** None.

**Process for Developing New Rule:** During the mandatory review of all significant or controversial rules according to the governor's executive order, these rules were identified as needing amendment because the content is redundant in some areas, the titles do not clearly reflect the content and the definition in one rule is not clear. Members of the public were invited to attend public meetings and interested persons were provided a copy of the rules to comment on.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Terry J. West, Program Manager, Department of Health, P.O. Box 47864, Olympia, WA 98504, phone (360) 236-4712, fax (360) 236-4738.

October 14, 1998

Paula Q. Meyer  
Executive Director

### WSR 98-23-077

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed November 17, 1998, 12:18 p.m.]

**Subject of Possible Rule Making:** Providing for the extension of driver's license for individuals who are out of state unable to renew driver's license when it expires and setting out the procedure whereby they may apply for extension.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 43.24.140.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** To enable persons whose licenses would otherwise expire while they are out of state to continue to drive legally by extending their license's validity. RCW 43.24.140 requires the direction [director] to adopt rules organizing extensions.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** None.

**Process for Developing New Rule:** Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Judith Giniger, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, phone (360) 902-3850, fax (360) 586-8351.

November 17, 1998

Judith Giniger  
Assistant Director

### WSR 98-23-086

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed November 18, 1998, 8:18 a.m.]

**Subject of Possible Rule Making:** WAC 16-532-020(3) Hop board, board membership qualifications.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** Washington Agricultural Enabling Act, chapter 15.65 RCW.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The proposed rule change will clarify the qualifications of hop producers who are also handlers on the board of the Hop Commission.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** None.

**Process for Developing New Rule:** The procedures for amending the Hop Commission marketing order will be accomplished in accordance with procedures set forth in the Agricultural Enabling Act of 1961, chapter 15.65 RCW which includes a referendum vote of the growers.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Walter Swenson, Washington Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, phone (360) 902-1928, fax (360) 902-2092; or Ann George, Administrator, Washington Hop Commission, 504 North Naches Avenue #11, Yakima, WA 98901, phone (509) 453-4749, fax (509) 457-8561. A public hearing will be set to give interested parties an opportunity to participate and comment on the proposed amendment.

November 18, 1998

William E. Brookreson  
Assistant Director

### WSR 98-23-087

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed November 18, 1998, 8:19 a.m.]

**Subject of Possible Rule Making:** Chapter 16-561 WAC, Washington Red Raspberry Commission, rules of the commission.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 15.65.280, 15.65.380 and WAC 16-561-020 (10)(k).

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The rule will establish grades and standards in packaging and labeling to ensure proper use of product in preparation for processing and marketing. The provisions for the rules are provided for in WAC 16-561-030(3).

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** None.

**Process for Developing New Rule:** The adoption of the rule will be accomplished in compliance with the provisions of the Agricultural Enabling Act of 1961, chapter 15.65 RCW and the Administrative Procedure Act, chapter 34.05 RCW.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Anne Seeger, Executive Director, Washington Red Raspberry Commission, 1323 Lincoln

Street, Bellingham, WA 98226, phone (360) 671-1437, fax (360) 738-8069; or Walter Swenson, Agricultural Programs Administrator, Washington Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1928, fax (360) 902-2092. A public hearing will be set to give interested parties an opportunity to participate and comment on the proposed rules.

November 18, 1998

Walter Swenson  
Agricultural Programs Administrator

#### WSR 98-23-090

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Economic Services Administration)**

[Filed November 18, 1998, 10:45 a.m.]

**Subject of Possible Rule Making:** Amendments to WAC 388-450-0185 General information regarding income deductions for food assistance programs, concerning the dependent care disregard.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** To clarify the existing food stamp rule on the dependent care disregard. An amendment to the current rule is needed to bring WAC in line with CFR such that field staff are able to understand and apply the rule correctly.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** This subject is regulated in 7 CFR 273.9 (d)(4). Working with the state's quality assurance team, we were able to accurately reflect federal law on this matter.

**Process for Developing New Rule:** The food stamp program section will continue to work with quality assurance, field staff, and the advocacy community in the rule-making process.

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Roger Long, Program Manager, Department of Social and Health Services, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504, phone (360) 413-3232, fax (360) 413-3493, TTY (360) 413-3001, e-mail longrv@dshs.wa.gov.**

November 16, 1998

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

#### WSR 98-23-091

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Medical Assistance Administration)**

[Filed November 18, 1998, 10:46 a.m.]

**Subject of Possible Rule Making:** WAC 388-86-098 Speech therapy services.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.08.090, 74.09.520.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** To clarify program requirements to comply with criteria in the Governor's Executive Order 97-02.

**Process for Developing New Rule:** The department invites the interested public to review and provide input on the draft language of this WAC. Draft material and information about how to participate are available by contacting the Department of Social and Health Services representative identified below.

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ann Myers, Program Assistance and Support Services, Medical Assistance Administration, Olympia, WA 98504-5530, phone (360) 586-2337, fax (360) 753-7315, TTY 1-800-848-5429, e-mail myersea@dshs.wa.gov.**

November 18, 1998

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

#### WSR 98-23-092

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Medical Assistance Administration)**

[Filed November 18, 1998, 10:47 a.m.]

**Subject of Possible Rule Making:** WAC 388-86-112, 388-550-2300, and related sections: Physical medicine and rehabilitation (PM&R) is a twenty-four-hour comprehensive inpatient program of integrated medical and rehabilitation services which require prior authorization by the Medical Assistance Administration (MAA). A multidisciplinary team at an MAA approved rehabilitation facility coordinates individualized services. PM&R is designed for the client to achieve improved health and welfare with maximum physical, social, psychological, and vocational potential to return to the community.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.08.090, 74.09.520, and 42 CFR 482.56.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** These rules specify what inpatient rehabilitation services are available from MAA for eligible clients. The rule lets providers know the qualifications for becoming a contracted PM&R provider and what is included in each level of rehabilitation covered by MAA. It shows providers the limitations of the program(s), that they

must comply with these rules in order to receive payment, and that the benefits are limited to the acute phase of rehabilitation for clients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Medicare/HCFR - MAA uses the Medicare rehabilitation guidelines as a guide to running the PM&R program(s). The Department of Health (DOH) WAC 246-976-840, Designation standards for facilities providing level II trauma rehabilitation service. MAA coordinates with DOH; their rules contain the CARF standards required by MAA's PM&R program.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this WAC. Draft material and information about how to participate are available by contacting the Department of Social and Health Services representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allen Richards, Program Assistance and Support Services, Medical Assistance Administration, Olympia, WA 98504-5530, phone (360) 586-1008, fax (360) 753-7315, TTY 1-800-848-5429, e-mail richaa@dshs.wa.gov.

November 18, 1998

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

### WSR 98-23-093

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

(Aging and Adult Services Administration)

(Economic Services Administration)

[Filed November 18, 1998, 10:48 a.m.]

Subject of Possible Rule Making: Medical Assistance Administration (MAA), working in collaboration with Aging and Adult Services Administration (AASA) and Economic Services Administration (ESA), is reviewing rules, policies and issuances related to long-term care (LTC) financial eligibility for compliance with the Administrative Procedure Act, Executive Order 97-02, and the DSHS secretary order on regulatory improvement. This review may result in the repeal or amendment of existing rules or the adoption of new rules that affect MAA, AASA or ESA services. A full list of the rules (chapters [388-]513 and [388-]515 WAC), policies, and other issuances under review may be requested through contact information below.

Statutes Authorizing the Agency to Adopt Rules on this Subject: MAA receives statutory authority to adopt these rules from many sources, including: RCW 11.92.180, 43.20B.460, 48.85.020, 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530, 74.09.575, 74.09.585, 20 CFR 416.1110-1112, 1123 and 1160; 42 CFR 435.403 (j)(2) and

1005; and Sections 17, 1915(c) and 1924 (42 USC 1396) of the Social Security Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: State and federal changes in public assistance programs require the state to update all its rules relating to these services. As part of that update, MAA has set several goals: To write all rules in a simple, clear and effective style targeted to the regulated audience; to fully include the public, clients, vendors, advocates and other parts of government in rule development; to streamline and consolidate rules as much as possible; and to repeal all rules not needed for effective program operation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: MAA will coordinate this effort with all other affected agencies, including but not limited to the Washington Department of Veteran Affairs and the Health Care and Financing Authority. They will be furnished copies of all materials drafted during this process for their review, input, and comments, and will be invited to participate in meetings regarding the development of these rules. Whenever possible, announcements of opportunities to collaborate will be published in the Washington State Register and posted on agency Internet pages.

Process for Developing New Rule: MAA invites the interested public to review and provide input on the draft language of rules. They will be furnished copies of all materials drafted during this process for their review, input, and comments, and will be invited to participate in meetings regarding the development of these rules. Whenever possible, announcements of opportunities to collaborate will be published in the Washington State Register and posted on agency Internet pages. Interested parties should contact the MAA representative identified below. A special Regulatory Improvement Team (RIT) will be involved at the agency level. Their participation will include the review of proposed language to encourage simplicity and clarity and to enhance public participation.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To have your name added to the list of interested parties to receive mailings and meeting announcements, contact Patte King, Administrative Assistant, Medical Assistance Administration, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 586-0830, fax (360) 753-7315, TTY 1-800-848-5429, e-mail kingpl@dshs.wa.gov.

November 18, 1998

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit



**WSR 98-23-061**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
 [Filed November 16, 1998, 10:26 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 208-464 WAC, Credit union member business loans; and chapter 208-480 WAC, Real estate appraisals.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: J. Parker Cann, Director of Credit Unions, Department of Financial Institutions (DFI), P.O. Box 41200, Olympia, WA 98504-1200, phone (360) 902-8778, fax (360) 704-6978, e-mail pcann@dfi.wa.gov.

Reason the Expedited Repeal of the Rule is Appropriate:  
**Explanation for Repeal of DFI's MBL and Appraisal Rules:** Because National Credit Union Administration (NCUA) rules govern member business loans (MBL) and appraisals, and supersede DFI's existing MBL and appraisal rules for credit unions, as discussed in more detail below, the DFI intends to repeal its MBL and appraisal rules through this rule-making proceeding. The DFI's MBL and appraisal rules are set forth in chapters 208-464 and 208-480 WAC, respectively.

**Preemption by NCUA's MBL and Appraisal Rules:** All Washington state-chartered credit unions (WASCUs) are federally insured by the National Credit Union Share Insurance Fund (NCUSIF), administered by the NCUA. RCW 31.12.407. Among other requirements, the NCUA requires all insured credit unions to comply with its MBL and appraisal rules. 12 C.F.R. Section 741.203; Part 723 (MBL rules) (recently adopted at 63 Federal Register 51793, September 29, 1998); Section 722 (appraisal rules).

The NCUA's MBL and appraisal rules preempt the application of any less restrictive state laws to federally insured, state credit unions, including the DFI's MBL and appraisal rules. As a result of this preemption, the DFI's existing MBL and appraisal rules do not apply to any WASCUs, unless nonfederally insured credit unions are permitted to do business in this state in the future under RCW 31.12.408.

**Superseding NCUA's MBL Rules:** However, state MBL rules may, upon a determination by the NCUA board, supersede the NCUA's MBL rules. 12 C.F.R. Section 741.203(a). Although in the past the NCUA would not reach such a determination unless the state MBL rules were virtually identical to the NCUA's, the NCUA has recently given signals that it is willing to relax its standards. The DFI believes that it should adopt new MBL rules that are more flexible than its existing MBL rules, for submission to the NCUA board for such a determination. More flexible rules will allow credit unions to better serve the needs of their members. Because DFI's existing MBL rules need to be

extensively revised, DFI believes that it would be more convenient to adopt new MBL rules, rather than amend its existing MBL rules.

**New MBL Rules:** On the date of filing of this form CR-101XR, the DFI is filing a preproposal statement of inquiry, form CR-101, to adopt new MBL rules.

**Continuing Safety and Soundness Restriction on Aggregate MBL as Multiple of Reserves:** Notwithstanding the proposed repeal of WAC 208-464-030, a section in DFI's existing MBL rules, the DFI has taken the position that as a matter of safety and soundness the aggregate amount of a credit union's MBL (as defined by the Federal Credit Union Act, as recently amended by H.R. 1151) may not exceed an amount equal to three times its reserves, without the written permission of the DFI.

**Appraisal Rules Applicable to Nonfederally Insured Credit Unions:** If nonfederally insured credit unions are permitted to do business in this state in the future under RCW 31.12.408, the DFI may as appropriate adopt appraisal rules applicable to such credit unions or, as a condition of approval for such credit unions to operate in this state, require such credit unions to agree to comply with the NCUA appraisal rules as if they were state rules.

November 13, 1998  
 John L. Bley  
 Director

EXPEDITED REPEAL



**WSR 98-21-015**  
**PROPOSED RULES**  
**FOREST PRACTICES BOARD**

[Filed October 12, 1998, 4:48 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 98-16-099.

Title of Rule: Amendments to forest practices rules, Title 222 WAC.

Purpose: Current forest practices rules are not providing adequate protection for salmon and other public resources. The Forest Practices Board and the Department of Natural Resources face many new resource protection challenges, the most significant of which are the current and proposed listings of salmonids under the federal Endangered Species Act (ESA) and water quality-limited waters under the federal Clean Water Act (CWA).

At its September 22, 1998, meeting the Forest Practices Board approved the following goals for this rule package:

1. To provide compliance with the Endangered Species Act for aquatic and riparian-dependent species;
2. To restore and maintain riparian habitat on state and private forest lands to support a harvestable supply of fish;
3. To meet the requirements of the Clean Water Act for water quality on state and private forest lands; and
4. To keep the timber industry economically viable in Washington.

The Forest Practices Board is conducting rule making on a comprehensive package of new and revised rules. Timber, fish and wildlife (TFW) participants have been negotiating some of the issues covered by this proposal, but have not yet reached consensus. Should a consensus be reached during this rule making process, the proposal may be modified to include their recommendation as an alternative.

Statutory Authority for Adoption: Chapter 35.05 [34.05] RCW, RCW 76.09.040, [76.09.]050.

Statute Being Implemented: Chapter 76.09 RCW.

Summary: Modify forest practices rules (Title 222 WAC) to incorporate new public resource protection requirements. Categories of rules include riparian protection for fish-bearing and nonfish-bearing streams; water typing; wetlands; Class IV-Special; SEPA guidance; application procedures; roads; slope stability; forest chemicals; enforcement; monitoring; adaptive management; watershed analysis.

Citation of existing rules amended by this order: WAC 222-08-035 Continuing review of forest practices rules, 222-12-045 Adaptive management, 222-12-090 Forest practices board manual, 222-16-010 General definitions, 222-16-030 Water typing system, 222-16-050 Classes of forest practices, 222-20-010 Applications and notifications—Policy, 222-20-020 Application time limits, 222-20-070 Emergency forest practices plan, 222-22-010 Policy-watershed analysis, 222-22-030 Qualification of analysts, 222-22-040 Watershed prioritization, 222-22-050 Level 1 watershed assessment, 222-22-060 Level 2 watershed assessment, 222-22-070 Prescription recommendation, 222-22-090 Use and review, 222-24-010 Policy-road construction, 222-24-020 Road location and design, 222-24-030 Road construction, 222-24-035 Landing location and construction, 222-24-040 Water crossing struc-

tures, 222-24-050 Road maintenance, 222-24-060 Rock quarries, etc., 222-30-010 Policy-timber harvesting, 222-30-020 Harvest unit planning and design, 222-30-070 Tractor and wheeled skidding systems, 222-38-020 Handling, storage, and aerial application of pesticides, 222-38-030 Handling, storage, and aerial application of fertilizers, 222-46-060 Civil penalties, and 222-46-065 Base penalty schedule.

New sections added: WAC 222-10-020 SEPA policies for certain forest practices within 200 feet of a Type S water, 222-10-030 Class IV-Special construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas or timber harvest on unstable landforms or slide prone areas SEPA policies, 222-12-044 Cooperative opportunities, 222-20-015 Multi-year permits, 222-22-035 Watershed screening, 222-22-065 Review of assessments, 222-22-075 Monitoring, 222-22-076 Restoration, and 222-46-055 Compensation for resource damages.

See rule text for sections marked \* indicating coadoption by the Department of Ecology.

Reasons Supporting Proposal: Modifications to rules are needed to better protect Washington's public resources. See Purpose above.

Name of Agency Personnel Responsible for Drafting: Judith Holter, 1111 Washington Street S.E., Olympia, WA 98501-7012, (360) 902-1412; Implementation and Enforcement: Howard Thronson, 1111 Washington Street S.E., Olympia, WA 98501-7012, (360) 902-1416.

Name of Proponent: Forest Practices Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule:

- Revises the water typing system used to identify fish-bearing and nonfish-bearing streams so that more adequate protection is provided for fish habitat.
- Provides a five-year forest practices permit for landowners who have completed watershed analysis or who have submitted an application for a road maintenance and abandonment plan that will take longer than two years to implement.
- Adds shorelines of the state to the Class IV-Special list and gives SEPA guidance for the applicant to follow.
- Expands the Class IV-Special SEPA trigger for unstable slopes, gives SEPA guidance, and adds twenty-four definitions related to unstable slopes.
- Revises riparian management zone requirements for eastern and western Washington, and includes options for possible buffer widths.
- Presents options for variable buffer widths for aerial application of pesticides and adds best management practices to the Forest Practices Board manual.
- Adds best management practices related to roads to the FPB manual; revises requirements for road location and design, relief drainage structures, water crossing structures, and road maintenance and abandonment.

- Makes watershed analysis a more public process; allows DNR to write the prescriptions if the prescription team does not reach consensus; requires a prescription monitoring plan.
- Enables DNR to develop a schedule of penalties for compensation of resource damages where there has been material damage to public resources; adds a base penalty of \$10,000 for operating without an approved forest practices permit.
- Expands adaptive management requirements by formally establishing the cooperative monitoring, eval-

uation, and research (CMER) committee of TFW and charging them with implementing adaptive management based on scientific findings; encourages cooperative opportunities for working with the board.

The anticipated effects for these rules include improved water quality and fish habitat, as well as better overall protection of public resources while maintaining a viable forest products industry.

Proposal Changes the Following Existing Rules:

Rule Category	WAC 222	Current Rules - No Change Alternative	Initial Draft Alternative - Summary of Additions and Revisions
Adaptive Management	08-035, 12-044, 045		Expands adaptive management by spelling out CMER's reporting responsibilities and its relationship to the board. Adds a new section on cooperative opportunities.
FPB Manual	12-090		Adds guidelines for roads, aerial applications of pesticides, channel disturbance zones.
Definitions	16-010		Adds thirty-six definitions: Twenty-four for unstable slopes; others for roads, RMZ, pesticides.
Water Typing	16-030	Types 1 through 5 waters	New water typing system provides three categories: S=shorelines; F=fish-habitat waters; N=nonfish-habitat waters; fish habitat is defined.
Class IV-Special & SEPA Guidance	16-050, 10-020, 10-030	9 categories listed for Class IV-Special designation	Adds certain fp operations w/in two hundred feet of a Type S water to the IV-special list; changes how roads and harvesting on unstable slopes are triggered - focuses on high and moderate hazard areas; new SEPA guidance sections written for shorelines and unstable slopes.
Applications: Multi-year Permits	20-015, 20-020, 20-010, 20-070	Permits are valid for two years	Five year permit option for landowners within a completed watershed analysis; multi-year permit provided for road maintenance and abandonment plans; Name of operator and notice to the department required to begin forest practices operations. Plan for emergency forest practices required with road maintenance plan.
Watershed Analysis	22-010 to 22-076	Process and requirements for watershed analysis are prescribed	New sections for watershed screening (WAC 222-22-035), review of assessments (WAC 222-22-065), monitoring (WAC 222-22-075) and restoration (WAC 222-22-076). Revisions include making watershed analysis a public process; authorizing the department to write prescriptions if the prescription team takes longer than the thirty days provided; adds a cross reference to multi-year permits.
Roads	24-010 to 24-060	Road plans required upon dept. request	Adds mandatory road maintenance and abandonment plan requirements; revises road design and water crossing sections; adapts road information to new water typing system; provides HPA requirements for nonfish-habitat waters; outcome-based standards clarified. No roads are allowed through bogs and wetlands policy in relation to roads is clarified: No net loss of wetland functions and mitigation sequence is given; BMPs to be written for FPB manual.

PROPOSED

Rule Category	WAC 222	Current Rules - No Change Alternative	Initial Draft Alternative - Summary of Additions and Revisions
Riparian Management Zones	30-010, 30-020, 30-070	W. Wash: 25' to 100' E. Wash: 30'-300' +leave tree requirements	Revises riparian management zone requirements (RMZs) on fish-habitat waters: W. Wash: 100' no-harvest; SPTH 10-40 trees/acre; management w/in 100' alternate plan E. Wash: 100' no-harvest buffer/SPTH; management w/in 100' for fire, disease as altern. plan Revises RMZs on nonfish-habitat waters that are perennial: <u>Option 1</u> - 500' no harvest above fish-habitat type changes sensitive sites provisions 50% shade — stream length 30' equipment limitation zone everywhere else, including seasonal streams <u>Option 2</u> - 2/3 SPTH on perennial Ns 1/2 SPTH on seasonal Ns OR
Pesticides	38-020 38-030	50' buffers	Three buffer options provided for aerial application of pesticides: Two hundred fifty feet; fifty to three hundred twenty-five feet, fifty feet for Type N; technical details to be placed in FPB manual.
Enforcement	46-055, 46-060, 46-065		Increases civil penalty for operating without permit; adds compensation requirement for resource damage assessment; eliminates one step of remission/mitigation for civil penalties.

PROPOSED

A small business economic impact statement has been prepared under chapter 19.85 RCW.

**Small Business Economic Impact Statement**

**Proposed Forest Practices Rules (Title 222 WAC)  
Implementing the Forestry Module**

Proposed for coadoption by Forest Practices Board and Department of Ecology  
October 12, 1998

**Part 1: Background Information and Rule Proposal**

**The Forestry Module:** The Forest Practices Board is charged with establishing rules to protect the state's natural resources while maintaining a viable forest products industry. Forest practices rules that pertain to water quality are coadopted by the Department of Ecology.

The Forest Practices Board and the Department of Ecology are considering making changes to the rules that would implement recommendations that timber, fish and wildlife (TFW) participants were negotiating since November 1997, called the forestry module. TFW is comprised of six caucuses: Federal agencies, Indian tribes, state agencies, counties, the environmental community, and the timber industry. The environmental caucus withdrew from the negotiations in September 1998, but the other five caucuses are continuing to work on a forestry module agreement.

The board accepted TFW's goals<sup>1</sup> for the forestry module on September 22, 1998:

1. To provide compliance with the Endangered Species Act for aquatic and riparian-dependent species on nonfederal forest lands;
2. To restore and maintain riparian habitat on nonfederal forest lands to support a harvestable supply of fish;
3. To meet the requirements of the Clean Water Act for water quality on nonfederal forest lands; and
4. To keep the timber industry economically viable in the state of Washington.

<sup>1</sup> *Progress Report from TFW to the Forest Practices Board* by Jane Lamensdorf-Bucher, TFW Administrator, August 12, 1998.

**Initial Draft of Proposed Rules:** This initial draft is a proposal to revise the forest practices rules to implement the forestry module. The draft rule frames the range of options for new state-wide forest practices rules:

Current Forest Practice Rules . . . . .	Initial Draft: Proposed Rules
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These proposed rules are based largely on content of the current TFW negotiations that occurred from November 1997 to September 10, 1998<sup>2</sup>. The proposed rules are a starting point for the permanent rule adoption process while the five TFW caucuses finish negotiations and prepare rule recommendations. It is anticipated that if and when consensus is reached, the TFW rule recommendations will fall largely within the range of these alternatives.

<sup>2</sup> The environmental caucus officially withdrew from the negotiations on September 10, 1998. The remaining five caucuses are continuing to negotiate the remaining issues.

An agency adopting administrative rules is required by the Regulatory Fairness Act (chapter 19.85 RCW) to analyze

disproportionate impacts of the rules on small businesses. This small business economic impact statement (SBEIS) summarizes the analysis conducted in order to comply with the Regulatory Fairness Act requirements for a major component of the initial draft proposed rules, the riparian management zone requirements.

**Rule Categories:** The following categories of forest practices rules are expected to be included in the final forestry module proposal: Riparian protection for fish-bearing and nonfish-bearing streams, SEPA guidance related to these rules, water typing, wetlands, Class IV-Special forest practice designations, roads, slope instability, pesticides, small landowner issues, enforcement, monitoring, adaptive management, and watershed analysis.

**Summary of the Proposed Rules:** The riparian management zone (RMZ) proposed rules include separate requirements for western and eastern Washington (WAC 222-30-020 (3), (4))<sup>3</sup>. The rules are summarized as follows:

<sup>3</sup> For actual rule language including several different options, please see *Proposed Forest Practices Rules for Implementing the Forestry Module*, August 12, 1998, pp. 23-29.

In western Washington, RMZs include:

- One hundred foot wide no-harvest and no-ground-based-yarding-equipment zone along fish-bearing waters;
- Provision for an alternate plan proposal for harvest within the one hundred foot zone;
- Additional seventy-foot zone having a certain number of trees per acre (options of ten and forty are given).
- A fifty foot wide no-harvest and no-ground-based-yarding-equipment zone along nonfish-bearing perennial streams plus certain other requirements OR a 2/3 site potential tree height zone.
- A thirty foot no-ground-based-yarding-equipment zone along nonfish-bearing seasonal streams OR a 1/2 site potential tree height zone.

Because RMZ width requirements are still being negotiated, the following assumption has been made for this SBEIS: In western Washington, RMZ buffers are one hundred seventy feet along all Type 1-3 waters, and along Type 4 and 5 waters that [are] less or equal to 20% slope. This is likely to overestimate the acres taken up by riparian management zones, because not all streams contain fish up to 20% and because the one hundred seventy foot width does not take into account the fact that some management will take place particularly in the outer zone. Current RMZ rules require twenty-five to one hundred foot buffers along westside streams. No RMZs are required on nonfish-bearing streams under current rules unless required on a site-specific basis, i.e., for unstable slopes. The acres for the proposed rules and the existing rules were calculated and subtracted in order to determine the net impact of the proposed rules.

In eastern Washington, RMZs include:

- One hundred foot wide or a distance equal to a site potential tree height, whichever is greater, no-harvest and no-ground-based-yarding-equipment zone along fish-bearing waters;

- Provision for an alternate plan for harvest within the one hundred foot zone to address forest health and fire prevention;
- A fifty foot wide no-harvest and no-ground-based-yarding-equipment zone along nonfish-bearing perennial streams plus certain other requirements OR a 2/3 site potential tree height zone.
- A thirty foot no-ground-based-yarding-equipment zone along nonfish-bearing seasonal streams OR a 1/2 site potential tree height zone.

Because RMZ width requirements are still being negotiated, the following assumption has been made for this SBEIS: In eastern Washington, buffers are one hundred feet along all Type 1-3 waters, and along Type 4 and 5 waters that are less or equal to 20% slope. This is likely to be an overestimate of the impacted acres because not all streams are fish bearing up to a 20% gradient and some management may occur within the one hundred feet. Current RMZ rules require thirty to three hundred foot buffers along eastside fish-bearing streams. No RMZs are required on nonfish-bearing streams under current rules unless required on a site-specific basis. Impacted acres were calculated for both proposed and current rules and subtracted in order to determine the net impact of the proposed rules.

**Earlier SBEIS for Proposed Water Type Rules:** The Forest Practices Board and ecology began the effort to adopt more effective forest practices rules in November 1996 when the water type emergency rule was adopted. The board accepted TFW's recommendation that the definitions used to determine water types reflect current knowledge about fish use and habitat. The water type emergency rule ensures that riparian rules are being applied to fish-bearing streams. The board and ecology proposed this same rule language as a permanent rule on June 18, 1997, and filed an SBEIS at the same time<sup>4</sup>. Certain parts of that study are included in this SBEIS. The Forestry Module proposed rules include a revised water typing system that provides additional protection to fish-bearing streams.

<sup>4</sup> Carruthers, C. 1997. Small Business Economic Impact Statement for the Proposed Forest Practices Rule Amendments on Water Typings. Hereafter referred to as the SBEIS on the Water Type Rules.

## Part 2: Regulatory Fairness Act (Chapter 19.85 RCW)

**Requirements:** The Regulatory Fairness Act requires preparation of an SBEIS for proposed rules affecting more than 10% of any one industry. An agency that is adopting administrative rules is required to analyze the compliance costs of the proposed rules. The SBEIS must compare the cost of compliance for small businesses with the costs of compliance for large businesses.

If there is a disproportionate economic impact on small businesses in comparison with large businesses, the act requires that the economic impacts be reduced or that the agency provide reasonable justification for not doing so. Mitigation measures must be both legal and feasible. The act says that to obtain information for the SBEIS, an agency may survey a sample of affected business. Whenever possible, a committee should be appointed under RCW 34.05.310(2) to

assist in the accurate assessment of the costs of a proposed rule. (RCW 19.85.030, [19.85.]040).

This SBEIS has been prepared with the assistance of a committee representing concerned stakeholders.

For the Forest Practices Board and ecology's proposed rules, the relevant questions from the Regulatory Fairness Act are:

- What are the compliance costs for large and small forest businesses should they decide to harvest timber? and
- Do the proposed rules disproportionately impact small businesses as compared to large businesses?
- What legal and feasible measures are needed to mitigate disproportionate impacts on small businesses?

In order to conduct the SBEIS to fulfill the requirements of the Regulatory Fairness Act, we have made some basic assumptions and designed a two-phased analytical process.

**Two-Phased Analysis:** This SBEIS is the first phase of the economic analysis; it focuses on riparian protection requirements because existing data could be used to calculate buffer acreage. This could be analyzed within the limited amount of time available prior to the board and ecology formally proposing the rules.

It is anticipated that the Forest Practices Board and ecology will supplement the initial draft proposed rules with a more comprehensive proposal based on TFW's final negotiations. If TFW does not reach consensus or make a rule recommendation, then the board and ecology will move forward to prepare a supplemental rule proposal. At that time, the second phase of the SBEIS, a more comprehensive analysis of the proposed rules, will be prepared. Also during the course of the rule-making process, the board and ecology will prepare the cost-benefit analysis required for significant legislative rules (RCW 34.05.328).

The study design of the SBEIS is consistent for both phases. The limited time window to file the proposed rules also makes it difficult to conduct an empirical analysis in Phase 1. However, in Phase 2, the SBEIS will analyze a revised version of the proposed rules and use empirical methods in the economic analysis. While we don't expect any significant changes in the conclusions of the analysis between the two phases, the accuracy and reliability of the analytical results will be significantly improved. The key differences of these two phases are outlined as following:

**Phase 1:**

- Focuses on riparian protection requirements.
- Uses GIS data at the aggregate level.
- Uses analytical data derived from the SBEIS on the Water Type Rules.

**Phase 2:**

- Will include other protection requirements in the revised version of the proposed rule.
- Will use GIS data at a detailed level.
- Will use individual ownership data that has been newly gathered from county records for the sample analysis to identify small businesses.
- Will base most of the analyses on empirical data and first-hand information.

**Potentially Affected Industries:** The Regulatory Fairness Act defines "industry" as all of the businesses in this state in any one four-digit standard industrial classification (SIC) as published by the United States Department of Commerce (RCW 19.85.020). The SIC code assigned to an industry is based on the primary business for any given company. Only one SIC code is assigned to an individual business. SIC code 0811, "Timber Tracts," identifies some large and small forest businesses, but it only contains about one hundred fifty names and therefore does not provide adequate representation for these groups.

All forest landowners and businesses holding timber cutting rights are required to be in compliance with the proposed forest practices rules if their forest parcels contain any type of water defined by the rules. These landowners, timber rights holders or other land-based businesses represent different industries. Many of them are not registered as business owners although this does not exclude them from doing business or investing in land assets. They may also register for future businesses when timber and other commodities pertaining to land become commercially available. Therefore, these businesses are the rule complying community. The industries they represent are affected industries. The affected industries are identified in *Appendix 1*.

**Small Businesses Versus Large Businesses:** The Regulatory Fairness Act defines a "small business" as one that has fifty or fewer employees. The analysis of Phase 1 this SBEIS is based on data in the water type SBEIS which states:

"The definition of small and large business in the Regulatory Fairness Act does not fit forest sectors well. Size is defined by the number of employees: A company that has fifty or fewer employees is "small." Impacts on these small businesses have to be compared to the "largest 10% of the businesses." In other words, the small companies must be compared with the top 10% of companies. In forestry, individuals who own forested land may not act like a "business" until they harvest timber. Furthermore, published data on employment for individuals and companies is unavailable for many companies in the affected sectors. This document relies on both the existence and absence of data to define which companies are small and which companies are in the largest 10% of the companies affected. Companies for which employment data is available are ranked based on that data. If no data on employment is available, this document assumes that those individuals and companies that are not listed as industrial and those companies with no UBI number are likely to be small."<sup>5</sup>

<sup>5</sup> Carruthers, op. cit., p. 6.

Although a few small forest businesses have large landholdings, the vast majority of small businesses have very small landholdings. The average landholding for small forest businesses for Washington and Oregon is about eighty-three acres.<sup>6</sup> A 1994 United States Forest Service study estimated that one hundred landowners have ownerships greater than 5,000 acres, and their combined holdings equal about 65% of the acreage.<sup>7</sup> These landowners account for only 0.25% of the total nonindustrial private forest (NIPF) landowners. The same survey revealed that there are approximately 1,000 landowners with ownerships greater than 500 acres. There are approximately 15,000 landowners with ownerships

greater than fifty acres. Finally, there are approximately 76,000 landowners with ownership less than fifty acres. Most of the landowners targeted are the landowners with more than fifty acres, but less than 5,000 acres. In Phase 2, small businesses will be identified and grouped based on data gathered from the county records.

<sup>6</sup> Johnson, R., R. Alig, E. Moore, and R. Johnson. 1997. NIPF Landowners' View of Regulation. *Journal of Forestry*, January 1997: 23-28.

<sup>7</sup> Birch, T.W. 1996. Private forest-land owners of the United States, 1994. USDA Forest Service Resource Bulletin NE-Review Draft: Data Tables: west.

The 10% largest businesses are likely to be those integrated forest product firms and they will be identified in Phase 2. In Phase 1, the regulatory impact on the 10% largest industrial businesses is estimated by adjusting the average industrial impacts using derived data from the SBEIS on the water type rules.

**Compliance Costs for Businesses:** Given the requirements for riparian management zones in the proposed rules, forest businesses would incur costs for complying with the rules when they decide to harvest their timber or sell their land assets because they would have to leave wider buffers along fish-bearing and nonfish-bearing streams. Such costs could be a loss in revenue, a loss in asset, or higher operation costs. In addition, these costs might trigger some other financial difficulties for small business owners and expose them to higher business risks. Even if the land is currently used for recreation or other nontimber uses, the business opportunities for the assets are reduced due to the regulatory constraints. The fair market values of these assets are lower although these paper losses may not be realized in the long term. Whether the regulatory impact is a real loss or a paper loss depends on the management goals, processes and decisions of the businesses. A recent survey shows that businesses' management decisions are significantly affected by expected regulations.<sup>8</sup>

<sup>8</sup> Johnson, R., R. Alig, E. Moore, and R. Johnson. 1997. NIPF Landowners' View of Regulation. *Journal of Forestry*, January 1997: 23-28.

Since forest related assets have a long management cycle, the regulatory impacts will take place over a long period. The present value of loss in asset is used as an indicator for regulatory impacts. In other words, the regulatory impacts are the difference between today's market value of a land asset with the proposed rules and today's market value without the proposed regulation. The basic assumption is that all businesses reserve the rights for best use no matter what their current uses are. This gives a maximum estimation of regulatory impact. We have also estimated the probabilities of small businesses being impacted during a certain period.<sup>9</sup>

<sup>9</sup> See Appendix 7 and Exhibit 4 for details.

**Involvement of Concerned Stakeholders:** The Regulatory Fairness Act requires the SBEIS to include a description of how the agency will involve small businesses in the development of the rule. While TFW negotiations have not been held in a public forum, key stakeholders have participated in the process. Also, the Forest Practices Board has received regular status reports at its public meetings, which include opportunities for public comment.<sup>10</sup> The board and ecology conducted the thirty-day review required by the For-

est Practices Act from August 14 to September 14, 1998, and more than thirty-five written comments were received.

<sup>10</sup> November 12, 1997, February 11, 1998, April 2, 1998, May 13, 1998, and August 12, 1998. All meetings were held in Olympia, Washington. Some were broadcast statewide on TV Washington.

### Part 3: Economic Impacts on Small and Large Businesses

The process of the economic assessment includes three steps:

1. Determine if the preparation of an SBEIS is needed to meet the requirements of the Regulatory Fairness Act.

2. If the SBEIS is needed, then determine if there is a disproportionate economic impact on small businesses as a group in comparison with the top 10% of the large businesses. This will help determine if mitigation is needed.

3. If the proposed rule has disproportionate impact on small businesses and mitigation is required, then identify the distributional impacts and probabilities of being impacted among the small businesses with different sizes and management objectives to provide information for the design of appropriate mitigation measures.

#### Study Design:

**Empirical Approach Versus Survey Approach:** Two major categories of studies may be used for conducting an SBEIS assessment: The survey approach or empirical approach. A survey approach can include a broad dimension and usually has a quick result. But certain biases may affect the accuracy, validity and reliability of the results. Empirical studies need more detailed data and information and provide more accurate, valid and reliable results. But the empirical approach is usually time consuming and needs more resources. It also heavily depends on data quality. This study primarily uses the empirical approach while incorporating some insights from recent surveys and studies.

**Sampling:** The primary impact of the proposed rules on businesses is riparian buffers and buffer related land use constraints. There are three major factors that determine the intensity of the impact:

- Stream density
- Land location
- Size of landholding
- Stand condition and age class distribution

The sample elements should reflect the above factors. The ideal sample elements would be individual business owners required to comply with the rules. Stratified sampling design should be used for ownership groups with different sized landholdings. However, such individual ownership identities for small business groups are not available from the existing GIS database. To best identify the characteristics of individual businesses under the constraints of our available resources, we randomly selected samples of one square mile sections from private forest lands. The samples were collected separately for eastern Washington and western Washington since the proposed rules are different for these two geographical areas. The sample units and the process of randomization ensure that the characteristics of stream density and land location are well represented. The average impacts



of large businesses and small businesses should be well represented by such a design.<sup>11</sup>

<sup>11</sup> See Appendix 3 about determination of sample sizes.

The samples will be further processed to identify individual ownerships by manually checking county records in Phase 2. These individual businesses will be identified and impacts of the proposed rules will be assessed through photo interpretation, map analysis and value assessment. The data obtained will be used to analyze the distribution of regulatory impacts among small businesses with landholdings of different size.

The sampling is designed to capture the impact of large industry businesses as a group. It is not intended to capture the distribution of regulatory impacts among large industrial businesses because no mitigation measures, which might need information about distribution of regulatory impacts, are required by law for large businesses. In Phase 1, the regulatory impacts for the 10% largest industry businesses are estimated by adjusting the average industry impacts using derived data from the SBEIS on the water type rules. In Phase 2, the 10% largest industrial businesses will be identified and the regulatory impacts on them will be estimated.

**Data:** A complete list of data, process of preparation, and map and photo interpretation will be listed as appendix in Phase 2.

**Determining the Need for an SBEIS:** According to the Regulatory Fairness Act, an SBEIS is required if the proposed rules affect 20% of all industries or more than 10% of any one of the affected industries. The potentially affected industries are listed in Appendix 1. For the industry "Timber Tracts" (SIC code 0811), as long as any type of water as defined in the rule is present on the land, the business owners will be required to comply with the proposed rule. We estimated that 57% of the NIPF lands will be affected by the proposed rule.<sup>12</sup> Since all large businesses will be affected by the proposed rules, given the natural density of Type 1 to 5 streams, it is certain that far more than 10% [of] business in the industry will be affected by the proposed rules, although some small businesses may not be affected at all due to the size of their landholding.<sup>13</sup>

<sup>12</sup> Appendix 4 provides an estimate of impacted acreage which is 57% of the total sampled acreage.

<sup>13</sup> The percentage of affected businesses will be determined after identifying ownerships in the samples in Phase 2.

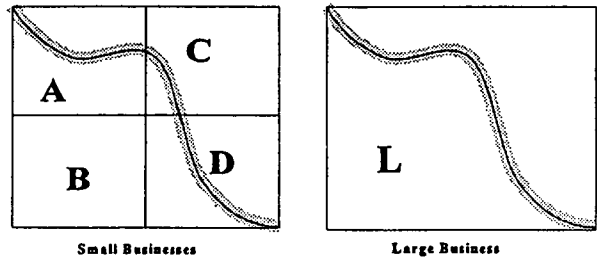
**Identifying Disproportionate Impacts:**

**Primary Sources of Disproportionate Impacts:** Due to the differences in geographic/physical features of landholdings and differences in management and finance between large and small businesses, the proposed rules could have a disproportionate impact on small businesses.

Disproportional impacts result primarily from a combination of factors such as stream density, and location and size of landholding. Other factors such as financial status of the owners and economy of scale also contribute to the disproportionate impacts on small businesses.

**1. Disproportionate Share in Buffer:** Unlike large industrial businesses, some small forest businesses may not be affected by the proposed rules while others may share more skewed impacts from the rules. Due to the small size of landholdings, a parcel may be located between streams and not be

impacted by the proposed rules. In other words, there is a disproportionate impact among the small businesses. As Exhibit 1 shows, the small business B is not impacted because no stream runs across this parcel. While other small businesses (A, C and D) have a relatively larger percentage of buffer in their parcels (shaded area) compared to the large land owner (L). These small businesses are likely to be impacted more severely compared to their larger counterparts. For the same reason, the impacts of economically inaccessible acres due to buffer requirement are also skewed for small businesses.

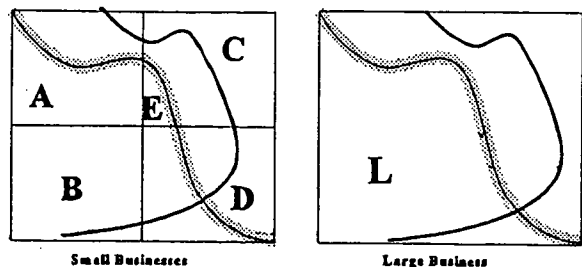


**Exhibit 1: Distributional Impacts: Small versus large business.**

The same buffer area will be required by the rules. Three small businesses will have the same number of acres in buffer as the large business. However, since small business B is not impacted, the percentage of acres in buffer for the other three small businesses will be higher than [than] that of the large business.

**2. Economic Inaccessibility:** Another primary source of disproportionate impact of the proposed rules on small businesses is economic inaccessibility. The required buffers will make some of forest acres economically inaccessible because of fragmentation caused by buffers. This impact is likely to take place on small forest parcels.

Exhibit 2 illustrates a hypothetical example of economic inaccessibility. A portion of the parcel C is physically separated by the buffer area (area E). Obviously, small parcels are more likely to be separated by the buffer and the part separated by the buffer might become inaccessible economically due to the small size. Depending on the cost of crossing the buffer, part or all of the value of land area E will no longer be available to the business.



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**Exhibit 2: Disproportionate Impacts: Lack of economic accessibility.**

A buffer area can cut part of a forest off from the road. If the value of the timber in the separated area is too low to cover the cost of appropriate stream crossing, the acres become economically inaccessible. In this hypothetical example, the black line is the road, gray area is the buffer. Small business C's forestland is cut off by the buffer and acres in area E may become economically inaccessible. This is not the case for the large business to the scale of economy.

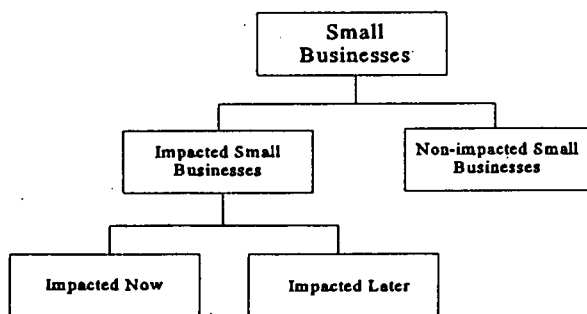
**Estimating Disproportionate Impacts:**

**1. Estimated Small Businesses Who Are Not Impacted:**

All forest businesses are required to comply with forest practices rules.<sup>14</sup> As Exhibit 3 shows, some small businesses will not be impacted by the proposed rule at all while others may share disproportionate impacts. For those who are impacted by the rules, some of them will be impacted when the rules become effective while others may not be impacted for a long term if they decide not to harvest timber. The best way to do this is to identify ownerships of each individual parcel in the samples and exclude those parcels without streams. This will be done in Phase 2. In Phase 1, information from samples and derived information from the SBEIS on the water type rules are used to estimate the portion of NIPF land that is not subject to the proposed rules. We estimated that about 47% of small businesses are not impacted by the proposed rules because no streams run through their land parcels. Appendix 4 provides a detailed procedure and the results of estimation. The estimated result will be revised as we obtain data from county records in Phase 2.

<sup>14</sup> Forest practices permits are not required for those landowners whose acreage is equal to or less than two acres.

**Exhibit 3: Regulatory Impacts on Small Businesses.**



**Exhibit 3: Regulatory Impacts on Small Businesses**

**2. Acres in Buffers:** One of the primary disproportionate impacts of the proposed rules is the percentage of acres in buffers. Appendix 5 lists the riparian management zone (RMZ or buffers) requirements in the proposed rules for private forest lands for both western Washington and eastern Washington respectively. Since the requirements are different between the two geographical areas, the sampling procedures were performed separately and the results are summarized for eastside and westside.<sup>15</sup> The acres in buffers by ownership group have been estimated by regions. The data is obtained from GIS sampling. The total forest acres of

impacted small businesses have been adjusted by excluding the acres of small businesses who are not impacted by the proposed rules. The total acres in buffers of the 10% largest businesses was estimated based on the adjustment of the sample data for the industry. Appendix 5 provides the detailed information about the estimating procedure and estimated results.

<sup>15</sup> Appendix 3 provides the details, see Exhibit A3-2.

**3. Estimating Economically Inaccessible Acres:** To determine economically inaccessible acres requires GIS analysis and identifying ownership of individual parcels through collecting county tax records.<sup>16</sup> To get a reasonable estimate of the number of economically inaccessible acres in Phase 1, we have made an inference from the data collected from the new samples and derived data from the SBEIS on the Water Type Rules. The estimating procedure and estimated results are described in Appendix 6.

<sup>16</sup> Inaccessible acres will be determined based on county tax records and interpretation of GIS samples in Phase 2 of this SBEIS.

**4. Findings: Disproportionate Impacts:** Disproportionate impacts for small businesses have been identified and Exhibit 4 provides a summary of the results about the findings. These results will be further refined in Phase 2 as we obtain more detailed data about each individual owner. The impacted acres will be further interpreted for their potentials for commodities and evaluated for their market values. The final regulatory impacts will be expressed as losses in assets although we use acreage as a proxy for assets in Phase 1.

The findings suggest that mitigation measures are needed for the proposed rules because disproportionate impacts of the proposed rules have been identified and small businesses have a higher burden in complying with the rules compared to the 10% largest counterparts.

**Exhibit 4: Disproportionate Impacts of the Forestry Module Proposed Rules.**

Impacts	10% Largest Industrial Businesses		Impacted Small Businesses	
	Acres	%	Acres	%
Acres in Buffers	504.8	13.98	3,546	17.97
Inaccessible Acres	26	0.72	591	2.99
Total Impacted Acres	529.8	14.70	4,137	20.96
Total Acres in Sample	3,604.2	100	19,736	100

**Estimating Net Impacts of the Proposed Forestry Module Rules:**

**1. Impacts of the Existing Forest Practices Rules:** The major impacts of the existing rules include the requirements for buffers and the inaccessible acres caused by buffers. The requirements of buffers of the existing rules for private forest lands are different for both western Washington and eastern Washington.<sup>17</sup> The separated GIS samples were used to estimate the impacts of acres in buffers of the existing forest practices rules by region. The results are summarized by regions and given in Exhibit 5.

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<sup>17</sup> Washington Forest Practices Board. 1995. Washington Forest Practices. Department of Natural Resources, Olympia, Washington.

We have used the same procedure to estimate the acres in buffers by ownership group for both the proposed forestry module rules and the existing forest practice rules. While the wider buffers will substantially increase the acres in buffer areas, which implies that more timber in these areas is not harvestable, the assumption for estimating economically inaccessible acres has little change with the proposed rules. The geographic distribution of streams and the ownership boundaries are major factors that determine the inaccessibility of forest acres. While the wider buffers may increase some costs of accessing the acres separated by the buffers, such costs are not substantial compared to the losses of timber values due cut-off by buffers. Therefore, we assume that the wider buffer requires higher costs to build bridges and roads, compared to the medium costs for the existing rules.

**Exhibit 5: Impacts of the Existing Forest Practices Rules.**

Regions	Impacts	Acres*	
		10% Largest Industrial Businesses	Impacted Small Businesses
Acres in Buffers	Eastern Washington	4.0	156
	Western Washington	83.6	498
	Total	87.6	654
Inaccessible Acres**	Eastern Washington	0	202
	Western Washington	19.2	224
	Total	19.2	426
Total Impacted Acres		106.8	1,080
Total Forest Acres		3,604.2	17,647
Percent of Acres Impacted		2.96%	6.12%
*The acreage numbers reflect the 94 samples of private forest lands in western Washington and 73 samples in eastern Washington.			
** Assume that the business will choose the option that creates the smallest loss. If the value of timber is greater than the cost of building a stream crossing, the business will opt to harvest the timber. Thus, the cost of stream crossing is the maximum loss. A medium stream crossing cost of \$15,000 is used for the existing forest practice rules.			

**2. Net Impacts of the Forestry Module Proposed Rules:**

Exhibit 6 provides an estimate of the net impact of the proposed rules over the existing rules.

**Exhibit 6: Net Impacts of the Proposed Forestry Module Rules.**

	Impacted Land Assets	
	% Largest Industrial Businesses	Impacted Small Businesses
Forestry Module Rules (Proposed)	14.70%	20.96%
Forest Practice Rules (Existing)	2.96%	6.12%
Percent of Impacted Acres	11.74%	14.84%

**Assessing Distribution of Disproportional Impacts: The Size of Landholdings and Ownership Objectives:**

While the average impact of the proposed rule on small businesses is that about 21% of their lands will be constrained for business activities such as timber harvest. The distribution of the regulatory impact is very different among groups of small businesses with different sizes of landholdings and land-use objectives.

The size of landholdings are [is] also correlated to land use objectives. The objectives of land use for small businesses are very different. Some primarily use land for recreation and some use land for producing commodities such as timber. Also, some others use land as an asset class for investment. Due to multiple functions of forestlands, many businesses have multiple and dynamic objectives for their lands from time to time.

The different objectives and sizes of landholdings affect factors of management decisions and the response to business environment such as regulations. Whether or when a small business is impacted by the proposed rules is dependent upon their decisions on land use and the size of their landholdings (Exhibit 7). In general, smaller businesses are more likely to be a land user with recreation as the objective, while larger businesses tend to be timber producers and tree farmers. But many businesses have multiple objectives of land use.

**Exhibit 7: Small Business Management Objectives and Average Sizes of Landholdings.**

Management Objectives	Percent in Small Businesses*(%)	Average Landholdings* (Acres)
Timber	19.52	110
Multiple Objectives	40.13	101
Recreation	24.51	55.2
Other	15.84	37.8
Weighted Average Acreage		81.6
Data Source: Kline J. And R. Johnson. 1998. U.S. Forest Service, PNW Research Station, Forestry Sciences Laboratory.		
*The results reflect results from 461 survey respondents.		

**Distributional Impacts:** Forestland has a long term management cycle, and the average rotation for NIPF forestland is about 50 - 60 years.<sup>18</sup> Whether timber is matured by a certain year is dependent on rotation, age distribution and size of landholding. Therefore, given the rotation and age distribu-

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tion, the size of landholding will be a primary factor in making decisions about timber harvest. The larger the landholding, the more consistently forest harvest will take place somewhere on the ownership. Consequently, larger NIPF businesses are impacted by the proposed rules more consistently. On the other hand, the smaller the land parcel, the higher the percentage of land that will be impacted by the rules, although they are impacted less frequently.<sup>19</sup> Exhibit 8 describes the general data and trends of the distributional impacts among small forest businesses with different sizes of landholding.

<sup>18</sup> Lippke, B. And B. Bare. 1997. Viability of the Non-industrial Private Forestry Sector in Washington State.

<sup>19</sup> See Appendix 7 for details about the estimation of distribution impacts among NIPF small businesses.

The disproportionate impacts of the proposed rules on small businesses can vary greatly. While the regulatory constraints impact a larger percentage of land for businesses with

smaller parcels, it is less intensive in terms of frequency. Businesses with smaller parcels or nontimber objectives may be less likely to be impacted by the proposed rules for the long term if they never decide to harvest timber. This is often the case. However, when they are impacted by the rule, the impact is more intensive. Therefore, the responses to regulation can be different due to the difference in size of landholding and management objectives. Smallest businesses tend to be less sensitive to the regulations.<sup>20</sup> This reflects the fact that these businesses are more recreation-oriented and are less likely to be impacted due to the smaller size of their landholdings.

<sup>20</sup> See Lippke's analysis of Johnson et. al. survey (1997) in Lippke, B. And B. Bare. 1997. Viability of the Non-industrial Private Forestry Sector in Washington State.

**Exhibit 8: Distributional Impacts Among Small Businesses by Size of Landholding.**

Size of Landholding (acres)		Number of Small Businesses (%)	Percent of Acreage in NIPF	Regulatory Impacts* (%)	Probability of Being Impacted in**	
					10 Years	50 Years
Small Business	0-5	29.09%	1.96%	74.31%	20.00%***	74.31%
	6-20	37.27%	8.20%	55.66%	47.83%	96.14%
	21-40	15.45%	8.57%	27.96%	40.83%	92.75%
	41-160	12.73%	24.71%	21.80%	79.28%	99.96%
	>160	5.45%	64.24%	15.17%	98.52%	100.00%
10% Largest Industry Businesses		N/A	N/A	14.70%	100.00%	100.00%

\*Percentage of land that is constrained for business activities such as harvest by the proposed rules.

\*\*Regulatory impacts may not be realized until the businesses decide to harvest timber or sell their lands. These numbers are the probabilities that these businesses will harvest or sell their timber in 10 or 50 years.

\*\*\*The probability of mature forest at any 10 year period is 0.2 which is the probability of being impacted in this period for this group.

Management goals are also an important factor to interpret the impact of the proposed rules on small businesses. A recent survey for small forestry businesses in western Washington and Oregon revealed an interesting fact. When asked how much incentive should be paid for improving wildlife habitat, on average, respondents classified as timber producers demand the greatest incentive payment (\$120 per acre per year) followed by respondents classified as multiobjective owners (\$107).<sup>21</sup> Businesses with recreation objectives and other nontimber objectives demand the least incentive payment (\$69 and \$66 respectively).

<sup>21</sup> Kline J. And R. Johnson. 1998. U.S. Forest Service, PNW Research Station, Forestry Sciences Laboratory.

**Part 4: Mitigation Measures**

If a rule has a disproportionate impact, mitigation is required. The mitigation must be legal and feasible in meeting the objectives of the statutes on which the rule is based.

Small landowner landscape plans may be a viable alternative for obtaining more value from the buffers while not impacting the functions being protected. One such option may be committing to a longer rotation for timber harvest so

that certain important riparian functions are more likely to [be] provided. These plans could have an emergency exit clause that would allow the small business to deal with family emergencies (such as estate taxes), as long as the longer term of the plan is still valid.

The current rules already provide for some reduction of compliance costs. First, a further exemption is provided if a structure is on the parcel and trees are within 1.5 tree lengths of the structure. These tree[s] are exempt from the rule for safety reasons. Additionally, timber harvests on parcels under two acres do not require forest practices permits.

Exempting small businesses from part or all regulatory requirements is not feasible for these rules because, unlike the owl or murrelet rules recently adopted by the board, all businesses that have streams would be impacted at the time they choose to harvest or sell their property. The small number of small businesses impacted by the owl or murrelet rules justified an exemption from those rules.

Since mitigation measures must be both legal and feasible, they must fit within the authority of the Forest Practices Board and ecology. A system of alternative plans for small businesses is an example. Compensation for small busi-

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nesses has been discussed in the negotiations, but the Forest Practices Board does not have authority for compensation. This type of mitigation would need approval from the legislature.

**Part 5: Conclusions**

The SBEIS analysis has been conducted to comply with the Regulatory Fairness Act requirement for the proposed forest practice rules.

1. The proposed rules will cause a disproportionate impact on small businesses. The average impact for small forestry businesses is about 42% higher than that of 10% of largest industrial businesses.

2. The impacts among small businesses are very different. While the impacts on a few largest NIPF businesses are close to that of the 10% largest industrial businesses, most of the small businesses have a higher percentage of their land which is constrained for harvest by the proposed rules. The percentage increases as the size of landholding decreases.

3. Although the smaller parcels have the higher percentage of land in buffers, which implies potential loss in assets, the businesses of these parcels are less likely to harvest timber on their lands because

- More businesses in this group have recreation-related objectives which imply giving up or delaying timber harvest.
- It is not economically feasible to harvest a smaller parcel frequently.

Therefore, it may take a long time for these small businesses to realize the losses in their assets.

4. Small forestry businesses with timber producing objectives are most likely to be affected by the proposed rules. They will be impacted in both the short term and long term.

5. While smallest or recreational businesses might be less impacted by the proposed rules in the near term, they will be impacted in the long term if they decide to propose a forest practice operation or sell their property.

6. Legal and feasible measures are to be developed to mitigate disproportionate impacts or reduce compliance costs.

**Part 6: Public Comment Opportunities**

The Forest Practices Board and the Department of Ecology are conducting a full public review of the proposed rules as required by the Administrative Procedure Act (APA) (chapter 34.05 RCW). Joint public hearings that meet APA as well as the State Environmental Policy Act (SEPA) requirements will be held statewide. Hearing dates and locations will be announced with the publication of the draft environmental impact statement. To be notified about hearings, send your name and mailing address to the board at the address listed below.

In the interim, the board takes public comment at each of its meetings which are usually held at the Natural Resources Building, 1111 Washington Street S.E., Olympia. Upcoming regular quarterly meeting dates are: November 10, 1998; February 10, 1999; May 12, 1999; August 11, 1999; and November 10, 1999.

Written comments on the proposed rules may be sent to the board and ecology c/o: Judith Holter, FPB Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1412, fax (360) 902-1784, e-mail forest.practices-board@wadnr.gov.

The anticipated adoption date for these rules has not yet been set.

**Appendix 1: Potentially Affected Industries**

SIC	INDUSTRY	*Number of sites in the industry	*Total wages
0811	Timber Tracts	149	14,135,284
1422	Crushed and Broken Limestone	13	5,957,203
2411	Logging	1113	223,008,548
2421	Sawmills and Planing Mills	198	460,411,278
2426	Hardwood dimension and flooring mills*	18	33,021,972
2429	Special Product Sawmills	104	11,203,930
2435	Hardwood veneer and plywood*	5	12,238,688
2436	Softwood veneer and plywood	25	56,936,603
2493	Reconstituted Wood Products	9	2,511,378
2611	Pulp Mills	10	64,340,189
2621	Paper Mills	32	401,420,251
2653	Corrugated and Solid Fiber Boxes	27	54,643,847
2657	Die-Cut Paper and Paperboard and Cardboard	7	20,016,221
2676	Sanitary Paper Products	6	25,547,707

\*Data Source: Washington State Employment and Security Department 1993. \* 1994 2nd quarter extrapolated.

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**Appendix 2: Small Businesses and NIPF Landowners**

In Phase 1, NIPF landowners are assumed to be small businesses. Those NIPF businesses with two or less acres are excluded because they are not required to apply for a forest practices permit. In addition, most of these smallest businesses are residential or recreational users rather than business owners. Some small businesses do not have a UBI (universal business identification). But this does not exclude them from doing business in the future when timber is mature.

Although a few small businesses have large landholdings, the vast majority of NIPF businesses have very small landholdings. The average landholding for small forestry businesses for Washington and Oregon is about eighty-three acres.<sup>22</sup> Given the total acres of NIPF lands, we estimated that there are about 54,000 businesses in Washington. The Washington Farm Forestry Association estimates that there are about 30,000 small landowners in Washington.<sup>23</sup> The USDA Forest Service 1994 study estimated that there are about 76,000 landowners who own from one to forty-nine acre parcels. Exhibit A2-1 shows the distribution of these businesses by size of landholding from two hundred thirteen sample data in the SBEIS on the Water Type Rule.

<sup>22</sup> Johnson, R., R. Alig, E. Moore, and R. Johnson. 1997. NIPF Landowners, View of Regulation. Journal of Forestry, January 1997: 23-28.

<sup>23</sup> Personal Communication with Nels Hanson, WFFA.

**Exhibit A2-1: Small Business Distribution by Size of Landholding.<sup>24</sup>**

Size of Landholding (Acres)	Percent of Businesses	Percent of Landholding
5	29.09%	1.96%
20	37.27%	8.20%
40	15.45%	8.57%
160	12.73%	24.71%
>160	5.45%	64.24%

<sup>24</sup> Data source: Carruthers, C. 1997. Small Business Economic Impact Statement for the proposed Forest Practices Rule Amendments on Water Typing. This table will be recalculated based on new sample data from county records in Phase 2.

A 1994 U.S. Forest Service study estimates that about one hundred landowners have more [than] 5,000 acres and their combined holdings equal about 65% of the total NIPF acreage. Our data shows that for the larger "small" businesses, the regulatory impact on them is close to large businesses.<sup>25</sup> Given a fifty year rotation and \$10,000 income per acre from harvesting mature timber, about one hundred acres are harvestable annually, and revenue from the harvest is about \$1 million. Considering the seasonality of forestry, some of these large businesses (>5,000 acres) are likely to hire 50 or more permanent and seasonal employees, and should be identified and excluded from the small business group. However, since their ownership boundaries are not identifiable in the GIS database, our sample element, although large enough (six hundred forty acres) to well represent the land-based small businesses, did not exclude a few large NIPF businesses. Therefore, the group average impact of small businesses might be understated in Phase 1. The

small businesses will be grouped after individual ownerships are identified in Phase 2. In Phase 1, NIPF businesses are assumed to be small businesses.

<sup>25</sup> See Exhibit 6 of the main document.

**Appendix 3: Determine Sample Sizes for SBEIS**

Since the proposed rules have different requirements for private forest lands in western and eastern Washington, and the ownership compositions are also different in the two geographic regions, sample size determination is performed for both western and eastern Washington separately. Samples will be analyzed separately for the two areas and the total economic impacts will be pooled to determine if disproportional impacts exist for small businesses.

**1. Statistical Procedure to Determine Sample Sizes**

Population for samplings is all private forest lands in Washington. These lands are regulated by the proposed rule. What we are interested in is the difference in regulatory impacts between large and small businesses.

Suppose that

$\pi_s$  = The proportion of assets of small business owners that will be lost due to the proposed rule

$\pi_L$  = The proportion of assets of large business owners that will be lost due to the proposed rule

$\pi_s - \pi_L$  = True disproportional economic impacts on small businesses

$P_s$  = The estimated proportion of assets of small business owners that will be lost due to the proposed rule

$P_L$  = The estimated proportion of assets of large business owners that will be lost due to the proposed rule

$P_s - P_L$  = The estimated disproportional economic impacts on small businesses

Assume that no disproportional economic impacts exist on small business owners, then

$$H_0 = \pi_s - \pi_L = 0$$

We can test for equality of  $\pi_s$  and  $\pi_L$  with a test statistic given by the difference of  $P_s - P_L$  in sample proportions divided by an estimated standard error. The variance of  $P_s - P_L$  is

$$\sigma^2 = [\pi_s (1 - \pi_s)/A_s * n] + [\pi_L (1 - \pi_L)/A_L * n]$$

Where:

$n$  = sample size

$A_s$  = Asset proportion of small land owners

$A_L$  = Asset proportion of large industrial land owners

$Z = [(P_s - P_L) - (\pi_s - \pi_L)]/\sigma$  has approximately a normal distribution.

Then,  $Z_{\alpha/2} = 1.96 \leq \text{Prob}[P_s - P_L]/\sigma > = Z_{\alpha/2} = 1.96 (\alpha = 0.05)$  will give a 95% confidence level.

Then we can solve above equation for sample size  $n$ .

**2. Sample Sizes**

We used information from the SBEIS for the water type rules as a base to determine  $P_s$  and  $P_L$ . Considering the proposed rules include water types 1 to 5,  $P_s$  and  $P_L$  will be much larger. We assume that  $P_s$  and  $P_L$  are twice as large as those of the water type rules. As a result, we have

$$P_s = 20\% \text{ and } P_L = 5.5\%$$

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Given the asset proportion for both large and small land owners ( $A_S$  and  $A_L$ ), we can estimate sample size  $n$ .

Based on DNR's GIS database and using forestland acreage as a proxy asset indicator, then we have

$$A_S = 0.37 \text{ and } A_L = 0.73$$

The sample size  $n$  is estimated to be ninety-four for western Washington. In other words, ninety-four one square mile sections were selected from private forest lands in western Washington based on the random sampling procedure.

DNR's GIS database contains no ownership information for private forest lands in eastern Washington. United States Forest Service FIA database ownership information<sup>26</sup> is used to determine sample size in eastern Washington.

<sup>26</sup> Bolsinger et al, 1997. Washington's Public and Private Forests. U.S. Forest Service. PNW-RB-218.

We have

$$A_S = 0.73 \text{ and } A_L = 0.27$$

The sample size is estimated to be seventy-three for eastern Washington. In other words, seventy-three one square mile sections were selected from private forest lands in eastern Washington based on the random sampling procedure. Exhibit A3-1 shows the geographic locations of randomized samples.

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3. Summary of Samples

Exhibit A3-2 provides a summary of samples related to the population.

Exhibit A3-2: Summary of the samples\*.

Each sample element contain 1 square mile or 640 acres of forest lands	Samples	Sampled Private Forest Lands (acres)	
		Industrial Businesses	All Small Businesses
Eastern Washington	73	7,279	19,680
Western Washington	94	28,763	14,452
All Washington State	167	36,042	34,132
Percent of Sample in Population	0.75%		

*\*The acreage numbers reflect the 94 samples of private forestlands in western Washington and 73 samples in eastern Washington. Nonforest land is excluded. The designed confidence level is 95%. Nonforestlands are excluded from the samples.*

P<sub>IND</sub> = Percentage of lands in buffers of industrial businesses

R = Ratio of relative impact—Impacted small businesses versus industrial businesses

Data about acres in buffers and total acres by ownership groups have been obtained from the GIS samples for the proposed rules. The ratio of relative impact between ownership groups was derived from the data of the SBEIS on the water type rules. The percentage of acres in buffers for those impacted small businesses is 1.11 times of the percentage of those industrial businesses. This indicates the ratio of relative impact of impacted small businesses versus industrial businesses is 1.11 or 111%.

The total acreage of lands owned by the small businesses who are impacted under the proposed rules is estimated to be 19,736 acres or 57% of total NIPF lands. The total acreage of NIPF businesses who are not impacted by the rules is estimated as 16,485 acres or 43% of NIPF lands. The total NIPF lands are 34,132 acres.

Appendix 5: Estimating Impacts of Acres in Buffers

One of the major impacts of the proposed rules is the requirements for buffers. Exhibit A5-1 lists the requirements of buffers for private forest lands in both western Washington and eastern Washington. Since the requirements are different between the two geographically distinguished regions, sampling procedures were performed separately and the results are summarized by regions (Appendix 2).

We have used the following procedure to estimate the acres in buffers by ownership group. The data is obtained from GIS sampling. The total forest acres of impacted small businesses have been adjusted by excluding the acres of small businesses who are not impacted by the proposed rules.

$$P_i = B_i/A_i$$

Where:

P<sub>i</sub> = Estimated percentage of acres in buffers for ownership group i resulting from the forestry module rules

B<sub>i</sub> = Acres in buffers for ownership group i resulting from the forestry module rules

A<sub>i</sub> = Total forest acres of businesses in group i who are impacted by the forestry module rules

i = IND or NIPF representing industrial forestland owners and nonindustrial private businesses respectively.

Exhibit B1 shows the data used and the estimated results from the GIS samples. The total acres in buffer for small businesses due to the proposed rules is estimated as 3,546 acres or about 18% of impacted NIPF forest lands in the samples. The total acres in buffer due to the forestry module rules for industrial businesses in the samples is estimated as 5,834 acres or about 16% of the forest lands under industrial ownership in the samples.

Exhibit A5-1: Impacts of the Proposed Rule: Acres in buffers.

Appendix 4: Estimating Impacted Small Businesses

The population to which the samples apply includes all private forest lands. Since some businesses will not be affected by the proposed rules because no streams run through their lands; we need to exclude the acres owned by these businesses. The best way to do this is to identify ownerships of each individual parcel in the samples and exclude those parcels with no streams. Since it is impossible to obtain the ownership information before the anticipated filing of the proposed rules, the following procedure is used in Phase 1 to estimate the total acreage of small forestry businesses who are not impacted by the proposed rules.<sup>27</sup>

<sup>27</sup> The total acreage of small businesses who are not impacted by the proposed rules will be determined based on county tax records and interpretation of GIS samples in Phase 2 of this SBEIS.

Assume that there is not skewed distribution of streams across all land ownerships and the higher percentage of acres in buffers for impacted small forestry businesses is due to ownership boundaries. Suppose x acres are owned by businesses who are not impacted by the rules. We have

$$[B_{NIPF}/(A_{NIPF} - X)]/[B_{IND}/A_{IND}] = P_{NIPF}/P_{IND} = R$$

Where:

B<sub>NIPF</sub> = Total acres in buffers of small businesses who are impacted by the rules

A<sub>NIPF</sub> = Total acres of small businesses

B<sub>IND</sub> = Total acres in buffers of industrial businesses

A<sub>IND</sub> = Total acres of industrial businesses

P<sub>NIPF</sub> = Percentage of lands in buffers of impacted small businesses

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Regions	Buffer Requirements	Acres in Buffers	
		10% Largest Industrial Businesses*	Impacted Small Businesses
Eastern Washington	100 FT. Buffers	43.4	1,353
	50 FT. Buffers	5.6	174
	30 FT. Buffers	3.6	114
	Total	52.6	1,641
Western Washington	170 FT. Buffers	390.7	1,849
	50 FT. Buffers	29.8	29
	30 FT. Buffers	30.7	27
	Total	451.2	1,905
All Washington State	Total Acres in Buffers	503.8	3,546
	Total Forest Acres	3,604.2	19,736
	Percent of Land in Buffer	13.98%	17.97%

\*Adjusted for 10% largest business. The adjusting factors are 1.14 for eastern Washington and 0.84 for western Washington. The adjusting factor = (percent of acres in buffers of 10% of the largest industrial owners/percent of acres in buffers of the group of industrial businesses). The adjusting factors are derived from information of SBEIS of the Water Type Rules.

**Appendix 6: Estimating Impacts of Lack of Accessibility**

Economically inaccessible acres are calculated by GIS analysis and by identifying ownership of individual parcels on county tax records.<sup>28</sup> To get a reasonable estimate of the number of economically inaccessible acres in Phase 1, we have made an inference from the data collected from the SBEIS on the Water Type Rules. The population to which the samples applied in the Water Type Rules SBEIS included all private forest lands with Type 4 and 5 waters in Washington. The population of the sample of the forestry module proposed rules includes all private forest lands which have water

types 1, 2, 3, 4, or 5. As more water types are included, stream density under the regulation increases. The increase in stream density raises the probability of cutting a parcel into pieces which may become economically inaccessible. We have used the following procedure to estimate the economically inaccessible acres by ownership group.

<sup>28</sup> Inaccessible acres will be determined based on county tax records and interpretation of GIS samples in Phase 2 of this SBEIS.

$$E_i = \beta_i * A_i \text{ and,}$$

$$\beta_i = F_i * [M_i/N_i]$$

Where:

- $E_i$  = Estimated economically inaccessible forest acres of ownership group  $i$  resulting from the forestry module rules
- $\beta_i$  = Estimation factor of inaccessible acres under the proposed forestry module rules
- $A_i$  = Total sample acres of ownership group  $i$
- $F_i$  = Percent of economically inaccessible portion per acre of ownership group  $i$  resulting from water type rules
- $M_i$  = Stream feet per acre of the private forest lands of ownership group  $i$  under the proposed forestry module rule
- $N_i$  = Stream feet per acre of the private forest lands of ownership group  $i$  under the water type rules
- $i$  = 10% largest industrial owner or nonindustrial private businesses respectively.

Exhibit A6-1 shows the data that we used and the estimated results. The total inaccessible acres of small businesses due to the proposed rules is 591 acres or about 2.99% of the total lands of impacted small businesses in sample. The total inaccessible acres due to the proposed rules for 10% largest industrial businesses is twenty-six acres or 0.72% of the total forest lands in the sample.

**Exhibit A6-1: Impacts of the Proposed Rule: Economically inaccessible acres<sup>29</sup>.**

Regions	10% Largest Industrial Businesses		Impacted Small Business Owners	
	Estimation factor of inaccessible acres ( $\beta_i$ )	Economically Inaccessible Acres	Estimation factor of inaccessible acres ( $\beta_i$ )	Economically Inaccessible Acres
Eastern Washington	0.00%	0	2.94%	335
Western Washington	0.91%	26	3.06%	256
All Washington State	Total Inaccessible Acres	26	Total Inaccessible Acres	591
	Total Forest Acres	3,604	Total Forest Acres	19,736
	Percent of Inaccessible Acres	0.72%	Percent of Inaccessible Acres	2.99%

\*If the value of economic inaccessible acres is less than the stream crossing cost, the total value of the inaccessible acres is the loss. If the value of cut-off acres is higher than the estimated maximum stream crossing cost of \$32,000 (Water Type Rules SBEIS, 1997), the crossing cost is treated as the loss which is further converted back to acreage based on the timber value per acre.

<sup>29</sup> Estimated based data from Water Type Rules SBEIS (Carruthers, 1997), US FIA data about ownerships of forest lands in eastern Washington, DNR GIS samples, and the assumption of linear relation with stream miles.

**Appendix 7: Distributional Impacts Among Small Businesses**

The objectives of land use for small forestry businesses

are very different. While some of them use land for recreation primarily, some of them use land for commodities such as timber. Also some others use lands as an asset class for investment. Due to multiple functions of forestland, many businesses have multiple and dynamic objectives for their lands. The objectives are sometimes correlated to sizes of landholdings and affect management decisions. Whether or when a small business is impacted by the proposed rules is

dependent upon their decisions on land use and the size of their landholdings.

While the average impact of the proposed rules on small businesses is that about 21% of their lands will be constrained for business activities such as timber harvest, the distribution of the regulatory impact is different among groups of small businesses of different sizes of landholdings and land use objectives.

1. Distribution of Impacts by Owner Size: The distribution of regulatory impacts among small businesses is different from largest industrial businesses. Although in general small businesses have a larger percentage of their lands under regulatory constraints, the wide-spread standard deviation indicates the impact is far from homogeneity which characterizes their large industrial counterparts. Exhibit A7-1 illustrates such distribution using the data from the SBEIS for the water type rules. A similar distribution chart will be provided in Phase 2 of this SBEIS for the proposed forestry module rules.

Distribution of Regulatory Impact  
10% Large Indust. vs. Small Businesses

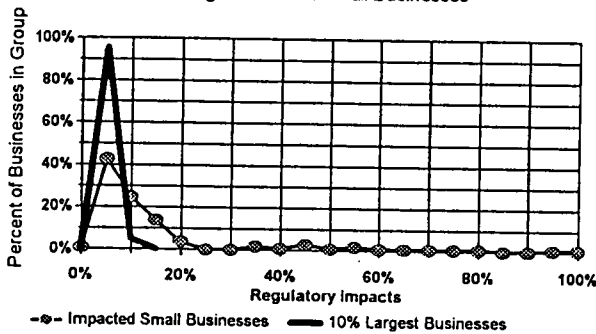


Exhibit A7-1: Distribution of regulatory impacts by owner size (Water Type Rules)

2. Estimated Regulatory Impacts by Size of Landholding of Small Businesses: The smaller the size of the landholding, the larger the percentage of acres in buffers as long as there is a stream crossing the parcel. We have used the following procedure to estimate the regulatory impacts on groups of businesses with different sizes of landholding.

$$H_i = \gamma * G_i \text{ and,}$$

$$\gamma = W/V$$

Where:

$H_i$  = Estimated impact of the proposed rules on small businesses with landholding of size  $i$ , expressed as percentage

$\gamma$  = Adjusting factor

$G_i$  = Estimated impact of water type rules on small businesses with landholdings of size  $i$ , expressed as percentage

$W$  = Estimated impact of the proposed forestry module rules on small businesses, expressed as percentage

$V$  = Estimated impact of the water type rules on small businesses, expressed as percentage

The estimated results are listed in Exhibit 7 of the main text. In Phase 2, these numbers will be reestimated using empirical data after the individual businesses are identified on county tax records.

3. Estimate the Probabilities of Being Impacted

The procedure used to estimate the probabilities of being impacted by size of landholding is adopted from Lippke and Bare.<sup>30</sup> The regulatory impacts we estimated have been used instead of the assumption of 20% regulation constraints.

<sup>30</sup> See Lippke, B. And B. Bare. 1998. Supplementary Comments on the "Viability of the Non-industrial Private Forestry Sector in Washington State" Under Regulatory Uncertainty.

We assume that five acres are necessary for economic harvest potential. We can use the following procedure to calculate the probability that a business will be impacted if it decides to harvest mature forest in a given period. In other words, we can estimate the likelihood that the business will be impacted in that period.

$$P_i = [1 - (H_i)^M]$$

Where:

$P_i$  = Estimated probability of small businesses (with landholding of size  $i$ ) who will be impacted by the proposed rules in a given period

$H_i$  = Estimated impact of the proposed rules on small businesses with landholding of size  $i$  (expressed as percentage)

$M$  = Mature timberland expressed as numbers of economic harvestable plots (each plot has 5 acres).

We have estimated the probability of being impacted for five groups of small businesses for the periods of ten years and fifty years. The estimated results are provided in Exhibit 8 in the main text.

A copy of the statement may be obtained by writing to Forest Practices Board Recording Secretary, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1413, fax (360) 902-1730, e-mail forest.practicesboard@wadnr.gov.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. Some of the sections proposed are significant legislative rules.

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on May 19, 1999, at 3 p.m.

Assistance for Persons with Disabilities: Contact Forest Practices Board Secretary, (360) 902-1413, by May 1, 1999, TTY (360) 902-1125.

Submit Written Comments to: Judith Holter, Department of Natural Resources, Forest Practices Division, fax (360) 902-1784, by May 21, 1999.

PROPOSED

Date of Intended Adoption: May 28, 1999.

October 6, 1998

Jennifer M. Belcher

Commissioner of Public Lands

**AMENDATORY SECTION** (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

**WAC 222-08-035 Continuing review of forest practices ((regulations)) rules.** \*(1) Annual evaluations. The department, after consulting with affected state agencies, Indian tribes, forest landowners, fish and wildlife, natural resources, and environmental interest groups, shall beginning July 1, 1988, report annually to the forest practices board an assessment of how ((regulations)) the rules and voluntary processes are working.

(2) Adaptive management. CMER will report results to the TFW Policy Group within six months of completion of a project. If CMER does not contain a consensus report, then the majority and minority thinking should be forwarded to TFW. TFW will report the project results to the board within six months of CMERs report. TFW will use CMERs work to make recommendations amending: the statutory scheme of forest practices management; the regulatory scheme of for forest practices management; voluntary, incentive-based, and training programs affecting forestry; resource objectives; and CMER, adaptive management procedures, or other mechanisms for implementing forest practices. TFW recommendations to the board will be accompanied by formal petitions for rule making (RCW 34.05.330), if appropriate. If TFW cannot reach agreement, then mediation may be used. If mediation is not successful within three months, then the forest practices board will hear the alternatives and recommendations and make a decision. In addition, ((The)) the department is directed to report to the board on opportunities to modify these ((regulations)) rules when baseline data, monitoring, evaluation or the use of interdisciplinary teams show that such adaptive management will better meet the purposes and policies of the Forest Practices Act.

(3) Resource management plans. The department is directed to develop a method for cooperative voluntary resource management planning among forest landowners, governmental agencies, affected Indian tribes, and environmental groups which would result in the development of plans which might be used as an alternative to the forest practice regulations in achieving the purposes and policies set forth in the act. This should be done through pilot projects, at least one of which should be located on the east side of the Cascade summit and one on the west side of the Cascade summit.

#### **NEW SECTION**

**WAC 222-10-020 \*SEPA policies for certain forest practices within 200 feet of a Type S water.** The following policies shall apply to Class IV-Special forest practices, involving construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas within 200 feet of Type S waters.

\*(1) In order to determine whether forest practices are likely to have a probable significant adverse impact, and therefore require an environmental impact statement, the applicant must submit to the department additional information prepared by a qualified expert on: Whether the proposed activity is within the channel migration zone of the Type S water; whether the proposed activity has the potential for accelerating erosional and depositional processes of the Type S water; whether the proposal will have an impact on salmonid spawning, rearing, or migration habitat; and whether the proposal will adversely impact a threatened or endangered species. (See WAC 222-10-043.) In addition, the report must identify specific mitigation measures designed to reduce the impacts to avoid any probable significant adverse impacts identified above.

\*(2) The department will evaluate the proposal in consultation with the department of ecology, the department of fish and wildlife, local government, and affected Indian tribes. If the proposal is likely to cause significant adverse impacts to salmonid spawning, rearing, or migration habitat, accelerate erosional and depositional processes of the Type S water, or cause significant adverse impacts to a threatened or endangered species, then it is likely to have a probable significant adverse impact on the environment. If the department determines, in consultation with the department of fish and wildlife, that the proposal will appropriately mitigate the impacts, then the mitigated proposal is not likely to have a probable significant adverse impact on the environment.

\*(3) If a local permit is required, then the local government is lead agency and the department shall forward the additional information, the environmental checklist, and the forest practices application to the local government for completing SEPA. (See WAC 222-20-040(4).)

#### **NEW SECTION**

**WAC 222-10-030 Class IV-Special construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas or timber harvest on unstable landforms or slide prone areas SEPA policies.** In addition to the SEPA policies established elsewhere in this chapter, the following policies shall apply to Class IV-Special forest practices involving construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas, or timber harvest, on unstable landforms or other slide-prone areas.

(1) In order to determine whether forest practices are likely to have a probable significant adverse impact, and therefore require an environmental impact statement, the applicant must submit additional information to the department, including a report by a qualified expert, regarding: whether the site contains or is affected by unstable landforms, such as but not limited to inner gorges, deep-seated landslides, bedrock hollows, convergent headwalls, or other weak geologic formations or structures; whether such landforms have the potential to undergo mass movement; if mass movement occurs, whether water, sediment, and/or debris could be delivered to public resources or threaten public safety; and, whether the likelihood of movement would be increased as a result of the proposed forest practice activity. In addition the

report must identify specific mitigation measures that are proposed to reduce any probable significant adverse impacts identified above.

(2) The department shall evaluate the proposal, using appropriate expertise, to determine whether the proposed forest practices reasonably would be expected, directly or indirectly, to increase the likelihood of a slope to undergo mass movement; and to deliver debris, sediment and/or water to a public resource or threaten public safety. If such is the case, then the proposed forest practices are assumed to have a probable significant adverse impact on the environment.

#### NEW SECTION

**WAC 222-12-044 Cooperative opportunities.** The forest practices board recognizes and encourages cooperative opportunities to work to build solutions associated with forest practices. The forest practices board can at any time use this method to assist in assessing and recommending solutions to issues. The board recognizes the Timber, Fish, and Wildlife cooperative as one ongoing cooperative group that represents disparate interests while working towards consensus recommendations, where possible, to forest practices issues. TFW membership is self-selecting and should be made of at least three policy members each from the following caucuses: Forest landowners (industrial and family-owned); environmental community; tribal governments; county governments with forest lands; state agencies (departments of fish and wildlife, ecology and natural resources); federal government (National Marine Fisheries Service, US Fish and Wildlife Service, Environmental Protection Agency and US Forest Service). TFW members will serve without compensation or per diem. TFW will assist the forest practices board in: Establishing resource objectives; selecting the administrator of CMER; determining CMERs program priorities and specific projects; defining research objectives; making recommendations to the forest practices board based on results of CMER projects or other issues the board has requested assistance of TFW; assisting in dispute resolution where CMER cannot come to consensus; and serving as requested by the board in other roles.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 87-23-036, filed 11/16/87, effective 1/1/88)

**WAC 222-12-045 \*Adaptive management.** In order to further the purposes of chapter 76.09 RCW the board has adopted a policy of adaptive management designed to modify these ((regulations)) rules and their application based on cooperative research, monitoring, and evaluation. This policy will be implemented by establishing the Cooperative, Monitoring, Evaluation and Research committee. The committee will emphasize validation and effectiveness monitoring and research. The committee will use accepted scientific principles for performing their work, such as: Identifying testable hypotheses, utilizing established resource objectives, identifying the affected public resource and the cause and effect

relationship with forest practices, data gathering analysis, and evaluation of resource and operational impacts. Each funded project will have an independent scientific peer review conducted. The committee will be made up of members of each TFW caucus that have expertise in the interaction of forest practices with public resources. CMER members will serve voluntarily without compensation or per diem. The department will employ an administrator to oversee the committee. The administrator will be selected in consultation with caucus representatives of the Timber, Fish, and Wildlife cooperative. The administrator will be responsible for managing the research and monitoring, including budget preparation and work plans with set time frames for products, and resolving disputes within the committee. In addition, the administrator will select peer reviewers in consultation with TFW. The administrator will report to the forest practices board annually the membership of the CMER. The administrator will present to the forest practices board biennially a budget proposal, projects list and time frames for work to be accomplished for approval. The proposal will have been developed in consultation with TFW. This will be the basis for CMERs biennial request to the legislature. The administrator will be responsible for annual progress reports to the forest practices board on the funded projects. The department will conduct a performance audit of the expenditure of legislatively appropriated funds biennially. Such adaptive management shall include the measures set out in WAC 222-08-035.

**AMENDATORY SECTION** (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

#### **WAC 222-12-090 Forest practices board manual.**

When approved by the board the manual serves as an advisory technical supplement to these forest practices regulations. The department, in cooperation with the departments of fish and wildlife, agriculture, ecology, and such other agencies, affected Indian tribes, or interested parties as may have appropriate expertise, is directed to prepare, and submit to the board for approval, revisions to the forest practices board manual. The manual shall include:

- (1) **Method for determination of adequate shade requirements on streams** needed for use with WAC 222-30-040.
- (2) **The standard methods** for measuring channel width, stream gradient and flow which are used in the water typing criteria WAC 222-16-030.
- (3) **A chart** for establishing recommended permanent culvert sizes and associated data.
- (4) **Guidelines** for clearing slash and debris from Type 4 and 5 Waters.
- (5) **Guidelines** for landing location and construction.
- (6) **Guidelines** for determining acceptable stocking levels.
- (7) **Guidelines** for calculating average widths of riparian management zones.
- (8) **Guidelines** for wetland delineation.
- (9) **Guidelines** for wetland replacement or substitution.
- (10) A list of nonnative wetland plant species.
- (11) The standard methodology, which shall specify the quantitative methods, indices of resource conditions, and def-

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initions, for conducting watershed analysis under chapter 222-22 WAC. The department, in consultation with Timber/Fish/Wildlife's Cooperative Monitoring, Evaluation and Research Committee (CMER), may make minor modifications to the version of the standard methodology approved by the board. Substantial amendments to the standard methodology requires approval by the board.

(12) A list of special concerns related to aerial application of pesticides developed under WAC 222-16-070(3).

(13)

(14) **Survey protocol for marbled murrelets.** The Pacific seabird survey protocol in effect March 1, 1997, shall be used when surveying for marbled murrelets in a stand. Surveys conducted before the effective date of this rule are valid if they were conducted in substantial compliance with generally accepted survey protocols in effect at the beginning of the season in which they were conducted.

(15) The department shall, in consultation with the department of fish and wildlife, develop **platform protocols** for use by applicants in estimating the number of platforms, and by the department in reviewing and classifying forest practices under WAC 222-16-050. These protocols shall include:

(a) A sampling method to determine platforms per acre in the field;

(b) A method to predict the number of platforms per acre based on information measurable from typical forest inventories. The method shall be derived from regression models or other accepted statistical methodology, and incorporate the best available data; and

(c) Other methods determined to be reliable by the department, in consultation with the department of fish and wildlife.

\* (16) Requirements for application of pesticides, aerial application equipment and operating parameters, and favorable weather conditions for aerial application of pesticides.

\* (17) Delivery of sediment and debris, and lengths of channel disturbance zones.

**AMENDATORY SECTION** (Amending WSR 98-07-047, filed 3/13/98, effective 5/1/98)

**WAC 222-16-010 General definitions.\*** Unless otherwise required by context, as used in these regulations:

"**Act**" means the Forest Practices Act, chapter 76.09 RCW.

"**Affected Indian tribe**" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"**Appeals board**" means the forest practices appeals board established in the act.

"**Area of resource sensitivity**" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"**Bankfull level**" (bankfull stage) means the elevation of the top of the active geomorphic floodplain of a stream. It is the area inundated by a flow having a return period of approximately 1.5 years in the annual flood series, which is

considered the effective channel-forming discharge. Bankfull level is indicated by the top of the point bar; by a change in vegetation, from bare surfaces or water-tolerant species to water-intolerant shrubs and trees; by a break in slope; or by a change in the size distribution of surface sediments.

"Bankfull depth" means the elevation difference between the lowest point of a riffle and the bankfull level in a stream reach.

"Bankfull width" means the average distance between the lines defining the bankfull depth in a stream reach.

"Bedrock hollows" ("colluvium-filled bedrock hollows" or "hollows"; also referred to as zero-order basins, swales, or bedrock depressions) are commonly spoon-shaped areas of convergent topography (upward or contour concavity) within unchannelled valleys on hillslopes. Hollows are formed on slopes of varying steepness, and tend to be longitudinally linear on the slope. Their upper ends can extend to the ridge, or begin as much as several hundred feet below. Most hollows are approximately 75 to 200 feet wide at the top, and may narrow to 30 to 60 feet downhill. They terminate at distinct channels, either at the usual point of channel initiation or along a stream side. Unless they have recently experienced scouring by landslide or debris flow, bedrock hollows are partially or completely filled with colluvial soils that are typically deeper than those on the adjacent spurs and planar slopes. (Note: Hollows that are completely filled with colluvium may show no surface concavity.) Many hollows have no surface water, but others contain seeps and springs. Hollows should not be confused with other hillslope concavities such as small valleys, the bodies of large landslides, tree-throw holes, or low-gradient grassy swales. Bedrock hollows typically experience episodic evacuation of debris by shallow-rapid mass movement, followed by slow refilling with colluvium. Debris slides that begin within bedrock hollows commonly evolve into debris torrents, which have the potential to reach great distances downhill and downstream.

"**Board**" means the forest practices board established by the act.

"**Bog**" means wetlands which have the following characteristics: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce, western Hemlock, lodgepole pine, cedar, whitepine, crabapple, or aspen, and may be associated with open water. This includes nutrient-poor fens. See the *Forest Practices Board Manual*.

"**Borrow pit**" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"**Channel disturbance zone (CDZ)**" means the area that might be affected by landslides or debris torrents originating on hillslopes that are identified as actively or potentially unstable. The longitudinal extent of a CDZ is estimated as:

- For existing or potential stream-adjacent landslides, the CDZ includes the stream reach(es) bordering the slide body;
- For existing or potential upslope landslides, from which delivery of sediment or debris is likely, the

stream reach(es) directly downhill from the slide area;

- For landslides that could reasonably be transformed into debris torrents (debris flows or dam-break floods), the downstream extent of the CDZ shall be estimated based on topographic, hydraulic, and vegetational characteristics of the channel, based on accepted methods as described in the *Forest Practices Board Manual*.

In all cases, CDZs shall include the entire width of the channel migration zone, unless local information and analysis indicates that not all of the CMZ could reasonably be affected.

"Channel migration zone (CMZ)" means the area that a stream has occupied, or could be expected to occupy, within the time it would take to grow trees of sufficient size to function geomorphically within the channel. Migration may be caused by meandering, braiding, or avulsion. In a given stream reach, the CMZ should be delineated as the widest zone including the following:

- Areas of recently-occupied channels, as indicated by channel-bed topography, coarser surface sediments with thin soils, and/or younger vegetation;
- The 100-year floodplain, as shown on flood insurance rate maps, or as estimated from hydraulic modeling;
- The 100-year floodplain, estimated as the area that would be inundated by flows twice the bankfull depth;
- An area, centered on the current channel, that is twice the bankfull width.

"Chemicals" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"Clearcut" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Colluvium-filled bedrock hollows": See bedrock hollows.

"Columbia River Gorge National Scenic Area or CRGNSA" means the area established pursuant to the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(a).

"CRGNSA special management area" means the areas designated in the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(b) or revised pursuant to 16 U.S.C. §544b(c). For purposes of this rule, the special management area shall not include any parcels excluded by 16 U.S.C. §544f(o).

"CRGNSA special management area guidelines" means the guidelines and land use designations for forest practices developed pursuant to 16 U.S.C. §544f contained in the CRGNSA management plan developed pursuant to 15 U.S.C. §544d.

"Commercial tree species" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"Completion of harvest" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: *Provided*, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

"Constructed wetlands" means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

"Contamination" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"Convergent headwalls" ("headwalls") are teardrop-shaped landforms, broad at the ridgetop and terminating where headwater channels have converged into a single channel. They are broadly concave both longitudinally and across the slope, but may contain sharp ridges that separate the headwater channels. Convergent headwalls generally range in size from about 30 to 300 acres; slope gradients are typically steeper than 35°, and may locally exceed 45°. Soils are thin because slides are frequent in these landforms. It is the arrangement of bedrock hollows and first-order channels on the landscape that causes a convergent headwall to be a unique mass-wasting feature. The highly convergent shape of the slopes, coupled with thin soils, allows rapid saturation during rainfall and/or snowmelt. The mass-wasting response of these areas to storms, natural disturbances such as fire, and to forest practices is much greater than is observed on other steep hillslopes in the same geologic settings. Convergent headwalls are also prone to surface erosion. Landslides that evolve into debris flows in convergent headwalls typically deliver debris to larger channels downstream. Channel gradients are extremely steep within headwalls, and generally remain so for long distances downstream. Channels that exit the bottoms of headwalls have been formed by repeated debris flows, and have forms and gradients that are efficient at conducting them. Convergent headwalls commonly have debris fans at the slope bases.



**"Conversion option harvest plan"** means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

**"Conversion to a use other than commercial timber operation"** shall mean a bona fide conversion to an active use which is incompatible with timber growing.

**"Cooperative habitat enhancement agreement (CHEA)"** see WAC 222-16-105.

**"Critical habitat (federal)"** means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior or the United States Secretary of Commerce under Sections 3 (5)(A) and 4 (a)(3) of the Federal Endangered Species Act.

**"Critical nesting season"** means for marbled murrelets - April 1 to August 31.

**"Critical wildlife habitat (state)"** means those habitats designated by the board in accordance with WAC 222-16-080.

**"Cultural resources"** means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

**"Cumulative effects"** means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

**"Daily peak activity"** means for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

**"Debris"** means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

**"Debris torrents"** are mixtures of water, sediment, and debris that move in and along mountain channels. They include debris flows, and hyperconcentrated floods that may be caused by the collapse of natural or artificial dams (such as landslide dams or debris jams).

**"Deep-seated landslides"** are landslides in which the zone of movement is below the maximum rooting depth of forest trees, to depths of tens to hundreds of feet. Deep-seated landslides can vary greatly in size (up to thousands of acres) and activity level, and can occur almost anywhere on the hillslope. Deep-seated landslides are usually formed in incompetent materials such as glacial deposits, volcanoclastic rocks, and fault gouge. Commonly, development of a deep-seated landslide begins after a slope has been oversteepened by glacial or fluvial undercutting; however, the initiation of such slides has also been associated with changes in land use, increases in ground-water levels, and the degradation of material strength through natural processes. Movement can be translational, rotational, or complex; range from slow to rapid; and displacements can be small to large.

**"Deep-seated landslides in bedrock"** commonly occur in masses that are relatively weak. These can include bodies in which the rocks themselves are incompetent, such as certain types of clay-rich sediments and volcanics (e.g., some shales and tuffs), or low-grade metamorphic rocks (e.g., phyllite); or in highly weathered materials, such as deeply

weathered rock and saprolite. In other cases, the geologic structure weakens the rock strength: Bedding planes, joints, and faults commonly act as planes of weakness that can become slide surfaces.

**"Deep-seated landslides in glacial deposits"** are common in thicker glacial deposits, most usually where relatively permeable and impermeable materials are juxtaposed. Impermeable deposits can perch ground water, causing elevated pore-water pressures in the overlying deposits, which can then slide out and downward.

Many deep-seated landslides occur in the lower portions of hillslopes and extend directly into stream channels. In such situations, streams can undercut the landslide toes, promoting further movement; such oversteepened toes can also be sensitive to changes caused by harvest and road construction. On the other hand, deep-seated landslides confined to the upper slopes may not have the ability to deposit material directly into stream channels. The ability of scarps and marginal streams to deliver sediment to waters or structures varies with local topography. Steep marginal streams can be subject to debris-flow initiation.

**"Demographic support"** means providing sufficient suitable spotted owl habitat within the SOSEA to maintain the viability of northern spotted owl sites identified as necessary to meet the SOSEA goals.

**"Department"** means the department of natural resources.

**"Dispersal habitat"** see WAC 222-16-085(2).

**"Dispersal support"** means providing sufficient dispersal habitat for the interchange of northern spotted owls within or across the SOSEA, as necessary to meet SOSEA goals. Dispersal support is provided by a landscape consisting of stands of dispersal habitat interspersed with areas of higher quality habitat, such as suitable spotted owl habitat found within RMZs, WMZs or other required and voluntary leave areas.

**"Drainage management"** means road drainage techniques and strategies that prevent sediments from delivering to typed waters.

**"Drainage management plan"** means a plan that prevents road sediment delivery greater than one half the background level of a defined drainage area.

**"Eastern Washington"** means the lands of the state lying east of an administrative line which approximates the change from the Western Washington timber types to the Eastern Washington timber types described as follows:

Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,

Thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,

Thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,

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Thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,

Thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,

Thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,

Thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,

Thence south along range line between R. 14E. and R. 15E. to SW corner of T. 20N, R. 15E.,

Thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,

Thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,

Thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,

Thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,

Thence south and west along Wenatchee National Forest Boundary to the NW corner of T. 12N, R. 14E.,

Thence south along range line between R. 13E. and R. 14E. to SE corner of T. 10N, R. 13E.,

Thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,

Thence south along range line between R. 11E. and R. 12E. to SE corner of T. 8N, R. 11E.,

Thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest Boundary,

Thence south along Forest Boundary to SE corner of Section 33, T. 7N, R. 11E.,

Thence west along township line between T. 6N, and T. 7N to SE corner of T. 7N, R. 9E.,

Thence south along Skamania-Klickitat County line to Oregon-Washington state line.

**"End hauling"** means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

**"Erodible soils"** means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

**"Even-aged harvest methods"** means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-30-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

**"Fen"** means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hardstem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

**"Fertilizers"** means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

**"Fill"** means the placement of earth material or aggregate for road or landing construction or other similar activities. Fill does not include the growing or harvesting of timber including, but not limited to, slash burning, site preparation, reforestation, precommercial thinning, intermediate or final harvesting, salvage of trees, brush control, or fertilization.

**"Flood level - 50 year."** For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

**"Forest land"** means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

**"Forest land owner"** shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: *Provided*, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person

has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

**"Forest practice"** means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- Road and trail construction;
- Harvesting, final and intermediate;
- Precommercial thinning;
- Reforestation;
- Fertilization;
- Prevention and suppression of diseases and insects;
- Salvage of trees; and
- Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

**"Forest trees"** excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: *Provided*, That Christmas trees are forest trees and: *Provided further*, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees.

**"Green recruitment trees"** means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

**"Haul, nonrestricted"** means hauling is permitted based on a drainage management plan.

**"Haul, restricted"** means timber and rock hauling is permitted only during those periods sediment is not delivered to typed waters.

**"Herbicide"** means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

**"Historic site"** includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

**"Hollows":** See colluvium-filled bedrock hollows.

**"Hyporheic areas"** are zones adjacent to and below active channels where interstitial water is exchanged with channel water; water movement is mainly in the downstream direction.

**"Identified watershed processes"** means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

- Mass wasting;
- Surface and road erosion;

Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);

Large organic debris;

Shading; and

Stream bank and bed stability.

**"Inner gorges"** are canyon walls created by a combination of the downcutting/undercutting action of a stream and mass movement on the slope walls. They are oversteepened, that is, steeper than can be accounted for by slope processes alone, and subject to greater rates of mass wasting as a result. Inner gorges show evidence of recent movement, such as obvious landslides, vertical tracks of disturbance vegetation, or areas that are concave in contour and/or profile. In competent bedrock, slope gradients of 35° or steeper can be maintained, but soil mantles are increasingly sensitive to root-strength loss at these angles; slope gradients as gentle as 28° can be unstable in gorges cut into incompetent bedrock. The top of the inner gorge is typically a distinct break in slope, but in some places the upper boundary is a subtle zone where the slope becomes markedly steeper or convex downhill. Inner gorge walls can be continuous for great lengths, as along a highly confined stream that is actively downcutting; or they can be discontinuous, as along a flood-plain channel that is undercutting the adjacent hillslopes in isolated places where the stream has meandered to the valley edge. Inner gorges experiencing mass wasting are likely to deliver sediment to waters or structures downhill. Exceptions can occur where benches of sufficient size to stop moving material exist along the gorge walls, but these are uncommon. Inner gorges are distinguished from ordinary steep valley sides: Ordinary valleys can be V-shaped with distinct slope breaks at the top, but they commonly do not show evidence of recent movement.

In practice, a minimum vertical height of 10 feet should be applied to discriminate inner gorges from slightly incised streams. The upper boundary of an inner gorge is assumed to be a line along the first break in slope of at least 10°, or the line above which slope gradients are typically gentler than 30°.

**"Insecticide"** means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

**"Interdisciplinary team"** (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

**"Islands"** means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

**"Limits of construction"** means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

**"Load bearing portion"** means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

**"Local government entity"** means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

**"Low impact harvest"** means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

**"Marbled murrelet detection area"** means an area of land associated with a visual or audible detection of a marbled murrelet, made by a qualified surveyor which is documented and recorded in the department of fish and wildlife data base. The marbled murrelet detection area shall be comprised of the section of land in which the marbled murrelet detection was made and the eight sections of land immediately adjacent to that section.

**"Marbled murrelet nesting platform"** means any horizontal tree structure such as a limb, an area where a limb branches, a surface created by multiple leaders, a deformity, or a debris/moss platform or stick nest equal to or greater than 7 inches in diameter including associated moss if present, that is 50 feet or more above the ground in trees 32 inches dbh and greater (generally over 90 years of age) and is capable of supporting nesting by marbled murrelets.

**"Median home range circle"** means a circle, with a specified radius, centered on a spotted owl site center. The radius for the median home range circle in the Hoh-Clearwater/Coastal Link SOSEA is 2.7 miles; for all other SOSEAs the radius is 1.8 miles.

**"Merchantable stand of timber"** means a stand of trees that will yield logs and/or fiber:

Suitable in size and quality for the production of lumber, plywood, pulp or other forest products;

Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

**"Northern spotted owl site center"** means the location of status 1, 2 or 3 northern spotted owls based on the following definitions:

- Status 1: Pair or reproductive - a male and female heard and/or observed in close proximity to each other on the same visit, a female detected on a nest, or one or both adults observed with young.
- Status 2: Two birds, pair status unknown - the presence or response of two birds of opposite sex where pair status cannot be determined and where at least one member meets the resident territorial single requirements.
- Status 3: Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or three or more responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

In determining the existence, location, and status of northern spotted owl site centers, the department shall consult

with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

**"Notice to comply"** means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

**"Occupied marbled murrelet site"** means:

(1) A contiguous area of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occur:

- (a) A nest is located; or
- (b) Downy chicks or eggs or egg shells are found; or
- (c) Marbled murrelets are detected flying below, through, into or out of the forest canopy; or
- (d) Birds calling from a stationary location within the area; or
- (e) Birds circling above a timber stand within one tree height of the top of the canopy; or

(2) A contiguous forested area, which does not meet the definition of suitable marbled murrelet habitat, in which any of the behaviors or conditions listed above has been documented by the department of fish and wildlife and which is distinguishable from the adjacent forest based on vegetative characteristics important to nesting marbled murrelets.

(3) For sites defined in (1) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

- (a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or
- (b) The beginning of any gap greater than 300 feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat"; or
- (c) The beginning of any narrow area of "suitable marbled murrelet habitat" less than 300 feet in width and more than 300 feet in length.

(4) For sites defined under (2) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

- (a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or
- (b) The beginning of any gap greater than 300 feet wide lacking one or more of the distinguishing vegetative characteristics important to murrelets; or
- (c) The beginning of any narrow area of suitable marbled murrelet habitat, comparable to the area where the observed behaviors or conditions listed in (1) above occurred, less than 300 feet in width and more than 300 feet in length.

(5) In determining the existence, location and status of occupied marbled murrelet sites, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

**"Old forest habitat"** see WAC 222-16-085 (1)(a).

**"Operator"** shall mean any person engaging in forest practices except an employee with wages as his/her sole compensation.

**"Ordinary high-water mark"** means the mark on the shores of all waters, which will be found by examining the beds 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: *Provided*, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

**"Other forest chemicals"** means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

**"Park"** means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

**"Partial cutting"** means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

**"Pesticide"** means any insecticide, herbicide, fungicide, or rodenticide but does not include nontoxic repellents or other forest chemicals.

**"Plantable area"** is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

**"Power equipment"** means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

**"Public resources"** means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

**"Qualified expert"** means a person qualified for level 2 certification in the watershed analysis process, plus at least 5 years of experience in the evaluation of relevant problems in forested lands.

**"Qualified surveyor"** means an individual who has successfully completed the marbled murrelet field training course offered by the department of fish and wildlife or its equivalent.

**"Rehabilitation"** means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

**"Relief culvert"** means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

**"Resource characteristics"** means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and

Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

**"Riparian management zone"** means a specified area alongside ((Type 1, 2 and 3 Waters)) any typed waters where specific measures are taken to protect water quality and fish and wildlife habitat.

**"Road sediment delivery"** means sediment is entering a typed water from the road prism.

**"Rodenticide"** means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

**"Salvage"** means the removal of snags, down logs, windthrow, or dead and dying material.

**"Scarification"** means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

**"Seeps"** are areas where water slowly percolates to the ground surface, commonly in a line controlled by fractures or bedding in the underlying rock, or where the local water table intercepts the surface. Seepage flow is insufficient to cause formation of a distinct channel, so the water moves downhill by overland flow; seeps are not directly connected to the channel network, but the flow may nevertheless be important for some ecosystem functions.

**"Seeps, headwall"** are those located on valley-head slopes, ridgeward of the upper end of the defined channel.

**"Seeps, perennial"** are those that flow through the dry season.

**"Shorelines of the state"** shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

**"Side casting"** means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

**"Site preparation"** means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

**"Skid trail"** means a route used by tracked or wheeled skidders to move logs to a landing or road.

**"Slash"** means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

**"SOSEA goals"** means the goals specified for a spotted owl special emphasis area as identified on the SOSEA maps

(see WAC 222-16-086). SOSEA goals provide for demographic and/or dispersal support as necessary to complement the northern spotted owl protection strategies on federal land within or adjacent to the SOSEA.

"**Spoil**" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

"**Spotted owl dispersal habitat**" see WAC 222-16-085(2).

"**Spotted owl special emphasis areas (SOSEA)**" means the geographic areas as mapped in WAC 222-16-086. Detailed maps of the SOSEAs indicating the boundaries and goals are available from the department at its regional offices.

"**Springs**" are areas where water percolates to the ground surface, commonly in a point or limited area, controlled by fractures or bedding in the underlying rock, or where the local water table intercepts the surface. Where spring flow is sufficient to cause surface erosion, it may be the channel initiation point; springs can also occur within channels.

"**Springs, perennial**" are those that flow through the dry season. The upstream point of perennial flow in a channel is a perennial spring.

"**Stop work order**" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

"**Streams**" are channelized bodies of flowing water.

"**Streams, perennial**" are those that flow throughout the dry season. For a given stream, the entire length of channel downstream of a perennial seep or spring is considered perennial, whether or not there is water above the ground surface all year.

"**Streams, seasonal**" are those that do not flow throughout the year; channel reaches upstream of perennial springs.

"**Sub-mature habitat**" see WAC 222-16-085 (1)(b).

"**Suitable marbled murrelet habitat**" means a contiguous forested area containing trees capable of providing nesting opportunities:

(1) With all of the following indicators unless the department, in consultation with the department of fish and wildlife, has determined that the habitat is not likely to be occupied by marbled murrelets:

(a) Within 50 miles of marine waters;

(b) At least 40% of the dominant and codominant trees are Douglas-fir, western hemlock, western red cedar or sitka spruce;

(c) Two or more nesting platforms per acre;

(d) At least 7 acres in size, including the contiguous forested area within 300 feet of nesting platforms, with similar forest stand characteristics (age, species composition, forest structure) to the forested area in which the nesting platforms occur.

"**Suitable spotted owl habitat**" see WAC 222-16-085(1).

"**Temporary road**" means a roadway which has been opened for the purpose of the forest practice operation in question, and thereafter will be an abandoned road.

"**Threatened or endangered species**" means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior or the United States Secretary of Commerce, and all species of wildlife designated as "threatened" or "endangered" by the Washington fish and wildlife commission.

"**Timber**" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

"**Water bar**" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

"**Watershed administrative unit (WAU)**" means an area shown on the map specified in WAC 222-22-020(1).

"**Watershed analysis**" means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

"**Weed**" is any plant which tends to overgrow or choke out more desirable vegetation.

"**Western Washington**" means the lands of the state lying west of the administrative line described in the definition of Eastern Washington.

"**Wetland**" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

"**Wetland functions**" include the protection of water quality and quantity, flood control, bank stabilization, contributions to ground water and streamflows, and providing fish and wildlife habitat, and the production of timber. These functions may vary from wetland to wetland.

"**Wetland management zone**" means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

"**Wildlife**" means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

"**Wildlife reserve trees**" means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on

standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

"Winds, favorable" means those winds where the wind direction effectively moves the spray cloud away from water, RMZ, or WMZ, based on visual observation of spray drift.

"Winds, unfavorable" means any winds which are not clearly favorable (see favorable winds) including calm conditions, inversions, or conditions of highly variable wind direction.

"Windthrow" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

"Young forest marginal habitat" see WAC 222-16-085 (1)(b).

**AMENDATORY SECTION** (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

**WAC 222-16-030 Water typing system.** \*The department in cooperation with the departments of fish and wildlife, and ecology, and in consultation with affected Indian tribes shall classify streams, lakes and ponds and prepare stream classification maps showing the location of Type ~~((1, 2, 3 and 4 Waters))~~ S, F, and N waters within the various forested areas of the state. Such maps shall be available for public inspection at region offices of the department. The waters will be classified using the following criteria. If a dispute arises concerning a water type the department shall make available informal conferences, which shall include the departments of fish and wildlife, and ecology, and affected Indian tribes and those contesting the adopted water types. These conferences shall be established under procedures established in WAC 222-46-020.

\*(1) "Type ~~((1-Water)) S water"~~ means all waters, within their ordinary high-water mark, as inventoried as "shorelines of the state" under chapter 90.58 RCW and the

rules promulgated pursuant to chapter 90.58 RCW, but not including those waters' associated wetlands as defined in chapter 90.58 RCW.

\*(2) "Type ~~((2-Water)) F water"~~ ~~((shall))~~ means segments of natural waters which are not classified as Type ~~((4-Water))~~ S water and ~~((have a high fish, wildlife, or human use))~~ contain fish habitat or are used by wildlife or humans. These are segments of natural waters and periodically inundated areas of their associated wetlands, which:

(a) Are diverted for domestic use by more than ~~((400))~~ 10 residential or camping units or by a public accommodation facility licensed to serve more than ~~((400))~~ 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type ~~((2-Water))~~ F water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Are within a federal, state, local, or private campground having more than ~~((30))~~ 10 camping units: *Provided*, That the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement;

(c) Have the potential to be used by fish. The department will make maps available that represent fish habitat. These maps will be prepared using a multiparameter model(s) that uses geomorphic data such as stream gradient, basin size, elevation and precipitation to estimate where fish habitat is likely to be.

(d) Lakes, ponds, or impoundments having a surface area of 0.5 acre or greater at seasonal low water.

~~((Are used by substantial numbers of anadromous or resident game fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations:~~

(i) ~~Stream segments having a defined channel 20 feet or greater in width between the ordinary high-water marks and having a gradient of less than 4 percent.~~

(ii) ~~Lakes, ponds, or impoundments having a surface area of 1 acre or greater at seasonal low water; or~~

~~((Are used by salmonids for off-channel habitat. These areas are critical to the maintenance of optimum survival of juvenile salmonids. This habitat shall be identified based on the following criteria:~~

(i) ~~The site must be connected to a stream bearing salmonids and accessible during some period of the year; and~~

(ii) ~~The off-channel water must be accessible to juvenile salmonids through a drainage with less than a 5% gradient.~~

\*(3) "Type 3 Water" shall mean segments of natural waters which are not classified as Type 1 or 2 Water and have a moderate to slight fish, wildlife, and human use. These are segments of natural waters and periodically inundated areas of their associated wetlands which:

(a) Are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 3 Water

upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Are used by significant numbers of anadromous fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have significant anadromous fish use:

(i) Stream segments having a defined channel of 5 feet or greater in width between the ordinary high water marks; and having a gradient of less than 12 percent and not upstream of a fall of more than 10 vertical feet.

(ii) Ponds or impoundments having a surface area of less than 1 acre at seasonal low water and having an outlet to an anadromous fish stream:

(e) Are used by significant numbers of resident game fish. Waters with the following characteristics are presumed to have significant resident game fish use:

(i) Stream segments having a defined channel of 10 feet or greater in width between the ordinary high water marks; and a summer low flow greater than 0.3 cubic feet per second; and a gradient of less than 12 percent.

(ii) Ponds or impoundments having a surface area greater than 0.5 acre at seasonal low water; or

(d) Are highly significant for protection of downstream water quality. Tributaries which contribute greater than 20 percent of the flow to a Type 1 or 2 Water are presumed to be significant for 1,500 feet from their confluence with the Type 1 or 2 Water or until their drainage area is less than 50 percent of their drainage area at the point of confluence, whichever is less:))

\*((4)) (3) "Type ((4 Water)) N water" means ((classification shall be applied to)) segments of natural waters which are not classified as Type ((1, 2 or 3, and for the)) S or F. Their purpose ((of protecting)) is to protect water quality and nonfish biota including stream associated amphibians and freshwater shellfish. Waters diverted for established domestic use by 10 or less residents ((downstream)) are classified as Type ((4 Water)) N water upstream until the channel ((width becomes less than 2 feet in width between the ordinary high water marks. Their significance lies in their influence on water quality downstream in Type 1, 2, and 3 Waters. These may be perennial or intermittent.)) initiation point. These waters may include seasonal streams with defined channels. Their significance includes providing cool water downstream, sediment storage, and habitat for stream associated amphibians

((\*(5)) "Type 5 Water" classification shall be applied to all natural waters not classified as Type 1, 2, 3 or 4; including streams with or without well-defined channels, areas of perennial or intermittent seepage, ponds, natural sinks and drainageways having short periods of spring or storm runoff:))

\*((6)) (4) For purposes of this section:

(a) "Residential unit" means a home, apartment, residential condominium unit or mobile home, serving as the principal place of residence.

(b) "Camping unit" means an area intended and used for:

(i) Overnight camping or picnicking by the public containing at least a fireplace, picnic table and access to water and sanitary facilities; or

(ii) A permanent home or condominium unit or mobile home not qualifying as a "residential unit" because of part time occupancy.

(c) ((("Resident game fish")) "Fish habitat" means habitat of any ((game)) fish ((as described in the Washington game code that spend their life cycle in fresh water. Steelhead, searun cutthroat and Dolly Varden trout are anadromous game fish and should not be confused with resident game fish.)) species including, but not limited to food fish, shellfish, game fish, and other nonclassified fish species and all stages of development.

(d) "Public accommodation facility" means a business establishment open to and licensed to serve the public, such as a restaurant, tavern, motel or hotel.

(e) "Natural waters" only excludes water conveyance systems which are artificially constructed and actively maintained for irrigation.

(f) "Seasonal low flow" and "seasonal low water" mean the conditions of the 7-day, 2-year low water situation, as measured or estimated by accepted hydrologic techniques recognized by the department.

(g) ((("Channel width and gradient" means a measurement over a representative section of at least 500 linear feet with at least 10 evenly spaced measurement points along the normal stream channel but excluding unusually wide areas of negligible gradient such as marshy or swampy areas, beaver ponds and impoundments. Channel gradient may be determined utilizing stream profiles plotted from United States geological survey topographic maps.

(h) "Intermittent") "Seasonal streams" means those segments of streams that normally go dry.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 98-07-047, filed 3/13/98, effective 5/1/98)

**WAC 222-16-050 Classes of forest practices.** There are 4 classes of forest practices created by the act. All forest practices (including those in Classes I and II) must be conducted in accordance with the forest practices regulations.

(1) "**Class IV - special.**" Application to conduct forest practices involving the following circumstances requires an environmental checklist in compliance with the State Environmental Policy Act (SEPA), and SEPA guidelines, as they have been determined to have potential for a substantial impact on the environment. It may be determined that additional information or a detailed environmental statement is required before these forest practices may be conducted.

\* (a) Aerial application of pesticides in a manner identified as having the potential for a substantial impact on the environment under WAC 222-16-070 or ground application of a pesticide within a Type A or B wetland.

(b) Specific forest practices listed in WAC 222-16-080 on lands designated as:



(i) Critical wildlife habitat (state) of threatened or endangered species; or

(ii) Critical habitat (federal) of threatened or endangered species except those excluded by the board under WAC 222-16-080(3).

(c) Harvesting, road construction, aerial application of pesticides and site preparation on all lands within the boundaries of any national park, state park, or any park of a local governmental entity, except harvest of less than 5 MBF within any developed park recreation area and park managed salvage of merchantable forest products.

**PROPOSED**  
 \*(d) Construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas (~~on slide prone areas as defined in WAC 222-24-020(6) and field verified by the department;~~) in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, (~~when such slide prone areas occur on an uninterrupted slope above water typed pursuant to WAC 222-16-030;~~) on landforms that are likely to be or are potentially unstable, where such landforms are located above any typed water, Type A or Type B Wetland, or capital improvement of the state or its political subdivisions; or threaten public safety, where there is potential for a substantial landslide or debris ((flow or mass failure)) torrent to cause significant impact to public resources.

(i) It is assumed that slope instability is likely in inner gorges, bedrock hollows, and convergent headwalls steeper than 35° (70%), on the toes of deep-seated landslides steeper than 33° (65%), or on any soil-covered slopes steeper than 38° (80%). An analysis of the stability of the site and the proposed forest practices by a qualified expert, in accordance with WAC 222-10-030, shall be submitted with the application.

(ii) It is assumed that slope instability is possible in inner gorges, bedrock hollows, convergent headwalls, or on any other soil-covered slopes steeper than 30° (60%), or on the toes of any deep-seated landslides. For such slopes that are gentler than those described in (i), an evaluation of the stability of the site and the proposed forest practices by a trained field forester shall be submitted with an application, documenting the lines of evidence indicating the condition of the potentially unstable areas. This information shall be reviewed by a qualified expert who will be responsible for the information.

(iii) The potential for delivery of sediment and debris, and the length of potential channel disturbance zones, shall be determined by accepted methods as described in the *Forest Practices Board Manual*. If a local determination of delivery potential has not or can not be made from aerial photographs or field evidence, it will be assumed that delivery can occur downhill to a distance 500 feet below the point where the slope becomes gentler than 26° (50%). For all designated delivery areas and channel disturbance zones, channel conditions and potential problems relating to slope instability and debris torrents shall be evaluated, and the information submitted with the stability analyses.

(iv) The information submitted, and the review by the department (including the decision on classification), shall be in accordance with WAC 222-10-030.

\*(e) Timber harvest in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, ((on slide prone areas, field verified by the department;)) on landforms that are likely to be or are potentially unstable, where soils, geologic structure, and local hydrology indicate that canopy removal has the potential for increasing slope instability, ((when such areas occur on an uninterrupted slope above any water typed pursuant to WAC 222-16-030;)) where such landforms are located above any typed water, Type A or Type B Wetland, or a capital improvement of the state or its political subdivisions, or privately owned structure, where there is a potential for a substantial landslide or debris ((flow or mass failure)) torrent to cause significant impact to public resources.

(i) It is assumed that slope instability is likely in inner gorges, bedrock hollows, and convergent headwalls steeper than 35° (70%), on the toes of deep-seated landslides steeper than 33° (65%), or on any soil-covered slopes steeper than 38° (80%). An analysis of the stability of the site and the proposed forest practices by a qualified expert, in accordance with WAC 222-10-030, shall be submitted with the application.

(ii) It is assumed that slope instability is possible in inner gorges, bedrock hollows, convergent headwalls steeper than 33° (65%), on any other soil-covered slopes steeper than 35° (70%), or on the toes of deep-seated landslides steeper than 30° (60%). For such slopes that are gentler than those described in (i), an evaluation of the stability of the site and the proposed forest practices by a trained field forester shall be submitted with the application, documenting the lines of evidence indicating the condition of the potentially unstable areas. This information shall be reviewed by a qualified expert who will be responsible for the information.

(iii) The potential for delivery of sediment and debris, and the length of potential channel disturbance zones, shall be determined by accepted methods as described in the *Forest Practices Board Manual*. If a local determination of delivery potential has not or can not be made from aerial photographs or field evidence, it will be assumed that delivery can occur downhill to a distance 500 feet below the point where the slope becomes gentler than 26° (50%). For all designated delivery areas and channel disturbance zones, channel conditions and potential problems relating to slope instability and debris torrents shall be evaluated, and the information submitted with the stability analyses.

(iv) The information submitted, and the review by the department (including the decision on classification), shall be in accordance with WAC 222-10-030.

(f) Timber harvest, in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on snow avalanche slopes within those areas designated by the department, in consultation with department of transportation, as high avalanche hazard.

(g) Timber harvest, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on archaeological or historic sites registered with the Washington state office of archaeology and historic preservation, or



on sites containing evidence of Native American cairns, graves, or glyptic records, as provided for in chapters 27.44 and 27.53 RCW. The department shall consult with affected Indian tribes in identifying such sites.

\* (h) Forest practices subject to a watershed analysis conducted under chapter 222-22 WAC in an area of resource sensitivity identified in that analysis which deviates from the prescriptions (which may include an alternate plan) in the watershed analysis.

\* (i) Filling or draining of more than 0.5 acre of a wetland.

\* (j) Construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas within 200 feet of a Type S water.

(2) "Class IV - general." Applications involving the following circumstances are "Class IV - general" forest practices unless they are listed in "Class IV - special." Upon receipt of an application, the department will determine the lead agency for purposes of compliance with the State Environmental Policy Act pursuant to WAC 197-11-924 and 197-11-938(4) and RCW 43.21C.037(2). Such applications are subject to a 30-day period for approval unless the lead agency determines a detailed statement under RCW 43.21C.030 (2)(c) is required. Upon receipt, if the department determines the application is for a proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the department shall notify the applicable county/city under WAC 197-11-924 that the department has determined according to WAC 197-11-938(4) that the county/city is the lead agency for purposes of compliance with State Environmental Policy Act.

(a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, or on lands being converted to another use.

(b) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of likelihood of future conversion to urban development. (See WAC 222-16-060 and 222-34-050.)

(3) "Class I." Those operations that have been determined to have no direct potential for damaging a public resource are Class I forest practices. When the conditions listed in "Class IV - Special" are not present, these operations may be commenced without notification or application.

(a) Culture and harvest of Christmas trees and seedlings.

\* (b) Road maintenance except: (i) Replacement of bridges and culverts across (~~(Type 1, 2, 3 or flowing Type 4 Waters)~~) any typed waters; or (ii) movement of material that has a direct potential for entering (~~(Type 1, 2, 3 or flowing Type 4 Waters)~~) any typed waters or Type A or B Wetlands.

\* (c) Construction of landings less than 1 acre in size, if not within a shoreline area of a Type (~~(1-Water)~~) S water, the riparian management zone of a Type (~~(2 or 3 Water, the ordinary high water mark of a Type 4 Water)~~) any typed water, a wetland management zone, a wetland, or the CRGNSA special management area.

\* (d) Construction of less than 600 feet of road on a side-slope of 40 percent or less if the limits of construction are not within the (~~(shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or Type 3 Water, the ordinary high water mark of a Type 4 Water)~~) 200 feet of any typed

water, a wetland management zone, a wetland, or the CRGNSA special management area.

\* (e) Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type (~~(1-Water)~~) S water and does not involve disturbance of the beds or banks of any waters.

\* (f) Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulic permit.

(g) Rocking an existing road.

(h) Loading and hauling timber from landings or decks.

(i) Precommercial thinning and pruning, if not within the CRGNSA special management area.

(j) Tree planting and seeding.

(k) Cutting and/or removal of less than 5,000 board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any 12-month period, if not within the CRGNSA special management area.

(l) Emergency fire control and suppression.

(m) Slash burning pursuant to a burning permit (RCW 76.04.205).

\* (n) Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding 40 percent or off-road use of tractors within the shorelines of a Type (~~(1-Water)~~) S water, the riparian management zone of any (~~(Type 2 or 3 Water, or the ordinary high water mark of a Type 4 Water,)~~) type water, a wetland management zone, a wetland, or the CRGNSA special management area.

\* (o) Ground application of chemicals, if not within the CRGNSA special management area. (See WAC 222-38-020 and 222-38-030.)

\* (p) Aerial application of chemicals (except insecticides), outside of the CRGNSA special management area when applied to not more than 40 contiguous acres if the application is part of a combined or cooperative project with another landowner and where the application does not take place within 100 feet of lands used for farming, or within 200 feet of a residence, unless such farmland or residence is owned by the forest landowner. Provisions of chapter 222-38 WAC shall apply.

(q) Forestry research studies and evaluation tests by an established research organization.

(r) Any of the following if none of the operation or limits of construction takes place within the shoreline area of a Type (~~(1-Water)~~) S water or the riparian management zone of a Type (~~(2 or 3 Water)~~) F water, (~~(the ordinary high water mark of a Type 4 Water or flowing Type 5 Water)~~) bankfull width of a Type N water, or within the CRGNSA special management area and the operation does not involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

(i) Any forest practices within the boundaries of existing golf courses.

(ii) Any forest practices within the boundaries of existing cemeteries which are approved by the cemetery board.

(iii) Any forest practices involving a single landowner where contiguous ownership is less than two acres in size.

(s) Removal of beaver structures from culverts on active and inactive roads. A hydraulics project approval from the Washington department of fish and wildlife may be required.

(4) "**Class II.**" Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and may be conducted as Class II forest practices: *Provided*, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a hydraulic project approval (RCW 75.20.100) or is within a "shoreslines of the state," or involves a bond in lieu of landowners signature (other than renewals) or is a multiyear permit. Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, or on lands being converted to another use. Such forest practices require a Class IV application. Class II forest practices are the following:

(a) Renewal of a prior Class II notification where no change in the nature and extent of the forest practices is required under rules effective at the time of renewal.

(b) Renewal of a previously approved Class III or IV forest practice application where:

(i) No modification of the uncompleted operation is proposed;

(ii) No notices to comply, stop work orders or other enforcement actions are outstanding with respect to the prior application; and

(iii) No change in the nature and extent of the forest practice is required under rules effective at the time of renewal.

\* (c) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water, within a wetland management zone, within a wetland, or within the CRGNSA special management area:

(i) Construction of advance fire trails.

(ii) Opening a new pit of, or extending an existing pit by, less than 1 acre.

\* (d) Any of the following if none of the operation or limits of construction takes place within (~~the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water~~) 200 feet of the bankfull width of any typed waters, within a wetland management zone or within a wetland; and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

Salvage of logging residue.

\* (e) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of (~~a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water~~) any typed water, within a wetland management zone, within a wetland, or within the CRGNSA special management area, and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent, and if none of the operations are located on lands with a likelihood of future conversion (see WAC 222-16-060):

(i) West of the Cascade summit, partial cutting of 40 percent or less of the live timber volume.

(ii) East of the Cascade summit, partial cutting of 5,000 board feet per acre or less.

(iii) Salvage of dead, down, or dying timber if less than 40 percent of the total timber volume is removed in any 12-month period.

(iv) Any harvest on less than 40 acres.

(v) Construction of ((600 or more feet of)) roads outside areas of high surface erosion, unstable areas and hydric soils, provided that the department shall be notified at least 2 business days before commencement of the construction.

(5) "**Class III.**" Forest practices not listed under Classes IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:

(a) Those requiring hydraulic project approval (RCW 75.20.100).

\* (b) Those within the shoreslines of the state other than those in a Class I forest practice.

\* (c) Aerial application of insecticides, except where classified as a Class IV forest practice.

\* (d) Aerial application of chemicals (except insecticides), except where classified as Class I or IV forest practices.

\* (e) Harvest or salvage of timber except where classed as Class I, II or IV forest practices.

\* (f) All road construction and reconstruction except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over 1 acre.

\* (h) Road maintenance involving:

(i) Replacement of bridges or culverts across (~~Type 1, 2, 3, or flowing Type 4 Waters~~) any typed waters; or

(ii) Movement of material that has a direct potential for entering (~~Type 1, 2, 3 or flowing Type 4 Waters~~) any typed waters or Type A or B Wetlands.

(i) Operations involving an applicant's bond in lieu of a landowner's signature.

(j) Site preparation or slash abatement not listed in Classes I or IV forest practices.

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain cultural, historic or archaeological resources which, at the time the application or notification is filed, are:

(i) On or are eligible for listing on the National Register of Historic Places; or

(ii) Have been identified to the department as being of interest to an affected Indian tribe.

(l) Harvesting exceeding 19 acres in a designated difficult regeneration area.

(m) Utilization of an alternate plan. See WAC 222-12-040.

\* (n) Any filling of wetlands, except where classified as Class IV forest practices.

\* (o) Multiyear permits.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending WSR 98-07-047, filed 3/13/98, effective 5/1/98)

**WAC 222-20-010 Applications and notifications—Policy.** (1) **No Class II, III or IV forest practices** shall be commenced or continued unless the department has received a notification for Class II forest practices, or approved an application for Class III or IV forest practices pursuant to the act. Where the time limit for the department to act on the application has expired, and none of the conditions in *WAC 222-20-020(1)* exist, the operation may commence. (NOTE: OTHER LAWS AND REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

(2) **The department shall** prescribe the form and contents of the notification and application, which shall specify what information is needed for a notification, and the information required for the department to approve or disapprove the application.

(3) **Applications and notifications** for operations not converting to another use shall be signed by the landowner, the timber owner and the operator, or the operator and accompanied by a consent form signed by the timber owner and the landowner. A consent form may be another document if it is signed by the landowner(s) and it contains a statement acknowledging that he/she is familiar with the Forest Practices Act, including the provisions dealing with conversion to another use (RCW 76.09.060(3)). Where the application is not signed by the landowner, the department shall, provided all the other requirements contained in chapter 222-20 WAC are met, approve the application without the signature of the landowner if:

(a) The operator or timber owner provides legal evidence of timber rights, ownership, or other legal rights;

(b) The timber owner or operator posts a bond, in an amount determined by and a form acceptable to the department, securing compliance with the requirements of the forest practices regulations; and

(c) The operator or timber owner provides evidence of reasonably advance notification to the landowner of the proposed forest practice and that the landowner has been requested to sign the application, a copy of which has been made available to the landowner: *Provided*, That in lieu of such evidence the applicant may submit a sworn statement indicating inability to locate the landowner after a reasonable good faith attempt to locate and notify the landowner of the proposed forest practice.

(4) **Where an application** for a conversion is not signed by the landowner or accompanied by a consent form, as outlined in subsection (3) of this section, the department shall not approve the application. Applications and notifications for the development or maintenance of utility rights of way shall not be considered to be conversions.

(5) **Transfer of the approved application or notification** to a new landowner, timber owner or operator requires written notice by the original landowner or applicant to the department and should include the original application or notification number. This written notice shall be in a form acceptable to the department and shall contain an affirmation signed by the new landowner, timber owner, or operator, as applicable, that he/she agrees to be bound by all conditions

on the approved application or notification. In the case of a transfer of an application previously approved without the landowner's signature the new timber owner or operator must submit a bond securing compliance with the requirements of the forest practices regulations as determined necessary by the department. If an application or notification (~~((indicates that the landowner or timber owner is also))~~) has been signed by the operator, ((or an operator signed the application,)) then no notice need be given regarding any change in subcontractors or similar independent contractors working under the supervision of the operator of record. Operations on an approved application/notification cannot commence until the name of the operator is known and the written notice has been provided to the department.

(6) **Applications and notifications** must be delivered to the department at the appropriate region office. Delivery should be in person or by registered or certified mail.

(7) **Applications and notifications** shall be considered received on the date and time shown on any registered or certified mail receipt, or the written receipt given at the time of personal delivery, or at the time of receipt by general mail delivery. Applications or notifications that are not complete, or are inaccurate will not be considered officially received until the applicant furnishes the necessary information to complete the application. A review statement from the U.S. Forest Service that evaluates compliance of the forest practices with the CRGNSA special management area guidelines is necessary information for an application or notification within the CRGNSA special management area. The review statement requirement shall be waived if the applicant can demonstrate the U.S. Forest Service received a complete plan application and failed to act within 45 days. An environmental checklist (WAC 197-11-315) is necessary information for all Class IV applications. A local government entity clearing and/or grading permit is necessary information for all Class IV applications on lands that will be converted to a use other than commercial timber production or on lands which have been platted after January 1, 1960, if the local government entity has jurisdiction and has an ordinance requiring such permit. If a notification or application is delivered in person to the department by the operator or the operator's authorized agent, the department shall immediately provide a dated receipt. In all other cases, the department shall immediately mail a dated receipt to the applicant.

#### NEW SECTION

**WAC 222-20-015 Multiyear permits.** \*(1) Where a watershed analysis has been completed for a WAU under WAC 222-22 a landowner(s) may apply for a five-year permit. The application for this permit must contain the proposed forest practices for the landowner over the five year period. The application must also identify if the proposed forest practices are within areas of resource sensitivity and, if so, what prescriptions will be used in these areas. Once the permit expires, a new application may not be applied for until the five-year review of the watershed analysis has been completed.

\*(2) Where a landowner has submitted a road maintenance and abandonment plan that involves forest practices

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that are more than Class I activities that require an application or notification, that plan may be considered an application for a multiyear permit where the schedule for implementing the road maintenance and abandonment is longer than two years, but does not exceed five years. The forest practices such as replacement of culverts, reconstruction of roads and abandonment need to be in adequate detail to review for protection of public resources.

AMENDATORY SECTION (Amending WSR 87-23-036, filed 11/16/87, effective 1/1/88)

**WAC 222-20-020 Application time limits.** (1) A properly completed application shall be approved, conditioned or disapproved within 30 calendar days for Class III and Class IV forest practices, except:

(a) To the extent the department is prohibited from approving the application by the act.

(b) For "Class IV" applications when the department or the lead agency has determined that a detailed environmental statement must be made, the application must be approved, conditioned or disapproved within 60 days, unless the commissioner of public lands promulgates a formal order specifying a later date for completion of the detailed environmental statement and final action on the application. At least 10 days before promulgation of such an order extending the time, the applicant shall be given written notice that the department is requesting such extension; giving the reasons the process cannot be completed within such period; and stating that the applicant may comment in writing to the commissioner of public lands or obtain an informal conference with the department regarding the proposed extension.

(c) When they involve lands platted after January 1, 1960, or lands to be converted, the applicable time limit shall be no less than 14 business days from transmittal to the county unless the county has waived its right to object or has consented to approval of the application.

(2) Unless the county has waived its rights under the act or consents to approval, the department shall not approve an application involving lands platted after January 1, 1960, in the process of being platted or proposed to be converted to another use until at least 14 business days from the date of transmittal to the county.

(3) Where a notification is submitted for operations which the department determines involve Class III or IV forest practices, the department shall issue a stop work order or take other appropriate action. If the operations were otherwise in compliance with the act and forest practices regulations, no penalty should be imposed for those operations which occurred prior to the enforcement action: *Provided*, That no damage to a public resource resulted from such operations, and the operations commenced more than 5 days from receipt by the department of the notification.

(4) If the department fails to approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may commence: *Provided*, That this provision shall not apply where:

(a) The county objects and the application involves lands platted after January 1, 1960, or lands to be converted where

the county's right of objection is 14 business days which may be longer than the approval time limit.

(b) The department is prohibited from approving the application by the act.

(c) Compliance with the State Environmental Policy Act requires additional time.

(5) If seasonal field conditions prevent the department from being able to properly evaluate the application, the department may disapprove the application until field conditions allow for an on-site review.

\*(6) Multivear permits will be approved, conditioned or disapproved within 60 days of receiving a complete application.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

**WAC 222-20-070 Emergency forest practices plan.** Prior to this exemption an operational plan identifying expectations for general practices must be in place. Once agreed upon ((No)) no prior notification or application shall be required for emergency forest practices necessitated by and commenced during or immediately after fire, flood, wind-storm, earthquake, structural failure or other catastrophic event. Within 48 hours after commencement of such practice, the operator shall submit an application or notification to the department with an explanation why emergency action was necessary. Such emergency forest practices are subject to these regulations: The general practices shall identify how the operator will take reasonable action to minimize damage to forest lands, timber or public resources from the direct or indirect effects of the catastrophic event and: *Provided further*, The operator shall comply with any requirements of a notice to comply or stop work order as if conducted pursuant to an approved application. This plan will be included in the road maintenance and abandonment plan and updated on an annual basis at the request of the department.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-22-010 Policy.** \*(1) Public resources may be adversely affected by the interaction of two or more forest practices. The purpose of this rule is to address these cumulative effects of forest practices on the public resources of fish, water, including nonfish biota and capital improvements of the state or its political subdivisions. The long-term objective of this rule is to protect and restore these public resources and the productive capacity of fish habitat adversely affected by forest practices while maintaining a viable forest products industry. The board intends that this be accomplished through prescriptions designed to protect and ~~((allow the recovery of))~~ recover fish, water, and capital improvements of the state or its political subdivisions, through enforcement against noncompliance of the forest practice rules in this Title 222 WAC, and through ~~((voluntary))~~ mitigation measures. This

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system also ((allows for)) in some cases requires monitoring, subsequent watershed analysis, and adaptive management.

\* (2) Adaptive management in a watershed analysis process requires advances in technology and cooperation among resource managers. The board finds that it is appropriate to promulgate rules to address certain cumulative effects by means of the watershed analysis system, while recognizing the pioneering nature of this system and the need to monitor its success in predicting and preventing adverse change to fish, water, and capital improvements of the state and its political subdivisions.

\* (3) Many factors other than forest practices can have a significant effect on the condition of fish, water, and capital improvements of the state or its political subdivisions. Non-forest practice contributions to cumulative effects should be addressed by the appropriate jurisdictional authorities. When a watershed analysis identifies a potential adverse effect on fish, water, and capital improvements of the state or its political subdivisions from activities that are not regulated under chapter 76.09 RCW, the department should notify any governmental agency or Indian tribe having jurisdiction over those activities.

\* (4) The rules in this chapter set forth a system for identifying the probability of change and the likelihood of this change adversely affecting specific characteristics of fish, water, and capital improvements of the state or its political subdivisions, and for using forest management prescriptions to avoid or minimize significant adverse effects from forest practices. The rules in this chapter are in addition to, and do not take the place of, the other forest practices rules in this Title 222 WAC.

\* (5) These rules are intended to be applied and should be construed in such a manner as to minimize the delay associated with the review of individual forest practice applications and notifications by increasing the predictability of the process and the appropriate management response.

**AMENDATORY SECTION** (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-22-030 Qualification of watershed resource analysts, specialists, and field managers.** \*(1) The department shall set the minimum qualifications for analysts participating in level 1 assessments conducted under WAC 222-22-050, for specialists participating in level 2 assessments conducted under WAC 222-22-060, and for field managers participating in recommendation of prescriptions under WAC 222-22-070. The minimum qualifications shall be specific for the disciplines needed to participate in level 1 and level 2 assessments and in the recommendations of prescriptions, and shall include, at a minimum, formal education in the relevant discipline and field experience. Minimum qualifications for analysts participating in level 2 assessments should typically include a graduate degree in the relevant discipline.

\* (2) The department shall coordinate with relevant state and federal agencies, affected Indian tribes, forest land owners, local government entities, and the public to seek and utilize available qualified expertise to participate in watershed analysis.

\* (3) Qualified analysts, specialists, and field managers shall, while and only for the purpose of conducting a watershed analysis or monitoring in a WAU, be duly authorized representatives of the department for the purposes of RCW 76.09.150 making watershed analysis a public process.

\* (4) An individual may qualify in more than one science or management skill. Qualification under subsection (1) of this section shall be effective for 5 years. When a qualification expires, a person requesting requalification shall meet the criteria in effect at the time of requalification.

\* (5) The department shall provide and coordinate training for, maintain a register of, and monitor the performance of qualified analysts, specialists, and field managers by region. The department shall disqualify analysts, specialists, and field managers who fail to meet the levels of performance required by the qualification standards.

#### NEW SECTION

**WAC 222-22-035 Watershed screening.** The department or a landowner that owns ten percent of the nonfederal forest land in a WAU will screen each WAU to determine if watershed analysis is required and whether a level 1 assessment or level 2 assessment is required. The screen will be developed in consultation with TFW, with objective of determining which WAUs may require additional environmental protection where the standard rules are not adequate to protect public resources.

**AMENDATORY SECTION** (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

**WAC 222-22-040 Watershed prioritization.** (1) The department shall determine, by region, the order in which it will analyze WAUs that require watershed analysis (WAC 222-22-035). The department shall cooperate with the departments of ecology, fish and wildlife, affected Indian tribes, forest land owners, and the public in setting priorities. In setting priorities or reprioritizing WAUs, the department shall consider the availability of participation and assistance that may be provided by affected Indian tribes and local government entities.

\* (2) Except as set forth in subsection (3) of this section, the department shall undertake a watershed analysis on each WAU, in the order established under subsection (1) of this section.

\* (3) The owner or owners of ten percent or more of the nonfederal forest land acreage in a WAU may notify the department in writing that the owner or owners intend to conduct a level 1 assessment, level 2 assessment, or both, and the prescription recommendation process on the WAU under this chapter at their own expense. The notice shall identify the teams proposed to conduct the watershed analysis, which shall be comprised of individuals qualified by the department pursuant to WAC 222-22-030. The department shall promptly notify any owner or owners sending notice under this subsection if any member of the designated teams is not so qualified. Within 30 days of delivering a notice to the department under this subsection, the forest land owner or owners shall begin the level 1 assessment under WAC 222-

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22-050 or, at its option, the level 2 assessment under WAC 222-22-060. An approved forest land owner team shall, while and only for the purposes of conducting a watershed analysis in a WAU, be a duly authorized representative of the department for the purposes of RCW 76.09.150. The board encourages forest land owners conducting assessments under this chapter to include available, qualified expertise from state and federal agencies, affected Indian tribes, forest land owners, local government entities, and the public.

\*(4) Before beginning an analysis in a WAU, the department or the forest land owner conducting the analysis shall provide reasonable notice, including notice by regular United States mail where names and addresses have been provided to the department, to all forest land owners in the WAU, and to affected Indian tribes. The department or the forest land owner shall provide reasonable notice to the public and to state, federal, and local government entities, by, among other things, posting the notice conspicuously in the office of the departmental region containing the WAU. The notice shall be in a form designated by the department and give notice that an analysis is being conducted, by whose team, the time period of the analysis, and the dates and locations in which the draft analysis will be available for review and comment.

**AMENDATORY SECTION** (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

**WAC 222-22-050 Level 1 watershed resource assessment.** \*(1) To begin a watershed resource analysis on a WAU, the department shall assemble a level 1 assessment team consisting of analysts qualified under WAC 222-22-030(1). A forest land owner or owners acting under WAC 222-22-040(3) may assemble a level 1 assessment team consisting of analysts qualified under WAC 222-22-030(1) or, at its option, may begin the analysis under WAC 222-22-060. Each level 1 team shall include persons qualified in the disciplines indicated as necessary in the methodology, and should generally include persons qualified in:

- (a) Forestry;
- (b) Forest hydrology;
- (c) Forest soil science or geology;
- (d) Fisheries science; and
- (e) Geomorphology.

Any owner, and any cooperating group of owners, of ten percent or more of the nonfederal forest land acreage in the WAU and any affected Indian tribe shall be entitled to include one qualified individual to participate on the team at its own expense.

\*(2) The level 1 team shall perform an inventory of the WAU utilizing the methodology, indices of resource condition, and checklists set forth in the manual in accordance with the following:

(a) The team shall survey the WAU for fish, water, and capital improvements of the state or its political subdivisions and shall display their location on a map of the WAU. The team shall determine the current condition of the resource characteristics of these resources, shall classify their condition as "good," "fair," or "poor," and shall display this information on the map of the WAU. The criteria used to determine current resource conditions shall include indices of

resource condition, in addition to such other criteria as may be included in the manual. The indices will include two levels, which will distinguish between good, fair, and poor conditions.

(b) The team shall assess the likelihood that identified watershed processes in a given physical location will be adversely changed by one forest practice or by cumulative effects and that, as a result, a material amount of water, wood, sediment, or energy (e.g., affecting temperature) will be delivered to fish, water, or capital improvements of the state or its political subdivisions. (This process is referred to in this chapter as "adverse change and deliverability.") (For example, the team will address the likelihood that road construction will result in mass wasting and a slide that will in turn reach a stream.) The team shall rate this likelihood of adverse change and deliverability as "high," "medium," "low," or "indeterminate." Those likelihoods rated high, medium, or indeterminate shall be displayed on the map of the WAU.

(c) For each instance of high, medium, or indeterminate likelihood of adverse change and deliverability identified under (b) of this subsection, the team shall assess the vulnerability of potentially affected resource characteristics. Criteria for resource vulnerability shall include indices of resource condition as described in (a) of this subsection and quantitative means to assess the likelihood of material adverse effects to resource characteristics caused by forest practices. (For example, the team will assess the potential damage that increased sediment caused by a slide reaching a stream will cause to salmon spawning habitat that is already in fair or poor condition.) The team shall rate this vulnerability "high," "medium," "low," or "indeterminate" and shall display those vulnerabilities on the map of the WAU. If there are no other criteria in the manual to assess vulnerability at the time of the assessment, current resource condition shall be used, with good condition equivalent to low vulnerability, fair condition equivalent to medium vulnerability, and poor condition equivalent to high vulnerability.

(d) The team shall identify as areas of resource sensitivity, as provided in table 1 of this section, the locations in which a management response is required under WAC 222-22-070(3) because, as a result of one forest practice or of cumulative effects, there is a combination of a high, medium, or indeterminate likelihood of adverse change and deliverability under (b) of this subsection and a low, medium, high, or indeterminate vulnerability of resource characteristics under (c) of this subsection:

**Table 1**

**Areas of Resource Sensitivity and Management Response**

*Likelihood of Adverse Change and Deliverability*

		Low	Medium	High
<i>Vulnerability</i>	Low	Standard rules	Standard rules	Response: Prevent or avoid
	Medium	Standard rules	Response: Minimize	Response: Prevent or avoid

High	Standard rules	Response: Prevent or avoid	Response: Prevent or avoid
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The team shall display the areas of resource sensitivity on the map of the WAU.

(e) The decision criteria used to determine low, medium, and high likelihood of adverse change and deliverability shall be as set forth in the manual. A low designation generally means there is minimal likelihood that there will be adverse change and deliverability. A medium designation generally means there is a significant likelihood that there will be adverse change and deliverability. A high designation generally means that adverse change and deliverability is more likely than not with a reasonable degree of confidence. Any areas identified as indeterminate in the level 1 assessment shall be classified for the purposes of the level 1 assessment as medium until a level 2 assessment is done on the WAU under WAC 222-22-060, during which the uncertainties shall be resolved.

(f) The team shall prepare a causal mechanism report regarding the relationships of each process identified in (b) and (c) of this subsection. The report shall demonstrate that the team's determinations were made in accordance with the manual. If, in the course of conducting a level 1 assessment, the team identifies areas in which voluntary corrective action will significantly reduce the likelihood of material, adverse effects to the condition of a resource characteristic, the team shall include this information in the report, and the department shall convey this information to the applicable land owner.

\* (3) (~~Within 21 days of mailing notice under WAC 222-22-040(4), the~~) The level 1 team shall submit to the department its draft level 1 assessment, which shall consist of the map of the WAU marked as set forth in this section and the causal mechanism report proposed under subsection (2)(f) of this section. If the level 1 team is unable to agree as to one or more resource sensitivities or potential resource sensitivities, or the causal mechanism report, alternative designations and an explanation therefor shall be included in the draft assessment. Where the draft level 1 assessment delivered to the department contains alternative designations, the department shall within 21 days of the receipt of the draft level 1 assessment make its best determination and approve that option which it concludes most accurately reflects the proper application of the methodologies, indices of resource condition, and checklists set forth in the manual.

\* (4) If the level 1 assessment contains any areas in which the likelihood of adverse change and deliverability or resource vulnerability are identified as indeterminate under this section or if the level 1 methodology recommends it, the department shall assemble a level 2 assessment team under WAC 222-22-060 to resolve the uncertainties in the assessment, unless a forest land owner acting under WAC 222-22-040(3) has conducted a level 2 assessment on the WAU.

\* (5) Pending the completion of the level 2 assessment, if any, on the WAU, the department shall select interim prescriptions using the process and standards described in WAC 222-22-070 (1), (2), and (3) and 222-22-080(3) and shall

apply them to applications and notifications as provided in WAC 222-22-090 (1) and (2). Before submitting recommended interim prescriptions to the department, the field managers' team under WAC 222-22-070(1) shall review the recommended prescriptions with available representatives of the jurisdictional management authorities of the fish, water, and capital improvements of the state or its political subdivisions in the WAU, including, but not limited to, the departments of fish and wildlife, ecology, and affected Indian tribes.

**AMENDATORY SECTION** (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-22-060 Level 2 watershed resource assessment.** \* (1) The department, or forest land owner acting under WAC 222-22-040(3), may assemble a level 2 assessment team either, in the case of a forest land owner, to begin a watershed analysis or to review the level 1 assessment on a WAU. The level 2 team shall consist of specialists qualified under WAC 222-22-030(1). Each level 2 team shall include persons qualified in the disciplines indicated as necessary in the methodology, and should generally include persons qualified in:

- (a) Forestry;
- (b) Forest hydrology;
- (c) Forest soil science or geology;
- (d) Fisheries science; and
- (e) Geomorphology.

Any owner, and any cooperating group of owners, of ten percent or more of the nonfederal forest land acreage in the WAU and any affected Indian tribe shall be entitled to designate one qualified member of the team at its own expense.

\* (2) The level 2 team shall perform an assessment of the WAU utilizing the methodology, indices of resource condition, and checklist set forth in the manual in accordance with the following:

(a) If a level 1 assessment has not been conducted under WAC 222-22-050, the assessment team shall complete the tasks required under WAC 222-22-050(2), except that the level 2 team shall not rate any likelihood of adverse change and deliverability or resource vulnerability as indeterminate.

(b) If the level 2 team has been assembled to review a level 1 assessment, the level 2 team shall, notwithstanding its optional review of all or part of the level 1 assessment, review each likelihood of adverse change and deliverability and resource vulnerability rated as indeterminate and shall revise each indeterminate rating to low, medium, or high and shall revise the map of the WAU accordingly.

\* (3) (~~Within 60 days of mailing notice under WAC 222-22-040(4) where a watershed analysis begins with a level 2 assessment or within 60 days of beginning a level 2 assessment after completion of a level 1 assessment, the~~) The level 2 team shall submit to the department its draft level 2 assessment, which shall consist of the map of the WAU and the causal mechanism report.

\* (4) The level 2 team shall endeavor to produce a consensus report. If the level 2 team is unable to agree as to one or more areas of resource sensitivity or the casual mechanism

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report, alternative designations and an explanation therefor shall be included in the draft assessment. Where the draft level 2 assessment delivered to the department contains alternative designations or reports, the department shall within 30 days of the receipt of the draft level 2 assessment make its best determination and approve that option which it concludes most accurately reflects the proper application of the methodologies, indices of resource condition, and checklists set forth in the manual.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**WAC 222-22-065 Review of assessments.** After the assessment is complete, a review of the assessment will be coordinated by the department, to ascertain if the assessment met the intent of the manual. If the assessment is not adequate, then the issues must be resolved before the field managers team begins.

**AMENDATORY SECTION** (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-22-070 Prescription recommendation.** \*(1) For each WAU for which a watershed analysis is undertaken, the department, or forest land owner acting under WAC 222-22-040(3), shall assemble a team of field managers qualified under WAC 222-22-030(1). The team shall include persons qualified in the disciplines indicated as necessary in the methodology, and shall generally include persons qualified in:

- (a) Forest resource management;
- (b) Forest harvest and road systems engineering;
- (c) Forest hydrology; and
- (d) Fisheries science or management.

Any owner, and any cooperating group of owners, of ten percent or more of the nonfederal forest land acreage in the WAU and any affected Indian tribe shall be entitled to include one qualified individual to participate on the team at its own expense.

\*(2) Each forest land owner in a WAU shall have the right to submit to the department or the forest land owner conducting the watershed analysis prescriptions for areas of resource sensitivity on its land. If these prescriptions are received within the time period described in subsection (4) of this section, they shall be considered for inclusion in the watershed analysis.

\*(3) For each identified area of resource sensitivity, the field managers' team shall, in consultation with the level 1 and level 2 teams, if any, select and recommend to the department prescriptions. These prescriptions shall be reasonably designed to minimize, or to prevent or avoid, as set forth in table 1 in WAC 222-22-050 (2)(d), the likelihood of adverse change and deliverability that has the potential to cause a material, adverse effect to resource characteristics in accordance with the following:

(a) The prescriptions shall be designed to provide forest land owners and operators with as much flexibility as is rea-

sonably possible while addressing the area of resource sensitivity. The prescriptions should, where appropriate, include, but not be limited to, plans for road abandonment, orphaned roads, and road maintenance and plans for applying prescriptions to recognized land features identified in the WAU as areas of resource sensitivity but not fully mapped;

(b) Each set of prescriptions shall provide for an option for an alternate plan under WAC 222-12-040, which the applicant shows meets or exceeds the protection provided by the other prescriptions approved for a given area of resource sensitivity; and

(c) The regulation of forest practices and cumulative effects under this chapter shall not require mitigation for activities or events not regulated under chapter 76.09 RCW. Any hazardous condition subject to forest practices identified in a watershed analysis requiring corrective action shall be referred to the department for consideration under RCW 76.09.300 et seq.

\*(4) The field managers' team shall submit the recommended prescriptions to the department ((within 30 days of the submission to the department of the level 2 assessment under WAC 222-22-060 or within 21 days of the submission to the department of the level 1 assessment under WAC 222-22-050)). If the field managers' team cannot reach consensus recommendations within 30 days the prescriptions and any alternatives will be forwarded to the department. The department will then have 30 days to develop the prescriptions.

#### NEW SECTION

**WAC 222-22-075 Monitoring.** To assure that prescriptions will be effective, a monitoring plan shall be developed to identify whether the prescriptions are effectively minimizing, preventing or avoiding, as set forth in table 1 in WAC 222-22-050 (2)(d), the likelihood of adverse change and deliverability that has the potential to cause a material, adverse effect to resource characteristics. The information collected in this plan will be used to evaluate the watershed analysis under WAC 222-22-090.

#### NEW SECTION

**WAC 222-22-076 Restoration.** As prescriptions are developed, restoration opportunities will also be identified and used to develop actions that can be prescribed for short-term issues (i.e., such as large woody debris placement to provide short-term function until recruitable wood is available).

**AMENDATORY SECTION** (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

**WAC 222-22-090 Use and review of watershed analysis.** (1) Where a watershed analysis has been completed for a WAU under this chapter:

(a) Any landowner within the WAU may apply for five year permit to carry out forest practices according to the watershed analysis prescriptions. Upon completion of the five-year review of the assessment and prescriptions under



WAC 222-22-090 (4)(a). landowner may apply for a renewal of the permit.

~~((b))~~ ~~(Forest)~~ Nonfive year forest practices applications and notifications submitted to the department shall indicate whether an area of resource sensitivity will be affected and, if so, which prescription the operator, timber owner, or forest land owner shall use in conducting the forest practice in the area of resource sensitivity;

~~((c))~~ ~~(c)~~ The department shall assist operators, timber owners, and forest land owners in obtaining governmental permits required for the prescription (see WAC 222-50-020 and 222-50-030);

~~((d))~~ ~~(d)~~ The department shall confirm that the prescription selected under (a) of this subsection was one of the prescriptions approved for the area of resource sensitivity under WAC 222-22-080 and shall require the use of the prescription; and

~~((e))~~ ~~(e)~~ The department shall not further condition forest practice applications and notifications in an area of resource sensitivity in a WAU where the applicant will use a prescription contained in the watershed analysis nor shall the department further condition forest practice applications and notifications outside an area of resource sensitivity in a WAU, except for reasons other than the watershed processes and fish, water, and capital improvements of the state or its political subdivisions analyzed in the watershed analysis in the WAU, and except to correct mapping errors, misidentification of soils, landforms, vegetation, or stream features, or other similar factual errors.

\*~~(2)~~ Pending completion of a watershed analysis for a WAU, the department shall process forest practices notifications and applications in accordance with the other chapters of this title, except that applications and notifications received for forest practices on a WAU after the date notice is mailed under WAC 222-22-040(4) commencing a watershed analysis on the WAU shall be conditioned to require compliance with interim, draft, and final prescriptions, as available. Processing and approval of applications and notifications shall not be delayed by reason of review, approval, or appeal of a watershed analysis.

\*~~(3)~~ The board encourages cooperative and voluntary monitoring. Evaluation of resource conditions may be conducted by qualified specialists, analysts, and field managers as determined under WAC 222-22-030. Subsequent watershed analysis and management strategies in response to areas where recovery is not occurring shall be conducted in accordance with this chapter.

\*~~(4)~~ Where the condition of resource characteristics in a WAU are fair or poor, the department shall evaluate the effectiveness of the prescriptions applied under this chapter to the WAU in providing for the protection and recovery of the resource characteristic. If the department finds that the prescriptions are not providing for such protection and recovery over a period of 3 years, the department shall repeat the watershed analysis in the WAU. Aside from the foregoing, once a watershed analysis is completed on a WAU, it shall be revised in whole or in part upon the earliest of the following to occur:

(a) Five years after the date the watershed analysis is final, if necessary;

(b) The occurrence of a natural disaster having a material adverse effect on the resource characteristics of the WAU;

(c) Deterioration in the condition of a resource characteristic in the WAU measured over a 12-month period or no improvement in a resource characteristic in fair or poor condition in the WAU measured over a 12-month period unless the department determines, in cooperation with the departments of ecology, fish and wildlife, affected Indian tribes, forest land owners, and the public, that a longer period is reasonably necessary to allow the prescriptions selected to produce improvement; or

(d) The request of an owner of forest land in the WAU which wishes to conduct a watershed analysis at its own expense.

Revision of an approved watershed analysis shall be conducted in accordance with the processes, methods, and standards set forth in this chapter, except that the revised watershed analysis shall be conducted only on the areas affected in the case of revisions under (b) or (c) of this subsection, and may be conducted on areas smaller than the entire WAU in the case of revisions under (a) and (d) of this subsection. The areas on which the watershed analysis revision is to be conducted shall be determined by the department and clearly delineated on a map before beginning the assessment revision. Forest practices shall be conditioned under the current watershed analysis pending the completion of any revisions.

AMENDATORY SECTION (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-24-010 Policy.** \*(1) A well designed, located, constructed, and maintained system of forest roads is essential to forest management and protection of the public resources. Riparian areas contain some of the more productive conditions for growing timber, are heavily used by wildlife and provide essential habitat for fish and wildlife and essential functions in the protection of water quality. Wetland areas serve several significant functions in addition to timber production: Providing fish and wildlife habitat, protecting water quality, moderating and preserving water quantity. Wetlands may also contain unique or rare ecological systems.

\*~~(2)~~ All road and landing construction within wetlands shall be conducted so that choices are made in the following descending order of preference in order to assure that there is no net loss of wetland functions:

(a) Avoid impacts by selecting the least environmentally damaging landing location, road location and road length; or

(b) Minimize impacts by such things as reducing the sub-grade width, fill acreage and spoil areas; or

(c) Restore affected areas by removing temporary fills or road sections upon the completion of the project; or

(d) Reduce or eliminate impacts over time by preserving or maintaining areas; or

(e) Replace affected areas by creating new wetlands or enhancing existing wetlands at a minimum of a 2:1 ratio.

\*~~(3)~~ An accurate delineation of wetland boundaries shall not be required under this section except where necessary to determine acreage of road or landing construction which fills or drains more than 0.5 acre of a wetland. Landowners are

encouraged to voluntarily increase wetland acreage and functions over the long-term.

\*~~(4)~~ Extra protection is required during road construction and maintenance to protect these resources and timber growing potential. Landowners and fisheries and wildlife managers are encouraged to cooperate to develop road management and abandonment plans. Landowners are further encouraged to cooperate in sharing roads to minimize road mileage and avoid duplicative road construction.

\*~~(5)~~ This section covers the location, design, construction, maintenance and abandonment of forest roads, bridges, stream crossings, quarries, borrow pits, and disposal sites used for forest road construction and is intended to assist landowners in proper road planning, construction and maintenance so as to protect public resources.

(Note: Other laws and regulations and/or permit requirements may apply. See chapter 222-50 WAC.)

**AMENDATORY SECTION** (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

**WAC 222-24-020 Road location and design.** The board manual outlines the best management practices for locating and designing a road.

(1) ~~((Fit the))~~ Design road systems to the topography so that a minimum of alterations to the natural features will occur.

\*~~(2)~~ Roads are not to be constructed in bogs.

\*~~(3)~~ All roads should be outsloped with appropriate surface drainage or insloped with a drainage management plan addressing sedimentation delivery with adequate cross drains, ditches, drivable dips, relief culverts, water bars, diversion ditches, or other such structures demonstrated to be equally effective.

\*~~(4)~~ Minimize roads along or within narrow canyons, riparian management zones, wetlands and wetland management zones.

(a) ~~((Except where crossings are necessary, r))~~ Roads shall not be located within natural drainage channels and riparian management zones when there would be substantial loss or damage to wildlife habitat unless the department has determined that alternatives will cause greater damage to public resources.

(b) Roads shall not be located in wetlands when there would be substantial loss or damage to wetland functions or acreage unless the department has determined that alternatives will cause greater damage to public resources.

(c) Approximate determination of wetland boundaries shall be required for the purpose of avoidance during design and construction of roads. ((Landowners should attempt to minimize road length concurrently with the attempt to avoid wetlands.)) Delineation shall be required to determine the length of road ~~((constructed within a))~~ affecting wetland function in order to determine acreage when replacement by substitution or enhancement of a wetland is required. The requirement for accurate delineation shall be limited to the area of the wetland proposed to be filled.

~~((\*(3) Minimize the number of stream crossings.))~~

~~((\*(4) Whenever practical, cross streams at right angles to the main channel.))~~

\*~~(5)~~ Permanent stream crossing shall be minimized based on sub-basin road sediment budgets. Stream crossings shall minimize alterations to natural features. Culverts located in typed waters shall be designed to prevent sediment delivery.

~~(6)~~ Avoid duplicative roads by keeping the total amount of construction to a minimum. Use existing roads whenever practical and avoid isolating patches of timber which, when removed, may require unnecessary road construction.

~~(7)~~ Avoid grade dips on approaches over bridges and culverts. If grade dips are necessary, minimize the impact by outsloping or constructing maintainable drainage dips to route water off the road surface and onto the forest floor.

~~((\*(6))~~ \*~~(8)~~ ((Where feasible,)) ((d)) Do not locate roads on ((excessively)) steep or unstable slopes or ((known)) slide prone areas ((as determined by the department)). The department shall determine whether slopes are unstable using available soils information, or from evidence of geologically recent slumps or slides ~~((or where the natural slope exceeds the angle of repose for the particular soil types present)),~~ or by the presence of potentially unstable landforms such as bedrock hollows, convergent headwalls, inner gorges, or other steep slopes, or where springs or seeps may indicate unstable conditions are present in or above the construction site. Location of roads in such areas may be considered Class IV-Special forest practices under WAC 222-16-050(d).

~~((Essential r))~~ Road construction ((will be accomplished)) may be permitted by end hauling, over hauling, or other special road construction techniques unless the department determines there is potential for damage to public resources under WAC 222-16-050 (1)(e).

~~(9)~~ Design or construct cut and fill slopes to the normal angle of repose for the materials involved, or at a lesser angle whenever practical.

~~(10)~~ Relief drainage structures installed on forest roads shall meet the following minimum specifications:

(a) Outslope with armored drivable water dips to control surface runoff.

(b) Insloped roads and ditches require relief drainage structures —

(i) Culverts will be at least 18 inches in diameter or equivalent with relief devices not to exceed 300 feet spacing unless otherwise stated in a drainage management plan.

(ii) Be installed sloping toward the outside edge of the road at a minimum gradient of 3 percent.

(iii) Settlement ponds and relief drainage structures are required within 80 feet of typed waters with the potential road sediment delivery.

~~(11)~~ Ditch diversion. Where roadside ditches slope toward a Type S, F, or N water, or Type A or B Wetland for more than 300 feet and otherwise would discharge into the stream or wetland, divert the ditchwater onto the forest floor by relief culvert or other means at the first practical point.

~~(12)~~ Filling or draining more than 0.5 acre of a wetland requires replacement by substitution or enhancement of the lost wetland functions at a minimum of a 2:1 ratio. See the Board Manual. Replacement or substitution should be of the same type and in the same general location.

\*(13) Road surface sediments shall be minimized by utilizing restricted haul periods or alternative drainage management strategies. A haul route drainage management plan minimizing sediment is required for partial or nonrestricted haul.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-24-030 Road construction. The board manual contains best management practices for constructing roads.

(1) **Right of way timber.** Merchantable right of way timber shall be removed or decked in suitable locations where the decks will not be covered by fill material or act as support for the fill or embankment.

\*~~(2)~~ **Debris burial.** ~~((a))~~ In permanent road construction, do not bury:

~~((i))~~ (a) Loose stumps, logs or chunks containing more than 5 cubic feet in the load-bearing portion of the road, except as puncheon across wetlands or for culvert protection.

~~((ii))~~ (b) Any significant amount of organic debris within the top 2 feet of the load-bearing portion of the road, except as puncheon across wetlands or for culvert protection.

~~((iii))~~ (c) Excessive accumulation of debris or slash in any part of the load-bearing portion of the road fill, except as puncheon across wetlands or for culvert protection.

~~((b) In the cases where temporary roads are being constructed across known areas of unstable soils and where possible construction failure would directly impact waters, the requirements in (a), (i), (ii) and (iii) of this subsection shall apply. A temporary road is a roadway which has been opened for the purpose of the forest practice operation in question, and thereafter will be an inactive or abandoned road.))~~

(3) **Compact fills.** During road construction, fills or embankments shall be built up by layering. Each layer shall be compacted by operating the tractor or other construction equipment over the entire surface of the layer. Chemical compacting agents may be used in accordance with WAC 222-38-020.

\*~~(4)~~ **Stabilize soils.** ~~((When soil, exposed by road construction, appears to be unstable or erodible and is so located that slides, slips, slumps, or sediment may reasonably be expected to enter Type 1, 2, 3 or 4 Water and thereby cause damage to a public resource, then such exposed soil areas))~~ Soils exposed by road construction shall be seeded with grass, clover, or other ground cover, or be treated by erosion control measures ~~((acceptable to the department))~~ in the first growing season. Avoid introduction of nonnative plant species, as listed in the board manual, to wetlands and wetland management zones.

\*~~(5)~~ **Channel clearance.** Clear stream channels and ditches of all debris and slash generated during operations prior to the removal of equipment from the vicinity, or the winter season, whichever is first. Refer to the board manual

regarding guidelines for removal of debris and slash from channels and ditches.

\*~~(6)~~ **Drainage.**

(a) All required outsloping ditches, ~~((culverts))~~, stream crossings, cross drains, drainage dips, water bars, and diversion ditches shall be installed concurrently with the construction of the roadway.

(b) Uncompleted road construction to be left over the winter season or other extended periods of time shall be drained by outsloping or cross draining. Water bars and/or dispersion ditches may also be used to minimize eroding of the construction area and stream siltation. Water movement within wetlands must be maintained.

\*~~(7)~~ **Moisture conditions.** Construction shall be accomplished when moisture and soil conditions are not likely to result in excessive erosion and/or soil movement, so as to avoid damage to public resources.

\*~~(8)~~ **End haul/sidecasts.** End haul or overhaul construction is required where significant amounts of sidecast material would rest below the ~~((50))~~ 100-year flood level of a Type ~~((1, 2, 3, or 4 Water))~~ S, F, or N water, within the boundary of a Type A or Type B Wetland or wetland management zones or where the department determines there is a potential for mass soil failure from overloading on unstable slopes or from erosion of side cast material causing damage to the public resources.

\*~~(9)~~ **Waste disposal.** When spoil, waste and/or other debris is generated during construction, this material shall be deposited or wasted in suitable areas or locations and be governed by the following:

(a) Spoil or other debris shall be deposited above the 50-year flood level of Type ~~((1, 2, 3, or 4 Waters))~~ S, F, or N waters or in other locations so as to prevent damage to public resources. The material shall be stabilized by erosion control measures as necessary to prevent the material from entering the waters.

(b) All spoils shall be located outside of Type A and Type B Wetlands and their wetland management zones. Spoils shall not be located within the boundaries of forested wetlands without written approval of the department and unless a less environmentally damaging location is unavailable. No spoil area greater than 0.5 acre in size shall be allowed within wetlands.

(10) **Disturbance avoidance for northern spotted owls.** Road construction, operation of heavy equipment and blasting within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(11) **Disturbance avoidance for marbled murrelets.**

(a) Road construction and operation of heavy equipment shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season; and

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(b) Blasting shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the critical nesting season.

(c) Provided that, these restrictions shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

**WAC 222-24-035 Landing location and construction.**

**\* (1) Landing location:**

Locate landings to prevent damage to public resources. Avoid excessive excavation and filling. Minimize placement and size of landings within wetlands. Landings shall not be located in Type A or B Wetlands or their wetland management zones.

**(2) Landing construction.**

(a) Landings requiring sidecast or fill shall be no larger than reasonably necessary for safe operation of the equipment expected to be used.

(b) Where the average general slopes exceed 65 percent, fill material used in construction of landings shall be free from loose stumps and excessive accumulations of slash and shall be mechanically compacted where necessary and practical in layers by tractor to prevent soil erosion and mass soil movement. Chemical compacting agents may be used in accordance with WAC 222-38-020.

(c) Truck roads, skid trails, and fire trails shall be out-sloped or cross drained uphill of landings and the water diverted onto the forest floor away from the toe of any landing fill.

(d) Landings shall be sloped to minimize accumulation of water on the landing.

(e) Excavation material shall not be sidecast where there is high potential for material to enter Type A or B Wetlands or wetland management zones or below the ((ordinary high water mark)) bankfull width of any stream or the ((50)) 100-year flood level of Type ((1, 2, 3, or 4 Water)) S, F, or N water.

(f) All spoils shall be located outside of Type A and Type B Wetlands and their wetland management zones. Spoils shall not be located within the boundaries of forested wetlands without written approval of the department and unless a less environmentally damaging location is unavailable. No spoil area greater than 0.5 acre in size shall be allowed within wetlands.

**AMENDATORY SECTION** (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

**WAC 222-24-040 Water crossing structures. \* (1) ((Bridge construction.)) All typed waters.**

(a) Bridges are required for new or constructed crossings of any ((Type 1 or 2 Waters)) waters regularly used for recreational boating.

~~(b) ((Permanent bridges shall not constrict clearly defined channels and shall be designed to pass the 50-year flood level or the road shall be constructed to provide erosion protection from the 50-year flood waters which exceed the water-carrying capacity of the drainage structure.~~

~~(e)) One end of each new or reconstructed permanent log or wood bridge shall be tied or firmly anchored if any of the bridge structure is within 10 vertical feet of the ((50)) 100-year flood level.~~

~~((d) Excavation for bridges, placement of sills or abutments, and the placement of stringers or girders shall be accomplished from outside the ordinary high water mark of all waters, except when such operations are authorized by a hydraulic project approval.~~

~~(c) Earth embankments constructed for use as bridge approaches shall be protected from erosion by high water. Some examples of protection are: Planted or seeded ground cover, bulkheads, rock riprap, or retaining walls.~~

~~(f) When earthen materials are used for bridge surfacing, curbs of sufficient size shall be installed to be above the surface material and prevent such surface material from falling into the stream bed.)~~

~~\* (2) Type S or F waters: In addition to applicable general provisions above, installation, maintenance, and removal of water crossing structures in or across the bankfull width of Type S and F waters are subject to hydraulic code rules WAC 222-110 and require a hydraulic project approval issued by the department of fish and wildlife.~~

~~\* (3) Type N waters - bridges: In addition to applicable general provisions above, installation, maintenance, and removal of permanent bridges in or across the bankfull width of Type N waters are subject to the following provisions:~~

~~(a) Permanent bridges shall not constrict clearly defined channels and shall be designed to pass the 100-year flood, or the bridge, associated embankments and fills, and all potentially inundated areas, shall be provided sufficient erosion protection to withstand the 100-year flood.~~

~~(b) Excavation for and placement of the bridge foundation and superstructure shall be located and accomplished from outside the bankfull width. This requirement may be waived if it can be demonstrated that such activities may be conducted in such a manner as to prevent damage to public resources.~~

~~(c) Alteration or disturbance of the stream bank or bank vegetation shall be limited to that necessary to construct the project. All disturbed areas must be stabilized and restored according to the recommended schedule and procedures found in the board manual. This requirement may be modified or waived by the department if precluded by engineering or safety factors.~~

~~(d) Earthen embankments constructed for use as bridge approaches shall be provided sufficient erosion protection to withstand the 100-year flood.~~

~~(e) When earthen materials are used for bridge surfacing, curbs of sufficient size shall be installed to be above the surface material and prevent such surface material from falling into the stream bed.~~

~~\* (4) Type N waters-culverts: In addition to applicable general provisions above, installation, maintenance, and~~

removal of permanent culverts in or across the bankfull width of Type N waters are subject to the following provisions:

((Culvert installation))

(a) All permanent culverts ((installed in forest roads shall be of a size that is adequate to carry)) shall be designed to pass the ((50)) 100-year flood, ((or the road shall be constructed to provide erosion protection from the 50-year flood waters which exceed the water-carrying capacity of the drainage structure.)) The culvert, associated embankments and fills, and all potentially inundated areas shall provide sufficient erosion protection to withstand the 100-year flood. Refer to "Recommended culvert sizes" in the forest practices board manual for the size of permanent culverts recommended for use in forest roads. If the department determines that because of unstable slopes the culvert size shown on that table is inadequate to protect public resources, it may require culvert sizes in accordance with the nomograph (chart) contained in the forest practices board manual or with other generally accepted engineering principles.

((a)) (b) No permanent culverts shall be installed that are smaller than:

(i) 24 inches in diameter ((or the equivalent for anadromous fish streams or wetlands where anadromous fish are present)) for Type N perennial streams.

(ii) 18 inches or the equivalent for ((resident game fish streams)) Type N seasonal streams.

((iii) 18 inches or the equivalent for all other water or wetland crossings in western Washington.

(iv) 15 inches or the equivalent for all other water or wetland crossings in eastern Washington.))

((b)) (c) The alignment and slope of the culvert shall parallel the natural flow of the stream whenever possible.

((c) When fish life is present, construct the bottom of the culvert at or below the natural stream bed at the inlet and outlet.

(d) Terminate culverts on materials that will not readily erode, such as riprap, the original stream bed (if stable), or other suitable materials.

(e) If water is diverted from its natural channel, return this water to its natural stream bed via culvert, flume, spillway, or the equivalent.

(f) When flumes, downspouts, downfall culverts, etc., are used to protect fill slopes or to return water to its natural courses, the discharge point shall be protected from erosion by: (i) Reducing the velocity of the water, (ii) use of rock spillways, (iii) riprap, (iv) splash plates, or (v) other methods or structures demonstrated to be equally effective.))

(d) Culverts shall be designed and installed so that they will not cause scouring of the stream bed and erosion of the banks in the vicinity of the project.

(e) During installation of the culvert, all streamflow shall be diverted using a bypass flume or culvert, or by pumping the streamflow around the work area. This requirement may be waived if it can be demonstrated that less siltation and turbidity would be produced by installing the culvert in the flowing stream.

(f) Fill associated with culvert installation shall be provided sufficient erosion protection to withstand a 100-year flood.

(g) Alteration or disturbance of the stream bank or bank vegetation shall be limited to that necessary to construct the project. All disturbed areas must be stabilized and restored according to the recommended schedule and procedures found in the board manual. This requirement may be modified or waived by the department if precluded by engineering or safety factors.

((g)) (h) Stream beds shall be cleared for a distance of 50 feet upstream from the culvert inlet of such slash or debris that reasonably may be expected to plug the culvert.

((h)) (i) The entrance of all culverts should have adequate catch basins and headwalls to minimize the possibility of erosion or fill failure.

((3) Culverts in anadromous fish streams. In addition to the requirements of subsection (2) of this section, in streams used by anadromous fish:

(a) Culverts shall be either open bottomed or have the bottom covered with gravel and installed at least 6 inches below the natural stream bed at the inlet and outlet.

(b) Closed bottom culverts shall not slope more than 1/2 percent, except as provided in (c) of this subsection; open bottom culverts shall not slope more than the natural slope of the stream bed.

(c) Where multiple culverts are used, one culvert shall be at least 6 inches lower than the other(s).

(d) Culverts shall be set to retain normal stream water depth throughout the culvert length. A downstream control may be required to create pooled water back into the culvert and to insure downstream stream bed stability.

(e) Closed bottom culverts, set at existing stream gradients between 1/2 percent and 3 percent slope shall be designed with baffles for water velocity control, or have an approved designed fishway.

(f) The department, after consultation with the department of fish and wildlife, shall impose any necessary limitations on the time of year in which such culverts may be installed to prevent interference with migration or spawning of anadromous fish.

(g) Any of the requirements in (a) through (f) of this subsection may be superseded by a hydraulic project approval.))

((4)) \*5) Type N waters: Temporary water crossings.

(a) Temporary bridges and culverts, ((adequate to carry the highest anticipated flow in lieu of carrying the 50-year flood;)) may be used:

(i) In the westside region if installed after June ((4)) 15 and removed by September 30 of the same year.

(ii) In the eastside region if installed after the spring runoff and removed prior to the snow buildup which could feed a heavy runoff.

(iii) At other times, when the department and applicant can agree to specific dates of installation and removal.

(b) Temporary bridges and culverts shall be designed to pass the flood expected to occur once in 100 years during the season of installation.

(c) Alteration or disturbance of the stream bank or bank vegetation shall be limited to that necessary to construct the project. All disturbed areas must be stabilized and restored according to the recommended schedule and procedures found in the Board Manual. This requirement may be modi-

fied or waived by the department if precluded by engineering or safety factors.

(d) During installation of a temporary culvert, all streamflow shall be diverted using a bypass flume or culvert, or by pumping the streamflow around the work area. This requirement may be waived if it can be demonstrated that less siltation and turbidity would be produced by installing the culvert in the flowing stream.

(e) Temporary bridges and culverts shall be promptly removed upon completion of use, and the approaches to the crossing shall be water barred and stabilized at the time of the crossing removal.

((e)) (f) Temporary wetland crossings shall be abandoned and restored based on a written plan approved by the department prior to construction.

((5)) \*(6) Fords. Properly prepared and maintained fords may be used in Type N waters during periods of low water providing a hydraulic permit is acquired.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

**WAC 222-24-050 Road maintenance. \*(1) Road maintenance, drainage management, and abandonment plan.**

(a) The landowner when notified by the department shall submit a plan for road maintenance, drainage management, and/or abandonment for those drainages or road systems the department determines based on physical evidence to have a potential to damage public resources. Once notified the landowner must within 90 days submit to the department for review and approval, a plan for those drainages or road systems within the identified area. The plan must pay particular attention to those road segments that block fish passage or have the potential to deliver water or sediment to any typed water. The plan is subject to annual review and shall include:

(i) Ownership maps showing the road or road system;  
(ii) Road status, whether active, inactive, orphan, abandoned or planned for abandonment;

(iii) Maintenance schedule ((and priorities for the year)) including storm maintenance, drainage management strategies and priorities which will consider the road proximity to water, and roads delivering to typed waters; and

(iv) Plan for further maintenance and reconstruction beyond the current year for ((repair of extensive damage)) bringing roads up to standards, preventing sedimentation, removing fish passage blockages and reducing hydrologic impacts. Restoring fish passage, reducing sediment, and reducing hydrologic impacts will be priorities considered in the maintenance schedule.

\*(2)(a) All landowners with 500 acres or more of ownership in areas not currently covered by an approved watershed analysis (see chapter 222-22 WAC), road maintenance plan, or other agreement where an acceptable road maintenance

plan is part of the agreement, must submit a road maintenance plan for all roads in their ownership within 5 years of the effective date of this rule. The plan must meet the requirements outlined above in subsection (1) of this section. The plan must be submitted to the department with at least 20% of a landowner's ownership each year. Landowners will prioritize which plans will be submitted first based on whether a road system or drainage contains a listed water body or species; sensitive geology/soils or history of failure; level of use or restoration projects coincide in the same drainage; in this order of preference.

(b) Landowners hauling timber on active haul routes not covered under a department approved road maintenance and abandonment plan, an approved watershed analysis or other agreement in which a road maintenance and abandonment plan is part of the agreement must submit a drainage management plan with each application.

((The department will review the plan annually with the landowner to determine whether it will be effective and is being implemented.)) Landowners with less than 500 acres within the areas in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC must submit a road maintenance and abandonment plan along with the forest practice notification or application for proposed road or harvest activities. The plan must cover their entire ownership.

((b)) (d) The plan shall be submitted to the department region office on or before June 30, 1988, and each June 30th thereafter unless the department agrees that no further plans are necessary.

((d)) (e) Such plans shall also be reviewed with the departments of ecology, fish and wildlife, affected Indian tribes, and interested parties, any of whom may request the department to hold an informal conference with the landowner.

(f) The department will review the plan annually with the landowner, departments of ecology, and fish and wildlife, affected Indian tribes and interested parties to determine whether it will be effective and is being implemented.

(g) An approved road maintenance and abandonment plan will be considered a multi-year permit for accomplishing those actions approved in the plan.

(h) Roads that are not in compliance with the approved plan may not be used without department approval.

(NOTE: The road maintenance and abandonment training manual and other materials made available by the department can be used for guidance in developing road maintenance and abandonment plans.)

\*(2) Active roads. An active road is a forest road being actively used for hauling of logs, pulpwood, chips, or other major forest products or rock and other road building materials. To the extent necessary to prevent damage to public resources, the following maintenance shall be conducted on such roads:

(a) ((Culverts)) Outsloping and armored drivable dips shall be maintained.

(b) Stream crossings, cross drains and ditches shall be kept functional.

(c) Restricted haul will be required unless a road maintenance and abandonment plan is in place for the haul route.

~~((b))~~ (d) Road surface shall be maintained as necessary to minimize erosion of the surface and the subgrade.

~~((e))~~ (e) During and on completion of operations, road surface shall be crowned, outslomed, or water barred and berms removed from the outside edge except those intentionally constructed for protection of fills.

**\* (3) Inactive roads.** An inactive road is a forest road on which commercial hauling is discontinued for 1 or more logging seasons, and the forest landowner desires continuation of access for fire control, forest management activities, Christmas tree growing operations, occasional or incidental use for minor forest products harvesting or similar activities on such inactive roads:

(a) Before the first winter rainy season following termination of active use, nonfunctional ditches and culverts shall be cleared, stream crossings and cross drains and the road surface shall be crowned, ~~((outsloped,))~~ water barred or otherwise left in a condition not conducive to accelerated erosion or interrupt water movement within wetlands; and

(b) Thereafter, except as provided in (c) of this subsection, the landowner shall outslope and clear culverts or repair ditches ~~((or culverts which he/she knows or should know to be nonfunctional and causing or))~~ and cross drains likely to cause material damage to a public resource.

(c) ~~((The))~~ If a landowner allow public use, the landowner shall ((not)) be liable for penalties or monetary damages, under the act, for damage occurring from a condition brought about by the public use, ((, unless he/she fails to make repairs as directed by a notice to comply.)) Landowners are encouraged to control road use through gating or other opportunities such as the green dot program.

**\* (4) Additional ~~((culverts/maintenance))~~ drainage management.** If the department determines based on physical evidence that the above maintenance has been or will be inadequate to protect public resources and that additional measures will provide adequate protection it shall require the landowner or operator to either elect to:

(a) ~~((Install))~~ Require additional ~~((or larger culverts or other))~~ drainage improvements as deemed necessary by the department; or

(b) Agree to an additional road maintenance program. Such improvements in drainage or maintenance may be required only after a field inspection and opportunity for an informal conference.

**\* (5) Abandoned roads.** An abandoned road is a forest road which the forest landowner has abandoned in accordance with procedures of (a) through (e) of this subsection. Roads are exempt from maintenance only after (e) of this subsection is completed:

(a) Roads are outslomed, water barred, or otherwise left in a condition suitable to control erosion and maintain water movement within wetlands; and

(b) Ditches are left in a suitable condition to reduce erosion; and

(c) The road is blocked so that four wheel highway vehicles can not pass the point of closure at the time of abandonment; and

(d) Bridges, culverts, and fills on all waters are removed, except where the department determines other measures would provide adequate protection to public resources.

(e) The department shall determine whether the road has been abandoned according to procedures of this subsection. If the department determines the road is properly abandoned, it shall within thirty days notify the landowner in writing that the road is officially abandoned.

**\* (6) Orphan Roads.** A forest road which the forest landowner has not used since 1974 for forest practice activities. Many of these roads are overgrown or closed off but have not satisfied the formal abandonment process in accordance with procedures of (a) through (e) in subsection (5) above. Roads are exempt from maintenance only after (e) of subsection (5) above is completed.

**\* (7) Brush control.** Chemical control of roadside brush shall not be done where chemicals will directly enter any Type ~~((1, 2, or 3 or flowing Type 4 or 5 Water))~~ S, F, or N water or Type A or B Wetlands. Refer to WAC 222-38-020 for additional information.

~~((\*(7))~~ **\* (8) Road surface treatment.**

(a) Apply oil to the road surface only when the temperature is above 55 degrees F and during the season when there is a minimal chance of rain for the next 48 hours. Use of waste oil is subject to RCW 70.951.060(5).

(b) Water the road surface prior to application of oil to assist in penetration.

(c) Construct a temporary berm along the road shoulder wherever needed to control runoff of the applied chemical.

(d) Take extreme care to avoid excess application of road chemicals. Shut off the flow at all bridges.

(e) When cleaning out chemical storage tanks or the application equipment tanks used for storage and application of road treatment materials, dispose of the rinse water fluids on the road surface or in a place safe from potential contamination of water.

(f) The use of dry road chemicals shall be in compliance with WAC 222-38-020.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

**WAC 222-24-060 Rock quarries, gravel pits, borrow pits, and spoil disposal areas.** Not covered by the Surface Mine Reclamation Act of 1971 (chapter 78.44 RCW).

**\* (1) Location of pits.** Except as approved by the department, rock quarries and gravel pits opened after January 1, 1975 shall be located above the ~~((50))~~ 100-year flood level.

**\* (2) Location of spoil disposal areas.** Except as approved by the department, spoil disposal areas shall be located:

(a) Above the ~~((50))~~ 100-year flood level.

(b) Where the final slope after disposal will be no steeper than 1 1/2:1.

(c) Where practical, on areas having low potential timber productivity.



(d) Where the risk of soil erosion and mass soil movement is minimal.

(e) All spoils shall be placed to allow drainage without additional water ponding.

(f) All spoils shall be located outside of Type A and Type B Wetlands and their wetland management zones. Spoils shall not be located within the boundaries of forested wetlands without written approval of the department and unless a less environmentally damaging location is unavailable. No spoil area greater than 0.5 acre in size shall be allowed within wetlands.

**\*(3) Pit drainage.** During construction and use of rock quarries, gravel pits, or borrow pits, runoff water shall be either diverted onto the forest floor or be passed through one or more settling basins as approved by the department.

(4) **Rehabilitation required.** All rock quarries, gravel pits, spoil disposal areas and borrow pits used after January 1, 1975 shall be reclaimed within 2 years from the time the rock or gravel source is either exhausted or abandoned.

(5) **Rehabilitation standards.** Where rehabilitation is required:

(a) Remove all deleterious material that has potential for damaging the public resource, the soil productivity, or that would prevent reforestation of an otherwise plantable area.

(b) Grade slopes to less than the angle of repose unless otherwise approved.

(c) Reforest in accordance with chapter 222-34 WAC to the extent practical.

(d) Seed unreforested exposed erodible soils with grass, clover or other ground cover.

**\*(6) Major spoil disposal operations.** Where a spoil disposal operation involves more than 1,000 cubic yards of spoils:

(a) The spoils shall be placed to provide drainage onto the forest floor without water ponding within the disposal area;

(b) The site shall be reforested in accordance with chapter 222-34 WAC to the extent practical; and

(c) If significant erosion of the spoils develops, the eroding areas shall be water barred and any unreforested areas shall be matted, mulched, or seeded with grass or ground cover.

**AMENDATORY SECTION** (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

**WAC 222-30-010 Policy—Timber harvesting.** **\*(1)** This section covers all removal of timber from forest lands in commercial operations, commercial thinning, salvage of timber, relogging merchantable material left after prior harvests, postharvest cleanup, and clearing of merchantable timber from lands being converted to other uses. It does not cover removal of incidental vegetation or removal of firewood for personal use. To the extent practical the department shall coordinate the activities on a multiple disciplinary planning approach. The riparian management zone requirements specified in this section are designed to provide protection for water quality and fisheries and wildlife habitat through ensuring present and future supplies of large organic debris for

streams, snags, canopy cover, and a multistoried diverse forest adjacent to Type ((1, 2 and 3 Waters)) **S and N waters.**

**\*(2)** Wetland areas serve several significant functions in addition to timber production: Providing fish and wildlife habitat, protecting water quality, moderating and preserving water quantity. Wetlands may also contain unique or rare ecological systems. The wetland management zone and wetland requirements specified in this section are designed to protect these wetland functions when measured over the length of a harvest rotation, although some of the functions may be reduced until the midpoint of the timber rotation cycle. Landowners are encouraged to voluntarily increase wetland acreage and functions over the long-term.

**\*(3) Riparian management zones (RMZ).** RMZs are designed to be fully functional by providing: Stream bank stability and sediment control, large woody debris and shade, and windthrow protection and favorable microclimate. RMZs shall be measured horizontally from the bankfull width on each side of Type S, F, and N waters, as defined in WAC 222-16-030, or from the outer edge of the channel migration zone, whichever is greater.

(Note: Other laws or regulations and/or permit requirements may apply. See chapter 222-50 WAC.)

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 97-24-091, filed 12/31/97 [12/3/97], effective 1/3/98)

**WAC 222-30-020 Harvest unit planning and design.**

(1) **Logging system.** The logging system should be appropriate for the terrain, soils, and timber type so yarding or skidding can be economically accomplished in compliance with these ((regulations)) **rules.**

**\*(2) Landing locations.** Locate landings to prevent damage to public resources. Avoid excessive excavation and filling.

**\*(3) Western Washington riparian management zones shall include:**

**(a) For Type S, F, and N waters, wetlands adjacent to the stream. When the RMZ overlaps a Type A or B wetland or a wetland management zone, the requirement which best protects public resources shall apply.**

**(b) For Type S and F perennial and seasonal waters:**

**(i) A 100 foot wide no-harvest and no-ground-based-yarding-equipment zone or**

**(ii) The applicant may propose an alternate plan for harvest within the 100 foot zone provided that a 30 foot-wide no-harvest and no-ground-based-equipment zone is provided and that the plan is predicated on improving riparian function. The plan must be agreed to by the departments of natural resources, fish and wildlife and ecology, and**

**(iii) An additional 70 foot wide zone or a distance equal to the site potential tree height (SPTH), whichever is greater, that includes an average of**

**Option 1 [10 trees per acre]**

**or**

**Option 2 [40 trees per acre].**

**(c) For Type N perennial and seasonal waters:**



Option 1

[(i) A two-thirds SPTH no-harvest and no-ground-based-yarding-equipment zone on type N perennial streams, and one-half SPTH no-harvest and no-ground-based-yarding-equipment zone on Type N seasonal streams.]

or

Option 2

[(i) A 30 foot wide no-ground-based-yarding-equipment zone

AND

(ii) Protection of the following sensitive sites:

(A) A 50 foot wide no-harvest and no-ground-based-yarding-equipment zone for 500 feet directly upstream from any perennial Type N water above a Type S or F water AND

(B) A 50 foot wide no-harvest and no-ground-based-equipment radius measured from the junction of two perennial Type N waters, and

(C) At the initiation point of perennial flow on a Type N water;

(D) A 50 foot wide no-harvest and no-ground-based equipment zone for a perennial seep or spring as defined in WAC 222-16-030, within 100 feet of a perennial Type N water;

(E) A no-harvest and no-ground-based-equipment zone for landslide-prone headwalls and inner gorges as defined in WAC 222-16-010; and

(F) A no-harvest and no-ground-based-equipment zone for a channel disturbance zone as defined in WAC 222-16-010.

(G) Tailed frog habitat defined as channel gradients greater than 20% with granitic or basaltic geology; and

(iii) For Type N perennial waters, shade from commercial tree species is required as follows:

(A) The stream length protected within sensitive sites (refer to (c)(ii) above) shall equal at least 50% of the total length of perennial Type N waters within the boundaries of each unit of the application or notification.

(B) If 50% is not met as required in subsection (i) above, then additional trees shall be left in any of the following areas until at least 50% is achieved:

(I) Channel gradients less than 20% (low gradient areas);

(II) Hyporheic areas defined in WAC 222-16-010;

(III) Starting at the most downstream boundary of the unit and working upstream.]

~~((\*3) Western Washington riparian management zones. These zones shall be measured horizontally from the ordinary high water mark of Type 1, 2 or 3 Water and extend to the line where vegetation changes from wetland to upland plant community, or the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than 25 feet in width nor more than the maximum widths described in (e) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.~~

~~(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these regulations, including those~~

~~regulations relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.~~

~~(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.~~

~~(c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for in the chart below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations. The number, size, species and ratio of leave trees, deciduous to conifer, is specified by the bed material and average width of the water type within the harvest unit. Trees left according to (d) of this subsection may be included in the number of required leave trees in this subsection.~~

PROPOSED

~~Western Washington Riparian Leave Tree Requirements~~

<del>Water Type/ Average Width</del>	<del>RMZ Maximum Width</del>	<del>Ratio of Conifer to Deciduous/ Minimum Size Leave Trees</del>	<del># Trees/1000 ft. each side Gravel/ Cobble Boulder/Bed rock &lt;10" Diameter</del>
<del>1 &amp; 2 Water 75' &amp; over</del>	<del>100'</del>	<del>representative of stand</del>	<del>50 trees 25 trees</del>
<del>1 &amp; 2 Water under 75'</del>	<del>75'</del>	<del>representative of stand</del>	<del>100 trees 50 trees</del>
<del>3 Water 5' &amp; over</del>	<del>50'</del>	<del>2 to 1/ 12" or next largest available</del>	<del>75 trees 25 trees</del>
<del>3 Water less than 5'</del>	<del>25'</del>	<del>1 to 1/ 6" or next largest available</del>	<del>25 trees 25 trees</del>

PROPOSED

"Or next largest available" requires that the next largest trees to those specified in the rule be left standing when those available are smaller than the sizes specified. Ponds or lakes which are Type 1, 2 or 3 Waters shall have the same leave tree requirements as boulder/bedrock streams.

(d) For wildlife habitat within the riparian management zone, leave an average of 5 undisturbed and uncut wildlife trees per acre at the ratio of 1 deciduous tree to 1 conifer tree equal in size to the largest existing trees of those species within the zone. Where the 1 to 1 ratio is not possible, then substitute either species present. Forty percent or more of the leave trees shall be live and undamaged on completion of harvest. Wildlife trees shall be left in clumps whenever possible.

(e) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type 1, 2 or 3 Waters or a wetland management zone and the harvest unit is a clearcutting of 30 acres or less, leave not less than 50 percent of the trees required in (e) of this subsection:)

\* (4) Eastern Washington riparian management zones shall include:

(a) For Type S, F and N waters, wetlands adjacent to the stream. When the RMZ overlaps a Type A or B wetland or a wetland management zone, the requirement which best protects public resources shall apply.

(b) For Type S and F perennial and seasonal waters:

(i) a 100 foot wide or a distance equal to a site-potential tree height, whichever is greater, no-harvest and no-ground-based-yarding-equipment zone, or

(ii) The applicant may propose an alternate plan for harvest within the 100 foot zone to address forest health salvage and fire prevention, provided that the proposal contains a 30 foot no-harvest and no-ground-based-equipment zone and

that the plan is predicated on improving riparian function. The plan must be agreed to by the departments of natural resources, fish and wildlife and ecology.

(c) For Type N perennial and seasonal waters:

Option 1

[(i) A two thirds SPTH no-harvest and no-ground-based-yarding-equipment zone on type N perennial streams, and one-half SPTH no-harvest and no-ground-based-yarding-equipment zone on type N seasonal streams.]

or

Option 2

[(i) A 30 foot wide no-ground-based-yarding-equipment zone AND

(ii) Protection of the following sensitive sites:

(A) A 50 foot wide no-harvest and no-ground-based-yarding-equipment zone for 500 feet directly upstream from any perennial Type N water above a Type S or F water AND

(B) A 50 foot wide no-harvest and no-ground-based-equipment radius measured from the junction of two perennial Type N waters, and

(C) at the initiation point of perennial flow on a Type N water;

(D) A 50 foot wide no-harvest and no-ground-based equipment zone for a perennial seep or spring as defined in WAC 222-16-030, within 100 feet of a perennial Type N water;

(E) A no-harvest and no-ground-based-equipment zone for landslide-prone headwalls and inner gorges as defined in WAC 222-16-010; and

(F) A no-harvest and no-ground-based-equipment zone for a channel disturbance zone as defined in WAC 222-16-010.

(G) Tailed frog habitat defined as channel gradients greater than 20% with granitic or basaltic geology; and

(iii) For Type N perennial waters, shade from commercial tree species is required as follows:

(A) The stream length protected within sensitive sites (refer to (c)(ii) above) shall equal at least 50% of the total length of perennial Type N waters within the boundaries of each unit of the application or notification.

(B) If 50% is not met as required in subsection (i) above, then additional trees shall be left in any of the following areas until at least 50% is achieved:

(I) Channel gradients less than 20% (low gradient areas);

(II) Hyporheic areas defined in WAC 222-16-010;

(III) Starting at the most downstream boundary of the unit and working upstream.]

~~(\*(4) Eastern Washington riparian management zones. These zones shall be measured horizontally from the ordinary high water mark of Type 1, 2 or 3 Waters and extend to the line where vegetation changes from wetland to upland plant community, or to the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than the minimum width nor more than the maximum widths described in (e) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.~~

~~(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these regulations, including those regulations relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.~~

~~(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.~~

~~(c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations.~~

~~(i) The width of the riparian management zone shall be based on the adjacent harvest type as defined in WAC 222-16-010 "Partial cutting." When the adjacent unit harvest type is:~~

~~Partial cutting—The riparian management zone width shall be a minimum of 30 feet to a maximum of 50 feet on each side of the stream.~~

~~Other harvest types—The riparian management zone shall average 50 feet in width on each side of the stream with a minimum width of 30 feet and a maximum of 300 feet on each side of the stream.~~

~~(ii) Leave tree requirements within the riparian management zones of Type 1, 2 or 3 Waters:~~

~~(A) Leave all trees 12 inches or less in diameter breast height (dbh); and~~

~~(B) Leave all wildlife reserve trees within the riparian management zone where operations in the vicinity do not violate the state safety regulations (chapter 296-54 WAC and chapter 49-17 RCW administered by department of labor and industries, safety division); and~~

~~(C) Leave 16 live conifer trees/acre between 12 inches dbh and 20 inches dbh distributed by size, as representative of the stand; and~~

~~(D) Leave 3 live conifer trees/acre 20 inches dbh or larger and the 2 largest live deciduous trees/acre 16 inches dbh or larger. Where these deciduous trees do not exist, and where 2 wildlife reserve trees/acre 20 inches or larger do not exist, substitute 2 live conifer trees/acre 20 inches dbh or larger. If live conifer trees of 20 inches dbh or larger do not exist within the riparian management zone, then substitute the 5 largest live conifer trees/acre; and~~

~~(E) Leave 3 live deciduous trees/acre between 12 inches and 16 inches dbh where they exist.~~

~~(iii) Minimum leave tree requirements per acre for Type 1, 2 and 3 Waters. Trees left for (c)(ii) of this subsection shall be included in the minimum counts.~~

~~(A) On streams with a boulder/bedrock bed, the minimum leave tree requirements shall be 75 trees/acre 4 inches dbh or larger.~~

~~(B) On streams with a gravel/cobble (less than 10 inches diameter) bed, the minimum leave tree requirement shall be 135 trees/acre 4 inches dbh or larger.~~

~~(C) On lakes or ponds the minimum leave tree requirement shall be 75 trees/acre 4 inches dbh or larger.~~

Note: ~~(See the Forest Practices Board Manual for assistance in calculating trees/acre and average RMZ widths.)~~

~~(d) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type 1, 2 or 3 Waters or a wetland management zone and either the harvest unit is a clearcutting of 30 acres or less or the harvest unit is a partial cutting of 80 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection. (See WAC 222-16-010 "Partial cutting.")~~

~~(\*(5) Riparian leave tree areas. The department will require trees to be left along Type 4 Water where such practices are necessary to protect public resources. Where such practices are necessary leave at least 25 conifer or deciduous trees, 6 inches in diameter or larger, on each side of every 1000 foot of stream length within 25 feet of the stream. The leave trees may be arranged to accommodate the operation.)~~

(5) Harvest units. Harvest units shall be designed so that felling, bucking, yarding or skidding can be accomplished in accordance with these rules.

\*~~(6) Forested wetlands. Within the wetland, unless otherwise approved in writing by the department, harvest methods shall be limited to low impact harvest or cable systems. Where feasible, at least one end of the log shall be suspended during yarding.~~

~~(a) When forested wetlands are included within the harvest area, landowners are encouraged to leave a portion (30 to 70%) of the wildlife reserve tree requirement for the harvest area within a wetland. In order to retain undisturbed habitat~~

PROPOSED

within forested wetlands, these trees should be left in clumps. Leave tree areas should be clumped adjacent to streams, riparian management zones, or wetland management zones where possible and they exist within forested wetlands. Green recruitment trees should be representative of the size and species found within the wetland. Leave nonmerchantable trees standing where feasible.

(b) If a RMZ or WMZ lies within a forested wetland, the leave tree requirement associated with those areas may be counted toward the percentages in (a) of this subsection.

(c) If the conditions described in (a) and (b) of this subsection are met, the distribution requirements for wildlife reserve trees and green recruitment trees (subsection (11)(e) of this section) are modified as follows: For purposes of distribution, no point within the harvest unit shall be more than 1000 feet from a wildlife reserve tree and green recruitment tree retention area.

(d) Approximate determination of the boundaries of forested wetlands greater than 5 acres shall be required.

Approximate boundaries and areas shall be deemed to be sufficient for harvest operations.

(e) The department shall consult with the department of fish and wildlife and affected Indian tribes about site specific impacts of forest practices on wetland-sensitive species in forested wetlands.

**\* (7) Wetland management zones (WMZ).** These zones shall apply to Type A and B Wetlands, as indicated in (a) of this subsection, and shall be measured horizontally from the wetland edge or the point where the nonforested wetland becomes a forested wetland, as determined by the method described in the board manual, and shall be of an average width as described in (a) of this subsection. These zones shall not be less than the minimum nor more than the maximum widths described in (a) of this subsection. When these zones overlap a riparian management zone the requirement which best protects public resources shall apply.

**\*(a) Wetland management zones (WMZ)** shall have variable widths based on the size of the wetland and the wetland type, described as follows:

**Wetland Management Zones**

Wetland Type	Acres of Nonforested Wetland*	Maximum WMZ Width	Average WMZ Width	Minimum WMZ Width
A (including bogs)	Greater than 5	200 feet	100 feet	50 feet
A (including bogs)	0.5 to 5	100 feet	50 feet	25 feet
A (bogs only)	0.25 to 0.5	100 feet	50 feet	25 feet
B	Greater than 5	100 feet	50 feet	25 feet
B	0.5 to 5			25 feet
B	0.25 to 0.5	No WMZ required	No WMZ required	

\*For bogs, both forested and nonforested acres are included.

(b) Within the WMZ, leave a total of 75 trees per acre of WMZ greater than 6 inches dbh in Western Washington and greater than 4 inches dbh in Eastern Washington, 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches dbh, where they exist. Leave trees shall be representative of the species found within the WMZ.

(c) Retain wildlife reserve trees where feasible. Type 1 and 3 wildlife reserve trees may be counted among, and need not exceed, the trees required in (b) of this subsection. Leave all cull logs on site.

(d) Partial-cutting or removal of groups of trees is acceptable within the WMZ. The maximum width of openings created by harvesting within the WMZ shall not exceed 100 feet as measured parallel to the wetland edge. Openings within WMZs shall be no closer than 200 feet. Landowners are encouraged to concentrate leave trees within the WMZ to the wetland edge.

**\*(e) Tractors, wheeled skidders, or other ground based harvesting systems shall not be used within the minimum WMZ width without written approval of the department.**

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\* (f) When 10% or more of a harvest unit lies within any combination of a wetland management zone or a riparian management zone of Type 1, 2, or 3 Waters and either the harvest unit is a clearcut of 30 acres or less or the harvest unit is a partial cut of 80 acres or less, leave not less than 50% of the trees required in (b) of this subsection.

\* (8) **Type A or B Wetlands.** Within the boundaries of Type A or B Wetlands the following shall apply:

(a) Individual trees or forested wetland areas less than 0.5 acre in size may occur. These trees have a high habitat value to the nonforested wetland. Leave individual trees or forested wetlands less than 0.5 acre. These trees may be counted toward the WMZ requirements.

(b) Harvest of upland areas or forested wetlands which are surrounded by Type A or B Wetlands must be conducted in accordance with a plan, approved in writing by the department.

(c) No timber shall be felled into or cable yarded across Type A or B Wetlands without written approval of the department.

(d) Harvest shall not be allowed within a Type A Wetland which meets the definition of a bog.

(9) **Future productivity.** Harvesting shall leave the land in a condition conducive to future timber production except:

(a) To the degree required for riparian management zones; or

(b) Where the lands are being converted to another use or classified urban lands as specified in WAC 222-34-050.

(10) **Wildlife habitat.** This subsection is designed to encourage timber harvest practices that would protect wildlife habitats, provided, that such action shall not unreasonably restrict landowners action without compensation.

(a) The applicant should make every reasonable effort to cooperate with the department of fish and wildlife to identify critical wildlife habitats (state) as defined by the board. Where these habitats are known to the applicant, they shall be identified in the application or notification.

(b) Harvesting methods and patterns in established big game winter ranges should be designed to insure adequate access routes and escape cover where practical.

(i) Where practical, cutting units should be designed to conform with topographical features.

(ii) Where practical on established big game winter ranges, cutting units should be dispersed over the area to provide cover, access for wildlife, and to increase edge effect.

(11) **Wildlife reserve tree management.** In areas where leaving wildlife reserve trees under this section will not create a significant fire hazard, or significant hazard to overhead power lines and operations that are proposed in the vicinity of wildlife reserve trees will not create a significant safety or residential hazard nor conflict with achieving conformance with the limitation of or performance with the provisions of chapter 76.04 RCW (snag falling law) and chapter 49.17 RCW (safety), wildlife reserve trees will be left to protect habitat for cavity nesting wildlife in accordance with the following:

(a) In Western Washington, for each acre harvested 3 wildlife reserve trees, 2 green recruitment trees, and 2 down logs shall be left. In Eastern Washington for each acre har-

vested 2 wildlife reserve trees, 2 green recruitment trees, and 2 down logs shall be left. Type 1 wildlife reserve trees may be counted, at the landowner's option, either as a wildlife reserve tree or as a green recruitment tree. If adequate wildlife reserve trees are not available, no additional green recruitment trees will be required as substitutes. Landowners shall not under any circumstances be required to leave more than 2 green recruitment trees per acre for the purpose of wildlife reserve tree recruitment, or be required to leave Type 3 or 4 wildlife reserve trees.

(b) In Western Washington, only those wildlife reserve trees 10 or more feet in height and 12 or more inches dbh shall be counted toward wildlife reserve tree retention requirements. In Eastern Washington, only those wildlife reserve trees 10 or more feet in height and 10 or more inches dbh shall be counted toward wildlife reserve tree retention requirements. Green recruitment trees, 10 or more inches dbh and 30 or more feet in height and with at least 1/3 of their height in live crown, left standing after harvest may be counted toward green recruitment tree requirements. Green recruitment trees and/or wildlife reserve trees left to meet other requirements of the rules or those left voluntarily by the landowner shall be counted toward satisfying the requirements of this section. Large, live defective trees with broken tops, cavities, and other severe defects are preferred as green recruitment trees. Only down logs with a small end diameter greater than or equal to 12 inches and a length greater than or equal to 20 feet or equivalent volume shall be counted under (a) of this subsection. Large cull logs are preferred as down logs.

(c) In the areas where wildlife reserve trees are left, the largest diameter wildlife reserve trees shall be retained to meet the specific needs of cavity nesters. Where the opportunity exists, larger trees with numerous cavities should be retained and count as recruitment trees.

(d) In order to facilitate safe and efficient harvesting operations, wildlife reserve trees and recruitment trees may be left in clumps. For purposes of distribution, no point within the harvest unit shall be more than 800 feet from a wildlife reserve tree or green recruitment tree retention area. Subject to this distribution requirement, the location of these retention areas and the selection of recruitment trees shall be at the landowner's discretion. Closer spacing of retention areas through voluntary action of the landowner is encouraged. Wildlife reserve tree and green recruitment tree retention areas may include, but are not limited to, riparian management zones, riparian leave tree areas, other regulatory leave areas, or voluntary leave areas that contain wildlife reserve trees and/or green recruitment trees.

(e) In order to provide for safety, landowners may remove any Type 3 or 4 wildlife reserve tree which poses a threat to humans working, recreating, or residing within the hazard area of that tree. In order to provide for fire safety, the distribution of wildlife reserve tree retention areas, described in (d) of this subsection, may be modified as necessary based on a wildlife reserve tree management plan proposed by the landowner and approved by the department.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

**AMENDATORY SECTION** (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

**WAC 222-30-070 Tractor and wheeled skidding systems.** **\* (1) Typed waters and wetlands.**

(a) Tractor and wheeled skidders shall not be used in ((Type 1, 2 or 3 Water)), typed waters except with approval by the department and with a hydraulic project approval of the department of fish and wildlife.

(b) In order to maintain wetland water movement and water quality, and to prevent soil compaction, tractor or wheeled skidders shall not be used in Type A or B Wetlands without prior written approval of the department.

(c) Within all wetlands, tractors and wheeled skidder systems shall be limited to low impact harvest systems. Ground based logging systems operating in wetlands shall only be allowed within wetlands during periods of low soil moisture or frozen soil conditions.

(d) Skidding across any ((flowing Type 4 Water)) Type N water shall be minimized and when done, temporary stream crossings shall be used, if necessary, to maintain stream bed integrity.

(e) Whenever skidding in or across any type water, the direction of log movement between stream banks shall be as close to right angles to the stream channel as is practical.

**\* (2) Riparian management zone.**

(a) Logging will be permitted within the zone for typed waters. However, any use of tractors, wheeled skidders, or other yarding machines within the zone must be as described in an approved forest practices application or otherwise approved in writing by the department.

(b) Where skidding ((in or through)) across the riparian management zone is necessary, the number of skidding routes through the zone shall be minimized.

(c) Logs shall be skidded so as to minimize damage to leave trees and vegetation in the riparian management zone, to the extent practical and consistent with good safety practices.

**\* (3) Wetlands management zones.**

(a) Logging will be permitted within wetland management zones.

(b) Where feasible logs shall be skidded at least with one end suspended from the ground so as to minimize soil disturbance and damage to leave trees and vegetation in the wetland management zone.

(c) Tractors, wheeled skidders, or other ground based harvesting systems shall not be used within the minimum WMZ width without written approval of the department.

**\* (4) Deadfalls.** Logs firmly embedded in the bed or bank of ((Type 1, 2, 3 or 4 Waters)) typed waters shall not be removed or unnecessarily disturbed without hydraulic project approval of the department((s)) of fish((eries or)) and wild-life.

**\* (5) Moisture conditions.** Tractor and wheeled skidders shall not be used on exposed erodible soils or saturated soils when soil moisture content is so high that unreasonable soil compaction, soil disturbance, or wetland, stream, lake or pond siltation would result.

**(6) Protection of residual timber.** Reasonable care shall be taken to minimize damage from skidding to the stems and root systems of residual timber and to young reproduction.

**\* (7) Skid trail construction.**

(a) Skid trails shall be kept to the minimum feasible width.

(b) Reasonable care shall be taken to minimize the amount of sidecast required and shall only be permitted above the ((50)) 100-year flood level.

(c) Skid trails shall be outloped where practical, but be insloped where necessary to prevent logs from sliding or rolling downhill off the skid trail.

**\* (8) Skid trail maintenance.** Upon completion of use and termination of seasonal use, skid trails on slopes in exposed soils shall be outloped with drainage dips or water barred a minimum of every 10-foot vertical change where necessary to prevent soil erosion.

**\* (9) Slope restrictions.** Tractor and wheeled skidders shall not be used on slopes where in the opinion of the department this method of operation would cause unnecessary or material damage to a public resource.

**(10) Disturbance avoidance for northern spotted owls.** The operation of heavy equipment within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

**(11) Disturbance avoidance for marbled murrelets.** Operation of heavy equipment shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

**AMENDATORY SECTION** (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

**WAC 222-38-020 Handling, storage, and application of pesticides.** **\* (1) No pesticide leakage, contamination, pollution.**

Transportation, handling, storage, loading, application, and disposal of pesticides shall be consistent with applicable label requirements and other state and federal requirements.

**\* (2) Mixing and loading areas.**

(a) Mix pesticides and clean tanks and equipment only where any accidental spills would not enter surface water or wetlands.

PROPOSED

(b) Storage and loading areas should be located where accidental spillage of pesticides will not enter surface water or wetlands. If any pesticide is spilled, immediate appropriate procedures should be taken to contain it.

(c) Use devices or procedures to prevent "back siphoning" such as providing an air gap or reservoir between the water source and the mixing tank.

**\*(3) Riparian management zone.** Pesticide treatments within the riparian management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

**\*(4) Wetland management zone.** Pesticide treatment within the wetland management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

**\*(5) Aerial application of pesticides.** The forest practices board manual outlines the best management practices to be used for aerial application of pesticides. See WAC 222-12-090(16).

(a) To keep pesticides out of the water, leave the following:

Option 1

(i) A minimum 50 foot buffer width for applications made with favorable wind conditions.

(ii) A minimum of 250 feet for applications made in unfavorable wind conditions.

(iii) An alternate plan of buffer widths less than 250 feet with equal or greater drift protection in unfavorable wind conditions.]

OR

Option 2

(i) A minimum buffer width of 50 feet for applications made with favorable wind conditions.

(ii) Variable buffer widths of 50 to 325 feet subject to spray nozzle type and spray release in unfavorable wind conditions.

(iii) An alternate plan of buffer widths less than 325 feet with equal or greater drift protection in unfavorable wind conditions.]

OR

Option 3

(i) A 50 foot buffer strip on all typed waters, except segments of Type ~~((4 and 5) Waters)~~ N waters with no surface water and other areas of open water, such as ponds or sloughs.

(b) Apply the initial swath parallel to the buffer strip in (a) of this subsection unless a deviation is approved in advance by the department. Drift control agents shall be required adjacent to buffer strips. Avoid applications that might result in drift causing direct entry of pesticides into riparian management zones, Type A and B Wetlands, wetland management zones, and all typed waters, except segments of Type ~~((4 and 5) Waters)~~ N waters with no surface water.

(c) Use a bucket or spray device capable of immediate shutoff.

(d) Shut off spray equipment during turns and over open water.

(e) Leave at least a 200 foot buffer strip around residences and 100 foot buffer strip adjacent to lands used for agriculture unless such residence or farmland is owned by the

forest landowner or the aerial application is acceptable to the resident or landowner.

(f) The landowner shall identify for the operator the units to be sprayed and the untreated areas within the units with appropriately marked aerial photos or detailed planimetric maps. Before application of the pesticide an over-flight of the area shall be made by the pilot with the marked photos or maps.

(g) Aerial chemical application areas shall be posted by the landowner by signing at significant points of regular access at least 5 days prior to treatment. Posting shall remain at least 15 days after the spraying is complete. The department may require an extended posting period in areas where human use or consumption of plant materials is probable. Posting at formal, signed trailheads that are adjacent to aerially treated units is required. The signs will contain the name of the product used, date of treatment, a contact telephone number, and any applicable restrictions.

**\*(6) Ground application of pesticides with power equipment.**

Leave a ~~((25))~~ 30-foot buffer strip on each side of Type A or B Wetlands and all typed waters, except segments of Type ~~((4 and 5) Waters)~~ N waters with no surface water.

**\*(7) Hand application of pesticides.**

Apply only to specific targets, such as vegetation, trees, stumps, and burrows, or as bait or in traps.

**\*(8) Limitations on application.** Pesticides shall be applied only in accordance with all limitations:

(a) Printed on the United States Environmental Protection Agency container registration label, and/or

(b) Established by regulation of the state department of agriculture.

(c) Established by state and local health departments (in municipal watersheds).

(d) Established by the Federal Occupational Safety and Health Administration, or the state department of labor and industries, as they relate to safety and health of operating personnel and the public.

(e) The department or the department of agriculture may suspend further use of any equipment responsible for chemical leakage until the deficiency has been corrected to the satisfaction of the department suspending its usage.

**\*(9) Container disposal.** Pesticide containers shall be either:

(a) Removed from the forest and disposed of in the manner consistent with label directions; or

(b) Removed and cleaned for reuse in a manner consistent with any applicable regulations of the state department of agriculture or the state or local health departments.

**\*(10) Daily records - aerial application of pesticides.** On all aerial applications of pesticides, the operator shall maintain for 7 years daily records of spray operations as required by the state department of agriculture WAC 16-228-190.

**\*(11) Reporting of spills.** All potentially damaging chemical spills shall be immediately reported to the department of ecology. Emergency telephone numbers for reporting spills shall be available at the department's regional offices.

PROPOSED

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

**WAC 222-38-030 Handling, storage, and application of fertilizers.** \*(1) **Storage and loading areas.** Storage and loading areas should be located where accidental spillage of fertilizers will not enter surface water or wetlands. If any fertilizer is spilled, immediate appropriate procedures shall be taken to contain it.

\* (2) **Riparian management zone.** Fertilizer treatments within a riparian management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

\* (3) **Wetland management zone.** Fertilizer treatments within a wetland management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

\* (4) **Aerial application of fertilizer.**

(a) Proposed fertilization units shall be planned to avoid and to minimize the direct or indirect introduction of fertilizer into waters and wetlands.

(b) Leave a ((25)) 30 foot buffer on all Type ((1, 2, and 3 Waters)) S and F waters, except as noted in (f) of this subsection.

(c) When the helicopter flight path during fertilizer application is parallel to a water course or the WMZ edge, the centerline of the initial swath should be adjusted to prevent direct application within the buffers or WMZs.

(d) Leave at least a 200 foot buffer strip around residences and a 100 foot buffer strip adjacent to lands used for agriculture unless such residence or farmland is owned by the forest landowner or the aerial application is acceptable to the resident or landowner.

(e) The landowner shall identify for the operator the units to be fertilized and the untreated areas within the units with appropriately marked aerial photos or detailed planimetric maps. Before application of the fertilizer, an over-flight of the area shall be made by the pilot with the marked photos or maps.

(f) Where the department has been provided information by the department of ecology indicating that water quality in downstream waters is likely to be impaired by entry of fertilizer into waters, such waters shall be protected by site specific conditioning.

\* (5) **Ground and hand application of fertilizers.** Prevent fertilizer from entering Type A and B Wetlands and all typed waters, except segments of Type 4 and 5 Waters with no surface water.

\* (6) **Reporting of fertilizer spills.** All fertilizer spills involving streams, lakes, wetlands, or other waters of the state shall be immediately reported to the department of ecology. Emergency telephone numbers for reporting spills shall be available at the department's regional offices.

## NEW SECTION

**WAC 222-46-055 Compensation for resource damages.** The department will develop a schedule of penalties for compensation of resource damages where violations of the forest practices act and/or rules results in material damage to public resources (WAC 222-46-030 and WAC 222-46-040). This schedule should be developed by the department by January 1, 1999 for consideration by the Forest Practices Board for rule adoption. The schedule should be developed in consultation with the departments of fish and wildlife and ecology. Once adopted the schedule can be used to compensate for damage to public resources that cannot be completely recovered, or where the damage to public resources will have effects of a term longer than five years. These monies can be used by the department of natural resources, fish and wildlife or ecology for restorative activities that will mitigate for the resource damage (RCW 76.09.180). Resource damage assessments may be mitigated by the department if the violator chooses to perform restoration that replaces the functions lost as a result of the violation.

**AMENDATORY SECTION** (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-46-060 Civil penalties.** (1) **Amount of penalty.** Every person who violates any provisions of RCW 76.09.010 through 76.09.280 or of the forest practices rules adopted pursuant thereto, or who converts forest land to a use other than commercial timber operation within three years after completion of the forest practice without the consent of the county, city, or town, shall be subject to a penalty in an amount of not more than ten thousand dollars for each such violation. Each and every such violation shall be a separate and distinct violation. In case of a failure to comply with a stop work order, every day's continuance thereafter shall be a separate and distinct violation.

(2) **Penalty assessments** shall consider the following:

(a) Repairability of the adverse effect from the violation;

(b) Whether the violation of the act or rules was intentional;

(c) Cooperation with the department;

(d) Previous violation history;

(e) Severity of the impact or the potential for material damage to public resources; and

(f) The extent to which a penalty to be imposed on a forest landowner for a forest practice violation committed by another should be reduced because the owner was unaware of the violation and did not receive substantial economic benefits from the violation.

(3) **Calculation of penalty.** The department shall evaluate any violation to determine if a civil penalty is warranted. When penalties are to be assessed they shall be calculated using the following process:

(a) Determine the base penalty; see WAC 222-46-065.

(b) The penalty may be adjusted using factors specific to the incident and the site. The following additional factors will be independently considered and added to the base penalty to calculate the civil penalty:

(i) Repairability:



Repairability shall be based on the length of time natural restoration or implementation of a restoration plan will take and whether repair can be achieved. The penalty will be substantially increased when natural restoration will not occur within three years and the damage cannot be effectively corrected. For this factor, up to double the base penalty may be added to the penalty.

(ii) **Intention:**

In making a determination of intent, the department shall consider, but not be limited to, the following considerations: The foreseeability of the violation; whether precautions were taken to avoid the violation; whether an informal conference or enforcement action was served on the violator prior to the violation. For this factor, up to double the base penalty may be added to the penalty.

(iii) **Cooperation:**

The department shall consider whether the violator did or did not make any attempt to correct the problem. Timeliness of action(s) and/or ignoring or evading agency contacts or directives shall determine if the penalty shall be increased. For this factor, up to double the base penalty may be added to the penalty.

(iv) **Previous violation(s):**

The department shall consider whether the violator has previous violations of a forest practice rule or regulation as documented in an enforcement action. The department may consider company organizations and assignment of operational responsibilities when evaluating previous violations. A history of violations with adverse impacts or potential for adverse impacts or that shows a pattern of ignoring the rules or the act, shall result in a substantially larger penalty.

Enforcement actions for the purposes of this section shall include notices to comply, stop work orders, civil penalties, and criminal citations when those enforcement actions are associated with forest practice violations. For this factor, up to quadruple the base penalty may be added to the penalty.

(v) **Severity:**

The department shall adjust the penalty based on the extent and magnitude of the damage or potential damage to public resources. For this factor, up to quadruple the base penalty may be added to the penalty.

(vi) **Landowner involvement:**

If in the opinion of the department, the landowner exercised reasonable prudence in the development of timber sale contracts or supervision of the forest practice operations, was unaware of the forest practice violation, and the landowner received no substantial economic benefit from the violation, then the landowner generally would not be assessed a civil penalty.

(c) In accordance with RCW 76.09.170, the penalty may not exceed ten thousand dollars for each and every violation.

(d) The department shall determine whether all or a portion of the penalty should be assessed against the operator, landowner, and/or timber owner. The department should consider the responsible party, the degree of control, the sophistication of the party and whether different parties conducted different violations.

(4) **Other participants.** Every person who through an act of commission or omission procures, aids or abets in the violation shall be considered to have violated the provisions

of this section and shall be subject to the penalty provided for in this section.

(5) **Government employees.** No penalty shall be imposed under this section upon any governmental official, an employee of any governmental department, agency, or entity, or a member of any board created by the act for any act or omission in his/her duties in the administration of the act or of these rules.

(6) **Written notice.** The 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 describing the violation with reasonable particularity.

(7) **Remission or mitigation.** Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the ~~((department's manager of the region in which the penalty was issued))~~ supervisor of the department or his/her designee, for the remission or mitigation of such penalty. Upon receipt of the application, the department may remit or mitigate the penalty upon whatever terms the department in its discretion deems proper: *Provided*, That the department deems such remission or mitigation to be in the best interests of carrying out the purposes of the act. The department shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such rules as they may deem proper. The reviewer may reduce, dismiss or not change the civil penalty. ~~((Within fifteen days of the completion of the regional review, the person incurring the penalty may apply in writing to the supervisor of the department for further review.))~~

(8) **Right of appeal.** Any person incurring any penalty hereunder may appeal the same to the forest practices appeals board. Such appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department. When such an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the department setting forth the disposition of the application for remission or mitigation. Concurrently with the filing of any appeal to the forest practices appeals board as provided in this section, the appellant shall file a copy of the appeal with the department region from which the penalty was issued and a copy with the office of the attorney general.

(9) **Penalties due.** The penalty imposed under this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When such an application for remission or mitigation is made, any penalty incurred under this section shall become due and payable thirty days after receipt of notice setting forth the disposition of such application unless an appeal is filed from such disposition. Whenever an appeal of the penalty incurred is filed, the penalty shall become due and payable only upon completion of all administrative and judicial review proceedings and the issuance of a final order or decision confirming the penalty in whole or in part.

(10) **Enforcement.** If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the

department, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise provided in the Forest Practices Act. In addition to or as an alternative to seeking enforcement of penalties in superior court, the department may bring an action in district court as provided in Title 3 RCW, to collect penalties.

(11) **Liens.** Penalties imposed under this section for violations associated with a conversion to a use other than commercial timber operation shall be a lien upon the real property of the person assessed the penalty. The department may collect such amounts in the same manner provided in chapter 60.04 RCW for mechanics' liens.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-46-065 Base penalty schedule. Violations of WAC 222-20-010, operation without an approved forest practices application/notification, shall have a base penalty of \$10,000.** All other WAC or RCW violations not specifically mentioned in this list shall have a base penalty of (~~five hundred dollars~~) **\$500.**

Violations of the following shall have a base penalty of (~~two thousand dollars~~) **\$2,000:**

Statute or Rule	Description
<del>((WAC 222-20-010 RCW 76.09.050))</del>	<del>((Operation without an approved forest practices application/notification.))</del>
WAC 222-20-010 RCW 76.09.060	Willful misrepresentation of information on the forest practices application/notification.
WAC 222-20-050 RCW 76.09.060	Conversion of land without consent of the county, city or town.
WAC 222-20-040 WAC 222-20-060 RCW 76.09.060	Significant, in the opinion of the department, deviation from an approved forest practices application/notification.

**WSR 98-22-101**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Adult Services Administration)  
[Filed November 4, 1998, 10:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-03-124.

Title of Rule: ~~WAC 388-15-650 through 388-15-662, adult day health services; WAC 388-15-650 Purpose, 388-15-651 Definitions, 388-15-652 Adult day care (COPEs level I), 388-15-653 Adult day health (level II), 388-15-654 Plan of care, 388-15-655 Title XIX adult day health certification and monitoring, 388-15-656 Administration and organi-~~

~~zation, 388-15-657 Staffing, 388-15-658 Personnel requirements, 388-15-659 Facility, 388-15-660 Nonduplication of services, 388-15-661 Clients in residential care or nursing facilities care settings, and 388-15-662 Expenditures not to exceed.~~

**Purpose:** Establishes client eligibility, care levels, payment rates, and criteria for provider eligibility.

**Statutory Authority for Adoption:** RCW 74.39A.007 and 74.08.090.

**Statute Being Implemented:** RCW 74.39A.007.

**Summary:** These rules will establish eligibility, care levels and payment rates that will ensure appropriate health and social services for the clients receiving Medicaid services.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Cheryl Allen, Aging and Adult Services Administration, 600 Woodland Square Loop S.E., Lacey, WA 98504, (360) 478-4772.

**Name of Proponent:** Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

**Explanation of Rule, its Purpose, and Anticipated Effects:** These rules will implement the goals and objectives outlined in RCW 74.39A.007 and 74.39A.030 by offering a balanced array of health, social, and supportive services. Adult day health will promote individual choice, dignity, and the highest practicable level of independence while ensuring services that are the most cost-effective.

Proposal does not change existing rules.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

**Are large and small business involved?** The majority of the adult day health providers impacted by these rules would be classified as nonprofit small businesses. The definition of a small business found in RCW 19.85.020 is: "Any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

**What is the impact on business?** There is no significant impact since each provider receives an adequate rate depending on the metropolitan area or county in which they are located, and the level of care that is authorized for each participant. The ability to generate revenue does not go away. The average provider can receive an average daily rate per participant of \$40.43 for level II services and an average of \$30.82 per participant for level I services (for as many days per week they are operating).

**Are there disproportionate impacts to large and small business?** There would be no disproportionate impacts as all providers receive the same level of reimbursement.

**How did the department mitigate these costs?** There is no disproportionate impact, therefore no costs to mitigate.

A copy of the statement may be obtained by writing to Aging and Adult Services Administration, Adult Day Health

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Program Manager, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 493-2545, fax (360) 438-8633.

RCW 34.05.328 applies to this rule adoption. These rules do meet the definition of significant rules and a cost benefit analysis has been prepared. To obtain a copy of the cost benefit analysis please contact the address above.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on December 22, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by December 11, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by December 22, 1998.

Date of Intended Adoption: January 15, 1999.

November 3, 1998

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

#### NEW SECTION

**WAC 388-15-650 Purpose.** To assist individuals to remain in the community in the least restrictive environment while enabling families and other caregivers to continue providing needed support. WAC 388-15-650 through 388-15-662 is to regulate adult day health facilities that receive Medicaid or state general funding for client care. Adult day health programs that do not receive any Medicaid or state general funds are exempt from these requirements.

#### NEW SECTION

**WAC 388-15-651 Definitions. "Adult day care"** (level I). Adult day care provides supervised daytime programs where frail and disabled adults can participate in social, educational, and recreational activities. Services at this level are the basic "core services" that must be provided in all adult day care and adult day health programs. Level I is appropriate for clients who have chronic medical conditions that do not require the services of a skilled health professional on a routine basis. A registered nurse and social worker provide consultation regarding the individual's participation in the program and assessment of the client's overall well-being and need for additional services. Level I offers respite to caregivers by providing a safe alternative to home care.

**"Adult day health"** (level II). Adult day health is a structured program that provides licensed rehabilitative and skilled nursing services in an environment that also offers social work services and socialization for frail and disabled adults. Level II services provide rehabilitative, nursing, and professional level of psychological/counseling services with a focus on prevention, teaching, and health monitoring. Each participant has a specialized plan of care designed to structure his or her participation and to address particular needs.

**"Certification."** The process by which an area agency on aging as authorized by the department certifies an adult day health center to be eligible for Medicaid reimbursement

for direct services provided to eligible individuals. The center must directly provide the services and meet requirements set by the department including fiscal requirements for contracting with the department. Adult day health centers that do not accept Medicaid or state-funded clients are not certified through this process.

**"Core services."** A common set of services that is provided by all programs that must include: client screening, individual assessment, and plan of care; basic health monitoring with consultation from a registered nurse; social services, therapeutic activities, at least one nutritional meal per day, including modified diet if needed; coordination and/or provision of transportation; emergency care for participants.

**"Intake evaluation."** The screening process conducted by the Adult Day Health center must be completed in order to gain an initial assessment of the appropriateness of the adult day health program for the client. During the intake process, clients for whom the program is not appropriate, are referred to other community agencies.

**"Plan of care."** The written plan that is developed with the participation of the client, and/or the client's authorized representative, is monitored by the individual responsible from the multidisciplinary team for each participant's plan. The plan of care details the services to be provided through identifying services needed with goals, objectives, and duration of the services.

#### NEW SECTION

**WAC 388-15-652 Adult day care (COPES level I).** (1) Determining eligibility for COPES level I adult day care.

(a) Home and community services staff (HCS) or area agency on aging (AAA) case managers determine eligibility, by determining the need of the client cannot be appropriately met in a less structured setting and in accordance with the criteria listed in subsection (2) of this section.

(b) The need for services must be documented in the plan of care, assessed, and re-authorized at regular, specified intervals.

(c) A physician does not need to authorize adult day care services as is required for level II adult day health.

(2) A person who is eligible for COPES and needing supervision or activities of daily living who can benefit from level I services to remain in their own home may receive level I services if it is an approved part of the clients service plan developed by HCS staff, AAA staff or authorized sub-contractors. Eligibility criteria for adult day care COPES level I. Clients are eligible when they are:

(a) Eligible for COPES as defined in WAC 388-15-620; and

(b) Ineligible for, and/or are eligible for, but do not have access to, level II adult day health; and

(c) Determined to be in need of one or more of the following services:

(i) Provision of personal care as defined in WAC 388-15-202(38);

(ii) Basic health monitoring with consultation from a registered nurse;

(iii) Therapeutic activities; or

(iv) Supervision or protection.

(3) Identifying providers. The AAA directly designates adult day care level I providers through a COPEs contract.

(4) Rates and sources of payment for adult day care level I.

(a) Transportation is not reimbursed under this rate. Arrangements for transportation for eligible Medicaid recipients are made with the local Medicaid transportation brokers or with individual client COPEs funds.

(b) Services are reimbursed on an hourly basis up to four hours per day. Any service provided over four hours per day shall be reimbursed at the daily rate. Effective July 1, 1997 the rates are as follows:

Counties	COPEs Level I	
	Daily rate	Hourly rate
King	\$33.83	\$8.45
Benton, Clark, Franklin, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima	\$30.10	\$7.53
All other counties	\$28.53	\$7.13

(c) Service plan for adult day care level I. The level I service is a part of the COPEs service plan for the client. This plan is developed by HCS, AAA (or authorized subcontractor) staff. A client/participant may receive both level I and level II services on different days. If, according to an adult day health center plan of care, a client/participant may need a level II service three days per week, but only wishes and would benefit from socialization or activities of daily living (ADL) assistance two additional days, both services may be authorized to complement the week.

**NEW SECTION**

**WAC 388-15-653 Adult day health (level II).** (1) Determining eligibility for level II.

(a) Certified providers assess the prospective client's need for day health. The assessment must include all services that the client has been authorized to receive. A state-approved assessment tool must be used. The two approved tools are:

(i) The OARS multidimensional functional assessment; and

(ii) The comprehensive assessment (CA) provided by AASA. The CA must not contain the AASA/DSHS logo.

(b) The adult day health provider must document the client's need for skilled nursing care or rehabilitative therapy and the frequency of the planned care provision.

(c) Day health providers must verify each client's Medicaid and COPEs eligibility.

(d) The provider must obtain a current medical report from the client's physician. The report must have been completed and dated by the client's physician within the last three months. The facility must inform the physician that he or she is documenting the need for skilled nursing or professional rehabilitative therapy services. The facility staff must obtain, from the attending physician, the following additional medical information:

(i) Frequency with which the client must be seen by the physician (client must agree to visits as ordered by the physician);

(ii) Orders for physical, speech, and hearing or other rehabilitative therapy; and

(iii) The physician's signature shall indicate that the client has a medical need for adult day health services and orders the development of a plan of care, and the provision of adult day health services.

(e) The multidisciplinary team, in preparing the plan of care, shall include input from the attending physician of any client funded by Medicaid.

(f) The plan of care shall be forwarded to the attending physician within one week of completion.

(g) Medicaid clients shall have their plan of care reassessed at least once every three months by the multidisciplinary team, which is to include the clients attending physician.

(h) Progress notes on Medicaid clients must be recorded weekly.

(i) Changes in the Medicaid clients plan of care are to be filed in their case record and a copy forwarded to the clients physician.

(2) Eligibility criteria for adult day health level II.

(a) Applicants are considered eligible for level II when they are:

(i) Active Title XIX recipients in the following categories:

Medical ID Code	Medical program eligibility
CNP	Categorically needy program
CNP-QMB	Categorically needy qualified medical beneficiaries
GAU/W	General assistance unemployable alcohol and drug addiction treatment and support act

or

(ii) Enrolled COPEs clients receiving at least one COPEs service (not including level II day health).

(b) In addition to subsection (1)(a) of this section, eligible clients must also be in need of one or more of the following and not have access to:

(i) Skilled nursing services: Skilled nursing services are services provided by a registered nurse (RN), or a licensed practical nurse (LPN). Reminding or coaching a client is not a skilled service. Skilled nursing services may include, but is not limited to, one or more of the following:

(A) Observation and assessment: This service may be medically necessary for a client who is in an unstable condition.

(B) Teaching and training activities: Teaching and training activities enable the client to become independent. Examples of teaching a client are:

- (I) Self-administration of an injection,
- (II) Prefill insulin syringes,
- (III) Irrigate a catheter,
- (IV) Care for a colostomy or ileostomy,
- (V) Dressing changes and aseptic techniques,
- (VI) Management of activities of daily living,

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(VII) Understand an illness, medications, its symptoms and how to cope.

(C) Intervention: Services provided directly by the licensed nurse may include, but are not limited to:

- (I) Inset or irrigate a catheter,
- (II) Administer medications or medical gases,
- (III) The administration and management of infusion therapy services.

(ii) Rehabilitative therapies: Therapy services must be medically necessary for preventing further deterioration or restoring a function affected by the client's illness, disability, or injury. These services must be provided by or under the supervision of the therapist.

(A) Physical therapy: Physical therapy must be provided according to applicable state practice laws and regulations. Physical therapy may include but not be limited:

- (I) Assessing the participant's mobility level, strength, range of motion endurance, balance, ability to transfer.
- (II) Provide treatment to relieve pain and/or develop restore, or maintain functioning.
- (III) Establish a maintenance program and provide written and verbal instructions to program staff and the family/caregiver to assist the participant with implementation.

(B) Occupational therapy: Occupational therapy services must be provided according to applicable state practice laws and regulations. Occupational therapy may include, but are not limited to:

- (I) Administer basic evaluation to determine baseline level of functioning, ability to transfer, range of motion, balance, strength and coordination, activities of daily living and cognitive-perceptual functioning.
- (II) Teach and train participant and/or staff in the use of therapeutic, creative, and self-care activities to improve or maintain the participant's capacity for self-care and independence, and increase the range of motion, strength and coordination.

(C) Speech pathology and audiology: Speech pathology and audiology services must be provided according to applicable state practice laws and regulations. Services may include, but are not limited to:

- (I) Establish a treatment program to improve communication ability and correct disorders.
- (II) Provide speech therapy procedures that include auditory comprehension tasks visual and/or reading comprehensive tasks, language intelligibility tasks, training involving the use of alternative communication devices.
- (III) Swallowing assessment and treatment.

(c) The client must receive services from one of the licensed professionals listed above. If, at the time of reassessment, it is determined that the participant requires fewer or more days of attendance, based on documentation of care delivered, the plan of care will be adjusted.

(3) Identifying providers. Level II providers for billing purposes are designated through a contract with the DSHS medical assistance administration (MAA). In order to be eligible to contract with MAA, they must be certified by the AAA. The AAA is required to conduct an annual review for continuing certification for each provider.

(4) Rates for level II and sources of payment.

(a) Transportation is not reimbursed under level II adult day health rate. Arrangements for transportation are made with the local Medicaid transportation brokers.

(b) Effective July 1, 1997 the rates are as follows:

Counties	Rate
	Level II
King	\$44.04
Benton, Clark, Franklin, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima	\$39.93
All other counties	\$37.74

(c) There is a one time only intake evaluation that is reimbursed at eighty-two dollars and ninety cents.

**Reviser's note:** The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**NEW SECTION**

**WAC 388-15-654 Plan of care.** The plan of care:

(1) Is developed by the multidisciplinary team of the adult day health center. In determining days of attendance for each participant, the center will assess the individual for the frequency of need for any of the above listed services. In addition, the plan should determine the frequency for active psycho-social therapy, which includes assessment for and treatment of mental illness, which must be provided by an appropriate therapist as defined in RCW or state regulations.

(2) For level II determine the frequency of attendance based on frequency of need for skilled nursing or rehabilitation therapy.

(3) Must be authorized by the participant's physician. The physician must be informed that he or she is documenting the participant's need for services described in the plan of care.

(4) Must include at a minimum the following:

- (a) Identified needs in each service area;
- (b) Time-limited measurable goals and objective of the care for the person served;
- (c) Type and scope of interventions to be provided in order to reach predicted outcomes;
- (d) Discharge/transition plan for the person, including specific criteria for discharge/transition.

**NEW SECTION**

**WAC 388-15-655 Title XIX adult day health certification and monitoring.** (1) Administration.

(a) Role of the AAA.

(i) The AAA, as authorized by the department, is responsible for the administration of the certification process for determining eligibility of an adult day health center to receive Medicaid funds. The AAA will make the initial certification and annual review (recertification) of applicants. A letter of certification will be given to applicants meeting all requirements, administrative and fiscal for contracting with the department. The AAA shall notify the department in writing of all certifications.

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(ii) When an applicant applying for initial certification does not meet all the certification requirements, certification will be denied. A notice from the AAA setting forth the reason for denial will be mailed to the applicant within thirty days after completion of the site visit.

(iii) The department may take action such as, but not limited to, stop placement, corrective action or revocation of certification at any time the adult day health center is found not to be in compliance with client eligibility requirements, or not meeting the administrative or fiscal requirements. The AAA shall notify the facility in writing of the reasons for revocation. Revocation will become effective sixty days after notice is mailed to the facility. Revocation may be suspended if the facility submits an approved corrective action plan within thirty days after the mailing date of the revocation notice. The AAA will determine the date by which the corrective action must be completed.

(2) Minimum requirements for certification.

(a) Mission statement, articles of incorporation and bylaws.

(b) Names and addresses of the board of directors (including minutes of the last three meetings) if the applicant is a non-profit organization. Names and addresses of all owners if the applicant is a proprietary.

(c) Organizational chart.

(d) Total program operating budget including all revenue sources and client fees generated.

(e) Program policies and operating procedures manual (all centers must operate at least three days a week and provide a structured program for participants for at least four hours a day).

(f) Personnel policies and job descriptions of each paid staff position and volunteer positions.

(g) Definitions, policies and procedures around suspected abuse, neglect, or exploitation and mandatory reporting to adult protective services.

(h) Financial statement or the latest audit report of the organization by a certified public accountant (CPA).

(i) A floor plan of the facility indicating usage of space with interior measurements.

(j) Building inspection report, fire department inspection report, local health department inspection report, and food handler permit if food is prepared in the facility.

(k) Updated TB test for each staff member.

(l) All forms used in client's case records/files.

(m) Program/activities calendar for the month prior to application.

## NEW SECTION

### **WAC 388-15-656 Administration and organization.**

(1) Governing board.

(a) Unless the program is independently owned or functions through a governmental unit, a formal governing body shall have full legal authority and fiduciary responsibility for the operation of the program, adopting bylaws, and rules that address:

(i) Purposes of the program;

(ii) Governing body's composition and size, and members' and committee chairs' terms of office;

(iii) Frequency of meetings.

(b) The organization shall develop a written plan, reviewed on a regular basis, that addresses:

(i) The core values and mission of the organization, that promote seeing the persons served as the focus of the adult day health program;

(ii) That supports leadership that identifies and demonstrates ethical behavior in business, marketing, communication, and the provision of services; and

(iii) Information dissemination from a variety of sources to plan and improve performance and to educate, inform and demonstrate to all stakeholders the value of adult day health services.

(2) The advisory committee.

(a) Every adult day health program shall have a body that serves as an advisory committee. When an adult day health program is a subdivision or subunit of a multifunction organization, a committee or subcommittee of the governing body of the multifunction organization may serve as the advisory committee of the program.

(b) For a single purpose agency the governing body may fulfill the functions of the advisory committee.

(c) The advisory committee shall meet at least twice a year, but preferably quarterly, and shall have an opportunity, at least annually, to review and make recommendations on program policies. The advisory committee should be representative of the community and include family members of current or part participants and nonvoting staff representatives.

(3) A written plan of operation.

The administrator shall be responsible for the development of a current, written plan of operation with approval of the governing body. The plan of operation shall be reviewed, and if necessary, revised annually. The plan may include:

(a) Short- and long-range program goals;

(b) Definition of the target population, including number, age and needs of participants;

(c) Geographical definition of the service area;

(d) Hours and days of operation;

(e) Description of basic services and any optional services;

(f) Policies and procedures for service delivery;

(g) Policies and procedures for admission and discharge;

(h) Policies and procedures for assessment and reassessment, and the development of a plan of care with participants and/or family/caregiver by an interdisciplinary team;

(i) Staffing pattern;

(j) A plan for utilizing community resources;

(k) Policies and procedures for recruitment, orientation, training, evaluation, and professional development of staff and volunteers;

(l) General record policies;

(m) Statement of participant rights;

(n) Mandated reporting procedures;

(o) Marketing plan;

(p) Strategic planning;

(q) Accident, illness, and emergency procedures;

(r) Grievance procedures;

(s) Procedures for reporting suspected abuse;

(t) Payment mechanisms, funding sources and rates; or

(u) Operational budget.

(4) A written emergency plan. A written plan for handling emergencies shall be developed, and posted at each program site and on all program owned vehicles. Staff shall be trained to ensure smooth implementation of the emergency plan. If a single participant is present, at least one staff member on site shall be trained in cardiopulmonary resuscitation (CPR) and first aid.

(5) Lines of supervision and responsibility.

(a) To ensure continuity of direction and supervision, there shall be a clear division of responsibility between the governing body and the adult day health program administrator.

(b) An administrator shall be appointed and given full authority and responsibility to plan, staff, direct, and implement the program. The administrator shall also have the responsibility for establishing collaborative relations with other community organizations to ensure necessary support services to participants and their families/caregivers.

(c) The administrator or the individual(s) designated by the administrator shall be on site to manage the program's day-to-day operations during hours of operation. If the administrator is responsible for more than one site, or has duties not related to adult day health administration or provision of services, a program director shall be designated for each additional site and shall report to the administrator.

(d) An organizational chart shall be developed to illustrate the lines of authority and communication channels, and shall be provided to all staff.

(6) Administrative policies and procedures.

(a) Every adult day health program shall demonstrate fiscal responsibility by utilizing generally accepted principles of accounting in all its financial transactions. Fiscal policies, procedures, and records shall be developed to enable the administrator to meet the fiscal reporting needs of the governing body.

(b) Every adult day health program shall develop a plan to address the future financial needs of the program. The plan shall include projected program growth, capital purchases, projected revenue, projected expenses, and plans for fund raising.

(7) Quality improvement.

(a) Every adult day health program shall develop a quality improvement plan, with specific measurable objectives, designed to meet requirements of any licensing, funding sources, and professional standards.

(b) Policies and procedures for monitoring program quality and determining further action shall be developed by the administrator with the advice of the multidisciplinary staff team and the advisory committee with the approval of the governing body.

(8) Personnel policies and practices.

(a) There shall be a written job description for each staff position that specifies:

- (i) Qualifications for the job;
- (ii) Delineation of tasks; and
- (iii) Lines of supervision and authority.

(b) Each employee shall receive, review, and sign a copy of the job description at the time of employment. Volunteers who function as staff also shall be provided written descriptions of responsibilities.

(c) Provision shall be made for orientation of new employees and volunteers. All staff and volunteers shall receive regular in-service training and staff development that meet their individual training needs. This shall be documented.

(d) Probationary evaluations and annual performance evaluations, in accordance with job descriptions, shall be conducted and shall conform to the policy of the funding or parent organization. Staff members shall review the written evaluation, which shall be signed by both the employee and supervisor. Copies shall be kept in locked personnel files.

(e) Each employee shall receive and/or review a copy of the program's personnel policies at the time of employment.

(f) Each employee shall have an individual file containing: Employee's qualifications, verification of training completed, signed job description and all performance evaluations. In addition, personnel files shall contain a copy of a current license or certificate, if applicable to the staff position, and certification of CPR and first aid training, if applicable.

(g) Whenever volunteers function in the capacity of staff, all applicable personnel policies pertain.

(h) The program shall conform to federal and state labor laws, must be in compliance with equal opportunity guidelines, and must adhere to federal and state employment regulations.

(9) Participant policies. Policies shall define the target population, admission criteria, discharge criteria, medication policy, participant rights, fee schedule, confidentiality, grievance procedures, and staff/participant ratios. Policies shall conform to the following:

(a) Nondiscrimination policy. No individual shall be excluded from participation in or be denied the benefits of or be otherwise subjected to discrimination in the adult day health program on the grounds of age, race, color, sex, religion, or national origin, creed, marital status, Vietnam era or disabled veteran's status, sensory, physical, or mental handicap.

(b) Bill of rights. A participant bill of rights shall be developed, posted, distributed to, and explained to participants, families, staff, and volunteers in the language understood by the individual.

(c) Illness/injury procedure. There shall be written procedures to be followed in case a participant becomes ill or is injured. The procedures shall be posted in at least one visible location at all program sites and shall be thoroughly explained, to staff, volunteers and participants. The procedures shall describe arrangements for hospital inpatient and emergency room service and include directions on how to secure ambulance transportation.

(d) Medications. Participants who need to take medications while at the program, and who are sufficiently mentally alert, shall be encouraged and expected to bring, keep and take their own medications as prescribed. Some participants may need assistance with their medications, and a few may need to have their medications administered by program staff. In order for program staff to administer any prescribed medication, there must be a written authorization from the participant's physician stating that the medication is to be

administered at the program site and identifying the licensed person responsible for administration.

(e) The program shall develop written mediation procedures who are explained to all staff and anyone else who has responsibility in this area. At a minimum, these procedures shall describe the following:

- (i) How medications will be stored;
- (ii) Under what conditions licensed program staff will administer medications;
- (iii) How medications brought to the program by a participant must be labeled;
- (iv) How general medications such as aspirin or laxatives are to be used;
- (v) How the use of medications will be entered in participants' case records.

(10) General record.

The adult day health program shall maintain a secure participant record system to ensure confidentiality. The record system shall include, but is not limited to:

- (a) A permanent registry of all participants with dates of admission and discharge;
- (b) A written policy on confidentiality and the protection of records that defines procedures governing their use and removal, and conditions for release of information contained in the records;
- (c) A written policy on conditions that require authorization in writing by the participant or the legally responsible party for release of appropriate information not otherwise authorized by law;
- (d) A written policy providing for the retention and storage of records for at least five years (or in accordance with state or local requirement) from the date of the last service to the participant;
- (e) A written policy on the retention and storage of such records in the event the program discontinues operation, depending on the requirements of funding sources;
- (f) A policy and procedure manual governing the record system and procedures for all agency staff;
- (g) Maintenance of records on the agency's premises in secure storage area;
- (h) Notes and reports in the participant's record that are typewritten or legibly written in ink, dated, and signed by the recording person with his/her title.

(11) Participant records. The following shall maintain a record for each participant. This shall include, but is not limited to, the following:

- (a) Application and enrollment forms;
- (b) Medical history and functional assessment (initial and ongoing);
- (c) Plan of care (initial and reviews) and revisions;
- (d) Fee determination form;
- (e) Service contract;
- (f) Signed authorizations for releases of medical information and photos, as appropriate;
- (g) Signed authorizations for participant to receive emergency medical care if necessary;
- (h) Correspondence;
- (i) Attendance and service records;
- (j) Transportation plans;
- (k) Where appropriate:

- (i) Medical information form;
- (ii) Documentation of physicians' orders;
- (iii) Physical examinations;
- (iv) Treatment, therapy, and medication notes;
- (l) Progress notes, chronological and timely;
- (m) Where appropriate, discharge plan and summary;
- (n) Current photograph of client;
- (o) Emergency contacts;
- (p) Signed statement that participant or legal representative has read the policies of the program with respect to the Patient Self-Determination Act of 1990.

(12) Administrative records. Administrative records shall include the following:

- (a) Personnel records (including personnel training);
- (b) Fiscal records;
- (c) Statistical records;
- (d) Government-related records (funding sources/regulatory);
- (e) Contracts;
- (f) Organizational records;
- (g) Results of quality improvement plan which could include annual evaluation, utilization review, or care plan audit;
- (h) Board and advisory group meeting minutes;
- (i) Certificates of fire and health inspections;
- (j) Incident reports;
- (k) Emergency plan;
- (l) Criteria for participant termination.

(13) Community relations. Adult day health programs shall provide information on adult day health to target populations and the general public. Participants and their families shall be made aware of community agencies for financial, social, recreational, educational and medical services. In addition, the program staff shall establish linkages with other community agencies and institutions to coordinate services and form service networks.

#### NEW SECTION

**WAC 388-15-657 Staffing.** (1) Staff selection is dependent on participant needs, program design, and regulatory requirements. The program must have the proper balance of professionals and paraprofessionals or nonprofessionals to adequately meet the needs of participants. Services must be delivered by those with adequate professional training. One staff person can have multiple functions; for example, an administrator who is also responsible for providing nursing services or social services.

(2) All core services shall have an administrator/program director and an activity coordinator on staff. Health care and social services personnel may be on staff or consulting. Personnel delivering level II services may be on staff or on contract.

(3) Staffing levels in all adult day health program will vary based upon the number of participants and the care provided. The staffing level shall be sufficient to:

- (a) Serve the number and functioning levels of adult day health program participants;
- (b) Meet program objectives;
- (c) Provide access to other community resources.



(4) The staff-participant ratio shall be a minimum of one to six. Persons counted in the staff-participant ratio are those who provide direct service with participants. When there is more than one participant present there shall be at least two staff members on the premises, one of whom is directly supervising the participants.

(5) As the number of participants with functional impairments increases, the staff-participant ratio shall be adjusted accordingly. Programs serving a high percentage of participants who are severely impaired shall have a staff-participant ratio of one to four. All programs shall have a written policy regarding staff-participant ratios.

(6) To ensure adequate care and safety of participants, there shall be provision for qualified substitute staff.

(7) Volunteers shall be included in the staff ratio only when they conform to the same standards and requirements as paid staff, meet the job qualification standards of the organization, and have designated responsibilities.

#### NEW SECTION

**WAC 388-15-658 Personnel requirements.** (1) Administrator. The administrator:

(a) Is responsible for the development, coordination, supervision, and fiscal control and evaluation of services provided through the adult day health program.

(b) Shall have a master's degree and one year supervisory experience in health or social services (full-time or equivalent) or bachelor's degree and two years supervisory experience in a social or health service setting.

(2) Program director.

(a) The program director shall have a bachelor's degree in health, social services or a related field, with one year supervisory experience (full-time or equivalent) in a social or health service setting, or a high school diploma and four years of experience in a health or social services field of which two years must be supervision.

(b) For level II services, minimum requirements for the program director shall be a bachelor's degree in health, social services or a related field, with one year supervisory experience (full-time or equivalent) in a social or health service setting.

(3) Social worker.

(a) The social worker shall have a master's degree in social work or counseling and at least one year of professional work experience (full-time or the equivalent), or a bachelor's degree in social work or counseling and two years of experience in a human service field.

(b) Depending on the setting and licensing requirements, social work functions may be performed by other human service professionals, such as rehabilitation counselors, gerontologists, or mental health workers (although they may not call themselves social workers without appropriate credentials).

(4) Registered nurse (RN). The nurse shall be a registered nurse (RN) with valid state credentials and a minimum of one year applicable experience (full-time equivalent).

(5) Licensed practical nurse (LPN). The licensed practical nurse (LPN) shall have valid state credentials and a mini-

um of one year applicable experience (full-time equivalent).

(6) Activities coordinator. The activities coordinator shall have a bachelor's degree in recreational therapy or a related field and one year of experience (full-time equivalent) in social or health services or an associate degree in recreational therapy or a related field plus two years of appropriate experience.

(7) Certified occupational therapy assistant (COTA) or physical therapy assistant. The COTA or physical therapy assistant shall be certified with valid state credentials and a minimum of one year applicable experience (full-time equivalent).

(8) Nursing assistant/certified (NAC). The nursing assistant shall be certified with valid state credentials and a minimum of one year applicable experience (full-time equivalent).

(9) Program assistant/aide/personal care aide. The program assistant or aide shall have one or more years of experience in working with adults in a health care or social service setting.

(10) Therapists. Physical therapists, occupational therapist, speech therapists, recreation therapists, mental health therapists, or any other therapists, utilized shall have valid state credentials and one year of experience in a social or health setting.

(11) Consultants. Consultants shall be available to provide services as needed in order to supplement professional staff and enhance the program's quality.

(12) Secretary/bookkeeper. The secretary/bookkeeper shall have at least a high school diploma or equivalent and skills and training to carry out the duties of the position.

(13) Driver. The driver shall have a valid and appropriate state driver's license, a safe driving record, and training in first aid and CPR. The driver shall meet any state requirements for licensure or certification.

(14) Volunteers. The volunteers shall be individuals or groups who desire to work with adult day health participants and shall take part in program orientation and training. The duties of volunteers shall be mutually determined by volunteers and staff. Duties, to be performed under the supervision of a staff member, shall either supplement staff in established activities or provide additional services for which the volunteer has special talents.

#### NEW SECTION

**WAC 388-15-659 Facility.** (1) Location.

(a) Selection of a location for a program facility shall be based on information about potential participants in its service area and be made in consultation with other agencies, organizations, and institutions serving older individuals and those with functional impairments, as well as considering the availability of a suitable location.

(b) Space.

(i) The facility shall comply with applicable state and local building regulations, zoning, fire, and health codes or ordinances. When possible, the facility shall be located on the street level. If the facility is not located at street level, it is essential to have a ramp and/or elevators. An evacuation

plan for relocation of participants shall also be in place in the event of an emergency.

(ii) Each adult day health program, when it is co-located in a facility housing other services, shall have its own separate identifiable space for main activity areas during operational hours. Certain space can be shared, such as the kitchen and therapy rooms.

(iii) The facility shall have sufficient space to accommodate the full range of program activities and services. The facility shall provide at least sixty square feet of program space for multi-purpose use for each day health participant. In determining adequate square footage, only those activity areas commonly used by participants are to be included. Dining and kitchen areas are to be included only if these areas are used by participants for activities other than meals. Reception areas, storage area, offices, restrooms, passage ways, treatment rooms, service areas, or specialized spaces used only for therapies are not to be included when calculating square footage.

(iv) The facility shall be adaptable to accommodate variations of activities (group and/or individual) and services. The program shall provide and maintain essential space necessary to provide services and to protect the privacy of the participants receiving services. There shall be sufficient private space to permit staff to work effectively and without interruption. There shall be sufficient space available for private discussions.

(v) There shall be adequate storage space for program and operating supplies.

(vi) The facility's restrooms shall be located as near the activity area as possible, preferably no more than forty feet away. The facility shall include at least one toilet for each ten participants. Programs that have a large number of participants that require more scheduled toileting or assistance with toileting shall have at least one toilet for each eight participants. The toilet shall be equipped for use by mobility-limited persons, easily accessible from all program areas, and one or two of the toilet areas should be designed to allow assistance from one or two staff.

(vii) Each bathroom shall contain an adequate supply of soap, toilet tissues and paper towels.

(ix) In addition to space for program activities, the facility shall have a rest area and designated areas to permit privacy and to isolate participants who become ill or disruptive, or may require rest. It shall be located away from activity areas and near a restroom and the nurse's office. There shall be at least one bed, couch or recliner for each ten participants which can be used for resting or the isolation of a participant who is ill or suspected of coming down with a communicable disease. If beds are used, the mattresses shall be protected and linen changed after each use by different participants.

(x) A loading zone with sufficient space for getting on and off a vehicle shall be available for the safe arrival and departure of participants. There should be sufficient parking available to accommodate family caregivers, visitors, and staff. Adequate lighting should be provided.

#### (2) Atmosphere and design.

(a) The design shall facilitate the participants' movement throughout the facility and encourage involvement in activities and services. The environment shall reinforce orientation

and awareness of the surroundings by providing cues and information about specific rooms, locations, and functions that help the participant to get his/her orientation to time and space.

(b) A facility shall be architecturally designed in conformance with the requirements of sections 504 of the Rehabilitation Act of 1973 to accommodate individuals with a disability and meet any state and local barrier-free requirements and/or the Americans with Disabilities Act.

(c) Illumination levels in all areas shall be adequate, and careful attention shall be given to avoiding glare. Attention shall be paid to lighting in transitional areas such as outside to inside and different areas of the facility.

(d) Sound transmission shall be controlled. Excessive noise, such as fan noise, shall be avoided.

(e) Comfortable conditions shall be maintained within a comfortable temperature range. Excessive drafts shall be avoided uniformly throughout the facility.

(f) Sufficient furniture shall be available for the entire participant population present. Furnishings shall accommodate the needs of participants and be attractive, comfortable, sturdy and safe. Straight-backed chairs with arms shall be used during activities and meals.

(g) An adult day health facility shall be visible and recognizable as a part of the community. The entrance to the facility shall be clearly identified. It shall also be appealing and protective to participants and others.

(h) When necessary, arrangements shall be made with local authorities to provide safety zones for those arriving by motor vehicle and adequate traffic signals for people entering and exiting the facility.

(i) A telephone shall be available for participant use.

#### (3) Safety and sanitation.

(a) The facility and grounds shall be safe, clean, and accessible to all participants. It shall be designed, constructed, and maintained in compliance with all applicable local, state, and federal health and safety regulations.

(b) There shall be an area for labeled medication, secured and stored apart from participant activity areas. If medications need to be refrigerated, they should be in a locked box - if not in their own refrigerator.

(c) Safe and sanitary handling, storing, preparation, and serving of food shall be assured. If meals are prepared on the premises, kitchen appliances, food preparation area, and equipment must meet state and local requirements.

(d) Toxic substances, whether for activities or cleaning, shall be stored in an area not accessible to participants. They must be clearly marked, the contents identified, and stored in original containers.

(e) At least two well-identified exits shall be available. Non-slip surfaces or bacteria-resistant carpets shall be provided on stairs, ramps, and interior floors.

(f) Alarm/warning systems are necessary to ensure the safety of the participants in the facility in order to alert staff to potentially dangerous situations. It is recommended that call bells shall be installed or placed in the rest areas, restroom stalls, and showers.

(g) An evacuation plan shall be strategically posted in each facility.

(h) The facility shall be free of hazards, such as high steps, steep grades, and exposed electrical cords. Steps and curbs shall be painted and the edges of stairs marked appropriately to highlight them. All stairs, curb cuts, ramps, and bathrooms accessible to those with disabilities shall be equipped with properly anchored handrails.

(i) Procedures for fire safety as approved by the local fire authority shall be adopted and posted, including provisions for fire drills, inspection and maintenance of fire extinguishers, periodic inspection, and training by fire department personnel. The program shall conduct and document quarterly fire drills and keep reports of drills on file. Improvements shall be made based on the fire drill evaluation. Smoke detectors shall also be used.

(j) Emergency first-aid kits shall be visible and accessible to staff. Contents of the kits shall be replenished after use and reviewed as needed. A nurse or personnel trained in first aid and CPR shall be on hand whenever participants are present. Infection control procedures shall be followed by all staff. All staff shall be trained in and use Universal Precautions.

(k) There shall be sufficient maintenance and house-keeping personnel to assure that the facility is clean, sanitary, and safe at all times. Maintenance and housekeeping shall be carried out on a regular schedule and in conformity with generally accepted sanitation standards, without interfering with the program.

(l) If smoking is permitted, an adequately ventilated special area away from the main program area shall be provided and supervised.

**NEW SECTION**

**WAC 388-15-660 Nonduplication of services.** The need for coordination of care shall be considered for each participant. If the person is a client of another agency and/or receiving services from the department, the plan of care shall be developed in conjunction with the services provided by the other agencies or the department.

**NEW SECTION**

**WAC 388-15-661 Clients in residential care or nursing facility care settings.** Residential clients may receive adult day health level II services when the service is an approved part of the service plan developed by AASA staff. AASA staff will prorate the amount paid to the residential setting for the hours in which the resident/participant was attending adult day health. Clients receiving nursing facility care shall not be authorized adult day health services. Clients who reside in adult residential care, assisted living or adult family homes shall not be authorized COPES funded adult day care.

**NEW SECTION**

**WAC 388-15-662 Expenditures not to exceed.** If program expenditures exceed the budget appropriations, the department shall have the authority to limit services by setting forth alternative ways of determining eligibility such as:

- (1) Authorizing service to only those clients with the greatest care needs.
- (2) Department staff shall assess and authorize all adult day health services.
- (3) Limit the number of days a client may receive services.
- (4) The department shall comply with established rules and procedures for client notification should action in this section become necessary.

**WSR 98-23-019  
PROPOSED RULES  
DEPARTMENT OF TRANSPORTATION**

[Filed November 9, 1998, 8:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-17-036.

Title of Rule: Chapter 468-310 WAC, Prequalification of ferry system contractors.

Purpose: The purpose of these amendments is to allow contractors who bid on ferry terminals, other marine facilities, and highway construction projects to be prequalified under one rule, chapter 468-16 WAC. Other minor revisions were made to clarify procedures for determining qualifications of contractors for performing marine vessel construction contracts.

Statutory Authority for Adoption: RCW 47.60.680, 47.60.690.

Statute Being Implemented: RCW 47.60.680, 47.60.690.

Summary: These changes establish procedures for determining the qualifications of contractors for the performance of marine construction projects and allows the use of work class ratings established for contractors that is prequalified under chapter 468-16 WAC.

Reasons Supporting Proposal: To implement statutory provisions for implementing the qualification process.

Name of Agency Personnel Responsible for Drafting: Ken Walker, 1D21 Transportation Building, (360) 705-7017; Implementation and Enforcement: Paul L. Green, Colman Dock/Pier 52, (206) 515-3401.

Name of Proponent: Washington State Department of Transportation, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed changes makes minor revisions to allow contractors who bid on ferry terminals, other marine facilities, and highway construction projects to be prequalified under one rule, chapter 468-16 WAC. Other minor revisions were also made to clarify procedures for determining qualifications of contractors for performing marine vessel construction contracts.

Proposal Changes the Following Existing Rules: The rule codifies existing and new procedures for prequalification and the issuance of bid proposal documents to qualified contractors. It deletes the requirement for the contractor to sub-

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mit, for each contract they intend to submit a bid, a certificate of their current capacity which will be accompanied and supported by a status of contracts on hand report. It also deletes classes 6 through 10 to allow the use of work class ratings established for contractors that is prequalified under chapter 468-16 WAC which implements RCW 47.28.070.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required. The cost of prequalification under the proposed rules would impose no greater cost than would occur in compliance with our current prequalification process.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Commission Boardroom 1D2, Transportation Building, 310 Maple Park Avenue S.E., Olympia, WA 98504-7360, on January 8, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980, by January 6, 1999.

Submit Written Comments to: Ken Walker, Manager, Preconstruction Office, P.O. Box 47360, Olympia, WA 98504-7360, fax (360) 705-6810, by January 6, 1999.

Date of Intended Adoption: January 8, 1999.

November 4, 1998

Gerald E. Smith

Deputy Secretary, Operations

AMENDATORY SECTION (Amending Order 84, filed 9/12/83)

**WAC 468-310-010 General requirements.** Contractors desiring to offer bids for the performance of contracts for the construction, improvement or repair of a ferry (~~ferry terminal, or other facility~~) operated by the Washington state ferries or for the repair, overhaul, or the dry-docking of any ferry operated by Washington state ferries must first be prequalified by the Washington state department of transportation (hereinafter "department") and shall file a standard prequalification questionnaire and financial statement (hereinafter "prequalification questionnaire") using forms furnished by the department. Contractors desiring to offer bids for the performance of contracts for the construction, improvement, or repair of ferry terminal facilities shall submit for consideration a prequalification questionnaire (DOT form 420-010) in accordance with chapter 468-16 WAC. The prequalification questionnaire shall include a report of the financial ability of the contractor, its organization, key personnel, equipment and plant facilities, and experience. Complete answers to all questions and the furnishing of all information as indicated by column headings or otherwise throughout the prequalification questionnaire are an essential part of compliance with these rules. A prequalification questionnaire from a contractor not previously prequalified under these rules, who desires to bid on a project must be received no later than 15 calendar days prior to the bid opening (or such other time as the department may specify with respect to any project) in order to receive consideration for that bid opening. The contractor shall authorize the department to obtain all information which it may deem pertinent with respect to the contractor's financial worth, assets and liabilities, and the adequacy of its performance of contracts per-

formed by the contractor in whole or in part within the preceding three years. The department shall issue a certificate of prequalification to any contractor found to possess the qualifications prescribed.

Prequalification may be established in any calendar quarter and is renewable annually. ~~((The))~~ Information submitted in the prequalification questionnaire will be used to establish the ~~((first))~~ initial prequalification, classification and maximum capacity ratings of the contractor for its current fiscal year or remaining portion thereof plus one additional calendar quarter. ~~((Thereafter))~~ Prequalification will be renewed ~~((and when appropriate, modified in the first quarter of the contractor's fiscal year for the balance of the fiscal year plus one calendar quarter))~~ annually thereafter or at other times as designated by the department.

The department shall not make available for public inspection and copying financial information supplied by or on behalf of the contractor for the purpose of qualifying to submit a bid or proposal as provided herein. The foregoing restriction shall not, however, prohibit the department from giving such information in evidence or in pretrial discovery in any court action or administrative hearing involving the department and the contractor.

The department may at any time during which the certificate of prequalification is in effect demand a new prequalification questionnaire and if the same is not provided within sixty days of the date of request, the certificate of prequalification held by the contractor will be considered forfeited and the contractor will not be permitted to bid on contracts let by the department for those classes of ferry system construction or repair enumerated in ~~((subsection (8) of section 5))~~ WAC 468-310-050(6) until ~~((such))~~ a new statement has been received by the department.

If at any time during the valid period of the certificate of prequalification the latest prequalification questionnaire on record with the department ceases to represent fairly and substantially the financial position or the equipment and plant facilities of the contractor to whom the certificate was issued, it shall be the responsibility of that contractor to so notify the department and to refrain from further bidding on ferry system construction or repair contracts until ~~((his))~~ their prequalification has been confirmed or revised. Failure to give such notice will constitute a violation of these rules.

Qualified contractors shall be notified of impending expiration of their qualification and will be provided the necessary questionnaire forms for renewal at least forty-five days before the expiration date.

The department reserves the right to require a personal interview with any contractor when considering ~~((his))~~ their qualifications.

AMENDATORY SECTION (Amending Order 114, filed 9/14/88)

**WAC 468-310-020 Contents of standard prequalification questionnaire and financial statement.** The standard prequalification questionnaire and financial statement shall be ~~((prepared in duplicate. The original shall be))~~ transmitted to the ~~((assistant secretary for marine transportation and a copy shall be retained by the contractor applicant))~~ director of

Washington state ferries. The contractor shall provide the following information:

(1) The name, address, phone number, contractor registration number and type of organization (corporation, copartnership, individual, etc.) of the contractor seeking prequalification.

(2) The contract size in dollars and the class or classes of work for which the contractor seeks prequalification (such as vessel dry-docking and hull repairs, vessel electrical repairs, etc.) as enumerated in ~~((subsection (8) of))~~ WAC 468-310-050~~(6)~~.

(3) Ownership of the contractor and if a corporation, the name of the parent corporation (if any) and any affiliated companies or subsidiaries.

(4) An accurate and complete record of the ~~((15))~~ fifteen largest contracts in excess of ~~(((\$10,000))~~ ten thousand dollars performed by the contractor in whole or in part within the preceding three years both in Washington and elsewhere, including subcontracts, giving the contract amount, the date completed, the class of work, the name, address and phone number of the owner/agency representative, and any liquidated damages assessed against the contractor by an owner arising out of the performance of the contract.

(5) The principal officers and key employees showing the number of years each engaged in the class or classes of work for which the contractor seeks prequalification. The department may require resumes of ~~((the principal officers and key employees of any contractor seeking prequalification certification for work in excess of \$1,000,000))~~ such personnel as deemed proper for making its determination.

(6) A contractor requesting prequalification certification to perform work in excess of ~~(((\$10,000,000))~~ ten million dollars shall submit copies of its audited annual statements for the previous three years as audited by an independent certified public accountant which shall include comparative balance sheets and income statements, a statement of retained earnings, supporting schedules and notes attached thereto, and the opinion of the independent auditor. The financial statement shall not be more than ~~((12))~~ twelve months old when submitted. Any wholly owned subsidiary corporation may file the latest consolidated financial statement of its parent corporation in lieu of a financial statement prepared solely for such subsidiary providing the financial statement otherwise meets the requirements of the preceding two sentences. If a consolidated financial statement is filed on behalf of a subsidiary corporation, a bid of the subsidiary corporation will be considered only if there is on file with the department a letter from the parent corporation guaranteeing performance by the subsidiary corporation of its contract with the department of transportation in an amount at least equal to the amount of the bid. A letter of guarantee by a parent corporation may cover a specific contract bid by its subsidiary or all contracts bid by its subsidiary within a stated period of time.

(7) A list of all major items of equipment to be used in those classes of work for which prequalification certification is requested including the original cost, age, location and condition of such equipment. The schedule shall show whether the equipment is owned, leased or rented. All major items of useful equipment should be listed even though fully depreciated but no obsolete or useless equipment should be

included. In the event the contractor seeks prequalification certification to perform work on ferry vessels, the schedule shall also describe plant facilities of the contractor including shipyards, dry docks, repair facilities and other plant facilities.

(8) Such other information as may be required by the prequalification questionnaire.

AMENDATORY SECTION (Amending Order 114, filed 9/14/88)

**WAC 468-310-050 Classification and capacity rating.** (1) Each contractor seeking prequalification under these rules will be classified for one or more of the classes of work listed in subsection 8 of this section and will be given a maximum capacity rating in accordance with its financial ability, the adequacy of its equipment and plant facilities to perform the class or classes of work for which it has sought prequalification, the extent of the contractor's experience in performing contracts of the class or classes for which prequalification is sought, and the adequacy of the experience and capability of the contractor's officers and key employees in performing contracts of the class or classes for which prequalification is sought. The maximum capacity rating will limit the quantity of uncompleted work which the contractor shall have under contract at any one time either as a prime contractor or a subcontractor.

(2) The maximum capacity rating for a contractor applying for a rating in excess of ~~(((\$50,000))~~ fifty thousand dollars will be ten times the contractor's net worth as set forth in the standard prequalification questionnaire and financial statement. A properly executed letter of credit from an acceptable financial institution may be considered as an asset increasing the contractor's maximum capacity rating by the amount of the credit, but without the use of a multiplier. The maximum capacity rating for a contractor not submitting an audited financial statement as provided in ~~((subsection (6) of))~~ WAC 468-310-020~~(6)~~ will be ~~(((\$10,000,000))~~ ten million dollars: *Provided*, That in all cases the contractor's maximum capacity rating may be reduced to an amount considered by the department to be within the contractor's actual capacity based upon its organization, personnel, equipment and plant, and experience.

(3) Consideration will be given to raising, by an amount not to exceed 50 percent, the maximum capacity rating of a contractor who qualifies with respect to actual capacity based upon organization, personnel, equipment and plant facilities, and experience, upon receipt of evidence of a current bonding capacity of such additional amount with a corporate surety. Such evidence shall be in the form of a letter of commitment executed by an officer of the surety who is authorized to bind the surety. Notwithstanding the provisions of this subsection, the maximum capacity rating for a contractor not submitting an audited financial statement as provided in ~~((subsection (6) of))~~ WAC 468-310-020~~(6)~~ will be ~~(((\$10,000,000))~~ ten million dollars.

(4) The certificate of prequalification issued by the department will establish a contractor's maximum capacity rating which will be subject to reduction by the total value of its current uncompleted work regardless of its location and

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with whom it may be contracted to determine the contractor's bidding capacity at the particular time. (~~This bidding capacity shall be called "current capacity."~~)

(5) (~~In determining the current capacity of a contractor, the deduction for uncompleted work will include work subcontracted from others and the contractor will be given a credit for work sublet to others.~~)

(6) ~~In order that the department may have the necessary information to determine a contractor's current capacity, the contractor shall submit to the department for each contract for which it intends to submit a bid (at the time it requests a bid or proposal form) a certificate of the contractor's current capacity which will be prepared by it and executed under oath and which will be accompanied and supported by a status of contracts on hand report. In making this certification, the contractor certifies that its current capacity is sufficient to cover the amount of any single contract for which it has submitted a bid.~~

(7) Notwithstanding the provisions of this section, a contractor will be allowed to submit a bid for an amount up to \$50,000 on a class or classes of work for which it is prequalified without regard to any financial maximum capacity rating or financial current capacity rating: *Provided*, That the contractor's current capacity may be reduced to an amount considered by the department to be within the contractor's actual capacity based upon its organization, personnel, equipment and plant facilities, and experience.

(8) (a) Construction, repair and maintenance work on ferry vessels (~~and main ferry terminal buildings~~) for which prequalification certification under these rules may be granted are classified as follows:

- Class (+) ~~81~~ Vessel construction and renovation;
- Class (2) ~~82~~ Dry-docking and hull repairs;
- Class (3) ~~83~~ Vessel metal fabrication repairs;
- Class (4) ~~84~~ Vessel electrical repairs;
- Class (5) ~~85~~ Vessel miscellaneous repairs;
- (Class 6 ~~New terminal building construction and terminal building major reconstruction and remodeling;~~
- Class 7 ~~Terminal building renovation and repairs;~~
- Class 8 ~~Painting (terminals only);~~
- Class 9 ~~Roofing (terminal buildings only);~~
- Class 10 ~~Terminal structures — miscellaneous, including pile driving.)~~

(b) A contractor currently prequalified under RCW 47.28.070 to perform those classes of work required in the construction, improvement and repair of ferry terminal facilities (~~(other than main terminal buildings)~~) will initially be deemed prequalified under these rules to perform such classes of work with the same capacity rating as approved by the department for highway related work.

**AMENDATORY SECTION** (Amending Order 84, filed 9/12/83)

**WAC 468-310-060 Review of restrictions in prequalification certificate.** Any contractor dissatisfied with restrictions on the dollar amount or class of work approved in its prequalification certificate may (~~file a complaint~~) request in

writing, a review of their questionnaire and qualification rating with the ((assistant secretary for marine transportation)) director of Washington state ferries together with supporting documentation. The request must be filed within thirty calendar days of the date of receipt of the notice of qualification and must specifically state the basis for the request. The ((assistant secretary)) director or ((his)) designee shall ((review any such complaint and any data furnished by the contractor and may affirm or modify such restrictions in the prequalification certificate)) advise the applicant of his or her decision of the reconsideration within thirty calendar days of receipt of the request.

**AMENDATORY SECTION** (Amending Order 84, filed 9/12/83)

**WAC 468-310-100 Delegation of authority.** The ((assistant secretary for marine transportation)) director of Washington state ferries is delegated authority to administer the provisions of chapter 133, Laws of 1981 and chapter 468-310 WAC. The ((assistant secretary for marine transportation)) director of Washington state ferries is delegated authority to exercise all powers vested in the secretary of transportation by WAC 468-10-234 relating to the adoption of a final order granting, denying or revoking a prequalification certificate pursuant to chapter 133, Laws of 1983. The ((assistant secretary for marine transportation)) director of Washington state ferries may further subdelegate authority to exercise all powers vested in the secretary of transportation by WAC 468-10-234. A person to whom such authority is subdelegated shall be deemed to be the designee of the secretary of transportation as that term is used in WAC 468-10-234.

**WSR 98-23-025**

**PROPOSED RULES**

**DEPARTMENT OF LICENSING**

[Filed November 9, 1998, 10:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-19-085.

Title of Rule: WAC 308-125-120 Fees and charges.

Purpose: To increase fees pursuant to the requirements of RCW 43.24.086.

Statutory Authority for Adoption: RCW 43.24.086.

Statute Being Implemented: RCW 18.140.050.

Summary: To increase fees identified as WAC 308-125-120 (1), (4), (5), (6), (7), (8), (9), and (10).

Reasons Supporting Proposal: Under provision of RCW 43.24.086, the cost of each professional licensing program shall be borne by the members of the profession. The director of the Department of Licensing is charged with setting fees at a level sufficient to defray the costs of administering the program.

Projected revenue for the 1997-99 biennium from licensing fees is not sufficient to cover projected operating costs for the Real Estate Appraiser Program. An increase in original

PROPOSED

license applications anticipated as a result of mandatory licensing legislation has not been realized. In addition, many licensees have opted not to renew due to market conditions and perceptions regarding the value of certification or licensing.

Current resources are needed, at a minimum, to maintain program effectiveness. Program workload has shifted from primarily an application review process to include an emphasis on the enforcement of practice standards. Consumer complaints are technical in nature; related enforcement involves increased staff training, investigation and legal support costs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cleotis Borner, Jr., Olympia, (360) 753-1062.

Name of Proponent: Department of Licensing, Real Estate Appraiser Program, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Increase WAC 308-125-120(1), application fee, from \$182.00 to \$196.00; increase WAC 308-125-120(4), original certification fee, from \$102.00 to \$106.00; increase WAC 308-125-120(5), certification renewal fee, from \$284.00 to \$302.00; increase WAC 308-125-120(6), late renewal penalty fee, from \$36.00 to \$38.00; increase WAC 308-125-120(7), duplicate certificate fee, from \$26.00 to \$28.00; increase WAC 308-125-120(8), certification history record fee, from \$25.00 to \$27.00; increase WAC 308-125-120(9), application for reciprocity fee, from \$182.00 to \$196.00; and increase WAC 308-125-120(10), original certification via reciprocity from \$102.00 to \$106.00.

Proposal Changes the Following Existing Rules: The 1998 legislature in Supplemental Operating Budget Bill ESSB 6108 approved an increase in fees for FY99 of 8%.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule raises fees 8% with the largest fee increase is only eighteen dollars. The increase does not impose more than minor costs on businesses and is exempt from small business economic impact statement preparation under RCW 19.85.030. The proposed rule also adjusts a fee pursuant to legislative approval.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Licensing, Driver Examining, 2502 112th Street East #200, Tacoma, WA, on Tuesday, December 22, 1998, at 9 a.m.

Assistance for Persons with Disabilities: Contact Ralph Birkedahl by December 15, 1998, TDD (360) 753-1966, or (360) 753-1062.

Submit Written Comments to: Cleotis Borner, Jr., Real Estate Appraiser Program, P.O. Box 9015, Olympia, WA 98507-9015, fax (360) 753-1062, by December 21, 1998.

Date of Intended Adoption: December 24, 1998.

November 6, 1998  
 Cleotis Borner, Jr.  
 Program Manager

**AMENDATORY SECTION** (Amending WSR 97-21-077, filed 10/17/97, effective 1/1/98)

**WAC 308-125-120 Fees and charges.** The following fees shall be paid under the provisions of chapter 18.140 RCW:

Title of Fee	Fee
(1) Application for examination	<del>\$(182.00)</del> <u>196.00</u>
(2) Examination <del>((100.00**))</del>	<del>(75.00))</del> <u>100.00**</u>
(3) Reexamination <del>((100.00**))</del>	<del>(75.00))</del> <u>100.00**</u>
(4) Original certification	<del>((102.00*))</del> <u>106.00*</u>
(5) Certification renewal	<del>((284.00*))</del> <u>302.00*</u>
(6) Late renewal penalty	<del>((36.00))</del> <u>38.00</u>
(7) Duplicate certificate	<del>((26.00))</del> <u>28.00</u>
(8) Certification history record	<del>((25.00))</del> <u>27.00</u>
(9) Application for reciprocity	<del>((182.00))</del> <u>196.00</u>
(10) Original certification via reciprocity	<del>((102.00*))</del> <u>106.00*</u>
(11) Temporary practice	150.00

\* Proposed fees for these categories marked with an asterisk include an estimated \$25.00 to be submitted by the state to Federal Government. Title XI, SEC. 1109 requires each state to submit a roster listing of state certified appraisers to the Appraiser Subcommittee "no less than annually." The state is also required to collect from such individuals who perform appraisals in federally related transactions, an annual registry fee of "not more than \$50," such fees to be transmitted by the state to the federal government on an annual basis.

~~((\*\* Charges for categories marked with a double asterisk are determined by contract with an outside testing service.))~~

\*\* Charges for categories marked with a double asterisk are determined by contract with an outside testing service.

PROPOSED

**WSR 98-23-027**

**PROPOSED RULES**

**UTILITIES AND TRANSPORTATION COMMISSION**

[Commission Docket No. TO-980905—Filed November 10, 1998, 1:27 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-15-092.

Title of Rule: Hazardous liquid pipeline safety.



**Purpose:** To adopt recent federal rule amendments by reference and to increase state penalty levels to conform with existing federal levels.

**Statutory Authority for Adoption:** RCW 80.01.040 and 81.04.160.

**Summary:** The commission has been certified by the federal Department of Transportation, Office of Pipeline Safety (OPS) and has assumed responsibility for intrastate hazardous liquid pipeline safety. As a condition of certification, the state is required to adopt safety standards and penalties that are consistent with federal standards and penalties. Pipeline safety law, 49 U.S.C. § 60101, et seq. Adoption of recent federal amendments and setting penalties will maintain compliance.

**Reasons Supporting Proposal:** Pipeline safety. To comply with federal requirements to retain certification under the pipeline safety law, 49 U.S.C. § 60101, et seq. and to participate in the federal pipeline safety program.

**Name of Agency Personnel Responsible for Drafting:** Dennis Lloyd, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1319; **Implementation and Enforcement:** Carole J. Washburn, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

**Name of Proponent:** Washington Utilities and Transportation Commission, governmental.

**Rule is necessary because of federal law,** 49 U.S.C. § 60105.

**Explanation of Rule, its Purpose, and Anticipated Effects:** This rule making is necessary for the Washington Utilities and Transportation Commission (commission) to comply with federal pipeline safety laws, 49 U.S.C. § 60101, et seq., which requires the adoption of the federal hazardous liquid pipeline safety standards and penalties. At this time, violations of the existing regulations may result in a penalty not to exceed the sum of \$1,000 for each and every offense. The current federal regulations require a civil penalty of not more than \$25,000 for each violation, not to exceed \$500,000 for related series of violations. The commission is certified for both natural gas and hazardous liquid pipeline safety programs. The United States Department of Transportation, Office of Pipeline Safety (OPS) requested commission participation in the hazardous liquid pipeline safety program. OPS accepted the commission certification for participation in the hazardous liquid pipeline safety program beginning January 1, 1996. Congress, in passing the pipeline safety law, fully intended that states would assume responsibility for intrastate pipeline safety, while the federal government retains responsibility for interstate pipeline safety. States are better positioned to provide local/state oversight and regulatory assistance to pipeline operators. The commission also participates in the OPS grants program. OPS has the authority to reimburse a state agency up to 50% of its pipeline safety program costs based upon the availability of funds and the state's performance. Rule making is necessary in order to comply with federal requirements in order for the commission to retain its certification (pipeline safety laws, 49 U.S.C. § 60101 et seq.) to participate in and enhance pipeline safety under the federal pipeline safety program.

**Proposal Changes the Following Existing Rules:** The changes include adopting recent federal rule amendments by

reference and increasing state penalty levels to conform with existing federal levels.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The change from federal to state responsibility for hazardous liquid pipeline safety is authorized by state statute, and is authorized and required by federal law for continued participation in the federal pipeline safety program. A small business economic impact statement has not been prepared because the proposed adoption by reference, of recent federal amendments will have minimal impact on the affected businesses in that the safety program encompassed by these rules is currently in effect and enforceable under federal law.

RCW 34.05.328 does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995 (5)(b)(iii) exempts rules which adopt or incorporate by reference federal regulations without material change.

**Hearing Location:** Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on December 23, 1998, at 9:30 a.m.

**Assistance for Persons with Disabilities:** Contact Pat Valentine by December 17, 1998, TDD (360) 586-8203, or (360) 664-1133.

**Submit Written Comments to:** Carole J. Washburn, Secretary, P.O. Box 47250, Olympia, WA 98504 or e-mail to records@wutc.wa.gov, fax (360) 586-1150, by December 11, 1998. Please include Docket No. TO-980905 in your communication.

**Date of Intended Adoption:** December 23, 1998.

November 10, 1998

Terrence Stapleton  
for Carole J. Washburn  
Secretary

**AMENDATORY SECTION** (Amending General Order No. R-439, Docket No. TO-960810, filed 3/14/97, effective 4/14/97)

**WAC 480-75-005 Compliance with federal standards.** (~~Operators of pipeline facilities~~) Hazardous liquid pipeline companies transporting gasoline, oil, petroleum, or hazardous liquids in this state shall design, construct, maintain, and operate pipeline facilities in compliance with the provisions of 49 CFR, Parts 195 and 199, in effect on ~~((the date this rule is adopted)), except that any specific provisions in this chapter control in the event of inconsistency between this chapter and the referenced federal rules))~~ the effective date of this rule. The provision in this chapter shall govern to the extent that the standards in the state regulations are compatible with the federal standards. The incorporation of 49 CFR, Part 195, Subpart B, Reporting Accidents and Safety-Related Conditions, is revised as follows:

1. Include "Washington Utilities and Transportation Commission" where "Administrator, Office of Pipeline Safety, Research and Special Programs Administration, or Department of Transportation" appear.
2. Include "Washington Utilities and Transportation Commission Pipeline Safety Section, at its office at 1300 S. Evergreen Park Drive SW, P.O. Box 47250,



Olympia, Washington, 98504-7250," where telephone or addresses appear for the "Information Officer, Information Resources Manager, or Office of Pipeline Safety."

~~((49 CFR, Parts 195 and 199, are available for public inspection at the commission branch of the Washington state library, located in the Olympia office of the commission. Copies are also))~~ Copies of the above referenced regulations can be viewed at the commission branch of the Washington state library or are available from the Government Printing Office Bookstore, Seattle, Washington.

**Reviser's note:** The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

## NEW SECTION

**WAC 480-75-223 Civil penalty for violation of chapter 81.88 RCW or regulations issued thereunder—Maximum amount.** (1) Any hazardous liquid pipeline company which violates any public safety provision of chapter 81.88 RCW or regulation issued thereunder, required for compliance with the federal Pipeline Safety Law, 49 U.S.C. § 60101, is subject to a civil penalty not to exceed twenty-five thousand dollars for each violation for each day that the violation persists. The maximum civil penalty under this subsection for a related series of violations is five hundred thousand dollars. This subsection applies to violations of public safety requirements including any commission order or chapter 480-75 WAC.

(2) In determining the amount of the penalty, the commission shall consider:

- (a) The appropriateness of the penalty in relation to the position of the person charged with the violation;
- (b) The gravity of the violation; and
- (c) The good faith of the person or company charged in attempting to achieve compliance after notification of the violation.

(3) The commission may compromise any civil penalty pursuant to chapter 81.88 RCW.

### **WSR 98-23-032**

#### **PROPOSED RULES**

#### **STATE BOARD OF EDUCATION**

[Filed November 10, 1998, 3:21 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-16-098.

Title of Rule: WAC 180-79A-300.

Purpose: This amendment is proposed as part of the revision of endorsements on teacher certificates. Specifically, it will amend the implementation date of vocational certificate endorsements to align it with the implementation date of the other amendments to endorsement policies.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Lacey Attorney General Center, 4224 6th Avenue S.E., RoweSix Complex, Building Six, Lacey, WA 98503, on January 26, 1999, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Carolyn Berger by January 12, 1999, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by January 12, 1999.

Date of Intended Adoption: January 27, 1999.

November 10, 1998

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending WSR 98-01-027, filed 12/8/97, effective 1/8/98)

**WAC 180-79A-300 Certificate endorsement.** Teacher certificates shall be endorsed as follows:

(1) Teacher certificates shall specify endorsements in subject area(s) and grade level(s).

(2) In order to change or add an endorsement to any teaching certificate, the candidate must complete an application, pay the certification fee specified in WAC 180-79A-130, and submit verification of completion of the necessary requirements specified in this chapter: *Provided*, That in order to change or add an endorsement to any teaching certificate in the vocational areas of agriculture education, business education, family and consumer sciences education, marketing education, and technology education after August 31, ~~((1999))~~ 2000, the candidate must also complete requirements under WAC 180-77-031.

### **WSR 98-23-040**

#### **PROPOSED RULES**

#### **WASHINGTON STATE PATROL**

[Filed November 10, 1998, 12:13 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-19-038.

Title of Rule: Amendment to WAC 204-80-020 Scope, standards for headlamp flashing systems.

Purpose: Amendment adds 'licensed ambulances' to the list of authorized emergency vehicles covered by this chapter.

Statutory Authority for Adoption: RCW 46.37.005, 46.37.280, and 46.37.310.

Summary: Amendment adds 'licensed ambulances' to the list of authorized emergency vehicles covered by this chapter.

Reasons Supporting Proposal: The Washington State Patrol received information that some ambulances use the flashing headlamp systems and should be included in the definitions.

Name of Agency Personnel Responsible for Drafting: Ms. Carol Morton, P.O. Box 42635, (360) 412-8934; Implementation and Enforcement: Captain Colleen McIntyre, P.O. Box 42614, (360) 753-0302.

Name of Proponent: Washington State Patrol, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Adds 'licensed ambulances' to the list of authorized emergency vehicles covered by this chapter.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Washington State Patrol, Commercial Vehicle Conference Room, Ground Floor, General Administration Building, Olympia, Washington, on December 22, 1998, at 10 a.m.

Assistance for Persons with Disabilities: Contact Ms. Kendra Hensley, (360) 753-0678.

Submit Written Comments to: Carol Morton, P.O. Box 42635, Olympia, WA 98504-2635, fax (360) 493-9090, by December 15, 1998.

Date of Intended Adoption: December 23, 1998.

November 10, 1998

Annette M. Sandberg  
Chief

**AMENDATORY SECTION** (Amending Order 81-08-02, filed 8/21/81)

**WAC 204-80-020 Scope.** This standard applies to headlamp flashing systems for authorized emergency vehicles owned and operated by law enforcement agencies (~~and~~), licensed ambulance companies, and fire departments.

### WSR 98-23-065

#### WITHDRAWAL OF PROPOSED RULES

#### PUGET SOUND AIR

#### POLLUTION CONTROL AGENCY

[Filed November 16, 1998, 2:39 p.m.]

This letter is notification that the PSAPCA board of directors has elected to withdraw the subject proposal, WSR 98-21-036 which was filed on October 14, 1998, as a continuance of WSR 98-18-087. This proposal was to continue a

hearing amending Regulation I, Section 9.16 regarding spray-coating operations.

If you have any questions, please contact (206) 689-4053.

James Nolan  
Director - Compliance

### WSR 98-23-072

#### PROPOSED RULES

#### DEPARTMENT OF HEALTH

[Filed November 17, 1998, 8:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-11-064.

Title of Rule: WAC 246-834-050 Examination requirements for licensure as a midwife, 246-834-060 Application requirements for licensure as a midwife, 246-834-070 Release of examination results, and 246-834-080 Failures.

Purpose: To amend the existing rules to identify the midwifery licensure examination, what is required for the examination, procedures for release of examination results and procedures when an applicant fails the examination.

Statutory Authority for Adoption: RCW 18.50.060.

Statute Being Implemented: RCW 18.50.060.

Summary: The current state midwifery examination is currently in need of revision. This revision would involve a large amount of time and resources. The department has researched the option of adopting a national examination developed by the North American Registry of Midwives. This examination was based upon an intensive job analysis, is substantially equivalent to the current examination, is updated periodically and would have little or no cost to the department.

Reasons Supporting Proposal: This examination is based on an intensive job analysis, is substantially equivalent to the current licensure examination. This examination is updated periodically and would not cost the department.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kendra Pitzler, Program Manager, 1300 Quince Street, Olympia, WA, (360) 236-4723.

Name of Proponent: Midwifery Advisory Committee.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The midwifery licensure examination, as required by RCW 18.50.060, assures that applicants for a license to practice midwifery have the knowledge and skills to practice midwifery with reasonable skill and safety. The midwifery examination currently needs to be updated. There would be a great cost to do so. The department instead has chosen to adopt a national examination developed by the North American Registry of Midwives. This examination is based upon an extensive job analysis of midwifery practice, is accepted by other states and is cost effective. This amendment would assure that the midwifery examination is current, covers the appropriate topic areas and is cost effective. In addition, this

could facilitate endorsement of licensure between other states which accept and/or offer this examination.

**Proposal Changes the Following Existing Rules:** This proposal adopts the national examination offered by the North American Registry of Midwives, specifically describes the requirements for examination and explains the requirements which will be used for applicants that fail the examination.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement  
and  
Economic Impact Analysis

**Background:** RCW 18.50.060 requires the secretary of the Department of Health (DOH) to offer examinations in midwifery at least twice a year. An examination was developed in the early 1980s and has not been updated since that time. Due to the fact that the examination had not been updated for so long, department staff and the Midwifery Advisory Committee recognized the need to update this examination.

In early 1997, department staff and members of the Midwifery Advisory Committee met with representatives of the North American Registry of Midwives (NARM) and reviewed their examination. It was noted that the examination was based upon a job analysis which was psychometrically valid and that the questions were appropriate for licensure of direct entry midwives. Possible adoption of this examination was discussed at the next advisory committee meeting on March 28, 1997, and it was determined that a comparison study between the current licensure examination and this national examination should be done by an independent party.

When this transportability study was received, it stated that the two examinations have a similar generalized topical focus on the practice of midwifery. Adoption of the NARM examination was again discussed at advisory committee meetings on June 20, 1997, October 3, 1997, and March 27, 1998. In addition to receiving verbal feedback at these meetings, the department has also received written comment from many individuals. These comments have been received from licensees, applicants, midwifery student and the Seattle Midwifery School. The overwhelming majority of the comments endorse adoption of this examination.

On May 19, 1998, a preproposal statement of inquiry was filed with the code reviser's office. A subsequent meeting was held on June 5, 1998, to elicit further input and formulate language. The proposed rules are a result of this input.

**Necessity of Amendments to Examination Rules:** The midwifery statute regulates licensed midwives in the state of Washington. In order to assure that licensed midwives have the knowledge and skills to practice with reasonable skill and safety, applicants must meet certain qualifications. Without these standards, unqualified practitioners could create a risk of harm to mother and infant. The midwifery licensure examination, as required by RCW 18.50.060, is one avenue to assure that licensed midwives are duly qualified to practice

safely. The current examination has not be updated since the early 1980s. Because of this, a new examination must be developed in order that the department may ensure that all new licensees possess the knowledge required to perform midwifery services safely. Please see below the estimated costs to develop and maintain a new examination. The department is choosing instead to adopt a national examination.

**Costs to a Business:** There are no new additional costs to a business to comply with these proposed amendments. All applicants are already required to submit to an examination and these costs are paid directly by the applicant.

**DOH Costs to Administer the Regulation:** There are no new additional costs to the Department of Health to regulate these amendments. In fact, this reduces the cost to the Department of Health for developing and maintaining the examination.

**Magnitude of Amendments to Midwifery Rules:** These proposed amendments would not add any additional requirements. They do, however, clarify the specific documentation that is required. This will make it easier for a person interested in applying for examination to understand what is required.

**Impact to Licensees:** The impact to licensees is that they will be required to take a national examination rather than one developed and maintained by the Department of Health. This will make it easier to obtain endorsement because if the applicant has taken this examination within the past two years, it will be accepted. It will also make it easier for Washington state licensees to obtain a license in another state which accepts this examination.

The applicants will also be required to pay a fee of \$400 directly to the North American Registry of Midwives, as well as pay the department an examination fee of \$50 and a state add-on examination of \$50, a total of \$500. While this is a higher cost than the past fee of \$375, it is probable that the examination fee would increase to an amount higher than \$500 if the department were to develop and maintain a new examination.

**Summary:** These proposed amendments will allow the department to adopt the national examination developed by the North American Registry of Midwives. This examination will save the department the costs of developing and maintaining a new examination. In addition, this will benefit applicants coming from or moving to another state since many other states already accept this examination. Most importantly, this will assure that the department will always have an examination which is current and pertinent to the practice of midwifery. This will assure that midwifery applicants have the knowledge to practice safe midwifery which will act to protect the public safety.

**Small Business Economic Impact Statement:** In preparing this small business economic impact statement (SBEIS), the department used SIC code 809 Miscellaneous Health & Allied Services, Not Elsewhere Classified which has a minor impact threshold of \$53.00. The cost paid to the department by applicants under the old rules was \$375 for the examination. The costs paid under the amended rules to the department for the examination will be \$100. The cost paid

to NARM will be \$400. The total amount is \$500. Since most providers qualify as small businesses, there is no disproportionate impact to small businesses. When there is no disproportionate impact, mitigation is not necessary.

#### Estimated Cost to Develop New Midwifery Examination

1. Task Analysis will require three to five practitioners for three to five days. The department may not be able to get volunteers for this task and would have to pay experts. The department currently pays midwifery experts \$75/hour. The calculations below are for four experts at four days.  
 $8 \text{ hour day} \times \$75.00 = \$600.00 \text{ per expert per day}$   
 $\$600/\text{day} \times 4 \text{ days} = \$2,400 \text{ per expert}$   
 $\$2,400 \times 4 \text{ experts} = \$9,600$   
 Total: \$9,600 for the task analysis
2. Mail sample to licensed midwives for comment. Envelopes will contain approximately six pages.  
 $110 \text{ licensees} \times .55 = \$60.50$   
 Business Reply Envelopes and Postage:  $110 \text{ licensees} \times .70 = \$77.00$   
 Total: \$137.00
3. Analysis done by program staff. Time approximately three days. Program Manager I level.  
 $24 \text{ hours} \times \$16.19 \text{ per hour} = \$388.56$   
 Total: \$388.56
4. Developing a blueprint will again require that the three to five practitioners meet and identify the exam question areas, how many questions should be devoted to each area, the weight of such questions and the number of total questions. This takes approximately two days. This estimate will again be based on four practitioners.  
 $\$600 \text{ per expert per day}$   
 $\$600/\text{day} \times 2 \text{ days} = \$1,200 \text{ per expert}$   
 $\$1,200 \times 4 \text{ experts} = \$4,800$
5. Developing a blueprint would require one hour per question to write. The current examination is 200 questions. It would be imperative to have at least double the questions so that if an exam were compromised in any way, the department would be able to give another examination immediately. This estimate assumes that only one expert would be developing each question.  
 $400 \text{ hours} \times \$75.00 = \$30,000$   
 Total: \$30,000
6. Pretesting: Giving the examination to volunteers. If done one time, it would include staff time and possible room rental. We assume that we could get volunteers and would, therefore, not incur any costs from the persons taking the examination.  
 Staff time:  $\$16.19 \text{ per hour} \times 8 \text{ hours} = \$129.52$   
 Rental Room: \$200.00  
 Total: \$329.52
7. Establish cut-score. This would encompass one day per fifty questions. For 200 questions, a total of four days. This again will be estimated on the basis of four experts.  
 $\$600 \text{ per expert per day}$   
 $\$600 \text{ per day} \times 4 \text{ days} = \$2,400$   
 $\$2,400 \text{ per expert} \times 4 \text{ experts} = \$9,600$   
 Total: \$9,600

8. An analysis would need to be done. This would take four hours per fifty questions. Therefore, a total number of sixteen hours. This would need to be done by an examination or educational expert. The department has paid such experts \$416 per day. Sixteen hours would encompass two days.

$$\$416 \times 2 = \$832$$

**Grand Total to Develop Examination: \$55,687.08**

**Maintenance of Midwifery Examination:** In addition, these same procedures would need to be used every two to four years to maintain the examination. This would not cost as much, but even if it were to cost only 1/4 of the original cost, it would still take \$13,921.77. If it were to be done every three years, this breaks down to \$4,640.59 per year.

**Note: If the Department of Health elects to create a new examination rather than to adopt the NARM examination, the above costs would need to be reviewed in a new fee study, which could raise midwifery fees considerably.**

A copy of the statement may be obtained by writing to Department of Health, Midwifery Program, P.O. Box 47864, Olympia, WA 98504-7864, phone (360) 236-4723, fax (360) 236-4738.

RCW 34.05.328 applies to this rule adoption. These rules are significant under section 201, chapter 403, Laws of 1995, because they adopt substantive provisions which subject the violator to penalty or sanction and establish, alter or revoke qualification or standard for the issuance, suspension or revocation of a license or permit.

Hearing Location: Department of Health, 1101 Eastside Street, Olympia, WA 98504, on December 22, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Kendra Pitzler by December 8, 1998, TDD (800) 833-6388, or (360) 236-4738.

Submit Written Comments to: Kendra Pitzler, Department of Health, P.O. Box 47864, Olympia, WA 98504-7864, fax (360) 236-4738, by December 15, 1998.

Date of Intended Adoption: December 23, 1998.

November 17, 1998

Patty Hayes

for Kristine Van Gorkom

Deputy Secretary

#### NEW SECTION

**WAC 246-834-050 Examination requirements for licensure as a midwife.** This rule provides the minimum examination requirements for licensure as a midwife.

(1) The midwifery examination offered by the North American Registry of Midwives (NARM) is the official examination for midwifery licensure. All applicants must complete this examination with a passing score. This examination shall be offered by the department of health midwifery program twice a year. If the applicant passes the examination within two years prior to applying for a Washington license, the department will accept the results.

(2) In addition to the NARM examination, all applicants must pass the Washington state specific component examination.

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-834-060 Application ((for licensing examination)) requirements for licensure as a midwife. ((1) All applicants shall file a completed, notarized application, with the application fee specified in WAC 246-834-990, at least 45 days prior to the examination.

(2) Applicants shall request that the school of midwifery send an official transcript directly to the department of health.

(3) Those who have properly applied to take the midwifery licensing examination and have met all qualifications will be notified of their eligibility to be examined. Upon notification of eligibility, the examination fee specified in WAC 246-834-990 must be submitted. Only applicants so notified will be admitted to the examination.

(4) All applicants shall take the current state licensing examination for midwives.

(5) The minimum passing score on the licensing examination is 75 percent.

(6) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.)) This rule provides the requirements for application for a midwife license.

(1) All applicants must submit a Washington state application for licensure, along with the applicable fees specified in WAC 246-830-990 and additional documentation as specified below. Applications must be received fifty-six days prior to the examination.

(2) Applicants must submit the following documentation:

(a) Transcripts sent directly from an approved school which indicate the applicant has received a certificate or diploma in midwifery. Those applicants applying under WAC 246-834-220 will be exempted from this requirement.

(b) One current passport type photograph, signed and dated across the bottom of the photo or on the back.

(c) Proof of high school graduation or passing the general educational development test.

(d) A current plan for consultation, emergency transfer and transport.

(e) Verification of seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(f) Applicants with disabilities who wish to request special accommodations must do so when submitting their application.

(g) Applicants who have passed the NARM examination within the past two years must have verification of the examination results sent directly from NARM to the department.

(3) It is the applicant's responsibility to complete an application for the NARM examination and submit the application along with the NARM examination fee directly to NARM. A NARM application and instructions will be provided in the state application packet sent to the applicant.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-834-070 Release of examination results.

(1) Applicants shall be notified of examination results. All notices shall be by mail.

(2) Applicants who pass both the NARM examination and the Washington state specific component examination and meet all eligibility requirements shall receive ((the results of the examination and instructions for obtaining)) a license to practice as a midwife, unless there are grounds for disciplinary action under chapter 18.130 RCW.

(3) Applicants who fail shall receive notice of their eligibility to be reexamined, and of the procedure for applying for reexamination.

(4) ~~((Each accredited school of midwifery shall receive a statistical report of the test results of applicants who graduated from that school.~~

~~((5)) Results of the examination will not be released to anyone except as provided above unless release is authorized by the applicant in writing.~~

~~((6) The applicant's examination results will be maintained by the department.))~~

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-834-080 Failures. (1) An applicant who has failed either the NARM examination or the Washington state specific component examination or both must retake and pass the examination(s) which he or she failed. The applicant may ((be reexamined)) sit for the examination if he((f) or she;

(a) Applies to the department at least ~~((30))~~ fifty-six days prior to the next scheduled examination~~((;))~~; and

(b) Pays any required fee as specified in WAC 246-834-990.

~~(2) ((If an applicant fails his/her first examination, no additional fee will be required if the candidate is reexamined within one year. Applicants shall pay an examination fee determined by the secretary for examinations taken after the first reexamination.~~

~~((3))~~ Applicants who fail the second retest shall be required to submit evidence to the secretary of completion of an individualized program of study approved in advance by the department prior to ~~((being permitted to be reexamined))~~ retaking the examination.

(3) Applicants may have their examination hand-scored by submitting a request and appropriate fee directly to NARM within ninety days of the examination administration. A copy of their request must be sent to the department. The department will inform the applicant of the results of the hand-scored examination.

PROPOSED

**WSR 98-23-073**  
**WITHDRAWAL OF PROPOSED RULES**  
**STATE BOARD FOR**  
**COMMUNITY AND TECHNICAL COLLEGES**

(By the Code Reviser's Office)

[Filed November 17, 1998, 8:54 a.m.]

WAC 131-28-015 and 131-28-02501, proposed by the State Board for Community and Technical Colleges in WSR 98-10-047 appearing in issue 98-10 of the State Register, which was distributed on May 20, 1998, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
 Washington State Register

**WSR 98-23-074**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

(Uniform Commercial Code)

[Filed November 17, 1998, 9:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-14-057.

Proposal is exempt under RCW 34.05.310(4).

Title of Rule: (1) Chapter 308-400 WAC, Standardized filing forms and procedures—Uniform Commercial Code, crop liens, and processor and preparer liens for agricultural dairy and commercial fish products and certain federal liens and (2) chapter 308-410 WAC, Uniform Commercial Code field access.

Purpose: (1) Repeals unnecessary WACs; clarifies verbiage for existing rules; sets fees in rule; amends rule to include fee increases for filings and searches; and (2) repeal unnecessary rule (WAC 308-410-050); and clarify rule language pertaining to field access fees.

Statutory Authority for Adoption: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW.

Statute Being Implemented: RCW 62A.9-409, 60.11.040, 60.13.040, chapter 60.68 RCW.

Summary: (1) Removes standard filing form requirement, amends form approval requirements, amends filing day acceptance, amends UCC-3 signature requirements, amends rule to reflect fee increase, establishes fee for counter search service, clarifies existing rules, repeals rules; and (2) repeals WAC 308-410-050; clarifies field access fee in WAC 308-410-070.

Reasons Supporting Proposal: RCW 62A.9-409, chapters 60.11, 60.13 and 60.68 RCW, give the Department of Licensing authority to prescribe all filing forms, fees, and procedures for filing with and obtaining information from filing officers. Fees are being increased, as provided by statutory authority, to support program operations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Shirley Wheelock, 405 Black Lake Boulevard, Olympia, WA, (360) 753-2523.

Name of Proponent: Department of Licensing, Uniform Commercial Code, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-400-030 Definitions; eliminates need for standard filing forms. WAC 308-400-050 Official approval of standard forms; repeals need for standard filing forms. WAC 308-400-053 Acceptance of documents for filing; clarifies when filing document is accepted by filing office. WAC 308-400-054 Power of attorney; repeals POA document need. WAC 308-400-058 Signature requirements; eliminates original signature requirement on UCC-3 document. WAC 308-400-059 Termination statement; corrects document name from federal lien to current *notice of federal lien*. WAC 308-400-062 Incompatible actions; clarifies verbiage. WAC 308-400-070 Request for certificate of information; repeals rule. WAC 308-400-095 Fees; reflect filing and search document fee increase, and set in rule the fee for counter search service. WAC 308-400-120 Forms, fees. Filing federal liens; corrects document name from federal lien to current *notice of federal lien*. WAC 308-410-050 Standard for allocating users; repeals rule. WAC 308-410-070 Fees; clarifies rule language.

The overall purpose is to repeal unnecessary rules and clarify existing rule language. We anticipate the impact will be to assist clientele and the filing office with clearer rules for ease in understanding.

Proposal Changes the Following Existing Rules: WAC 308-400-030, removes standard filing form requirement. WAC 308-400-050, repeals rule. WAC 308-400-053, amends filing day acceptance. WAC 308-400-054, repeals rule. WAC 308-400-058, amends UCC-3 signature requirement. WAC 308-400-059 and 308-400-120, clarifies notice of federal lien verbiage. WAC 308-400-062, clarifies verbiage for UCC-3 change statement requirement. WAC 308-400-070, repeals rule. WAC 308-400-095, amends rule to reflect fee increases for filing and searches, and establishes fee for counter search service. Repeal of WAC 308-410-050, clarifies rule language in WAC 308-410-070.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Increased filing and search document costs are \$1.00 or less and in compliance with I-601 fiscal year growth factor; and new costs are minimal - \$5.00 or less for counter search document service.

RCW 34.05.328 does not apply to this rule adoption. Rules regarding the filing with or obtaining information from filing officers are not regulatory.

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, Building #2, Conference Room #1, Olympia, WA 98502, on December 22, 1998, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Theresa Layne by December 4, 1998, TDD (360) 586-2788, or (360) 753-2523.

Submit Written Comments to: Shirley Wheelock, Uniform Commercial Code, P.O. Box 9660, Olympia, WA 98507-9660.

Date of Intended Adoption: December 28, 1998.

November 13, 1998

Shirley Wheelock  
Administrator

**AMENDATORY SECTION** (Amending Order BLS 130, filed 3/1/89)

**WAC 308-400-030 Definitions.** As used in this regulation: "Filing officer" means the director of the department of licensing or the county auditor or any person commissioned by them to act on their behalf in a Uniform Commercial Code or crop lien or processor or preparer filing procedure.

"Person" includes groups of persons, corporations, cooperatives, business trusts and all other entities capable of holding title to property.

"Filings" includes all financing statements and related documents, or documents submitted to a filing officer in lieu of financing statements under Title 62A RCW and chapters 60.11, 60.13, and 60.68 RCW.

"Claimant" means a person who claims or asserts a right, demand, or claim.

"Secured" means supported or backed by security or collateral.

~~("Standard filing forms" mean the filing forms approved by the department of licensing.)~~

**AMENDATORY SECTION** (Amending Order BLS 105, filed 12/2/86, effective 1/1/87)

**WAC 308-400-053 Acceptance of documents for filing.** (1) The department of licensing, Uniform Commercial Code section, does not, by accepting or rejecting a document submitted for filing, determine the legal validity of the document.

(2) When proper filing fees are submitted, the filing officer will accept for filing, documents that meet the basic filing requirements described by statute.

(3) The filing officer will return, without filing, any continuation that is received after the expiration of the original financing statement. ~~((No exception will be made for continuation statements which are received following a weekend or holiday during which the original statement or previous continuation statement expired.))~~ Documents must be received on the business day immediately following a Sunday or holiday.

**AMENDATORY SECTION** (Amending Order BLS 130, filed 3/1/89)

**WAC 308-400-058 Signature requirements.** (1) A financing statement must be signed by each person listed by name as the debtor.

(2) If a financing statement or filing form lists collateral clearly identified to multiple secured parties, either on the original financing statement or by partial assignment, individual secured parties may terminate their clearly identified

security interest(s) without the signature(s) of the remaining secured parties.

~~(3) ((All required signatures on UCC-3 actions must be original.~~

(4)) When a filing form is signed by someone in a representative capacity, the signer must be identified as the representative.

**AMENDATORY SECTION** (Amending Order BLS 130, filed 3/1/89)

**WAC 308-400-059 Termination statement, statement of discharge lien termination statement and certificate of release.** (1) A "termination statement" is used to terminate a security interest under a financing statement (RCW 62A.9-404). A "statement of discharge" is used to discharge a processor or preparer lien which has been filed with a filing officer (RCW 60.13.060). A "lien termination statement" is used for terminating a crop lien pursuant to chapter 60.11 RCW.

(2) For a security interest under a financing statement, whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, a secured party must on written demand by the debtor send the debtor, for each filing officer with whom the financing statement was filed, a properly signed termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be identified by file number. A secured party's failure to file such a termination statement or to send such a termination statement within ten days after proper demand therefor, the secured party shall be liable to the debtor for one hundred dollars plus any damages caused to the debtor by such failure.

(3) For a processor or preparer lien which has been filed with the filing officer, if the producer has received full payment for the obligation, the producer shall promptly file with the filing officer a statement declaring that full payment has been received and that the lien is discharged. If, after payment, the producer fails to file such statement of discharge within ten days following a request to do so, the producer shall be liable to the processor, conditioner or preparer in the sum of one hundred dollars plus actual damages caused by the failure.

(4) For a crop lien, the lienholder shall file with the filing officer a lien termination statement within fifteen days following receipt of full payment of the amount of the lien. Failure to file a lien termination statement by the lienholder or its assignee shall cause the lienholder or its assignee to be liable to the debtor for the attorneys' fees and costs incurred by the debtor to have the lien terminated plus damages incurred by the debtor due to the failure of the lienholder to terminate the lien.

(5) Failure to file a statement of discharge or a lien termination statement with the department of licensing may result in retention of filings records beyond the duration of the secured interest or the lien.

(6) Certificate of release of notice of federal lien. Federal certificates of release shall be filed in accordance with provisions of the Uniform Federal Lien Registration Act, chapter 60.68 RCW.

AMENDATORY SECTION (Amending Order 674-DOL, filed 6/9/82)

**WAC 308-400-062 Incompatible actions.** The department will reject any UCC-3 change statement where incompatible actions, such as simultaneous release and termination, are requested on the same statement. ~~((The parties may not submit a corrected UCC-3 statement, but must submit a new signed UCC-3 statement indicating the desired action to be taken.))~~

AMENDATORY SECTION (Amending WSR 93-01-061, filed 12/11/92, effective 7/1/93)

**WAC 308-400-095 Fees.** (1) Beginning July 1, 1993, a fee of twelve dollars and fifty cents shall be charged for filing and indexing each of the following types of statements:

- (a) Original financing statement pursuant to RCW 62A.9-403;
- (b) Deed of trust or mortgage pursuant to RCW 62A.9-302;
- (c) Continuation statement pursuant to RCW 62A.9-403;
- (d) Separate statement of assignment pursuant to RCW 62A.9-405;
- (e) Statement of partial release pursuant to RCW 62A.9-406;
- (f) Statement of amendment pursuant to RCW 62A.9-402;
- (g) Processor or preparer lien pursuant to chapter 60.13 RCW;
- (h) Crop lien pursuant to chapter 60.11 RCW;
- (i) Notice of federal tax lien pursuant to chapter 60.68 RCW.

(2) A fee of seventeen dollars and seventy-one cents shall be charged for a certificate of information pursuant to RCW 62A.9-407.

(3) A fee of ~~((twenty-four))~~ twenty-five dollars shall be charged for certificate of information and copies of any filed financing and related statements naming a particular debtor.

(4) An additional fee ~~((as specified by contractual agreement between the purchaser and the department))~~ shall be charged for each page transmitted to the purchaser by facsimile. The fee amount shall be one dollar per page for the first five pages, and fifty cents per page for the sixth page and subsequent pages.

(5) A fee of five dollars shall be charged for each debtor name look up.

(6) A fee of two dollars shall be charged for each computer printout of filing information.

(7) A fee of two dollars shall be charged for each microfilm copy.

(8) A fee of two dollars shall be charged for the certification of each document copy.

(9) Data base information shall be made available on magnetic tape and microfilm pursuant to contract between the department and purchaser. Costs will be specified in the contract.

AMENDATORY SECTION (Amending Order BLS 130, filed 3/1/89)

**WAC 308-400-120 Forms, fees, and procedures—Filing federal liens.** The filing fees and procedures for filing information with and obtaining information from the department of licensing pertaining to notice of federal liens pursuant to chapter 60.68 RCW shall correspond to the filing fees and procedures prescribed by the department of licensing pursuant to Article 62A.9 RCW. The filing forms shall be those forms approved between the department of licensing and the Internal Revenue Service.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-400-050 Official approval of standard forms.
- WAC 308-400-054 Power of attorney.
- WAC 308-400-070 Request for certificate of information.

AMENDATORY SECTION (Amending Order BLS 115, filed 1/19/88)

**WAC 308-410-070 Fees.** The fees for use of the Uniform Commercial Code field access system shall be based on ~~((the established))~~ a preestablished rate per hour for use of mainframe computer time. ~~((The fee for access to the Uniform Commercial Code field access system shall be based on the prevailing rate for surface transmission telephone line use.))~~ The specific fees for access and use shall be contained in the user contract.

REPEALER

The following section of the Washington Administrative Code is repealed:

- WAC 308-410-050 Standard for allocating users.

**WSR 98-23-083**

**PROPOSED RULES**

**DEPARTMENT OF LICENSING**

(Vehicle Services)

[Filed November 17, 1998, 2:28 p.m.]

Supplemental Notice to WSR 98-19-109.  
Preproposal statement of inquiry was filed as WSR 98-18-002.

Title of Rule: WAC 308-66-190 Transfer of certificate of title by dealer and 308-56A-420 Delivery of vehicle on dealer temporary permit.

Purpose: Amending current rules to define what the department considers to be the commencing date for purposes of title transfer by vehicle dealers. The date that trig-

PROPOSED



gers the start of the forty-five day vehicle dealer title transfer period is the date the vehicle is delivered to the purchaser. In addition, WAC 308-66-190 is amended to extend the allowable title transfer period to ninety days to parallel the statutory allowance for vehicles delivered on dealer temporary permits. In that case where a dealer has timely paid off a lien on an acquired vehicle and the lienholder has not released the title, the dealer may issue a second dealer temporary permit.

Statutory Authority for Adoption: RCW 46.70.160 and 46.01.110.

Statute Being Implemented: RCW 46.70.122.

Summary: The proposal is to amend the two related WACs to define the date that the vehicle dealer title transfer period commences. It also extends the period of time to ninety days (from forty-five) that a dealer may transfer title in the sale of a currently registered vehicle. An amendment also expresses the director's discretion in situations where delayed title applications are beyond the control of the dealer.

Reasons Supporting Proposal: The Washington State Auto Dealers Association (WSADA), our stakeholder, has requested that the Department of Licensing (DOL) do a rules promulgation if DOL is going to use delivery as the commencing date for vehicle title transfers to retail purchasers. WSADA does not endorse the concept of delivery as the commencing date.

Name of Agency Personnel Responsible for Drafting: Cal Sanders, Highways-Licenses Building, Olympia, (360) 902-3708; Implementation and Enforcement: Robert Smith, Highways-Licenses Building, Olympia, (360) 902-3703.

Name of Proponent: Department of Licensing, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: To DOL these amendments essentially mean business as usual, with no fiscal impact.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The amendments describe that delivery of a vehicle is the act which commences the forty-five day title transfer period. Also, WAC 308-66-190 is amended to extend the allowable title transfer period to ninety days (for currently registered vehicles) to parallel the limited statutory allowance for title transfers for vehicles delivered on dealer temporary permits (in cases where the dealer has timely paid the lien on an acquired vehicle and that lienholder has not yet released the title - RCW 46.70.180(8)).

Proposal Changes the Following Existing Rules: The changes to these existing rules will more clearly define the commencing date for purposes of the vehicle dealer title transfer period. Also the extension of time for title transfer in the case of a currently registered vehicle will equalize the time allowed for transfer of the title to a vehicle delivered on a dealer temporary permit (in the above referenced limited situation).

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposal does not impose additional duties on the industry. There is no discernable impact. Since DOL has historically used the purchase order date as the commencing date for the title transfer

period, these amendments will actually benefit the industry to the extent that certain vehicles may be delivered after the purchase order date. The proposed amendments will have a minor or negligible impact, as reflected in an analysis document in the file, which is available by calling Gail Saul at (360) 902-3709.

RCW 34.05.328 does not apply to this rule adoption. This agency is not named in RCW 34.05.328 (5)(a)(i), this section is not being applied voluntarily by the agency and the proposed language clarifies the rule without a measurable effect.

Hearing Location: Department of Licensing, Conference Room 406, 4th Floor, 1125 S.E. Washington Street, Olympia, WA, on December 22, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Linda Mason, TDD (360) 664-8885, or (360) 902-3710.

Submit Written Comments to: Gail Saul, Dealer Services, Department of Licensing, P.O. Box 9039, Olympia, WA 98507-9039, fax (360) 586-6703.

Date of Intended Adoption: January 5, 1999.

November 15, 1998

Evelyn P. Yenson

Director

**AMENDATORY SECTION** (Amending WSR 96-19-025, filed 9/9/96, effective 10/10/96)

**WAC 308-66-190 Transfer of certificate of title by dealer.** (1) When a vehicle displaying current Washington plates is sold or disposed of by a dealer, the dealer shall make an application for a certificate of title in the purchaser's name within forty-five calendar days (~~following~~) commencing with the sale or disposal of the vehicle. The date on which the selling dealer physically delivers the vehicle to the customer/purchaser shall commence the forty-five day interval in which the selling dealer must make an application for a certificate of title in the purchaser's name. Under the following conditions a dealer may be granted an additional interval, not to exceed forty-five days in which to apply for title in the customer's name:

(a) The lienholder fails to deliver the vehicle title to the dealer within the required time period; and

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied; or

(d) The director has discretion to excuse any situations in which applications are delayed for reasons beyond the control of the dealer.

(2) The dealer shall in every case sign or type his/her name on the dealer's report of sale on the title application accompanying the transfer. If an authorized agent signs for the dealer, he/she shall give his/her title.

(3) ~~((The name and address of the previous registered owner shall be shown on the application for transfer of title.~~

~~(4)))~~ The dealer shall provide a vehicle odometer disclosure statement with the title application as required by RCW 46.12.124.

PROPOSED

**AMENDATORY SECTION** (Amending WSR 94-21-055, filed 10/13/94, effective 11/13/94)

**WAC 308-56A-420 Delivery of vehicle on dealer temporary permit.** (1) A vehicle dealer properly licensed pursuant to chapter 46.70 RCW may deliver a vehicle not currently registered or that does not bear valid Washington state license plates or tabs by utilizing a dealer temporary license permit.

(2) The application for title portion of the permit form must be properly and completely filled out by the selling dealer, ~~((detailing all fees collected,))~~ including the dealer's report of sale and the date ((of sale)) on which the vehicle is physically delivered to the customer/purchaser. If license based on gross weight is required, the amount of gross weight purchased must be clearly shown. The application must be signed by the registered owner(s).

(3) The dealer shall collect all fees required for titling and registration of a vehicle.

(4) The dealer shall detach the hard copy of the dealer permit and shall record the date of expiration in dark, bold letters and numbers on the permit side of that copy. Date of expiration will be forty-five calendar days after date ~~((of sale of the vehicle))~~ on which the vehicle is physically delivered to the customer/purchaser.

(5) The application copies shall be used by the dealer to apply for title ~~((application))~~ and to complete licensing of the vehicle. Except as provided in RCW 46.70.180(8), the selling dealer must submit the application and all title/licensing fees to the department of licensing or an authorized licensing agent within forty-five calendar days from the date ((of sale of the vehicle)) on which the vehicle is physically delivered to the customer/purchaser. The date on which the selling dealer physically delivers the vehicle to the customer/purchaser shall commence the forty-five day interval in which the selling dealer must make an application for a certificate of title in the purchaser's name. Additionally, the director has discretion to excuse late applications only in situations where applications are delayed, for reasons beyond the control of the dealer.

(6) The hard copy of the permit and a purchase order identifying the vehicle and ~~((date of sale))~~ the date on which the vehicle is physically delivered to the customer/purchaser must be carried in the vehicle or the towing vehicle at all times the vehicle is operated on the temporary permit.

(7) The hard copy of the dealer temporary license permit shall be displayed on the inside of the rear window in the lower left corner, or enclosed in a moisture proof protective case securely attached in the rear license plate holder, with the expiration date visible to one standing or following at the rear of the vehicle.

(8) The dealer temporary license permit is valid for not more than forty-five calendar days ~~((following))~~ commencing with the date ((of vehicle sale)) on which the vehicle is physically delivered to the customer/purchaser.

(9) The dealer temporary license permit shall not:

- (a) Be issued for a dealer inventoried or a dealer or dealer-employee operated vehicle;
- (b) Be issued as a demonstration permit;

(c) Be issued for a vehicle processed as a courtesy delivery.

(10) Fees paid for dealer temporary license permit application forms are not refundable unless the dealer ceases doing business as a vehicle dealer. A credit, in the amount of the permit form fee, will be provided when the permit is used by the vehicle dealer to make application for a vehicle title.

(11) The dealer shall maintain a record of each dealer temporary permit form acquisition and distribution including the following:

- (a) Vehicle purchaser's names;
- (b) Vehicle identification;
- (c) Dates of vehicle sales and deliveries; and
- (d) Date and location of purchase of each permit form and the permit number.

#### WSR 98-23-084

#### PROPOSED RULES

#### WASHINGTON STATE PATROL

[Filed November 17, 1998, 4:03 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-19-076.

Title of Rule: Amendment to chapter 204-50 WAC, Ignition interlock breath alcohol devices.

Purpose: To ensure compliance with federal standards regarding ignition interlock breath alcohol devices. Additionally, the amendment requires manufacturers of these devices to have appropriate insurance and providers that ensure the safety of persons ordered by the courts to install these devices.

Statutory Authority for Adoption: RCW 46.20.730 and 46.37.005.

Summary: Amendment updates WAC to comply with federal standards. Ensures appropriate insurance and providers are obtained by manufacturers of ignition interlock breath alcohol devices to ensure the safety of persons ordered by courts to install these devices.

Reasons Supporting Proposal: Public safety.

Name of Agency Personnel Responsible for Drafting: Ms. Carol Morton, P.O. Box 42635, (360) 412-8934; Implementation and Enforcement: Captain Colleen McIntyre, P.O. Box 42614, (360) 753-0302.

Name of Proponent: Washington State Patrol, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The National Highway Traffic Safety Administration (NHTSA) set standards for the testing and lab certification of these devices. The state patrol is responsible for setting the state rules governing insurance, provider data and other pertinent standards. The amendment ensures all manufacturers of these devices are in compliance with federal standards and that they have appropriate insurance and providers to ensure the safety of persons ordered by the courts to install these devices. The amendment also updates the WAC to

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comply with new technology. Manufacturers of these devices were consulted and NHTSA was contacted to verify the accuracy of the amendment.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Washington State Patrol, Commercial Vehicle Conference Room, Ground Floor, General Administration Building, Olympia, Washington, on December 22, 1998, at 11 a.m.

Assistance for Persons with Disabilities: Contact Ms. Kendra Hensley, (360) 753-0678.

Submit Written Comments to: Carol Morton, P.O. Box 42635, Olympia, WA 98504-2635, fax (360) 493-9090, by December 15, 1998.

Date of Intended Adoption: December 23, 1998.  
November 10, 1998  
Annette M. Sandberg  
Chief

AMENDATORY SECTION (Amending Order 87-05-ESR, filed 12/9/87)

**WAC 204-50-010 Authority.** This chapter is promulgated pursuant to RCW 46.37.005 and (~~chapter 247, Laws of 1987~~) 46.20.730.

AMENDATORY SECTION (Amending Order 87-05-ESR, filed 12/9/87)

**WAC 204-50-020 Purpose.** The purpose of this chapter is to establish guidelines for certification, installation, repair, and removal of ignition interlock breath alcohol devices, as required by (~~chapter 247, Laws of 1987~~) RCW 46.20.730.

AMENDATORY SECTION (Amending Order 87-05-ESR, filed 12/9/87)

**WAC 204-50-030 Definitions for words or terms used in this chapter.** Alcohol - The generic class of organic compounds known as alcohols and, specifically the chemical compound ethyl alcohol. For the purpose of ignition interlock devices, there is no requirement expressed or implied that the device be specifically for ethyl alcohol.

Approved service provider - The person or company who is approved by ESR to service, install, monitor, calibrate, and provide information on a manufacturer's devices based on certification to ESR by the manufacturer that the person or company is qualified and is properly trained to provide these services.

Breath or blood alcohol concentration (BAC) - ((The weight)) In this chapter means the amount of alcohol ((contained in a unit volume of breath, measured in grams Ethanol/210 liters of breath and expressed as %, grams % and % BAC. Breath alcohol concentration shall be expressed as "% BAC.")) in a person's blood or breath determined by chemical analysis, which shall be measured by grams of alcohol per:

(a) 100 milliliters of blood; or

(b) 210 liters of breath.

Court (or originating court) - The particular Washington state court that has required the use of an ignition interlock breath alcohol device by a particular individual.

Certification - The testing and approval process required by (~~chapter 247, Laws of 1987~~) RCW 46.20.730.

Chief - The chief of the Washington state patrol.

Device - An ignition interlock breath alcohol device.

ESR - The equipment and standards review section of the Washington state patrol.

Interlock - The state in which a motor vehicle is prevented from starting by a device.

Lessee - (~~The person ordered by a court to drive only vehicles which have certified devices installed~~) A person who has entered into an agreement with a manufacturer or approved service provider to lease a device.

Manufacturer - The person, company, or corporation who produces the device, (~~or a recognized representative.~~

OAC - (~~The office of administrator for the courts~~) and who certifies to ESR that a service provider is qualified to become approved by ESR to service, install, monitor, calibrate, and provide information on devices.

Restricted operator - A person whose operating privilege is restricted to operating only motor vehicles equipped with an approved, functioning ignition interlock device or other approved, functioning biological or technical device.

Violation reset - The condition caused by the failure of the operator of the vehicles to perform a retest as required, or by the operator's inability to achieve such retest results at a level lower than the maximum allowable alcohol concentration as set by the originating court, the device and the vehicle in which it is installed must be returned to the manufacturer or approved service provider to be reset.

AMENDATORY SECTION (Amending Order 88-04-ESR, filed 7/18/88)

**WAC 204-50-040 Testing and certification process.** To be certified, a device must meet or exceed the minimum test standards (~~listed in this chapter~~) in sections one and two of the model specifications for breath alcohol ignition interlock devices (BAIID) as published in the Federal Register, Volume 57, Number 67, Tuesday, April 7, 1992, on pages 11774 - 11787. Only a notarized statement, from a laboratory capable of performing the tests specified, will be accepted as proof of meeting or exceeding the standards. The notarized statement shall include the name and signature of the person in charge of the tests under the following sentence:

Two samples of (model name), manufactured by (manufacturer) were tested by (laboratory). They do meet or exceed all specifications listed in (~~chapter 204-50 WAC~~) the Federal Register, Volume 57, Number 67, pages 11774 - 11787.

Signed \_\_\_\_\_

A list of laboratories performing the required tests shall be maintained by the ESR.

Upon receipt of a statement from a testing laboratory that two samples of a device have successfully passed the test pro-

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cedures listed in this chapter, and confirmation that all other requirements of this chapter have been met, the chief shall issue a letter of certification for the device. ~~((A copy of each certification letter will be forwarded to OAC.))~~ The letter of certification shall be valid until voluntarily surrendered by the manufacturer or until revoked by the chief for cause. Reasons for revocation include but are not limited to:

(1) Evidence of repeated device failures due to gross defects in design, materials, and/or workmanship during manufacture, installation, monitoring, or calibration of the device such that the standards for accuracy and reliability of the devices for which the devices were tested are not being met (as determined by ESR);

(2) Evidence that the features and functionality of a manufacturer's devices are not being programmed properly by approved service provider(s) or are being circumvented by lessees such that the standards for anticircumvention for which the devices were tested are not being met;

(3) Any violation on the part of the manufacturer(s) or approved service provider(s) of any of the laws or regulations related to the installation, servicing, monitoring, and calibration of devices, including, but not limited to, "other provisions" listed in WAC 204-50-120;

(4) Notice of cancellation of manufacturer's and/or approved service provider's required liability insurance is received; ~~((and~~

~~3))~~ (5) Notification that the manufacturer is no longer in business.

Unless necessary for the immediate good and welfare of the public, revocation shall be effective ten days after manufacturer's receipt of notice, which shall be sent via certified mail, return receipt requested. A copy of each notice of revocation shall be provided to ~~((OAC and lessees utilizing the revoked device with notice to contact the manufacturer for a replacement))~~ the originating court.

(6) Upon voluntary surrender, or revocation of a letter of certification for a manufacturer's device, all like devices shall be removed and replaced by a certified device, not later than the end of the current calibration period. ~~((Manufacturers may request a review of revocation. Such request shall be submitted to the chief, in writing, within twenty days of revocation.))~~

(7) A manufacturer whose letter of certification has been revoked may request a review of revocation by submitting the request in writing to the chief within twenty days of receipt of notice of revocation.

(8) The ESR shall maintain a file of all ~~((existing))~~ current, revoked, and voluntarily surrendered letters of certification.

**AMENDATORY SECTION** (Amending Order 88-04-ESR, filed 7/18/88)

**WAC 204-50-050** ~~((Test specifications.))~~ **Modifications to a certified device.** ~~((The purpose of these test specifications is to establish the accuracy and reliability of ignition interlock breath alcohol devices only. This shall be accomplished by performing no less than twenty tests utilizing simulators containing the alcohol solutions of known concentrations.~~

### **Equipment and solutions**

#### **Equipment and procedures list:**

##### **(1) Simulators:**

(a) The simulator will be clean.

(b) The simulator will be in good working order.

(i) To check motor, heater, and thermometer, fill glass jar with 500 ml deionized or distilled water and reassemble.

(ii) Plug into 115 V line and after thirty minutes check temperature:  $34^{\circ}\text{C} \pm 0.2$ . (Make sure mercury column in thermometer is intact.) Check to make sure the stirrer is stirring smoothly.

(iii) The simulator must be leakproof.

(e) Rinse simulator with appropriate alcohol reference solution, then fill with 500 ml of the alcohol reference solution and reassemble.

(d) Attach a one inch piece of Tygon or FDA vinyl tubing to the simulator outlet and affix a saliva trap mouthpiece. Attach an eight inch piece of tubing to the inlet.

(e) Live breath or regulated, filtered, dried compressed air will be introduced in the simulator according to the manufacturer's specifications.

(f) Each simulator is labeled with the BAC value to three decimal places, the batch number of the alcohol reference solution and the date filled.

(g) A log will be kept of the test results.

(h) The solution in the simulator may be used for ten tests and must be discarded after the tenth test.

(i) All simulator testing shall be conducted by using live breath or regulated, filtered, dried, compressed air as the source of air.

##### **(2) Environmental chamber:**

(a) Capacity to place complete units inside chamber to run tests.

(b) Ability to maintain temperature during test at  $-20^{\circ}\text{C}$ ,  $0^{\circ}\text{C}$ ,  $+40^{\circ}\text{C}$  and  $+70^{\circ}\text{C}$ .

(c) 20— $25^{\circ}\text{C}$  tests can be run at room temperature outside chamber.

##### **(3) Standard alcohol reference solutions:**

(a) Stock solution: Mix absolute ethanol with distilled or deionized water at a ratio of 77.0 ml of ethanol diluted up to one liter of water.

(b) Stock solution is stored in a well stoppered flask labeled "stock solution" and "contains 77.0 ml (60.5 gm) ethanol/L." The date prepared and initials of preparer.

(c) Standard alcohol reference solutions: Prepared from stock solution by pipetting the requisite amount of the stock solution into a volumetric flask and fill with distilled or deionized water to the mark as given below:

(i) For 0.020% dilute at ratio of 2.0 ml, stock solution to 500 ml.

(ii) For 0.030% dilute at ratio of 3.0 ml, stock solution to 500 ml.

(iii) For 0.040% dilute at ratio of 4.0 ml, stock solution to 500 ml.

(iv) The solution is thoroughly mixed by capping the container securely and inverting at least twenty times.

(d) The exact concentration of the standard alcohol reference solution shall be determined by titration using Potassium Dichromate (NBS primary standard grade). This stan-

standardized alcohol reference solution may then be used to calibrate a gas chromatograph.

(e) The standard reference solution is stored in a glass bottle with a tight fitting ground glass stopper or a teflon coated screw cap.

(f) The container is labeled with batch number, solution concentration in BAC, date prepared and the initials of the preparer. This data shall be recorded and filed.

(g) The manufacturer may request aliquot samples of the solutions for independent testing.

(4) Test procedures:

(a) Set up simulators with standard alcohol reference solutions:

(i) Standard alcohol reference solution 0.020 % BAC, allow to reach 34°C ± 0.2C.

(ii) Standard alcohol reference solution 0.030 % BAC, allow to reach 34°C ± 0.2C.

(iii) Standard alcohol reference solution 0.040 % BAC, allow to reach 34°C ± 0.2C.

(b) Test set up:

(i) Alcohol devices shall not be modified.

(ii) Use one inch of tubing between simulator and saliva-trap mouthpiece. Attach the mouthpiece to the breath sampling inlet.

(iii) Operate the device according to the manufacturer's instructions.

(iv) Use new mouth piece and tubing after each sequence of ten tests.

(v) Wait at least five minutes between each test to avoid overloading sensors.

(vi) For the purposes of laboratory testing, the device may give a "pass/fail" response when installed in a subject's vehicle.

(5) Tests:

(a) Temperatures:

(i) 20-25°C (room temperature)

(ii) 0°C

(iii) -20°C

(iv) +40°C

(v) +70°C

(b) Alcohol solutions:

(i) 0.000% BAC (distilled or deionized water)

(ii) 0.020% BAC ± .005%

(iii) 0.030% BAC ± .005%

(iv) 0.040% BAC ± .005%

(c) Number of tests:

(i) Accuracy: Five tests at each temperature and at each concentration of alcohol solutions including 0.000% BAC.

(ii) Repeatability: Ten tests at 0.030% BAC ± .005% repeated at least forty-eight hours later.

(iii) Ten breath tests on each of two interlock devices at room temperature using a minimum of three human subjects having a BAC in the range of 0.020% BAC and 0.040% BAC as measured in a near simultaneous fashion using suitable evidentiary instrument (e.g., Intoxilyzer, Model 5000).

(iv) Ten breath tests on each of two interlock devices at room temperature using a minimum of three alcohol free

human subjects registering (blank) BAC values on a suitable evidentiary instrument (e.g., Intoxilyzer, Model 5000).

(d) Criteria:

(i) 0.020% BAC, nineteen of twenty tests give "pass" i.e., allow car to start.

(ii) 0.030% BAC, nineteen of twenty tests will give "fail," i.e., not allow car to start.

(iii) 0.040% BAC, twenty of twenty tests give "fail," i.e., will not allow car to start.

(f) Nonalcoholic "bogus breath samples" for test purposes shall be generated by the testing laboratory using three or more of the following:

(i) Air compressor powered by a 12-v DC automobile battery:

(ii) Portable car vacuum cleaner.

(iii) Mylar plastic bag.

(iv) Rubber balloon.

The methods of interface to the device under test shall be determined by the testing laboratory. At least three tests will be run with each source of "bogus breath."

(g) Tests shall be conducted at room temperature to determine whether the use of filters can remove alcohol from breath sample thus circumventing the device. Cigarette filters from "Carlton" or "Lark" cigarettes packed into a paper tube shall be used for these tests.

(h) Test units shall meet performance of specifications at room temperature after being subjected to a vibration of 10 g's at 250 Hz for thirty minutes.

(i) Test devices shall meet performance specifications at 0°C at an altitude equivalent to eight thousand feet.

(j) The device must allow the driver to "re-start" the vehicle for a period of one minute after the ignition has been shut off without requiring further testing of the driver.

(k) The device must purge any residual alcohol before subsequent use.) The manufacturer shall notify ESR, in writing, of any material modification or alteration in the components and/or the design of the certified device. Such modifications shall warrant retesting of the device to ensure the modifications or alterations do not adversely affect the ability of the device to meet the specifications adopted in WAC 204-50-040.

AMENDATORY SECTION (Amending Order 87-05-ESR, filed 12/9/87)

**WAC 204-50-070 Variable calibration.** To be certified, a device must be capable of being preset, by the manufacturer or by an approved service provider, to interlock when the breath sample provided is at any level from .02 through .09% BAC (plus or minus .003% BAC). The actual setting of each device shall be determined by the originating court. The capability to change this setting shall be made secure, by the manufacturer, ((to prevent unauthorized adjustment of the device)) or by an approved service provider. As guidance for the courts, the federal specifications referred to in WAC 204-50-040 recommends an interlock level of .025 BAC for the initial test and a fail level of up to .02% higher for subsequent random retests.

**AMENDATORY SECTION** (Amending Order 87-05-ESR, filed 12/9/87)**WAC 204-50-080 Device maintenance and reports.**

(1) Each lessee shall have the device examined by ~~((a factory representative))~~ the manufacturer or by an approved service provider for correct calibration and evidence of tampering ((every ninety)) at intervals not to exceed sixty-five days, or more often as may be ordered by the originating court.

~~((A report on the results of each check shall be provided to the originating court. The report shall reflect what adjustments, if any, were necessary in the calibration of the device, any evidence of tampering, and any other available information the originating court may order.~~

~~An additional report shall be provided to OAC on a quarterly basis summarizing all complaints received by the manufacturer for each model or type of certified device. These reports shall be categorized by:~~

- ~~(1) Customer error of operation.~~
- ~~(2) Faulty automotive equipment other than the device.~~
- ~~(3) Apparent misuse of attempts to circumvent the device causing damage.~~
- ~~(4) Device failure due to material defect, design defect, workmanship errors in construction, installation, or calibration.~~

~~Note: Complaints in this category shall be accompanied by a statement of the actions taken to correct the problem(s).)~~

(2) Examination shall include a physical inspection of the device, and its wiring, and the vehicle and its wiring for evidence of tampering or circumvention. Notation shall also be made of the vehicle's odometer reading.

(3) The device must be calibrated for accuracy according to the manufacturer's procedures. All data contained in the device's memory must be downloaded into a format from which the required reports can be generated.

(4) The manufacturer and/or approved service provider shall make a hard copy or electronic equivalent of the client data and the results of each examination. Any evidence of noncompliance, violations, or signs of tampering or circumvention shall be reported to the originating court in a format acceptable to the originating court. All information obtained as a result of each inspection shall be retained by the manufacturer or approved service provider for two years from the date the device is removed from the vehicle.

(5) The manufacturer and/or approved service provider must provide, upon request of the originating court, additional reports which may include, but are not limited to, the following: Proof of installation, removal, transfer of vehicle, vehicle information, compliance reporting, statements of charges and payments, service calls, lessee error of operation, device failure, faulty automotive equipment, and lessee demographic information. Such reports must be supplied in a format acceptable to the originating court, and at no cost to the originating court.

**AMENDATORY SECTION** (Amending Order 87-05-ESR, filed 12/9/87)**WAC 204-50-090 Device security.** The manufacturer and its approved service provider(s) shall take all reasonable

steps necessary to prevent tampering or physical circumvention of the device. These steps shall include special locks, seals, and installation procedures that prevent or record evidence of tampering and/or circumvention attempts. In addition, the approved service provider will affix to the device a label containing the following notation: "Warning - This device has been installed under court order. Attempts to disconnect, tamper with, or circumvent this device may subject you to criminal prosecution."

**AMENDATORY SECTION** (Amending Order 87-05-ESR, filed 12/9/87)**WAC 204-50-110 Mandatory operational features.**

Notwithstanding other provisions of this chapter, a certified device must comply with the following:

(1) The device shall be designed to permit a "restart" within ~~((three))~~ two minutes ~~((without additional test))~~ of a stall or when the ignition has been turned off.

(2) The device shall automatically and completely purge residual alcohol before allowing subsequent tests.

(3) The device shall be installed in such a manner that it will not interfere with the normal operation of the vehicle after it has been started.

(4) Each device shall be provided with ~~((a))~~ an ample supply of disposable mouth pieces ~~((with saliva traps. The manufacturer will ensure availability of additional mouth pieces))~~ designed to minimize the introduction of saliva into the device.

(5) Each device shall be uniquely serial numbered. Along with any other information requested by an originating court, all reports to an originating court ((OAC, and/or ESR)) concerning a particular device shall include the name ((and)), address, and driver's license number of the lessee, the name of the originating court, and the unique number of the device. The name, address, telephone number (toll free, if not a local call from the originating court), and contact person of the manufacturer or approved service provider furnishing such report shall also be included as part of the report.

(6) Each device shall record each time the vehicle is started, the results of the test, how long the vehicle was operated, and any indication of bypassing or tempering with the device.

(7) Each device shall require the operator of the vehicle to submit to a retest within ten minutes of starting the vehicle. Retesting shall continue at intervals not to exceed sixty minutes after the first retest. The device shall be equipped with a method of immediately notifying peace officers if the retest above is not performed, or if the result of the retest exceeds the alcohol concentration as prescribed by the originating court. Examples of acceptable forms of notification are repeated honking of the vehicle's horn, repeated flashing of the vehicle's headlamps, or the wailing of a small siren. Such notification may be disabled only by switching the vehicles' engine off, or by the achievement of a retest at a level lower than the maximum allowable alcohol concentration as set by the originating court.

(8) In addition, if a retest is not performed when called for by the device, or if the operator is unable to achieve a retest at a level lower than the a maximum allowable alcohol

concentration as set by the originating court, the device shall automatically enter a violation reset condition. A device which enters a violation reset condition and the vehicle in which it is installed, must be returned to the manufacturer or approved service provider to be serviced within five days or the device shall render the vehicle inoperable. The manufacturer or approved service provider shall notify the originating court of such violation reset conditions in a format acceptable to the originating court within five days of servicing the device.

**AMENDATORY SECTION** (Amending Order 87-05-ESR, filed 12/9/87)

**WAC 204-50-120 Other provisions.** Notwithstanding other provisions of this chapter, each manufacturer of a certified device, either on its own or through its approved service provider(s):

(1) Shall guarantee repair or replacement of a defective device within the state of Washington within a maximum of forty-eight hours of receipt of a complaint.

(2) Shall demonstrate to the satisfaction of ESR, a service delivery plan under which any restricted operator may obtain installation and routine service of that manufacturer's device within a seventy-five mile radius of his or her place of residence. Further, shall provide ESR, a map of the state of Washington showing the area covered by each approved service provider, and the name, address, and telephone number of each approved service provider. The manufacturer shall notify ESR of any changes to its service provider network within ten days of such change.

(3) Shall maintain a twenty-four hour, three hundred sixty-five days a year toll-free telephone number for lessees to call if they have problems with the device they have leased from the manufacturer or approved service provider. Calls must either be answered by a technician qualified to service the manufacturer's devices, or the call must be returned by a qualified technician within thirty minutes of the original call.

(4) Shall provide the originating court and the lessee a statement of charges clearly specifying warranty details, monthly lease amount, any additional charges anticipated for routine calibration and service checks and what items, if any, are provided without charge. To ensure equal accessibility of the benefits of this technology to all citizens of the state of Washington, such pricing shall be uniform state-wide, whether in urban or rural portions of the state.

~~((3)) Upon installation of each device, the manufacturer will provide ESR with a copy of the statement of charges referred to above. The statement shall include the name, address, and telephone number of the lessee and the originating court.~~

~~(4)) (5) Shall provide the lessee written notice of any changes in the statement of charges regardless of what person or agency requested the change, prior to the implementation of such changes.~~

~~((5) Shall provide to all lessees at the time of installation:~~

~~(a) A list of all calibration/service locations in the continental United States. The list shall include the business name, address, and telephone number of all such locations.~~

~~(b) A twenty-four hour telephone number to call for service support for those who may be traveling outside service areas.))~~

(6) Shall provide to ~~((OAC and))~~ ESR proof ~~((of))~~ that the manufacturer has products liability insurance coverage with minimum liability limits of one million dollars per occurrence, ~~((with))~~ and three million dollar aggregate ~~((total))~~. ~~((The))~~ Liability covered shall include, but not limited to: Defects in product design and materials, as well as workmanship during manufacture, calibration, installation, ~~((and))~~ removal, and all completed operations. ~~((The proof of insurance shall include a statement from the insurance carrier that forty-five days notice shall be given to ESR prior to cancellation.))~~ Such insurance must be provided by a company licensed to offer such coverage in the state, and such company shall include the state of Washington as an additional insured, and shall agree to notify ESR not less than thirty days before the expiration or termination of such coverage.

(7) Shall provide ESR proof that each and every approved service provider has garage keepers liability insurance coverage with minimum liability limits of fifty thousand dollars. Liability covered shall include, but not be limited to, damage to lessee's vehicle and personal property while in the care and/or custody of the approved service provider. Further shall provide ESR proof that each and every approved service provider has completed operations insurance coverage with minimum liability limits of one million dollars per occurrence, and two million dollars aggregate. Liability covered shall include, but not be limited to, defects in materials and workmanship during installation, removal, service, calibration, and monitoring. All such insurance must be provided by a company licensed to offer such coverage in the state, and such company shall include the state of Washington as an additional insured, and shall agree to notify ESR not less than thirty days before expiration or termination of such coverage.

(8) Shall ~~((report to))~~ advise the originating court ~~((and ESR any requests to disconnect or circumvent without court order any device of their own or another manufacturer. Manufacturer shall not comply with any such request.~~

~~(8) Shall advise the originating court prior to removing the device under circumstances other than:~~

~~(a) Completion of sentence, or other terms of a court order.~~

~~(b) Immediate device repair needs.~~

Note: ~~Whenever a device is removed for repair and cannot immediately be reinstalled, a substitute device shall be utilized. Under no circumstances shall a lessee's vehicle be permitted to be driven without a required device.))~~

prior to removing the device under circumstances other than:

(a) Completion of sentence or other terms of a court order.

(b) Immediate device repair needs. NOTE: Whenever a device is removed for repair, and cannot be immediately reinstalled, a substitute device shall be utilized. Under no circumstances shall a restricted operator's vehicle be permitted to be driven without a required device.

(c) Removal of the device in order to switch it to a replacement vehicle to be operated by the restricted operator.

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Report of such a vehicle switch must be transmitted to the originating court within two business days of such a switch.

AMENDATORY SECTION (Amending Order 87-05-ESR, filed 12/9/87)

**WAC 204-50-130 Removal procedures.** When so notified in writing by the originating court, the manufacturer or its approved service provider shall remove the device and return the vehicle in normal operating condition. ~~((A))~~ The manufacturer or its approved service provider shall provide any final report ((see WAC 204-50-080) shall be forwarded to) requested by the originating court ((that includes a summary of all fees paid by the lessee over the life of the contract)).

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 204-50-060                      Device accuracy and reliability.

**WSR 98-23-085  
PROPOSED RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**  
[Filed November 17, 1998, 4:16 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-08-104.

Title of Rule: Respiratory protection and methylene chloride.

Purpose: Proposed changes improve worker protection and make the rules as effective as OSHA by adding new OSHA requirements, improving clarity and consistency, eliminating redundancy, and correcting errors.

Statutory Authority for Adoption: RCW 49.17.040.

Statute Being Implemented: RCW 49.17.010, 49.17.050, and 49.17.060.

Summary: Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for the appearance in this issue of the Register. It will appear in the 98-24 issue of the Register.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, the following table shows the federal rules revised by OSHA, corresponding state rules included in this proposal, and the subject of the revised rules.

29 CFRs amended by OSHA	Corresponding state rules included in the proposal - WAC	Subject
1910.94	296-62-11019, 296-62-11021, 296-24-67507, 296-24-65515, 296-24-67517	Ventilation/abrasive blasting
1910.111	296-24-51005, 296-24-51009	Anhydrous ammonia
1910.134	296-62-071 through 296-62-07295, 296-24-58516	Respiratory protection
1910.156	296-24-58513, 296-24-58515, 296-24-58517	Fire brigades
1910.252	296-24-71507, 296-24-71513, 296-24-71517, 296-24-71519	General requirements/ ventilation in confined spaces/lead/cadmium/mercury
1910.1001	296-62-07715, 296-62-07722, 296-62-07733, 296-62-07739	Asbestos
1910.1003	296-62-07306, 296-62-07308	13 Specific Carcinogens
1910.1017	296-62-07329	Vinyl chloride
1910.1018	296-62-07347	Inorganic arsenic
1910.1025	296-62-07521	Lead
1910.1027	296-62-07413, 296-62-07425, 296-62-07441, 296-62-07445	Cadmium
1910.1028	296-62-07523, 296-62-07533	Benzene
1910.1029	296-62-20011, 296-62-20019, 296-62-20027	Coke oven emissions
1910.1043	296-62-14533	Cotton dust
1910.1044	296-62-07342, 296-62-07343	1,2-Dibromo3-chloropropane
1910.1045	296-62-07336, 296-62-07337	Acrylonitrile
1910.1047	296-62-07367, 296-62-07369, 296-62-07383	Ethylene oxide

PROPOSED



29 CFRs amended by OSHA	Corresponding state rules included in the proposal - WAC	Subject
1910.1048	296-62-07540, 296-62-07550	Formaldehyde
1910.1050	296-62-07615, 296-62-07662, 296-62-07664, 296-62-07668, 296-62-07670, 296-62-07672	Methylenedianiline
1910.1051	296-62-07460	1,2-butadiene
1910.1052	296-62-07470	Methylene chloride
1926.57	296-24-67507, 296-24-67515, 296-24-67517, 296-62-11019, 296-62-11021	Ventilation/abrasive blasting
1926.60	296-155-17317, 296-155-17341, 296-155-17349 through 296-155-17359	Methylenedianiline (MDA)
1926.62	296-155-17613, 296-155-17652, 296-155-17656	Lead
1926.103	296-155-220	Respiratory protection in construction
1926.800	296-155-730	Underground construction
1926.1101	296-62-07715, 296-62-07722, 296-62-07733, 296-62-07739	Asbestos
1926.1127	296-155-174	Cadmium

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department conducted several surveys and found that a small business economic impact statement is not required because no more than a minor economic impact exists for the affected businesses.

RCW 34.05.328 applies to this rule adoption.

- The OSHA new requirements included in this proposal are exempted from the significant rule-making criteria in RCW 34.05.328 (5)(b)(iii) and (iv) for most industries because WISHA will be adopting federal regulations without material change. WISHA must adopt new OSHA requirements to be as effective as the federal rules.
- RCW 34.05.328 does not apply to the current requirements, which WISHA is maintaining in this proposal. Many are reworded for clarity.
- Updating the current assigned protection factors to the more recent 1992 ANSI Z88.2 standard is exempted from the significant rule-making criteria in RCW 34.05.328 (5)(b)(iii) and (iv) because WISHA is incorporating a national consensus code that generally establishes industry standards.
- The significant rule-making criteria applies to new OSHA requirements that exceed existing WISHA requirements for work activities related to agriculture and tuberculosis, which are not covered by OSHA's new rules.

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way S.W., Tumwater, WA, on January 5, 1999, at 9:30 a.m.; at Cavanaugh's Fourth Avenue Glacier Room, 110 East 4th, Spokane, WA, on January 6, 1999, at 9:30 a.m.; and at Cavanaugh's, 607 East Yakima Avenue, Yakima, WA, on January 7, 1999, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Christy Wood by December 22, 1998, at (360) 902-5524.

Submit Written Comments to: By mail to: Tracy Spencer, Standards Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA 98507-4620.

By fax: (360) 902-5529 (comments submitted by fax must be ten pages or less).

By electronic mail to: Christy Wood, WISHA Standards Project Manager, woch235@lni.wa.gov.

Comments must be received no later than January 14, 1999.

Date of Intended Adoption: May 4, 1999.

November 16, 1998

Gary Moore

Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 98-24 issue of the Register.

**WSR 98-23-094**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed November 18, 1998, 10:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-16-089.

Title of Rule: WAC 388-412-0005 Cash assistance payments, 388-412-0020 Delivery of benefit issuances, 388-412-0030 Returning a warrant, 388-412-0035 Loss, theft, destruction, or nonreceipt of a warrant issued to clients and vendors, 388-412-0045 Issuing benefits by using electronic benefit transfer, and 388-460-0010 Payees.

Purpose: Adds electronic benefit transfer as a method of payment of benefits for public assistance recipients of cash and food assistance.

Statutory Authority for Adoption: RCW 74.04.510, 74.08.090, 74.04.055, and 74.04.057.

Statute Being Implemented: Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Section 825.

Summary: Currently recipients of cash assistance receive payment by warrant only. Recipients of food assistance receive food benefits by food coupons or food coupon authorization (FCA) cards. Recipients of cash assistance will now be able to receive payment by warrant or electronic benefit transfer (EBT). Recipients of food assistance will receive benefits by electronic benefit transfer only.

Reasons Supporting Proposal: Payment by electronic benefit transfer provides the client with a method of payment that is less susceptible to theft and fraud.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Betty Brinkman, Department of Social and Health Services, WF Division, Lacey, Washington, (360) 413-3091.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Section 825.

Explanation of Rule, its Purpose, and Anticipated Effects: Currently, recipients of cash assistance receive payment by warrant only. Recipients of food assistance receive benefits by food coupons or food coupon authorization cards (FCA). Recipients of cash assistance will now be able to receive benefits by warrant or electronic benefit transfer. Recipients of food benefits will receive their benefits by electronic benefit transfer only.

Proposal Changes the Following Existing Rules: Adds a new method of payment for benefits for recipients of cash and food assistance by amending WAC 388-412-0005 Cash assistance payments, 388-412-0020 Delivery of benefit issuances, 388-412-0030 Returning a warrant, 388-412-0035 Loss, theft, destruction or nonreceipt, and 388-460-0010 Payees.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not impact small businesses.

RCW 34.05.328 applies to this rule adoption. The proposed rules do meet the definition of a significant legislative rule but the Department of Social and Health Services is exempt from preparing a cost benefit analysis under RCW 34.05.328 (5)(b)(iii).

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on December 22, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by December 11, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance

Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by December 22, 1998.

Date of Intended Adoption: December 23, 1998.

November 16, 1998

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-412-0005 Cash assistance payments.** (1) The state issues payment for cash assistance (~~payments, the state issues a warrant which looks similar to a check.~~

~~(+))~~ by the following methods:

(a) Electronic benefit transfer; or

(b) Warrants.

(2) Each separate assistance unit receives a separate cash benefit grant, even if there are multiple assistance units in the same residence.

~~((2))~~ (3) A married couple who both receive any general assistance benefit must be considered one assistance unit. However, cash payments are made individually and will not exceed one half of the two-person GA-U standard.

~~((3))~~ (4) Grants are rounded down to the next whole dollar amount with the following exceptions:

(a) Clothing and personal incidental (CPI) allowance; and

(b) Grants with a deduction for repayment of an overpayment.

~~((4))~~ (5) Grant payments are not issued for under ten dollars except:

(a) Grants with a deduction for repayment of an overpayment;

(b) CPI allowances with income deducted; or

(c) Supplemental Social Security (SSI) interim assistance payments.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-412-0020** (~~Mail~~) Delivery of benefit issuances. Benefits are:

(1) Mailed by warrant to the address where clients live except when:

~~((+))~~ (a) The department redirects the benefit issuance to the local office;

~~((2))~~ (b) The department has established there are problems with receiving mail at the client's address;

~~((3))~~ (c) A client requests in writing that the benefit issuance be mailed to the local office, such as a homeless client without an address; or

~~((4))~~ (d) A client requests that the benefit issuance be sent to a temporary address for less than ninety days.

(2) Deposited directly into an electronic benefit transfer account.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-412-0030 Returning a warrant.** (1) A person who has possession of a warrant payable to a deceased payee must return the warrant to the department for cancellation.

(2) A person who has possession of a warrant payable to an assistance unit payee who has left the home and is not likely to return during the month to endorse the warrant, must return the warrant to the CSO.

~~((3))~~ The warrant ~~((with))~~ may be reissued to another eligible payee for the assistance unit.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-412-0035 Loss, theft, destruction or non-receipt of a warrant issued to clients and vendors.** The following applies to replacements of warrants issued to clients and to vendors ~~((on behalf of clients))~~.

(1) The department does not replace a warrant or the cash proceeds from a warrant which was endorsed by a client or vendor.

(2) Clients or vendors asking for a replacement of a warrant which was not endorsed by them must:

(a) Complete a notarized ~~((statement called an))~~ affidavit;

(b) Provide all facts surrounding the loss, theft, destruction or nonreceipt of the warrant; and

(c) File a report with the police or the post office, as appropriate.

(3) If a client is eligible to receive a replacement, the warrant is issued:

(a) On or before the tenth of the month in which the warrant was due; or

(b) Within five working days of the date the decision is made to replace the warrant, whichever is later.

(4) A client or vendor is issued the full amount of the original warrant if the warrant is replaced.

#### NEW SECTION

**WAC 388-412-0045 Issuing benefits using electronic benefits transfer.**

(1) Benefits are issued by electronic benefits transfer (EBT). This means benefits are deposited into an EBT account.

(2) The department does not replace benefits which have been deposited into an electronic benefit account and are available to the client. The benefits are considered to be cash.

(3) EBT benefits reported lost or stolen are replaced only when:

(a) The department makes an error that causes a loss of benefits; or

(b) Both the EBT card and PIN are stolen from the mail; and

(c) The client never had the ability to access the benefits; and

(d) The loss is reported within ten days from the date the client became aware of the loss.

(4) The replacement is the amount of the loss.

(5) The EBT account will become inactive when it is not used for ninety days. After ninety days, the client must ask the department to reactivate the account.

(6) EBT benefits are canceled and will not be replaced when the EBT food assistance account is not used for two hundred seventy days.

(7) The client may ask the department to convert EBT food assistance benefits to food coupons when the client moves to an area where EBT benefits cannot be used. After food assistance benefits are converted, any remaining benefits in the EBT account are canceled if not used within seven days from the date of conversion.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-460-0010 Food assistance authorized representative—Treatment centers and group homes.** (1) Residents in group homes may choose to have food assistance benefits authorized as follows:

(a) On their own behalf;

(b) Through an authorized representative of their choosing; or

(c) Through a facility acting as authorized representative.

(2) Residents in chemical dependency treatment centers are required to have a designated employee of the facility act as an authorized representative.

(3) The authorized representative for residents in a chemical dependency treatment center or a group home must:

(a) Be aware of the resident's circumstances;

(b) Notify the department of any changes in income, resources or circumstances within ten days of the change; and

(c) Use the resident's food assistance benefit allotment for meals served to the resident.

(4) When assigning an employee as the authorized representative for residents, a facility accepts responsibility for:

(a) Any misrepresentation or intentional program violation; ~~((and))~~

(b) Liability for food assistance benefits held at the facility on behalf of the resident; and

(c) Maintaining enough benefits in the facility EBT account to allow the department to transfer one-half of a client's monthly allotment to the client's own account. This occurs when the client leaves the facility on or before the fifteenth of the month.

**WSR 98-23-095**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed November 18, 1998, 10:51 a.m.]

Original Notice.

PROPOSED

Preproposal statement of inquiry was filed as WSR 98-10-040.

Title of Rule: Family support opportunity.

WAC 275-27-020 Definitions.

WAC 275-27-180 What is the purpose of the family support opportunity program?

WAC 275-27-185 Who is eligible to participate in the family support opportunity program?

WAC 275-27-190 What basic services can my family receive from the family support opportunity program?

WAC 275-27-191 What is the purpose of community guide services?

WAC 275-27-192 Who can become a community guide?

WAC 275-27-193 Does my family have a choice in selecting its community guide?

WAC 275-27-194 Can the family support opportunity program help my family obtain financial assistance for community guide services?

WAC 275-27-195 How can short-term intervention services help my family?

WAC 275-27-196 Specifically how can short-term intervention funds be used?

WAC 275-27-197 How can serious need funds help my family?

WAC 275-27-198 How can my family qualify for serious need funds?

WAC 275-27-199 How does my family request serious need funds?

WAC 275-27-200 What amount of serious need funding is available to my family?

WAC 275-27-202 Who determines what family support services my family can receive?

WAC 275-27-204 What department restrictions apply to family support payments?

WAC 275-27-211 What are regional family support advisory councils?

WAC 275-27-212 What are community service grants?

WAC 275-27-213 Who is covered under these rules?

Purpose: Pilot rules have been in existence since 1996. Because the program has been operating successfully as a pilot, rules for the project, now called the family support opportunity are proposed for permanent adoption. These rules cover the purpose, eligibility, and basic service elements of the program as well as the formation of regional family support advisory councils and community service grants. The rules state that all family support clients starting June 1996 or later will be covered under these rules.

Statutory Authority for Adoption: RCW 71A.12.030.

Statute Being Implemented: RCW 71A.12.040.

Summary: The family support opportunity establishes a new way of delivering family support services to persons with developmental disabilities who live with their families. There is an emphasis on use of informal and community resources, use of a "community guide" to assist families, provision of a package of basic services to families as well as options for emergencies and serious need. The family support opportunity was established as a pilot project in 1996 and has been operating under pilot rules.

Reasons Supporting Proposal: This method of service delivery maximizes federal funding and stretches state dollars for use by more families.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rita Dickey, P.O. Box 45310, Olympia, WA 98504, (360) 902-8451.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule has been in existence as a pilot rule since 1996. The program has been operating successfully. It has been evaluated by the University of Washington with positive results. All new families whose family members have developmental disabilities and who need family support services will receive them under these rules. Existing family support clients and services will remain under WAC 275-27-220 - 275-27-223.

Proposal Changes the Following Existing Rules: Adds definitions in WAC 275-27-020.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no appreciable cost to small business.

RCW 34.05.328 applies to this rule adoption. The rules do meet the definition of significant legislative rules and the Department of Social and Health Services has prepared a cost benefit analysis. To obtain a copy contact Rita Dickey at P.O. Box 45310, Olympia, WA 98504 or call (360) 902-8451.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on December 22, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by December 11, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by December 22, 1998.

Date of Intended Adoption: December 23, 1998.

November 16, 1998

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 98-20-044, filed 9/30/98, effective 10/7/98)

**WAC 275-27-020 Definitions.** ((+)) "Adolescent" means a DDD eligible child age thirteen through seventeen years.

((+)) "Best interest" includes, but is not limited to, client-centered benefits to:

((+)) (1) Prevent regression or loss of skills already acquired;

((+)) (2) Achieve or maintain economic self-support;

((+)) (3) Achieve or maintain self-sufficiency;

((+)) (4) Prevent or remedy neglect, abuse, or exploitation of individuals unable to protect their own interest;

~~((e))~~ (5) Preserve or reunite families; and  
~~((f))~~ (6) Provide the least-restrictive setting that will meet the person's medical and personal needs.

~~((g))~~ "Client or person" means a person the division determines under RCW 71A.16.040 and WAC 275-27-026 eligible for division-funded services.

~~((h))~~ "Community support services" means one or more of the services listed in RCW 71A.12.040 including, but not limited to the following services: Architectural, case management, early childhood intervention, employment, counseling, family support, respite care, information and referral, health services and equipment, therapy services, and residential support.

~~((i))~~ "Department" means the department of social and health services of the state of Washington.

~~((j))~~ "Director" means the director of the division of developmental disabilities.

~~((k))~~ "Division or DDD" means the division of developmental disabilities of the department of social and health services.

~~((l))~~ "Emergency" means a sudden, unexpected occurrence demanding immediate action.

~~((m))~~ "Exemption" means the department's approval of a written request for an exception to a rule in this chapter.

~~((n))~~ "Family" means individuals, of any age, living together in the same household and related by blood, marriage, adoption or as a result of sharing legal custody of a minor child.

"Family resources coordinator" means the person who is:

(1) Recognized by the IDEA Part C lead agency; and

(2) Responsible for:

(a) Providing family resources coordination;

(b) Coordinating services across agencies; and

(c) Serving as a single contact to help families receiving assistance and services for their eligible children who are under three years of age.

"ICF/MR" means a facility certified as an intermediate care facility for the mentally retarded by Title XIX to provide services to the mentally retarded or persons with related conditions.

~~((o))~~ "ICF/MR Eligible" for admission to an ICF/MR means a person is determined by DDD as needing active treatment as defined in CFR 483.440. Active treatment requires:

~~((p))~~ (1) Twenty-four hour supervision; and

~~((q))~~ (2) Continuous training and physical assistance in order to function on a daily basis due to deficits in the following areas: Toilet training, personal hygiene, dental hygiene, self-feeding, bathing, dressing, grooming, and communication.

~~((r))~~ "Individual" means a person applying for services from the division.

~~((s))~~ "Intelligence quotient score" means a full scale score on the Wechsler, or the intelligence quotient score on the Stanford-Binet or the Leiter International Performance Scale.

~~((t))~~ "Nonresidential programs" means programs including, but not limited to, county-funded habilitation services.

~~((u))~~ "Nursing facility eligible" means a person is assessed by DDD as meeting the requirements for admission to a licensed nursing home as defined in WAC 388-97-235. The person must require twenty-four hour care provided by or under the supervision of a licensed nurse.

~~((v))~~ "Other resources" means resources that may be available to the client, including but not limited to:

(1) Private insurance;

(2) Medicaid;

(3) Indian health care;

(4) Public school services through the office of the superintendent of public instruction; and

(5) Services through the department of health.

"Part C" means early intervention for children from birth through thirty-five months of age as defined in the Individuals with Disabilities Education Act (IDEA), Part C and 34 CFR, Part 303 and Washington's federally approved grant.

"Residential habilitation center" or "RHC" means a state-operated facility certified to provide ICF/MR and/or nursing facility level of care for persons with developmental disabilities.

~~((w))~~ "RHC capacity" means the maximum number of eligible persons that can reside in a residential habilitation center without exceeding its 1997 legislated budgeted capacity.

~~((x))~~ "Residential programs" means programs providing domiciliary care or other residential services, including, but not limited to, state residential facilities, group homes, nursing facilities, ICF/MRs, tenant support services, congregate care facilities, boarding homes, children's foster homes, adult family homes, and group training homes.

~~((y))~~ "Respite care" means temporary residential services provided to a person and/or the person's family on an emergency or planned basis.

~~((z))~~ "Secretary" means the secretary of the department of social and health services or the secretary's designee.

~~((aa))~~ "Vacancy" means an opening at a RHC, which when filled, would not require the RHC to exceed its 1997 biannually budgeted capacity, minus:

~~((ab))~~ (1) Twenty-six beds designated for respite care use; and

~~((ac))~~ (2) Any downsizing related to negotiations with the Department of Justice regarding community placements.

## NEW SECTION

**WAC 275-27-180 What is the purpose of the family support opportunity program?** The purpose of the family support opportunity program is to:

(1) Strengthen family functioning through use of the program elements;

(2) Provide a wide range of supports that will assist and stabilize families;

(3) Encourage individuals and local communities to provide support for the persons with developmental disabilities that live with families;

(4) Complement other public and private resources in providing supports;

(5) Recognize the ability of communities can participate in a variety of ways;

(6) Allow families to make use of all program elements according to the individual and family needs; and

(7) Provide assistance to as many families as possible.

#### NEW SECTION

**WAC 275-27-185 Who is eligible to participate in the family support opportunity program?** (1) All individuals living with their families determined to be developmentally disabled according to WAC 275-27-026 are eligible to participate in the program if their family requires assistance in meeting their needs. However, the program will fund or provide support services only as funding is available.

(2) Persons currently receiving services under WAC 275-27-220 and 275-27-223, Family support services, may volunteer to participate in the program.

(3) Families will receive program services based on the date of application.

#### NEW SECTION

**WAC 275-27-190 What basic services can my family receive from the family support opportunity program?** A number of basic services are available. Some services have their own eligibility requirements. Specific services are:

(1) **Case management services:** Your family will benefit from case management services. A family support plan will be developed which includes needs assessment, referral, service coordination, service authorization, case monitoring and coordination for community guide services.

(2) **Community guide services:** Once your case manager assesses your family situation, they may refer you to a community guide. The community guide will assist your family in using the natural and informal community supports relevant to the age of your family member with developmental disabilities and the specific needs of your family. Community guide services will support your family and help develop connections to your community.

(3) **Short-term intervention services:** Your family may be eligible for up to eleven hundred dollars in short-term intervention funding if necessary services are not otherwise available. This funding is not intended to cover basic subsistence such as food or shelter costs. Short-term intervention funding is available only for those specialized costs directly related to and resulting from your child's disability.

(4) **Personal care services:** Medicaid personal care can provide your family with long-term in-home personal assistance. (See WAC 388-15-880 and 388-15-890.) In home personal assistance may be available through Medicaid personal care or through a state-funded alternative.

(5) **Community alternatives program (CAP) waiver:** If eligible, your family may participate in the CAP waiver program. The CAP waiver gives eligible clients the opportunity

to participate in the federal Medicaid program and DDD the opportunity to obtain federal funds for community based services. (See WAC 275-27-800, 275-27-810 and 275-27-820.)

(6) **Early intervention services:** These services are for your children (from birth through thirty-five months old) and include early childhood programs, birth through two public school programs, children with special health care needs programs, and Part C services (IDEA).

(7) **Emergency services:** Your family can request emergency funds to be used to respond to a single incident, situation or short term crisis such as care giver hospitalization, absence, or incapacity. Your request must be made through your case manager and include an explanation of how you plan to resolve the emergency situation. Your request will be reviewed by the regional administrator or designee. If approved, you will receive emergency services for a limited time period, not to exceed two months.

(8) **Serious need services:** Your family may request serious need funds to take care of needs not met by other basic services, including short-term intervention services, personal care services or use of a community guide. Serious need funds are usually short-term funds used to provide additional support to allow the individual with disabilities to continue living at home.

#### NEW SECTION

**WAC 275-27-191 What is the purpose of community guide services?** (1) Community guide services are available to support your family and help you become well connected to resources or supports in your community. After an assessment, your case manager may refer you to a community guide.

(2) This guide will assist your family in using the natural and informal community supports relevant to the age of your child with developmental disabilities and your family's specific needs.

#### NEW SECTION

**WAC 275-27-192 Who can become a community guide?** To be a guide, a person must demonstrate his/her connections to the informal structures of their community. The department may contract with an individual, agency or organization. Guides must be knowledgeable about resources in their community and comfortable assisting families and persons with developmental disabilities.

#### NEW SECTION

**WAC 275-27-193 Does my family have a choice in selecting its community guide?** Your family will be offered a choice of community guides that best meets the needs of your family. At your family's discretion, your family resources coordinator may serve as your community guide if your developmentally disabled child is thirty-five months of age or younger.

**NEW SECTION**

**WAC 275-27-194 Can the family support opportunity program help my family obtain financial assistance for community guide services?** The program will authorize up to two hundred dollars per year for community guide services for your family.

**NEW SECTION**

**WAC 275-27-195 How can short-term intervention services help my family?** If your family is eligible, you may receive up to eleven hundred dollars per year in short-term intervention funds to pay for necessary services not otherwise available. Short-term intervention funding cannot be used for basic subsistence such as food or shelter but is available for those specialized costs directly related to and resulting from your child's disability. Short-term intervention funds can be authorized for a one-time only need or for an episodic service need that occurs over a one-year period.

**NEW SECTION**

**WAC 275-27-196 Specifically how can short-term intervention funds be used?** Short-term intervention funds can be used to purchase a wide range of services and supports, such as:

- (1) Respite care, including community activities providing respite; attendant care or nursing care;
- (2) Training such as parenting classes and supports such as disability related support groups;
- (3) The purchase, rental, loan or refurbishment of specialized equipment, adaptive equipment or supplies not covered by other resources, including Medicaid. Specific examples would be mobility devices such as walkers and wheelchairs, communication devices and medical supplies. Diapers may be approved only for those four years of age and older.
- (4) Environmental modifications including home damage repairs and home modifications made necessary because of a family member's disability;
- (5) Occupational therapy, physical therapy, communication therapy, behavior management, visual and auditory services, or counseling needed by developmentally disabled individuals but not covered by another resource such as public schools and child development services funding;
- (6) Medical/dental services not covered by any other resource. These services may include the payment of insurance premiums and deductibles but are limited to the portion of the premium or deduction that applies to the client.
- (7) Nursing services, not covered by another resource, that cannot be provided by an unlicensed care giver but can only be rendered by a registered or licensed practical nurse. Examples of such services are ventilation, catheterization, and insulin shots;
- (8) Special formulas or specially prepared foods necessary because of the client's disability;
- (9) Parent/family counseling for diagnosis of grief and loss issues, genetic counseling or behavior management;

(10) Specialized clothing adapted for a physical disability, excessive wear clothing, or specialized footwear;

(11) Specialized utility costs including extraordinary utility costs resulting from the client's disability or medical condition;

(12) If another resource is not available, transportation costs, including gas, ferry fare or transit cost, so a client can receive essential services and maintain appointments; per diem costs may be reimbursed for medical appointments; and

(13) Other services approved by a DDD regional administrator or designee, according to established department guidelines.

**NEW SECTION**

**WAC 275-27-197 How can serious need funds help my family?** Your family may need extraordinary support for children or adults with developmental disabilities living in your home in addition to the basic family support services. The purpose of serious need funds is to help you get that support when you need it. If funding is available, it will usually be short-term in nature and can be used for services such as additional personal care, respite care, behavior management and licensed nursing care.

**NEW SECTION**

**WAC 275-27-198 How can my family qualify for serious need funds?** Your family may qualify for serious need funds if the following conditions are met:

- (1) The basic program services outlined in WAC 275-27-190 (community guide, personal care services, short-term intervention services, etc.) are currently being used by your family or they have been exhausted;
- (2) You and your case manager have examined other resources like the medically intensive home care program; private insurance, local mental health programs and programs available through the public schools and has found them either unavailable, inappropriate or insufficient for your needs;
- (3) The support is crucial for the child or adult with developmental disabilities to continue living in your home; and
- (4) By receiving serious need funds, your family's future need for DDD expenditures will be reduced.

**NEW SECTION**

**WAC 275-27-199 How does my family request serious need funds?** You must contact your case manager who will submit a written request to the appropriate DDD regional administrator. The request must:

- (1) Indicate the type of services your family needs;
- (2) Explain why those services can only be obtained through the use of serious need funds;
- (3) Outline the changes you anticipate in your family situation if the requested services are not received;
- (4) Estimate the length of time your family will need the requested services; and
- (5) Propose funding review dates.

NEW SECTION

**WAC 275-27-200 What amount of serious need funding is available to my family?** (1) The maximum amount of funding available is four hundred dollars per month or two thousand four hundred dollars in a six-month period, unless the department determines your family member requires licensed nursing care. If licensed care is required, the maximum funding level is two thousand four hundred dollars per month.

## (2) REMEMBER:

- (a) Funding must be available in order to receive serious need services.
- (b) Serious need funds are usually short-term funds.
- (c) Services paid for by serious needs funds will be reviewed by DDD every six months.

NEW SECTION

**WAC 275-27-202 Who determines what family support services my family can receive?** Your family and your case manager determine what services your family needs. The department has final approval over service authorization.

NEW SECTION

**WAC 275-27-204 What department restrictions apply to family support payments?** (1) All family support service payments must be authorized by the department.

- (2) The department may contract directly with:
  - (a) A service provider, or
  - (b) A parent for the reimbursement of goods or services purchased by the parent, or
  - (c) An agency to purchase goods and services on behalf of a client.
- (3) The department's authorization period will start when you agree to be in this program. The period will last one year and may be renewed if you continue to need services.

NEW SECTION

**WAC 275-27-211 What are regional family support advisory councils?** (1) Each developmental disabilities division regional administrator must appoint a family support advisory council to serve as a subcommittee of the regional advisory council. The membership of this family support advisory council must include at least one parent representatives and at least one case manager.

- (2) The purpose of these family support advisory councils is to advise the regional administrator regarding:
  - (a) Family support issues;
  - (b) Guidelines for approving or denying short term intervention requests;
  - (c) Community needs; and
  - (d) Recommendations for community service grants.
- (3) Family support advisory councils must meet at twice a year.

NEW SECTION

**WAC 275-27-212 What are community service grants?** (1) Community service grants are funded by the division of developmental disabilities family support program to promote community oriented projects that benefit families. Community service grants may fund long-term or short-term projects that benefit children and/or adults.

Agencies or individuals may apply for funding. The department will announce the availability of funding.

(2) To qualify for funding, a proposed project must address one or more of the following topics:

- (a) Provider support and development;
  - (b) Parent helping parent; or
  - (c) Community resource development.
- (3) Goals for community service projects are as follows:
- (a) Enable families to use generic resources;
  - (b) Reflect geographic, cultural and other local differences;
  - (c) Support families in a variety of noncrisis-oriented ways;
  - (d) Prioritize support for unserved families;
  - (e) Address the diverse needs of Native Americans, communities of color and limited or non-English speaking groups;
  - (f) Be family focused;
  - (g) Increase inclusion of persons with developmental disabilities; and
  - (h) Benefit families who have children or adults eligible for services from DDD.
- (4) Decisions to approve or reject community service grant requests are made by DDD regional administrators considering the recommendations of their regional family support advisory councils. The DDD director has the discretion to award community service grants that have statewide significance.
- (5) DDD may sponsor two family support conferences in different areas of the state each year. The purpose of these conferences is to discuss areas addressed by community service grants and other issues of importance to families.

NEW SECTION

**WAC 275-27-213 Who is covered under these rules?** These sections (WAC 275-27-180 through 275-27-212) apply to persons enrolled in family support after June 1996. Those enrolled before June 1996 are covered under WAC 275-27-220 through 275-27-223.

WSR 98-23-096

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed November 18, 1998, 11:35 a.m.]

Supplemental Notice to WSR 98-19-128.

Preproposal statement of inquiry was filed as WSR 98-12-078.



**Title of Rule:** Chapter 16-200 WAC, Feeds, fertilizers and livestock remedies, WAC 16-200-7062 Sample preparation and analysis methods.

**Purpose:** The proposed language specifically identifies the commercial fertilizer sample preparation and total metals analysis methods which must be used for submitting metals information with a commercial fertilizer registration application.

**Statutory Authority for Adoption:** Chapter 15.54 RCW.  
**Statute Being Implemented:** Chapter 15.54 RCW.

**Summary:** The proposed rules adopt methods for total metals analysis and reporting which will enable the fertilizer industry to analyze their products for nine metals as required by chapter 15.54 RCW. It also requires a specific sample preparation method, EPA method 3050B. Products not registered using sample preparation method 3050B must be registered in the next annual commercial fertilizer registration cycle using sample preparation method 3050B.

**Reasons Supporting Proposal:** Comments received at the rule-making hearings held under the original notice, and information received by the department, indicate that one standardized sample preparation method is needed to ensure accurate, precise and reproducible analyses of commercial fertilizers. A standardized sample preparation method will also allow the department to compare and assess data submitted from a variety of sources. The reasons for the remainder of the rule remain in the same as those contained in the original filing.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Ted Maxwell, 1111 Washington Street, (360) 902-2026.

**Name of Proponent:** Department of Agriculture, governmental.

Rule is not necessitated by federal law, federal or state court decision.

**Explanation of Rule, its Purpose, and Anticipated Effects:** The proposed language specifically identifies the sample preparation and total metals analysis methods to be used when submitting an application for commercial fertilizer for registration. The proposal also requires registration using the specified sample preparation method during the next commercial fertilizer registration cycle for those products not previously registered using the specified preparation method.

Proposal does not change existing rules. The proposed language revises the language for proposed WAC 16-200-7062 which was filed under WSR 98-19-128.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

**Small Business Economic Impact Statement**

**NOTE:** The small business economic impact statement was filed with the original notice, WSR 98-19-128.

A copy of the statement may be obtained by writing to Laurie Mauerman, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2012, fax (360) 902-2093.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

**Hearing Location:** Washington Interactive Technologies, 710 Sleater-Kinney Road S.E., Suite Q, Lacey, WA 98503; and Washington Interactive Technologies, North 1101 Argonne, Suite 109, Spokane, WA 99201, on December 22, 1998, at 6:00 p.m.

**Assistance for Persons with Disabilities:** Contact Cathy Jensen, TDD (360) 902-1996.

**Submit Written Comments to:** Laurie Mauerman, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2093, by December 22, 1998.

**Date of Intended Adoption:** December 30, 1998.

November 18, 1998

Bob Arrington  
 Assistant Director

PROPOSED

**NEW SECTION**

**WAC 16-200-7062 What method must I use to analyze the total metals contained in my commercial fertilizer?** (1) You must prepare your sample of commercial fertilizer using U.S. Environmental Protection Agency ("EPA") sample preparation method 3050B. You must analyze your commercial fertilizer for the total concentration of each of the following nine metals in each commercial fertilizer using one or more of the EPA analysis methods listed in Table 1. All methods are described in EPA's SW-846, Third Edition.

**Table 1. Acceptable Sample Preparation and Analysis Methods for Total Metals**

<b>Metal</b>	<b>Inductively Coupled Plasma (ICP)</b>	<b>Atomic Absorption</b>	<b>Inductively Coupled Plasma Mass Spectroscopy (ICP/MS)</b>
Arsenic (As)	6010, 6010A, 6010B	7060A, 7061A	6020
Cadmium (Cd)	6010, 6010A, 6010B	7131A	6020
Cobalt (Co)	6010, 6010A, 6010B	7201	6020
Lead (Pb)	6010, 6010A, 6010B	7420, 7421	6020
Molybdenum (Mo)	6010, 6010A, 6010B	7480	6020
Nickel (Ni)	6010, 6010A, 6010B	7520, 7521	6020
Selenium (Se)	6010, 6010A, 6010B	7740, 7741A	6020
Zinc (Zn)	6010, 6010A, 6010B	7951	6020

Metal	Inductively Coupled Plasma (ICP)	Atomic Absorption	Inductively Coupled Plasma Mass Spectroscopy (ICP/MS)
Mercury (Hg)		7470A, 7471A	
Sample Preparation	3050B	3050B	3050B

Copies of SW-846 Third Edition and all associated updates are available from: The Government Printing Office, Superintendent of Documents, Washington, DC 20402, (202) 512-1800, and from the Department of Commerce, National Technical Information Center, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4650 or 800-553-NTIS.

(2) Other sample preparation and analysis methods for total concentration of each metal in each commercial fertilizer may be used only under the following conditions:

(a) You must submit a request to the department, in writing, detailing the sample preparation and analysis methods, minimum detection limits and quality assurance, quality control documentation and a side-by-side comparison of the analysis results from the alternative method to one of the approved methods' analysis results of the same material; and

(b) The department, after reviewing the request, may approve the sample preparation or analysis method only if the capability of the method meets or exceeds the sensitivity and accuracy of the applicable method listed in the Table 1.

(3) Any commercial fertilizer product registered prior to the enactment of these provisions using any sample preparation or analysis method not authorized by subsection (1) or (2) must be registered in accordance with subsection (1) or (2) in the next annual commercial fertilizer registration cycle.

PROPOSED

**WSR 98-23-097**  
**EXPEDITED ADOPTION**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed November 18, 1998, 11:54 a.m.]

Title of Rule: Aquatic nuisance species.

Purpose: Amend rules to monitor and eradicate aquatic nuisance species.

Other Identifying Information: This rule is proposed pursuant to the Washington state aquatic nuisance species management plan, see WSR 98-11-104.

Statutory Authority for Adoption: RCW 77.12.020, 77.12.040, 75.24.140.

Statute Being Implemented: RCW 75.24.140.

Summary: Designate European green crab and Chinese mitten crab as deleterious exotic species and aquatic nuisance species, allow monitoring and control of aquatic nuisance species.

Reasons Supporting Proposal: These two crab species present a threat to indigenous species and to watercourses.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, (360) 902-2930; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, WA, (360) 902-2325; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, WA, (360) 902-2375.

Name of Proponent: Washington State Department of Fish and Wildlife.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Designates green crab and mitten crab as aquatic nuisance species and allows qualified persons to monitor these species.

Proposal Changes the Following Existing Rules: Includes zebra mussels as aquatic nuisance species.

**NOTICE**

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Evan Jacoby, Rules Coordinator, Fish and Wildlife, 600 Capitol Way, Olympia, WA 98501, AND RECEIVED BY January 16, 1999.

November 18, 1998

Evan Jacoby  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-15-096, filed 7/19/96, effective 8/19/96)

**WAC 232-12-01701 ((Zebra mussels)) Aquatic nuisance species.** (1) The following species are designated as deleterious exotic wildlife and aquatic nuisance species:

(a) Zebra mussels, including *Dreissena polymorpha* and other species commonly known as quagga;

(b) The European green crab, *Carcinus maenas*; and

(c) Chinese mitten crabs, including all members of the genus *Eriocheir* ((-are hereby designated as deleterious exotic wildlife and a public nuisance))

(2) It is unlawful to intentionally import into the state or possess ((zebra mussels)) aquatic nuisance species except as provided in this section.

(3) Zebra mussels: It is unlawful to import live aquatic organisms, including plants, for release into state waters from any state or Canadian province east of the Continental Divide without each importation being accompanied by a zebra mussel-free certificate issued by the department and signed by the supplier of the aquatic organisms. The original receiver in the state of Washington of the shipment of aquatic organisms is required to retain the zebra mussel-free certificate for two years. Secondary receivers, while in possession of live aquatic organisms, are required to retain invoices or other records showing who was the original receiver.

(4) Scientific research: The director may authorize, by prior written permit, a person to possess ((zebra mussels)) aquatic nuisance species for scientific research, provided:

(a) Specimens are confined to a secure facility, defined as an enclosure that will prevent the escape or release of ((zebra mussels)) aquatic nuisance species or any form of ((zebra mussel)) aquatic nuisance species larvae, is not a natural watercourse, and is inaccessible to wildlife or other animals that could transport ((zebra mussels or zebra mussel larvae)) aquatic nuisance species.

(b) Specimens are not transferred to any other facility((-)) without written approval by the director or designee.

(c) All zebra mussels are incinerated or chemically preserved at the conclusion of the project, and the enclosure, holding waters and all equipment are disinfected. All other aquatic nuisance species must be killed at the conclusion of the project and either chemically preserved or disposed of in a landfill.

(d) The permittee provides an annual report to the department, no later than January 31 of the following year, on a form provided by the department, describing the number, size and location of ((zebra mussel)) aquatic nuisance species enclosures and general nature of the research.

((e) ~~All zebra mussel enclosures are subject to inspection without warrant at reasonable times and in a reasonable manner by authorized department personnel.~~)

(5) Monitoring and control programs: The director may authorize persons working within the scope and supervision of a department-sponsored monitoring and control program to capture, possess and destroy aquatic nuisance species, provided:

(a) The persons have completed a mandatory training program and are certified by the department;

EXPEDITED ADOPTION

(b) The persons have a permit authorized by the director or designee in possession;

(c) All aquatic nuisance species are disposed of in accordance with the monitoring and control program; and

(d) Participants submit a report to the department within 30 days of any monitoring or control activity in accordance with the specifications outlined in the monitoring and control program.

(6) Abatement. Except as provided for in subsection (4) of this section, the department may take action to prevent or abate introduced (~~zebra mussels~~) aquatic nuisance species as a public nuisance, including chemical treatment of the water containing the (~~zebra mussels~~) aquatic nuisance species or object to which (~~the zebra mussels are~~) an aquatic nuisance species is attached, heat treatment of such object, or other abatement measures as are appropriate. The possessor of (~~zebra mussels~~) aquatic nuisance species may be responsible for costs incurred by the department in abating (~~a zebra mussel~~) an aquatic nuisance species infestation.

**Reviser's note:** The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

EXPEDITED ADOPTION

**WSR 98-23-001**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed November 4, 1998, 12:35 p.m.]

Date of Adoption: November 3, 1998.

Purpose: Supplemental filing to amend two sections of chapter 16-607 WAC, adopted September 11, 1998 (WSR 98-19-037), and to add two new sections.

Citation of Existing Rules Affected by this Order: Chapter 16-607 WAC, amending WAC 16-607-005 to exempt livestock youth organizations from the definition of "Farmers Cooperative Association"; and WAC 16-607-060 to add a maximum certification fee of \$100 if more than three applicants are employed by the same veterinary hospital and to add that inspections by WSDA-certified veterinarians are conducted upon request and provided at the discretion of the veterinarian.

Statutory Authority for Adoption: RCW 16.57.350, 16.58.030, 16.65.020.

Adopted under notice filed as WSR 98-19-087 on September 22, 1998, and continued as WSR 98-22-042 on October 30, 1998.

Changes Other than Editing from Proposed to Adopted Version: WAC 16-607-120(2), clarifying language was added at the suggestion of industry to state clearly that the department is responsible for adding livestock identification information and stamping the purchase invoice to allow it to serve as the inspection clearance. It was also requested that additional language state that the department will be available "at all reasonable business hours on sale days" and to specify that a separate certificate "be furnished in lieu of livestock identification information on the purchase invoice."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 3, 1998

Jim Jesernig  
 Director

**AMENDATORY SECTION** (Amending WSR 98-19-037, filed 9/11/98, effective 10/12/98)

**WAC 16-607-005 Definitions.** (1) "Association of livestock breeders" means any properly incorporated association whose membership is made up of livestock breeders.

(2) "Brand" means a permanent fire brand, or any artificial mark, other than an individual identification symbol, approved by the director to be used in conjunction with a brand or by itself.

(3) "Brand inspection" or "livestock inspection" means the examination of livestock or livestock hides for brands or any means of identifying livestock or livestock hides including the examination of documents providing evidence of ownership.

(4) "Certificate of permit" or "transportation permit" means a form prescribed by and obtained from the director that is completed by the owner or a person authorized to act on behalf of the owner to show the ownership of livestock. It does not evidence inspection of livestock.

(5) "Collecting point" means livestock inspection points designated by the Washington state beef commission to collect beef commission assessment payments directly from cattle producers and remit to the Washington state beef commission.

(6) "Department" means the department of agriculture of the state of Washington.

(7) "Director" means the director of the department or his/her duly authorized representative.

(8) "Farmers cooperative association" means any properly incorporated cooperative association whose membership is made up of livestock producers. This does not include livestock youth organizations such as 4-H, FFA, or other junior livestock groups.

(9) "Individual identification symbol" means a permanent mark placed on a horse for the purpose of individually identifying and registering the horse and which has been approved for use as such by the director.

(10) "Inspection certificate" means a certificate issued by the director or a veterinarian certified by the director documenting the ownership of an animal based on an inspection of the animal. It includes an individual identification certificate.

(11) "Licensee" means any person licensed to operate a market under chapter 16.65 RCW.

(12) "Livestock" means all cattle, horses, burros, and mules of whatever species, breed or age.

(13) "Lot" means livestock of one ownership.

(14) "Market" means public livestock market as defined in RCW 16.65.010(1).

(15) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

(16) "Production record brand" means a number brand that is used for production identification purposes only.

(17) "Purchase invoice" means the invoice issued by a public livestock market to the purchaser of cattle or horses consigned to the market.

(18) "Self-inspection certificate" means a form prescribed by and obtained from the director that is used for self-inspection of cattle or horses and is signed by the buyer and seller of the cattle or horses.

NEW SECTION

**WAC 16-607-055 Review of complaints and procedures.** (1) The department may review or investigate verified complaints filed regarding ownership disputes.

(2) The department will regularly evaluate inspection procedures and recordkeeping at established livestock inspection points through unscheduled visits during normal business hours.

**AMENDATORY SECTION** (Amending WSR 98-19-037, filed 9/11/98, effective 10/12/98)

**WAC 16-607-060 Certification of veterinarians to issue inspection certificates.** The director may certify veterinarians licensed and accredited in Washington state to issue inspection certificates for livestock.

(1) No veterinarian may issue an inspection certificate unless that individual has met the certification requirements and paid the certification fee.

(2) Application for certification is on a form prescribed by the director. The application will include the following information:

(a) The full name and principal business address of the individual applying for certification.

(b) The applicant's Washington state veterinary license number.

(c) The geographic area in which the applicant will provide service.

(d) A statement regarding the applicant's experience with large animals, especially cattle and horses.

(e) Whether the applicant is requesting certification to issue inspection certificates for cattle or horses or both.

(f) The signature of the veterinarian requesting certification.

(g) Any other reasonable information the department finds necessary to carry out the purpose of this chapter.

(3) The fee for certification is thirty-five dollars. If more than three applicants are employed by the same veterinary hospital there shall be a maximum certification fee of one hundred dollars for all veterinarians employed by that facility. Each hospital will submit a list of veterinarians to be certified. The certification expires on the third December 31st following the date of issuance.

(4) All veterinarians applying for certification must complete training provided by the department. Training will include but not be limited to the reading of printed brands and brands or other marks on live animals, completion of official documents and review of satisfactory ownership documents. The department will provide a copy of the most current brand book and any supplements issued to date to each person certified.

(5) The department will maintain a list of veterinarians certified to perform livestock inspection. The list is available upon request to interested persons.

(6) Inspections by veterinarians certified by the department are conducted upon request and provided at the discretion of the veterinarian.

~~((6))~~ (7) Certified veterinarians must submit required inspection fees to the department with copies of each certifi-

cate issued. An additional fee may be charged that is separate from fees collected under RCW 16.57.220 and WAC 16-607-065.

~~((7))~~ (8) The department may withdraw or deny approval of certified veterinarians to perform livestock inspection under the following circumstances:

(a) For knowingly making false or inaccurate statements regarding qualifications on an application.

(b) For knowingly making or acquiescing in false or inaccurate statements on livestock inspection certificates as to the date or location of the inspection, marks or brands on the livestock inspected, owner's name or any other statement material to the livestock inspected.

NEW SECTION

**WAC 16-607-120 Livestock inspection procedures—**

**Public livestock markets.** (1) It is the responsibility of the licensee to identify each head of cattle and horses consigned to a market by placing a numbered tag or other method of identification as approved by the director on each animal before the animals are inspected. The director may exempt from individual identification requirements certain lots of one-brand or no-brand cattle. The licensee or any consignor shall, at the request of the director, make visible any brand on any animal. The licensee is responsible for the moving and yarding of livestock necessary for inspection.

(2) No person shall remove any cattle or horses from the premises of any market without first obtaining a release from the licensee. The licensee or any agent or employee of the licensee shall not allow the removal of any cattle or horses from the premises of the market without first obtaining a livestock inspection clearance for the cattle or horses to be removed. The purchase invoice with specific livestock identification information drawn and written thereon, when stamped by the department, serves as the inspection clearance. The department is responsible for adding livestock identification information to purchase invoices and ensuring the accuracy of such information on any stamped invoice. The department will be available at the market at all reasonable business hours on sale days to carry out these duties. The purchaser may request that the director issue a separate livestock inspection certificate at no additional cost which shall be furnished in lieu of livestock identification information on the purchase invoice.

(3) Whenever any cattle or horses are offered for sale at a market and not sold, the identical animals may be offered for sale at the same market within eight days of the original inspection date without being required to pay a second livestock inspection fee, upon presentation of satisfactory proof that inspection fees previously were paid. The unsold cattle or horses must be presented for inspection without any animals having been taken from, or other animals having been added to, such lot or group of livestock and must be retained on the premises where first offered for sale within the time limit specified above.

**WSR 98-23-002**  
**PERMANENT RULES**  
**WASHINGTON STATE PATROL**

[Filed November 4, 1998, 1:43 p.m.]

Date of Adoption: October 7, 1998.

Purpose: New chapter 204-46 WAC, Backup alert devices and rear crossview mirrors, to establish acceptable standards for backup alert devices and crossview mirrors to ensure drivers of trucks with cube-style walk-in cargo boxes will be able to detect objects or persons behind them.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.400.

Adopted under notice filed as WSR 98-18-073 on September 1, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 3, 1998

Annette M. Sandberg

Chief

**Chapter 204-46 WAC**

**BACKUP ALERT DEVICES  
 AND REAR CROSSVIEW MIRRORS**

NEW SECTION

**WAC 204-46-010 Promulgation.** By authority of RCW 46.37.005 and 46.37.400 the Washington state patrol hereby adopts the following rules pertaining to backup alert devices and crossview mirrors.

NEW SECTION

**WAC 204-46-020 Backup alert devices.** Backup alert devices means any type of motion detection device, laser device, camera, or television device mounted on a truck with a cube-style, walk-in cargo box up to eighteen feet long, which will warn the driver of the detection of a person or object at a minimum of six feet to the rear of the vehicle and also encompass the width of the rear of the vehicle.

NEW SECTION

**WAC 204-46-030 Rear crossview mirrors.** Rear crossview mirrors mean any type of mirrors which, when mounted, will allow the driver of a truck with a cube-style, walk-in cargo box up to eighteen feet long, to view a minimum distance of six feet to the rear and encompass the width of the rear of the vehicle in order to be able to detect an object or person. These crossview mirrors shall be installed in a manner that will satisfy the above requirements.

**WSR 98-23-009**  
**PERMANENT RULES**  
**COMMITTEE ON**  
**ADVANCED TUITION PAYMENT**

[Filed November 5, 1998, 1:23 p.m.]

Date of Adoption: October 31, 1998.

Purpose: To establish operating procedures for the Committee on Advanced Tuition Payment consistent with chapter 42.32 RCW, Open public meetings; chapter 42.17 RCW, Public records; chapter 35.05 [34.05] RCW, Administrative Procedure Act; and chapter 43.12C [43.21C] RCW, State environmental policy.

Statutory Authority for Adoption: RCW 28B.95.030 (9)(e).

Adopted under notice filed as WSR 98-18-045 on August 28, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 31, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 31, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 5, 1998

Susan D. Patrick

Operations Manager

PERMANENT

## Title 14 WAC

COMMITTEE ON  
ADVANCED TUITION PAYMENT

## Chapter 14-104 WAC

COMMITTEE ON  
ADVANCED TUITION PAYMENTNEW SECTION

**WAC 14-104-010 Time and place of committee meetings.** The committee shall hold regular semiannual meetings at such time as it may fix. The annual meeting schedule shall be published in the *Washington State Register*. Special meetings may be requested by the chair of the committee or by a majority of the members of the committee and announced in accordance with law.

All regular and special meetings of the committee shall be held at The Capitol Campus, Olympia, Washington, unless scheduled elsewhere, and are open to the general public, except for lawful executive sessions.

No official business may be conducted by the committee except during a regular or special meeting.

NEW SECTION

**WAC 14-104-020 Request for items to be placed on committee agenda.** Anyone, other than a committee member wishing an item placed on the agenda of a committee meeting, must have a written request in the office of the secretary of the committee no later than twelve o'clock noon five business days before the next scheduled meeting of the committee. The secretary will relay the request to the chair of the committee as soon as feasible. The chair will determine whether the item is to be placed on the agenda. The chair or designee will notify the individual initiating the request as to whether or not the item will be placed on the agenda.

NEW SECTION

**WAC 14-104-030 Delegation to director.** The committee delegates to the director its authority and responsibility to administer the advanced college tuition payment program in accordance with laws, policies, and rules approved by the committee to the fullest extent permitted by law. At the operational level, the director has final administrative authority over all matters affecting the program. Employees of the program shall be employees of the higher education coordinating board and the board shall carry out administrative responsibilities otherwise not assigned to the committee until such time as the final structure and location of the program is decided by the legislature.

## Chapter 14-108 WAC

## PRACTICE AND PROCEDURE

NEW SECTION

**WAC 14-108-010 Adoption of model rules of procedure.** The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250 are adopted for use for this program. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure.

NEW SECTION

**WAC 14-108-020 Appointment of presiding officers.** The chair or designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the chair or designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, the chair or designee shall designate one person to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

**WAC 14-108-030 Method of recording.** Proceedings shall be recorded by a method determined by the presiding officer, among those available under the model rules of procedure.

NEW SECTION

**WAC 14-108-040 Application for adjudicative proceeding.** An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: 1603 Cooper Point Road, Olympia, Washington 98504-3450.

Written application for an adjudicative proceeding should be submitted to the above address within twenty calendar days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

**WAC 14-108-050 Brief adjudicative procedures.** This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are adopted by reference. Brief adjudicative procedures shall be used in all matters related to withholding services of outstanding debts.

NEW SECTION

**WAC 14-108-060 Discovery.** Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall refer to the civil rules of procedure. The presiding officer may control the frequency and nature of discovery



permitted, and order discovery conferences to discuss discovery issues.

#### NEW SECTION

**WAC 14-108-070 Procedure for closing parts of the hearings.** Any party may apply for a protective order to close part of a hearing. The party making the request shall state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten working days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons in writing within twenty working days of receiving the request.

#### NEW SECTION

**WAC 14-108-080 Recording devices.** No cameras or recording devices are allowed in those parts of proceedings that the presiding officer has determined shall be closed under WAC 14-108-070, except for the method of official recording selected by the committee.

### Chapter 14-122 WAC

#### WITHHOLDING SERVICES FOR OUTSTANDING DEBTS

#### NEW SECTION

**WAC 14-122-010 Policy.** If any purchaser of an account, or any other person, is indebted to the program for an outstanding overdue debt, the committee need not provide any further services of any kind to such individual, including, but not limited to, transmitting files, records, vouchers, or other services which have been requested by such person.

#### NEW SECTION

**WAC 14-122-020 Notification.** (1) Upon receiving a request for services where there is an outstanding debt due to the program from the requesting person, the program shall notify the person by first-class mail that the services will not be provided since there is an outstanding debt due. The person shall be told that until the debt is satisfied, requested services will not be provided.

(2) The letter of notification shall also state that the person has a right to a brief adjudicative proceeding before a person designated by the chair of the committee or designee. The proceeding must be requested within twenty days of the date of mailing notification of refusal to provide services.

#### NEW SECTION

**WAC 14-122-030 Procedure for brief adjudicative proceeding.** Upon receipt of a timely request for a hearing, the person designated by the chair shall have the records and files of the program available for review and shall hold an informal hearing concerning whether the individual in fact

owes any outstanding debts to the program. The hearing must be conducted within ten working days of the request for a hearing. After the informal hearing, a decision shall be rendered by the chair's designee indicating whether in fact the program is correct in withholding services for the outstanding debt. If the outstanding debt is owed by the individual involved, no further services shall be provided. Notification of this decision shall be sent to the individual within five working days after the hearing. This hearing shall constitute a brief adjudicative proceeding established by the Administrative Procedure Act at RCW 34.05.482 through 34.05.494.

### Chapter 14-133 WAC

#### ORGANIZATION

#### NEW SECTION

**WAC 14-133-020 Organization—Operation—Information.** (1) Organization. The advanced college tuition payment program is established in Title 28B.95 RCW. The program is governed by the committee on advanced tuition payment composed of the executive director of the higher education coordinating board, the director of the office of financial management, and the state treasurer, or their designees. The committee employs a director, who administers the program.

(2) Operation. The administrative office is located at the following address:

1603 Cooper Point Road NE  
Olympia, Washington 98504-3450

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.

(3) Information. Information concerning the advanced college tuition payment program and contracts for the purchase of tuition units may be obtained at the following address:

1603 Cooper Point Road  
Olympia, Washington

(4) The staff of the higher education coordinating board shall support the committee.

### Chapter 14-134 WAC

#### DESIGNATION OF RULES COORDINATOR

#### NEW SECTION

**WAC 14-134-010 Rules coordinator.** The rules coordinator for the advanced college tuition payment program as designated by the committee is the director of the program.

## Chapter 14-276 WAC

## ACCESS TO PUBLIC RECORDS

NEW SECTION

**WAC 14-276-010 Purpose.** The purpose of this chapter is to ensure that the advanced college tuition payment program complies with the provisions of chapter 42.17 RCW and in particular with those sections of that chapter dealing with public records.

NEW SECTION

**WAC 14-276-020 Definitions.** (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

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

(3) The "committee on advanced college tuition payment" is an agency organized by statute pursuant to chapter 28B.95 RCW. The committee on advanced college tuition payment shall hereafter be referred to as the "committee." Where appropriate, the term "committee" also refers to the staff and employees of the committee.

NEW SECTION

**WAC 14-276-030 Description of central and field organization of the committee on advanced college tuition payment.** (1) The committee on advanced college tuition payment is a state agency established and organized under the authority of chapter 28B.95 RCW for the purpose of implementing the advanced college tuition payment program ("program") established by the legislature. The administrative office of the program is located at 1603 Cooper Point Road, Olympia, Washington.

(2) The program is operated under the supervision and control of the committee. The committee consists of the executive director of the higher education coordinating board, the director of the office of financial management, and the state treasurer, or their designees. The committee normally meets semiannually, as provided in WAC 14-104-010. The committee employs a director and an administrative staff. The committee takes such actions and promulgates such rules and policies as are necessary to the administration and operation of the program.

(3) The director is responsible to the committee for the operation and administration of the program.

(4) The staff of the higher education coordinating board shall support the committee and the board shall carry out

administrative responsibilities otherwise not assigned to the committee.

NEW SECTION

**WAC 14-276-040 Operations and procedures.** Formal decision-making procedures are established by the committee through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

NEW SECTION

**WAC 14-276-050 Public records available.** All public records of the program, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 or other statutes.

NEW SECTION

**WAC 14-276-060 Public records officer.** The committee's public records shall be in the charge of the public records officer designated by the committee. The person so designated shall be located in the administrative office. The public records officer shall be responsible for the following: Implementation of the committee's rules regarding release of public records, coordinating employees in this regard, and generally ensuring compliance by committee employees with the public records disclosure requirements in chapter 42.17 RCW.

NEW SECTION

**WAC 14-276-070 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the committee. For purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon, and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays and holidays.

NEW SECTION

**WAC 14-276-080 Requests for public records.** In accordance with the requirements of RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the committee which shall be available at the committee's administrative office. The form shall be presented to the public records officer or, if the public records officer is not available, to any member of the committee's staff at the committee administrative office during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

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

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

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

#### NEW SECTION

**WAC 14-276-090 Copying.** No fee shall be charged for the inspection of public records. The committee may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records and such charges shall not exceed the amount necessary to reimburse the committee for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate committee official. All charges must be paid by money order, cashier's check, or cash in advance.

#### NEW SECTION

**WAC 14-276-100 Determination regarding exempt records.** (1) The committee reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 14-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 or other statute. Such determination may be made in consultation with the public records officer, or an assistant attorney general assigned to the committee.

(2) Pursuant to RCW 42.17.260, the committee reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy or impair a vital governmental interest: *Provided, however,* That in each case, the justification for the deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within two business days as to whether his request for a public record will be honored.

(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the public record withheld.

#### NEW SECTION

**WAC 14-276-110 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the chair of the committee or designee.

(3) Within five business days after receiving the written request by a person petitioning for a prompt review of a decision denying a public record, the chair of the committee or designee, shall complete such review.

(4) During the course of the review the chair or designee shall consider the obligations of the committee to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in RCW 42.17.310 or other pertinent statutes, and the provisions of the statute which require the committee to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

#### NEW SECTION

**WAC 14-276-120 Protection of public records.** Requests for public records shall be made at the administrative office of the committee at 1603 Cooper Point Road, Olympia, Washington. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 14-276-090.

#### NEW SECTION

**WAC 14-276-130 Records index.** (1) The committee has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the committee after September 1, 1998:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the committee whereby the committee determines,

or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index maintained by the committee shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

**NEW SECTION**

**WAC 14-276-140 Adoption of form.** The committee hereby adopts for use by all persons requesting inspection and/or copying or copies of its records the following form:

**REQUEST FOR PUBLIC RECORD TO COMMITTEE ON ADVANCED TUITION PAYMENT**

(a) .....

Name (please print)                      Signature

Name or Organization, if applicable

Mailing Address                      Phone Number  
of Applicant

(b) .....

Date Request Made                      Time of Day  
Request Made

(c) Nature of Request .....

(d) Identification Reference on Current Index (Please describe)

(e) Description of Record, or Matter, Requested if not Identifiable by Reference to the Committee on Advanced Tuition Payment Index

Request: APPROVED ..... DENIED ..... Date .....

By .....

Name                      Title

Reasons for Denial: .....  
.....  
.....

Referred to ..... Date .....

By .....

Name                      Title

**Chapter 14-325 WAC**

**STATE ENVIRONMENTAL POLICY ACT RULES**

**NEW SECTION**

**WAC 14-325-010 Implementation of State Environmental Policy Act.** (1) It shall be the policy of the committee on advanced tuition payment that all actions taken by the committee shall comply with the provisions of chapter 43.21C RCW (the State Environmental Policy Act), chapters 197-11 and 132-24 WAC.

(2) The chair of the committee or designee shall be responsible for administering and implementing this policy.

**WSR 98-23-013  
PERMANENT RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 98-232—Filed November 6, 1998, 1:06 p.m.]

Date of Adoption: October 27, 1998.

Purpose: To amend WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished and to amend WAC 232-12-014 Wildlife classified as endangered species.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-011 and 232-12-014.

Statutory Authority for Adoption: RCW 77.12.020.

Adopted under notice filed as WSR 98-19-025 on September 9, 1998.

Changes Other than Editing from Proposed to Adopted Version: WAC 232-12-011 was further amended to remove, fisher *Martes pennanti*, from subsection (3).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

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Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
November 3, 1998  
Lisa Pelly, Chair  
Fish and Wildlife Commission

**AMENDATORY SECTION** (Amending Order 98-71, filed 4/22/98, effective 5/23/98)

**WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished.** Protected wildlife are designated into three subcategories: Threatened, sensitive, and other.

(1) Threatened species are any wildlife species native to the state of Washington that are likely to become endangered within the foreseeable future throughout a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as threatened include:

Common Name	Scientific Name
western gray squirrel	<i>Sciurus griseus</i>
Steller (northern) sea lion	<i>Eumetopias jubatus</i>
North American lynx	<i>Lynx canadensis</i>
Aleutian Canada goose	<i>Branta Canadensis leucopareia</i>
bald eagle	<i>Haliaeetus leucocephalus</i>
ferruginous hawk	<i>Buteo regalis</i>
marbled murrelet	<i>Brachyramphus marmoratus</i>
green sea turtle	<i>Chelonia mydas</i>
loggerhead sea turtle	<i>Caretta caretta</i>
sage grouse	<i>Centrocercus urophasianus</i>
sharp-tailed grouse	<i>Phasianus columbianus</i>

(2) Sensitive species are any wildlife species native to the state of Washington that are vulnerable or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as sensitive include:

Common Name	Scientific Name
Gray whale	<i>Eschrichtius gibbosus</i>
Larch Mountain salamander	<i>Plethodon larselli</i>
<u>Pygmy whitefish</u>	<u><i>Prosopium coulteri</i></u>
<u>Margined sculpin</u>	<u><i>Cottus marginatus</i></u>

(3) Other protected wildlife include:

Common Name	Scientific Name
cony or pika	<i>Ochotona princeps</i>
least chipmunk	<i>Tamias minimus</i>

Common Name	Scientific Name
yellow-pine chipmunk	<i>Tamias amoenus</i>
Townsend's chipmunk	<i>Tamias townsendii</i>
red-tailed chipmunk	<i>Tamias ruficaudus</i>
hoary marmot	<i>Marmota caligata</i>
Olympic marmot	<i>Marmota olympus</i>
Cascade golden-mantled ground squirrel	<i>Spermophilus saturatus</i>
golden-mantled ground squirrel	<i>Spermophilus lateralis</i>
Washington ground squirrel	<i>Spermophilus washingtoni</i>
red squirrel	<i>Tamiasciurus hudsonicus</i>
Douglas squirrel	<i>Tamiasciurus douglasii</i>
northern flying squirrel	<i>Glaucomys sabrinus</i>
<del>(fisher</del>	<del><i>Martes pennanti</i>)</del>
wolverine	<i>Gulo gulo</i>
painted turtle	<i>Chrysemys picta</i>
California mountain kingsnake	<i>Lampropeltis zonata;</i>

All birds not classified as game birds, predatory birds or endangered species, or designated as threatened species or sensitive species; all bats, except when found in or immediately adjacent to a dwelling or other occupied building; ~~((all wildlife within Titlow Beach Marine Preserve Area and the conservation areas defined in chapter 220-16 WAC;))~~ all wildlife within Titlow Beach Marine Preserve Area and the conservation areas defined in chapter 220-16 WAC; mammals of the order *Cetacea*, including whales, porpoises, and mammals of the order *Pinnipedia* not otherwise classified as endangered species, or designated as threatened species or sensitive species. This section shall not apply to hair seals and sea lions which are threatening to damage or are damaging commercial fishing gear being utilized in a lawful manner or when said mammals are damaging or threatening to damage commercial fish being lawfully taken with commercial gear.

**AMENDATORY SECTION** (Amending Order 97-167, filed 8/25/97, effective 9/25/97)

**WAC 232-12-014 Wildlife classified as endangered species.** Endangered species include:

Common Name	Scientific Name
pygmy rabbit	<i>Brachylagus idahoensis</i>
<u>fisher</u>	<u><i>Martes pennanti</i></u>
gray wolf	<i>Canis lupus</i>
grizzly bear	<i>Ursus arctos</i>
sea otter	<i>Enhydra lutris</i>
sei whale	<i>Balaenoptera borealis</i>

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Common Name	Scientific Name
fin whale	<i>Balaenoptera physalus</i>
blue whale	<i>Balaenoptera musculus</i>
humpback whale	<i>Megaptera novaeangliae</i>
black right whale	<i>Balaena glacialis</i>
sperm whale	<i>Physeter macrocephalus</i>
Columbian white-tailed deer	<i>Odocoileus virginianus leucurus</i>
woodland caribou	<i>Rangifer tarandus caribou</i>
American white pelican	<i>Pelecanus erythrorhynchos</i>
brown pelican	<i>Pelecanus occidentalis</i>
peregrine falcon	<i>Falco peregrinus</i>
sandhill crane	<i>Grus canadensis</i>
snowy plover	<i>charadrius alexandrinus</i>
upland sandpiper	<i>Bartramia longicauda</i>
spotted owl	<i>Strix occidentalis</i>
western pond turtle	<i>Clemmys marmorata</i>
leatherback sea turtle	<i>Dermochelys coriacea</i>
Oregon silverspot butterfly	<i>Speyeria zerene hippolyta</i>
Oregon spotted frog	<i>Rana pretiosa</i>

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 6, 1998

Melissa Warheit

Executive Director

**AMENDATORY SECTION** (Amending WSR 96-01-103, filed 12/19/95)

**WAC 390-17-400 Time limit to solicit or accept contributions.** (~~For purposes of complying with RCW 42.17.710:~~) The purpose of this rule is to clarify and implement RCW 42.17.710.

(1) (~~"Campaign debt,"~~) **"Campaign debt,"** as used in RCW 42.17.710 ~~and this rule,~~ means any debt incurred by a candidate seeking election to a non-federal public office, including campaigns for state, county, city, town, school district, special district or other state political subdivision elective office.

(2) (~~"Legislative caucus" means the caucus of members of a major political party in the state house of representatives or in the state senate:~~) **"Known candidates"** means individuals who are, or who become, candidates for state or local office during a legislative session freeze period.

(3) (~~"Legislative session freeze period"~~) **"Legislative session freeze period"** means the period of time in RCW 42.17.710 within which contributions shall not be solicited or accepted by a state official or a person employed by or acting on behalf of a state official.

(a) The freeze period begins at 12:01 a.m. on the thirtieth day before the start of the regular legislative session and ends at 11:59 p.m. on the thirtieth day following adjournment of the regular legislative session.

(b) If a special session is held immediately following the end of the regular legislative session, (~~this~~) the freeze period ends on the day the special session adjourns or at 11:59 p.m. on the thirtieth day following adjournment of the regular legislative session, whichever is later.

(c) If a special session is held other than within 30 days before or after a regular legislative session, the freeze period begins at 12:01 a.m. on the first day of the special session and ends at 11:59 p.m. on the final day of the special session.

(4) A successful candidate for state office who does not already hold a state office is not required to comply with RCW 42.17.710 until sworn into office.

(5) (~~An unsuccessful incumbent~~) A state official must comply with RCW 42.17.710 until (his or her term expires) he or she no longer holds state office.

(6) (~~A state official may solicit or accept contributions during the legislative session freeze period to assist his or her campaign for a federal office.~~)

(7) A state official is not prohibited from accepting gifts and other items permitted under chapter 42.52 RCW during

**WSR 98-23-016**

**PERMANENT RULES**

**PUBLIC DISCLOSURE COMMISSION**

[Filed November 6, 1998, 3:56 p.m.]

Date of Adoption: November 3, 1998.

Purpose: To implement the state supreme court's ruling in *Senate Republican Campaign Committee v. PDC* and provide guidance to state officials, persons acting on their behalf and others regarding soliciting or accepting contributions during a legislative session freeze period.

Citation of Existing Rules Affected by this Order: Amending WAC 390-17-400.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 98-19-111 on September 23, 1998.

Changes Other than Editing from Proposed to Adopted Version: The proposed rule included notice that the commission would consider whether to adopt a definition of "candidate recruitment poll or survey" as part of the rule. The commission did adopt the proposed definition.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

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the legislative session freeze period so long as the gift or other item is not (a) used to defray non-reimbursed public office related expenses, (b) a contribution to a candidate or authorized committee, or (c) used to retire a campaign debt.

(8) During the legislative session freeze period, no person shall solicit or accept contributions on behalf of or for the benefit of a state official for the purpose of retiring a campaign debt of the state official or raising funds for a state official's future election to a non-federal public office.

(9) During the legislative session freeze period, a bona fide political party shall not solicit or accept contributions on behalf of or for the benefit of a state official for the purpose of retiring a campaign debt of the state official or raising funds for a state official's future election to a non-federal public office. However, a bona fide political party may solicit or accept contributions for its own fundraising purposes.

(10) During the legislative session freeze period, a state official may sponsor, speak at or attend a fundraising event held by or on behalf of a bona fide political party as long as no contributions raised in conjunction with the event are earmarked or otherwise designated for one or more candidates for non-federal office.

(11) During the legislative session freeze period, no person shall solicit or accept contributions to a caucus political committee or any other political committee financed, controlled or operated by the legislative caucus as a whole or the officers of the caucus political committee, unless the purpose of the other political committee is to support or oppose a ballot measure.

(12) RCW 42.17.710 does not apply to the solicitation or acceptance of a contribution from a member of a legislative caucus using his or her personal funds as defined in WAC 390-17-305 or surplus funds as defined in RCW 42.17.020(41) by a caucus political committee or any other political committee financed, controlled or operated by the legislative caucus as a whole or by the officers of the caucus political committee.

(13) RCW 42.17.710 does not apply to a candidate's acceptance or use of his or her personal funds as defined in WAC 390-17-305 or his or her surplus funds as defined in RCW 42.17.020(41).

(14) During the legislative session freeze period, a state official is not prohibited from soliciting or accepting contributions on behalf of a nonprofit charitable organization.)) "Person employed by or acting on behalf of a state official" includes a caucus political committee or any political committee financed or controlled by a legislative caucus as a whole or by one or more officers of a caucus political committee.

(7) State Officials May Do the Following. During a legislative session freeze period, the activities in which state officials may engage include, but are not limited to:

(a) soliciting or accepting contributions to assist his or her own campaign for federal office;

(b) accepting gifts or other items permitted under chapter 42.52 RCW, so long as the gift or other item is not

- a contribution to an incumbent state official or known candidate,
- a contribution to a public office fund,

- used to pay a non-reimbursed public office related expense, or
- used to retire a campaign debt;

(c) attending and speaking at a fund raising event held by or on behalf of a bona fide political party, so long as the contributions raised are not earmarked or otherwise designated for any incumbent state official or known candidate;

(d) transferring their own personal funds, as defined in WAC 390-17-305, or their own surplus funds, as defined in RCW 42.17.020, to their own campaign account, so long as the funds are properly reported;

(e) soliciting or accepting contributions on behalf of a nonprofit charity; or

(f) soliciting or accepting contributions on behalf of any political committee, including a caucus political committee, a bona fide political party or a ballot measure committee, so long as the political committee does not spend the contributions for the benefit of incumbent state officials or known candidates.

(8) State Officials May Not Do the Following. During a legislative session freeze period, a state official, or a person employed by or acting on behalf of a state official, may not solicit or accept contributions that:

(a) go to an incumbent state official or known candidate;

(b) go to a public office fund;

(c) are used to pay a non-reimbursed public office related expense;

(d) are used to retire a campaign debt;

(e) go to a caucus political committee if the committee spends the contributions for the benefit of incumbent state officials or known candidates; or

(f) go to a bona fide political party or a political committee if the political party or committee spends the contributions for the benefit of incumbent state officials or known candidates.

(9) Caucus Political Committees. During a legislative session freeze period, a caucus political committee

(a) may solicit or accept contributions from caucus members if the members make the contributions with their own personal funds, as defined in WAC 390-17-305, or with their own surplus funds, as defined in RCW 42.17.020;

(b) may not solicit or accept contributions for any of the purposes specified in subsection (8) of this rule.

(10) Persons Acting on Behalf of State Officials. During a legislative session freeze period, a person employed by or acting on behalf of a state official may not solicit or accept contributions for any of the purposes specified in subsection (8) of this rule.

(11) Bona Fide Political Parties. During a legislative session freeze period, a bona fide political party may not solicit or accept contributions that are

- used for a public office fund,
- used for a state official's non-reimbursed public office related expenses,
- used for retiring a state official's campaign debt, or
- earmarked contributions to specific incumbent state officials or known candidates.

However, a bona fide political party may solicit or accept contributions for its own fund raising purposes.

**(12) Segregating Session Freeze Funds.** During a legislative session freeze period, if a state official, a caucus political committee, or another person employed by or acting on behalf of a state official solicits or accepts contributions to

- a caucus political committee,
- a bona fide political party, or
- any political committee that supports or opposes state or local office candidates.

the contributions are presumed to violate RCW 42.17.710, unless the contributions are

- deposited into a separate bank account and
- not spent for the benefit of incumbent state officials or known candidates.

However, nothing in this subsection authorizes a state official, a caucus political committee or any person employed by or acting on behalf of a state official to take any of the actions prohibited by subsections (8) or (9)(b) of this rule.

**(13) Session Freeze Solicitations.** If a person is solicited for a contribution during the legislative session freeze period

- by a state official, a caucus political committee, or another person employed by or acting on behalf of a state official, and
- the contribution is to a caucus political committee, a bona fide political party, or a political committee that supports or opposes candidates for state or local office, and
- the person makes a contribution during or after the freeze period in response to this solicitation.

the contribution is subject RCW 42.17.710 and subsection (12) of this rule.

**(14) Spending Contributions to Benefit Incumbents or Known Candidates.** For purposes of complying with subsections (7)(f), (8)(e) and (f), and (12) of this rule, contributions are considered spent for the benefit of incumbent state officials or known candidates if the contributions are used at any time for one or more of the following purposes.

(a) Contributions to incumbent state officials or known candidates.

(b) Independent expenditures supporting incumbent state officials or known candidates, or opposing their opponents, whether or not the opponents are themselves known candidates during a legislative session freeze period.

(c) Payments to staff, consultants or advisors for performing activities that directly assist or promote the election of incumbent state officials or known candidates.

(d) Polls or surveys that relate to incumbent state officials, known candidates or their districts, or to general voter attitudes or preferences, unless

- a poll or survey is produced, conducted, tabulated and analyzed according to the terms of a written confidentiality agreement and, if the agreement is breached, all reasonable steps are taken to enforce it, and
- the results of a poll or survey are not provided by the spender, or with the spender's permission or prior knowledge, to incumbent state officials, known candidates or their agents.

However, candidate recruitment poll or survey results may be provided to an individual who later becomes a

known candidate without the expenditure being considered as benefiting a known candidate so long as the poll or survey does not constitute a contribution to the individual or does not otherwise support or promote his or her election to state or local office. For purposes of this subsection, a "candidate recruitment poll or survey" is a poll or survey that is conducted for the sole purpose of recruiting candidates to run for public office and only determines

- the respondent's party preference,
- the level of support the incumbent currently has and how strong that support is, but not why he or she has that support,
- whether respondents recognize the names of individuals who may decide to seek that elective office,
- whether respondents currently hold a favorable opinion about these individuals, their abilities or fitness for elective office, but not why such opinions are held,
- whether respondents would likely vote for one or more of these individuals were they to seek office, but not why respondents would vote in the manner they indicated or whether they could be persuaded to change their vote, and
- the validity of the poll or survey results.

(e) Any other expenditure that directly benefits or promotes the election to state or local office of incumbent state officials or known candidates.

WSR 98-23-021

PERMANENT RULES

SPOKANE COUNTY AIR  
POLLUTION CONTROL AUTHORITY

[Filed November 9, 1998, 9:38 a.m.]

Date of Adoption: November 5, 1998.

Purpose: To implement federal emission guidelines for municipal solid waste combustors as established in 40 CFR Part 60, Subpart Cb.

Citation of Existing Rules Affected by this Order: Amending SCAPCA Regulation I, Article VI—Emissions Prohibited.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 98-18-055 on August 31, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.



Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 5, 1998

Kelle R. Vigeland

Air Quality Engineer I

**AMENDATORY SECTION** (Amending WSR 98-01-037, filed 12/8/97)

**SCAPCA REGULATION I, SECTION 6.17 STANDARDS FOR MUNICIPAL SOLID WASTE COMBUSTORS**

**A. Purpose.** This section implements the emission guidelines promulgated by the United States Environmental Protection Agency (EPA) in 40 CFR Part 60, Subpart Cb, establishing standards for the control of certain pollutants emitted from municipal solid waste combustors.

**B. Definitions.** The definitions in 40 CFR §60.31b, as in effect on September 1, 1998, are adopted by reference except:

1. The references to §60.52b(c) in the definitions of maximum demonstrated municipal waste combustor unit load and maximum demonstrated particulate matter control device temperature are hereby changed to §60.33b (c)(1)(i) and (ii).

2. In sections 60.53b, 60.58b, and 60.59b, Administrator means both the administrator of EPA and the Spokane County Air Pollution Control Authority.

**C. Applicability.** Section 6.17 ((This section)) applies to all facilities within Spokane County that are designated facilities as established in 40 CFR §60.32b(~~((a))~~), as in effect on September 1, 1998.

**D. Emission Standards.** The following emission standards are adopted by reference. All facilities (i.e., each municipal solid waste combustor unit) designated in C. of this section shall comply with these standards in accordance with the compliance schedule given in J. below.

1. Particulate matter emissions shall not exceed the emission limit in 40 CFR §60.33b (a)(1)(i), as in effect on September 1, 1998.

2. Opacity shall not exceed the emission limit in 40 CFR §60.33b (a)(1)(iii), as in effect on September 1, 1998.

3. Cadmium emissions shall not exceed the emission limit in 40 CFR §60.33b (a)(2)(i), as in effect on September 1, 1998.

4. Lead emissions shall not exceed the emission limit in 40 CFR §60.33b (a)(4)(~~((2)(iii))~~), as in effect on September 1, 1998.

5. Mercury emissions shall not exceed the emission limit in 40 CFR §60.33b (a)(3), as in effect on September 1, 1998.

6. Sulfur dioxide emissions shall not exceed the emission limit in 40 CFR §60.33b (b)(~~((1)(i))~~)(3)(i), as in effect on September 1, 1998.

7. Hydrogen chloride emissions shall not exceed the emission limit in 40 CFR §60.33b (b)(~~((2)(i))~~)(3)(ii), as in effect on September 1, 1998.

8. Dioxins/furans emissions shall not exceed the emission limit in 40 CFR §60.33b (c)(1)(i) or (ii), as in effect on September 1, 1998.

9. Nitrogen oxide emissions shall not exceed the emission limits in Table 1 of 40 CFR §60.33b(d) (24-hour daily arithmetic average), as in effect on September 1, 1998.

10. Carbon monoxide emissions shall not exceed the emission levels specified in Table 3 of 40 CFR §60.34b(a), as in effect on September 1, 1998.

**E. Operating Practices.** The operating practices of 40 CFR §60.53b (b) and (c), as in effect on September 1, 1998, are adopted by reference. All facilities designated in C. of this section shall comply with these practices in accordance with the compliance schedule given in J. below.

**F. Operator Training and Certification.** The operator training and certification requirements of 40 CFR §60.54b(~~((b))~~), as in effect on September 1, 1998, are adopted by reference with the following change:

1. A State certification program may only be used to meet the certification requirements if it has been demonstrated to EPA's satisfaction that the State program is equivalent to the American Society of Mechanical Engineers certification program.

All facilities designated in C. of this section shall comply with these requirements in accordance with the compliance schedule given in J. below.

**G. Fugitive Ash Emissions.** The fugitive ash emission requirements of 40 CFR §60.55b, as in effect on September 1, 1998, are adopted by reference. All facilities designated in C. of this section shall comply with these requirements in accordance with the compliance schedule given in J. below.

**H. Compliance and Performance Testing.** The compliance and performance testing requirements in 40 CFR §60.58b, as in effect on September 1, 1998, are adopted by reference with the following changes:

1. In §60.58b(c), the reference to §60.52b (a)(1) and (a)(2) is hereby changed to §60.33b (a)(1)(i) and (iii).

2. In §60.58b(d), the reference to §60.52b(a) is hereby changed to §60.33b (a)(2)(~~((i) and (iii) and~~), (a)(3), and (a)(4).

3. In §60.58b (d)(1), the reference to §60.52b (a)(3) and (4) is hereby changed to §60.33b (a)(2)(~~((i) and (iii))~~) and (a)(4).

4. All references to §60.52b (a)(5) in §60.58b are hereby changed to §60.33b (a)(3).

5. In §60.58b(e), the reference to §60.52b (b)(1) is hereby changed to §60.33b (b)(~~((1)(i))~~)(3)(i).

6. In §60.58b(f), the reference to §60.52b (b)(2) is hereby changed to §60.33b (b)(~~((2)(i))~~)(3)(ii).

7. All references to §60.52b(c) in §60.58b are hereby changed to §60.33b (c)(1)(i) and (ii).

8. In §60.58b (g)(5)(iii), the alternate testing schedule for dioxins/furans (~~(specified in §60.58b (g)(5)(iii))~~), as applicable, shall be available to facilities that achieve a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter total mass, corrected to 7 percent oxygen.

9. In §60.58b(h), the references to §60.52b(d) are hereby changed to Table 1 of §60.33b(d).

10. In §60.58b(i), the reference to §60.53b is hereby changed to Table 3 of §60.34b(a) and §60.53b (b) and (c).

11. In §60.58b(i), the references to §60.53 b(a) are hereby changed to Table 3 of §60.34b(a).

All facilities designated in C. of this section shall comply with the compliance and performance testing requirements of this subsection in accordance with the compliance schedule given in J. below.

I. Reporting and Recordkeeping. The reporting and recordkeeping requirements in 40 CFR §60.59b are adopted by reference with the following changes:

1. §60.59b (a), (b)(5), and (d)(11) are hereby deleted.
2. In §60.59b(d), the reference to §60.52b is hereby changed to §60.33b.
3. In §60.5((8))2b(d), the reference to §60.53b is hereby changed to Table 3 of §60.34b(a) and §60.53b (b) and (c).

All facilities designated in C. of this section shall comply with the recordkeeping and reporting requirements of this subsection in accordance with the compliance schedule given in J. below.

J. Compliance Schedule. All designated facilities, as determined in B. above, shall comply with the requirements of Section 6.17 as of December 1, 1999 ((This section shall become effective one year after EPA approval of the State plan required under 40 CFR Part 60, Subparts B and Cb)) except for the following:

1. The requirement specified in §60.54b(d) does not apply to chief facility operators, shift supervisors, and control room operators who have obtained full certification from the American Society of Mechanical Engineers or a state certification plan on or before December 1, 1999 ((the date of EPA approval of the State plan required under 40 CFR Part 60, Subparts B and Cb)).
2. The owner or operator may request that ((SCAPCA)) the EPA Administrator waive the requirement specified in §60.54b(d) for chief facility operators, shift supervisors, and control room operators who have obtained provisional certification from the American Society of Mechanical Engineers or a state certification plan on or before December 1, 1999 ((the date of EPA approval of the State plan required under 40 CFR Part 60, Subparts B and Cb)).
3. The initial training requirements specified in §60.54b (f)(1) shall be completed no later than 12 months after December 1, 1999 ((EPA approval of the State plan required under 40 CFR Part 60, Subparts B and Cb)), or the date prior to the day when the person assumes responsibilities affecting municipal waste combustor unit operation whichever is later.
4. The initial performance evaluation/test, required in H. above, shall be completed no later than 180 days after December 1, 1999 ((the effective date of section)).

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 98-23-022

PERMANENT RULES

CENTRAL WASHINGTON UNIVERSITY

[Filed November 9, 1998, 9:49 a.m.]

Date of Adoption: October 28, 1998.

Purpose: Accurately reflect the increased rates approved by the board of trustees, eliminate unnecessary language, and clarification and simplification of rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 106-116-040, 106-116-204, 106-116-301, 106-116-302, 106-116-306, 106-116-307, 106-116-401, 106-116-402, 106-116-403, and 106-116-404; and amending WAC 106-116-042, 106-116-102, 106-116-201, 106-116-205, 106-116-207, 106-116-210, 106-116-303, 106-116-304, 106-116-305, 106-116-308, 106-116-311, 106-116-410, 106-116-513, 106-116-514, 106-116-515, 106-116-521, 106-116-601, 106-116-603, 106-116-850, and 106-116-901.

Statutory Authority for Adoption: RCW 28B.35.120(12) and 28B.10.528.

Adopted under notice filed as WSR 98-19-067 on September 18, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 20, Repealed 10.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 20, Repealed 10.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 3, 1998

Ivory V. Nelson

President

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-042 Infractions. (1) ~~((The entire campus, including parking and traffic areas, is patrolled by the public safety and police services department with authority to issue infractions for on-campus violations. This authority is further shown in WAC 106-116-040 of this policy.~~

(2)) The public safety and police services department and its duly sworn officers have authority to issue infractions for violations of Washington Administrative Codes and ordinances and laws of the city of Ellensburg, county of Kittitas, and state of Washington, when violations occur ~~((on university-owned property)).~~

AMENDATORY SECTION (Amending Order 46, filed 3/23/81)

WAC 106-116-102 ((Faculty staff and students.)) Permit required. (1) ~~((Faculty, staff and students shall obtain))~~ A permit is required for all motor vehicles ~~((they))~~ that park on posted university grounds at specified times.

Fees may be charged and parking permits issued, which will allow vehicles to be parked in specific areas.

(2) A faculty, staff, or student owner, operator, and/or permit holder for a motor vehicle shall be held responsible for any violation involving that vehicle.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

**WAC 106-116-201 Permitted parking areas.** University-owned parking areas are ~~((marked with signs reading, "Parking by university permit only." Vehicles parked without valid parking permits will be ticketed from 7:30 a.m. to 4:30 p.m. Monday through Friday, except:~~

(1) ~~No parking permitted daily in J-8, Q-14, S-10 and O-5 lots from 4:00 a.m. to 6:00 a.m. except as posted in designated areas of those lots.~~

(2) ~~Enforcement shall be in effect twenty-four hours a day in "limited time zones" and "disabled persons areas.") posted with permitting requirements. Permit requirements will be enforced Monday through Friday, 7:30 a.m. to 4:30 p.m., unless otherwise posted. No parking is permitted from 4:00 a.m. to 6:00 a.m. where posted.~~

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

**WAC 106-116-205 Apartment residents.** ~~((+))~~ Residents of Brooklane Village, Roy P. Wahle Complex, Student Village Apartments, and Getz Short Apartments ~~((do not need parking))~~ may be required to display resident parking identification permits to park in the parking area adjacent to their respective apartments but must register their vehicles with the housing office.

~~((2) Apartment residents may purchase a commuter parking permit.~~

(3) ~~Residents of Student Village may park in lots T-22, U-22, V-22, and X-22 without a permit.)~~

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

**WAC 106-116-207 Faculty-staff parking.** Faculty and staff parking zones are posted ~~((with signs reading, "faculty and staff parking only." Student parking is not permitted in any designated faculty and staff parking zone Monday through Friday from 7:30 a.m. to 4:30 p.m.))~~ and require faculty-staff permits.

AMENDATORY SECTION (Amending WSR 90-01-006, filed 12/7/89, effective 1/7/90)

**WAC 106-116-210 Parking within designated spaces.** All vehicles shall be parked ~~((perpendicular to the bumper blocks and/or within the painted lines. In J-8 and Q-14 lots the front of the vehicle shall be facing toward and against the bumper blocks))~~ between designated lines or spaces otherwise designated.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

**WAC 106-116-303 Display of permits.** (1) Parking permits shall be conspicuously hung from the inside rearview mirror, or other location specified at time of issuance.

(2) Special permits must be displayed in the manner described at time of issuance.

~~((3) Motorcycle parking permits are to be placed in a conspicuous location on the front fork, handlebar, or fender of the motorcycle.))~~

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

**WAC 106-116-304 Disability parking permit.** Any university employee, student, or visitor who can show physical disability may apply ~~((to))~~ at the student affairs ADA ~~((affairs and student assistance))~~ office for a disability parking permit. Certification by a physician may be required. Disability permits issued by the state of Washington in all forms and disability permits issued by other state agencies or institutions shall be honored. Additionally, a CWU parking permit or daily permit is necessary in parking lots normally requiring permits.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

**WAC 106-116-305 ((Daily parking)) General permits.** (1) Daily parking permits are available from the automatic ticket dispensers and cashier's office. These permits must be displayed in clear view on the dash of the vehicle ~~((;))~~ or as instructed on the permit, readable from outside the vehicle.

(2) Thirty-minute "load/unload permits" are available for loading and unloading. Load/unload permits are available to vendors conducting business on campus, service vehicles, and student vehicles. Load/unload permits are available at the public safety and police services department.

(3) No permits are available for inoperative or disabled vehicles. Public safety and police services should be contacted if your vehicle becomes disabled in a university-owned parking lot.

(4) Quarterly, academic year, and calendar year permits are available to faculty, staff, students, and alumni through the cashiers' office.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

**WAC 106-116-308 Replacement of parking permit.** Lost or stolen parking permits must be reported to the public safety and police services department. Upon verification, the permit ~~((will))~~ may be replaced ~~((at no cost))~~ for a \$5.00 processing fee.

**AMENDATORY SECTION** (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

**WAC 106-116-311 Parking fee refunds.** (1) Application for parking permit fee refunds are to be made at the ((auxiliary services)) parking office((, Barge Hall)). The parking permit must be surrendered upon application for a refund.

(2) A full parking fee refund is obtainable only within the first seven calendar days of any academic quarter in which the permit is issued.

(3) Refunds are permitted of a prorated basis only under the following conditions:

- (a) Student teaching, or other off-campus program;
- (b) Withdrawal from the university;
- (c) Termination of employment.
- (4) Refunds will not be made for daily permits.

(5) Prorated refunds will be measured upward to the nearest 1/3, 2/3, and full cost increments.

**AMENDATORY SECTION** (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

**WAC 106-116-410 Continuous parking.** Vehicles receiving an infraction notice for violating parking and traffic regulations and which have not been moved within twenty-four hours following the issuance of the original infraction notice, shall be in violation of this section, and may be subject to removal at owner's expense.

**AMENDATORY SECTION** (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

**WAC 106-116-513 Procedure—Infractions and service thereof.** Upon probable cause to believe that a violation of these regulations has occurred, an appropriate notice of infraction may be issued setting forth the date, the approximate time, the locality, and the nature of the violation. Such notice may be served by delivering or attaching a copy thereof to the alleged violator, or by placing a copy thereof in some prominent place within or upon the vehicle. Service by mail shall be accomplished by placing a copy of the notice in the mail addressed to the alleged violator ((at the address shown on the records of the office of the registrar or the personnel services office for that person or any other last known address of that person)).

**AMENDATORY SECTION** (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

**WAC 106-116-514 Election to forfeit or contest.** The notice of infraction issued pursuant to WAC 106-116-513 of these regulations shall inform the alleged violator that he/she may elect either to forfeit the monetary penalty to the infraction(s) charged or to contest the matter(s).

(1) If the alleged violator chooses to forfeit the penalty, he/she may do so by paying the appropriate amount to the cashier's office, Barge Hall. Payment will be in cash, check, certified check, or by money order. Such payment may also be made by mail. Such forfeiture shall constitute a waiver of a right to a hearing.

(2) If the alleged violator chooses to contest, he/she may do so by contacting the ((auxiliary services)) parking office, Barge Hall, where parking infraction appeal forms are available upon request. The completed form stating the reasons for challenging the validity of the assessed obligation must be filed in the ((auxiliary services)) parking office within fifteen days of the date of the infraction notice. The appeal must be reviewed by the university parking appeal board((, consisting of three student members, one faculty member, one staff member, the chief of public safety and police services (ex officio) and the director of student activities (ex officio))). The parking appeal board will render a decision in good faith.

(3) A person charged with a parking infraction who deems himself or herself aggrieved by the final decision of the university parking appeal board may, within ten days after written notice of the final decision, appeal by filing a written notice thereof with the public safety and police services department or the ((auxiliary services)) parking office. Documents relating to the appeal shall immediately be forwarded to the lower Kittitas County district court which shall have jurisdiction over such offense and such appeal shall be heard de novo.

**AMENDATORY SECTION** (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

**WAC 106-116-515 Procedure—Complaint and information.** (1) An infraction notice served in accordance with the provisions of WAC 106-116-513 of these regulations shall constitute the complaint or information against the person to whom delivered or mailed. The person to whom the vehicle permit was issued shall be held liable, or if no permit has been issued, the owner of the vehicle shall be held liable.

(2) The complaint or information may be amended at any time, either in writing (delivered or mailed to the alleged violator) or upon motion at ((trial)) a judicial hearing in his or her presence, to include new charges of violations of these regulations.

**AMENDATORY SECTION** (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

**WAC 106-116-521 Monetary penalties.** (1) The monetary penalties to be assessed for violations of these regulations shall be those detailed in WAC 106-116-603.

(2) The chief of public safety and police services will cause:

(a) These regulations or a reasonable condensation thereof to be prominently displayed in the public safety and police services department.

(b) The amount of the monetary penalty to be written on the parking-violation notices served on alleged violators.

(c) Removal of vehicles at owner's expense when infractions remain unpaid.

**AMENDATORY SECTION** (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

**WAC 106-116-601 Traffic regulation signs, markings, barricades, etc.** (1) The director of the public safety

and police services department and the (~~auxiliary services~~) director of business services and contracts office are authorized to erect signs, barricades, and other structures and to paint marks and other directions upon the streets and roadways for the regulation of traffic and parking upon state lands devoted mainly to the educational or research activities of Central Washington University. Such signs, barricades, structures, markings, and directions shall be so made and placed as to, in the opinion of the chief of public safety and police services and the director of (~~auxiliary services~~) business services and contracts, best effectuate the objectives stated in WAC 106-116-020 of these regulations.

(2) No sign, barricade, structure, marking, or direction for the purpose of regulating traffic or parking shall be moved, defaced, or in any way changed by any person without authorization from the chief of public safety and police services.

**AMENDATORY SECTION** (Amending Order CWU AO 74, filed 10/3/94, effective 11/3/94)

**WAC 106-116-603 Monetary penalty schedule.**

Offense	Penalty
(1) Improper display of permit . . . . .	\$ 5.00
(2) Parking faculty-staff area . . . . .	<del>((12.00))</del> <u>15.00</u>
(3) Parking yellow stripe or curb . . . . .	<del>((7.00))</del> <u>15.00</u>
(4) Parking outside designated parking area . . . . .	<del>((7.00))</del> <u>15.00</u>
(5) Obstructing traffic . . . . .	25.00
(6) Parking at improper angle or using more than one stall ( <del>(-or backing into parking stall)</del> ) . . . . .	7.00
(7) Violation of the bicycle parking rules in WAC 106-116-901 . . . . .	7.00
(8) Reserved parking area . . . . .	<del>((12.00))</del> <u>15.00</u>
(9) No parking area . . . . .	<del>((10.00))</del> <u>15.00</u>
(10) Overtime parking . . . . .	<del>((7.00))</del> <u>10.00</u>
(11) Using counterfeit, falsely made, or altered permit . . . . .	100.00
(12) Illegal use of permit . . . . .	100.00
(13) No current permit . . . . .	<del>((7.00))</del> <u>12.00</u>
(14) Parking service drive . . . . .	<del>((12.00))</del> <u>15.00</u>
(15) Parking/driving sidewalks, malls . . . . .	15.00
(16) Parking/driving lawns . . . . .	20.00
(17) Parking fire lane . . . . .	25.00
(18) Parking fire hydrant . . . . .	25.00

Offense	Penalty
(19) Driving, walking, leading, etc., certain animals on campus without permit (WAC 106-116-10401) . . . . .	12.00
(20) Other violations of the objectives of the CWU parking and traffic regulations . . . . .	7.00 to 12.00
(21) Parking in a space marked "disabled person permit only" . . . . .	<del>((30.00))</del> <u>by statute</u>
(22) Continuous parking . . . . .	20.00

Parking infraction notices shall qualify for a (~~(\$3.00))~~ reduction in monetary penalty if paid to the cashier's office in Barge Hall before close of business on the succeeding work day following issuance of the notice. Parking infraction notices received on the last business day of a week must be paid the first business day of the following week to qualify for a (~~(\$3.00))~~ reduction in the monetary penalty. The cashier's office is open Monday through Friday, 8:00 a.m. to 5:00 p.m.

Failure to respond within fifteen days will result in the issuance of an overdue notice and an administrative charge of \$2.00 will be added. If payment has not been received within ten days after issuance of the overdue notice, the original monetary penalty will be doubled except that, in accordance with RCW 46.63.110(3), the penalty for failure to respond shall not exceed \$25.00 for any single infraction. Further failure to respond may result in one or more of the following sanctions:

- (a) Withholding of transcripts;
- (b) Deduction from payroll checks; and/or
- (c) Withholding of parking permits.

**AMENDATORY SECTION** (Amending Order 63, filed 5/18/88)

**WAC 106-116-850 (~~(Purpose)) Skateboard regulations.~~** The purposes of WAC 106-116-850 through 106-116-859 are:

- (1) To protect and control pedestrian traffic and traffic of persons using skateboards.
- (2) To protect wooden and concrete benches, ramps for the disabled, brick and paved walkways, stairs, steps, loading ramps, and plazas from physical damage and more than ordinary wear caused by use of skateboards.

**AMENDATORY SECTION** (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

**WAC 106-116-901 Bicycle parking and traffic regulations.** (1) The primary aim of the bicycle control program is safety, and this aim will be achieved by keeping bicycles out of buildings, away from building exits, and parking them off paths and sidewalks. Bicycles must never be parked in stairwells, hallways, or any place which will be a safety hazard or hinder exit from buildings.

(2) Bicycles must be parked in racks. At times, rack space may not be available and parking near the racks is per-

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mitted provided the parked bicycles do not interfere with pedestrian traffic.

(3) The following specific regulations must be observed while operating bicycles on campus:

- (a) Do not ride bicycles inside buildings at any time.
- (b) Do not lean or park bicycles near or against windows.

(c) Pedestrians have the right of way on all malls and sidewalk areas of the university. At all times and places of congested pedestrian traffic, the bicycle rider must go slowly and yield to pedestrians. A violation of this provision shall constitute a moving violation and shall be referred directly to the court of the judge of the Lower Kittitas County district court.

(d) Bicyclists must observe the 10 m.p.h. speed limits on malls and service drives.

(e) Bicyclists must ride in designated lanes where they exist.

(4) Impoundment policy:

(a) Bicycles parked on paths, sidewalks, in buildings, or near building exits may be impounded, except in areas adjacent to residence halls, or as otherwise permitted and designated by the director of ((housing)) residential services as bike storage rooms. Bicycles left over 72 hours may be impounded.

(b) Impounded bicycles will be stored in a location determined by the chief of public safety and police services. Bicycles will be released at specific times and upon presentation of proof of ownership. Owners of impounded bicycles, if identifiable, will be notified immediately upon impoundment and must reclaim the bicycle within seven days.

(c) Abandoned, lost, or found bicycles that have been impounded shall be subject to sale in accordance with the laws of the state of Washington.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 106-116-040	Authority of campus police officers.
WAC 106-116-204	Commuter students.
WAC 106-116-301	Purchasing parking permits.
WAC 106-116-302	Purchaser's responsibility.
WAC 106-116-306	Temporary parking permits.
WAC 106-116-307	Parking fees.
WAC 106-116-401	Definition of a visitor.
WAC 106-116-402	Responsibility of visitor.
WAC 106-116-403	Visitor parking permits.
WAC 106-116-404	Visitor parking areas.

**WSR 98-23-026**

**PERMANENT RULES**

**DEPARTMENT OF LICENSING**

[Filed November 9, 1998, 3:21 p.m.]

Date of Adoption: October 31, 1998.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-97-010 Definitions, 308-97-060 Duration weight limit and converter gear, 308-97-090 Completing trip permits, 308-97-175 Bulk purchase of trip permits and 308-97-205 Design of trip permit; and amending WAC 308-97-125 Display of trip permits and 308-97-230 Appointment of vehicle trip permit agents.

Statutory Authority for Adoption: RCW 46.16.160.

Adopted under notice filed as WSR 98-18-024 on August 25, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 5.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 2, Repealed 5; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 2, 1998

Evelyn P. Yenson

Director

**AMENDATORY SECTION** (Amending Order DOL 634, filed 7/24/81)

**WAC 308-97-125 Display of trip permits.** ((The vehicle copy of the trip permit shall be displayed as indicated below. Locations for display are indicated in relation to the vehicle driver when seated in the vehicle.

(1) Passenger cars, and small trucks: Affix permit to the inside lower left corner of the rear window.

(2) Trucks, truck tractors and motor homes: Affix permit to the inside lower right corner of the windshield.

(3) Trailers, semi-trailers, converter gears, motorcycles and mopeds: Permit must be in possession of the vehicle operator (driver) or driver of the power unit pulling it.

Note: If display of the permit as prescribed above would obstruct the operator's vision, the permit will be displayed in an alternate location which is visible from outside the vehicle and does not obstruct the operator's view.))

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**How is a trip permit displayed?**

The vehicle display copy of the trip permit shall be displayed as indicated below. Locations for display are indicated in relation to the vehicle driver when seated in the vehicle.

(1) Passenger cars, small trucks and campers: Affix permit to the inside lower left corner of the rear window.

(2) Trucks, tractors, truck tractors and motor homes: Affix permit to the inside lower right corner of the windshield.

(3) Trailers, semi-trailer, motorcycles and mopeds: Permit must be in possession of the vehicle operator (driver) or driver of the power unit pulling it.

(4) If display of the permit as prescribed above would obstruct the operator's vision, the permit will be displayed in an alternate location, which is visible from outside the vehicle and does not obstruct the operator's view.

**AMENDATORY SECTION** (Amending Order DOL 634, filed 7/24/81)

**WAC 308-97-230 Appointment of vehicle trip permit agents.** ((The director of the department of licensing or the director's designee may appoint the county auditors or other agents as his or her agent for the purpose of selling vehicle trip permits to the public:

(1) Any person or entity, other than a county auditor or other state agency, desiring to become an agent of the department for the purpose of issuing vehicle trip permits under the provisions of RCW 46.16.160 shall make application to the department on forms to be furnished by the department.

(2) Before appointment of any agent, other than a governmental agency or a governmental agency subagent, the department shall require the applicant for appointment as the director's permit agent to execute an agreement with the department to faithfully abide by the requirements of this chapter and RCW 46.16.160; to timely account and pay all permit fees; to subject their books and records to such periodic audit as may be deemed necessary or appropriate by the director or the director's designee; and to pay interest and penalties upon any deficiency disclosed therein. Further, said applicant shall file with the department a surety bond executed by the applicant as principal, with a corporate surety qualified under the provisions of chapter 48.28 RCW, which bond shall be payable to the state conditioned upon the faithful performance of all the requirements of this chapter, RCW 46.16.160, and payment of any and all permit fees, payment of audit assessments, interest and penalties due and to become due thereunder. The bond shall be on a form to be provided by the department. The total amount of the bond or bonds required shall be equivalent to the monetary value of vehicle trip permits issued to such agent as determined by the department.

(3) The filing fee collected for each permit by an agent pursuant to RCW 46.01.140 shall be used by such agent to defray expenses incurred in handling and issuing said permits: *Provided*, That in the event such fee is collected by an agency of the state of Washington, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited as provided by RCW 46.01.140.

(4) As a convenience to the public, issuance of vehicle trip permits may be requested by the permit applicant to be received via collect facsimile or other electronic transmission from an agent specifically authorized by the director or the director's designee to provide such service. When issuance of vehicle trip permits via collect facsimile or other electronic transmission has been so requested, such agent may collect from the requestor, upon delivery of such facsimile or other electronic transmission, transmission fees in addition to the statutory fees prescribed in RCW 46.16.160. Such transmission fees shall not exceed fees shown on the fee schedule filed with the department by each agent authorized to provide this service. No other fees may be charged by any agent.

(5) Agents will maintain records of transmittals for a period of four calendar years and make these records available to the department or its representative during business hours at the agent's office.

(6) Agent's accounts are subject to audit by the department of licensing. Vehicle trip permits issued to agents which are found to be missing, lost, or otherwise unaccounted for, will result in an assessment against said agent in an amount equal to the administrative fee and excise tax of such permit(s).

(7) Agents shall mail or deliver weekly transmittals to the department by Friday of each week for the seven day period immediately preceding. Such transmittals shall be accompanied by the appropriate fees and such substantiating documents as may be required by the department.

(8) The director or director's designee may, in the exercise of discretion and after notice, served personally or by certified mail, revoke the appointment of any agent who has failed to comply with, or has violated any of the provisions of RCW 46.16.160, chapter 308-97 WAC, or published procedure, or who shall breach the agreement of appointment. Upon notice of revocation of the agent's appointment, the director or director's designee, shall require the return to the department of any vehicle trip permits then outstanding.)) (1)

**Who can sell vehicle trip permits?**

Vehicle trip permits may be sold by those entities cited in RCW 46.16.160. These entities include government and nongovernment organizations.

**(2) How does a nongovernment organization obtain approval to sell vehicle trip permits?**

Nongovernment organizations must:

(a) Apply to the department;

(b) Execute an agreement to abide by the requirements of this section and RCW 46.16.160;

(c) Provide a surety bond; and

(d) Provide transmission fee schedule if issuing permits electronically.

**(3) How do I obtain an application to become an agent for selling trip permits?**

Any nongovernment organization may obtain an application form from the department of licensing, prorate and fuel tax section.

**(4) What are the components of the agreement?**

The components of the agreement require the agent to:

(a) Timely account and pay all permit fees;

(b) Subject their books and records to periodic audit;

(c) Pay interest and penalties upon any deficiency:

(d) Maintain records of transmittals for a period of four calendar years and make these records available to the department or its representative during business hours at the agent's office:

(e) Mail or deliver transmittals at least bimonthly to the department by the last Friday of each recording period for permit sales covering the preceding fifteen days. Transmittals shall be accompanied by the appropriate fees and any documents required by the department;

(f) Reimburse the department for the administrative fee and excise tax of any permit, which is missing, lost, or otherwise unaccounted for.

(5) What are the requirements of a surety bond?

The requirements of a surety bond are to:

(a) Be on a form provided by the department;

(b) Meet the provisions of chapter 48.28 RCW for a corporate surety bond;

(c) Be executed by the applicant as principal;

(d) Be payable to the state conditioned upon the performance of all the requirements of this section and RCW 46.16.160, including payment of any and all permit fees, payment of audit assessments, interest and penalties due or which become due;

(e) Be in an amount equal to the monetary value of vehicle trip permits issued to an agent.

(6) What is the agent fee for selling a vehicle transit permit?

The agent fee is the filing fee mandated by RCW 46.01.140.

(7) How may vehicle trip permits be issued?

Vehicle trip permits may be issued by:

(a) Original two-part manual form;

(b) Facsimile of the two-part manual form; or

(c) Authorized electronic form.

(8) If the permit is issued by facsimile or other electronic means, may the agent collect an additional transmission fee?

Yes. As long as the fee does not exceed that listed on the transmission schedule filed with the department.

(9) What happens if the agent fails to comply with the agreement?

The department may, after proper notice, served personally or by an affidavit of mailing, revoke the appointment of any agent who has violated any provisions of RCW 46.16.160, chapter 308-97 WAC, or breached the appointment agreement. Upon notice of revocation of an agent's appointment, the agent shall return to the department any vehicle trip permits in inventory and any money owed to the department.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 308-97-010 Definitions.

WAC 308-97-060 Duration, weight limit and converter gear.

WAC 308-97-090 Completing trip permits.  
 WAC 308-97-175 Bulk purchase of trip permits.  
 WAC 308-97-205 Design of trip permit.

**WSR 98-23-030  
 PERMANENT RULES  
 PARKS AND RECREATION  
 COMMISSION**

[Filed November 10, 1998, 2:34 p.m.]

Date of Adoption: November 6, 1998.

Purpose: Provides information on applying for funding for recreational boating safety education, information, and enforcement programs. Places approval of grant authority with the director or designee.

Citation of Existing Rules Affected by this Order: Amending chapter 352-64 WAC.

Statutory Authority for Adoption: RCW 43.51.400.

Adopted under notice filed as WSR 98-19-113 on September 23, 1998.

Changes Other than Editing from Proposed to Adopted Version: Adopted as proposed.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 9, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 9, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 9, 1998

Jim French

Senior Policy Analyst

**Chapter 352-64 WAC**

**THE STATE RECREATIONAL BOATING SAFETY ((GRANT AND CONTRACT)) FUNDING PROGRAM**

AMENDATORY SECTION (Amending Order 87, filed 1/21/85)

WAC 352-64-010 ((Purpose.)) What is the purpose of the recreational boating safety funding program? ((The state boating safety grant and contract program was established to provide local and state agencies and private organi-

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zations with a comprehensive biennial plan for boating safety programs and to establish procedures by which the Washington state parks and recreation commission would allocate moneys to boating safety programs and projects of local and state agencies and private organizations in accordance with RCW 43.51.400.) The purpose of this program is to provide funds for recreational boating safety information, education, and law enforcement programs of local and state agencies and private nonprofit organizations. Funding for this program will come from federal and state funds. This chapter establishes the procedures and the conditions related to the use of the funds.

**AMENDATORY SECTION** (Amending WSR 90-04-064, filed 2/5/90, effective 3/8/90)

**WAC 352-64-020 ((Definitions.)) How are the words and phrases used in this chapter?** ((When used in this chapter, the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

"Commission" means the seven-member Washington state parks and recreation commission policy-making body created pursuant to RCW 43.51.020.

"State parks" means the operating arm of the Washington state parks and recreation commission, which is responsible for implementation of commission programs established pursuant to statute or policy.

"Director" means the director of the Washington state parks and recreation commission, pursuant to RCW 43.51.060(8).

"Boating safety council" means the volunteer advisory body created by the commission to advise on matters related to the state boating program, and composed of representatives of Washington's boating community and other concerned interests.) (1) "Boater" means any person on a recreational vessel on waters of the state of Washington.

(2) "Boating safety council" means the volunteer advisory body created by the commission to advise on matters related to the state boating program, and composed of representatives of Washington's recreational boating community.

(3) "Commission" means the seven-member Washington state parks and recreation commission.

(4) "Director" means the director of the Washington state parks and recreation commission or designee.

(5) "Recreational vessel" means a watercraft manufactured for operation, or operated, primarily for pleasure including watercraft leased, rented, or chartered to another for the latter's pleasure.

(6) "State parks" means the operating arm of the Washington state parks and recreation commission, which is responsible for implementation of commission programs established pursuant to statute or policy.

**AMENDATORY SECTION** (Amending WSR 90-04-064, filed 2/5/90, effective 3/8/90)

**WAC 352-64-030 ((Boating safety grant and contract program.)) What activities are eligible for recreational**

**boating safety program funding?** ((The boating safety grant and contract program is composed of the biennial boating safety plan and the disbursement of boating safety funds.

The biennial boating safety plan will be developed by state parks in cooperation with local and state agencies to provide comprehensive guidelines for the uniform implementation and operation of boating safety efforts statewide.

Boating safety funds will be disbursed to local and state agencies and private organizations by the commission to initiate or supplement boating safety activities and to promote uniformity in boating safety services in accordance with the Federal Boating Safety Act of 1971. The funds may be used for programs which include planning, development, and operation of programs for boating safety, safety education, and enforcement of boating laws, rules and regulations. Program elements may include: Dissemination of information related to safe boat operation; training of boating safety professionals; purchase of boats and related equipment for boating safety programs; program administration; and, the maintenance of a safe boating environment.

The boating safety grant and contract program will be administered to initiate or enhance programs for boating safety, safety education and enforcement of boating laws, rules and regulations, and will not be used to supplant existing contributions and efforts toward safe boating.) The funds may be used for programs which include planning, development, and operation of programs for recreational boating safety, safety education, and enforcement of boating laws, rules, and regulations. Program elements may include: Dissemination of information related to safe boat operation; training of boating safety professionals; purchase of boats and related equipment for boating safety programs; program administration; and the maintenance of a safe boating environment.

**AMENDATORY SECTION** (Amending WSR 90-04-064, filed 2/5/90, effective 3/8/90)

**WAC 352-64-040 ((Grant eligibility.)) Who is eligible for recreational boating safety program funding?** ((Any state or local public agency or private, nonprofit organization is eligible to apply for grants for boating safety or safety education. A state or local public agency having jurisdiction over waters used for recreational boating and possessing the authority to enforce the Revised Code of Washington and the Washington Administrative Code is eligible to apply for grants for programs of enforcement of boating laws, rules, and regulations.

Each successful applicant must provide a minimum of fifty percent match through program expenditures, in-kind services, and/or volunteer contributions to the program. The matching requirement may be reduced to not less than twenty-five percent by state parks when necessary to enable the applicant to initiate and continue for a second year a program of boating safety, safety education, or enforcement.) (1) Any state or local public agency or private nonprofit organization is eligible to apply for grants for recreational boating safety information or education programs.

(2) Any state or local public agency having jurisdiction over waters used for recreational boating and possessing the

authority to enforce the Revised Code of Washington and the Washington Administrative Code is eligible to apply for grants for programs of enforcement of recreational boating safety laws, rules, and regulations.

#### NEW SECTION

**WAC 352-64-045** **Are there any limitations on the availability and use of the funds?** (1) The director may establish limitations on the availability and use of recreational boating safety program funding only after considering the following:

- (a) Availability of funds.
- (b) Recommendations of the boating safety council and state parks staff on program needs.
- (2) The director may determine that applicants be required to make a matching contribution to be eligible for funding.
- (3) The director may limit the amount of funding available for any element(s) of a project.
- (4) The director may determine that the funds shall not be used to supplant existing contributions and efforts toward safe boating.

**AMENDATORY SECTION** (Amending WSR 90-04-064, filed 2/5/90, effective 3/8/90)

**WAC 352-64-050** (~~(Application process.)~~) **How does one apply for funding?** ((In order to be considered by the commission for receipt of boating safety funds an eligible agency or organization must:

- (1) Complete an application on a form prescribed by state parks and file the application on or before the filing date set by state parks in the application form.
- (2) Provide a statement of intent from the governing body of the requesting agency or organization that the necessary matching funds or in-kind contributions will be made available for the program as described in the application.
- (3) Agree to:
  - (a) File an annual report and other reports, as may be specified in the agreement, on a form provided by state parks. Include accomplishments, all activities, a summary of in-kind contributions, and total expenses incurred by the program or project.
  - (b) Refund to the commission any unexpended funds received from the commission which remain at the completion or termination of the agreement and reimburse the commission for any unauthorized expenditures.) In order to be considered for receipt of recreational boating safety information, education, or law enforcement funding, an eligible applicant must complete and submit an application form provided by state parks following the instructions provided in the form.

**AMENDATORY SECTION** (Amending WSR 90-04-064, filed 2/5/90, effective 3/8/90)

**WAC 352-64-060** (~~(Funding guidelines.)~~) **What criteria will be used to evaluate my application?** ((Following is

a list of the funding guidelines which will be considered in determining the allocation of available boating safety funds.

- (1) Assist programs which are designed to prevent boating accidents through education and/or enforcement of safe boating laws.
- (2) Assist in the training of personnel and in the operation of boater assistance and rescue programs.
- (3) Assist development of state-wide boater safety information programs.
- (4) Assist development of other programs which promote or enhance safe boating opportunities in Washington state.) State parks will review and evaluate applications based on the applicants ability to achieve any or all of the following criteria. Programs which are designed to:
  - (1) Focus on recreational boating accident and fatality prevention through education and/or enforcement of safe boating laws.
  - (2) Assist in the training of personnel in recreational boating safety education and law enforcement program areas.
  - (3) Assist in the development of state-wide recreational boater safety education and information programs including the uniform state waterway marking system.
  - (4) Assist in the development of other programs which promote or enhance safe boating opportunities in Washington state.

**AMENDATORY SECTION** (Amending WSR 90-04-064, filed 2/5/90, effective 3/8/90)

**WAC 352-64-070** (~~(Procedures for review and disbursement of grants.)~~) **How will projects be selected for funding?** ((Following is a description of procedures which will be used by the commission in the review and disbursement of boating safety grants.

- (1) Applications will be reviewed by state parks staff and scored by the boating safety council to determine consistency with the funding guidelines and the biennial boating safety plan.
- (2) The director will receive and consider the recommendations of the boating safety council for the disbursement of boating safety grants in developing final recommendations for presentation to the commission.
- (3) Applications will be subject to approval by the commission. No grant expenditures may be made until such approval is received.
- (4) The successful applicant will receive funds:
  - (a) As reimbursement for approved expenditures following receipt of documentation by state parks which indicates satisfactory compliance with the agreement; or
  - (b) Through an advance payment upon written approval by the director.
- (5) The applicant and state parks will execute an agreement which specifies the duties and obligations of each party and requires the applicant's compliance with specified policies and procedures.
- (6) The program will be subject to review at predetermined intervals to insure compliance with program policies and procedures.) (1) Applications will be reviewed by state parks staff and will be evaluated against the criteria in this chapter.

(2) Staff will consult with and consider the recommendations of the boating safety council and will present final recommendations to the director. The director shall make the final decision on funding a project.

(3) No grant expenditures may be made until such approval is received and a contract is signed by the state parks and funding recipient authorized representatives.

(4) Applicants for recreational boating safety program funds whose requests are approved by the director may receive funds (a) on a reimbursement basis after a billing which indicates satisfactory compliance with a contract that has been filed with state parks or (b) through an advance payment upon a written request to and approval by the director.

AMENDATORY SECTION (Amending WSR 90-04-064, filed 2/5/90, effective 3/8/90)

WAC 352-64-080 ((Accountability.)) What conditions are placed on the use of the funds? ((Recipients of boating safety funds shall maintain accurate accounting records on the expenditure of funds, provide the director with these records consistent with the agreement or upon request, and permit state parks to audit the use of the funds in accordance with generally accepted audit practices and standards.

The commission reserves the right to terminate its participation in any program for failure to perform according to the requirements of the agreement.)) The following conditions apply to the use of the funds:

(1) Project contract. For every funded project, a contract must be executed by the director and by the funding recipient's authorized representative.

(2) Matching contribution. Should a matching contribution be required, recipients of boating safety funds shall meet this requirement through program expenditures, in-kind services, and/or volunteer contributions to the program.

(3) Accountability. Recipients of boating safety funds shall maintain accurate accounting records on the expenditure of funds including any matching contribution if such matching contribution is required, provide the director with these records consistent with the agreement or upon request, and permit a state parks representative to audit the use of the funds in accordance with generally accepted audit practices and standards.

(4) State parks reserves the right to terminate its participation in any program for failure of the funding recipient to perform according to the requirements of the agreement.

(5) Reporting requirements. The funding recipient shall submit reports required by state parks as provided in the project contract.

WSR 98-23-033

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed November 10, 1998, 3:25 p.m.]

Date of Adoption: October 30, 1998.

Purpose: To provide funding for the maximum number of projects released within a funding cycle under legislative appropriation authority as reflected in the capital budget.

Citation of Existing Rules Affected by this Order: Amending WAC 180-27-056 Funding during the period of a priority approval process order by the state board of education.

Statutory Authority for Adoption: RCW 28A.525.020.

Adopted under notice filed as WSR 98-19-135 on September 23, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 10, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 92-16-058 [98-19-143], filed 8/3/92 [9/23/98], effective 9/3/92 [10/24/98])

**WAC 180-27-056 Funding during the period of a priority approval process order by state board of education.** During the period of a priority approval process imposed by order of the state board of education school construction projects shall receive final approval pursuant to WAC 180-29-107 as follows:

(1) On or after July 1 following the state board of education order for the implementation of a priority approval process the superintendent of public instruction shall rank all projects for which final approval has been requested pursuant to WAC 180-29-107 as per the applicable priority list in WAC 180-27-058 or 180-27-500. Only school construction projects with state board of education approval under WAC 180-25-045 and secured local capital funds by December 31 of the previous state fiscal year and eligible for final approval pursuant to WAC 180-29-107 by June 30 of the previous state fiscal year shall be placed on that priority list: *Provided*, That for the state fiscal year beginning July 1, 1992, the December 31, 1991, cutoff date is extended to March 27, 1992.

(2) ~~((Based on a ceiling of one and one-half times the amount of the estimated revenue available for the state fiscal year plus fund balance for the state fiscal year minus outstanding encumbrances for the state fiscal year or as close thereto as is reasonably practical.))~~ Each fiscal year the

PERMANENT

superintendent of public instruction shall give final approval ~~((pursuant to WAC 180-29-107 during the state fiscal year))~~ to school construction projects on the priority list pursuant to WAC 180-29-107 based on the level and conditions of legislative appropriations. For the purpose of this subsection the term "estimated revenue available for the state fiscal year" shall mean the estimated revenue from the common school construction fund for the current state fiscal year and the subsequent state fiscal year, the result of which is divided by two.

(3) In the event the state board of education does not rescind the order for the implementation of a priority approval process by the close of the state fiscal year, school construction projects remaining on the priority list without final approval and, therefore, without secured funding status pursuant to WAC 180-29-107 shall be combined with new school construction projects that have secured local capital funds by December 31 of the state fiscal year and that are eligible, pursuant to WAC 180-29-107, for final approval by the close of the state fiscal year, and a new priority list shall be established on or after July 1 of the next state fiscal year and such remaining and new school construction projects shall be eligible for final approval pursuant to the provisions of subsections (1) and (2) of this section.

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

### WSR 98-23-034

#### PERMANENT RULES

#### STATE BOARD OF EDUCATION

[Filed November 10, 1998, 3:28 p.m.]

Date of Adoption: October 30, 1998.

Purpose: The rule requires that districts provide fire insurance. This amendment would require districts to provide "commercial all-risk property" insurance for their facilities and not be limited to fire. In addition, districts would be required to submit "a certificate of insurance" rather than "evidence" of insurance.

Citation of Existing Rules Affected by this Order: Amending WAC 180-29-080.

Statutory Authority for Adoption: RCW 28A.525.020.

Adopted under notice filed as WSR 98-14-147 on July 1, 1998.

Changes Other than Editing from Proposed to Adopted Version: Insert "commercial all-risk property" before "insurance" in subsection (5) and replace "evidence" with "a certificate of insurance" in subsection (5).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 10, 1998

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

**WAC 180-29-080 Construction documents—Bids and contract provisions.** The construction documents shall include the following bid and contract provisions:

(1) Separate or combined bids. The school district shall determine if the bids for general, mechanical, or electrical are to be separate or combined.

(2) Combination projects. For those projects which include a combination of both new construction and modernization, bid documents shall provide for separate and distinct bids for each and shall, when combined, be the low bid for the project.

(3) Ineligible items. Items ineligible for state matching shall be bid separate or as an alternate.

(4) Bid law. All items included in the construction documents shall be bid in accordance with RCW 28A.335.190 and 43.19.1906.

(5) ~~((Fire))~~ Commercial all-risk property insurance. Provision for ~~((fire))~~ commercial all-risk property insurance is mandatory for all school facilities under construction. The insurance shall cover at a minimum the amount of the work in place and materials to be used in the project which is in place and on the site. ~~((Evidence))~~ A certificate of insurance shall be submitted to the superintendent of public instruction that insurance is provided for by the contractor or the school district. Only costs for insurance provided for in the construction documents will be matched.

### WSR 98-23-035

#### PERMANENT RULES

#### STATE BOARD OF EDUCATION

[Filed November 10, 1998, 3:29 p.m.]

Date of Adoption: October 30, 1998.

Purpose: The rule amendment would allow local jurisdiction to review and approve electrical plans when allowed by labor and industries. In addition, the amendment requires the State Fire Marshal to review and approve qualifications of local fire officials similar to the labor and industries' process. Unnecessary verbiage is also being deleted from the rule.

Citation of Existing Rules Affected by this Order:  
Amending WAC 180-29-090.

Statutory Authority for Adoption: RCW 28A.525.020.

Adopted under notice filed as WSR 98-14-147 on  
August 20, 1998.

Changes Other than Editing from Proposed to Adopted  
Version: Insert "when permitted by the state fire marshal" at  
the end of subsection (1).

Number of Sections Adopted in Order to Comply with  
Federal Statute: New 0, Amended 0, Repealed 0; Federal  
Rules or Standards: New 0, Amended 0, Repealed 0; or  
Recently Enacted State Statutes: New 0, Amended 0,  
Repealed 0.

Number of Sections Adopted at Request of a Nongov-  
ernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Ini-  
tiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify,  
Streamline, or Reform Agency Procedures: New 0,  
Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule  
Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-  
ing: New 0, Amended 0, Repealed 0; or Other Alternative  
Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 10, 1998

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending WSR 94-01-014,  
filed 12/3/93, effective 1/3/94)

**WAC 180-29-090 Construction documents—Other  
governmental agency approval.** ~~((+))~~ The construction  
documents shall be submitted for the approval of the follow-  
ing other governmental agencies:

~~((a))~~ (1) Fire marshal or fire chief having jurisdiction  
when permitted by the state fire marshal;

~~((b))~~ (2) Department of labor and industries or local  
jurisdiction when permitted by the department of labor and  
industries (electrical);

~~((c))~~ (3) Health agency having jurisdiction;

~~((d))~~ (4) Department of ecology or the local agency  
having jurisdiction for environmental approvals (when appli-  
cable); and

~~((e))~~ (5) Building official ~~((of the))~~ having jurisdiction.

Approvals shall be in respect to compliance with perti-  
nent rules and regulations established by said agencies.

~~((2) The school district shall receive))~~ Written ~~and sub-  
mit proof of such approvals))~~ shall be submitted to the super-  
intendent of public instruction in accordance with WAC 180-  
29-085.

**WSR 98-23-036**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed November 10, 1998, 3:32 p.m.]

Date of Adoption: November 10, 1998.

Purpose: New WAC 388-550-5550 has been added to  
comply with section 4711(a) of the federal Balanced Budget  
Act of 1997, Public Law 105-33, which requires a public  
notice for changes in Medicaid payment rates for hospital  
services.

Statutory Authority for Adoption: RCW 74.09.500, 42  
USC 1396a (a)(13)(A).

Adopted under notice filed as WSR 98-19-125 on Sep-  
tember 23, 1998.

Number of Sections Adopted in Order to Comply with  
Federal Statute: New 0, Amended 0, Repealed 0; Federal  
Rules or Standards: New 1, Amended 0, Repealed 0; or  
Recently Enacted State Statutes: New 0, Amended 0,  
Repealed 0.

Number of Sections Adopted at Request of a Nongov-  
ernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Ini-  
tiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify,  
Streamline, or Reform Agency Procedures: New 0,  
Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule  
Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-  
ing: New 0, Amended 0, Repealed 0; or Other Alternative  
Rule Making: New 1, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 10, 1998

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**NEW SECTION**

**WAC 388-550-5550 Public notice for changes in  
Medicaid payment rates for hospital services.** (1) The pur-  
pose and intent of this section is to describe the manner in  
which the department, pertaining to Medicaid hospital rates,  
will comply with section 4711(a) of the federal Balanced  
Budget Act of 1997, Public Law 105-33, as codified at 42  
U.S.C. 1396a (a)(13)(A).

(2) For purposes of this section, the term:

(a) "Stakeholders" means providers, beneficiaries, repre-  
sentatives of beneficiaries, and other concerned state resi-  
dents.

(b) "Rate" means the Medicaid payment amount to a pro-  
vider for a particular hospital service, except for dispropor-  
tionate share payments not mandated by federal law.

(c) "Methodology" underlying the establishment of a  
Medicaid hospital rate means (unless otherwise noted) the  
principles, procedures, limitations, and formulas detailed in  
WAC 388-550-2800 through 388-550-5500.

(d) "Justification" means an explanation of why the  
department is proposing or implementing a Medicaid rate

change based on a change in Medicaid rate-setting methodology.

(e) "Reasonable opportunity to review and provide written comments" means a period of fourteen calendar days in which stakeholders may provide written comments to the department.

(f) "Hospital services" means those services that are performed in a hospital facility for an inpatient client and which are payable only to the hospital entity, not to individual performing providers.

(g) "Web site" means the department's internet home page on the worldwide web: <http://www.wa.gov/dshs/maa> is the internet address.

(3) The department will notify stakeholders of proposed and final changes in individual Medicaid hospital rates for hospital services, as follows:

(a) Publish the proposed Medicaid hospital rates, the methodologies underlying the establishment of such rates, and justifications for such rates;

(b) Give stakeholders a reasonable opportunity to review and provide written comments on the proposed Medicaid hospital rates, the methodologies underlying the establishment of such rates, and justifications for such rates; and

(c) Publish the final Medicaid hospital rates, the methodologies underlying the establishment of such rates, and justifications for such rates.

(4)(a) Except as otherwise provided in this section, the department will determine the manner of publication of proposed or final Medicaid hospital rates.

(b) Publication of proposed Medicaid hospital rates will occur as follows:

(i) The department will mail each provider's proposed rate to the affected provider via first-class mail at least fifteen calendar days before the proposed date for implementing the rates; and

(ii) For other stakeholders, the department will post proposed rates on the department's web site.

(c) Publication of final Medicaid hospital rates will occur as follows:

(i) The department will mail each provider's final rate to the affected provider via first-class mail at least one calendar day before implementing the rate; and

(ii) For other stakeholders, the department will post final rates on the department's web site.

(d) The publications required by subsections (4)(b) and (c) of this section will refer to the appropriate sections of chapter 388-550 WAC for information on the methodologies underlying the proposed and final rates.

(5) The department, whenever it proposes amendments to the methodologies underlying the establishment of Medicaid hospital rates as described in WAC 388-550-2800 through 388-550-5500, will adhere to the notice and comment provisions of the Administrative Procedure Act (chapter 34.05 RCW).

(6) Stakeholders who wish to receive notice of either proposed and final Medicaid hospital rates or proposed and final amendments to WAC 388-550-2800 through 388-550-5500 must notify the department in writing. The department will send notice of all such actions to such stakeholders postage prepaid by regular mail.

(7)(a) The notice and publication provisions of section 4711(a) of the Balanced Budget Act of 1997 do not apply when a rate change is:

(i) Necessary to conform to Medicare rules, methods, or levels of reimbursement for clients who are eligible for both Medicare and Medicaid;

(ii) Required by Congress, the legislature, or court order, and no further rulemaking is necessary to implement the change; or

(iii) Part of a non-Medicaid program.

(b) Although notice and publication are not required for Medicaid rate changes described in subsection (7)(a) of this section, the department will attempt to timely notify stakeholders of these rate changes.

(8) The following rules apply when the department and an individual hospital negotiate or contractually agree to Medicaid rates for hospital services:

(a) Receipt by the hospital of the contract or contract amendment form for signature constitutes notice to the hospital of proposed Medicaid rates.

(b) Receipt by the hospital of the contract or contract amendment form signed by both parties constitutes notice to the hospital of final Medicaid rates.

(c) Notwithstanding subsection (4)(c) of this section, final Medicaid contract rates are effective on the date contractually agreed to by the department and the individual hospital.

(d) Prior to the execution of the contract, the department will not publish negotiated contract prices that are agreed to between the department and an individual provider to anyone other than the individual provider. Within fifteen calendar days after the execution of any such contract, the department will publish the negotiated contract prices on its web site.

(9) The following rules apply when a hospital provider or other stakeholder wishes to challenge the adequacy of the public notification process followed by the department in proposing or implementing a change to Medicaid hospital rates, the methodologies underlying the establishment of such rates, or the justification for such rates:

(a) If any such challenge is limited solely to the adequacy of the public notification process, then the challenge will:

(i) Not be pursued in any administrative appeal or dispute resolution procedure established in rule by the department; and

(ii) Be pursued only in a court of proper jurisdiction as may be provided by law.

(b) If a hospital provider brings any such challenge in conjunction with an appeal of its Medicaid rate, then the hospital provider may pursue the challenge in an administrative appeal or dispute resolution procedure established in rule by the department under which hospital providers may appeal their Medicaid rates.

**WSR 98-23-037**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
(WorkFirst Division)

[Filed November 10, 1998, 3:34 p.m.]

Date of Adoption: November 10, 1998.

Purpose: Chapter 388-310 WAC went into effect November 1, 1997. These are housekeeping changes which will further the intent of the WorkFirst program, increase the department's ability to meet federal requirements for the proportion of the WorkFirst caseload that is active in work activities; and, add definitions that are required by federal regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-0400, 388-310-0500, 388-310-1000, and 388-310-1600.

Statutory Authority for Adoption: RCW 74.04.050 and 74.08.090.

Adopted under notice filed as WSR 98-15-139 on July 22, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 4, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 10, 1998

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 97-20-129, filed 10/1/97, effective 11/1/97)

**WAC 388-310-0400 WorkFirst—((Participation))**  
**What are the initial requirements((s)) of a WorkFirst participant?** (1) ((Participants are required to participate in job search as the first WorkFirst activity unless temporarily deferred. The department may defer a participant from immediate job search if the participant is:

- (a) Working twenty or more hours a week;
- (b) Under the age of eighteen and has not completed high school or GED, or is under the age of twenty and is currently attending high school, or its equivalent full-time; or
- (c) Experiencing personal or family circumstances which prevents the person's immediate participation in job search.

(2) Participants who are temporarily deferred must participate as part of their individual responsibility plan in an evaluation of their employability from the department.

(3) The department may sanction a person who is nonexempt and who refuses to participate in the employability evaluation under WAC 388-310-0600.

(4) Persons approved by the department or a tribal JOBS or tribal native employment works (NEW) program for post-secondary education or training program prior to the effective date of this chapter will be permitted to continue in the program under WorkFirst until June 30, 1998)) WorkFirst requires you to look for a job as your first activity unless you are temporarily deferred from job search. Reasons that you may be temporarily deferred from looking for a job are:

(a) You work twenty or more hours a week; "work" means to engage in any legal, income generating activity which is taxable under the United States Tax Code or which would be taxable with or without a treaty between an Indian Nation and the United States; or

(b) You are under the age of eighteen and have not completed high school or GED; or

(c) You are under the age of twenty, and are attending high school or an equivalent full-time; or

(d) Your situation prevents you from looking for a job (see WAC 388-310-1600).

(2) If and when your job search is temporarily deferred, you must take part in an evaluation of your employability as part of your individual responsibility plan (IRP).

(3) You must follow instructions from your case manager and/or job service specialist as written in your IRP.

(4) If you do not participate in job search, or in the activities listed in your IRP during your temporary deferral from job search, and you do not have a good reason, the department will impose a financial penalty, sometimes called a sanction.

**AMENDATORY SECTION** (Amending WSR 97-20-129, filed 10/1/97, effective 11/1/97)

**WAC 388-310-0500 WorkFirst—What is included in WorkFirst job search((s))?** (1) ((The purpose of)) Job search is ((to provide the participant with the)) an opportunity to learn and use skills ((and abilities needed)) you need to find and keep ((employment)) a job. Job search ((activities)) may include:

(a) Classroom instruction ((on job finding techniques and employer expectations)); and/or

(b) Structured ((consistent, and monitored efforts of the person to discover job openings and apply for available or potentially available employment; and

(c) Self-directed efforts of the person to find and obtain employment.

(2) A participant must meet the published standards of job search participation established in each region or community service office or tribal work program.

(3) A person's participation in job search must be of a quality and frequency that would clearly indicate that the individual is making sincere efforts to immediately obtain any employment.



~~(4) Participants may participate in pre-employment training as an activity equivalent to seeking employment. Pre-employment training is job skills training which has a prior commitment from an employer to hire the trainee immediately upon completion of the training, at an hourly wage greater than the local entry level wage.~~

~~(5) The department may not require a participant to participate in job search for more than twelve weeks without evaluating the person's employability under WAC 388-310-0600)) job search that helps you find job openings, complete applications, practice interviews and apply other skills and abilities with a job search specialist or a group of fellow job-seekers; and/or~~

(c) Pre-employment training, in which you learn skills you need for an identified entry level job that pays more than average entry level wages. Pre-employment training is an acceptable job search activity when an employer or industry commits to hiring or giving hiring preference to WorkFirst participants who successfully complete pre-employment training.

(2) WorkFirst job search is delivered by the employment security department or a contracted partner.

(3) Period of job search may last up to twelve continuous weeks. Job search specialists will monitor your progress, and by the end of the first four weeks, job search specialists will determine whether or not you should continue in job search. Job search will end when:

(a) You find a job; or

(b) You become exempt from WorkFirst requirements (see WAC 388-310-0300); or

(c) Your situation changes and you are temporarily deferred from continuing with job search (see WAC 388-310-0400); or

(d) Job search specialists have determined that you need additional skills and/or experience to find a job.

(4) At the end of the job search period, you will be referred back to your DSHS case manager for further action.

AMENDATORY SECTION (Amending WSR 97-20-129, filed 10/1/97, effective 11/1/97)

WAC 388-310-1000 WorkFirst—What are the requirements for vocational education((\*) in WorkFirst?

~~(1) Vocational education is training ((in a specific occupation provided by a private college, technical school or community college licensed, authorized or certified by the state, or provided by a certified tribal college. It may not exceed twelve months in length with respect to any individual. It also includes job skills training in specific skills directly related to employment, and entrepreneurial training, offered through community-based organizations, businesses and tribal governments.~~

~~(2) The department may include vocational education in the individual responsibility plan when the person:~~

~~(a) Is employed twenty or more hours a week in subsidized or unsubsidized employment; or~~

~~(b) Lacks job skills presently in demand for entry level jobs in the local labor market and vocational education can provide such skills; and~~

~~(c) Would not be able to acquire the skills needed to obtain employment through available openings in:~~

~~(i) Work experience under WAC 388-310-1100; or~~

~~(ii) On-the-job training under WAC 388-300-1200.~~

~~(3) A nonexempt TANF/SFA recipient may participate in vocational education or other post-secondary education or training activities not included on their individual responsibility plan on their own if the person is meeting WorkFirst hourly participation requirements)) leading to a degree or certificate in a specific occupation, offered by accredited public and private technical colleges and schools, community colleges, and tribal colleges.~~

(2) WorkFirst may include vocational education in your IRP if:

(a) You are working twenty or more hours a week; or

(b) You lack job skills that are in demand for entry level jobs in your area; and

(c) The vocational education program can provide the job skills that you need to qualify for entry level jobs in your area; and

(d) You could not learn the job skills that you need to qualify for entry level jobs in your area by participating in work experience or on-the-job training that is available to you.

(3) When vocational education is included in your IRP, WorkFirst will provide assistance with your costs, if you need assistance and it is not available from other sources. Child care subsidy is available through the working connections child care program.

#### NEW SECTION

WAC 388-310-1050 WorkFirst—What are the requirements for job skills training in WorkFirst? (1) Job skills training is training in specific skills directly related to employment, offered through community-based organizations, businesses, tribal governments, public and private community and technical colleges. Job skills training programs differ as to length, content, and sponsor.

(2) WorkFirst may include job skills training in your IRP if:

(a) You are working twenty or more hours a week; or

(b) You lack job skills that are in demand for entry level jobs in your area; and

(c) The job skills training program can provide the job skills that you need to qualify for entry level jobs in your area; and

(d) You could not learn the job skills that you need to qualify for entry level jobs in your area by participating in work experience or on-the-job training that is available to you.

(3) When job skills training is included in your IRP, WorkFirst will provide assistance with your costs, such as transportation and books, if you need assistance and it is not available from other sources. Child care subsidy is available through the working connections child care program.

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**AMENDATORY SECTION** (Amending WSR 97-20-129, filed 10/1/97, effective 11/1/97)

**WAC 388-310-1600 WorkFirst—(~~Determination of reasons for nonparticipation.~~) What are the WorkFirst participation requirements and what happens when a person does not participate? (1) (~~The following actions will be considered failure to participate in WorkFirst requirements:~~**

- ~~(a) Refusal of a bona fide offer of employment;~~
- ~~(b) Failure to fulfill participation requirements of any components on the person's individual responsibility plan including not participating in:
 
  - ~~(i) Drug and/or alcohol assessment;~~
  - ~~(ii) Drug and/or alcohol treatment programs when assessed and determined as drug and/or alcohol dependent by a program certified and contracted through chapter 70.96A RCW;~~
  - ~~(c) Failure to provide information requested by the department necessary for the development of the individual responsibility plan; or~~
  - ~~(d) Not appearing for one or more appointments scheduled by the department or its agent.~~~~
- ~~(2) When a participant fails to participate in WorkFirst:
 
  - ~~(a) The participants will have the opportunity to explain their nonparticipation; and~~
  - ~~(b) The department will determine the adequacy of the reasons for nonparticipation. The department may make a determination based on available information if the participant does not provide information as requested.~~
  - ~~(3) The department will determine that failure to participate is refusal, unless the participant provides evidence the nonparticipation is based on an inability to participate such as:
 
    - ~~(a) Urgent personal or family circumstances interfering with participation which include but are not limited to:
 
      - ~~(i) Threatened or actual family violence issues;~~
      - ~~(ii) Eviction or immediate legal problems;~~
      - ~~(iii) Injury or illness of the participant or of a family member which requires the presence of the participant; or~~
      - ~~(iv) Death of a significant person in the participant's life.~~~~
    - ~~(b) Breakdown in support services necessary for the person to participate and the person had no readily available alternative;~~
    - ~~(c) The participant is unable to locate formal or informal child care for a child under the age of twelve years of whom they personally provide care and the department fails to provide such care;~~
    - ~~(d) The participant is unable to locate other care services for an incapacitated individual living in the same home as a dependent child and the department fails to provide such care;~~
    - ~~(e) Determination by a licensed health professional that a physical, mental, or emotional condition is interfering with the required participation; or~~
    - ~~(f) The person did not receive a notice of appointment or program requirement))~~~~

To participate means that you give the department information requested from you, come to appointments made for you by the department and its agents,~~

do all of the activities listed on your IRP and accept any bona fide offer of employment that you receive.

(2) If you do not participate, WorkFirst will ask you to explain why. The department will determine that:

(a) You had an adequate reason that you were not able to participate; or

(b) You did not have an adequate reason and that you refused to participate.

If the department is not able to contact you, the department will make this decision with the information already on hand.

(3) You have an adequate reason not to participate when you can show that an event outside of your control made you unable to participate. Such events include, but are not limited to:

(a) You, your child(ren), or other family member was ill;

(b) Support services (such as transportation) broke down and you could not make new arrangements right away;

(c) You could not locate care for your child(ren) under thirteen years that is affordable, appropriate, and within a reasonable distance;

"Affordable" means at or below your share of child care costs calculated by the working connections child care program.

"Appropriate" means licensed, certified or approved under state laws and regulations that apply to the type of child care you use, and that you may make your own choice among the child care options that are available in your area.

"Within a reasonable distance" means that you can reach the child care site without travel that exceeds normal expectations in your community.

(d) You could not locate other care services for an incapacitated individual living with you and your dependent child(ren);

(e) You have or had a physical, mental, or emotional condition, determined by a licensed health care professional, that interferes or interfered with your ability to participate;

(f) A significant person in your life died;

(g) You were threatened with or subjected to family violence;

(h) You had received an eviction notice or had another immediate legal problem;

(i) You did not receive notice of a request for information, an appointment or a requirement on your IRP.

(4) If you have an adequate reason that you did not participate, the department will revise your IRP to take your circumstances into account.

(5) If you do not have an adequate reason that you did not participate, the department will find that you refused to participate. The department will notify you that you will be sanctioned starting the next calendar month (see WAC 388-310-1700), unless you start to participate as required. The notice will include information on how to request a fair hearing if you disagree with the department's decision that you refused to participate.

**WSR 98-23-038**  
**PERMANENT RULES**  
**DEPARTMENT OF ECOLOGY**

[Order 95-16 Phase 2—Filed November 10, 1998, 3:40 p.m.]

Date of Adoption: November 10, 1998.

Purpose: This is a model ordinance for use by cities and counties in adopting or amending their own procedures for implementing the State Environmental Policy Act (SEPA—chapter 43.21C RCW). The SEPA rules were recently amended, so the model ordinance is being revised to conform to those changes.

Citation of Existing Rules Affected by this Order: Repealing WAC 173-806-055; and amending WAC 173-806-020, 173-806-030, 173-806-050, 173-806-053, 173-806-058, 173-806-065, 173-806-090, 173-806-100, 173-806-128, 173-806-130, 173-806-150, 173-806-160, 173-806-170, 173-806-175, 173-806-180, 173-806-185, and 173-806-190.

Statutory Authority for Adoption: The amendments to this rule are required by the State Environmental Policy Act (SEPA)—RCW 43.21C.130.

Adopted under notice filed as WSR 98-12-092 on June 2, 1998.

Changes Other than Editing from Proposed to Adopted Version: A minor change was made to WAC 173-806-058 acknowledging that GMA jurisdictions can also provide the early review discussed in that section, in some instances.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 17, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 10, 1998

Tom Fitzsimmons

Director

**AMENDATORY SECTION** (Amending Order DE 84-25, filed 6/15/84)

**WAC 173-806-020 Purpose of this part and adoption by reference.** This part contains the basic requirements that apply to the SEPA process. The city/county adopts the following sections of chapter 197-11 of the Washington Administrative Code by reference:

WAC

- 197-11-040 Definitions.
- 197-11-050 Lead agency.

- ~~(197-11-055 Timing of the SEPA process.)~~
- 197-11-060 Content of environmental review.
- 197-11-070 Limitations on actions during SEPA process.
- 197-11-080 Incomplete or unavailable information.
- 197-11-090 Supporting documents.
- 197-11-100 Information required of applicants.
- 197-11-158 GMA project review—Reliance on existing plans, laws, and regulations.
- 197-11-210 SEPA/GMA integration. (WAC 197-11-210 through 197-11-235 optional; does not apply for non-GMA jurisdictions.)
- 197-11-220 SEPA/GMA definitions.
- 197-11-228 Overall SEPA/GMA integration procedures.
- 197-11-230 Timing of an integrated GMA/SEPA process.
- 197-11-232 SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.
- 197-11-235 Documents.
- 197-11-238 Monitoring. (optional)
- 197-11-250 SEPA/Model Toxics Control Act integration.
- 197-11-253 SEPA lead agency for MTCA actions.
- 197-11-256 Preliminary evaluation.
- 197-11-259 Determination of nonsignificance for MTCA remedial actions.
- 197-11-262 Determination of significance and EIS for MTCA remedial actions.
- 197-11-265 Early scoping for MTCA remedial actions.
- 197-11-268 MTCA interim actions.

**AMENDATORY SECTION** (Amending Order DE 84-25, filed 6/15/84)

**WAC 173-806-030 Additional definitions.** In addition to those definitions contained within WAC 197-11-700 through 197-11-799 and 197-11-220, when used in this ordinance, the following terms shall have the following meanings, unless the context indicates otherwise:

(1) "Department" means any division, subdivision or organizational unit of the city/county established by ordinance, rule, or order.

(2) "SEPA rules" means chapter 197-11 WAC adopted by the department of ecology.

(3) "Ordinance" means the ordinance, resolution, or other procedure used by the city/county to adopt regulatory requirements.

(4) "Early notice" means the city's/county's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal

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(mitigated determination of nonsignificance (DNS) procedures).

**AMENDATORY SECTION** (Amending Order DE 84-25, filed 6/15/84)

**WAC 173-806-050 Lead agency determination and responsibilities.** (1) The department within the city/county receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050, 197-11-253, and 197-11-922 through 197-11-940; unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.

(2) When the city/county is the lead agency for a proposal, the department receiving the application shall determine the responsible official who shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the EIS.

(3) When the city/county is not the lead agency for a proposal, all departments of the city/county shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city/county department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the city/county may conduct supplemental environmental review under WAC 197-11-600.

(4) If the city/county or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-253 or 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the city/county must petition the department of ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period. Any such petition on behalf of the city/county may be initiated by . . . . .

(5) Departments of the city/county are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944: *Provided*, That the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.

(6) Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (That is: Which agencies require non-exempt licenses?).

(7) When the city/county is lead agency for a MTCA remedial action, the department of ecology shall be provided an opportunity under WAC 197-11-253(5) to review the environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period under WAC 197-11-253(6), the city/county shall decide jointly with ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency.

**AMENDATORY SECTION** (Amending Order DE 84-25, filed 6/15/84)

**WAC 173-806-053 Transfer of lead agency status to a state agency.** (*Optional for cities or towns under 5,000 population and counties ((of fifth through ninth class)) with a population under eighteen thousand.*) For any proposal for a private project where the city/county would be the lead agency and for which one or more state agencies have jurisdiction, the city's/county's responsible official may elect to transfer the lead agency duties to a state agency. The state agency with jurisdiction appearing first on the priority listing in WAC 197-11-936 shall be the lead agency and the city/county shall be an agency with jurisdiction. To transfer lead agency duties, the city's/county's responsible official must transmit a notice of the transfer together with any relevant information available on the proposal to the appropriate state agency with jurisdiction. The responsible official of the city/county shall also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal.

**AMENDATORY SECTION** (Amending Order DE 84-25, filed 6/15/84)

**WAC 173-806-058 Additional timing considerations.**

(1) For nonexempt proposals, the DNS or (*Note: Select either draft or final EIS.*) . . . . . EIS for the proposal shall accompany the city's/county's staff recommendation to any appropriate advisory body, such as the planning commission.

(2) (*This subsection may be used by non-GMA jurisdictions, and by GMA jurisdictions for permits not subject to the notice of application requirements of RCW 36.70B.110.*) If the city's/county's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the city/county conduct environmental review prior to submission of the detailed plans and specifications. (*Note: The following may be added.*) The point at which environmental review may be initiated for specific permits or other licenses requiring detailed project plans and specifications is . . . . .

**AMENDATORY SECTION** (Amending Order DE 84-25, filed 6/15/84)

**WAC 173-806-065 Purpose of this part and adoption by reference.** This part contains the rules for deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The city/county adopts the following sections by reference, as supplemented in this part:

WAC	
197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.

- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of nonsignificance (DNS).
- 197-11-350 Mitigated DNS.
- 197-11-355 Optional DNS process.
- 197-11-360 Determination of significance (DS)/initiation of scoping.
- 197-11-390 Effect of threshold determination.

**AMENDATORY SECTION** (Amending Order DE 84-25, filed 6/15/84)

**WAC 173-806-090 Environmental checklist.** (1) *(Use Option 1 or 2, but not both) (Option 1, using checklist from the rules without changes.)* Except as provided in subsection (4) of this section, a (this exception is added for jurisdictions wishing to use planned actions) completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this ordinance; except, a checklist is not needed if the city/county and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The city/county shall use the environmental checklist to determine the lead agency and, if the city/county is the lead agency, for determining the responsible official and for making the threshold determination.

*(Option 2, adding questions to the checklist.)* A completed environmental checklist shall be filed at the same time as an application for a permit, license, certificate, or other approval not exempted in this ordinance; except, a checklist is not needed if the city/county and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. Except as provided in subsection (4) of this section, the checklist shall be in the form of WAC 197-11-960 with the following additions: *(Indicate city's/county's additions.)* . . . . .

(2) For private proposals, the city/county will require the applicant to complete the environmental checklist, providing assistance as necessary. For city/county proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

(3) *(Optional.)* The city/county may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs: *(Either one or both of the following may be included.)*

(a) The city/county has technical information on a question or questions that is unavailable to the private applicant; or

(b) The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

(4) (This subsection is to be used only by jurisdictions wishing to use planned actions.) For projects submitted as planned actions under WAC 197-11-164, the city/county shall use its existing environmental checklist form or may

modify the environmental checklist form as provided in WAC 197-11-315. The modified environmental checklist form may be prepared and adopted along with or as part of a planned action ordinance; or developed after the ordinance is adopted. In either case, a proposed modified environmental checklist form must be sent to the department of ecology to allow at least a thirty-day review prior to use.

**AMENDATORY SECTION** (Amending Order DE 84-25, filed 6/15/84)

**WAC 173-806-100 Mitigated DNS.** (1) As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

(2) An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

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

(b) Precede the city's/county's actual threshold determination for the proposal.

(3) The responsible official should respond to the request for early notice within . . . . . working days. The response shall:

(a) Be written;

(b) State whether the city/county currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the city/county to consider a DS; and

(c) State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

(4) As much as possible, the city/county should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

(5) When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the city/county shall base its threshold determination on the changed or clarified proposal and should make the determination within fifteen days of receiving the changed or clarified proposal:

(a) If the city/county indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city/county shall issue and circulate a DNS under WAC 197-11-340(2).

(b) If the city/county indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city/county shall make the threshold determination, issuing a DNS or DS as appropriate.

(c) The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot stormwater retention pond at Y location" are adequate.

(d) Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

~~(6) ((A mitigated DNS is issued under WAC 197-11-340(2), requiring a fifteen-day comment period and public notice-)) (Note: GMA counties/cities may use either Option 1 or 2; non-GMA counties/cities must use Option 1.) (Option 1) A mitigated DNS is issued under WAC 197-11-340(2), requiring a fourteen-day comment period and public notice. (Option 2) A mitigated DNS is issued under either WAC 197-11-340(2), requiring a fourteen-day comment period and public notice, or WAC 197-11-355, which may require no additional comment period beyond the comment period on the notice of application.~~

(7) Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city/county.

(8) If the city's/county's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city/county should evaluate the threshold determination to assure consistency with WAC 197-11-340 (3)(a) (withdrawal of DNS).

(9) The city's/county's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city/county to consider the clarifications or changes in its threshold determination.

**AMENDATORY SECTION** (Amending Order DE 84-25, filed 6/15/84)

**WAC 173-806-128 Adoption by reference.** This part contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The city/county adopts the following sections by reference, as supplemented in this part:

WAC	
197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA register.
<u>197-11-510</u>	<u>Public notice.</u>
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.

**AMENDATORY SECTION** (Amending Order DE 84-25, filed 6/15/84)

**WAC 173-806-130 Public notice.** *(This section is required for non-GMA cities and counties. Subsections (1) and (2) of this section may be combined.)* (1) Whenever . . . . . city/county issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3) the city/county shall give public notice as follows:

(a) If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.

(b) If no public notice is required for the permit or approval, the city/county shall give notice of the DNS or DS by: *(Note: Select at least one of the following)*

- (i) Posting the property, for site-specific proposals;
- (ii) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;
- (iii) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
- (iv) Notifying the news media;
- (v) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and/or
- (vi) Publishing notice in agency newsletters and/or sending notice to agency mailing lists (either general lists or lists for specific proposals for subject areas);
- (vii) *(or, specify other method)* . . . . .

(c) Whenever the city/county issues a DS under WAC 197-11-360(3), the city/county shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

(2) Whenever the city/county issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

(a) Indicating the availability of the DEIS in any public notice required for a nonexempt license; and *(Note: In addition select at least one of the following or insert all of the list and require that at least one method be used.)*

- (b) Posting the property, for site-specific proposals;
- (c) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;
- (d) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
- (e) Notifying the news media;
- (f) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and/or
- (g) Publishing notice in agency newsletters and/or sending notice to agency mailing lists (general lists or specific lists for proposals or subject areas); *(and/or specify other)* . . . . .

(3) Whenever possible, the city/county shall integrate the public notice required under this section with existing notice procedures for the city's/county's nonexempt permit(s) or approval(s) required for the proposal.

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(4) The city/county may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

**NEW SECTION**

**WAC 173-806-132 Public notice.** *(This section is required for GMA cities and counties. Subsections (1) and (2) of this section may be combined.)* (1) Whenever possible, the city/county shall integrate the public notice required under this section with existing notice procedures for the city's/county's nonexempt permit(s) or approval(s) required for the proposal.

(2) Whenever . . . . . city/county issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3) the city/county shall give public notice as follows:

(a) If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.

(b) If an environmental document is issued concurrently with the notice of application, the public notice requirements for the notice of application in RCW 36.70B.110(4) will suffice to meet the SEPA public notice requirements in WAC 197-11-510(1).

(c) If no public notice is otherwise required for the permit or approval, the city/county shall give notice of the DNS or DS by: *(Note: Select at least one of the following.)*

- (i) Posting the property, for site-specific proposals;
- (ii) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;

(iii) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;

(iv) Notifying the news media;

(v) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and/or

(vi) Publishing notice in agency newsletters and/or sending notice to agency mailing lists (either general lists or lists for specific proposals for subject areas);

(vii) (or, specify other method) . . . . .

(d) Whenever the city/county issues a DS under WAC 197-11-360(3), the city/county shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

(3) If a DNS is issued using the optional DNS process, the public notice requirements for a notice of application in RCW 36.70B.110(4) as supplemented by the requirements in WAC 197-11-355 will suffice to meet the SEPA public notice requirements in WAC 197-11-510 (1)(b).

(4) Whenever the city/county issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

(a) Indicating the availability of the DEIS in any public notice required for a nonexempt license; and (Note: In addition select at least one of the following or insert all of the list and require that at least one method be used.)

(b) Posting the property, for site-specific proposals;

(c) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;

(d) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;

(e) Notifying the news media;

(f) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and/or

(g) Publishing notice in agency newsletters and/or sending notice to agency mailing lists (general lists or specific lists for proposals or subject areas);

(h) (and/or specify other) . . . . .

(5) Public notice for projects that qualify as planned actions shall be tied to the underlying permit as specified in WAC 197-11-172(3).

(6) The city/county may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

**AMENDATORY SECTION** (Amending Order DE 84-25, filed 6/15/84)

**WAC 173-806-150 Purpose of this part and adoption by reference.** This part contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the city's/county's own environmental compliance. The city/county adopts the following sections by reference:

WAC	
197-11-164	<u>Planned actions—Definition and criteria.</u>
197-11-168	<u>Ordinances or resolutions designating planned actions—Procedures for adoption.</u>
197-11-172	<u>Planned actions—Project review.</u>
197-11-600	When to use existing environmental documents.
197-11-610	Use of NEPA documents.
197-11-620	Supplemental environmental impact statement—Procedures.
197-11-625	Addenda—Procedures.
197-11-630	Adoption—Procedures.
197-11-635	Incorporation by reference—Procedures.
197-11-640	Combining documents.

**AMENDATORY SECTION** (Amending Order DE 84-25, filed 6/15/84)

**WAC 173-806-160 Substantive authority.** (1) The policies and goals set forth in this ordinance are supplementary to those in the existing authorization of the city of . . . . / . . . . county.

(2) The (city/county) may attach conditions to a permit or approval for a proposal so long as:

(a) Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in envi-

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ronmental documents prepared pursuant to this ordinance; and

- (b) Such conditions are in writing; and
- (c) The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
- (d) The city/county has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
- (e) Such conditions are based on one or more policies in subsection (4) of this section and cited in the license or other decision document.

(3) The (city/county) may deny a permit or approval for a proposal on the basis of SEPA so long as:

- (a) A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this ordinance; and
- (b) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
- (c) The denial is based on one or more policies identified in subsection (4) of this section and identified in writing in the decision document.

(4) The city/county designates and adopts by reference the following policies as the basis for the city's/county's exercise of authority pursuant to this section:

- (a) The city/county shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:
  - (i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
  - (ii) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
  - (iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
  - (iv) Preserve important historic, cultural, and natural aspects of our national heritage;
  - (v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
  - (vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
  - (vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The city/county recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(c) (Optional.) The city/county adopts by reference the policies in the following city/county (codes, ordinances, resolutions, plans) . . . . . (List the codes, ordinances, resolutions, or plans you have selected, such as zoning ordinance, building codes or comprehensive plans.) . . . . .

(d) (Optional.) The city/county establishes the following additional policies: . . . . .

~~((5) (Note: Required by RCW 43.21C.060, unless the city/county council/commission elects to eliminate such appeals and states so in this ordinance.) Except for permits and variances issued pursuant to chapter . . . . . of the city/county code (chapter relating to shoreline management), when any proposal or action not requiring a decision of the city/county council/commission is conditioned or denied on the basis of SEPA by a nonelected official, the decision shall be appealable to the city/county council/commission. Such appeal may be perfected by the proponent or any aggrieved party by giving notice to the responsible official within ten days of the decision being appealed. Review by the city/county council/commission shall be on a de novo basis.))~~

**AMENDATORY SECTION** (Amending Order DE 84-25, filed 6/15/84)

**WAC 173-806-170 Appeals.** (1) (Agency administrative appeal is optional. If allowed, the statute requires that all of this subsection be included, except (c) of this subsection which is optional.) . . . . city/county establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:

~~((a) Any agency or person may appeal the city's/county's procedural compliance with chapter 197-11-WAC for issuance of the following: (Note: Select one or more.)~~

~~(i) A final DNS: (Note: Choose one of the following options.)~~

~~(Option 1) Appeal of the DNS must be made to . . . . . within . . . . . days of the date the DNS is final (see WAC 197-11-390 (2)(a)).~~

~~(Option 2) Appeal of the DNS must be made to . . . . . within . . . . . days of the date the DNS is final. Appeal of the substantive determination on the action must be made to . . . . . within . . . . . days of the issuance of the permit or other license.~~

~~(Option 3) Appeal of the (city/county must specify DNS, substantive determination on action, or both. If both are allowed, they must be consolidated.) must be made to . . . . . within . . . . . days of the date the permit or other approval is issued.~~

~~(ii) A DS: The appeal must be made to . . . . . within . . . . . days of the date the DS is issued.~~

~~(iii) An EIS: Appeal of the (city/county must specify FEIS, substantive determination on the action, or both. If both are allowed, they must be consolidated) . . . . . must be made to . . . . . within . . . . . days of the date the permit or other approval is issued.) (Note: No model ordinance language has been prepared for administrative appeals, as there are many different choices a city or county can make. If you choose to offer administrative appeals, state your procedures here. Special note: If you do not wish to offer one specific type of administrative appeal, that of a nonelected official's decision conditioning or denying a proposal, RCW 43.21C.060 requires you to clearly state that you are eliminating that type of appeal.)~~

(b) For any appeal under this subsection, the city/county shall provide for a record that shall consist of the following:

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- (i) Findings and conclusions;
- (ii) Testimony under oath; and
- (iii) A taped or written transcript.
- (c) (*Optional.*) The city/county may require the appellant to provide an electronic transcript.
- (d) The procedural determination by the city's/county's responsible official shall carry substantial weight in any appeal proceeding.

(2) The city/county shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal. (*The following is optional.*) The following permits or approvals require official notice: . . . .

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending Order DE 84-25, filed 6/15/84)

**WAC 173-806-175 Purpose of this part and adoption by reference.** This part contains uniform usage and definitions of terms under SEPA. The city/county adopts the following sections by reference, as supplemented by WAC ((173-806-040)) 173-806-030:

**WAC**

- 197-11-700 Definitions.
- 197-11-702 Act.
- 197-11-704 Action.
- 197-11-706 Addendum.
- 197-11-708 Adoption.
- 197-11-710 Affected tribe.
- 197-11-712 Affecting.
- 197-11-714 Agency.
- 197-11-716 Applicant.
- 197-11-718 Built environment.
- 197-11-720 Categorical exemption.
- 197-11-721 Closed record appeal.
- 197-11-722 Consolidated appeal.
- 197-11-724 Consulted agency.
- 197-11-726 Cost-benefit analysis.
- 197-11-728 County/city.
- 197-11-730 Decision maker.
- 197-11-732 Department.
- 197-11-734 Determination of nonsignificance (DNS).
- 197-11-736 Determination of significance (DS).
- 197-11-738 EIS.
- 197-11-740 Environment.
- 197-11-742 Environmental checklist.
- 197-11-744 Environmental document.
- 197-11-746 Environmental review.
- ((197-11-748 ~~Environmentally sensitive area.~~))
- 197-11-750 Expanded scoping.

- 197-11-752 Impacts.
- 197-11-754 Incorporation by reference.
- 197-11-756 Lands covered by water.
- 197-11-758 Lead agency.
- 197-11-760 License.
- 197-11-762 Local agency.
- 197-11-764 Major action.
- 197-11-766 Mitigated DNS.
- 197-11-768 Mitigation.
- 197-11-770 Natural environment.
- 197-11-772 NEPA.
- 197-11-774 Nonproject.
- 197-11-775 Open record hearing.
- 197-11-776 Phased review.
- 197-11-778 Preparation.
- 197-11-780 Private project.
- 197-11-782 Probable.
- 197-11-784 Proposal.
- 197-11-786 Reasonable alternative.
- 197-11-788 Responsible official.
- 197-11-790 SEPA.
- 197-11-792 Scope.
- 197-11-793 Scoping.
- 197-11-794 Significant.
- 197-11-796 State agency.
- 197-11-797 Threshold determination.
- 197-11-799 Underlying governmental action.

**AMENDATORY SECTION** (Amending Order DE 84-25, filed 6/15/84)

**WAC 173-806-180 Adoption by reference.** The city/county adopts by reference the following rules for categorical exemptions, as supplemented in this ordinance, including WAC 173-806-070 (Flexible thresholds), WAC 173-806-080 (Use of exemptions), and WAC 173-806-190 ((~~Environmentally sensitive~~)) Critical areas):

**WAC**

- 197-11-800 Categorical exemptions.
- 197-11-880 Emergencies.
- 197-11-890 Petitioning DOE to change exemptions.

**AMENDATORY SECTION** (Amending Order DE 84-25, filed 6/15/84)

**WAC 173-806-185 Purpose of this part and adoption by reference.** This part contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating ((~~environmentally sensitive~~)) categorical exemptions that do not apply within critical areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities.

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The city/county adopts the following sections by reference(~~(; as supplemented by WAC 173-806-045 through 173-806-043 and this part)~~):

- WAC
- 197-11-900 Purpose of this part.
- 197-11-902 Agency SEPA policies.
- 197-11-916 Application to ongoing actions.
- 197-11-920 Agencies with environmental expertise.
- 197-11-922 Lead agency rules.
- 197-11-924 Determining the lead agency.
- 197-11-926 Lead agency for governmental proposals.
- 197-11-928 Lead agency for public and private proposals.
- 197-11-930 Lead agency for private projects with one agency with jurisdiction.
- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.

**AMENDATORY SECTION** (Amending Order DE 84-25, filed 6/15/84)

**WAC 173-806-190** (~~(Environmentally sensitive) Critical areas.~~ *((Optional. If used, all subsections must be included.) (1) (Use Option 1 or 2, but not both.)*)

~~(Option 1: If maps have been prepared.)~~ The map(s) filed under . . . . designate the location of environmentally sensitive areas within the city/county and are adopted by reference. For each environmentally sensitive area, the exemptions within WAC 197-11-800 that are inapplicable for that area are: . . . . Unidentified exemptions shall continue to apply within environmentally sensitive areas of the city/county.

~~(Option 2: If environmentally sensitive areas have not been designated.)~~ shall designate environmentally sensitive areas under the standards of WAC 197-11-908 and shall file maps designating such areas, together with the exemptions from the list in WAC 197-11-908 that are inapplicable in such areas, with . . . . and the Department of Ecology, Headquarters Office, Olympia, Washington. The environmentally

sensitive area designations shall have full force and effect of law as of the date of filing.

~~(2) The city/county shall treat proposals located wholly or partially within an environmentally sensitive area no differently than other proposals under this ordinance, making a threshold determination for all such proposals. The city/county shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally sensitive area.~~

~~(3) Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.)~~ *(Optional.)* (1) The city/county has selected certain categorical exemptions that will not apply in one or more critical areas identified in the critical areas ordinances required under RCW 36.70A.060. For each critical area listed below, the exemptions within WAC 197-11-800 that are inapplicable for that area are:

(a) . . . (list each critical area and exemptions that do not apply within that critical area; exemptions that do not apply can be chosen from the list in WAC 197-11-908). . . .

(b) . . . .  
(2) The scope of environmental review of actions within these areas shall be limited to:

(a) Documenting whether the proposal is consistent with the requirements of the critical areas ordinance; and

(b) Evaluating potentially significant impacts on the critical area resources not adequately addressed by GMA planning documents and development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and with other applicable environmental review laws.

(3) All categorical exemptions not listed in subsection (1) of this section apply whether or not the proposal will be located in a critical area.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 173-806-055	Additional considerations in time limits applicable to the SEPA process.
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**WSR 98-23-049  
PERMANENT RULES  
STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES**

[Filed November 13, 1998, 2:02 p.m.]

Date of Adoption: June 8 [18], 1998.

Purpose: Updating of Title 131 WAC in compliance with Governor's Executive Order 97-02 related to regulatory reform.

Citation of Existing Rules Affected by this Order: Amending WAC 131-32-010 and 131-32-020.

Statutory Authority for Adoption: [Chapter 28B.50 RCW.]

Adopted under notice filed as WSR 98-10-044 on April 29, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 13, 1998

Claire Krueger

Executive Assistant and

Agency Rules Coordinator

**AMENDATORY SECTION** (Amending Order 88, Resolution No. 81-32, filed 6/25/81)

**WAC 131-32-010 Charges for courses utilizing supplemental funding.** (1) For the purpose of this section, the term "supplemental funding" shall mean restricted funds provided on the basis of an agreement between a college district and a cooperating agency or organization for the purpose of augmenting state fund support above the current funding level provided for particular courses, classes, or programs that have extraordinary costs and that, in the judgment of the college district board of trustees, could not be offered without such supplemental funding.

(2) College districts that desire to offer services that involve supplemental funding pursuant to RCW 28B.50.140(17) shall report such agreements to the state director within ten days of the execution of the agreement.

(3) Reports of any such agreements shall be accompanied by supporting cost information in the detail and format prescribed by the state director.

(4) The supplemental (~~(fee charged)~~) charge for any such services shall be (~~(retained)~~) deposited by the college district in fund 148 for the purpose of supporting such services and the general operations and maintenance of the college district.

(5) Enrollments generated by courses utilizing supplemental funding shall be eligible for state fund support, subject to review and approval of the state director.

(6) Courses denied approval under this section may be considered for eligibility as a shared funding course pursuant to WAC 131-32-020.

(7) Tuition and fees for such courses, classes, or programs shall be charged consistent with WAC 131-28-025 and 131-28-026.

**AMENDATORY SECTION** (Amending Order 88, Resolution No. 81-32, filed 6/25/81)

**WAC 131-32-020 Charges for courses utilizing shared funding.** (1) For the purpose of this section, the term "shared funding" shall mean funds provided on the basis of an agreement between a college district and a cooperating agency or organization for the support of particular courses, classes, or programs that have costs within current state funding levels and that, in the judgment of the college district board of trustees, otherwise could not be offered because of inadequate state funding.

(2) College districts that desire to offer services that involve shared funding pursuant to RCW 28B.50.140(17) shall report such agreements to the state director within ten days of the execution of the agreement.

(3) Requests for approval of any such agreements shall be accompanied by supporting cost information in the detail and format prescribed by the state director.

(4) Enrollments generated by courses utilizing shared funding shall be eligible for state funding support subject to review and approval by the state director, but shall be discounted to the proportion that the state fund support provided for the services bears to the direct and indirect costs of the program.

(5) Tuition and fees for such courses, classes, or programs shall be charged consistent with WAC 131-28-025 and 131-28-026.

**WSR 98-23-050**

**PERMANENT RULES**

**STATE BOARD FOR**

**COMMUNITY AND TECHNICAL COLLEGES**

[Filed November 13, 1998, 2:06 p.m.]

Date of Adoption: June 8 [18], 1998.

Purpose: Updating of Title 131 WAC in compliance with Governor's Executive Order 97-02 related to regulatory reform.

Citation of Existing Rules Affected by this Order: Amending WAC 131-32-030 and 131-32-035.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Adopted under notice filed as WSR 98-10-112 on May 6, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 13, 1998

Claire Krueger

Executive Assistant and  
Agency Rules Coordinator

**AMENDATORY SECTION** (Amending Order 112, Resolution No. 86-45, filed 10/30/86)

**WAC 131-32-030 Interdistrict instructional program arrangements.** (1) When circumstances warrant, two or more community and technical college districts may agree to allow one district to offer courses, special events, or other community service activities within the service area of the other district.

(2) Arrangements for interdistrict course(s) or program(s) offerings shall be formalized through written agreements between the cooperating college districts.

(3) A copy of the written agreement shall be filed with the office of the director for community (~~(college education))~~ and technical colleges.

(4) The college district providing the service shall maintain general administrative jurisdiction over the course(s) or program(s), including fees and other charges, instructor selection and remuneration, fiscal control and accounting, and enrollment reporting.

(5) Public announcements regarding such course(s) or program(s) shall describe the cooperative nature of the venture.

(6) In the event of a dispute related to interdistrict program arrangements and when in the judgment of the state board there are compelling reasons for intervention, the state board will make a final determination in the matter pursuant to authority granted in RCW 28B.50.090(11).

**AMENDATORY SECTION** (Amending Order 112, Resolution No. 86-45, filed 10/30/86)

**WAC 131-32-035 Interdistrict joint program offerings.** (1) Two or more community and technical college districts may enter into agreements to offer jointly courses, programs or other community service activities.

(2) Agreements covering joint offerings shall specify, in addition to the items required by chapter 39.34 RCW, the Interlocal Cooperation Act, procedures for instructor selection and remuneration, the basis for assessing fees and other charges, admissions, and registration policies, and the method by which enrollment will be reported.

(3) A copy of the written agreement shall be filed with the office of the director for community (~~(college education))~~ and technical colleges.

(4) Public announcements regarding such programs shall describe the cooperative nature of the venture.

**WSR 98-23-051**

**PERMANENT RULES**

**STATE BOARD FOR**

**COMMUNITY AND TECHNICAL COLLEGES**

[Filed November 13, 1998, 2:09 p.m.]

Date of Adoption: June 8 [18], 1998.

Purpose: Updating of Title 131 WAC to comply with Governor's Executive Order 97-02 related to regulatory reform.

Citation of Existing Rules Affected by this Order: Repealing WAC 131-16-210 and 131-16-220; and amending WAC 131-16-080 and 131-16-400.

Statutory Authority for Adoption: [Chapter 28B.50 RCW].

Adopted under notice filed as WSR 98-10-113 on May 6, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 2.

Effective Date of Rule: Thirty-one days after filing.

November 13, 1998

Claire Krueger

Executive Assistant and  
Agency Rules Coordinator

**AMENDATORY SECTION** (Amending Order 134, Resolution No. 91-27, filed 10/4/91, effective 11/4/91)

**WAC 131-16-080 General standards of qualifications for community and technical college personnel.** Prior to employment of candidates to perform professional services in Washington community and technical colleges, the district board of trustees shall establish that the candidate possesses:

(1) Scholarship and/or technical skill that represents appropriate study, training, and skills in the proposed area of assignment,

(2) Expertise as a practitioner as evidenced by reports of former associates and supervisors,

(3) A demonstrable understanding and acceptance of the role to be played as a partner in an educational enterprise serving the best interests of the students,

(4) A demonstrable understanding and acceptance of the mission, role, and character of the community or technical college,

(5) The ability to perform assigned duties in a manner consistent with the goals of the institution and the community and technical college system, and

(6) Personal characteristics that contribute to the ability to promote the welfare of the students, the institution, and the state of Washington.

**AMENDATORY SECTION** (Amending Order 122, Resolution Nos. 90-42 and 90-43, filed 9/20/90, effective 10/21/90)

**WAC 131-16-400 Definition of "special funds" for the purpose of determining eligibility for tenurable faculty positions.** (1) RCW 28B.50.851 authorizes the state board for community and technical colleges (~~(education)~~) to designate certain funds as "special funds" for the purpose of exempting positions funded thereby from the award of community college faculty tenure status as provided in RCW 28B.50.850 through 28B.50.869.

(2) For the purpose of implementing the provisions of RCW 28B.50.851, "special funds" shall be defined as all funds received by a (~~community~~) college district other than those generated by operating fees (~~and special fees~~) collected by such district pursuant to chapter 28B.15 RCW ((28B.15.100 and 28B.15.500)) and state general funds appropriated by the legislature and distributed to college districts by the state board by formula allocation.

(3) "Special funds" shall include, but not be limited to, funds designated as special funds by the legislature, funds received by a community college district through contracts with federal, state, local, or private agencies; grants or gifts from philanthropic organizations; revenue produced by any auxiliary enterprise operated by a college district; federal vocational funds ((distributed by the commission for vocational education; adult basic education funds distributed by the superintendent of public instruction)); funds awarded to colleges by the state board as grants for specified purposes, not allocated by formula; and specifically funds received for operating overseas military educational programs.

(4) In order to qualify for the exemption from faculty tenure status, a position must be primarily maintained and funded at least 51% for salary and related benefits by such "special funds" as defined in this section.

(5) Determination of the application of the provisions of this section to any future programs shall be made by the state director consistent with subsections (2) and (3) of this section.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 131-16-210            Layoff unit defined.
- WAC 131-16-220            Duration of reduction in force lists.

**WSR 98-23-052  
PERMANENT RULES  
STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES**

[Filed November 13, 1998, 2:11 p.m.]

Date of Adoption: June 18, 1998.

Purpose: Updating of Title 131 WAC in accordance with Governor's Executive Order 97-02 related to regulatory reform.

Citation of Existing Rules Affected by this Order: Amending WAC 131-276-010, 131-276-020, 131-276-040, 131-276-060, 131-276-070, and 131-276-990.

Statutory Authority for Adoption: Chapter 28.50 [28B.50] RCW.

Adopted under notice filed as WSR 98-10-111 on May 6, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 6, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
November 13, 1998

Claire Krueger  
Executive Assistant and  
Agency Rules Coordinator

**AMENDATORY SECTION** (Amending Order 18, filed 7/2/73)

**WAC 131-276-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the state board for community and technical colleges (~~(education)~~) with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25-32 of that act, dealing with public records.

**AMENDATORY SECTION** (Amending Order 18, filed 7/2/73)

**WAC 131-276-020 Definitions.** (1) **Public records.** "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

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

(3) **State board for community and technical colleges ((education)).** The state board for community and technical colleges ((education)) is an agency organized by statute pursuant to RCW 28B.50.050. The state board for community college education shall hereafter be referred to as the "board." Where appropriate, the term board also refers to the staff and employees of the board.

AMENDATORY SECTION (Amending Order 18, filed 7/2/73)

**WAC 131-276-040 Operations and procedures.** The board is established under RCW 28B.50.050 to implement the educational and administrative purposes established by RCW 28B.50.090 and 28B.50.020. The board is operated under the supervision and control of a board of trustees. The board of trustees is made up of ((seven)) nine members appointed by the governor for a term of four years. The trustees meet in regular meetings as published in the Washington Administrative Code unless public notice is given of a special meeting. At such time, the board exercises the powers and duties granted it under RCW 28B.50.090 and other provisions of the laws of Washington.

AMENDATORY SECTION (Amending Order 18, filed 7/2/73)

**WAC 131-276-060 Public records officer.** The board's public records shall be in the charge of the public records officer designated by the board director. The person so designated shall be located in the administrative office of the board. The public records officer shall be responsible for the following: The implementation of the board's rules and regulations regarding release of public records, coordinating the staff of the board in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of ((1973)) \_\_.

AMENDATORY SECTION (Amending Order 18, filed 7/2/73)

**WAC 131-276-070 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the board. For the purposes of this chapter, the customary office hours shall be from ((9:00)) 8:00 a.m. to noon and from 1:00 p.m. to ((4:00)) 5:00 p.m., Monday through Friday, excluding legal holidays.

AMENDATORY SECTION (Amending Order 18, filed 7/2/73)

**WAC 131-276-990 Appendix A—Request for public record to state board for community and technical colleges ((education)).**

APPENDIX "A"

REQUEST FOR PUBLIC RECORD TO STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES ((EDUCATION))

- (a) Signature ..... Signature (Please Print)
   
.....
   
Name of Organization, if Applicable .....
   
.....
   
Mailing Address of Applicant ..... Phone Number
- (b) Date Request Made at State Board ..... Time of Day
   
for Community and Technical Col- ..... Request Made
   
leges ((Education)) .....
- (c) Nature of request .....
- (d) Identification Reference on Current Index .....
   
..... Please Describe
   
.....
   
.....
- (e) Description of Record, or Matter, Requested if not Identifiable by
   
Reference to the State Board for Community and Technical Col-
   
leges ((Education-Current)) Index .....

Request: Approved ..... By .....
  
Date ..... Public Records Officer

Denied Date .....

Reasons for Denial: .....

.....

.....

Referred to ..... Date .....

By .....
  
Public Records Officer

WSR 98-23-063
PERMANENT RULES
PARKS AND RECREATION
COMMISSION

[Filed November 16, 1998, 2:37 p.m., effective January 1, 1999]

Date of Adoption: November 6, 1998.

Purpose: The agency conducted a review of chapter 352-32 WAC to ensure that those sections that prescribe and/or regulate fees were clear, up-to-date, economically via-

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ble and structured to serve the public. The adopted changes also eliminate the prohibition of recreational use of remote controlled aircraft in certain circumstances.

Citation of Existing Rules Affected by this Order: Amending WAC 352-32-130, 352-32-250, and 352-32-010.

Statutory Authority for Adoption: RCW 43.51.040(2).

Adopted under notice filed as WSR 98-19-114 on September 23, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: January 1, 1999.

November 16, 1998

Jim French

Senior Policy Analyst

**AMENDATORY SECTION** (Amending WSR 98-04-065, filed 2/2/98, effective 3/5/98)

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

"Bivouac" shall mean to camp overnight on a vertical rock climbing route on a ledge or in a hammock sling.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Camping party" shall mean an individual or a group of people (two or more persons) that is organized, equipped and capable of sustaining its own camping activity. A "camping party" is a "camping unit" for purposes of RCW 43.51.055.

"Commercial recreation use" is a recreational activity in a state park that is packaged and sold as a service by an organization or individual, other than state parks or a state park concessionaire.

"Commercial recreation provider" is any individual or organization that packages and sells a service that meets the definition of a commercial recreation use.

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

"Day area parking space" shall mean any designated parking space within any state park area designated for daytime vehicle parking.

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

"Emergency area" is an area in the park separate from the designated overnight camping area, which the park manager

decides may be used for camping when no alternative camping facilities are available within reasonable driving distances.

"Environmental interpretation" shall mean the provision of services, materials, publications and/or facilities, including environmental learning centers (ELC), for other than basic access to parks and individual camping, picnicking, and boating in parks, that enhance public understanding, appreciation and enjoyment of the state's natural and cultural heritage through agency directed or self-learning activities.

"Environmental learning centers (ELC)" shall mean those specialized facilities, designated by the director, designed to promote outdoor recreation experiences and environmental education in a range of state park settings.

"Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

"Motorcycle" means every 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, but excluding a farm tractor and a moped.

"Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

"Overflow area" shall mean an area in a park separate from designated overnight and emergency camping areas, designated by the park manager, for camping to accommodate peak camping demands in the geographic region.

"Overnight accommodations" shall mean any facility or site designated for overnight occupancy within a state park area.

"Paraglider" shall mean an unpowered ultralight vehicle capable of flight, consisting of a fabric, rectangular or elliptical canopy or wing connected to the pilot by suspension lines and straps, made entirely of nonrigid materials except for the pilot's harness and fasteners. The term "paraglider" shall not include hang gliders or parachutes.

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

"Popular destination park" shall mean any state park designated by the director as a popular destination park because, it is typically occupied to capacity on Friday or Saturday night during the high use season.

"Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

"Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-

mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

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

"Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

"Remote controlled aircraft" shall mean nonpeopled model aircraft that are flown by using internal combustion, electric motors, elastic tubing, or gravity/wind for propulsion. The flight is controlled by a person on the ground using a hand held radio control transmitter. A typical radio controlled model aircraft weighs from five to ten pounds and has a wingspan of five to six feet, with the maximum size being approximately fifty pounds and a wingspan of ten feet.

"Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

Camping at a given park for more than thirty days within a forty-day time period April 1 through September 30; or forty days within a sixty-day time period October 1 through March 31. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping party shall be limited to ten consecutive nights April 1 through September 30. Provided that at the discretion of the park ranger the maximum stay may be extended to fourteen consecutive nights if the campground is not fully occupied. Campers may stay twenty consecutive nights October 1 through March 31 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

"Sno-park" shall mean any designated winter recreational parking area.

"Special groomed trail area" shall mean those sno-park areas designated by the director as requiring a special groomed trail permit.

"Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

"Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal, and flush comfort station.

"State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 43.51.655 and as regulated under chapter 352-37 WAC.

"Trailer dump station" shall mean any state park sewage disposal facility designated for the disposal of sewage waste from any recreation vehicle, other than as may be provided in a utility campsite.

"Upland" shall mean all lands lying above mean high water.

"Utility campsite" shall mean a standard campsite with the addition of electricity and which may have domestic water and/or sewer.

"Watercraft launch site" shall mean any facility located in a state park area designated for the purpose of placing or retrieving any vehicle-borne or trailer-borne watercraft into or out of the water.

"Water trail advisory committee" shall mean the twelve-member committee constituted by RCW 43.51.456.

"Water trail camping sites" shall mean those specially designated group camp areas identified with signs, that are near water ways, and that have varying facilities and extent of development.

#### AMENDATORY SECTION (Amending WSR 98-04-065, filed 2/2/98, effective 3/5/98)

**WAC 352-32-130 Aircraft.** (1) No aircraft shall land on or take off from any body of water or land area in a state park area not specifically designated for landing aircraft. This provision does not apply to official aircraft used in the performance of search and rescue missions, medical emergencies, law enforcement activities, emergency evacuations or fire fighting activities. It also does not apply in cases where the director or designee specifically authorizes such landings or take offs, in writing, associated with the operational, or administrative needs of the agency or state.

(2) Individuals who have complied with the registration process provided or who have obtained a special recreation event permit pursuant to WAC 352-32-047 may launch and land paragliders in state park areas specifically designated by the director as available for paragliding. Prior to any such designation, the director or designee shall advertise and conduct a public meeting in the region where the park is located. The director shall consider the potential impacts of paragliding in the proposed area, including but not limited to the following factors: The degree of conflict paragliding may have with other park uses, public safety issues, and any potential damage to park resources/facilities. Any park designated for paragliding shall be conspicuously posted as such by the director.

(3) Individuals paragliding in state parks must:

(a) Comply with the registration process provided for such purposes;

(b) Observe all applicable laws and regulations;

(c) Never destroy or disturb park facilities, natural features, or historical or archeological resources;

(d) Conduct themselves with thoughtfulness, courtesy and consideration for others, and not interfere with other recreational activities;

(e) Conduct themselves in compliance with the following basic safety regulations:

(i) Comply with specific site operational rules that are posted;

(ii) Fly in a manner consistent with the pilot rating held;

(iii) Preplanned landings should be made in areas no smaller than forty feet wide by one hundred feet long;

(iv) Make preflight checks of weather, equipment and site conditions;

(v) Observe all published traffic and right of way flight guidelines, including yielding right of way to all aircraft;

(vi) Wear protective clothing, headgear, Coast Guard approved flotation gear, reserve parachute, supplemental oxygen and communication equipment as appropriate for conditions;

(vii) Fly in a manner that does not create a hazard for other persons or property;

(viii) Fly only during daylight hours, or hours otherwise specified by posting at the site;

(ix) Do not fly over congested areas of parks or open air assembly of persons;

(x) Fly only in designated areas of parks;

(xi) Fly with visual reference to the ground surface at all times.

(xii) Do not tether paraglider to the ground or other stable nonmovable object.

(f) Not fly while under the influence of alcohol or drugs.

(4) Individuals flying remote controlled aircraft and helicopters must do so within the designated flying area and only when following the remote controlled aircraft management plan approved by the director or designee and posted for that designated area.

(a) The director or designee may permanently, or for a specified period or periods of time, close any state park area to remote controlled aircraft flying if the director or designee concludes that a remote controlled aircraft flying closure is necessary for the protection of the health, safety, and welfare of the public, park visitors or staff, or park resources. Prior to closing any park or park area to remote controlled aircraft flying, the director or designee shall hold a public meeting near the state park area to be closed to remote controlled aircraft flying. Prior notice of the meeting shall be published in a newspaper of general circulation in the area and at the park at least thirty days prior to the meeting. In the event that the director or designee or park manager determines that it is necessary to close a remote controlled aircraft flying area immediately to protect against an imminent and substantial threat to the health, safety, and welfare of the public, park visitors or staff, or park resources, the director or designee or park manager may take emergency action to close a state park area to remote controlled aircraft flying without first complying with the publication and meeting requirements of this subsection.

Such emergency closure may be effective for only so long as is necessary for the director or designee to comply with the publication and meeting requirements of this subsection. The director or designee shall ensure that any designated remote controlled aircraft flying area closed to remote controlled aircraft flying is conspicuously posted as such at the entrance of the affected park area.

(b) The director or designee shall establish a committee of remote controlled aircraft flying to advise park staff on park management issues related to remote controlled aircraft flying for each state park area designated as a remote controlled aircraft flying site. The director or designee shall receive all appeals on denial of flying areas being created in specific parks.

(c) Each state park area with an established advisory committee of remote controlled aircraft flyers will have an approved management plan which will specify remote controlled aircraft flying rules concerning types of aircraft, flying hours, identified approved flying zones, identified runways for take-offs and landings, engine muffler requirements, use of and posting of radio frequency, fuel spills and clean-up. The director or designee shall ensure that any remote controlled aircraft flying rules contained in the remote controlled aircraft flying management plan are conspicuously posted at the entrance of the affected park area.

(d) Except as provided in WAC 352-32-310, any violation of this section or failure to abide by a conspicuously posted remote controlled aircraft flying rule is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 97-21-133, filed 10/21/97, effective 1/1/98)

**WAC 352-32-250 Standard fees charged.** Fees shall be charged in parks operated by the commission for use of lands, facilities, programs, services, and materials as published by state parks: *Provided, however,* That the director or designee has the authority to discount fees to a maximum of 50% below the published fee amounts in order to take advantage of marketing opportunities to encourage use and increase revenues. Any such discounts shall be effective for a limited period of time less than one year in duration. The director may consider the following factors in temporarily establishing or discounting fees:

Prevailing rates for comparable facilities;

Day of the week;

Season of the year;

Amenities of the park area and site;

Demand for facilities; and

Such other considerations as the director deems appropriate. The director may also waive fees for marketing or promotional purposes or to redress visitor complaints, provided, however, that annual fees may not be waived. The director may also establish temporary fees for a maximum of one year for new facilities or services.

(1) The director may authorize reciprocity with other state or federal agencies for the use of annual permits of like services, provided, that Washington licensed vehicles and/or residents shall be required to have and/or display the appropriate Washington permit;



(2) Overnight camping - standard campsite; utility campsite; emergency campsite; overflow campsite; primitive campsite for nonmotorized vehicle; primitive campsite for motorized vehicle - fees will be charged as published by state parks. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger;

(3) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite;

(4) Group camping area - certain parks: Individual camping units using these facilities must pay ~~((the primitive)) campsite fees ((or other appropriate fee based on facilities available))~~ as published by state parks;

(5) Environmental interpretation:

(a) Service fees will be established by the director in order to recover, to the maximum extent practicable, all direct and indirect costs of environmental interpretation services on a program-wide basis based on anticipated attendance.

(b) Material and publication fees will be established by the director. All material and publication fees will be deposited in the parks improvement account to be used for purposes specified in RCW 43.51.052.

(c) Facility use, including environmental learning center fees, will be established by the commission. A facility use fee schedule is available by contacting Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650;

(6) Adirondacks - not to include those located in ELC areas: Occupancy shall be limited to the number of built-in bunks provided;

(7) Extra vehicle overnight parking fee will be charged for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: *Provided*, An extra vehicle overnight parking fee shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(8) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must register and pay the nightly permit fee. The permit must be prominently displayed in the vehicle;

(9) Watercraft launch site permit fee - charged according to facilities provided. ~~((Boat))~~ Watercraft launch permit shall not be required for:

(a) Vehicles, other than those registered as extra overnight parking vehicles, registered for camping or overnight mooring in the park containing the watercraft launch site;

(b) Vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park;

(c) Vehicles of persons holding limited-income senior citizen, disability or disabled veteran passes;

(d) Vehicles displaying a valid annual watercraft launch site permit;

(10) Annual watercraft launch site permit valid January 1 - December 31 at any launch site designated by the commission. Permit must be displayed as instructed on permit backing;

(11) Trailer dump station fee - Fee shall not be required for:

(a) Registered camping vehicles in the park containing the dump station;

(b) Vehicles of persons holding limited-income senior citizen, disability or disabled veterans passes;

(12) Popular destination park - a surcharge will apply for use of standard or utility campsite located in a popular destination park during such periods as the director may specify;

(13) Water trail site permits -

(a) Unlimited use within the calendar year, annual fee to be set by the director after consultation with the water trail advisory committee, based on a cumulative charge of \$1.00 per site available for public use at the start of the calendar year;

(b) One day/night use within the calendar year, annual fee to be set by the director after consultation with the water trail advisory committee, based on a cumulative charge of \$.35 per site available for public use at the start of the calendar year;

(c) For children under 13 years of age the permits shall be issued at no cost;

(d) Water trail permits issued to persons by another state or Canadian province will be honored provided that a similar reciprocal provision for Washington water trail permit holders is issued by that state or province;

(e) Water trail permits will be issued to holders of Washington state parks passes (WAC 352-32-251) for the applicable discounts;

(14) A surcharge per collection shall be assessed for any staff collected fee at a self-registration overnight facility;

(15) Group day use facilities - a minimum daily permit fee will be charged for groups of 20 or more;

(16) Reservation transaction - fee will be charged as published by state parks;

(17) Moorage facilities - fee will be charged as published by state parks;

(18) Hot showers, electric stoves - fees will be charged as published by state parks. Fees published by state parks do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended;

(19) Commercial recreation provider permit registration - a fee shall be charged, as published by state parks for registration as a commercial recreation provider;

(20) Commercial recreation provider permit - effective January 1, 1998, a fee shall be charged, as published by state parks for obtaining a permit to engage in commercial recreational use of state parks, as defined in WAC 352-32-010.

(21) Sno-park permit - seasonal and daily permit fees will be charged as published by state parks.

(22) Special groomed trail permit - a state-wide special groomed trail permit will be required for use of special groomed trail areas. The fee charged will be as published by state parks.

(23) Wood debris collection permit - fee will be charged for collection and removal of wood debris from a state park area pursuant to RCW 4.24.210. The fee may be waived for volunteers assisting with emergency salvage and storm clean-up in the parks.

(24) Merchandise - prices for merchandise including but not limited to interpretive, recreational and historic materials, literature, food, beverage, grocery and other items at agency operated sales points will be based on market rates and practices.

(25) Back country camping permit - fee will be charged as published by state parks for selected state park areas as designated by the director.

(26) Group use registration - fee will be charged for groups of a size to be specified in the fee schedule on a park by park basis who have not otherwise reserved group facilities.

(27) Special event - fees will be charged based on the cost of providing events and market rates for comparable activities at other locations.

**WSR 98-23-078**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SERVICES FOR THE BLIND**

[Filed November 17, 1998, 1:36 p.m.]

Date of Adoption: November 11, 1998.

Purpose: Modifying current vocational rehabilitation WACs.

Statutory Authority for Adoption: Chapter 74.18 RCW.

Adopted under notice filed as WSR 98-19-016 on September 8, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended [9], Repealed 0; Federal Rules or Standards: New 0, Amended [9], Repealed 0; or Recently Enacted State Statutes: New 0, Amended [9], Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended [9], Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended [9], Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 16, 1998

Patricia Anderson  
Executive Assistant

**AMENDATORY SECTION** (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

**WAC 67-25-005 Definitions.** (1) "Act" or "the law," except when context indicates otherwise, means the Rehabilitation Act of 1973 (29 U.S.C. Section 701 et seq.), as amended.

(2) "Applicant" means an individual who has submitted to the department an application or letter requesting vocational rehabilitation services in accordance with WAC 67-25-010.

(3) "Assessment" means one or more of the following as appropriate in each case:

(a) A preliminary assessment to determine eligibility of an individual with a disability for vocational rehabilitation services;

(b) A comprehensive vocational assessment of the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and needs, including the need for supported employment services, in the most integrated setting possible, consistent with the individual's informed choice. The assessment will be used to determine, with the individual, the employment objective to be achieved, and a detailed plan of services needed to attain an employment outcome;

(c) An extended evaluation, for a total period not exceeding eighteen months, if there is a question about the applicant's ability to benefit in terms of an employment outcome from vocational rehabilitation services due to severity of the disability.

(4) "Client assistance program (CAP)" means a program, authorized under Section 112 of the act, which assists individuals with disabilities to receive vocational rehabilitation services by providing information and advocacy.

(5) "Community rehabilitation program" means a program that provides directly or facilitates the provision of one or more vocational rehabilitation services which enable individuals with disabilities to maximize opportunities for employment, including career advancement. Services include:

(a) Medical, psychiatric, psychological, social, and vocational services provided under one management;

(b) Testing, fitting, or training in the use of prosthetic and orthotic devices;

(c) Recreational therapy;

(d) Physical and occupational therapy;

(e) Speech, language and hearing therapy;

(f) Psychiatric, psychological and social services, including positive behavior management;

(g) Assessment for determining eligibility and vocational rehabilitation needs;

(h) Rehabilitation technology;

(i) Job development, placement, and retention services;

(j) Evaluation or control of specific disabilities;

(k) Assessment and training in adaptive skills of blindness;

(l) Extended employment;

(m) Psychosocial rehabilitation services;

(n) Supported employment services and extended services;

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(o) Services to family members when necessary for the vocational rehabilitation of the participant;

(p) Personal assistance services; or

(q) Services similar to those described in (a) through (p) of this subsection.

(6) "Competitive employment" means work that:

(a) In the competitive labor market is performed on a full-time or part-time basis in an integrated setting; and

(b) For which an individual is compensated at or above the minimum wage, but not less than the customary or usual wage paid by the employer for the same or similar work performed by individuals who are not disabled.

(7) "Department of services for the blind" means the legal authority in its entirety:

(a) "Advisory council" means the members appointed by the governor as the vocational rehabilitation advisory council.

(b) "Department" means the agency which carries out the operations of the Washington department of services for the blind.

~~((7))~~ (8) "Director," except when the context indicates otherwise, means the director of the department of services for the blind.

~~((8))~~ (9) "Eligible" or "eligibility certification," when used in relation to an individual's qualification for vocational rehabilitation services, means a certification that:

(a) The individual is legally blind or has a visual impairment which alone or combined with other disabilities results in a substantial impediment to employment; and

(b) Vocational rehabilitation services are required for the individual to prepare for, enter, engage in, or retain gainful employment.

~~((9))~~ (10) "Employment outcome" means entering or retaining:

(a) Full-time or, if appropriate, part-time competitive employment (including supported employment) in the integrated labor market;

(b) Self-employment;

(c) Business enterprises;

(d) Homemaking;

(e) Farm or family work (including work for which payment is in kind rather than in cash);

(f) Extended employment; or

(g) Other employment consistent with the participant's abilities, capabilities, interests, and informed choice, as supported by an assessment for determining vocational rehabilitation needs in accordance with WAC 67-25-255 and 67-25-257.

~~((10))~~ (11) "Individual with a disability" for purposes of this chapter means an individual who:

(a) Has a physical or mental impairment which results in a substantial impediment to employment; and

(b) Can benefit in terms of an employment outcome from vocational rehabilitation services.

~~((11))~~ (12) "Individual with a severe disability" means an individual:

(a) Who has a severe physical or mental impairment which seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction,

interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;

(b) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

(c) Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, sickle-cell anemia, specific learning disabilities, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs.

~~((12))~~ (13) "Individual's representative" means a parent, guardian, family member, advocate, or other representative authorized by the participant.

~~((13))~~ "Integrated setting" means a setting in which the majority of people, excluding service providers, with whom a participant interacts are individuals who are not disabled.)

(14) "Integrated setting" means a setting typically found in the community in which an individual with a disability, including those with the most severe disabilities, interacts with nondisabled individuals, other than service providers, to the same extent that nondisabled individuals in comparable settings interact with other persons.

(15) "Legal blindness" means a physical impairment defined as:

(a) Central visual acuity of 20/200 or less in the better eye with correcting lenses; or

(b) A field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance of no greater than 20°.

~~((15))~~ (16) "Medical consultant" means a physician, licensed pursuant to chapters 18.57 and 18.71 RCW, employed by the department to provide consultation to vocational rehabilitation counselors and rehabilitation teachers concerning the medical aspects of rehabilitation, usually reviewing and discussing medical problems of individual participants.

~~((16))~~ (17) ~~((Ophthalmological))~~ "Ophthalmic consultant" means a physician, licensed pursuant to chapters 18.57 and 18.71 RCW specializing in diseases of the eye, employed by the department to provide consultation to vocational rehabilitation counselors and rehabilitation teachers regarding procedures and prognosis relating to eye conditions.

~~((17))~~ (18) "Participant" means any individual with a disability:

(a) Who has applied for vocational rehabilitation services from the department; and

(b) For whom services have not been denied or terminated by the department.

~~((18))~~ (19) "Physical or mental impairment" means an injury, disease, or other disorder that materially reduces, or if not treated will probably result in materially reducing, mental

or physical functioning. The term "physical impairment" includes legal blindness and/or visual impairment.

~~((19))~~ (20) "Rehabilitation teacher" (RT) means an employee of the department who has responsibility to:

(a) Provide or supervise the provision of all vocational rehabilitation services to participants with a vocational objective of homemaker; and

(b) Provide adaptive skills of blindness assessment and training to all vocational rehabilitation participants as needed.

~~((20))~~ (21) "Rehabilitation technology" means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

(22) "Residence" or "residency" means, for purposes of this chapter, voluntarily living in the state for other than temporary reasons at the time of application.

~~((21))~~ (23) "Special modes of communication" means specialized media systems for individuals with disabilities including:

(a) Interpreters, open and closed captioned videos, and use of specialized services such as telecommunication devices and relay services for individuals who are deaf or hearing impaired;

(b) Materials in Braille, large print, or audio recordings for individuals who are blind; and

(c) Special materials for individuals who are deaf-blind.

~~((22))~~ (24) "Substantial impediment to employment" means ~~((that))~~ a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, and other related factors) which impedes an individual's occupational performance, by hindering or by preventing him or her from obtaining, retaining, or preparing for employment consistent with his or her capacities and abilities.

~~((23))~~ (25) "Visual impairment" for purposes of this chapter, means a physical condition defined as follows:

(a) Visual acuity in the best eye between 20/200 and 20/70 with correction; or

(b) Angle of vision subtends between 20° and 30°; or

(c) Severe functional visual problem; or

(d) A progressive condition which ultimately will lead to a visual impairment or to legal blindness.

~~((24))~~ (26) "Vocational rehabilitation counselor" (VRC) means an employee of the department who has direct responsibility for providing or supervising the provision of all vocational rehabilitation services to a participant.

~~((25))~~ (27) "Vocational rehabilitation services" means any goods or services necessary for a participant to achieve an employment outcome. (See WAC 67-25-350 for description and limitations.)

**AMENDATORY SECTION** (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

**WAC 67-25-255 Comprehensive assessment.** (1) To the extent necessary, there shall be a comprehensive assess-

ment of the unique strengths, resources, priorities, interests, and needs of the participant conducted in the most integrated setting possible, consistent with the informed choice of the individual.

(2) The comprehensive assessment must be limited to information necessary to identify the rehabilitation needs and develop the rehabilitation program with the individual, and may, if necessary, include:

(a) A comprehensive analysis of pertinent medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors affecting the employment and rehabilitation needs of the individual;

(b) An analysis of the individual's personality, interests, interpersonal skills, intelligence and related functions, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities;

(c) An appraisal of the individual's patterns of work behavior and services needed to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance;

(d) ~~((An assessment of the individual's capacities))~~ Assessment of the need for the provision of rehabilitation technology services to an individual with a disability to develop the capacities of the individual to perform in a work environment, including in an integrated setting, to the maximum extent feasible ~~((and))~~; consistent with the individual's informed choice.

(3) The comprehensive assessment shall, to the maximum extent possible and appropriate, be based on existing information provided by the individual and by the individual's family in accordance with confidentiality requirements.

**AMENDATORY SECTION** (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

**WAC 67-25-260 Individualized written rehabilitation program.** (1) The individualized written rehabilitation program shall be designed to achieve the employment objective of the participant consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual. To the extent possible, consistent with the informed choice of the individual, the program shall include placement in an integrated setting.

(2) The program shall include:

(a) The individual's long-term vocational goal based on the assessment for determining vocational rehabilitation needs and the career interests of the individual;

(b) Specific and measurable intermediate rehabilitation objectives to achieve the vocational goal, based on the assessment for determining vocational rehabilitation needs;

(c) Specific vocational rehabilitation services to be provided to achieve the intermediate rehabilitation objectives;

(d) Projected initiation dates and the anticipated duration of each service;

(e) Objective criteria, and an evaluation procedure and schedule to determine whether goals and objectives are being achieved;

(f) The views of the individual, in the words of the individual, or, as appropriate, in the words of the individual's representative, describing how he or she was informed about and involved in choosing among alternative goals, objectives, services, providers, and methods used to procure or provide services, including alternatives in integrated settings;

(g) How, to the maximum extent possible, information will be provided to the individual, or if appropriate, to the individual's representative, in his or her native language or using special modes of communication;

(h) Terms and conditions for provision of vocational rehabilitation services, including:

(i) Responsibilities of the individual in implementing the program;

(ii) The extent to which goods and services shall be provided in integrated settings, consistent with the informed choices of the individual;

(iii) The extent to which comparable services and benefits are available to the individual under any other program;

(iv) The entity or entities that will provide services and the process used to provide or procure services;

(i) Assessment of the expected need for post-employment services and, if appropriate, extended services, including provision for reassessment of these needs prior to the individual's successful rehabilitation;

(j) Information regarding the right to appeal any decision made on behalf of the individual by the department including the procedure for administrative review, fair hearing, and judicial review; ~~((and))~~

(k) A description of client assistance program services; and

(l) The basis on which the individual is determined to have achieved an employment outcome.

**AMENDATORY SECTION** (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

**WAC 67-25-270 Individualized written rehabilitation program—Participation of the individual.** (1) The individualized written rehabilitation program (IWRP) shall be jointly developed, agreed upon, and signed by:

(a) The participant, or as appropriate, the participant's representative; and

(b) The vocational rehabilitation counselor or other appropriate staff members ((and the participant, or as appropriate, the individual's representative)).

(2) Participants must take an active role in their own rehabilitation programs, including making meaningful and informed choices about the selection of vocational goals, intermediate objectives, ((and)) the vocational rehabilitation services they receive, service providers, and methods of procuring services.

(3) Substantive changes to the IWRP must also be jointly made and agreed upon by the participant and staff members.

(4) A copy of the individualized written rehabilitation program and copies of any revisions and addendums shall be provided in appropriate alternative format, in the individual's native language, to the participant or, as appropriate, to the individual's representative ~~((, in the individual's native language using special modes of communication as necessary)).~~

**AMENDATORY SECTION** (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

**WAC 67-25-288 Individualized written rehabilitation program—Termination—Notification of rights.** ~~((The department shall provide written notification, in the individual's native language or using special modes of communication if appropriate, to every individual who has applied for services when a determination is made to terminate services to the individual. The written notice shall specify in detail the reasons for the department's decision to terminate services and shall clearly inform the participant of his or her right to an administrative review in accordance with WAC 67-25-560, a fair hearing in accordance with WAC 67-25-570, and judicial review of the decision. A description of client assistance program services shall also be provided.))~~ Upon termination, the individual will be informed in writing and in the appropriate alternative format and/or other appropriate mode of communication of his/her rights and the means by which he/she may express and seek remedy for his/her dissatisfactions, including recourse to the client assistance program, the opportunity for an administrative review in accordance with WAC 67-25-560 and a fair hearing in accordance with WAC 67-25-570.

**AMENDATORY SECTION** (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

**WAC 67-25-350 Vocational rehabilitation—Services provided.** Each eligible participant shall be provided vocational rehabilitation services, identified during the preliminary and comprehensive vocational assessments, consistent with the individual's informed choice, necessary for the individual to achieve an appropriate employment outcome. Services may include:

(1) Assessment to determine ~~((vocational rehabilitation needs))~~ the individual's skills, abilities, interests, priorities, needs, and how these relate to selection of meaningful employment in accordance with WAC 67-25-255 and 67-25-257;

(2) Vocational rehabilitation counseling and guidance in accordance with WAC 67-25-380;

(3) Referral and related services to help participants secure needed services from other agencies, including referral to the client assistance program;

(4) Physical and mental restoration services in accordance with WAC 67-25-384;

(5) Vocational and other training in accordance with WAC 67-25-388, 67-25-390, 67-25-394, 67-25-396, and 67-25-398, subject to limitations in WAC 67-25-360;

(6) Maintenance in accordance with WAC 67-25-400;

(7) Transportation in connection with the provision of vocational rehabilitation services in accordance with WAC 67-25-404;

(8) Services to family members in accordance with WAC 67-25-408;

(9) Interpreter and note-taking services for individuals who are deaf and tactile interpreting services for individuals who are deaf-blind in accordance with WAC 67-25-412;

(10) Reader/driver services in accordance with WAC 67-25-408;

(11) Assessment and training in adaptive skills of blindness in accordance with WAC 67-25-257 and 67-25-398;

(12) Recruitment and training services to develop new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other public service employment in accordance with WAC 67-25-440;

(13) Job search and placement assistance, and job retention services in accordance with WAC 67-25-440;

(14) Supported employment services in accordance with WAC 67-25-436;

(15) Personal assistance services, including training in managing, supervising, and directing these services in accordance with WAC 67-25-418;

(16) Post-employment services in accordance with WAC 67-25-444;

(17) Occupational licenses, tools, equipment, initial stocks, and supplies in accordance with WAC 67-25-448;

(18) Rehabilitation technology and telecommunications services in accordance with WAC 67-25-448;

(19) Transition services for students in accordance with WAC 67-25-399;

(20) Other goods and services necessary for the participant to achieve an employment outcome in accordance with WAC 67-25-452.

**AMENDATORY SECTION** (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

**WAC 67-25-384 Vocational rehabilitation services—Physical and mental restoration services.** (1) Physical and mental restoration services shall be provided to a participant under an individualized written rehabilitation program when the vocational rehabilitation counselor or rehabilitation teacher, in consultation with the medical or (~~ophthalmologist~~) ophthalmic consultant as appropriate, determines that such services are likely, within a reasonable period of time, to substantially correct or modify a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment for the participant.

(2) All authorized physical and mental restoration services shall be provided by qualified physicians, dentists, or other health professionals licensed in the state.

(3) When receiving physical and mental restoration services, the participant may choose the physician or other health professional and appropriate facilities from those licensed in the state. Service providers and facilities (~~must be willing to~~) may, but are not required to, accept reimbursement in accordance with the *Washington State Department of Social and Health Services Schedule of Maximum Allowances and Program Descriptions*.

(4) Physical and mental restoration services may be provided to a participant during extended evaluation if it is necessary to stabilize or halt progression of a chronic illness for purposes of determining eligibility.

(5) Physical and mental restoration services include but are not limited to:

(a) Surgical and therapeutic treatment;

(b) Diagnosis and treatment for mental or emotional disorders;

(c) Dental treatment;

(d) Nursing services;

(e) Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services;

(f) Convalescent or nursing home care;

(g) Drugs and supplies;

(h) Prosthetic, orthoptic or other assistive devices;

(i) Eyeglasses and (~~vision-related~~) visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids prescribed by qualified medical practitioners;

(j) Podiatry;

(k) Physical therapy;

(l) Occupational therapy;

(m) Medical or medically-related social work services;

(n) Speech or hearing therapy;

(o) Special services ((f)) for the treatment of individuals with end-stage renal disease, including transplantation and dialysis((g)), artificial kidneys, and supplies ((necessary for treatment of individuals with end-stage renal disease));

(p) Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical and mental restoration services, or that are inherent in the condition under treatment.

(6) Physical and mental restoration services shall be provided only after consideration of comparable services and benefits except as specified in WAC 67-25-360.

**AMENDATORY SECTION** (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

**WAC 67-25-540 Individualized written rehabilitation program—Successful rehabilitation.** (1) An individual shall be considered successfully rehabilitated when he or she has maintained an employment outcome for at least (~~sixty~~) ninety days that is:

(a) The result of services provided under an individualized written rehabilitation program;

(b) Commensurate with the individual's abilities, capabilities, interests, and informed choice; and

(c) As often as possible, employment achieved is competitive as defined by being compensated at or above the minimum wage and that the individual's wage and level of benefits are not less than that paid by the employer for the same or similar work performed by nondisabled individuals;

(d) In the most integrated setting possible, consistent with the individual's informed choice; and

(e) Considered to be a satisfactory employment outcome by both the participant and counselor, who also agree that the participant is performing satisfactory on the job.

(2) The individual shall be notified of the termination decision and appeal procedures in accordance with WAC 67-25-288.

**AMENDATORY SECTION** (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

**WAC 67-25-550 Confidential information—Protection, use and release.** (1) Confidential information refers to all documented and undocumented personal information, including lists of names and photographs, about any past or present participant in the vocational rehabilitation program, given or made available to the department, its representatives, or its agents in the course of the administration of the program.

(2) Participants, their representatives as appropriate, service providers, cooperating agencies, and interested persons shall be informed of the confidentiality of personal information and policies governing its use. This information shall be provided to the participant or to the individual's representative in the individual's native language ~~((or)), in the appropriate alternative format, or using special modes of communication if appropriate and shall include:~~

- (a) Identification of the authority under which information is collected;
- (b) Explanation of the principal purposes for which the department intends to use or release information;
- (c) Explanation of whether providing requested information is mandatory or voluntary and the effects of not providing requested information;
- (d) Identification of those situations where the department requires or does not require informed written consent of the individual before information may be released; and
- (e) Identification of other agencies to which information is routinely released.

(3) All personal information must be used only for purposes directly connected with the administration of the vocational rehabilitation program. Personal information shall not be shared with ~~((advisory or other bodies))~~ an organization, agency or individual not having official responsibility for administration of the program, except as provided for in subsection (6) of this section.

(4) Except as provided in (a) and (b) of this subsection, the department shall, upon receipt of a written request by a participant, release all information in that individual's record, to the individual or the individual's representative within fifteen working days.

(a) Medical, psychological, or other information that the department determines may be harmful to the individual may not be released directly to the individual, but must be provided to the individual's representative or ~~((released through a qualified medical or psychological professional))~~ to a qualified medical or psychological professional or to a person appointed by the court to act as that individual's representative.

(b) Personal information obtained from service providers and cooperating agencies under assurances that the information shall not be further divulged may be released only under conditions established by the other agency or organization except as provided in subsections (5) and (6) of this section.

(5) The participant may request that misleading or inaccurate information in the individual's record of services be amended and to have the request documented in the individual's file.

(6) Personal information may be released to an organization, agency, or individual ~~((the))~~ for purposes of audit, evaluation, or research directly connected with administration of the vocational rehabilitation program, such as the department's advisory council or for purposes that would significantly improve the quality of life for participants, and only if the organization, agency, or individual assures that:

- (a) Information shall be used only for the purposes for which it is being provided;
- (b) Information shall be released only to persons officially connected with the audit, evaluation, or research;
- (c) Information shall not be released to the participant;
- (d) Information shall be managed in a manner to safeguard confidentiality; and
- (e) The final product shall not reveal any personal identifying information without the informed written consent of the participant or the individual's representative.

~~((6))~~ (7) The department may release personal information to other agencies and programs under the following conditions:

(a) Upon receiving the informed written consent of the participant, or, the individual's representative if appropriate, the department may release personal information to another agency or organization only to the extent that the information may be released to the participant, and only to the extent that the agency or organization demonstrates that the information requested is necessary for its program.

However, medical or psychological information that the department determines may be harmful to the individual may be released if the agency or organization assures the department that information shall be used only for the purpose for which it is being provided and shall not be released to the participant.

(b) The department shall release personal information if required by federal law or regulation.

(c) The department shall release personal information in response to investigations in connection with law enforcement, fraud, or abuse, unless expressly prohibited by federal or state laws or regulations, ~~((and))~~ or in response to judicial order.

(d) The department may release personal information to protect the participant or others if the individual poses a threat to his or her safety or to the safety of others.

**WSR 98-23-089**  
**PERMANENT RULES**  
**NORTHWEST AIR**  
**POLLUTION AUTHORITY**  
 [Filed November 18, 1998, 9:01 a.m.]

Date of Adoption: November 12, 1998.

Purpose: To repeal, add, and amend sections of the NWAPA/Regulation to provide more clarity for users, to modify fee structures for new source review, registration, and asbestos, and to make the registration and new source review programs more consistent with the Department of Ecology.

Citation of Existing Rules Affected by this Order:  
 Amendatory Sections:

- 104.1 Update adoption by reference of current state and federal laws and rules.
- 133.1 Adjust civil penalty to account for inflation.
- 200 Add definitions for clarity.
- 480.3 Change emission performance standards for certified wood stoves.
- 480.6 Change threshold for ambient concentration of fine particles as to when to issue a curtailment period.
- 504 Change the amounts of fees collected for agricultural burning when using mobile field burning equipment.
- 580.3 Streamline and coordinate NWAPA requirement for petroleum liquid storage tanks. New language brings rule in line with federal New Source Performance Standards and Maximum Achievable Control Technology.
- 580.6 Lowers throughput threshold from 360,000 gallons per year to 200,000 gallons per year for Stage I requirements at gasoline stations.

## New Sections:

- 300 Complete rewrite of new source review program for clarity and consistency with other local and state new source review programs.
- 301 Rewrites rules for issuance of a "Notice of Construction" approval order.
- 302 Notice of Completion requirements are clarified.
- 303 Identifies penalties for establishing an air contaminant source without a "Notice of Construction Order of Approval."
- 320 Complete rewrite of registration program for clarity and consistency with other state and local registration programs.
- 321 Establishes source exemptions from the registration program.
- 322 Rewrite air operating permit rule. Retains current fee calculation method.
- 324 Establishes new registration fees and new source review fees.
- 570 Rewrite asbestos programs rules and requirements for clarity and consistency with other local asbestos programs.

## Repealed Sections:

- 300 Notice of Construction When Required.
- 301 Information Required for Notice of Construction.
- 302 Issuance of Approval or Order.
- 303 Notice of Completion-Notice of Violation.
- 320 Registration Required.
- 321 General Requirements for Registration.
- 322 Exemptions from Registration.
- 323 Classes of Registration.
- 324 Fees.
- 325 Transfer.
- 326 Operating Permits.
- 570 Asbestos Control Standards.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 98-19-033 on September 10, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 9, Amended 6, Repealed 12.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 9, Amended 6, Repealed 12.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 17, 1998

James B. Randles

Assistant Control Officer

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 98-24 issue of the Register.



**WSR 98-23-010**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 98-230—Filed November 5, 1998, 2:52 p.m., effective November 7, 1998, 12:01 a.m.]

Date of Adoption: November 5, 1998.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 220-57-17500K; and amending WAC 220-57-175.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The coho escapement for Cowlitz Hatchery is projected to be achieved, with surplus fish available for a sport fishery. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: November 7, 1998, 12:01 a.m.  
 November 5, 1998

Larry W. Peck  
 Acting Director

**NEW SECTION**

**WAC 220-57-17500L Cowlitz River.** Notwithstanding the provisions of WAC 220-57-175, effective 12:01 a.m. November 7, 1998 until further notice, in those waters of the Cowlitz River from the boundary markers at the Barrier Dam downstream to the mouth, special daily limit of six coho salmon, except no more than two may be adults. Minimum size is 12 inches in length, all coho salmon must have an adipose fin-clip. Release wild coho.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. November 7, 1998:

WAC 220-57-17500K Cowlitz River. (98-224)

**WSR 98-23-011**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 98-229—Filed November 5, 1998, 2:56 p.m., effective November 6, 1998, 7:00 a.m.]

Date of Adoption: November 5, 1998.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 220-33-01000L; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable sturgeon remain on the commercial allocation for 1998. Season is consistent with action of the Columbia River Compact hearing of November 4, 1998. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: November 6, 1998, 7:00 a.m.  
 November 5, 1998

Larry W. Peck  
 Acting Director

**NEW SECTION**

**WAC 220-33-01000L Columbia River season below Bonneville** Notwithstanding the provision of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections.

AREA: SMCR 1A, 1B, 1C, 1D, and 1E

SEASON: 7 a.m. to 5 p.m. Friday, November 6, 1998

GEAR: 9 inch minimum mesh and 9-3/4 inch maximum mesh

**ALLOWABLE SALE:** Salmon and sturgeon. A maximum number of 7 white sturgeon may be sold or possessed for each fishing vessel during this period.

**SANCTUARIES:** Grays Bay, Elokomin, Cowlitz, Kalama, Washougal, Big Creek, Sandy, and the Lewis-B sanctuary.

### REPEALER

The following section of the Washington Administrative Code is repealed effective 5:01 p.m. November 6, 1998:

WAC 220-33-01000L Columbia River season below Bonneville.

**WSR 98-23-014**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 98-227—Filed November 6, 1998, 1:10 p.m.]

Date of Adoption: November 5, 1998.

**Purpose:** To adopt WAC 232-28-42200A 1998-99 Migratory waterfowl seasons and regulations—Western Washington Goose Management Area 2 hunting days.

**Citation of Existing Rules Affected by this Order:** Amending WAC 232-28-422.

**Statutory Authority for Adoption:** RCW 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

**Reasons for this Finding:** WAC 232-28-422 established goose hunting days on Saturdays, Sundays, and Wednesdays for Western Washington Goose Management Area 2, and required hunters to report to mandatory check stations after harvesting geese. Hunting days were chosen to reduce goose damage to agricultural crops, while limiting expenditures for mandatory check stations within available budgets. On November 2, 1998, United States Fish and Wildlife Service (USFWS) committed additional funding for mandatory check stations, to further reduce agricultural damage complaints. Funding available is sufficient to add two additional days per week, which were chosen on Mondays and Thursdays to align with mandatory check stations run by USFWS. Insufficient time necessary to file a permanent rule.

**Number of Sections Adopted in Order to Comply with Federal Statute:** New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 1, Amended 0, Repealed 0; **Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

**Number of Sections Adopted at Request of a Nongovernmental Entity:** New 0, Amended 0, Repealed 0.

**Number of Sections Adopted on the Agency's Own Initiative:** New 0, Amended 0, Repealed 0.

**Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures:** New 0, Amended 0, Repealed 0.

**Number of Sections Adopted Using Negotiated Rule Making:** New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; **or Other Alternative Rule Making:** New 0, Amended 0, Repealed 0.

**Effective Date of Rule:** Immediately.

November 5, 1998

Larry W. Peck  
Acting Director

### NEW SECTION

**WAC 232-28-42200A 1998-99 Migratory waterfowl seasons and regulations—Western Washington Goose Management Area 2 hunting days.** Notwithstanding the provisions of WAC 232-28-422, effective November 25 the goose season for Western Washington Goose Management Area 2 shall be Saturdays, Sundays, Mondays, Wednesdays, and Thursdays from November 25, 1998 through January 17, 1999, except the season shall be closed on Thursday, November 26, 1998 and Thursday, December 24, 1998.

**WSR 98-23-015**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 98-228—Filed November 6, 1998, 1:13 p.m.]

Date of Adoption: November 5, 1998.

**Purpose:** To adopt WAC 232-12-06800A Nontoxic shot requirement for waterfowl, coot, and snipe hunting—Tungsten-matrix shot for muzzleloading.

**Citation of Existing Rules Affected by this Order:** Amending WAC 232-28-068.

**Statutory Authority for Adoption:** RCW 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

**Reasons for this Finding:** On October 19, 1998, the United States Fish and Wildlife Service approved the use of a new nontoxic shot for waterfowl hunting, tungsten-matrix shot, for the 1998-99 season. This shot is currently for sale, and offers waterfowl hunters another choice in nontoxic shot alternatives. Because illegal use of lead shot is still considered a problem in some areas of the state, this rule will potentially reduce deposition of lead shot into waterfowl feeding areas and reduce waterfowl mortalities. Insufficient time necessary to file a permanent rule.

**Number of Sections Adopted in Order to Comply with Federal Statute:** New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 1, Amended 0, Repealed 0; **Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

November 5, 1998

Larry W. Peck  
Acting Director

### NEW SECTION

**WAC 232-12-06800A Nontoxic shot requirement for waterfowl, coot, and snipe hunting—Tungsten-matrix shot for muzzleloading.** Notwithstanding the provisions of WAC 232-12-068, effective November 11, 1998 it shall be lawful to possess tungsten-matrix shot (nominally 95.9 parts tungsten:4.1 parts polymer with <1 percent residual lead) either in shotshells or as loose shot for muzzleloading when hunting for waterfowl, coot, or snipe.

**WSR 98-23-017**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 98-231—Filed November 6, 1998, 4:04 p.m., effective November 8, 1998, 12:01 a.m.]

Date of Adoption: November 6, 1998.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-47-908.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Consistent with 1998 United States/Canada agreements to reduce impacts to Thompson River-origin coho, purse seines and reef nets may not retain coho taken in Areas 7 and 7A; the scheduled openings provide opportunity to harvest the nontreaty allocation of chum according to the United States/Canada Chum Annex per the preseason schedule. Openings in Area 7B provide opportunity to harvest chum salmon destined for the Nooksack-Samish region; the preseason schedule has been modified to avoid greatly exceeding the nontreaty share. Openings in Area 8 provide opportunity to harvest the nontreaty allocation of chum salmon destined for the Skagit region, per the preseason schedule relative to the in-season update of

137,000 - 25% below forecast. Openings in Areas 8A and 8D provide opportunity to harvest the nontreaty allocation of chum salmon destined for the Stillaguamish-Snohomish region of origin, per the preseason schedule. Openings in Areas 10 and 11 provide opportunity to harvest the nontreaty allocation of chum salmon in the south Puget Sound region of origin, per the preseason schedule relative to the in-season update of 550,000 chum - 14% above preseason forecast. Openings in Areas 12 and 12B provide opportunity to harvest the nontreaty allocation of chum salmon destined for the Hood Canal region of origin per the preseason schedule. These openings and the purse seine and reef net chinook non-retention requirement are consistent with agreements reached during the Pacific Fishery Management Council - North of Falcon preseason process.

All other Puget Sound areas are closed to prevent over-harvest of local salmon stocks.

An emergency exists in that there is insufficient time to promulgate permanent rules before the fish have [been] removed from the fishing grounds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: November 8, 1998, 12:01 a.m.

November 6, 1998

Larry W. Peck  
Acting Director

### NEW SECTION

**WAC 220-47-909 Puget Sound all-citizen commercial salmon fishery.** Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday November 8, 1998 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- \* **AREAS 7 AND 7A** - Reef nets may fish from 7:00 a.m. to 7:00 p.m. daily through Saturday November 14, 1998. Gillnets using 6 1/4-inch minimum mesh may fish from 7:00 a.m. to 6:00 p.m. daily, Monday November 9, 1998, Tuesday November 10, 1998, Wednesday November 11, 1998 and Thursday November 12, 1998. Purse seines may fish from 7:00 a.m. to 5:00 p.m. daily, Monday November 9, 1998, Tuesday November 10,

- 1998, Wednesday November 11, 1998 and Thursday November 12, 1998.
- \* **AREA 7B** - Gillnets using 6 1/4-inch minimum mesh and purse seines using the 5-inch strip may fish from 6:00 a.m. Monday November 9, 1998 until 4:00 p.m. Thursday November 12, 1998.
  - \* **AREA 8** - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. Monday November 9, 1998. Gillnets using 6 1/4-inch minimum mesh may fish from 7:00 a.m. to 6:00 p.m. Tuesday November 10, 1998.
  - \* **AREAS 8A AND 8D** - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. daily, Monday November 9, 1998, and Tuesday November 10, 1998. Gillnets using 6 1/4-inch minimum mesh may fish from 7:00 a.m. to 6:00 p.m. daily, Wednesday November 11, 1998 and Thursday November 12, 1998.
  - \* **AREAS 10 AND 11** - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. Monday November 9, 1998. Gillnets using 6 1/4-inch minimum mesh may fish from 4:00 p.m. Monday November 9, 1998 to 8:00 a.m. Tuesday November 10, 1998.
  - \* **AREAS 12 AND 12B** - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. daily, Monday November 9, 1998, and Tuesday November 10, 1998. Gillnets using 6 1/4-inch minimum mesh may fish from 7:00 a.m. to 6:00 p.m. daily, Wednesday November 11, 1998 and Thursday November 12, 1998.
  - \* **Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 9, 9A, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 - Closed.**
  - \* Purse seines may not retain chinook salmon. Purse seines may not retain coho salmon taken in Areas 7 or 7A.
  - \* Reef nets may not retain chinook or coho salmon.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. Sunday November 8, 1998:

WAC 220-47-908      Puget Sound all-citizen commercial salmon fishery. (98-223)

**WSR 98-23-018  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 98-233—Filed November 6, 1998, 4:07 p.m.]

Date of Adoption: November 6, 1998.  
Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-52-07300D; and amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable amounts of green sea urchins exist in the areas described. Prohibition of all diving within two days of scheduled sea urchin openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

November 6, 1998  
Larry W. Peck  
Acting Director

#### NEW SECTION

**WAC 220-52-07300E** Sea urchins Notwithstanding the provisions of WAC 220-52-073, effective immediately until further notice it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) Green sea urchins: Sea Urchin Districts 1, 2, 3, 4 and Marine Fish/Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D are open only on Mondays and Tuesdays of each week. The minimum size for green sea urchins is 2.25 inches in diameter exclusive of the spines.

(2) It is unlawful to dive for any purpose from a commercially-licensed fishing vessel, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources, on Saturdays and Sundays of each week.

(3) Sea Urchin Districts:

(a) Sea Urchin District 1 (Northern San Juan Islands) is defined as Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, and those waters of Area 22A north of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and west of a line projected true north from Limestone Point on San Juan Island.

(b) Sea Urchin District 2 (Southern San Juans and Port Townsend) is defined as those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A south of a

line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and east of a line projected true north from Limestone Point on San Juan Island, and Areas 21A, 21B, 22B, 23A, 23B, 25A, and 25B. The following areas within Sea Urchin District 2 are closed to the harvest of sea urchins at all times.

(i) Those waters of Haro Strait north of a line projected east-west one-half mile south of Eagle Point on San Juan Island and south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island.

(ii) Those waters of San Juan Channel and Upright Channel within the following lines: north of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, south of a line projected from Flat Point on Lopez Island true west to Shaw Island, west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island, and south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07300D Sea urchins. (98-219)

**WSR 98-23-029**  
**EMERGENCY RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed November 10, 1998, 1:58 p.m.]

Date of Adoption: November 10, 1998.

Purpose: To temporarily exempt certain exported fruit from the requirements of chapters 16-403 and 16-461 WAC as they relate to fruit exported to the following countries: Honduras, Panama, El Salvador, Costa Rica, Guatemala, Nicaragua. The exported fruit must be donated, not for resale and for human consumption. This exemption will remain in effect for sixty days.

Citation of Existing Rules Affected by this Order: Suspending chapters 16-403 and 16-461 WAC.

Statutory Authority for Adoption: Chapter 15.17 RCW, Standards of grades and packs.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Honduras, Panama, El Salvador, Costa Rica, Guatemala, and Nicaragua have been severely affected by hurricanes, flooding and other devastations. These Acts of God have created an emergency situation because many people are without shelter or food. Perishable fruit must be available for immediate shipment into these countries in order to provide them aid for the emergency situation they face. Imposing Washington state standards and inspection requirements will delay the ability of

Washington state to provide immediate assistance. This suspension is necessary to prevent a greater emergency.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

November 10, 1998  
 James M. Jesernig  
 Director

**WSR 98-23-043**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 98-234—Filed November 12, 1998, 4:24 p.m., effective November 13, 1998, 12:01 a.m.]

Date of Adoption: November 12, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-57-495.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The coho escapement goal for Washougal Hatchery is projected to have been achieved, with surplus fish available for a sport fishery. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

EMERGENCY

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: November 13, 1998, 12:01 a.m.  
November 12, 1998

Larry Peck  
Acting Director

#### NEW SECTION

**WAC 220-57-49500D Washougal River.** Notwithstanding the provisions of WAC 220-57-495, effective 12:01 a.m. November 13, 1998 until further notice, in those waters of the Washougal River downstream from the Salmon Falls Bridge to the mouth, special daily limit of six coho salmon, except no more than two may be adults. Minimum size is 12 inches in length, all coho must have an adipose fin-clip. Release all wild coho.

**WSR 98-23-044  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 98-235—Filed November 13, 1998, 11:38 a.m., effective November 15, 1998, 12:01 a.m.]

Date of Adoption: November 13, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-47-909.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Openings in Area 7B provide opportunity to harvest chum salmon destined for the Nooksack-Samish region; the preseason schedule has been modified to avoid greatly exceeding the nontreaty share relative to the in-season run size update of 190,000 - 139% above preseason forecast. Openings in Area 8 provide opportunity to harvest the nontreaty allocation of chum salmon destined for the Skagit region, per the preseason schedule relative to the in-season update of 150,000 - 18% below forecast. Openings in Areas 8A and 8D provide opportunity to harvest the nontreaty allocation of chum salmon destined for the Stillaguamish-Snohomish region of origin, per the preseason schedule. Openings in Areas 10 and 11 provide opportunity to harvest the nontreaty allocation of chum salmon in the south Puget Sound region of origin, per the preseason schedule relative to the in-season update of 550,000 chum - 14% above preseason forecast. Openings in Areas 12 and 12B provide opportunity to harvest the nontreaty allocation of chum salmon destined for the Hood Canal region of origin per the preseason schedule. These openings and the purse seine and

reef net chinook nonretention requirement are consistent with agreements reached during the Pacific Fishery Management Council - North of Falcon preseason process.

All other Puget Sound areas are closed to prevent over-harvest of local salmon stocks.

An emergency exists in that there is insufficient time to promulgate permanent rules before the fish have [been] removed from the fishing grounds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: November 15, 1998, 12:01 a.m.  
November 13, 1998

Larry W. Peck  
Acting Director

#### NEW SECTION

**WAC 220-47-910 Puget Sound all-citizen commercial salmon fishery.** Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday November 15, 1998 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- \* **AREA 7B** - Gillnets using 6 1/4-inch minimum mesh and purse seines using the 5-inch strip may fish from 6:00 a.m. Monday November 16, 1998 until 4:00 p.m. Thursday November 19, 1998.
- \* **AREAS 8, 12 AND 12B** - Gillnets using 6 1/4-inch minimum mesh may fish from 7:00 a.m. to 6:00 p.m. Monday November 16, 1998. Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. Tuesday November 17, 1998.
- \* **AREAS 8A AND 8D** - Gillnets using 6 1/4-inch minimum mesh may fish from 7:00 a.m. to 6:00 p.m. daily, Monday November 16, 1998, and Tuesday November 17, 1998. Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. daily, Wednesday November 18, 1998 and Thursday November 19, 1998.
- \* **AREAS 10 AND 11** - Gillnets using 6 1/4-inch minimum mesh may fish from 4:00 p.m. Monday November 16, 1998 to 8:00 a.m. Tuesday November 17, 1998. Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. Tuesday November 17, 1998.

- \* Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7C, 7D, 7E, 9, 9A, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 - Closed.
- \* Purse seines may not retain chinook salmon.

Effective Date of Rule: November 16, 1998, 12:01 a.m.  
 November 13, 1998  
 Larry Peck  
 Acting Director

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. Sunday November 15, 1998:

WAC 220-47-909 Puget Sound all-citizen commercial salmon fishery. (98-231)

**WSR 98-23-045  
 EMERGENCY RULES  
 DEPARTMENT OF  
 FISH AND WILDLIFE**

[Order 98-236—Filed November 13, 1998, 11:41 a.m., effective November 16, 1998, 12:01 a.m.]

Date of Adoption: November 13, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000S; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These regulations are necessary to achieve conservation goals and to maintain consistency between state and federal regulations. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

**NEW SECTION**

**WAC 200-44-05000T Coastal bottomfish catch limits.** Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. November 16, 1998 until further notice, it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

1. The following definitions apply to this section:

a. Cumulative limit - A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per calendar month, without a limit on the number of landings or trips. For B-platoon vessels a calendar month shall be the 16th of the month through the 15th of the following month. The final period of the calendar year for B-platoon vessels shall be November 16th through December 31st. The cumulative limit includes all fish harvested by a vessel during the month, whether taken in limited entry or open access fisheries. Once a cumulative limit has been achieved, an operator may begin fishing on the next cumulative limit so long as the fish are not landed until after the beginning of the next cumulative limit. The cumulative limit for B-platoon vessels in the final period of the calendar year shall be the sum of November and December trip limits for limited entry vessels.

b. Daily trip limit - The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours.

c. Groundfish limited entry fishery - Fishing activity by a trawl, setline or bottomfish pot equipped vessel that has received a federal limited entry permit issued by the National Marine Fisheries Service endorsed for the qualifying gear type.

d. Groundfish open access fishery - Fishing activity by a vessel equipped with setline or bottomfish pot gear that has not received a federal limited entry permit, or a vessel using gear other than trawl, setline or bottomfish pot gear.

e. Vessel trip - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

f. Vessel trip limit - The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

g. Dressed length - The dressed length of a fish is the distance from the anterior insertion of the first dorsal fin to the tip of the tail.

2. **Groundfish limited entry fishery limits.** The following limits apply to the groundfish limited entry fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting

**EMERGENCY**

Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, and 63 (notwithstanding the provisions of WAC 220-44-030):

a. **Pacific ocean perch** - One-month cumulative limit of 4,000 lbs. No minimum size.

b. **Widow rockfish** - One-month cumulative limit of 19,000 pounds. No minimum size.

c. **Shortbelly rockfish** - No minimum size. No maximum poundage.

d. **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

e. **Sebastes complex** - All species of rockfish except Pacific ocean perch, widow, shortbelly, and thornyhead (*Sebastes* spp.) One-month cumulative limit of 20,000 pounds, of which no more than 6,500 pounds may be yellowtail rockfish and no more than 500 pounds may be canary rockfish.

f. **DTS Complex - (Dover sole, Thornyhead rockfish, and Sablefish)** - Dover sole, one-month cumulative limit of 18,000 pounds for November 1998 and 36,000 pounds for December 1998. Longspine thornyheads, one-month cumulative limit of 7,500 pounds. Shortspine thornyheads, one-month cumulative limit of 1,500 pounds. Sablefish; for trawl vessels, one-month cumulative limit of 5,000 pounds; for non-trawl vessels, one-month cumulative limit of 1,500 pounds.

g. **Sablefish** -

(1) **Trawl vessels** - Not more than 500 pounds (round weight) of sablefish per trip may be smaller than 22 inches. Sablefish total length of 22 inches is equivalent to dressed length of 15.5 inches. To convert sablefish from dressed weight to round weight, multiply the dressed weight by 1.6.

(2) **Non-trawl vessels** - Daily trip limit of 300 pounds (round weight) not to exceed one-month cumulative limit of 1,800 pounds. Effective November 1, 1998, daily trip limit of 300 pounds (round weight) not to exceed one-month cumulative limit of 1,500 pounds.

h. **Pacific Whiting** - Trip limit of 10,000 pounds. No minimum size.

i. **Lingcod** - One-month cumulative limit of 500 pounds. Total length minimum size limit of 24 inches. Lingcod total length of 24 inches is equivalent to dressed length of 19.5 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(1) It shall be lawful to land up to 100 pounds of lingcod under 24 inches taken in the trawl fishery only.

3. **Groundfish open access fishery limits.** The following limits apply to the groundfish open access fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, and 63 (notwithstanding the provisions of WAC 220-44-030). Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited

entry fishery daily, vessel or cumulative limit or more than 50% of any 2-month cumulative limit:

(a) **Sablefish** - Daily trip limit of 300 pounds (round weight) not to exceed one-month cumulative limit of 1,800 pounds per month. Effective November 1, 1998, daily trip limit of 300 pounds (round weight) not to exceed one-month cumulative limit of 1,500 pounds. No minimum size.

(b) **Rockfish** - Rockfish includes all *Sebastes* complex, yellowtail rockfish, canary rockfish, black rockfish, widow rockfish, thornyhead rockfish, shortbelly rockfish and Pacific ocean perch. Illegal to take, possess, transport, or land rockfish.

(c) **Lingcod** - Illegal to take, possess, transport or land lingcod.

4. Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip, or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an Exempted Fishing Permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip, or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "research" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

5. It is unlawful during the unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species or category of bottomfish having a cumulative limit, vessel trip limit or daily trip limit.

6. The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. November 16, 1998:

WAC 220-44-05000S

Coastal bottomfish catch limits. (98-216)



**WSR 98-23-060**  
**EMERGENCY RULES**  
**BUILDING CODE COUNCIL**

[Filed November 16, 1998, 9:54 a.m.]

Date of Adoption: November 13, 1998.

Purpose: To extend WSR 98-15-080, an emergency rule to correct chapter 51-11 WAC, the 1997 Washington State Energy Code, Section 503.7 Cooling with Outdoor Air (Economizer Cycle). The adoption of this requirement was found to have an unintended consequence that would eliminate commonly-used mechanical systems. The emergency rule was put into place to revert to the 1994 requirements. The permanent rule will not go into effect until July 1999.

Citation of Existing Rules Affected by this Order: Amending WAC 51-11-0503.7.

Statutory Authority for Adoption: RCW 19.27A.020, 19.27A.045, and 19.27.020.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The State Building Code Council (council), based on the following good cause, finds that an emergency affecting the general welfare of the state of Washington exists. The council further finds that immediate amendment of a certain council rule is necessary for the public welfare and that observing the time requirements of notice and opportunity to comment would be contrary to the public interest.

The declaration of emergency affecting the general welfare of the state of Washington is based on the following findings:

The Washington State Energy Code Section 503.7 amendments contained herein as adopted by the council under emergency rule making pursuant to RCW 34.05.350, will provide economic relief to the hospitality industry (hotel and motel owners and operators), and any multifamily residential builder or building owners by allowing more realistic performance based economizer requirements. Immediate adoption of this amendment is necessary so as to not delay the construction of multifamily residential buildings, and so as not to adversely affect the state's building industry, building owners, and building tenants by imposing an unintended economic penalty.

In the spirit of regulatory reform and for consistency the State Building Code Council amended the residential economizer section in their regular 1994-1996 code change cycle. The council simplified the code language by deleting the existing requirement and replacing it with a reference to the nonresidential economizer requirements. This change had unintended consequences for multifamily residential applications. Under rules contained in the 1997 WSEC, Section 503.7 Cooling with Outdoor Air (Economizer Cycle), the residential economizer requirements would eliminate commonly used mechanical systems, would not always result in an energy savings benefit, and would ultimately result in undue expense. The council finds this to be an economic bur-

den on the building and design industries, which will result in an increase in the cost of housing for multifamily residential buildings including hotels, motels, group homes, apartments and condominiums.

The amendment herein takes into consideration the general welfare of the public by reverting back to the existing residential economizer requirement. In order to provide immediate relief, the council finds it necessary to adopt the amendment as an emergency rule. The council also has taken the necessary steps to adopt a permanent rule. The permanent rule will not be effective until the end of the 1999 legislative session as per RCW 19.27.074.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

November 13, 1998

Mike McEnaney

Council Chair

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

**WAC 51-11-0503 Building mechanical systems.**

503.1 General: This section covers the determination of design requirements, system and component performance, control requirements, insulating systems and duct construction.

EXCEPTIONS: Special applications, including but not limited to hospitals, laboratories, thermally sensitive equipment, and computer rooms may be exempted from the requirements of this section when approved by the building official.

503.2 Calculations of Heating and Cooling Loads, and System Sizing Limits: The design parameters specified in Chapter 3 shall apply for all computations.

503.2.1 Calculation Procedures: Heating and cooling design loads for the purpose of sizing HVAC systems are required and shall be calculated in accordance with accepted engineering practice, including infiltration and ventilation.

503.2.2 Space Heating and Space Cooling System Sizing Limits: Building mechanical systems for all buildings which provide space heating and/or space cooling shall be sized no

greater than two hundred percent (200%) of the heating and cooling design loads as calculated above.

**EXCEPTIONS:** The following limited exemptions from the sizing limit shall be allowed, however, in all cases heating and/or cooling design load calculations shall be submitted.

1. For equipment which provides both heating and cooling in one package unit, including heat pumps with electric heating and cooling and gas-pack units with gas heating and electric cooling, compliance need only be demonstrated for either the space heating or space cooling system size.

2. Natural gas- or oil-fired space heating equipment whose total rated space heating output in any one dwelling unit is fifty-six thousand Btu/h or less may exceed the two hundred (200%) percent sizing limit provided that the installed equipment has an annual fuel utilization efficiency (AFUE) of not less than the sum of seventy-eight percent plus one percent for every five thousand Btu/h that the space heating equipment output exceeds the design heating load of the dwelling unit.

3. Stand-by equipment may be installed if controls and other devices are provided which allow redundant equipment to operate only when the primary equipment is not operating.

**503.3 Simultaneous Heating and Cooling:** Systems and equipment that provide simultaneous heating and cooling shall comply with the requirements in, as appropriate, Section 1422 or Section 1435.

#### 503.4 HVAC Equipment Performance Requirements:

##### 503.4.1 Equipment Components:

503.4.1.1: The requirements of this section apply to equipment and mechanical component performance for heating, ventilating and air-conditioning systems. Equipment efficiency levels are specified. Data furnished by the equipment supplier or certified under a nationally recognized certification program or rating procedure shall be used to satisfy these requirements. Equipment efficiencies shall be based on the standard rating conditions in Tables 5-4, 5-5 or 5-6 as appropriate.

503.4.1.2: Where components from more than one manufacturer are assembled into systems regulated under this section, compliance for each component shall be as specified in sections 503.4.2 through 503.4.6 of this Code.

**503.4.2: HVAC System Heating Equipment Heat Pump-heating Mode.** Heat pumps whose energy input is entirely electric shall have a coefficient of performance (COP) heating, not less than the values in Table 5-7. Heat Pumps with supplementary backup heat other than electricity shall meet the requirements of Table 5-7.

503.4.2.1: These requirements apply to, but are not limited to, unitary (central) heat pumps (air source and water source) in the heating mode, water source (hydronic) heat pumps as used in multiple-unit hydronic HVAC systems, and heat pumps in the packaged terminal air-conditioner in the heating mode.

503.4.2.3 **Supplementary Heater:** The heat pump shall be installed with a control to prevent supplementary backup heater operation when the operating load can be met by the heat pump compression cycle alone.

503.4.2.4 **Heat Pump Controls:** Requirements for heat pump controls are listed in section 503.8.3.5 of this Code.

**503.4.3 HVAC System Combustion Equipment:** For Group R Occupancy, all gas, oil, and propane central heating systems shall have a minimum AFUE of 0.78\*. All other Group R Occupancy heating equipment fueled by gas, oil, or propane shall be equipped with an intermittent ignition device, or shall comply with the efficiencies as required in the 1987 National Appliances Energy Conservation Act (Public Law 100-12).

\*HVAC Heating system efficiency trade-offs shall be made using Chapters 4 or 6 of this Code.

**503.4.4 Packaged and Unitary HVAC System Equipment, Electrically Operated, Cooling Mode:** HVAC system equipment as listed below, whose energy input in the cooling mode is entirely electric, shall have an energy efficiency ratio (EER) or a seasonal energy efficiency ratio (SEER) cooling not less than values in Table 5-8.

503.4.4.1: These requirements apply to, but are not limited to, unitary (central) and packaged terminal heat pumps (air source and water source); packaged terminal air conditioners.

**503.4.5 Other HVAC Equipment:** HVAC equipment, other than that addressed in Sections 503.4.2 through 503.4.4, shall have a minimum performance at the specified rating conditions not less than the values shown in Tables 14-1 through 14-3.

503.5 Reserved.

**503.6 Balancing:** The HVAC system design shall provide a means for balancing air and water systems. Balancing the system shall include, but not be limited to, dampers, temperature and pressure test connections and balancing valves.

**503.7 Cooling with Outdoor Air (Economizer Cycle):** ~~((Systems and equipment that provide mechanical cooling shall comply with Section 1413 and, as appropriate, Section 1423 or Section 1433-))~~ Each fan system shall be designed to use up to and including 100% of the fan system capacity for cooling with outdoor air automatically whenever its use will result in lower usage of new energy. Activation of economizer cycle shall be controlled by sensing outdoor air enthalpy or outdoor air dry-bulb temperature alone or alternate means approved by the building official.

**EXCEPTIONS:** Cooling with outdoor air is not required under any one or more of the following conditions:

1. The fan system capacity is less than 3,500 cfm or total cooling capacity is less than 90,000 Btu/h.
2. The quality of the outdoor air is so poor as to require extensive treatment of the air and approval by the building official.
3. The need for humidification or dehumidification requires the use of more energy than is conserved by the outdoor air cooling on an annual basis.

4. The use of outdoor air cooling may affect the operation of other systems so as to increase the overall energy consumption of the building.
5. When energy recovered from an internal/external zone heat recovery system exceeds the energy conserved by outdoor air cooling on an annual basis.
6. When all space cooling is accomplished by a circulating liquid which transfers space heat directly or indirectly to a heat rejection device such as a cooling tower without use of a refrigeration system.
7. When the use of 100% outside air will cause coil frosting, controls may be added to reduce the quantity of outside air. However, the intent of this exception is to use 100% air in lieu of mechanical cooling when less energy usage will result and this exception applies only to direct expansion systems when the compressor is running.

### 503.8 Controls:

503.8.1 Temperature Control: Each system shall be provided with at least one adjustable thermostat for the regulation of temperature. Each thermostat shall be capable of being set by adjustment or selection of sensors as follows:

503.8.1.1: When used to control heating only: Fifty-five degrees to seventy-five degrees F.

503.8.1.2: When used to control cooling only: Seventy degrees to eighty-five degrees F.

503.8.1.3: When used to control both heating and cooling, it shall be capable of being set from fifty-five degrees to eighty-five degrees F and shall be capable of operating the system heating and cooling in sequence. The thermostat and/or control system shall have an adjustable deadband of not less than ten degrees F.

503.8.2 Humidity Control: If a system is equipped with a means for adding moisture to maintain specific selected relative humidities in space or zones, a humidistat shall be provided. Humidistats shall be capable of being set to prevent new energy from being used to produce space-relative humidity above thirty percent.

EXCEPTION: Special uses requiring different relative humidities may be permitted when approved by the building official.

### 503.8.3 Zoning for Temperature Control:

503.8.3.1 One- and Two-Family Dwellings: At least one thermostat for regulation of space temperature shall be provided for each separate system. In addition, a readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each zone or floor.

503.8.3.2 Multifamily Dwellings: For multifamily dwellings, each individual dwelling unit shall have at least one thermostat for regulation of space temperature. A readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each room. Spaces other than living units shall meet the requirements of 503.8.3.3.

503.8.3.3 Reserved.

503.8.3.4 Control Setback and Shut-off:

Residential Occupancy Groups. One- and Two-Family and Multifamily dwellings—The thermostat required in section 503.8.3.1 or section 503.8.3.2, or an alternate means such as a switch or clock, shall provide a readily accessible, manual or automatic means for reducing the energy required for heating and cooling during the periods of non-use or reduced need, such as, but not limited to unoccupied periods and sleeping hours. Lowering thermostat set points to reduce energy consumption of heating systems shall not cause energy to be expended to reach the reduced setting.

503.8.3.5 Heat Pump Controls: Programmable thermostats are required for all heat pump systems. The cut-on temperature for the compression heating shall be higher than the cut-on temperature for the supplementary heat, and the cut-off temperature for the compression heating shall be higher than the cut-off temperature for the supplementary heat. Heat pump thermostats will be capable of providing at least two programmable setback periods per day. The automatic setback thermostat shall have the capability of limiting the use of supplemental heat during the warm-up period.

503.9 Air Handling Duct System Insulation: Ducts, plenums and enclosures installed in or on buildings shall be thermally insulated per Table 5-11.

EXCEPTIONS: Duct insulation (except where required to prevent condensation) is not required in any of the following cases:

1. When the heat gain or loss of the ducts, without insulation, will not increase the energy requirements of the building.
2. Within the HVAC equipment.
3. Exhaust air ducts.
4. Supply or return air ducts installed in unvented crawl spaces with insulated walls, basements, or cellars in one- and two-family dwellings.

503.10 Duct Construction: All duct work shall be constructed in accordance with Standards RS-15, RS-16, RS-17, RS-18, RS-19 or RS-20, as applicable, and the Uniform Mechanical Code.

503.10.1: High-pressure and medium-pressure ducts shall be leak tested in accordance with the applicable standards in Chapter 7 of this Code with the rate of air leakage not to exceed the maximum rate specified in that standard.

503.10.2: When low-pressure supply air ducts are located outside of the conditioned space, all HVAC ductwork seams and joints, both longitudinal and transverse, shall be taped and sealed with products approved by the building official only. Ductwork joints shall be mechanically fastened with a minimum of three fasteners per joint for a cylindrical duct. Use Table 5-11 for duct insulation requirements.

503.10.3: Requirements for Automatic or manual dampers are found in the Washington State Ventilation and Indoor Air Quality Code.

503.11 Piping Insulation: All piping installed to serve buildings (and within) shall be thermally insulated in accordance with Table 5-12. For service hot water systems see section 504.7. If water pipes are outside of conditioned space

then the pipe insulation requirement shall be R-3 minimum for nonrecirculating hot and cold water pipes. For recirculating service hot and cold water pipes use Table 5-12 for pipe sizes and temperatures.

EXCEPTION: Piping insulation is not required within unitary HVAC equipment.

EMERGENCY

## WSR 98-21-033

## DEPARTMENT OF LICENSING

[Filed October 14, 1998, 10:11 a.m.]

REPORT ON THE PROGRESS  
MADE ON REGULATORY REVIEWDEPARTMENT OF LICENSING  
OCTOBER, 1998

**1. A summary of the number of rule sections reviewed, amended, and repealed and the number of pages eliminated in the Washington Administrative Code since the effective date of the Executive Order:**

Rules Reviewed 566  
Rules Amended 156  
Rules Repealed 133  
WAC Pages Eliminated 14.7

**2. A summary of Department of Licensing's (DOL's) actions in response to petitions under RCW 34.05.330:**

Considered a petition for the review of "home address" requirement for real estate licensees. A proposal to amend the rule to "mailing address" instead of "home address" is scheduled for adoption in December 1998.

**3. A summary of the results of DOL's review of policy and interpretive statements and similar documents:**

Policy Statements Reviewed 42  
Policy Statements Amended 14  
Policy Statements Deleted 27

**4. A summary of DOL's review of reporting requirements imposed on businesses:**

None of the rules and policy statements reviewed contained reporting requirements.

**5. Recommendations for statutory or administrative changes resulting from the regulatory reviews:**

With the volume of regulatory review currently underway in state government, DOL has experienced delays of up to four weeks in procuring documents from the code reviser—specifically Order Typing Service (OTS). We hope adequate resources will be provided so that OTS can accommodate the huge demands currently being placed upon them.

DOL commissioned a study of visually impaired drivers from the Washington Traffic Safety Commission. Results of the study are currently under evaluation and may lead to an amendment to WAC 308-104-010.

**6. Accomplishments resulting from DOL's regulatory review and improvement program:**

The question and answer format has been adopted for rule writing to facilitate clarity and usefulness of rules.

All rules utilized by DOL are currently on the agency Internet home page. As updates to these rules are adopted they are placed on the web site. This not only facilitates the agency users of the rules but also enables the public to view rules that interest or affect them.

DOL has expanded access to agency forms through the home page.

WAC section or document	Section title or subject	Document type	Action taken	Completion date	Business report required
WAC 196-04-010	Organization and jurisdiction	Rule	Repealed	May-97	None
WAC 196-04-020	Organization and jurisdiction	Rule	Repealed	May-97	None
WAC 196-04-025	Organization and jurisdiction	Rule	Repealed	May-97	None
WAC 196-04-030	Organization and jurisdiction	Rule	Repealed	May-97	None
WAC 196-04-040	Organization and jurisdiction	Rule	Repealed	May-97	None
WAC 196-08-010	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-040	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-050	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-060	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-070	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-080	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-090	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-100	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-110	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-120	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-130	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-140	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-150	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-160	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-170	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-180	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-190	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-200	Practice and procedure	Rule	Repealed	Sept-98	None

WAC section or document	Section title or subject	Document type	Action taken	Completion date	Business report required
WAC 196-08-210	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-220	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-230	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-240	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-250	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-260	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-270	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-280	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-290	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-300	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-310	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-320	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-330	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-340	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-350	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-360	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-370	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-380	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-390	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-400	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-410	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-420	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-430	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-440	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-450	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-460	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-470	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-480	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-490	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-500	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-510	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-520	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-530	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-540	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-550	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-560	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-570	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-580	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-08-590	Practice and procedure	Rule	Repealed	Sept-98	None
WAC 196-12-010	Registered professional engineers	Rule	Amended	Feb-98	None
WAC 196-12-020	Registered professional engineers	Rule	Amended	Feb-98	None
WAC 196-12-030	Registered professional engineers	Rule	Amended	Feb-98	None
WAC 196-12-050	Registered professional engineers	Rule	Amended	Feb-98	None
WAC 196-12-085	Registered professional engineers	Rule	Repealed	Feb-98	None
WAC 196-24-030	General	Rule	Repealed	Feb-98	None

WAC section or document	Section title or subject	Document type	Action taken	Completion date	Business report required
WAC 196-24-040	General	Rule	Repealed	Feb-98	None
WAC 196-24-041	General	Rule	Retained	Feb-98	None
WAC 196-24-050	General	Rule	Repealed	Feb-98	None
WAC 196-24-058	General	Rule	Retained	Nov-98	None
WAC 196-24-060	General	Rule	Repealed	Nov-98	None
WAC 196-24-080	General	Rule	Retained	Nov-98	None
WAC 196-24-085	General	Rule	Retained	Nov-98	None
WAC 196-24-090	General	Rule	Retained	Nov-98	None
WAC 196-24-092	General	Rule	Retained	Nov-98	None
WAC 196-24-095	General	Rule	Retained	Nov-98	None
WAC 196-24-097	General	Rule	Retained	Nov-98	None
WAC 196-24-105	General	Rule	Amended	Feb-98	None
WAC 196-26-020	Registered professional engineers and land surveyors fees	Rule	Amended	May-98	None
WAC 196-26-030	Registered professional engineers and land surveyors fees	Rule	Amended	May-98	None
WAC 308-04-010	General provisions	Rule	Retained	Feb-98	None
WAC 308-04-020	General provisions	Rule	Retained	Feb-98	None
WAC 308-10-050	Rules	Rule	Amended	Aug-97	None
WAC 308-104-004	Drivers licenses	Rule	Retained	Aug-98	None
WAC 308-104-006	Drivers licenses	Rule	Retained	Aug-98	None
WAC 308-104-008	Drivers licenses	Rule	Retained	Aug-98	None
WAC 308-104-010	Drivers licenses	Rule	Retained	Aug-98	None
WAC 308-104-012	Drivers licenses	Rule	Retained	Aug-98	None
WAC 308-104-025	Drivers licenses	Rule	Retained	Aug-98	None
WAC 308-104-035	Drivers licenses	Rule	Retained	Aug-98	None
WAC 308-104-047	Drivers licenses	Rule	Retained	Aug-98	None
WAC 308-104-050	Drivers licenses	Rule	Retained	Aug-98	None
WAC 308-104-056	Drivers licenses	Rule	Retained	Aug-98	None
WAC 308-104-060	Drivers licenses	Rule	Retained	Aug-98	None
WAC 308-104-070	Drivers licenses	Rule	Retained	Aug-98	None
WAC 308-104-080	Drivers licenses	Rule	Retained	Aug-98	None
WAC 308-104-090	Drivers licenses	Rule	Retained	Aug-98	None
WAC 308-104-120	Drivers licenses	Rule	Retained	Aug-98	None
WAC 308-104-130	Drivers licenses	Rule	Retained	Aug-98	None
WAC 308-11-010	Auctioneers	Rule	Repealed	Mar-98	None
WAC 308-11-030	Auctioneers	Rule	Amended	Mar-98	None
WAC 308-11-035	Auctioneers	Rule	Amended	Mar-98	None
WAC 308-11-050	Auctioneers	Rule	Amended	Mar-98	None
WAC 308-11-060	Auctioneers	Rule	Retained	Mar-98	None
WAC 308-11-100	Auctioneers	Rule	Retained	Mar-98	None
WAC 308-11-120	Auctioneers	Rule	Amended	Mar-98	None
WAC 308-11-130	Auctioneers	Rule	Amended	Mar-98	None
WAC 308-12-326	Architects	Rule	Amended	June-97	None

MISC.

WAC section or document	Section title or subject	Document type	Action taken	Completion date	Business report required
WAC 308-124A-120	Real estate—Licensing and examination	Rule	Amended	Dec-97	None
WAC 308-124A-200	Real estate—Licensing and examination	Rule	Amended	Jan-98	None
WAC 308-124A-205	Real estate—Licensing and examination	Rule	Amended	Jan-98	None
WAC 308-124C-030	Real estate—Licensing and examination	Rule	Amended	Jan-98	None
WAC 308-124D-061	Real estate—Operational procedures	Rule	Amended	Jan-98	None
WAC 308-124F-040	Real estate—Miscellaneous provisions	Rule	Repealed	Jan-98	None
WAC 308-125-120	Real estate appraisers	Rule	Amended	Aug-97	None
WAC 308-125-200	Real estate appraisers	Rule	Amended	Aug-98	None
WAC 308-127-310	Timeshare	Rule	Retained	May-97	None
WAC 308-127-320	Timeshare	Rule	Retained	May-97	None
WAC 308-127-330	Timeshare	Rule	Retained	May-97	None
WAC 308-13-005	Landscape architects	Rule	Retained	Oct-97	None
WAC 308-13-010	Landscape architects	Rule	Retained	Oct-97	None
WAC 308-13-015	Landscape architects	Rule	Retained	Oct-97	None
WAC 308-13-020	Landscape architects	Rule	Retained	Oct-97	None
WAC 308-13-024	Landscape architects	Rule	Retained	Oct-97	None
WAC 308-13-032	Landscape architects	Rule	Retained	Oct-97	None
WAC 308-14-200	Court reporters	Rule	Amended	Aug-98	None
WAC 308-14-220	Court reporters	Rule	Retained	May-97	None
WAC 308-14-230	Court reporters	Rule	Retained	May-97	None
WAC 308-17-010	Private detective agencies and private detectives	Rule	Retained	Aug-97	None
WAC 308-17-020	Private detective agencies and private detectives	Rule	Retained	Aug-97	None
WAC 308-17-030	Private detective agencies and private detectives	Rule	Retained	Aug-97	None
WAC 308-17-100	Private detective agencies and private detectives	Rule	Retained	Aug-97	None
WAC 308-17-105	Private detective agencies and private detectives	Rule	Retained	Aug-97	None
WAC 308-17-110	Private detective agencies and private detectives	Rule	Retained	Aug-97	None
WAC 308-17-120	Private detective agencies and private detectives	Rule	Retained	Aug-97	None
WAC 308-17-130	Private detective agencies and private detectives	Rule	Retained	Aug-97	None
WAC 308-17-140	Private detective agencies and private detectives	Rule	Retained	Aug-97	None
WAC 308-17-150	Private detective agencies and private detectives	Rule	Retained	Aug-97	None

MISC.



WAC section or document	Section title or subject	Document type	Action taken	Completion date	Business report required
WAC 308-17-160	Private detective agencies and private detectives	Rule	Retained	Aug-97	None
WAC 308-17-165	Private detective agencies and private detectives	Rule	Retained	Aug-97	None
WAC 308-17-170	Private detective agencies and private detectives	Rule	Retained	Aug-97	None
WAC 308-17-205	Private detective agencies and private detectives	Rule	Amended	Aug-97	None
WAC 308-17-210	Private detective agencies and private detectives	Rule	Amended	Aug-97	None
WAC 308-17-230	Private detective agencies and private detectives	Rule	Amended	Aug-97	None
WAC 308-17-240	Private detective agencies and private detectives	Rule	Amended	Aug-97	None
WAC 308-17-300	Private detective agencies and private detectives	Rule	Amended	Aug-97	None
WAC 308-17-310	Private detective agencies and private detectives	Rule	Amended	Aug-97	None
WAC 308-17-320	Private detective agencies and private detectives	Rule	Amended	Aug-97	None
WAC 308-18-020	Private security guard companies and private security guards	Rule	Amended	Aug-97	None
WAC 308-18-030	Private security guard companies and private security guards	Rule	Amended	Aug-97	None
WAC 308-18-100	Private security guard companies and private security guards	Rule	Amended	Aug-97	None
WAC 308-18-110	Private security guard companies and private security guards	Rule	Amended	Aug-97	None
WAC 308-18-120	Private security guard companies and private security guards	Rule	Amended	Aug-97	None
WAC 308-18-140	Private security guard companies and private security guards	Rule	Amended	Aug-97	None
WAC 308-18-150	Private security guard companies and private security guards	Rule	Amended	Aug-97	None
WAC 308-18-170	Private security guard companies and private security guards	Rule	Amended	Aug-97	None
WAC 308-18-240	Private security guard companies and private security guards	Rule	Retained	Aug-97	None
WAC 308-18-300	Private security guard companies and private security guards	Rule	Amended	Aug-97	None
WAC 308-20-160	Cosmetology	Rule	Repealed	Sept-97	None
WAC 308-20-500	Cosmetology	Rule	Repealed	Sept-97	None
WAC 308-20-710	Cosmetology—Barber—Manicurist—Esthetician	Rule	Retained	May-97	None
WAC 308-20-720	Cosmetology—Barber—Manicurist—Esthetician	Rule	Retained	May-97	None
WAC 308-20-730	Cosmetology—Barber—Manicurist—Esthetician	Rule	Retained	May-97	None

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WAC section or document	Section title or subject	Document type	Action taken	Completion date	Business report required
WAC 308-300-310	Consolidated licensing system	Rule	Retained	Jan-98	None
WAC 308-32-015	Debt adjuster	Rule	Retained	Feb-98	None
WAC 308-32-020	Debt adjuster	Rule	Retained	Feb-98	None
WAC 308-32-030	Debt adjuster	Rule	Retained	Feb-98	None
WAC 308-32-040	Debt adjuster	Rule	Retained	Feb-98	None
WAC 308-32-050	Debt adjuster	Rule	Retained	Feb-98	None
WAC 308-32-060	Debt adjuster	Rule	Retained	Feb-98	None
WAC 308-32-070	Debt adjuster	Rule	Retained	Feb-98	None
WAC 308-32-080	Debt adjuster	Rule	Retained	Feb-98	None
WAC 308-32-090	Debt adjuster	Rule	Retained	Feb-98	None
WAC 308-33-011	Employment agencies	Rule	Amended	Mar-98	None
WAC 308-330-121	Model traffic ordinance	Rule	Repealed	May-97	None
WAC 308-330-123	Model traffic ordinance	Rule	Repealed	May-97	None
WAC 308-330-197	Model traffic ordinance	Rule	Amended	May-97	None
WAC 308-33-020	Employment agencies	Rule	Repealed	Mar-98	None
WAC 308-330-200	Model traffic ordinance	Rule	Amended	May-97	None
WAC 308-33-030	Employment agencies	Rule	Amended	Mar-98	None
WAC 308-330-300	Model traffic ordinance	Rule	Amended	May-97	None
WAC 308-330-305	Model traffic ordinance	Rule	Amended	May-97	None
WAC 308-330-307	Model traffic ordinance	Rule	Amended	July-97	None
WAC 308-330-320	Model traffic ordinance	Rule	Amended	May-97	None
WAC 308-330-322	Model traffic ordinance	Rule	Amended	May-97	None
WAC 308-330-329	Model traffic ordinance	Rule	Repealed	May-97	None
WAC 308-330-370	Model traffic ordinance	Rule	Amended	May-97	None
WAC 308-330-375	Model traffic ordinance	Rule	Repealed	May-97	None
WAC 308-330-403	Model traffic ordinance	Rule	Amended	May-97	None
WAC 308-330-406	Model traffic ordinance	Rule	Amended	May-97	None
WAC 308-330-408	Model traffic ordinance	Rule	Amended	May-97	None
WAC 308-330-415	Model traffic ordinance	Rule	Amended	May-97	None
WAC 308-330-421	Model traffic ordinance	Rule	Amended	May-97	None
WAC 308-330-425	Model traffic ordinance	Rule	Amended	July-97	None
WAC 308-330-436	Model traffic ordinance	Rule	Amended	May-97	None
WAC 308-330-462	Model traffic ordinance	Rule	Amended	May-97	None
WAC 308-33-050	Employment agencies	Rule	Retained	May-97	None
WAC 308-33-060	Employment agencies	Rule	Amended	Mar-98	None
WAC 308-33-071	Employment agencies	Rule	Amended	Mar-98	None
WAC 308-33-080	Employment agencies	Rule	Repealed	Mar-98	None
WAC 308-330-800	Model traffic ordinance	Rule	Amended	May-97	None
WAC 308-330-825	Model traffic ordinance	Rule	Amended	May-97	None
WAC 308-33-090	Employment agencies	Rule	Amended	Mar-98	None
WAC 308-33-095	Employment agencies	Rule	Amended	Mar-98	None
WAC 308-33-105	Employment agencies	Rule	Amended	Mar-98	None
WAC 308-33-110	Employment agencies	Rule	Retained	May-97	None
WAC 308-33-120	Employment agencies	Rule	Retained	May-97	None
WAC 308-420-240	Camping resorts	Rule	Amended	Sept-98	None

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WAC section or document	Section title or subject	Document type	Action taken	Completion date	Business report required
WAC 308-420-270	Camping resorts	Rule	Retained	May-97	None
WAC 308-48-010	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-030	Funeral directors and embalmers	Rule	Amended	Nov-97	None
WAC 308-48-031	Funeral directors and embalmers	Rule	Amended	Nov-97	None
WAC 308-48-040	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-050	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-060	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-070	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-075	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-080	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-085	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-100	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-110	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-145	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-150	Funeral directors and embalmers	Rule	Amended	Nov-97	None
WAC 308-48-160	Funeral directors and embalmers	Rule	Amended	Nov-97	None
WAC 308-48-180	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-185	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-190	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-200	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-210	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-350	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-510	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-520	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-530	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-540	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-550	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-560	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-570	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-580	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-590	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-600	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-700	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-710	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-720	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-730	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-740	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-750	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-760	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-770	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-780	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-48-790	Funeral directors and embalmers	Rule	Retained	Feb-98	None
WAC 308-49-162	Prearrangement funeral services	Rule	Repealed	Oct-97	None
WAC 308-49-164	Prearrangement funeral services	Rule	Amended	Nov-97	None

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WAC section or document	Section title or subject	Document type	Action taken	Completion date	Business report required
WAC 308-56A-005	Certificate of title—Motor vehicles, etc.	Rule	Repealed	Mar-98	None
WAC 308-56A-010	Certificate of title—Motor vehicles, etc.	Rule	Amended	Mar-98	None
WAC 308-56A-015	Certificate of title—Motor vehicles, etc.	Rule	Amended	Mar-98	None
WAC 308-56A-020	Certificate of title—Motor vehicles, etc.	Rule	Amended	Mar-98	None
WAC 308-56A-021	Certificate of title—Motor vehicles, etc.	Rule	Amended	Mar-98	None
WAC 308-56A-022	Certificate of title—Motor vehicles, etc.	Rule	Amended	Mar-98	None
WAC 308-56A-023	Certificate of title—Motor vehicles, etc.	Rule	Amended	Mar-98	None
WAC 308-56A-025	Certificate of title—Motor vehicles, etc.	Rule	Retained	Sept-98	None
WAC 308-56A-030	Certificate of title—Motor vehicles, etc.	Rule	Retained	Sept-98	None
WAC 308-56A-035	Certificate of title—Motor vehicles, etc.	Rule	Retained	Sept-98	None
WAC 308-56A-040	Certificate of title—Motor vehicles, etc.	Rule	Retained	Sept-98	None
WAC 308-56A-045	Certificate of title—Motor vehicles, etc.	Rule	Retained	Sept-98	None
WAC 308-56A-050	Certificate of title—Motor vehicles, etc.	Rule	Retained	Sept-98	None
WAC 308-56A-055	Certificate of title—Motor vehicles, etc.	Rule	Retained	Sept-98	None
WAC 308-56A-080	Certificate of title—Motor vehicles, etc.	Rule	Repealed	Mar-98	None
WAC 308-56A-085	Certificate of title—Motor vehicles, etc.	Rule	Repealed	Mar-98	None
WAC 308-56A-090	Certificate of title—Motor vehicles, etc.	Rule	Amended	Mar-98	None
WAC 308-56A-100	Certificate of title—Motor vehicles, etc.	Rule	Retained	Sept-98	None
WAC 308-56A-105	Certificate of title—Motor vehicles, etc.	Rule	Retained	Sept-98	None
WAC 308-56A-110	Certificate of title—Motor vehicles, etc.	Rule	Retained	Sept-98	None
WAC 308-56A-115	Certificate of title—Motor vehicles, etc.	Rule	Retained	Sept-98	None
WAC 308-56A-125	Certificate of title—Motor vehicles, etc.	Rule	Retained	Sept-98	None
WAC 308-56A-130	Certificate of title—Motor vehicles, etc.	Rule	Retained	Sept-98	None
WAC 308-56A-135	Certificate of title—Motor vehicles, etc.	Rule	Retained	Sept-98	None

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WAC section or document	Section title or subject	Document type	Action taken	Completion date	Business report required
WAC 308-56A-210	Certificate of title—Motor vehicles, etc.	Rule	Retained	Sept-98	None
WAC 308-56A-400	Certificate of title—Motor vehicles, etc.	Rule	Repealed	Dec-97	None
WAC 308-56A-420	Certificate of title—Motor vehicles, etc.	Rule	Retained	Sept-98	None
WAC 308-56A-610	Certificate of title—Motor vehicles, etc.	Rule	Amended	June-97	None
WAC 308-56A-620	Certificate of title—Motor vehicles, etc.	Rule	Amended	June-97	None
WAC 308-56A-630	Certificate of title—Motor vehicles, etc.	Rule	Repealed	June-97	None
WAC 308-56A-640	Certificate of title—Motor vehicles, etc.	Rule	Amended	June-97	None
WAC 308-56A-650	Certificate of title—Motor vehicles, etc.	Rule	Amended	June-97	None
WAC 308-56A-660	Certificate of title—Motor vehicles, etc.	Rule	Amended	June-97	None
WAC 308-56A-670	Certificate of title—Motor vehicles, etc.	Rule	Amended	June-97	None
WAC 308-56A-680	Certificate of title—Motor vehicles, etc.	Rule	Amended	June-97	None
WAC 308-56A-690	Certificate of title—Motor vehicles, etc.	Rule	Amended	June-97	None
WAC 308-57-005	Motor vehicle excise tax	Rule	Amended	May-97	None
WAC 308-57-010	Motor vehicle excise tax	Rule	Amended	May-97	None
WAC 308-57-020	Motor vehicle excise tax	Rule	Amended	May-97	None
WAC 308-57-030	Motor vehicle excise tax	Rule	Amended	May-97	None
WAC 308-57-110	Motor vehicle excise tax	Rule	Amended	May-97	None
WAC 308-57-120	Motor vehicle excise tax	Rule	Amended	May-97	None
WAC 308-57-130	Motor vehicle excise tax	Rule	Amended	May-97	None
WAC 308-57-140	Motor vehicle excise tax	Rule	Amended	May-97	None
WAC 308-57-210	Motor vehicle excise tax	Rule	Amended	May-97	None
WAC 308-57-230	Motor vehicle excise tax	Rule	Amended	May-97	None
WAC 308-57-240	Motor vehicle excise tax	Rule	Amended	May-97	None
WAC 308-58-010	Reporting destroyed vehicles	Rule	Amended	May-97	None
WAC 308-58-030	Reporting destroyed vehicles	Rule	Amended	May-97	None
WAC 308-58-040	Reporting destroyed vehicles	Rule	Amended	May-97	None
WAC 308-66-110	Motor vehicle dealers and manufacturers	Rule	Amended	July-98	None
WAC 308-66-120	Motor vehicle dealers and manufacturers	Rule	Amended	July-98	None
WAC 308-66-135	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-140	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None

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WAC section or document	Section title or subject	Document type	Action taken	Completion date	Business report required
WAC 308-66-145	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-150	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-152	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-155	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-156	Motor vehicle dealers and manufacturers	Rule	Repealed	July-98	None
WAC 308-66-157	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-160	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-165	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-170	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-175	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-180	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-182	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-190	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-195	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-196	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-200	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-205	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-210	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-211	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-212	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-214	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-220	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-225	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-66-227	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None

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WAC section or document	Section title or subject	Document type	Action taken	Completion date	Business report required
WAC 308-66-240	Motor vehicle dealers and manufacturers	Rule	Retained	July-98	None
WAC 308-72-502	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-72-504	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-72-508	Motor vehicle fuel tax	Rule	Repealed	Sept-97	None
WAC 308-72-509	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-72-510	Motor vehicle fuel tax	Rule	Repealed	Sept-97	None
WAC 308-72-512	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-72-520	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-72-530	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-72-540	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-72-542	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-72-543	Motor vehicle fuel tax	Rule	Repealed	Sept-97	None
WAC 308-72-550	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-72-570	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-72-600	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-72-610	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-72-620	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-72-630	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-72-640	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-72-650	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-72-660	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-76-005	Motor vehicle fuel importer use tax	Rule	Repealed	Sept-97	None
WAC 308-76-400	Motor vehicle fuel importer use tax	Rule	Repealed	Sept-97	None
WAC 308-76-405	Motor vehicle fuel importer use tax	Rule	Repealed	Sept-97	None
WAC 308-76-410	Motor vehicle fuel importer use tax	Rule	Repealed	Sept-97	None
WAC 308-76-415	Motor vehicle fuel importer use tax	Rule	Repealed	Sept-97	None
WAC 308-76-420	Motor vehicle fuel importer use tax	Rule	Repealed	Sept-97	None
WAC 308-76-425	Motor vehicle fuel importer use tax	Rule	Repealed	Sept-97	None
WAC 308-76-430	Motor vehicle fuel importer use tax	Rule	Repealed	Sept-97	None
WAC 308-77-010	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-77-020	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-77-030	Special fuel tax rules and regulations	Rule	Repealed	Sept-97	None
WAC 308-77-032	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-77-034	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-77-040	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-77-042	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-77-044	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-77-050	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-77-060	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-77-070	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-77-090	Special fuel tax rules and regulations	Rule	Repealed	Sept-97	None
WAC 308-77-090	Motor vehicle fuel tax	Rule	Repealed	Aug-98	None

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WAC section or document	Section title or subject	Document type	Action taken	Completion date	Business report required
WAC 308-77-095	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-77-100	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-77-110	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-77-120	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-77-125	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-77-130	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-77-150	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-77-165	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-77-190	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-77-220	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-77-230	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-77-250	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-77-260	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-93-010	Vessel registration and certificate of title	Rule	Amended	April-98	None
WAC 308-93-050	Vessel registration and certificate of title	Rule	Amended	June-98	None
WAC 308-93-055	Vessel registration and certificate of title	Rule	Amended	June-98	None
WAC 308-93-060	Vessel registration and certificate of title	Rule	Amended	June-98	None
WAC 308-93-070	Vessel registration and certificate of title	Rule	Amended	June-98	None
WAC 308-93-071	Vessel registration and certificate of title	Rule	Amended	June-98	None
WAC 308-93-073	Vessel registration and certificate of title	Rule	Amended	June-98	None
WAC 308-93-074	Vessel registration and certificate of title	Rule	Repealed	June-98	None
WAC 308-93-075	Vessel registration and certificate of title	Rule	Repealed	June-98	None
WAC 308-93-078	Vessel registration and certificate of title	Rule	Amended	June-98	None
WAC 308-93-080	Vessel registration and certificate of title	Rule	Repealed	June-98	None
WAC 308-93-085	Vessel registration and certificate of title	Rule	Repealed	June-98	None
WAC 308-93-110	Vessel registration and certificate of title	Rule	Retained	Aug-98	None
WAC 308-93-120	Vessel registration and certificate of title	Rule	Retained	Aug-98	None
WAC 308-93-180	Vessel registration and certificate of title	Rule	Retained	Aug-98	None
WAC 308-93-190	Vessel registration and certificate of title	Rule	Retained	Aug-98	None
WAC 308-93-200	Vessel registration and certificate of title	Rule	Retained	Aug-98	None

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WAC section or document	Section title or subject	Document type	Action taken	Completion date	Business report required
WAC 308-93-210	Vessel registration and certificate of title	Rule	Retained	Aug-98	None
WAC 308-93-215	Vessel registration and certificate of title	Rule	Retained	Aug-98	None
WAC 308-93-220	Vessel registration and certificate of title	Rule	Retained	Aug-98	None
WAC 308-93-230	Vessel registration and certificate of title	Rule	Retained	Aug-98	None
WAC 308-93-241	Vessel registration and certificate of title	Rule	Amended	June-98	None
WAC 308-93-242	Vessel registration and certificate of title	Rule	Amended	June-98	None
WAC 308-93-243	Vessel registration and certificate of title	Rule	Amended	June-98	None
WAC 308-93-244	Vessel registration and certificate of title	Rule	Amended	June-98	None
WAC 308-93-245	Vessel registration and certificate of title	Rule	Amended	June-98	None
WAC 308-93-285	Vessel registration and certificate of title	Rule	Amended	June-98	None
WAC 308-93-290	Vessel registration and certificate of title	Rule	Retained	Aug-98	None
WAC 308-93-295	Vessel registration and certificate of title	Rule	Retained	Aug-98	None
WAC 308-93-300	Vessel registration and certificate of title	Rule	Repealed	June-98	None
WAC 308-93-330	Vessel registration and certificate of title	Rule	Repealed	June-98	None
WAC 308-93-350	Vessel registration and certificate of title	Rule	Amended	June-98	None
WAC 308-93-360	Vessel registration and certificate of title	Rule	Amended	June-98	None
WAC 308-93-420	Vessel registration and certificate of title	Rule	Repealed	June-98	None
WAC 308-93-430	Vessel registration and certificate of title	Rule	Repealed	June-98	None
WAC 308-93-440	Vessel registration and certificate of title	Rule	Amended	Feb-98	None
WAC 308-93-450	Vessel registration and certificate of title	Rule	Amended	Feb-98	None
WAC 308-93-460	Vessel registration and certificate of title	Rule	Amended	Feb-98	None
WAC 308-93-470	Vessel registration and certificate of title	Rule	Amended	Feb-98	None
WAC 308-93-480	Vessel registration and certificate of title	Rule	Repealed	Feb-98	None
WAC 308-93-620	Vessel registration and certificate of title	Rule	Amended	June-98	None

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WAC section or document	Section title or subject	Document type	Action taken	Completion date	Business report required
WAC 308-93-630	Vessel registration and certificate of title	Rule	Repealed	June-98	None
WAC 308-94-030	Snowmobiles and off road and nonhighway vehicles	Rule	Amended	Feb-98	None
WAC 308-94-040	Snowmobiles and off road and nonhighway vehicles	Rule	Repealed	Feb-98	None
WAC 308-94-050	Snowmobiles and off road and nonhighway vehicles	Rule	Amended	Feb-98	None
WAC 308-94-070	Snowmobiles and off road and nonhighway vehicles	Rule	Repealed	Feb-98	None
WAC 308-94-080	Snowmobiles and off road and nonhighway vehicles	Rule	Amended	Feb-98	None
WAC 308-94-090	Snowmobiles and off road and nonhighway vehicles	Rule	Repealed	Feb-98	None
WAC 308-94-100	Snowmobiles and off road and nonhighway vehicles	Rule	Amended	Feb-98	None
WAC 308-94-110	Snowmobiles and off road and nonhighway vehicles	Rule	Repealed	Feb-98	None
WAC 308-95-010	Vehicle impound	Rule	Repealed	Sept-97	None
WAC 308-95-020	Vehicle impound	Rule	Repealed	Sept-97	None
WAC 308-95-030	Vehicle impound	Rule	Repealed	Sept-97	None
WAC 308-96-640	Vessel registration and certificate of title	Rule	Amended	June-98	None
WAC 308-96A-005	Vehicle licenses	Rule	Retained	June-98	None
WAC 308-96A-010	Vehicle licenses	Rule	Repealed	June-98	None
WAC 308-96A-015	Vehicle licenses	Rule	Amended	June-98	None
WAC 308-96A-021	Vehicle licenses	Rule	Amended	June-98	None
WAC 308-96A-025	Vehicle licenses	Rule	Repealed	June-98	None
WAC 308-96A-026	Vehicle licenses	Rule	Amended	June-98	None
WAC 308-96A-035	Vehicle licenses	Rule	Repealed	June-98	None
WAC 308-96A-040	Vehicle licenses	Rule	Repealed	June-98	None
WAC 308-96A-065	Vehicle licenses	Rule	Amended	Feb-98	None
WAC 308-96A-066	Vehicle licenses	Rule	Amended	Feb-98	None
WAC 308-96A-067	Vehicle licenses	Rule	Amended	Feb-98	None
WAC 308-96A-068	Vehicle licenses	Rule	Amended	Feb-98	None
WAC 308-96A-070	Vehicle licenses	Rule	Amended	Feb-98	None
WAC 308-96A-071	Vehicle licenses	Rule	Amended	Feb-98	None
WAC 308-96A-072	Vehicle licenses	Rule	Amended	Dec-97	None
WAC 308-96A-073	Vehicle licenses	Rule	Amended	Dec-97	None
WAC 308-96A-074	Vehicle licenses	Rule	Amended	Dec-97	None
WAC 308-96A-080	Vehicle licenses	Rule	Amended	June-98	None
WAC 308-96A-085	Vehicle licenses	Rule	Amended	June-98	None
WAC 308-96A-090	Vehicle licenses	Rule	Amended	June-98	None
WAC 308-96A-095	Vehicle licenses	Rule	Amended	June-98	None
WAC 308-96A-097	Vehicle licenses	Rule	Amended	June-98	None
WAC 308-96A-161	Vehicle licenses	Rule	Amended	April-97	None

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WAC section or document	Section title or subject	Document type	Action taken	Completion date	Business report required
WAC 308-96A-162	Vehicle licenses	Rule	Amended	April-97	None
WAC 308-96A-175	Vehicle licenses	Rule	Amended	Dec-97	None
WAC 308-96A-176	Vehicle licenses	Rule	Amended	Dec-97	None
WAC 308-96A-180	Vehicle licenses	Rule	Amended	June-98	None
WAC 308-96A-260	Vehicle licenses	Rule	Amended	June-98	None
WAC 308-96A-295	Vehicle licenses	Rule	Amended	June-98	None
WAC 308-96A-300	Vehicle licenses	Rule	Amended	June-98	None
WAC 308-96A-306	Vehicle licenses	Rule	Retained	July-98	None
WAC 308-96A-310	Vehicle licenses	Rule	Retained	July-98	None
WAC 308-96A-315	Vehicle licenses	Rule	Repealed	Jan-98	None
WAC 308-96A-320	Vehicle licenses	Rule	Retained	July-98	None
WAC 308-96A-325	Vehicle licenses	Rule	Retained	July-98	None
WAC 308-96A-330	Vehicle licenses	Rule	Retained	July-98	None
WAC 308-96A-335	Vehicle licenses	Rule	Retained	July-98	None
WAC 308-96A-340	Vehicle licenses	Rule	Retained	Dec-97	None
WAC 308-96A-415	Vehicle licenses	Rule	Repealed	Dec-97	None
WAC 308-96A-420	Vehicle licenses	Rule	Repealed	Dec-97	None
WAC 308-96A-550	Vehicle licenses	Rule	Amended	Dec-97	None
WAC 308-96A-560	Vehicle licenses	Rule	Amended	Dec-97	None
WAC 308-97-010	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-97-060	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-97-090	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-97-125	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-97-175	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-97-205	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
WAC 308-97-230	Motor vehicle fuel tax	Rule	Retained	Aug-98	None
330-1	Architects	Policy	Deleted	Sept-98	None
330-2	Architects	Policy	Deleted	Sept-98	None
340-1	Architects	Policy	Revised	Sept-98	None
340-2	Architects	Policy	Deleted	Sept-98	None
340-4	Architects	Policy	Revised	Sept-98	None
350-1	Architects	Policy	Revised	Sept-98	None
350-2	Architects	Policy	Revised	Sept-98	None
350-4	Architects	Policy	Revised	Sept-98	None
350-5	Architects	Policy	Revised	Sept-98	None
360-1	Architects	Policy	Revised	Sept-98	None
360-2	Architects	Policy	Deleted	Sept-98	None
400-1	Architects	Policy	Revised	Sept-98	None
400-2	Architects	Policy	Revised	Sept-98	None
430-1	Architects	Policy	Revised	Sept-98	None
430-2	Architects	Policy	Revised	Sept-98	None
8704003	Driver services	Policy	Retained	July-98	None
8704006	Driver services	Policy	Repealed	July-98	None
8708007	Driver services	Policy	Amended	July-98	None
8711002	Driver services	Policy	Amended	July-98	None

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WAC section or document	Section title or subject	Document type	Action taken	Completion date	Business report required
8808003	Driver services	Policy	Repealed	July-98	None
9206001	Driver services	Policy	Amended	July-98	None
WAC 98-08-010	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-030	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-040	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-050	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-060	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-070	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-080	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-090	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-100	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-110	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-120	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-130	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-140	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-150	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-170	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-190	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-200	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-210	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-220	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-370	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-380	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-390	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-400	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-410	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-420	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-430	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-440	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-450	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-460	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-470	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-480	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-490	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-500	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-510	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-520	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-530	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-540	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-550	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-560	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-570	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-580	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-08-590	Practice and procedure	Rule	Retained	Mar-98	None
WAC 98-11-005	Nonendowed care cemeteries	Rule	Retained	Mar-98	None

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WAC section or document	Section title or subject	Document type	Action taken	Completion date	Business report required
WAC 98-11-010	Nonendowed care cemeteries	Rule	Retained	Mar-98	None
WAC 98-12-020	Endowment care cemeteries	Rule	Retained	Mar-98	None
WAC 98-12-030	Endowment care cemeteries	Rule	Retained	Mar-98	None
WAC 98-12-040	Endowment care cemeteries	Rule	Retained	Mar-98	None
WAC 98-14-010	Prearrangement contracts	Rule	Retained	Mar-98	None
WAC 98-14-020	Prearrangement contracts	Rule	Retained	Mar-98	None
WAC 98-14-030	Prearrangement contracts	Rule	Retained	Mar-98	None
WAC 98-14-040	Prearrangement contracts	Rule	Retained	Mar-98	None
WAC 98-14-050	Prearrangement contracts	Rule	Retained	Mar-98	None
WAC 98-14-060	Prearrangement contracts	Rule	Retained	Mar-98	None
WAC 98-14-070	Prearrangement contracts	Rule	Retained	Mar-98	None
WAC 98-14-080	Prearrangement contracts	Rule	Retained	Mar-98	None
WAC 98-14-090	Prearrangement contracts	Rule	Retained	Mar-98	None
WAC 98-14-100	Prearrangement contracts	Rule	Retained	Mar-98	None
WAC 98-14-200	Prearrangement contracts	Rule	Retained	Mar-98	None
WAC 98-16-010	Hybrid units	Rule	Retained	Mar-98	None
WAC 98-16-020	Hybrid units	Rule	Retained	Mar-98	None
WAC 98-16-030	Hybrid units	Rule	Retained	Mar-98	None
WAC 98-20-020	Cemetery property	Rule	Retained	Mar-98	None
WAC 98-40-010	Handling dead human bodies	Rule	Retained	Mar-98	None
WAC 98-40-020	Handling dead human bodies	Rule	Retained	Mar-98	None
WAC 98-40-030	Handling dead human bodies	Rule	Retained	Mar-98	None
WAC 98-40-040	Handling dead human bodies	Rule	Retained	Mar-98	None
WAC 98-40-050	Handling dead human bodies	Rule	Retained	Mar-98	None
WAC 98-40-060	Handling dead human bodies	Rule	Retained	Mar-98	None
WAC 98-40-070	Handling dead human bodies	Rule	Retained	Mar-98	None
WAC 98-40-080	Handling dead human bodies	Rule	Retained	Mar-98	None
WAC 98-60-010	Disposition of cremated remains	Rule	Retained	Mar-98	None
WAC 98-60-020	Disposition of cremated remains	Rule	Retained	Mar-98	None
WAC 98-60-030	Disposition of cremated remains	Rule	Retained	Mar-98	None
WAC 98-60-040	Disposition of cremated remains	Rule	Retained	Mar-98	None
WAC 98-60-050	Disposition of cremated remains	Rule	Retained	Mar-98	None
WAC 98-70-010	Fees	Rule	Amended	Mar-98	None
ENG1	Examination review	Policy	Deleted	April-98	None
ENG10	Plan stamping	Policy	Deleted	April-98	None
ENG11	Revised policy on reciprocal registration	Policy	Deleted	April-98	None
ENG12	The applicant appeal process	Policy	Deleted	April-98	None
ENG13	Evaluation of experience claimed as engineering experience by license applicant	Policy	Deleted	April-98	None
ENG14	Issuing first time licenses	Policy	Deleted	April-98	None
ENG15	Structural engineer reciprocity	Policy	Deleted	April-98	None

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WAC section or document	Section title or subject	Document type	Action taken	Completion date	Business report required
ENG16	Evaluating engineering education for a nonengineering B.S. degree with a M.S. engineering degree	Policy	Deleted	April-98	None
ENG17	Evaluating engineering education for a foreign B.S. degree with a M.S. degree from the United States	Policy	Deleted	April-98	None
ENG18	License reinstatement	Policy	Deleted	April-98	None
ENG19	Delinquent license reinstatement	Policy	Deleted	April-98	None
ENG2	Addendum to examination review	Policy	Deleted	April-98	None
ENG21	Review of examination results by examinee	Policy	Deleted, in rule	May-98	None
ENG22	Engineering degrees accepted from foreign countries	Policy	Deleted, in rule	May-98	None
ENG23	Examinations for LS candidates applying for licensure by endorsement	Policy	Deleted	April-98	None
ENG25	Education requirement to waive the EIT examination	Policy	Deleted, in rule	May-98	None
ENG29	Work experience gained while obtaining undergraduate and graduate degrees	Policy	Deleted	May-98	None
ENG5	Examination administration	Policy	Deleted	May-98	None
ENG6	Complaint investigations	Policy	Deleted	April-98	None
ENG7	Surveyors minimum competence	Policy	Deleted	April-98	None
ENG8	Use of subpoena authority	Policy	Deleted	April-98	None

**WSR 98-23-003**  
**RULES REVIEW PLAN**  
**INSURANCE COMMISSIONER'S OFFICE**  
 [Filed November 4, 1998, 3:35 p.m.]

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 99-01 issue of the Register.

**WSR 98-23-004**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
 (Wheat Commission)  
 [Memorandum—November 3, 1998]

The Washington Wheat Commission hereby complies with regulations as stated in RCW 42.30.075 and provides pertinent scheduled meeting changes, per the board of directors, for publication in the State Register. This special meeting date is submitted at least twenty days prior to the meeting date.

Special Meeting: December 6, 1998, 8:00 a.m., Suite C, DoubleTree Hotel, 322 North Spokane Falls Court, Spokane, WA.

**WSR 98-23-005**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**  
 [Memorandum—November 2, 1998]

In accordance with RCW 42.30.075, the University of Washington is providing the following meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW Public Records Office.

ASUW Senate

Meeting Dates	Location	Time
November 3	Gowen 201	5 p.m.
November 10	Gowen 201	5 p.m.

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November 17	Gowen 201	5 p.m.
November 24	Gowen 201	5 p.m.
December 1	Gowen 201	5 p.m.
December 8	Gowen 201	5 p.m.
December 15	Gowen 201	5 p.m.

9401 Farwest Drive S.W.  
Lakewood, WA

**WSR 98-23-006**  
**NOTICE OF PUBLIC MEETINGS**  
**THE EVERGREEN STATE COLLEGE**

[Memorandum—November 2, 1998]

**1999 BOARD OF TRUSTEES MEETING SCHEDULE**

The board of trustees of The Evergreen State College will hold regular meetings on the following dates in 1999 at 9:00 a.m. in Room 3112 of the Daniel J. Evans Library Building on The Evergreen State College campus.

- Wednesday, January 13, 1999
- Wednesday, March 10, 1999
- Wednesday, May 12, 1999
- Thursday, June 10, 1999
- Wednesday, July 14, 1999
- Wednesday, September 15, 1999
- Wednesday, November 10, 1999

Notice of special meetings called, if any, will be published on campus and in the local newspapers.

**WSR 98-23-007**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—November 5, 1998]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, November 19, 1998, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 extension 334 for information.

**WSR 98-23-008**  
**NOTICE OF PUBLIC MEETINGS**  
**PIERCE COLLEGE**

[Memorandum—November 1, 1998]

The board of trustees of Community College District Number Eleven (Pierce College) would like to announce a change in their meeting schedule. The December board meeting has been moved back one week but the time and location remain the same. This meeting is open to the public.

<u>Meeting Date/Location</u>	<u>Time</u>
<b>Wednesday, December 16, 1998</b> Board Room, 325H Pierce College at Fort Steilacoom	12:30 p.m.

**WSR 98-23-012**  
**NOTICE OF PUBLIC MEETINGS**  
**CONVENTION AND TRADE CENTER**

[Memorandum—November 2, 1998]

**Board of Directors 1999 Regular Meeting Schedule**

Pursuant to Washington State Convention and Trade Center board action, enclosed is Resolution No. 455 establishing the 1999 regular meeting schedule of the board of directors. All regular meetings of the board will be held at 1:30 p.m. in a Convention Center meeting room.

The board of directors desires to hold its regular meetings on the second Wednesday of January, the fourth Wednesday of February and the third Wednesday of the remaining ten months.

**1999 Regular Board Meetings**  
**WSCTC Meeting Room**

- Wednesday, 1:30 p.m.
- January 13
- February 24
- March 17
- April 21
- May 19
- June 16
- July 21
- August 18
- September 15
- October 20
- November 17
- December 15

Please call (206) 694-5012 if you have any questions.

**WSR 98-23-020**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**

(Barley Commission)

[Memorandum—November 6, 1998]

The Washington Barley Commission's December 4, 1998, regular meeting has been rescheduled. The meeting will now be held on December 8, 1998. The meeting will begin at 1:00 p.m. and will [be] held in the Washington Wheat Commission's conference room located at 907 West Riverside Avenue, Spokane, WA.

If you have any questions, please call (509) 456-4400.

**MISC.**

**WSR 98-23-023**  
**ATTORNEY GENERAL OPINION**

Cite as: AGO 1998 No. 11  
 [October 28, 1998]

**DEATH - DEATH CERTIFICATES - OFFICES AND OFFICERS - COUNTIES - CORONER - Authority to issue certificate of presumptive death.**

The county coroner or equivalent officer has discretion to decide whether to issue a certificate of presumptive death as to a person whose body has not been found but who may be presumed to have drowned in the waters of the county or in contiguous waters as a result of an accident or natural disaster; the officer's decision must take into account where the person was last seen and where the events occurred which probably caused the person's death, in addition to such other factors as may be relevant.

The Honorable Randall K. Gaylord  
 San Juan County Prosecuting Attorney  
 350 Court Street  
 PO Box 760  
 Friday Harbor, WA 98250

**WSR 98-23-024**  
**ATTORNEY GENERAL OPINION**

Cite as: AGO 1998 No. 12  
 [October 28, 1998]

**COLLEGES AND UNIVERSITIES - STATE EMPLOYEES - SALARIES AND WAGES - COMPENSATION - BUDGET AND APPROPRIATION ACTS - APPROPRIATIONS - Extent to which a university may vary individual salary increases given language in operating budget appropriation funds for an "average" increase.**

1. Under the language of the 1997-99 operating budget, a university may grant individual salary increases larger or smaller than the average 3.0 percent increase funded by legislative appropriation.
2. A university may use its 1997-99 budget appropriation in part to remedy salary disparities discovered by the university through studies or other means.
3. Under the 1997-99 budget act, a university may honor increases previously agreed to in collective bargaining agreements, using "local" or non-appropriated funds for any portion of the increase which the Legislature has declined to fund with its biennial appropriation.
4. If the Legislature fails to appropriate funds for a salary increase for university employees, the extent to which the university may fund such increases with non-appropriated funds depends on the language of the budget act covering the period in question.

Dr. Ivory V. Nelson, President  
 Central Washington University  
 Barge 314  
 400 East 8th Avenue  
 Ellensburg, WA 98926-7500

**WSR 98-23-028**

**NOTICE OF PUBLIC MEETINGS**  
**CONVENTION AND TRADE**  
**CENTER**

[Memorandum—November 9, 1998]

The Design Committee of the Washington State Convention and Trade Center (WSCTC) will meet on Wednesday, November 18, 1998, at 10:30 a.m. in Room 303 of the Convention Center, 800 Convention Place, Seattle.

A regular meeting of the WSCTC board of directors will be held on Wednesday, November 18, 1998, at 1:30 p.m. in Room 310 of the Convention Center.

If you have any questions regarding these meetings, please call (206) 694-5000.

**WSR 98-23-031**

**NOTICE OF PUBLIC MEETINGS**  
**PUBLIC WORKS BOARD**

[Memorandum—November 3, 1998]

**Public Works Board Meeting Dates for 1999**

Date	Time	Event	Location
January 1999		No Meeting	No Meeting
February 2, 1999	8:30 a.m.	Regular Meeting	SeaTac, Washington
March 2, 1999	8:30 a.m.	Regular Meeting	SeaTac, Washington
April 6, 1999	8:30 a.m.	Regular Meeting	SeaTac, Washington
May 4, 1999	8:30 a.m.	Board Policy Retreat	Vancouver, Washington
June 1, 1999	8:30 a.m.	Regular Meeting	SeaTac, Washington
July 1999		No Meeting	No Meeting
August 3, 1999	8:30 a.m.	Regular Meeting	Regular Meeting
August 17, 1999	8:30 a.m.	Regular Meeting	Regular Meeting
September 21, 1999	8:30 a.m.	Regular Meeting and Annual Project Tour	Wenatchee, Washington, and Chelan and Douglas Counties
October 1999		No Meeting	No Meeting
November 2, 1999	8:30 a.m.	Regular Meeting	SeaTac, Washington
December 7, 1999	8:30 a.m.	Regular Meeting	SeaTac, Washington

The Public Works Board adopted the above dates at the November 3, 1998, regular meeting.

Changes to the schedule, if any, will be published by the Washington State Code Reviser's Office.

Changes to the schedule, if any, will also be posted one week prior to board meetings at the board website: [www.crab.wa.gov/pwtf](http://www.crab.wa.gov/pwtf).



**WSR 98-23-041**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF CORRECTIONS**  
 [Memorandum—November 12, 1998]

**Meeting Location Change**

The Correctional Industries board of directors will hold its December 1998 quarterly business meeting as follows:

- December 11, 1998 1:30 p.m. Capital Center Building Olympia, Washington
- December 12, 1998 8:00 a.m. Washington Room Ramada Inn Olympia, Washington

Contact Sheila Pearson, (360) 753-5861.

**WSR 98-23-042**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 (Board of Boiler Rules)  
 [Memorandum—November 9, 1998]

As per chapter 42.30 RCW, Open Public Meetings Act, the time and place of regular meetings for the Board of Boiler Rules for 1999 will be held on the following dates in January, March, May, September and November 1999 commencing [commencing] at 10:00 a.m. A study day, which is open to the public, is for board discussion only and will be held on the Monday preceding the board meeting.

Dates and locations are as follows:

- January 25, 1999 (Study) Tumwater L&I 7273 Linderson Way S.W.
- January 26, 1999 (Public Meeting) Tumwater L&I 7273 Linderson Way S.W.
- March 15, 1999 (Study) Tumwater L&I 7273 Linderson Way S.W.
- March 16, 1999 (Public Meeting) Tumwater L&I 7273 Linderson Way S.W.
- May 17, 1999 (Study) Tukwila L&I Office 12806 Gateway Drive
- May 18, 1999 (Public Meeting) Tukwila L&I Office 12806 Gateway Drive
- September 20, 1999 (Study) Tumwater L&I 7273 Linderson Way S.W.
- September 21, 1999 (Public Meeting) Tumwater L&I 7273 Linderson Way S.W.
- November 15, 1999 (Study) Tukwila L&I Office 12806 Gateway Drive
- November 16, 1999 (Public Meeting) Tukwila L&I Office 12806 Gateway Drive

Note: Maps of the meeting locations will be mailed to those interested in attending. Persons with disabilities needing assistance should call (360) 902-5270 if more information is required.

**WSR 98-23-053**  
**NOTICE OF PUBLIC MEETINGS**  
**WORKFORCE TRAINING AND**  
**EDUCATION COORDINATING BOARD**  
 [Memorandum—November 10, 1998]

The December meeting of the Workforce Training and Education Coordinating Board will be held on December 8th from 8:00 a.m. to noon, instead of 9th: Tuesday, December 8, 1998, City of Lacey Parks and Recreation, Lacey.

If you have any questions, please call (360) 753-5677.

**WSR 98-23-054**  
**NOTICE OF PUBLIC MEETINGS**  
**WORKFORCE TRAINING AND**  
**EDUCATION COORDINATING BOARD**  
 [Memorandum—November 10, 1998]

At their October 21, 1998, meeting the Washington State Workforce Training and Education Coordinating Board adopted the following meeting schedule:

- Friday, January 22, 1999 - Meeting (Utilities and Transportation Commission, Olympia)
- Wednesday, March 10, 1999 - Meeting (State Investment Board, Olympia)
- Wednesday, April 28, 1999 - Meeting (Association of Washington Business, Olympia)
- Tuesday, June 22, 1999 - Work Session
- Wednesday, June 23, 1999 - Meeting (Water Resources Education Center, Vancouver)
- Thursday, August 12, 1999 - Work Session
- Friday, August 13, 1999 - Meeting (Spokane Intercollegiate Research & Technology Institute SIRTI, Spokane)
- Tuesday, September 28, 1999 - Work Session
- Wednesday, September 29, 1999 - Meeting (Bates Vocational Technical Institute, Tacoma)
- Tuesday, November 9, 1999 - Work Session
- Wednesday, November 10, 1999 - Meeting (Art Institute of Seattle, Seattle)

If you have any questions, please call (360) 753-5677.

MISC.

**WSR 98-23-055**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 (Plumbers Advisory Board)  
 [Memorandum—October 6, 1998]

In accordance with chapter 42.30 RCW, Open Public Meetings Act, the time and place of regular meetings for the Plumbers Advisory Board for 1999 have been scheduled. The meetings are scheduled to begin at 8:00 a.m. on the third Tuesday of January, April, July and October at the following location: January 19, April 20, July 20 and October 19, 1999, Department of Labor and Industries, Rehabilitation Resource Center, 12806 Gateway Drive, Seattle, WA (Tukwila).

**WSR 98-23-056**  
**NOTICE OF PUBLIC MEETINGS**  
**BOARD FOR**  
**VOLUNTEER FIRE FIGHTERS**  
 [Memorandum—November 12, 1998]

The State Board for Volunteer Fire Fighters will meet in the Olympia Forum Building, 605 11th Avenue S.E., Suite 112, on January 15, April 16, July 16, and October 15, 1999, at 9:00 a.m.

**WSR 98-23-057**  
**RULES COORDINATOR**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**  
 [Filed November 13, 1998, 2:19 p.m.]

The new rules coordinator for the Higher Education Coordinating Board is Belma Villa. She can be contacted at Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, WA 98504, phone (360) 753-7810, fax (360) 753-7808, e-mail belmav@hecb.wa.gov.

Marcus Gaspard  
 Executive Director

**WSR 98-23-058**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
 (Capitol Campus Design Advisory Committee)  
 [Memorandum—November 10, 1998]

Please record the following Capitol Campus Design Advisory Committee meeting date in the Washington State Register:

Date: Tuesday, November 17, 1998  
 Time: 1:30 p.m.  
 Location: Legislative Building, House Rules Room

Please contact 664-9212 with any questions.

**WSR 98-23-059**  
**NOTICE OF PUBLIC MEETINGS**  
**EXECUTIVE ETHICS BOARD**  
 [Memorandum—November 13, 1998]

1999 MEETING SCHEDULE

In 1999 the Executive Ethics Board will hold regular monthly meetings on the second Friday of each month, with the exceptions of August and December, when no meetings are scheduled. Under this schedule the board will meet on the following dates:

- Friday, January 8
- Friday, February 12
- Friday, March 12
- Friday, April 9
- Friday, May 14
- Friday, June 11
- Friday, July 9
- Friday, September 10
- Friday, October 8
- Friday, November 12

Meetings will be held at various locations. Meeting agendas, locations and other information may be accessed at the following web site address: <http://www.wa.gov/ethics>.

For additional information or reasonable accommodations to attend meetings, you may contact Patti Hurn, Executive Ethics Board Clerk at (360) 586-3265. Reasonable accommodation requests should be made at least ten working days prior to the scheduled meeting date.

**WSR 98-23-064**  
**NOTICE OF PUBLIC MEETINGS**  
**WALLA WALLA**  
**COMMUNITY COLLEGE**  
 [Memorandum—November 13, 1998]

The following change made to Walla Walla Community College's board of trustees meeting schedule:

**Changed from:** November 18, 1998, 10:30 a.m., WWCC Main Campus.

**Changed to:** November 19, 1998, 9:30 a.m., WWCC Main Campus.

If you have any questions on this information, please call (509) 527-4274.

MISC.

**WSR 98-23-066**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed November 17, 1998, 8:35 a.m.]

**NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT**

**Title:** Can a dental assistant adjust crowns and bridges outside the patients mouth prior to permanent cementation by the doctor?

**Issuing Entity:** Washington State Dental Quality Assurance Commission.

**Subject:** The commission issued an advisory opinion in response to letters from Robert A. Brucker, DDS, PS.

**Effective Date:** August 21, 1998.

**Contact Person:** Lisa Anderson, Program Manager, Department of Health, Dental Quality Assurance Commission, P.O. Box 47867, Olympia, WA 98504-7867, (360) 236-4863.

**WSR 98-23-067**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed November 17, 1998, 8:36 a.m.]

**NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT**

**Title:** Clarification of clause "or connecting suite of offices" as used in WAC 246-817-501 through 246-817-570.

**Issuing Entity:** Washington State Dental Quality Assurance Commission.

**Subject:** The commission issued an advisory opinion in response to a letter from Pamela G. Wellock, RDH, requesting clarification of the clause "or connecting suite of offices" found in WAC 246-817-501 through 246-817-570.

**Effective Date:** August 21, 1998.

**Contact Person:** Lisa Anderson, Program Manager, Department of Health, Dental Quality Assurance Commission, P.O. Box 47867, Olympia, WA 98504-7867, (360) 236-4863.

**WSR 98-23-068**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed November 17, 1998, 8:36 a.m.]

**NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT**

**Title:** Can a dental assistant use a prophylax jet for coronal polishing?

**Issuing Entity:** Washington State Dental Quality Assurance Commission.

**Subject:** The commission issued an advisory opinion in response to letters from Gordon E. Hawk, DMD.

**Effective Date:** August 21, 1998.

**Contact Person:** Lisa Anderson, Program Manager, Department of Health, Dental Quality Assurance Commission, P.O. Box 47867, Olympia, WA 98504-7867, (360) 236-4863.

sion, P.O. Box 47867, Olympia, WA 98504-7867, (360) 236-4863.

**WSR 98-23-069**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed November 17, 1998, 8:37 a.m.]

**NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT**

**Title:** Definition of the phrase "graduate of that school" as found in WAC 246-817-160.

**Issuing Entity:** Washington State Dental Quality Assurance Commission.

**Subject:** The commission issued an advisory opinion in response to a letter from Jack W. Clinton, DMD, requesting a definition of the phrase "graduate of that school" as it relates to graduates of nonaccredited schools.

**Effective Date:** August 21, 1998.

**Contact Person:** Lisa Anderson, Program Manager, Department of Health, Dental Quality Assurance Commission, P.O. Box 47867, Olympia, WA 98504-7867, (360) 236-4863.

**WSR 98-23-075**  
**RULES COORDINATOR**  
**DEPARTMENT OF COMMUNITY,**  
**TRADE AND ECONOMIC DEVELOPMENT**  
 [Filed November 17, 1998, 9:36 a.m.]

I have appointed Jean Ameluxen, CTED's Director of Intergovernmental Relations, as my designated rules coordinator. She has authority to represent the agency in all circumstances relating to the legislative rule-making process. This appointment is effective November 1, 1998, and supercedes all previous appointments.

Jean can be reached at (360) 753-2227, fax (360) 586-3582, or e-mail [jeana@cted.wa.gov](mailto:jeana@cted.wa.gov).

Tim Douglas  
 Director

**WSR 98-23-076**  
**NOTICE OF PUBLIC MEETINGS**  
**WORKFORCE TRAINING AND**  
**EDUCATION COORDINATING BOARD**  
 [Memorandum—November 9, 1998]

The School-to-Work Quarterly Task Force meeting will meet on Tuesday, December 1, 1998, 2:00-5:00 p.m. at the World Trade Center at SeaTac to discuss the national school-to-work funding for year four.

**WSR 98-23-079**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
(Natural Heritage Advisory Council)  
[Memorandum—November 5, 1998]

1999

The Natural Heritage Advisory Council will meet on January 20, 1999, 9:30 a.m. to 5:00 p.m. at the Natural Resources Building, Room 175A, 1111 Washington Street, Olympia, WA.

Regular council business will include consideration of natural area preserve proposals, site proposals for the registry program and NAP management activities.

For further information contact Department of Natural Resources, Washington Natural Heritage Program, Forest Resource Division, 1111 Washington Street S.E., P.O. Box 47016, Olympia, WA 98504-7016, (360) 902-1340.

**WSR 98-23-080**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
(Natural Heritage Advisory Council)  
[Memorandum—November 5, 1998]

1999

The Natural Heritage Advisory Council will meet on March 24, 1999, 9:30 a.m. to 5:00 p.m. at the Natural Resources Building, Room 175A, 1111 Washington Street, Olympia, WA.

Regular council business will include consideration of natural area preserve proposals, site proposals for the registry program and NAP management activities.

For further information contact Department of Natural Resources, Washington Natural Heritage Program, Forest Resource Division, 1111 Washington Street S.E., P.O. Box 47016, Olympia, WA 98504-7016, (360) 902-1340.

**WSR 98-23-081**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
(Natural Heritage Advisory Council)  
[Memorandum—November 5, 1998]

1999

The Natural Heritage Advisory Council will meet on May 20, 1999, 9:30 a.m. to 5:00 p.m., location to be announced.

Regular council business will include consideration of natural area preserve proposals, site proposals for the registry program and NAP management activities.

For further information contact Department of Natural Resources, Washington Natural Heritage Program, Forest Resource Division, 1111 Washington Street S.E., P.O. Box 47016, Olympia, WA 98504-7016, (360) 902-1340.

**WSR 98-23-082**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
(Natural Heritage Advisory Council)  
[Memorandum—November 5, 1998]

1999

The Natural Heritage Advisory Council will meet on October 13, 1999, 9:30 a.m. to 5:00 p.m. at the General Administration Building, Room G-3, Olympia, Washington.

Regular council business will include consideration of natural area preserve proposals, site proposals for the registry program and NAP management activities.

For further information contact Department of Natural Resources, Washington Natural Heritage Program, Forest Resource Division, 1111 Washington Street S.E., P.O. Box 47016, Olympia, WA 98504-7016, (360) 902-1340.

**WSR 98-23-088**  
**NOTICE OF PUBLIC MEETINGS**  
**WORKFORCE TRAINING AND**  
**EDUCATION COORDINATING BOARD**  
[Memorandum—November 17, 1998]

MEETING NOTICE  
WASHINGTON STATE  
WORKFORCE TRAINING AND  
EDUCATION COORDINATING BOARD  
MEETING NO. 64  
DECEMBER 8, 1998  
LACEY COMMUNITY CENTER  
6729 PACIFIC AVENUE S.E.  
LACEY, WASHINGTON 98509  
(360) 491-0857

December 8, 1998, 8:00 a.m. - noon, the Workforce Training and Education Coordinating Board will hold its meeting on December 8, 1998, at the Lacey Community Center in Lacey, Washington.

The board will learn of the work of the Governor's Working Group on Workforce Investment Act (WIA) of 1998 and discuss and take action on various WIA—related issues; review and take action on a process for responding to changes in federal vocational education legislation; and review and take action on the Office of Superintendent of Public Instruction's budget proposal.

The board will learn the results of the annual evaluation of the worker retraining program (HB 1988) and the status of the One-Stop Initiative.

The meeting site is barrier free. People needing special accommodations, please call Caroline Haggard at least ten days in advance at (360) 753-5677.

MISC.



**Table of WAC Sections Affected**

**KEY TO TABLE**

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

- Symbols:**
- AMD = Amendment of existing section
  - A/R = Amending and recodifying a section
  - DECOD = Decodification of an existing section
  - NEW = New section not previously codified
  - OBJECT = Notice of objection by Joint Administrative Rules Review Committee
  - PREP = Preproposal comments
  - RE-AD = Readoption of existing section
  - RECOD = Recodification of previously codified section
  - REP = Repeal of existing section
  - RESCIND = Rescind of existing section
  - REVIEW = Review of previously adopted rule
  - SUSP = Suspending an existing section

- Suffixes:**
- C = Continuance of previous proposal
  - E = Emergency action
  - P = Proposed action
  - S = Supplemental notice
  - W = Withdrawal of proposed action
  - XA = Expedited adoption
  - XR = Expedited repeal
  - No suffix means permanent action

**WAC #** Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

**WSR #** Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
1- 21-010	AMD-XA	98-09-083	14-108-070	NEW	98-23-009	16- 08-151	AMD-XA	98-04-082
1- 21-010	AMD	98-14-048	14-108-080	NEW-XA	98-18-045	16- 08-151	AMD	98-09-085
1- 21-020	AMD-XA	98-09-083	14-108-080	NEW	98-23-009	16- 20	PREP	98-15-067
1- 21-020	AMD	98-14-048	14-122-010	NEW-XA	98-18-045	16- 21	PREP	98-15-067
4- 25	AMD-C	98-05-020	14-122-010	NEW	98-23-009	16- 22	PREP	98-15-067
4- 25	AMD-C	98-07-025	14-122-020	NEW-XA	98-18-045	16- 23	PREP	98-15-067
4- 25-410	AMD	98-12-020	14-122-020	NEW	98-23-009	16- 32-009	PREP	98-05-104
4- 25-511	REP-XR	98-19-044	14-122-030	NEW-XA	98-18-045	16- 32-009	REP-P	98-09-104
4- 25-511	REP-P	98-22-065	14-122-030	NEW	98-23-009	16- 32-009	REP	98-14-036
4- 25-520	AMD	98-12-021	14-133-020	NEW-XA	98-18-045	16- 32-011	AMD-P	98-09-104
4- 25-530	PREP	98-19-045	14-133-020	NEW	98-23-009	16- 32-011	AMD	98-14-036
4- 25-530	AMD-P	98-22-066	14-134-010	NEW-XA	98-18-045	16- 46-010	REP-XR	98-08-080
4- 25-540	AMD	98-12-022	14-134-010	NEW	98-23-009	16- 46-010	REP	98-13-118
4- 25-550	AMD	98-12-023	14-276-010	NEW-XA	98-18-045	16- 86	PREP	98-08-022
4- 25-551	AMD	98-12-047	14-276-010	NEW	98-23-009	16- 86	PREP	98-11-010
4- 25-620	AMD	98-12-048	14-276-020	NEW-XA	98-18-045	16- 89	PREP	98-08-023
4- 25-622	AMD	98-12-049	14-276-020	NEW	98-23-009	16- 96	REP-C	98-18-043
4- 25-625	REP	98-12-056	14-276-030	NEW-XA	98-18-045	16- 96-001	REP-P	98-15-157
4- 25-626	NEW	98-12-055	14-276-030	NEW	98-23-009	16- 96-001	REP	98-19-037
4- 25-627	REP	98-12-056	14-276-040	NEW-XA	98-18-045	16- 96-002	REP-P	98-15-157
4- 25-631	AMD	98-12-050	14-276-040	NEW	98-23-009	16- 96-002	REP	98-19-037
4- 25-810	AMD	98-12-051	14-276-050	NEW-XA	98-18-045	16- 96-003	REP-P	98-15-157
4- 25-920	REP-XR	98-19-044	14-276-050	NEW	98-23-009	16- 96-003	REP	98-19-037
4- 25-920	REP-P	98-22-065	14-276-060	NEW-XA	98-18-045	16- 96-010	REP-P	98-15-157
14-104-010	NEW-XA	98-18-045	14-276-060	NEW	98-23-009	16- 96-010	REP	98-19-037
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14-104-020	NEW-XA	98-18-045	14-276-070	NEW	98-23-009	16- 96-020	REP	98-19-037
14-104-020	NEW	98-23-009	14-276-080	NEW-XA	98-18-045	16- 96-030	REP-P	98-15-157
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14-108-010	NEW	98-23-009	14-276-100	NEW-XA	98-18-045	16-129-010	REP-XR	98-08-020
14-108-020	NEW-XA	98-18-045	14-276-100	NEW	98-23-009	16-129-010	REP	98-13-029
14-108-020	NEW	98-23-009	14-276-110	NEW-XA	98-18-045	16-129-020	REP-XR	98-08-020
14-108-030	NEW-XA	98-18-045	14-276-110	NEW	98-23-009	16-129-020	REP	98-13-029
14-108-030	NEW	98-23-009	14-276-120	NEW-XA	98-18-045	16-129-025	REP-XR	98-08-020
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14-108-040	NEW	98-23-009	14-276-130	NEW-XA	98-18-045	16-129-030	REP-XR	98-08-020
14-108-050	NEW-XA	98-18-045	14-276-130	NEW	98-23-009	16-129-030	REP	98-13-029
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14-108-060	NEW	98-23-009	14-325-010	NEW-XA	98-18-045	16-167	PREP	98-21-012
14-108-070	NEW-XA	98-18-045	14-325-010	NEW	98-23-009	16-167-010	AMD-XA	98-04-076





**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-471-010	REP-P	98-13-128	16-561-030	AMD	98-22-091	16-607-060	AMD	98-23-001
16-471-010	REP	98-19-023	16-565	PREP	98-13-119	16-607-065	NEW-P	98-15-157
16-471-015	REP-P	98-10-115	16-573-010	NEW	98-04-093	16-607-065	NEW	98-19-037
16-471-015	REP-W	98-13-127	16-573-020	NEW	98-04-093	16-607-070	NEW-P	98-15-157
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16-471-015	REP	98-19-023	16-573-040	NEW	98-04-093	16-607-075	NEW-P	98-15-157
16-471-020	REP-P	98-10-115	16-573-041	NEW	98-04-093	16-607-075	NEW	98-19-037
16-471-020	REP-W	98-13-127	16-573-050	NEW	98-04-093	16-607-080	NEW-P	98-15-157
16-471-020	REP-P	98-13-128	16-573-060	NEW	98-04-093	16-607-080	NEW	98-19-037
16-471-020	REP	98-19-023	16-573-070	NEW	98-04-093	16-607-085	NEW-P	98-15-157
16-471-030	REP-P	98-10-115	16-573-080	NEW	98-04-093	16-607-085	NEW	98-19-037
16-471-030	REP-W	98-13-127	16-575	PREP	98-06-096	16-607-090	NEW-P	98-15-157
16-471-030	REP-P	98-13-128	16-600-020	REP-XR	98-08-019	16-607-090	NEW	98-19-037
16-471-030	REP	98-19-023	16-600-020	REP	98-13-030	16-607-095	NEW-P	98-15-157
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16-471-040	REP-W	98-13-127	16-604-001	REP-P	98-15-157	16-607-100	NEW-P	98-15-157
16-471-040	REP-P	98-13-128	16-604-001	REP	98-19-037	16-607-100	NEW	98-19-037
16-471-040	REP	98-19-023	16-604-002	REP-P	98-15-157	16-607-105	NEW-P	98-15-157
16-471-050	REP-P	98-10-115	16-604-002	REP	98-19-037	16-607-105	NEW	98-19-037
16-471-050	REP-W	98-13-127	16-604-003	REP-P	98-15-157	16-607-110	NEW-P	98-15-157
16-471-050	REP-P	98-13-128	16-604-003	REP	98-19-037	16-607-110	NEW	98-19-037
16-471-050	REP	98-19-023	16-604-008	REP-P	98-15-157	16-607-115	NEW-P	98-15-157
16-471-060	REP-P	98-10-115	16-604-008	REP	98-19-037	16-607-115	NEW	98-19-037
16-471-060	REP-W	98-13-127	16-604-010	REP-P	98-15-157	16-607-120	NEW-P	98-15-157
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16-471-070	REP-P	98-13-128	16-604-030	REP-P	98-15-157	16-607-125	NEW	98-19-037
16-471-070	REP	98-19-023	16-604-030	REP	98-19-037	16-607-130	NEW-P	98-15-157
16-471-080	REP-P	98-10-115	16-605A	REP-C	98-18-043	16-607-130	NEW	98-19-037
16-471-080	REP-W	98-13-127	16-605A-001	REP-P	98-15-157	16-607-135	NEW-P	98-15-157
16-471-080	REP-P	98-13-128	16-605A-001	REP	98-19-037	16-607-135	NEW	98-19-037
16-471-080	REP	98-19-023	16-605A-005	REP-P	98-15-157	16-607-140	NEW-P	98-15-157
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16-532-010	AMD	98-13-122	16-605A-010	REP-P	98-15-157	16-607-145	NEW-P	98-15-157
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16-532-0404	REP-P	98-02-073	16-607-005	NEW-P	98-15-157	16-608-001	REP	98-19-037
16-532-0404	REP	98-13-122	16-607-005	NEW	98-19-037	16-608-010	REP-P	98-15-157
16-532-0406	REP-P	98-02-073	16-607-005	AMD-S	98-19-087	16-608-010	REP	98-19-037
16-532-0406	REP	98-13-122	16-607-005	AMD-C	98-22-042	16-608-020	REP-P	98-15-157
16-532-0408	REP-P	98-02-073	16-607-005	AMD	98-23-001	16-608-020	REP	98-19-037
16-532-0408	REP	98-13-122	16-607-010	NEW-P	98-15-157	16-620	REP-C	98-18-043
16-532-0410	REP-P	98-02-073	16-607-010	NEW	98-19-037	16-620-010	REP-P	98-15-157
16-532-0410	REP	98-13-122	16-607-015	NEW-P	98-15-157	16-620-010	REP	98-19-037
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16-532-0414	REP-P	98-02-073	16-607-020	NEW	98-19-037	16-620-020	REP-P	98-15-157
16-532-0414	REP	98-13-122	16-607-025	NEW-P	98-15-157	16-620-020	REP	98-19-037
16-545-010	NEW-P	98-19-118	16-607-025	NEW	98-19-037	16-620-030	REP-P	98-15-157
16-545-015	NEW-P	98-19-118	16-607-035	NEW-P	98-15-157	16-620-030	REP	98-19-037
16-545-020	NEW-P	98-19-118	16-607-035	NEW	98-19-037	16-620-080	REP-P	98-15-157
16-545-030	NEW-P	98-19-118	16-607-040	NEW-P	98-15-157	16-620-080	REP	98-19-037
16-545-040	NEW-P	98-19-118	16-607-045	NEW-P	98-15-157	16-620-100	REP-P	98-15-157
16-545-041	NEW-P	98-19-118	16-607-045	NEW	98-19-037	16-620-100	REP	98-19-037
16-545-050	NEW-P	98-19-118	16-607-050	NEW-P	98-15-157	16-620-105	REP-P	98-15-157
16-545-080	NEW-P	98-19-118	16-607-050	NEW	98-19-037	16-620-105	REP	98-19-037
16-557	PREP	98-08-099	16-607-055	NEW-P	98-15-157	16-620-150	REP-P	98-15-157
16-557-010	AMD-P	98-12-017	16-607-055	NEW-S	98-19-087	16-620-150	REP	98-19-037
16-557-010	AMD	98-16-081	16-607-055	NEW-C	98-22-042	16-620-205	REP-P	98-15-157
16-557-025	NEW-P	98-12-017	16-607-055	NEW	98-23-001	16-620-205	REP	98-19-037
16-557-025	NEW	98-16-081	16-607-060	NEW-P	98-15-157	16-620-210	REP-P	98-15-157
16-561	PREP	98-13-120	16-607-060	NEW	98-19-037	16-620-210	REP	98-19-037
16-561	PREP	98-23-087	16-607-060	AMD-S	98-19-087	16-620-230	REP-P	98-15-157
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16-620-240	REP	98-19-037	25-36-020	REP	98-05-027	50-52-160	REP-XR	98-13-096
16-620-250	REP-P	98-15-157	25-36-030	REP	98-05-027	50-52-160	REP	98-16-105
16-620-250	REP	98-19-037	25-36-040	REP	98-05-027	50-52-170	REP-XR	98-13-096
16-620-260	REP-P	98-15-157	25-36-050	REP	98-05-027	50-52-170	REP	98-16-105
16-620-260	REP	98-19-037	25-36-060	REP	98-05-027	50-52-180	REP-XR	98-13-096
16-620-275	REP-P	98-15-157	25-36-070	REP	98-05-027	50-52-180	REP	98-16-105
16-620-275	REP	98-19-037	25-36-080	REP	98-05-027	50-52-190	REP-XR	98-13-096
16-620-280	REP-P	98-15-157	25-36-090	REP	98-05-027	50-52-190	REP	98-16-105
16-620-280	REP	98-19-037	25-36-100	REP	98-05-027	50-52-200	REP-XR	98-13-096
16-620-290	REP-P	98-15-157	25-36-110	REP	98-05-027	50-52-200	REP	98-16-105
16-620-290	REP	98-19-037	25-36-120	REP	98-05-027	50-52-210	REP-XR	98-13-096
16-620-340	REP-P	98-15-157	25-36-130	REP	98-05-027	50-52-210	REP	98-16-105
16-620-340	REP	98-19-037	30-04-020	PREP	98-09-082	50-52-220	REP-XR	98-13-096
16-620-350	REP-P	98-15-157	30-04-020	AMD-P	98-20-087	50-52-220	REP	98-16-105
16-620-350	REP	98-19-037	30-08-070	PREP	98-09-082	50-52-230	REP-XR	98-13-096
16-620-380	REP-P	98-15-157	30-08-070	AMD-P	98-20-087	50-52-230	REP	98-16-105
16-620-380	REP	98-19-037	30-12-150	PREP	98-09-082	50-52-240	REP-XR	98-13-096
16-620-390	REP-P	98-15-157	30-12-150	AMD-P	98-20-087	50-52-240	REP	98-16-105
16-620-390	REP	98-19-037	30-18-040	PREP	98-09-082	50-52-250	REP-XR	98-13-096
16-620-400	REP-P	98-15-157	30-18-040	AMD-P	98-20-087	50-52-250	REP	98-16-105
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16-620-410	REP	98-19-037	30-22-090	PREP	98-09-082	50-52-270	REP-XR	98-13-096
16-657	PREP	98-07-068	30-22-090	AMD-P	98-20-087	50-52-270	REP	98-16-105
16-657-040	AMD-P	98-10-120	44-01-140	REP-XR	98-07-053	50-52-280	REP-XR	98-13-096
16-657-040	AMD	98-13-074	44-01-140	REP	98-13-046	50-52-280	REP	98-16-105
16-659	PREP	98-07-067	50-36	PREP	98-15-148	50-52-290	REP-XR	98-13-096
16-659-001	REP-P	98-10-119	50-36-010	AMD-P	98-22-076	50-52-290	REP	98-16-105
16-659-001	REP	98-13-073	50-36-020	AMD-P	98-22-076	50-52-300	REP-XR	98-13-096
16-659-002	NEW-P	98-10-119	50-36-030	AMD-P	98-22-076	50-52-300	REP	98-16-105
16-659-002	NEW	98-13-073	50-36-050	AMD-P	98-22-076	50-52-310	REP-XR	98-13-096
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16-659-010	AMD	98-13-073	50-36-080	AMD-P	98-22-076	50-52-320	REP-XR	98-13-096
16-662	PREP	98-07-069	50-36-090	AMD-P	98-22-076	50-52-320	REP	98-16-105
16-662-105	AMD-P	98-10-118	50-36-100	AMD-P	98-22-076	50-52-330	REP-XR	98-13-096
16-662-105	AMD	98-13-072	50-36-110	AMD-P	98-22-076	50-52-330	REP	98-16-105
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16-662-115	AMD	98-13-072	50-52-010	REP-XR	98-13-096	50-52-340	REP	98-16-105
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16-750-110	AMD-P	98-20-094	50-52-050	REP	98-16-105	50-52-390	REP-XR	98-13-096
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16-752-610	AMD	98-13-008	50-52-070	REP-XR	98-13-096	50-52-400	REP	98-16-105
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24-12-010	AMD	98-18-060	50-52-080	REP-XR	98-13-096	50-52-410	REP	98-16-105
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25-18-070	REP	98-05-027	50-52-120	REP-XR	98-13-096	50-52-450	REP	98-16-105
25-18-080	REP	98-05-027	50-52-120	REP	98-16-105	50-52-460	REP-XR	98-13-096
25-18-090	REP	98-05-027	50-52-130	REP-XR	98-13-096	50-52-460	REP	98-16-105
25-18-100	REP	98-05-027	50-52-130	REP	98-16-105	50-52-470	REP-XR	98-13-096
25-18-110	REP	98-05-027	50-52-140	REP-XR	98-13-096	50-52-470	REP	98-16-105
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50- 52-500	REP-XR	98-13-096	51- 11-0800	AMD	98-03-003	51- 26-1820	REP	98-02-055
50- 52-500	REP	98-16-105	51- 11-1002	AMD	98-03-003	51- 26-1830	REP	98-02-055
50- 52-510	REP-XR	98-13-096	51- 11-1003	AMD	98-03-003	51- 26-1840	REP	98-02-055
50- 52-510	REP	98-16-105	51- 11-1004	AMD	98-03-003	51- 26-1845	REP	98-02-055
50- 52-520	REP-XR	98-13-096	51- 11-1005	AMD	98-03-003	51- 26-2200	REP	98-02-055
50- 52-520	REP	98-16-105	51- 11-1006	AMD	98-03-003	51- 26-2300	REP	98-02-055
50- 52-530	REP-XR	98-13-096	51- 11-1007	AMD	98-03-003	51- 26-2301	REP	98-02-055
50- 52-530	REP	98-16-105	51- 11-1008	AMD	98-03-003	51- 27-001	REP	98-02-055
50- 52-540	REP-XR	98-13-096	51- 11-1009	AMD	98-03-003	51- 27-002	REP	98-02-055
50- 52-540	REP	98-16-105	51- 11-1010	REP	98-03-003	51- 27-003	REP	98-02-055
50- 52-550	REP-XR	98-13-096	51- 11-1120	AMD	98-03-003	51- 27-004	REP	98-02-055
50- 52-550	REP	98-16-105	51- 11-1130	AMD	98-03-003	51- 27-008	REP	98-02-055
50- 52-560	REP-XR	98-13-096	51- 11-1132	AMD	98-03-003	51- 30-001	REP	98-02-054
50- 52-560	REP	98-16-105	51- 11-1133	AMD	98-03-003	51- 30-002	REP	98-02-054
50- 52-570	REP-XR	98-13-096	51- 11-1210	AMD	98-03-003	51- 30-003	REP	98-02-054
50- 52-570	REP	98-16-105	51- 11-1310	AMD-W	98-05-064	51- 30-004	REP	98-02-054
50- 52-580	REP-XR	98-13-096	51- 11-1312	AMD	98-03-003	51- 30-005	REP	98-02-054
50- 52-580	REP	98-16-105	51- 11-1322	AMD-W	98-05-064	51- 30-007	REP	98-02-054
50- 52-590	REP-XR	98-13-096	51- 11-1323	AMD	98-03-003	51- 30-008	REP	98-02-054
50- 52-590	REP	98-16-105	51- 11-1331	AMD	98-03-003	51- 30-009	REP	98-02-054
50- 52-600	REP-XR	98-13-096	51- 11-1334	AMD	98-03-003	51- 30-0100	REP	98-02-054
50- 52-600	REP	98-16-105	51- 11-1411	AMD	98-03-003	51- 30-0104	REP	98-02-054
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50- 52-620	REP-XR	98-13-096	51- 11-1421	AMD	98-03-003	51- 30-0207	REP	98-02-054
50- 52-620	REP	98-16-105	51- 11-1422	AMD	98-03-003	51- 30-0217	REP	98-02-054
50- 52-630	REP-XR	98-13-096	51- 11-1423	AMD	98-03-003	51- 30-0220	REP	98-02-054
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50- 52-640	REP-XR	98-13-096	51- 11-1452	AMD	98-03-003	51- 30-0302	REP	98-02-054
50- 52-640	REP	98-16-105	51- 11-1454	AMD	98-03-003	51- 30-0304	REP	98-02-054
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51- 04-015	AMD	98-02-048	51- 11-1530	AMD	98-03-003	51- 30-0307	REP	98-02-054
51- 04-015	AMD-P	98-15-150	51- 11-1701	AMD	98-03-003	51- 30-0310	REP	98-02-054
51- 04-030	AMD-P	98-15-150	51- 11-2005	AMD	98-03-003	51- 30-0313	REP	98-02-054
51- 04-060	AMD-P	98-15-150	51- 11-2006	AMD	98-03-003	51- 30-0400	REP	98-02-054
51- 04-070	AMD	98-02-048	51- 11-2007	AMD	98-03-003	51- 30-0403	REP	98-02-054
51- 06-020	AMD	98-02-049	51- 11-23110	REP-P	98-16-065	51- 30-0405	REP	98-02-054
51- 06-120	AMD	98-02-049	51- 11-99903	AMD	98-03-003	51- 30-0500	REP	98-02-054
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51- 11-0503	AMD-E	98-15-080	51- 26-0300	REP	98-02-055	51- 30-1001	REP	98-02-054
51- 11-0503	AMD-P	98-16-066	51- 26-0310	REP	98-02-055	51- 30-1004	REP	98-02-054
51- 11-0503	AMD-E	98-23-060	51- 26-0315	REP	98-02-055	51- 30-1005	REP	98-02-054
51- 11-0504	AMD	98-03-003	51- 26-0400	REP	98-02-055	51- 30-1006	REP	98-02-054
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51- 11-0608	REP	98-03-003	51- 26-1020	REP	98-02-055	51- 30-1103	REP	98-02-054
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51- 11-0626	AMD	98-03-003	51- 26-1800	REP	98-02-055	51- 30-1105	REP	98-02-054
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51- 11-0628	AMD	98-03-003	51- 26-1802	REP	98-02-055	51- 30-1107	REP	98-02-054
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51-30-1111	REP	98-02-054	51-32-1104	REP	98-02-056	51-34-9100	REP	98-02-053
51-30-1112	REP	98-02-054	51-32-1105	REP	98-02-056	51-34-9101	REP	98-02-053
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51-30-1125	REP	98-02-054	51-34-002	REP	98-02-053	51-35-001	REP	98-02-053
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51-30-1600	REP	98-02-054	51-34-008	REP	98-02-053	51-35-007	REP	98-02-053
51-30-1614	REP	98-02-054	51-34-0200	REP	98-02-053	51-35-008	REP	98-02-053
51-30-1700	REP	98-02-054	51-34-0206	REP	98-02-053	51-35-52000	REP	98-02-053
51-30-1702	REP	98-02-054	51-34-0216	REP	98-02-053	51-35-52400	REP	98-02-053
51-30-1900	REP	98-02-054	51-34-0219	REP	98-02-053	51-35-52440	REP	98-02-053
51-30-1909	REP	98-02-054	51-34-0223	REP	98-02-053	51-35-52441	REP	98-02-053
51-30-2200	REP	98-02-054	51-34-0900	REP	98-02-053	51-35-52442	REP	98-02-053
51-30-2211	REP	98-02-054	51-34-0901	REP	98-02-053	51-35-52500	REP	98-02-053
51-30-2400	REP	98-02-054	51-34-0902	REP	98-02-053	51-35-52510	REP	98-02-053
51-30-2406	REP	98-02-054	51-34-1000	REP	98-02-053	51-35-52520	REP	98-02-053
51-30-2900	REP	98-02-054	51-34-1003	REP	98-02-053	51-35-52530	REP	98-02-053
51-30-2902	REP	98-02-054	51-34-1007	REP	98-02-053	51-35-52540	REP	98-02-053
51-30-2903	REP	98-02-054	51-34-2500	REP	98-02-053	51-35-52550	REP	98-02-053
51-30-2904	REP	98-02-054	51-34-2501	REP	98-02-053	51-35-52560	REP	98-02-053
51-30-2910	REP	98-02-054	51-34-5200	REP	98-02-053	51-35-52570	REP	98-02-053
51-30-3102	REP	98-02-054	51-34-5201	REP	98-02-053	51-35-52580	REP	98-02-053
51-30-31200	REP	98-02-054	51-34-5204	REP	98-02-053	51-35-52590	REP	98-02-053
51-30-31201	REP	98-02-054	51-34-6100	REP	98-02-053	51-35-52600	REP	98-02-053
51-30-31202	REP	98-02-054	51-34-6103	REP	98-02-053	51-40	PREP	98-14-125
51-30-31203	REP	98-02-054	51-34-6104	REP	98-02-053	51-40-001	NEW	98-02-054
51-30-31204	REP	98-02-054	51-34-6105	REP	98-02-053	51-40-002	NEW	98-02-054
51-30-31205	REP	98-02-054	51-34-6106	REP	98-02-053	51-40-003	NEW	98-02-054
51-30-31206	REP	98-02-054	51-34-6107	REP	98-02-053	51-40-004	NEW	98-02-054
51-30-31207	REP	98-02-054	51-34-6301	REP	98-02-053	51-40-005	NEW	98-02-054
51-30-31208	REP	98-02-054	51-34-6302	REP	98-02-053	51-40-007	NEW	98-02-054
51-30-31209	REP	98-02-054	51-34-6303	REP	98-02-053	51-40-007	PREP	98-13-051
51-30-31210	REP	98-02-054	51-34-6304	REP	98-02-053	51-40-007	AMD-P	98-15-151
51-30-3400	REP	98-02-054	51-34-6305	REP	98-02-053	51-40-008	NEW	98-02-054
51-30-3404	REP	98-02-054	51-34-6306	REP	98-02-053	51-40-009	NEW	98-02-054
51-30-93115	REP	98-02-054	51-34-6307	REP	98-02-053	51-40-0200	NEW	98-02-054
51-30-93116	REP	98-02-054	51-34-6308	REP	98-02-053	51-40-0302	NEW	98-02-054
51-30-93117	REP	98-02-054	51-34-6309	REP	98-02-053	51-40-0303	NEW	98-02-054
51-30-93118	REP	98-02-054	51-34-6310	REP	98-02-053	51-40-0304	NEW	98-02-054
51-30-93119	REP	98-02-054	51-34-6311	REP	98-02-053	51-40-0305	NEW	98-02-054
51-30-93120	REP	98-02-054	51-34-6312	REP	98-02-053	51-40-0307	NEW	98-02-054
51-32-001	REP	98-02-056	51-34-6313	REP	98-02-053	51-40-0308	NEW	98-02-054
51-32-002	REP	98-02-056	51-34-6314	REP	98-02-053	51-40-0310	NEW	98-02-054
51-32-003	REP	98-02-056	51-34-6315	REP	98-02-053	51-40-0311	NEW	98-02-054
51-32-004	REP	98-02-056	51-34-6316	REP	98-02-053	51-40-0313	NEW	98-02-054
51-32-005	REP	98-02-056	51-34-6317	REP	98-02-053	51-40-0403	NEW	98-02-054
51-32-007	REP	98-02-056	51-34-6318	REP	98-02-053	51-40-0405	NEW	98-02-054
51-32-008	REP	98-02-056	51-34-6319	REP	98-02-053	51-40-0510	NEW	98-02-054
51-32-0200	REP	98-02-056	51-34-6320	REP	98-02-053	51-40-0804	NEW	98-02-054
51-32-0223	REP	98-02-056	51-34-6321	REP	98-02-053	51-40-0902	NEW	98-02-054
51-32-0300	REP	98-02-056	51-34-6322	REP	98-02-053	51-40-0904	NEW	98-02-054
51-32-0327	REP	98-02-056	51-34-6323	REP	98-02-053	51-40-1000	NEW	98-02-054
51-32-0500	REP	98-02-056	51-34-6324	REP	98-02-053	51-40-1002	NEW	98-02-054
51-32-0504	REP	98-02-056	51-34-7800	REP	98-02-053	51-40-1003	NEW	98-02-054
51-32-0600	REP	98-02-056	51-34-7802	REP	98-02-053	51-40-1004	NEW	98-02-054
51-32-0601	REP	98-02-056	51-34-7900	REP	98-02-053	51-40-1007	NEW	98-02-054
51-32-0605	REP	98-02-056	51-34-7902	REP	98-02-053	51-40-1091	NEW	98-02-054
51-32-1100	REP	98-02-056	51-34-7904	REP	98-02-053	51-40-1100	NEW	98-02-054
51-32-1101	REP	98-02-056	51-34-8000	REP	98-02-053	51-40-1101	NEW	98-02-054

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-40-1102	NEW	98-02-054	51-42-1106	NEW	98-02-056	51-46-0512	NEW	98-02-055
51-40-1103	NEW	98-02-054	51-42-1107	NEW	98-02-056	51-46-0513	NEW	98-02-055
51-40-1104	NEW	98-02-054	51-42-1108	NEW	98-02-056	51-46-0514	NEW	98-02-055
51-40-1105	NEW	98-02-054	51-42-1311	NEW	98-02-056	51-46-0515	NEW	98-02-055
51-40-1106	NEW	98-02-054	51-42-1312	NEW	98-02-056	51-46-0516	NEW	98-02-055
51-40-1107	NEW	98-02-054	51-42-1401	NEW	98-02-056	51-46-0517	NEW	98-02-055
51-40-1108	NEW	98-02-054	51-44-001	NEW	98-02-053	51-46-0518	NEW	98-02-055
51-40-1109	NEW	98-02-054	51-44-002	NEW	98-02-053	51-46-0519	NEW	98-02-055
51-40-1110	NEW	98-02-054	51-44-003	NEW	98-02-053	51-46-0520	NEW	98-02-055
51-40-1111	NEW	98-02-054	51-44-007	NEW	98-02-053	51-46-0521	NEW	98-02-055
51-40-1112	NEW	98-02-054	51-44-007	PREP	98-13-051	51-46-0522	NEW	98-02-055
51-40-1113	NEW	98-02-054	51-44-007	AMD-P	98-15-151	51-46-0523	NEW	98-02-055
51-40-1114	NEW	98-02-054	51-44-008	NEW	98-02-053	51-46-0524	NEW	98-02-055
51-40-1191	NEW	98-02-054	51-44-0103	NEW	98-02-053	51-46-0525	NEW	98-02-055
51-40-1192	NEW	98-02-054	51-44-0200	NEW	98-02-053	51-46-0600	NEW	98-02-055
51-40-1193	NEW	98-02-054	51-44-0900	NEW	98-02-053	51-46-0603	NEW	98-02-055
51-40-1194	NEW	98-02-054	51-44-1003	NEW	98-02-053	51-46-0604	NEW	98-02-055
51-40-1195	NEW	98-02-054	51-44-1007	NEW	98-02-053	51-46-0608	NEW	98-02-055
51-40-1196	NEW	98-02-054	51-44-10210	NEW	98-02-053	51-46-0609	NEW	98-02-055
51-40-1203	NEW	98-02-054	51-44-1109	NEW	98-02-053	51-46-0610	NEW	98-02-055
51-40-1506	NEW-W	98-05-065	51-44-2500	NEW	98-02-053	51-46-0700	NEW	98-02-055
51-40-1616	NEW	98-02-054	51-44-5200	NEW	98-02-053	51-46-0701	NEW	98-02-055
51-40-1702	NEW	98-02-054	51-44-6100	NEW	98-02-053	51-46-0704	NEW	98-02-055
51-40-1909	NEW	98-02-054	51-44-6300	NEW	98-02-053	51-46-0710	NEW	98-02-055
51-40-23110	NEW	98-02-054	51-44-7404	NEW	98-02-053	51-46-0713	NEW	98-02-055
51-40-23110	REP-P	98-16-065	51-44-7802	NEW	98-02-053	51-46-0793	NEW	98-02-055
51-40-23110	REP-E	98-20-051	51-44-7900	NEW	98-02-053	51-46-0800	NEW	98-02-055
51-40-2406	NEW	98-02-054	51-44-8000	NEW	98-02-053	51-46-0810	NEW	98-02-055
51-40-2900	NEW	98-02-054	51-45-001	NEW	98-02-053	51-46-0814	NEW	98-02-055
51-40-2929	NEW	98-02-054	51-45-002	NEW	98-02-053	51-46-0815	NEW	98-02-055
51-40-3004	NEW	98-02-054	51-45-003	NEW	98-02-053	51-46-0900	NEW	98-02-055
51-40-3102	NEW	98-02-054	51-45-007	NEW	98-02-053	51-46-0903	NEW	98-02-055
51-40-31200	NEW	98-02-054	51-45-008	NEW	98-02-053	51-46-1000	NEW	98-02-055
51-40-3404	NEW	98-02-054	51-45-80400	NEW	98-02-053	51-46-1003	NEW	98-02-055
51-40-93115	NEW	98-02-054	51-46-001	NEW	98-02-055	51-46-1012	NEW	98-02-055
51-40-93116	NEW	98-02-054	51-46-002	NEW	98-02-055	51-46-1300	NEW	98-02-055
51-40-93117	NEW	98-02-054	51-46-003	NEW	98-02-055	51-46-1301	NEW	98-02-055
51-40-93118	NEW	98-02-054	51-46-007	NEW	98-02-055	51-46-1302	NEW	98-02-055
51-40-93119	NEW	98-02-054	51-46-007	PREP	98-13-051	51-46-1303	NEW	98-02-055
51-40-93120	NEW	98-02-054	51-46-007	AMD-P	98-15-151	51-46-1304	NEW	98-02-055
51-42-001	NEW	98-02-056	51-46-008	NEW	98-02-055	51-46-1305	NEW	98-02-055
51-42-002	NEW	98-02-056	51-46-0100	NEW	98-02-055	51-46-1400	NEW	98-02-055
51-42-003	NEW	98-02-056	51-46-0101	NEW	98-02-055	51-46-1401	NEW	98-02-055
51-42-004	NEW	98-02-056	51-46-0102	NEW	98-02-055	51-46-1491	NEW	98-02-055
51-42-005	NEW	98-02-056	51-46-0103	NEW	98-02-055	51-46-97120	NEW	98-02-055
51-42-007	NEW	98-02-056	51-46-0200	NEW	98-02-055	51-46-97121	NEW	98-02-055
51-42-007	PREP	98-13-051	51-46-0205	NEW	98-02-055	51-46-97122	NEW	98-02-055
51-42-007	AMD-P	98-15-151	51-46-0215	NEW	98-02-055	51-46-97123	NEW	98-02-055
51-42-008	NEW	98-02-056	51-46-0218	NEW	98-02-055	51-46-97124	NEW	98-02-055
51-42-0200	NEW	98-02-056	51-46-0300	NEW	98-02-055	51-46-97125	NEW	98-02-055
51-42-0223	NEW	98-02-056	51-46-0301	NEW	98-02-055	51-46-97126	NEW	98-02-055
51-42-0303	NEW	98-02-056	51-46-0310	NEW	98-02-055	51-46-97127	NEW	98-02-055
51-42-0504	NEW	98-02-056	51-46-0311	NEW	98-02-055	51-46-97128	NEW	98-02-055
51-42-0600	NEW	98-02-056	51-46-0313	NEW	98-02-055	51-46-97129	NEW	98-02-055
51-42-0601	NEW	98-02-056	51-46-0314	NEW	98-02-055	51-47-001	NEW	98-02-055
51-42-0605	NEW	98-02-056	51-46-0316	NEW	98-02-055	51-47-002	NEW	98-02-055
51-42-0901	NEW	98-02-056	51-46-0392	NEW	98-02-055	51-47-003	NEW	98-02-055
51-42-1000	NEW	98-02-056	51-46-0400	NEW	98-02-055	51-47-007	NEW	98-02-055
51-42-1002	NEW	98-02-056	51-46-0402	NEW	98-02-055	51-47-008	NEW	98-02-055
51-42-1004	NEW	98-02-056	51-46-0412	NEW	98-02-055	67-25-005	AMD-P	98-19-016
51-42-1005	NEW	98-02-056	51-46-0413	NEW	98-02-055	67-25-005	AMD	98-23-078
51-42-1100	NEW	98-02-056	51-46-0500	NEW	98-02-055	67-25-255	AMD-P	98-19-016
51-42-1101	NEW	98-02-056	51-46-0501	NEW	98-02-055	67-25-255	AMD	98-23-078
51-42-1102	NEW	98-02-056	51-46-0502	NEW	98-02-055	67-25-260	AMD-P	98-19-016
51-42-1103	NEW	98-02-056	51-46-0505	NEW	98-02-055	67-25-260	AMD	98-23-078
51-42-1104	NEW	98-02-056	51-46-0507	NEW	98-02-055	67-25-270	AMD-P	98-19-016
51-42-1105	NEW	98-02-056	51-46-0509	NEW	98-02-055	67-25-270	AMD	98-23-078

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
67- 25-288	AMD-P	98-19-016	82- 28-140	REP	98-18-018	82- 44-030	REP-XR	98-14-015
67- 25-288	AMD	98-23-078	82- 28-150	REP-XR	98-14-065	82- 44-030	REP	98-18-015
67- 25-350	AMD-P	98-19-016	82- 28-150	REP	98-18-018	82- 44-040	REP-XR	98-14-015
67- 25-350	AMD	98-23-078	82- 28-160	REP-XR	98-14-065	82- 44-040	REP	98-18-015
67- 25-384	AMD-P	98-19-016	82- 28-160	REP	98-18-018	82- 44-050	REP-XR	98-14-015
67- 25-384	AMD	98-23-078	82- 28-170	REP-XR	98-14-065	82- 44-050	REP	98-18-015
67- 25-540	AMD-P	98-19-016	82- 28-170	REP	98-18-018	82- 44-060	REP-XR	98-14-015
67- 25-540	AMD	98-23-078	82- 28-180	REP-XR	98-14-065	82- 44-060	REP	98-18-015
67- 25-550	AMD-P	98-19-016	82- 28-180	REP	98-18-018	82- 44-070	REP-XR	98-14-015
67- 25-550	AMD	98-23-078	82- 28-190	REP-XR	98-14-065	82- 44-070	REP	98-18-015
82- 24-010	REP-XR	98-14-066	82- 28-190	REP	98-18-018	82- 44-080	REP-XR	98-14-015
82- 24-010	REP	98-18-017	82- 28-200	REP-XR	98-14-065	82- 44-080	REP	98-18-015
82- 24-020	REP-XR	98-14-066	82- 28-200	REP	98-18-018	82- 44-090	REP-XR	98-14-015
82- 24-020	REP	98-18-017	82- 28-210	REP-XR	98-14-065	82- 44-090	REP	98-18-015
82- 24-030	REP-XR	98-14-066	82- 28-210	REP	98-18-018	82- 50-021	AMD-P	98-09-084
82- 24-030	REP	98-18-017	82- 28-220	REP-XR	98-14-065	82- 50-021	AMD	98-14-079
82- 24-040	REP-XR	98-14-066	82- 28-220	REP	98-18-018	98- 70-010	PREP	98-11-039
82- 24-040	REP	98-18-017	82- 28-230	REP-XR	98-14-065	98- 70-010	AMD-P	98-15-100
82- 24-050	REP-XR	98-14-066	82- 28-230	REP	98-18-018	98- 70-010	AMD	98-19-053
82- 24-050	REP	98-18-017	82- 36-010	REP-XR	98-14-016	106-116-040	REP-P	98-19-067
82- 24-060	REP-XR	98-14-066	82- 36-010	REP	98-18-014	106-116-040	REP	98-23-022
82- 24-060	REP	98-18-017	82- 36-020	REP-XR	98-14-016	106-116-042	AMD-P	98-19-067
82- 24-070	REP-XR	98-14-066	82- 36-020	REP	98-18-014	106-116-042	AMD	98-23-022
82- 24-070	REP	98-18-017	82- 36-030	REP-XR	98-14-016	106-116-102	AMD-P	98-19-067
82- 24-080	REP-XR	98-14-066	82- 36-030	REP	98-18-014	106-116-102	AMD	98-23-022
82- 24-080	REP	98-18-017	82- 36-033	REP-XR	98-14-016	106-116-201	AMD-P	98-19-067
82- 24-090	REP-XR	98-14-066	82- 36-033	REP	98-18-014	106-116-201	AMD	98-23-022
82- 24-090	REP	98-18-017	82- 36-035	REP-XR	98-14-016	106-116-204	REP-P	98-19-067
82- 24-100	REP-XR	98-14-066	82- 36-035	REP	98-18-014	106-116-204	REP	98-23-022
82- 24-100	REP	98-18-017	82- 36-040	REP-XR	98-14-016	106-116-205	AMD-P	98-19-067
82- 24-110	REP-XR	98-14-066	82- 36-040	REP	98-18-014	106-116-205	AMD	98-23-022
82- 24-110	REP	98-18-017	82- 36-050	REP-XR	98-14-016	106-116-207	AMD-P	98-19-067
82- 24-120	REP-XR	98-14-066	82- 36-050	REP	98-18-014	106-116-207	AMD	98-23-022
82- 24-120	REP	98-18-017	82- 36-060	REP-XR	98-14-016	106-116-210	AMD-P	98-19-067
82- 24-130	REP-XR	98-14-066	82- 36-060	REP	98-18-014	106-116-210	AMD	98-23-022
82- 24-130	REP	98-18-017	82- 36-070	REP-XR	98-14-016	106-116-301	REP-P	98-19-067
82- 28-010	REP-XR	98-14-065	82- 36-070	REP	98-18-014	106-116-301	REP	98-23-022
82- 28-010	REP	98-18-018	82- 36-080	REP-XR	98-14-016	106-116-302	REP-P	98-19-067
82- 28-020	REP-XR	98-14-065	82- 36-080	REP	98-18-014	106-116-302	REP	98-23-022
82- 28-020	REP	98-18-018	82- 36-090	REP-XR	98-14-016	106-116-303	AMD-P	98-19-067
82- 28-030	REP-XR	98-14-065	82- 36-090	REP	98-18-014	106-116-303	AMD	98-23-022
82- 28-030	REP	98-18-018	82- 36-120	REP-XR	98-14-016	106-116-304	AMD-P	98-19-067
82- 28-040	REP-XR	98-14-065	82- 36-120	REP	98-18-014	106-116-304	AMD	98-23-022
82- 28-040	REP	98-18-018	82- 36-130	REP-XR	98-14-016	106-116-305	AMD-P	98-19-067
82- 28-050	REP-XR	98-14-065	82- 36-130	REP	98-18-014	106-116-305	AMD	98-23-022
82- 28-050	REP	98-18-018	82- 36-140	REP-XR	98-14-016	106-116-306	REP-P	98-19-067
82- 28-060	REP-XR	98-14-065	82- 36-140	REP	98-18-014	106-116-306	REP	98-23-022
82- 28-060	REP	98-18-018	82- 36-150	REP-XR	98-14-016	106-116-307	REP-P	98-19-067
82- 28-06001	REP-XR	98-14-065	82- 36-150	REP	98-18-014	106-116-307	REP	98-23-022
82- 28-06001	REP	98-18-018	82- 40-010	REP-XR	98-14-017	106-116-308	AMD-P	98-19-067
82- 28-070	REP-XR	98-14-065	82- 40-010	REP	98-18-016	106-116-308	AMD	98-23-022
82- 28-070	REP	98-18-018	82- 40-020	REP-XR	98-14-017	106-116-311	AMD-P	98-19-067
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173-160-341	NEW	98-08-032	173-202-020	AMD-XA	98-03-071	173-303-9903	AMD	98-03-018
173-160-345	REP	98-08-032	173-202-020	AMD-S	98-04-021	173-303-9904	AMD	98-03-018
173-160-351	NEW	98-08-032	173-202-020	AMD-W	98-04-069	173-303-9905	AMD	98-03-018
173-160-355	REP	98-08-032	173-202-020	AMD	98-07-026	173-308-010	NEW	98-05-101
173-160-361	NEW	98-08-032	173-202-020	AMD-E	98-07-103	173-308-020	NEW	98-05-101
173-160-365	REP	98-08-032	173-202-020	AMD	98-08-058	173-308-030	NEW	98-05-101
173-160-371	NEW	98-08-032	173-202-020	AMD-E	98-13-083	173-308-040	NEW	98-05-101
173-160-375	REP	98-08-032	173-202-020	AMD-S	98-13-115	173-308-050	NEW	98-05-101
173-160-381	NEW	98-08-032	173-202-020	AMD-W	98-17-073	173-308-060	NEW	98-05-101
173-160-385	REP	98-08-032	173-202-020	AMD-E	98-20-020	173-308-070	NEW	98-05-101
173-160-390	NEW	98-08-032	173-202-020	AMD-P	98-22-017	173-308-080	NEW	98-05-101
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173-308-150	NEW	98-05-101	173-806-090	AMD-P	98-12-092	180-26-057	AMD	98-19-140
173-308-160	NEW	98-05-101	173-806-090	AMD	98-23-038	180-26-058	REP-P	98-14-146
173-308-170	NEW	98-05-101	173-806-100	AMD-P	98-12-092	180-26-058	REP	98-19-140
173-308-180	NEW	98-05-101	173-806-100	AMD	98-23-038	180-27	PREP	98-06-005
173-308-190	NEW	98-05-101	173-806-128	AMD-P	98-12-092	180-27-005	AMD-P	98-14-149
173-308-200	NEW	98-05-101	173-806-128	AMD	98-23-038	180-27-005	AMD	98-19-143
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173-308-220	NEW	98-05-101	173-806-130	AMD	98-23-038	180-27-015	AMD	98-19-143
173-308-230	NEW	98-05-101	173-806-132	NEW-P	98-12-092	180-27-016	AMD-P	98-14-149
173-308-240	NEW	98-05-101	173-806-132	NEW	98-23-038	180-27-016	AMD	98-19-143
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173-308-260	NEW	98-05-101	173-806-150	AMD	98-23-038	180-27-019	AMD	98-19-143
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173-308-275	NEW	98-05-101	173-806-160	AMD	98-23-038	180-27-030	AMD	98-19-143
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173-360-190	AMD	98-15-069	173-806-190	AMD-P	98-12-092	180-27-054	AMD-P	98-14-149
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173-400-060	AMD	98-15-129	180-08-007	PREP	98-16-094	180-27-056	AMD-E	98-16-005
173-400-070	AMD-XA	98-10-034	180-16	PREP	98-16-098	180-27-056	PREP	98-16-095
173-400-070	AMD	98-15-129	180-16-002	AMD-P	98-04-088	180-27-056	AMD-P	98-19-135
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173-400-105	AMD-XA	98-10-034	180-16-180	REP	98-08-039	180-27-056	AMD-P	98-14-149
173-400-105	AMD	98-15-129	180-16-195	PREP	98-20-015	180-27-057	AMD	98-19-143
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173-400-110	AMD	98-15-129	180-16-240	PREP	98-20-015	180-27-058	REP	98-19-143
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173-460-060	AMD	98-15-129	180-25-040	AMD-P	98-14-145	180-27-095	AMD	98-19-143
173-481	PREP	98-10-090	180-25-040	AMD	98-19-139	180-27-105	AMD-P	98-14-149
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173-806-020	AMD	98-23-038	180-25-070	AMD	98-19-139	180-27-415	AMD-P	98-14-149
173-806-030	AMD-P	98-12-092	180-26	PREP	98-06-006	180-27-415	AMD	98-19-143
173-806-030	AMD	98-23-038	180-26-005	AMD-P	98-14-146	180-27-420	AMD-P	98-14-149
173-806-050	AMD-P	98-12-092	180-26-005	AMD	98-19-140	180-27-420	AMD	98-19-143
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173-806-055	REP	98-23-038	180-26-030	REP-P	98-14-146	180-27-505	AMD-P	98-14-149
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180-27-530	AMD	98-19-143	180-30-110	REP-P	98-14-148	180-30-440	REP	98-19-142
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180-27-990	REP	98-19-143	180-30-115	REP-P	98-14-148	180-30-450	REP	98-19-142
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180-29-005	AMD	98-19-141	180-30-116	REP	98-19-142	180-30-460	REP-P	98-14-148
180-29-015	REP-P	98-14-147	180-30-117	REP-P	98-14-148	180-30-460	REP	98-19-142
180-29-015	REP	98-19-141	180-30-117	REP	98-19-142	180-30-465	REP-P	98-14-148
180-29-020	REP-P	98-14-147	180-30-120	REP-P	98-14-148	180-30-465	REP	98-19-142
180-29-020	REP	98-19-141	180-30-120	REP	98-19-142	180-30-470	REP-P	98-14-148
180-29-021	AMD-P	98-14-147	180-30-125	REP-P	98-14-148	180-30-470	REP	98-19-142
180-29-021	AMD	98-19-141	180-30-125	REP	98-19-142	180-30-475	REP-P	98-14-148
180-29-025	AMD-P	98-14-147	180-30-130	REP-P	98-14-148	180-30-475	REP	98-19-142
180-29-025	AMD	98-19-141	180-30-130	REP	98-19-142	180-30-480	REP-P	98-14-148
180-29-030	REP-P	98-14-147	180-30-135	REP-P	98-14-148	180-30-480	REP	98-19-142
180-29-030	REP	98-19-141	180-30-135	REP	98-19-142	180-30-485	REP-P	98-14-148
180-29-035	AMD-P	98-14-147	180-30-200	REP-P	98-14-148	180-30-485	REP	98-19-142
180-29-035	AMD	98-19-141	180-30-200	REP	98-19-142	180-30-490	REP-P	98-14-148
180-29-080	AMD-P	98-14-147	180-30-205	REP-P	98-14-148	180-30-490	REP	98-19-142
180-29-080	AMD	98-23-034	180-30-205	REP	98-19-142	180-30-495	REP-P	98-14-148
180-29-085	AMD-P	98-14-147	180-30-210	REP-P	98-14-148	180-30-495	REP	98-19-142
180-29-085	AMD	98-19-141	180-30-210	REP	98-19-142	180-30-500	REP-P	98-14-148
180-29-090	AMD-P	98-14-147	180-30-215	REP-P	98-14-148	180-30-500	REP	98-19-142
180-29-090	AMD	98-23-035	180-30-215	REP	98-19-142	180-30-505	REP-P	98-14-148
180-29-1075	AMD-P	98-14-147	180-30-220	REP-P	98-14-148	180-30-505	REP	98-19-142
180-29-1075	AMD	98-19-141	180-30-220	REP	98-19-142	180-30-510	REP-P	98-14-148
180-29-1076	REP-P	98-14-147	180-30-225	REP-P	98-14-148	180-30-510	REP	98-19-142
180-29-1076	REP	98-19-141	180-30-225	REP	98-19-142	180-30-515	REP-P	98-14-148
180-29-115	AMD-P	98-14-147	180-30-230	REP-P	98-14-148	180-30-515	REP	98-19-142
180-29-115	AMD	98-19-141	180-30-230	REP	98-19-142	180-30-520	REP-P	98-14-148
180-29-116	REP-P	98-14-147	180-30-250	REP-P	98-14-148	180-30-520	REP	98-19-142
180-29-116	REP	98-19-141	180-30-250	REP	98-19-142	180-30-575	REP-P	98-14-148
180-29-155	AMD-P	98-14-147	180-30-350	REP-P	98-14-148	180-30-575	REP	98-19-142
180-29-155	AMD	98-19-141	180-30-350	REP	98-19-142	180-30-610	REP-P	98-14-148
180-29-200	AMD-P	98-14-147	180-30-355	REP-P	98-14-148	180-30-610	REP	98-19-142
180-29-200	AMD	98-19-141	180-30-355	REP	98-19-142	180-30-620	REP-P	98-14-148
180-30	PREP	98-06-001	180-30-360	REP-P	98-14-148	180-30-620	REP	98-19-142
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180-30-003	REP	98-19-142	180-30-365	REP-P	98-14-148	180-30-625	REP	98-19-142
180-30-005	REP-P	98-14-148	180-30-365	REP	98-19-142	180-30-630	REP-P	98-14-148
180-30-005	REP	98-19-142	180-30-370	REP-P	98-14-148	180-30-630	REP	98-19-142
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180-30-010	REP	98-19-142	180-30-380	REP-P	98-14-148	180-30-635	REP	98-19-142
180-30-015	REP-P	98-14-148	180-30-380	REP	98-19-142	180-30-640	REP-P	98-14-148
180-30-015	REP	98-19-142	180-30-400	REP-P	98-14-148	180-30-640	REP	98-19-142
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180-30-030	REP	98-19-142	180-30-405	REP-P	98-14-148	180-30-645	REP	98-19-142
180-30-035	REP-P	98-14-148	180-30-405	REP	98-19-142	180-30-650	REP-P	98-14-148
180-30-035	REP	98-19-142	180-30-406	REP-P	98-14-148	180-30-650	REP	98-19-142
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180-30-050	REP	98-19-142	180-30-408	REP-P	98-14-148	180-30-660	REP	98-19-142
180-30-055	REP-P	98-14-148	180-30-408	REP	98-19-142	180-30-710	REP-P	98-14-148
180-30-055	REP	98-19-142	180-30-410	REP-P	98-14-148	180-30-710	REP	98-19-142
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180-30-060	REP	98-19-142	180-30-415	REP-P	98-14-148	180-30-715	REP	98-19-142
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180-30-065	REP	98-19-142	180-30-420	REP-P	98-14-148	180-30-720	REP	98-19-142
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180-30-100	REP-P	98-14-148	180-30-430	REP	98-19-142	180-30-735	REP-P	98-14-148
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180-30-805	REP-P	98-14-148	180-58-010	REP	98-05-006	180-78A-063	REP-P	98-19-134
180-30-805	REP	98-19-142	180-58-015	REP	98-05-006	180-78A-065	REP-P	98-19-134
180-30-807	REP-P	98-14-148	180-58-020	REP	98-05-006	180-78A-068	REP-P	98-19-134
180-30-807	REP	98-19-142	180-58-030	REP	98-05-006	180-78A-073	REP-P	98-19-134
180-30-810	REP-P	98-14-148	180-58-040	REP	98-05-006	180-78A-075	REP-P	98-19-134
180-30-810	REP	98-19-142	180-58-045	REP	98-05-006	180-78A-080	REP-P	98-19-134
180-30-815	REP-P	98-14-148	180-58-055	REP	98-05-006	180-78A-100	NEW-P	98-19-134
180-30-815	REP	98-19-142	180-58-065	REP	98-05-006	180-78A-105	NEW-P	98-19-134
180-30-820	REP-P	98-14-148	180-58-075	REP	98-05-006	180-78A-110	NEW-P	98-19-134
180-30-820	REP	98-19-142	180-58-085	REP	98-05-006	180-78A-115	NEW-P	98-19-134
180-30-825	REP-P	98-14-148	180-58-090	REP	98-05-006	180-78A-120	NEW-P	98-19-134
180-30-825	REP	98-19-142	180-59-005	REP	98-05-007	180-78A-125	NEW-P	98-19-134
180-30-830	REP-P	98-14-148	180-59-010	REP	98-05-007	180-78A-130	NEW-P	98-19-134
180-30-830	REP	98-19-142	180-59-015	REP	98-05-007	180-78A-135	REP-P	98-19-134
180-30-845	REP-P	98-14-148	180-59-020	REP	98-05-007	180-78A-136	NEW-P	98-19-134
180-30-845	REP	98-19-142	180-59-025	REP	98-05-007	180-78A-140	REP-P	98-19-134
180-31	PREP	98-06-003	180-59-030	REP	98-05-007	180-78A-142	REP-P	98-19-134
180-31-005	AMD-P	98-14-150	180-59-032	REP	98-05-007	180-78A-145	REP-P	98-19-134
180-31-005	AMD	98-19-144	180-59-035	REP	98-05-007	180-78A-150	REP-P	98-19-134
180-31-020	AMD-P	98-14-150	180-59-037	REP	98-05-007	180-78A-151	NEW-P	98-19-134
180-31-020	AMD	98-19-144	180-59-040	REP	98-05-007	180-78A-155	REP-P	98-19-134
180-31-025	AMD-P	98-14-150	180-59-045	REP	98-05-007	180-78A-160	REP-P	98-19-134
180-31-025	AMD	98-19-144	180-59-047	REP	98-05-007	180-78A-165	AMD	98-05-022
180-31-035	AMD-P	98-14-150	180-59-050	REP	98-05-007	180-78A-165	REP-P	98-19-134
180-31-035	AMD	98-19-144	180-59-055	REP	98-05-007	180-78A-195	REP-P	98-19-134
180-31-040	AMD-P	98-14-150	180-59-060	REP	98-05-007	180-78A-197	REP-P	98-19-134
180-31-040	AMD	98-19-144	180-59-065	REP	98-05-007	180-78A-200	NEW-P	98-19-134
180-31-045	NEW-P	98-14-150	180-59-070	REP	98-05-007	180-78A-201	REP-P	98-19-134
180-31-045	NEW	98-19-144	180-59-075	REP	98-05-007	180-78A-205	NEW-P	98-19-134
180-32	PREP	98-06-002	180-59-080	REP	98-05-007	180-78A-207	NEW-P	98-19-134
180-32-005	AMD-P	98-14-151	180-59-090	REP	98-05-007	180-78A-209	NEW-P	98-19-134
180-32-005	AMD	98-19-145	180-59-095	REP	98-05-007	180-78A-210	NEW-P	98-19-134
180-32-020	AMD-P	98-14-151	180-59-100	REP	98-05-007	180-78A-215	NEW-P	98-19-134
180-32-020	AMD	98-19-145	180-59-105	REP	98-05-007	180-78A-220	NEW-P	98-19-134
180-32-025	AMD-P	98-14-151	180-59-110	REP	98-05-007	180-78A-225	NEW-P	98-19-134
180-32-025	AMD	98-19-145	180-59-115	REP	98-05-007	180-78A-250	NEW-P	98-19-134
180-32-035	AMD-P	98-14-151	180-59-120	REP	98-05-007	180-78A-255	NEW-P	98-19-134
180-32-035	AMD	98-19-145	180-59-125	REP	98-05-007	180-78A-260	REP-P	98-19-134
180-32-040	AMD-P	98-14-151	180-59-130	REP	98-05-007	180-78A-261	NEW-P	98-19-134
180-32-040	AMD	98-19-145	180-59-135	REP	98-05-007	180-78A-263	REP-P	98-19-134
180-32-050	AMD-P	98-14-151	180-59-140	REP	98-05-007	180-78A-264	NEW-P	98-19-134
180-32-050	AMD	98-19-145	180-59-145	REP	98-05-007	180-78A-265	REP-P	98-19-134
180-32-055	REP-P	98-14-151	180-59-150	REP	98-05-007	180-78A-266	REP-P	98-19-134
180-32-055	REP	98-19-145	180-59-155	REP	98-05-007	180-78A-270	NEW-P	98-19-134
180-33	PREP	98-06-008	180-59-160	REP	98-05-007	180-78A-300	REP-P	98-19-134
180-33-005	AMD-P	98-14-144	180-59-165	REP	98-05-007	180-78A-301	REP-P	98-19-134
180-33-005	AMD	98-19-138	180-77-122	PREP	98-16-096	180-78A-302	REP-P	98-19-134
180-33-025	AMD	98-09-052	180-77-122	AMD-P	98-19-136	180-78A-303	REP-P	98-19-134
180-33-040	AMD-P	98-14-144	180-77A-170	PREP	98-16-097	180-78A-304	REP-P	98-19-134

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180-78A-305	REP-P	98-19-134	180-79A-220	AMD-P	98-04-089	180-82-310	NEW-P	98-19-134
180-78A-306	REP-P	98-19-134	180-79A-220	AMD	98-08-068	180-82-312	NEW-P	98-19-134
180-78A-307	NEW-P	98-19-134	180-79A-220	REP-P	98-19-134	180-82-314	NEW-P	98-19-134
180-78A-308	NEW-P	98-19-134	180-79A-221	NEW-P	98-19-134	180-82-316	NEW-P	98-19-134
180-78A-310	NEW-P	98-19-134	180-79A-223	NEW-P	98-19-134	180-82-318	NEW-P	98-19-134
180-78A-315	NEW-P	98-19-134	180-79A-225	REP-P	98-19-134	180-82-320	NEW-P	98-19-134
180-78A-317	NEW-P	98-19-134	180-79A-226	NEW-P	98-19-134	180-82-322	NEW-P	98-19-134
180-78A-320	REP-P	98-19-134	180-79A-230	REP-P	98-19-134	180-82-324	NEW-P	98-19-134
180-78A-325	NEW-P	98-19-134	180-79A-231	NEW-P	98-19-134	180-82-326	NEW-P	98-19-134
180-78A-330	NEW-P	98-19-134	180-79A-236	REP-P	98-19-134	180-82-328	NEW-P	98-19-134
180-78A-340	REP-P	98-19-134	180-79A-250	NEW-P	98-19-134	180-82-330	NEW-P	98-19-134
180-78A-345	REP-P	98-19-134	180-79A-253	NEW-P	98-19-134	180-82-332	NEW-P	98-19-134
180-78A-350	REP-P	98-19-134	180-79A-255	NEW-P	98-19-134	180-82-334	NEW-P	98-19-134
180-78A-355	REP-P	98-19-134	180-79A-257	NEW-P	98-19-134	180-82-336	NEW-P	98-19-134
180-78A-360	REP-P	98-19-134	180-79A-260	NEW-P	98-19-134	180-82-338	NEW-P	98-19-134
180-78A-365	REP-P	98-19-134	180-79A-265	NEW-P	98-19-134	180-82-339	NEW-P	98-19-134
180-78A-400	NEW-P	98-19-134	180-79A-270	NEW-P	98-19-134	180-82-340	NEW-P	98-19-134
180-78A-500	NEW-P	98-19-134	180-79A-299	NEW-P	98-19-134	180-82-342	NEW-P	98-19-134
180-78A-505	NEW-P	98-19-134	180-79A-300	AMD-P	98-23-032	180-82-343	NEW-P	98-19-134
180-78A-510	NEW-P	98-19-134	180-79A-304	AMD-P	98-19-134	180-82-344	NEW-P	98-19-134
180-78A-515	NEW-P	98-19-134	180-79A-340	AMD	98-05-023	180-82-346	NEW-P	98-19-134
180-78A-520	NEW-P	98-19-134	180-79A-403	REP-P	98-19-134	180-82-348	NEW-P	98-19-134
180-78A-525	NEW-P	98-19-134	180-79A-405	REP-P	98-19-134	180-82-350	NEW-P	98-19-134
180-78A-530	NEW-P	98-19-134	180-79A-415	REP-P	98-19-134	180-82-352	NEW-P	98-19-134
180-78A-535	NEW-P	98-19-134	180-79A-417	REP-P	98-19-134	180-82-354	NEW-P	98-19-134
180-78A-540	NEW-P	98-19-134	180-79A-420	PREP	98-04-087	180-82-356	NEW-P	98-19-134
180-78A-545	NEW-P	98-19-134	180-79A-420	AMD-P	98-10-102	180-82-358	NEW-P	98-19-134
180-78A-550	NEW-P	98-19-134	180-79A-420	AMD	98-15-027	180-82-360	NEW-P	98-19-134
180-78A-555	NEW-P	98-19-134	180-79A-420	REP-P	98-19-134	180-82-362	NEW-P	98-19-134
180-78A-560	NEW-P	98-19-134	180-79A-422	PREP	98-04-087	180-85	PREP	98-16-098
180-78A-565	NEW-P	98-19-134	180-79A-422	AMD-P	98-10-102	180-85-020	AMD-P	98-19-134
180-79A	PREP	98-16-098	180-79A-422	AMD	98-15-027	180-85-075	AMD-P	98-19-134
180-79A-005	REP-P	98-19-134	180-79A-422	REP-P	98-19-134	180-85-100	AMD	98-05-024
180-79A-006	NEW-P	98-19-134	180-79A-423	REP-P	98-19-134	180-87	PREP	98-08-038
180-79A-007	NEW-P	98-19-134	180-79A-424	REP-P	98-19-134	180-90-125	PREP	98-10-024
180-79A-010	REP-P	98-19-134	180-79A-430	REP-P	98-19-134	182-04-070	AMD-XA	98-13-078
180-79A-011	NEW-P	98-19-134	180-79A-433	AMD-P	98-10-103	182-04-070	AMD	98-17-063
180-79A-012	REP-P	98-19-134	180-79A-433	AMD	98-15-028	182-25-010	AMD	98-07-002
180-79A-013	REP-P	98-19-134	180-79A-433	REP-P	98-19-134	182-25-010	AMD-XA	98-10-086
180-79A-025	REP-P	98-19-134	180-79A-435	REP-P	98-19-134	182-25-010	AMD	98-15-018
180-79A-030	NEW-P	98-19-134	180-79A-440	REP-P	98-19-134	182-25-020	AMD	98-07-002
180-79A-101	REP-P	98-19-134	180-79A-445	REP-P	98-19-134	182-25-030	AMD	98-07-002
180-79A-117	AMD	98-05-024	180-79A-503	REP-P	98-19-134	182-25-040	AMD	98-07-002
180-79A-117	AMD-P	98-19-134	180-79A-510	REP-P	98-19-134	182-25-070	AMD	98-07-002
180-79A-122	REP-P	98-19-134	180-79A-515	REP-P	98-19-134	182-25-080	AMD	98-07-002
180-79A-123	NEW-P	98-19-134	180-79A-517	REP-P	98-19-134	182-25-090	AMD	98-07-002
180-79A-124	NEW-P	98-19-134	180-79A-520	REP-P	98-19-134	182-25-100	AMD	98-07-002
180-79A-125	REP-P	98-19-134	180-82	PREP	98-16-098	182-25-100	PREP	98-17-062
180-79A-126	REP-P	98-19-134	180-82-002	NEW-P	98-19-134	182-25-100	AMD-P	98-22-070
180-79A-127	NEW-P	98-19-134	180-82-004	NEW-P	98-19-134	182-25-105	AMD	98-07-002
180-79A-128	NEW-P	98-19-134	180-82-105	NEW-P	98-19-134	182-25-105	PREP	98-17-062
180-79A-140	AMD-P	98-19-134	180-82-110	NEW-P	98-19-134	182-25-105	AMD-P	98-22-070
180-79A-145	NEW-P	98-19-134	180-82-115	NEW-P	98-19-134	182-25-110	PREP	98-17-062
180-79A-150	AMD-P	98-19-134	180-82-120	NEW-P	98-19-134	182-25-110	AMD-P	98-22-070
180-79A-155	NEW-P	98-19-134	180-82-125	NEW-P	98-19-134	192-12-030	AMD-P	98-09-106
180-79A-157	NEW-P	98-19-134	180-82-130	NEW-P	98-19-134	192-12-030	REP	98-14-068
180-79A-160	REP-P	98-19-134	180-82-200	NEW-P	98-19-134	192-12-040	AMD-P	98-09-105
180-79A-161	REP-P	98-19-134	180-82-201	NEW-P	98-19-134	192-12-040	REP	98-14-068
180-79A-165	REP-P	98-19-134	180-82-202	NEW-P	98-19-134	192-12-041	AMD-P	98-09-105
180-79A-170	REP-P	98-19-134	180-82-204	NEW-P	98-19-134	192-12-041	REP	98-14-068
180-79A-200	REP-P	98-19-134	180-82-210	NEW-P	98-19-134	192-12-042	AMD-P	98-09-105
180-79A-205	REP-P	98-19-134	180-82-215	NEW-P	98-19-134	192-12-042	REP	98-14-068
180-79A-206	NEW-P	98-19-134	180-82-300	NEW-P	98-19-134	192-12-141	AMD	98-06-097
180-79A-210	REP-P	98-19-134	180-82-302	NEW-P	98-19-134	192-16-024	REP-XR	98-15-146
180-79A-211	NEW-P	98-19-134	180-82-304	NEW-P	98-19-134	192-16-024	REP	98-19-120
180-79A-213	NEW-P	98-19-134	180-82-306	NEW-P	98-19-134	192-16-051	PREP	98-08-072
180-79A-215	REP-P	98-19-134	180-82-308	NEW-P	98-19-134	192-16-051	REP-E	98-13-015

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
192-16-051	REP-E	98-20-081	194-10-100	REP	98-05-027	196-08-270	REP-P	98-08-078
192-16-052	PREP	98-08-072	194-10-110	REP	98-05-027	196-08-270	REP	98-12-045
192-16-052	REP-E	98-13-015	194-10-120	REP	98-05-027	196-08-280	REP-P	98-08-078
192-16-052	REP-E	98-20-081	194-10-130	REP	98-05-027	196-08-280	REP	98-12-045
192-16-057	PREP	98-08-072	194-10-140	REP	98-05-027	196-08-290	REP-P	98-08-078
192-16-057	REP-E	98-20-081	194-18-010	REP-XR	98-17-034	196-08-290	REP	98-12-045
192-18-010	REP-XR	98-07-023	194-18-020	REP-XR	98-17-034	196-08-300	REP-P	98-08-078
192-18-010	REP	98-14-031	194-18-030	REP-XR	98-17-034	196-08-300	REP	98-12-045
192-18-012	REP-XR	98-07-023	196-04	PREP	98-11-025	196-08-310	REP-P	98-08-078
192-18-012	REP	98-14-031	196-04-010	REP-P	98-15-019	196-08-310	REP	98-12-045
192-18-020	REP-XR	98-07-023	196-04-010	REP	98-18-046	196-08-320	REP-P	98-08-078
192-18-020	REP	98-14-031	196-04-020	REP-P	98-15-019	196-08-320	REP	98-12-045
192-18-030	REP-XR	98-07-023	196-04-020	REP	98-18-046	196-08-330	REP-P	98-08-078
192-18-030	REP	98-14-031	196-04-025	REP-P	98-15-019	196-08-330	REP	98-12-045
192-18-040	REP-XR	98-07-023	196-04-025	REP	98-18-046	196-08-340	REP-P	98-08-078
192-18-040	REP	98-14-031	196-04-030	REP-P	98-15-019	196-08-340	REP	98-12-045
192-18-050	REP-XR	98-07-023	196-04-030	REP	98-18-046	196-08-350	REP-P	98-08-078
192-18-050	REP	98-14-031	196-04-040	REP-P	98-15-019	196-08-350	REP	98-12-045
192-18-060	REP-XR	98-07-023	196-04-040	REP	98-18-046	196-08-360	REP-P	98-08-078
192-18-060	REP	98-14-031	196-08-010	REP-P	98-08-078	196-08-360	REP	98-12-045
192-18-070	REP-XR	98-07-023	196-08-010	REP	98-12-045	196-08-370	REP-P	98-08-078
192-18-070	REP	98-14-031	196-08-040	REP-P	98-08-078	196-08-370	REP	98-12-045
192-20-010	REP-XR	98-07-024	196-08-040	REP	98-12-045	196-08-380	REP-P	98-08-078
192-20-010	REP	98-14-032	196-08-050	REP-P	98-08-078	196-08-380	REP	98-12-045
192-23-018	AMD	98-06-097	196-08-050	REP	98-12-045	196-08-390	REP-P	98-08-078
192-32	AMD	98-05-042	196-08-060	REP-P	98-08-078	196-08-390	REP	98-12-045
192-32-001	REP	98-05-042	196-08-060	REP	98-12-045	196-08-400	REP-P	98-08-078
192-32-010	AMD	98-05-042	196-08-070	REP-P	98-08-078	196-08-400	REP	98-12-045
192-32-015	REP	98-05-042	196-08-070	REP	98-12-045	196-08-410	REP-P	98-08-078
192-32-025	REP	98-05-042	196-08-080	REP-P	98-08-078	196-08-410	REP	98-12-045
192-32-035	AMD	98-05-042	196-08-080	REP	98-12-045	196-08-420	REP-P	98-08-078
192-32-045	AMD	98-05-042	196-08-090	REP-P	98-08-078	196-08-420	REP	98-12-045
192-32-050	AMD	98-05-042	196-08-090	REP	98-12-045	196-08-430	REP-P	98-08-078
192-32-055	AMD	98-05-042	196-08-100	REP-P	98-08-078	196-08-430	REP	98-12-045
192-32-065	AMD	98-05-042	196-08-100	REP	98-12-045	196-08-440	REP-P	98-08-078
192-32-075	AMD	98-05-042	196-08-110	REP-P	98-08-078	196-08-440	REP	98-12-045
192-32-085	AMD	98-05-042	196-08-110	REP	98-12-045	196-08-450	REP-P	98-08-078
192-32-095	AMD	98-05-042	196-08-120	REP-P	98-08-078	196-08-450	REP	98-12-045
192-32-100	NEW	98-05-042	196-08-120	REP	98-12-045	196-08-460	REP-P	98-08-078
192-32-105	AMD	98-05-042	196-08-130	REP-P	98-08-078	196-08-460	REP	98-12-045
192-32-115	AMD	98-05-042	196-08-130	REP	98-12-045	196-08-470	REP-P	98-08-078
192-32-120	REP	98-05-042	196-08-140	REP-P	98-08-078	196-08-470	REP	98-12-045
192-32-125	REP	98-05-042	196-08-140	REP	98-12-045	196-08-480	REP-P	98-08-078
192-32-130	NEW	98-05-042	196-08-150	REP-P	98-08-078	196-08-480	REP	98-12-045
192-32-135	NEW	98-05-042	196-08-150	REP	98-12-045	196-08-490	REP-P	98-08-078
192-33-005	NEW	98-05-042	196-08-160	REP-P	98-08-078	196-08-490	REP	98-12-045
192-33-006	NEW	98-05-042	196-08-160	REP	98-12-045	196-08-500	REP-P	98-08-078
192-130-050	NEW	98-14-068	196-08-170	REP-P	98-08-078	196-08-500	REP	98-12-045
192-210-005	NEW-E	98-13-015	196-08-170	REP	98-12-045	196-08-510	REP-P	98-08-078
192-210-005	NEW-E	98-20-081	196-08-180	REP-P	98-08-078	196-08-510	REP	98-12-045
192-210-010	NEW-E	98-13-015	196-08-180	REP	98-12-045	196-08-520	REP-P	98-08-078
192-210-010	NEW-E	98-20-081	196-08-190	REP-P	98-08-078	196-08-520	REP	98-12-045
192-210-015	NEW-E	98-13-015	196-08-190	REP	98-12-045	196-08-530	REP-P	98-08-078
192-210-015	NEW-E	98-20-081	196-08-200	REP-P	98-08-078	196-08-530	REP	98-12-045
192-310-010	NEW	98-14-068	196-08-200	REP	98-12-045	196-08-540	REP-P	98-08-078
192-310-020	NEW	98-14-068	196-08-210	REP-P	98-08-078	196-08-540	REP	98-12-045
192-310-025	NEW	98-14-068	196-08-210	REP	98-12-045	196-08-550	REP-P	98-08-078
192-310-030	NEW	98-14-068	196-08-220	REP-P	98-08-078	196-08-550	REP	98-12-045
194-10-010	REP	98-05-027	196-08-220	REP	98-12-045	196-08-560	REP-P	98-08-078
194-10-020	REP	98-05-027	196-08-230	REP-P	98-08-078	196-08-560	REP	98-12-045
194-10-030	REP	98-05-027	196-08-230	REP	98-12-045	196-08-570	REP-P	98-08-078
194-10-040	REP	98-05-027	196-08-240	REP-P	98-08-078	196-08-570	REP	98-12-045
194-10-050	REP	98-05-027	196-08-240	REP	98-12-045	196-08-580	REP-P	98-08-078
194-10-060	REP	98-05-027	196-08-250	REP-P	98-08-078	196-08-580	REP	98-12-045
194-10-070	REP	98-05-027	196-08-250	REP	98-12-045	196-08-590	REP-P	98-08-078
194-10-080	REP	98-05-027	196-08-260	REP-P	98-08-078	196-08-590	REP	98-12-045
194-10-090	REP	98-05-027	196-08-260	REP	98-12-045	196-09-010	NEW-P	98-08-078



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196-09-020	NEW-P	98-08-078	204-50-010	AMD-P	98-23-084	212-17-190	REP	98-13-038
196-09-020	NEW	98-12-045	204-50-020	PREP	98-19-076	212-17-190	REP-E	98-13-039
196-12-010	AMD-P	98-08-105	204-50-020	AMD-P	98-23-084	212-17-195	REP-XR	98-07-019
196-12-010	AMD	98-12-052	204-50-030	PREP	98-19-076	212-17-195	REP	98-13-038
196-12-020	AMD-P	98-08-105	204-50-030	AMD-P	98-23-084	212-17-195	REP-E	98-13-039
196-12-020	AMD	98-12-052	204-50-040	PREP	98-19-076	212-17-200	REP-XR	98-07-019
196-12-030	AMD-P	98-08-105	204-50-040	AMD-P	98-23-084	212-17-200	REP	98-13-038
196-12-030	AMD	98-12-052	204-50-050	PREP	98-19-076	212-17-200	REP-E	98-13-039
196-12-045	NEW-P	98-08-105	204-50-050	AMD-P	98-23-084	212-17-205	REP-XR	98-07-019
196-12-045	NEW	98-12-052	204-50-060	PREP	98-19-076	212-17-205	REP	98-13-038
196-12-050	AMD-P	98-08-105	204-50-060	REP-P	98-23-084	212-17-205	REP-E	98-13-039
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196-12-060	REP-P	98-08-105	204-50-070	AMD-P	98-23-084	212-17-210	REP	98-13-038
196-12-060	REP	98-12-052	204-50-080	PREP	98-19-076	212-17-210	REP-E	98-13-039
196-12-085	REP-P	98-08-105	204-50-080	AMD-P	98-23-084	212-17-215	REP-XR	98-07-019
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196-24-030	REP	98-12-052	204-50-110	PREP	98-19-076	212-17-21503	NEW	98-04-007
196-24-040	REP-P	98-08-105	204-50-110	AMD-P	98-23-084	212-17-21505	NEW	98-04-007
196-24-040	REP	98-12-052	204-50-120	PREP	98-19-076	212-17-21507	NEW	98-04-007
196-24-050	REP-P	98-08-105	204-50-120	AMD-P	98-23-084	212-17-21509	NEW	98-04-007
196-24-050	REP	98-12-052	204-50-130	PREP	98-19-076	212-17-21511	NEW	98-04-007
196-24-105	AMD-P	98-08-105	204-50-130	AMD-P	98-23-084	212-17-21513	NEW	98-04-007
196-24-105	AMD	98-12-052	204-72-030	AMD	98-04-054	212-17-21515	NEW	98-04-007
196-25-001	NEW-P	98-08-106	204-72-040	AMD	98-04-054	212-17-21517	NEW	98-04-007
196-25-001	NEW	98-12-053	204-80-020	PREP	98-19-038	212-17-21519	NEW	98-04-007
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196-25-002	NEW	98-12-053	204-90-030	AMD	98-04-052	220-12-020	AMD	98-06-031
196-25-005	NEW-P	98-08-106	204-90-040	AMD	98-04-052	220-16-002	NEW-P	98-11-086
196-25-005	NEW	98-12-053	204-90-070	AMD	98-04-052	220-16-002	NEW	98-15-081
196-25-010	NEW-P	98-08-106	204-90-120	AMD	98-04-052	220-16-005	NEW-P	98-11-086
196-25-010	NEW	98-12-053	204-90-140	AMD	98-04-052	220-16-005	NEW	98-15-081
196-25-020	NEW-P	98-08-106	208-418	PREP	98-13-084	220-16-225	AMD-P	98-21-089
196-25-020	NEW	98-12-053	208-436	PREP	98-13-084	220-16-440	AMD	98-06-031
196-25-030	NEW-P	98-08-106	208-440	PREP	98-13-084	220-16-475	NEW	98-06-031
196-25-030	NEW	98-12-053	208-444	PREP	98-13-084	220-16-480	NEW-P	98-09-089
196-25-040	NEW-P	98-08-106	208-444-020	AMD	98-10-072	220-16-480	NEW-W	98-11-049
196-25-040	NEW	98-12-053	208-444-030	AMD	98-10-072	220-16-480	NEW	98-15-031
196-26-020	AMD-P	98-09-051	208-444-040	AMD	98-10-072	220-16-490	NEW-P	98-09-089
196-26-020	AMD	98-12-046	208-444-050	AMD	98-10-072	220-16-490	NEW-W	98-11-049
196-26-030	AMD-P	98-09-051	208-464	PREP	98-13-084	220-16-490	NEW	98-15-031
196-26-030	AMD	98-12-046	208-464	REP-XR	98-23-061	220-16-500	NEW-W	98-11-049
197-11-680	AMD	98-06-092	208-464	PREP	98-23-062	220-16-510	NEW-W	98-11-049
204-10-020	AMD	98-04-053	208-464-010	REP-XR	98-23-061	220-16-520	NEW-W	98-11-049
204-10-020	PREP	98-11-036	208-464-020	REP-XR	98-23-061	220-16-530	NEW-W	98-11-049
204-10-020	AMD-P	98-15-083	208-464-030	REP-XR	98-23-061	220-16-540	NEW-W	98-11-049
204-10-020	AMD	98-19-040	208-464-040	REP-XR	98-23-061	220-16-550	NEW	98-06-031
204-10-070	AMD	98-04-053	208-464-050	REP-XR	98-23-061	220-16-550	AMD-P	98-11-086
204-10-090	AMD	98-04-053	208-464-060	REP-XR	98-23-061	220-16-550	AMD	98-15-081
204-10-100	REP	98-04-053	208-464-070	REP-XR	98-23-061	220-16-560	NEW-W	98-11-049
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204-10-130	REP	98-04-053	208-464-090	REP-XR	98-23-061	220-16-580	NEW-W	98-11-049
204-10-140	REP	98-04-053	208-472	PREP	98-13-084	220-16-590	NEW	98-06-031
204-10-150	REP	98-04-053	208-480	PREP	98-13-084	220-16-600	NEW-W	98-11-049
204-24-050	PREP	98-11-035	208-480	REP-XR	98-23-061	220-16-610	NEW	98-06-031
204-24-050	AMD-P	98-15-056	208-480-010	REP-XR	98-23-061	220-16-620	NEW-W	98-11-049
204-24-050	AMD	98-19-042	208-480-020	REP-XR	98-23-061	220-16-630	NEW-W	98-11-049
204-46-010	PREP	98-14-049	208-480-030	REP-XR	98-23-061	220-16-640	NEW-W	98-11-049
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204-46-020	NEW-P	98-18-073	208-480-070	REP-XR	98-23-061	220-16-680	NEW-W	98-11-049
204-46-020	NEW	98-23-002	210-01-020	AMD-P	98-21-062	220-16-690	NEW-W	98-11-049
204-46-030	PREP	98-14-049	210-01-080	AMD-P	98-21-062	220-16-700	NEW	98-06-031
204-46-030	NEW-P	98-18-073	210-01-090	AMD-P	98-21-062	220-16-710	NEW	98-06-031
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220-20-010	AMD-P	98-11-086	220-33-01000L	NEW-E	98-23-011	220-47-902	REP-E	98-19-004
220-20-010	AMD	98-15-031	220-33-01000Z	REP-E	98-08-046	220-47-903	NEW-E	98-19-004
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220-20-015	AMD	98-15-031	220-33-06000A	NEW-E	98-14-019	220-47-906	NEW-E	98-20-018
220-20-020	AMD-P	98-09-089	220-36-021	AMD-P	98-11-086	220-47-906	REP-E	98-21-045
220-20-020	AMD	98-15-031	220-36-021	AMD	98-15-081	220-47-907	NEW-E	98-21-045
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220-20-070	NEW-P	98-21-072	220-36-023	AMD	98-15-081	220-47-908	REP-E	98-23-017
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220-24-02000E	NEW-E	98-10-031	220-36-02300X	REP-E	98-19-065	220-47-909	REP-E	98-23-044
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220-24-02000F	NEW-E	98-11-020	220-36-02300Y	NEW-E	98-20-037	220-48-005	AMD	98-05-043
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220-24-02000G	NEW-E	98-11-085	220-40-021	AMD	98-15-081	220-48-013	AMD	98-05-043
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220-32-05100E	NEW-E	98-04-068	220-44-030	AMD	98-05-043	220-48-01500F	NEW-E	98-14-093
220-32-05100E	REP-E	98-04-068	220-44-050	AMD	98-05-043	220-48-01500G	NEW-E	98-17-006
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220-32-05100G	REP-E	98-19-019	220-44-050000	NEW-E	98-10-059	220-48-052	AMD	98-05-043
220-32-05100G	NEW-E	98-19-019	220-44-050000	REP-E	98-14-094	220-48-071	AMD	98-05-043
220-32-05100H	REP-E	98-19-051	220-44-050000	NEW-E	98-14-094	220-49-005	AMD	98-05-043
220-32-05100H	NEW-E	98-19-051	220-44-05000N	REP-E	98-18-012	220-49-011	AMD	98-05-043
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220-32-05100I	REP-E	98-19-077	220-44-05000P	REP-E	98-18-050	220-49-013	AMD	98-05-043
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220-32-05500N	REP-E	98-11-041	220-44-05000S	NEW-E	98-21-022	220-49-02000K	NEW-E	98-08-045
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220-32-05500P	NEW-E	98-13-006	220-44-080	AMD	98-05-043	220-49-056	AMD	98-05-043
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220-33-01000E	REP-E	98-22-005	220-47-428	AMD	98-15-081	220-52-04600D	NEW-E	98-14-038
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246-221-265	PREP	98-06-078	246-254-080	AMD-P	98-07-080	246-290-654	AMD-P	98-20-108
246-222-080	AMD-P	98-09-108	246-254-080	AMD	98-11-067	246-290-660	AMD-P	98-20-108
246-222-080	AMD	98-13-037	246-254-090	AMD-P	98-07-080	246-290-662	AMD-P	98-20-108
246-232-010	AMD-P	98-09-108	246-254-090	AMD	98-11-067	246-290-664	AMD-P	98-20-108

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246-290-668	AMD-P	98-20-108	246-312-060	NEW	98-14-056	246-320-105	NEW-P	98-21-083
246-290-670	AMD-P	98-20-108	246-312-070	NEW-P	98-09-111	246-320-125	NEW-P	98-21-083
246-290-672	AMD-P	98-20-108	246-312-070	NEW	98-14-056	246-320-145	NEW-P	98-21-083
246-290-674	AMD-P	98-20-108	246-312-080	NEW-P	98-09-111	246-320-165	NEW-P	98-21-083
246-290-676	AMD-P	98-20-108	246-312-080	NEW	98-14-056	246-320-185	NEW-P	98-21-083
246-290-678	AMD-P	98-20-108	246-312-090	NEW-P	98-09-111	246-320-205	NEW-P	98-21-083
246-290-686	AMD-P	98-20-108	246-312-090	NEW	98-14-056	246-320-225	NEW-P	98-21-083
246-290-690	AMD-P	98-20-108	246-312-100	NEW-P	98-09-111	246-320-245	NEW-P	98-21-083
246-290-691	NEW-P	98-20-108	246-312-100	NEW	98-14-056	246-320-265	NEW-P	98-21-083
246-290-692	AMD-P	98-20-108	246-312-110	NEW-P	98-09-111	246-320-285	NEW-P	98-21-083
246-290-694	AMD-P	98-20-108	246-312-110	NEW-W	98-22-075	246-320-305	NEW-P	98-21-083
246-290-696	AMD-P	98-20-108	246-312-110	NEW-W	98-22-078	246-320-325	NEW-P	98-21-083
246-290-990	AMD-P	98-07-082	246-312-120	NEW-P	98-09-111	246-320-345	NEW-P	98-21-083
246-290-990	AMD	98-11-068	246-312-120	NEW-W	98-22-075	246-320-365	NEW-P	98-21-083
246-292-160	AMD-P	98-07-082	246-312-120	NEW-W	98-22-078	246-320-385	NEW-P	98-21-083
246-292-160	AMD	98-12-015	246-312-200	NEW	98-14-056	246-320-405	NEW-P	98-21-083
246-310-010	AMD-XA	98-05-057	246-316-010	DECOD	98-20-021	246-320-500	NEW-P	98-21-083
246-310-010	AMD	98-10-053	246-316-020	DECOD	98-20-021	246-320-505	NEW-P	98-21-083
246-310-044	AMD-XA	98-05-057	246-316-030	DECOD	98-20-021	246-320-515	NEW-P	98-21-083
246-310-044	AMD	98-10-053	246-316-040	DECOD	98-20-021	246-320-525	NEW-P	98-21-083
246-310-045	NEW-XA	98-12-067	246-316-045	DECOD	98-20-021	246-320-535	NEW-P	98-21-083
246-310-045	NEW	98-17-099	246-316-050	DECOD	98-20-021	246-320-545	NEW-P	98-21-083
246-310-050	AMD-XA	98-05-057	246-316-055	DECOD	98-20-021	246-320-555	NEW-P	98-21-083
246-310-050	AMD	98-10-053	246-316-060	DECOD	98-20-021	246-320-565	NEW-P	98-21-083
246-310-080	AMD-XA	98-05-057	246-316-070	DECOD	98-20-021	246-320-575	NEW-P	98-21-083
246-310-080	AMD	98-10-053	246-316-080	DECOD	98-20-021	246-320-585	NEW-P	98-21-083
246-310-090	AMD-XA	98-05-057	246-316-090	DECOD	98-20-021	246-320-595	NEW-P	98-21-083
246-310-090	AMD	98-10-053	246-316-100	DECOD	98-20-021	246-320-605	NEW-P	98-21-083
246-310-120	AMD-XA	98-05-057	246-316-110	DECOD	98-20-021	246-320-615	NEW-P	98-21-083
246-310-120	AMD	98-10-053	246-316-120	DECOD	98-20-021	246-320-625	NEW-P	98-21-083
246-310-132	AMD-XA	98-05-057	246-316-130	DECOD	98-20-021	246-320-635	NEW-P	98-21-083
246-310-132	AMD	98-10-053	246-316-140	DECOD	98-20-021	246-320-645	NEW-P	98-21-083
246-310-150	AMD-XA	98-05-057	246-316-150	DECOD	98-20-021	246-320-655	NEW-P	98-21-083
246-310-150	AMD	98-10-053	246-316-160	DECOD	98-20-021	246-320-665	NEW-P	98-21-083
246-310-160	AMD-XA	98-05-057	246-316-170	DECOD	98-20-021	246-320-675	NEW-P	98-21-083
246-310-160	AMD	98-10-053	246-316-180	DECOD	98-20-021	246-320-685	NEW-P	98-21-083
246-310-170	AMD-XA	98-05-057	246-316-190	DECOD	98-20-021	246-320-695	NEW-P	98-21-083
246-310-170	AMD	98-10-053	246-316-200	DECOD	98-20-021	246-320-705	NEW-P	98-21-083
246-310-180	AMD-XA	98-05-057	246-316-210	DECOD	98-20-021	246-320-715	NEW-P	98-21-083
246-310-180	AMD	98-10-053	246-316-220	DECOD	98-20-021	246-320-725	NEW-P	98-21-083
246-310-395	AMD-XA	98-05-057	246-316-230	DECOD	98-20-021	246-320-735	NEW-P	98-21-083
246-310-395	AMD	98-10-053	246-316-240	DECOD	98-20-021	246-320-745	NEW-P	98-21-083
246-310-395	AMD-XA	98-12-067	246-316-250	DECOD	98-20-021	246-320-755	NEW-P	98-21-083
246-310-395	AMD	98-17-099	246-316-260	DECOD	98-20-021	246-320-765	NEW-P	98-21-083
246-310-396	AMD-XA	98-05-057	246-316-265	DECOD	98-20-021	246-320-775	NEW-P	98-21-083
246-310-396	AMD	98-10-053	246-316-268	DECOD	98-20-021	246-320-785	NEW-P	98-21-083
246-310-397	AMD-XA	98-12-067	246-316-280	DECOD	98-20-021	246-320-795	NEW-P	98-21-083
246-310-397	AMD	98-17-099	246-316-290	DECOD	98-20-021	246-320-805	NEW-P	98-21-083
246-310-560	AMD-XA	98-05-057	246-316-300	DECOD	98-20-021	246-320-815	NEW-P	98-21-083
246-310-560	AMD	98-10-053	246-316-310	DECOD	98-20-021	246-320-990	NEW-P	98-21-083
246-310-610	AMD-XA	98-05-057	246-316-320	DECOD	98-20-021	246-320-99902	NEW-P	98-21-083
246-310-610	AMD	98-10-053	246-316-330	DECOD	98-20-021	246-327-990	AMD-P	98-09-112
246-310-620	REP-XR	98-18-068	246-316-335	DECOD	98-20-021	246-327-990	AMD	98-13-036
246-310-620	REP	98-21-084	246-316-340	DECOD	98-20-021	246-328-100	REP	98-05-060
246-312	AMD-P	98-09-111	246-316-990	AMD-E	98-04-090	246-328-200	AMD	98-05-060
246-312	AMD	98-14-056	246-316-990	PREP	98-14-085	246-328-990	AMD	98-05-060
246-312-020	NEW-P	98-09-111	246-316-990	AMD-E	98-14-087	246-331-990	AMD-P	98-09-112
246-312-020	NEW	98-14-056	246-316-990	RESCIND	98-17-067	246-331-990	AMD	98-13-036
246-312-030	NEW-P	98-09-111	246-316-990	DECOD	98-20-021	246-336-990	AMD-P	98-09-112
246-312-030	NEW	98-14-056	246-318-990	AMD-P	98-09-109	246-336-990	AMD	98-13-036
246-312-035	NEW-P	98-09-111	246-318-990	AMD	98-13-035	246-338	PREP	98-17-100
246-312-035	NEW	98-14-056	246-320-001	NEW-P	98-21-083	246-340-085	REP	98-09-120
246-312-040	NEW-P	98-09-111	246-320-010	NEW-P	98-21-083	246-358-600	NEW-E	98-11-001
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246-312-050	NEW-P	98-09-111	246-320-045	NEW-P	98-21-083	246-358-620	NEW-E	98-11-001
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246-358-650	NEW-E	98-11-001	246-562-020	NEW	98-20-067	246-812-120	RE-AD-P	98-14-124
246-359-001	NEW-P	98-21-085	246-562-040	NEW-P	98-15-154	246-812-120	RE-AD	98-20-068
246-359-005	NEW-P	98-21-085	246-562-040	NEW	98-20-067	246-812-125	RE-AD-P	98-14-124
246-359-010	NEW-P	98-21-085	246-562-050	NEW-P	98-15-154	246-812-125	RE-AD	98-20-068
246-359-020	NEW-P	98-21-085	246-562-050	NEW	98-20-067	246-812-130	REP-W	98-08-111
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246-359-040	NEW-P	98-21-085	246-562-060	NEW	98-20-067	246-812-130	AMD	98-20-068
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246-359-060	NEW-P	98-21-085	246-562-070	NEW	98-20-067	246-812-150	RE-AD-P	98-14-124
246-359-070	NEW-P	98-21-085	246-562-080	NEW-P	98-15-154	246-812-150	RE-AD	98-20-068
246-359-080	NEW-P	98-21-085	246-562-080	NEW	98-20-067	246-812-155	AMD-P	98-14-124
246-359-090	NEW-P	98-21-085	246-562-090	NEW-P	98-15-154	246-812-155	AMD	98-20-068
246-359-100	NEW-P	98-21-085	246-562-090	NEW	98-20-067	246-812-160	AMD	98-05-060
246-359-110	NEW-P	98-21-085	246-562-100	NEW-P	98-15-154	246-812-160	RE-AD-P	98-14-124
246-359-120	NEW-P	98-21-085	246-562-100	NEW	98-20-067	246-812-160	RE-AD	98-20-068
246-359-130	NEW-P	98-21-085	246-562-110	NEW-P	98-15-154	246-812-161	NEW	98-05-060
246-359-140	NEW-P	98-21-085	246-562-110	NEW	98-20-067	246-812-161	RE-AD-P	98-14-124
246-359-150	NEW-P	98-21-085	246-562-120	NEW-P	98-15-154	246-812-161	RE-AD	98-20-068
246-359-160	NEW-P	98-21-085	246-562-120	NEW	98-20-067	246-812-170	RE-AD-P	98-14-124
246-359-170	NEW-P	98-21-085	246-562-130	NEW-P	98-15-154	246-812-170	RE-AD	98-20-068
246-359-180	NEW-P	98-21-085	246-562-130	NEW	98-20-067	246-812-301	RE-AD-P	98-14-124
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246-359-220	NEW-P	98-21-085	246-562-150	NEW-P	98-15-154	246-812-320	RE-AD	98-20-068
246-359-230	NEW-P	98-21-085	246-562-150	NEW	98-20-067	246-812-330	RE-AD-P	98-14-124
246-359-240	NEW-P	98-21-085	246-710-001	AMD-P	98-20-107	246-812-330	RE-AD	98-20-068
246-359-250	NEW-P	98-21-085	246-710-010	AMD-P	98-20-107	246-812-340	RE-AD-P	98-14-124
246-359-300	NEW-P	98-21-085	246-710-020	REP-P	98-20-107	246-812-340	RE-AD	98-20-068
246-359-310	NEW-P	98-21-085	246-710-030	AMD-P	98-20-107	246-812-350	RE-AD-P	98-14-124
246-359-320	NEW-P	98-21-085	246-710-050	AMD-P	98-20-107	246-812-350	RE-AD	98-20-068
246-359-330	NEW-P	98-21-085	246-710-060	AMD-P	98-20-107	246-812-360	RE-AD-P	98-14-124
246-359-340	NEW-P	98-21-085	246-710-070	AMD-P	98-20-107	246-812-360	RE-AD	98-20-068
246-359-350	NEW-P	98-21-085	246-710-080	AMD-P	98-20-107	246-812-390	RE-AD-P	98-14-124
246-359-400	NEW-P	98-21-085	246-710-090	AMD-P	98-20-107	246-812-390	RE-AD	98-20-068
246-359-405	NEW-P	98-21-085	246-780	PREP	98-14-117	246-812-400	RE-AD-P	98-14-124
246-359-410	NEW-P	98-21-085	246-802-020	REP	98-05-060	246-812-400	RE-AD	98-20-068
246-359-420	NEW-P	98-21-085	246-802-025	AMD	98-05-060	246-812-410	RE-AD-P	98-14-124
246-359-430	NEW-P	98-21-085	246-802-090	AMD	98-05-060	246-812-410	RE-AD	98-20-068
246-359-440	NEW-P	98-21-085	246-802-250	AMD	98-05-060	246-812-420	RE-AD-P	98-14-124
246-359-500	NEW-P	98-21-085	246-802-990	AMD	98-05-060	246-812-420	RE-AD	98-20-068
246-359-510	NEW-P	98-21-085	246-808-105	AMD	98-05-060	246-812-430	RE-AD-P	98-14-124
246-359-520	NEW-P	98-21-085	246-808-106	REP	98-05-060	246-812-430	RE-AD	98-20-068
246-359-530	NEW-P	98-21-085	246-808-150	AMD	98-05-060	246-812-440	RE-AD-P	98-14-124
246-359-540	NEW-P	98-21-085	246-808-155	AMD	98-05-060	246-812-440	RE-AD	98-20-068
246-359-550	NEW-P	98-21-085	246-808-160	REP	98-05-060	246-812-450	RE-AD-P	98-14-124
246-359-560	NEW-P	98-21-085	246-808-165	AMD	98-05-060	246-812-450	RE-AD	98-20-068
246-359-565	NEW-P	98-21-085	246-808-180	AMD	98-05-060	246-812-460	RE-AD-P	98-14-124
246-359-570	NEW-P	98-21-085	246-808-181	NEW	98-05-060	246-812-460	RE-AD	98-20-068
246-359-575	NEW-P	98-21-085	246-808-185	REP	98-05-060	246-812-501	AMD-P	98-14-124
246-359-580	NEW-P	98-21-085	246-808-215	AMD	98-05-060	246-812-501	AMD	98-20-068
246-359-590	NEW-P	98-21-085	246-808-990	AMD	98-05-060	246-812-510	RE-AD-P	98-14-124
246-359-600	NEW-P	98-21-085	246-810	PREP	98-16-063	246-812-510	RE-AD	98-20-068
246-359-700	NEW-P	98-21-085	246-810-020	REP	98-05-060	246-812-520	RE-AD-P	98-14-124
246-359-710	NEW-P	98-21-085	246-810-022	REP	98-05-060	246-812-520	RE-AD	98-20-068
246-359-720	NEW-P	98-21-085	246-810-080	AMD	98-05-060	246-812-601	RE-AD-P	98-14-124
246-359-730	NEW-P	98-21-085	246-810-130	AMD	98-05-060	246-812-601	RE-AD	98-20-068
246-359-740	NEW-P	98-21-085	246-810-140	REP-W	98-05-059	246-812-610	RE-AD-P	98-14-124
246-359-750	NEW-P	98-21-085	246-810-990	AMD	98-05-060	246-812-610	RE-AD	98-20-068
246-359-760	NEW-P	98-21-085	246-812-001	RE-AD-P	98-14-124	246-812-620	RE-AD-P	98-14-124
246-359-800	NEW-P	98-21-085	246-812-001	RE-AD	98-20-068	246-812-620	RE-AD	98-20-068
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246-562-010	NEW-P	98-15-154	246-812-101	RE-AD-P	98-14-124	246-812-990	RE-AD	98-20-068
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246-812-995	RE-AD	98-20-068	246-828-230	REP-XR	98-22-081	246-840-113	REP-XR	98-18-069
246-815-020	AMD	98-05-060	246-828-240	REP-XR	98-22-081	246-840-115	REP	98-05-060
246-815-040	REP	98-05-060	246-828-250	REP-XR	98-22-081	246-840-120	AMD	98-05-060
246-815-060	REP-XR	98-07-087	246-828-260	REP-XR	98-22-081	246-840-340	AMD	98-05-060
246-815-060	REP	98-14-123	246-828-270	AMD	98-06-079	246-840-350	AMD	98-05-060
246-815-070	REP-XR	98-07-087	246-828-280	AMD	98-06-079	246-840-360	AMD	98-05-060
246-815-070	REP	98-14-123	246-828-295	AMD-W	98-05-058	246-840-365	AMD	98-05-060
246-815-080	REP-XR	98-07-087	246-828-295	AMD	98-05-060	246-840-410	AMD	98-05-060
246-815-080	REP	98-14-123	246-828-300	AMD-W	98-05-058	246-840-440	AMD	98-05-060
246-815-090	REP-XR	98-07-087	246-828-300	AMD	98-05-060	246-840-450	AMD	98-05-060
246-815-090	REP	98-14-123	246-828-310	REP-XR	98-22-081	246-840-700	PREP	98-23-071
246-815-100	AMD	98-05-060	246-828-320	AMD	98-06-079	246-840-705	PREP	98-23-071
246-815-140	AMD	98-05-060	246-828-330	AMD	98-06-079	246-840-710	PREP	98-23-071
246-815-150	REP	98-05-060	246-828-340	AMD	98-06-079	246-840-715	PREP	98-23-071
246-815-300	REP	98-05-060	246-828-340	REP-XR	98-22-080	246-840-730	PREP	98-09-115
246-815-990	AMD	98-05-060	246-828-350	AMD	98-06-079	246-840-740	NEW-S	98-21-088
246-817-110	AMD	98-05-060	246-828-370	AMD-W	98-05-058	246-840-985	NEW-C	98-08-116
246-817-150	AMD	98-05-060	246-828-370	AMD	98-05-060	246-840-985	NEW-W	98-09-040
246-817-201	REP	98-05-060	246-828-510	AMD	98-05-060	246-840-990	AMD	98-05-060
246-817-210	AMD	98-05-060	246-828-520	REP	98-05-060	246-840-990	PREP	98-10-108
246-817-990	AMD	98-05-060	246-828-530	AMD	98-05-060	246-841-520	NEW	98-05-060
246-822-110	REP	98-05-060	246-828-540	REP	98-05-060	246-841-610	AMD	98-05-060
246-822-120	AMD	98-05-060	246-828-560	REP	98-05-060	246-841-990	AMD	98-05-060
246-822-990	AMD	98-05-060	246-828-990	AMD	98-05-060	246-843-060	REP-XR	98-19-093
246-824-020	AMD	98-05-060	246-830-035	AMD	98-05-060	246-843-150	AMD	98-05-060
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246-824-071	AMD	98-05-060	246-830-460	AMD	98-05-060	246-843-160	REP	98-05-060
246-824-073	AMD	98-05-060	246-830-465	REP	98-05-060	246-843-162	AMD	98-05-060
246-824-074	NEW	98-05-060	246-830-470	REP	98-05-060	246-843-180	AMD	98-05-060
246-824-075	AMD	98-05-060	246-830-480	REP	98-05-060	246-843-200	REP-XR	98-19-094
246-824-170	AMD	98-05-060	246-830-990	AMD	98-05-060	246-843-220	REP-XR	98-19-095
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251-19-060	AMD	98-19-035	255-01-120	NEW	98-07-071	275-27-050	AMD-P	98-16-091
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284-43-310	NEW	98-04-005	284-58-060	REP	98-09-041	288-06-050	NEW	98-17-004
284-43-320	NEW	98-04-005	284-58-250	AMD-XA	98-08-098	288-06-060	NEW-P	98-14-059
284-43-330	NEW	98-04-005	284-58-250	AMD	98-13-094	288-06-060	NEW	98-17-004
284-43-340	NEW	98-04-005	284-58-260	AMD-XA	98-08-098	288-06-070	NEW-P	98-14-059
284-43-400	NEW-W	98-10-082	284-58-260	AMD	98-13-094	288-06-070	NEW	98-17-004
284-43-410	NEW-W	98-10-082	284-58-270	REP-XA	98-08-098	292-100	PREP	98-11-026
284-43-420	NEW-W	98-10-082	284-58-270	REP	98-13-094	292-100-005	NEW-P	98-22-071
284-43-610	NEW-W	98-10-082	284-58-280	REP-XA	98-08-098	292-100-006	NEW-P	98-22-071
284-43-620	NEW-W	98-10-082	284-58-280	REP	98-13-094	292-100-007	NEW-P	98-22-071
284-43-630	NEW-W	98-10-082	284-60	PREP	98-13-087	292-100-010	AMD-P	98-22-071
284-43-640	NEW-W	98-10-082	284-66	PREP	98-13-088	292-100-020	AMD-P	98-22-071
284-43-650	NEW-W	98-10-082	284-74-010	AMD	98-05-069	292-100-030	AMD-P	98-22-071
284-43-700	NEW	98-04-005	284-74-020	NEW	98-05-069	292-100-040	AMD-P	98-22-071
284-43-710	NEW	98-04-005	286-04-010	AMD-P	98-04-079	292-100-050	AMD-P	98-22-071
284-43-720	NEW	98-04-005	286-04-010	AMD	98-08-014	292-100-060	AMD-P	98-22-071
284-43-730	NEW	98-04-005	286-04-060	AMD-P	98-04-079	292-100-070	AMD-P	98-22-071
284-43-800	NEW	98-04-005	286-04-060	AMD	98-08-014	292-100-080	AMD-P	98-22-071
284-43-900	NEW	98-04-011	286-06-065	AMD	98-08-014	292-100-090	AMD-P	98-22-071
284-43-905	NEW	98-04-011	286-13-030	AMD-P	98-04-079	292-100-100	AMD-P	98-22-071
284-43-910	NEW	98-04-011	286-13-030	AMD	98-08-014	292-100-105	NEW-P	98-22-071
284-43-915	NEW	98-04-011	286-13-040	AMD-P	98-04-079	292-100-110	AMD-P	98-22-071
284-43-920	NEW	98-04-011	286-13-040	AMD	98-08-014	292-100-120	AMD-P	98-22-071
284-43-925	NEW	98-04-011	286-13-045	AMD-P	98-04-079	292-100-130	AMD-P	98-22-071
284-43-930	NEW	98-04-011	286-13-045	AMD	98-08-014	292-100-140	AMD-P	98-22-071
284-43-930	AMD-XA	98-07-105	286-13-070	AMD-P	98-04-079	292-100-150	AMD-P	98-22-071
284-43-930	AMD	98-11-089	286-13-070	AMD	98-08-014	292-100-160	AMD-P	98-22-071
284-43-935	NEW	98-04-011	286-13-085	AMD-P	98-04-079	292-100-170	AMD-P	98-22-071
284-43-940	NEW	98-04-011	286-13-085	AMD	98-08-014	292-100-180	AMD-P	98-22-071
284-43-945	NEW	98-04-011	286-13-100	AMD-P	98-04-079	292-100-190	AMD-P	98-22-071
284-43-950	NEW	98-04-011	286-13-100	AMD	98-08-014	292-100-200	AMD-P	98-22-071
284-43-955	NEW	98-04-011	286-26-020	AMD-P	98-04-079	292-100-210	NEW-P	98-22-071
284-44	REP-C	98-02-063	286-26-020	AMD	98-08-014	292-110-010	AMD	98-08-054

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
292-110-050	NEW	98-03-045	296-04-470	REP-W	98-12-074	296-08-220	REP-XR	98-08-102
292-110-060	NEW	98-04-001	296-04-480	REP-W	98-12-074	296-08-370	REP-XR	98-08-102
292-130-010	NEW-P	98-16-006	296-04A-001	NEW-W	98-07-058	296-08-380	REP-XR	98-08-102
292-130-010	NEW	98-22-072	296-04A-003	NEW-W	98-07-058	296-08-390	REP-XR	98-08-102
292-130-020	NEW-P	98-16-006	296-04A-006	NEW-W	98-07-058	296-08-400	REP-XR	98-08-102
292-130-020	NEW	98-22-072	296-04A-009	NEW-W	98-07-058	296-08-410	REP-XR	98-08-102
292-130-030	NEW-P	98-16-006	296-04A-012	NEW-W	98-07-058	296-08-420	REP-XR	98-08-102
292-130-030	NEW	98-22-072	296-04A-015	NEW-W	98-07-058	296-08-430	REP-XR	98-08-102
292-130-040	NEW-P	98-16-006	296-04A-018	NEW-W	98-07-058	296-08-440	REP-XR	98-08-102
292-130-040	NEW	98-22-072	296-04A-025	NEW-W	98-07-058	296-08-450	REP-XR	98-08-102
292-130-050	NEW-P	98-16-006	296-04A-028	NEW-W	98-07-058	296-08-460	REP-XR	98-08-102
292-130-050	NEW	98-22-072	296-04A-034	NEW-W	98-07-058	296-08-470	REP-XR	98-08-102
292-130-060	NEW-P	98-16-006	296-04A-037	NEW-W	98-07-058	296-08-480	REP-XR	98-08-102
292-130-060	NEW	98-22-072	296-04A-040	NEW-W	98-07-058	296-08-490	REP-XR	98-08-102
292-130-070	NEW-P	98-16-006	296-04A-043	NEW-W	98-07-058	296-08-500	REP-XR	98-08-102
292-130-070	NEW	98-22-072	296-04A-046	NEW-W	98-07-058	296-08-510	REP-XR	98-08-102
292-130-080	NEW-P	98-16-006	296-04A-049	NEW-W	98-07-058	296-08-520	REP-XR	98-08-102
292-130-080	NEW	98-22-072	296-04A-052	NEW-W	98-07-058	296-08-530	REP-XR	98-08-102
292-130-090	NEW-P	98-16-006	296-04A-055	NEW-W	98-07-058	296-08-540	REP-XR	98-08-102
292-130-090	NEW	98-22-072	296-04A-060	NEW-W	98-07-058	296-08-550	REP-XR	98-08-102
292-130-100	NEW-P	98-16-006	296-04A-100	NEW-W	98-07-058	296-08-560	REP-XR	98-08-102
292-130-100	NEW	98-22-072	296-04A-110	NEW-W	98-07-058	296-08-570	REP-XR	98-08-102
292-130-110	NEW-P	98-16-006	296-04A-120	NEW-W	98-07-058	296-08-580	REP-XR	98-08-102
292-130-110	NEW	98-22-072	296-04A-130	NEW-W	98-07-058	296-08-590	REP-XR	98-08-102
292-130-120	NEW-P	98-16-006	296-04A-150	NEW-W	98-07-058	296-14-010	REP-P	98-12-079
292-130-120	NEW	98-22-072	296-04A-200	NEW-W	98-07-058	296-14-010	REP	98-18-042
292-130-130	NEW-P	98-16-006	296-04A-210	NEW-W	98-07-058	296-14-015	REP-P	98-12-079
292-130-130	NEW	98-22-072	296-04A-230	NEW-W	98-07-058	296-14-015	REP	98-18-042
292-130-140	NEW-P	98-16-006	296-04A-300	NEW-W	98-07-058	296-14-900	AMD-P	98-13-125
292-130-140	NEW	98-22-072	296-04A-30001	NEW-W	98-07-058	296-14-900	AMD	98-19-001
296-04	PREP	98-09-063	296-04A-330	NEW-W	98-07-058	296-14-910	AMD-P	98-13-125
296-04-001	REP-W	98-12-074	296-04A-340	NEW-W	98-07-058	296-14-910	AMD	98-19-001
296-04-005	REP-W	98-12-074	296-04A-350	NEW-W	98-07-058	296-14-920	AMD-P	98-13-125
296-04-010	REP-W	98-12-074	296-04A-351	NEW-W	98-07-058	296-14-920	AMD	98-19-001
296-04-015	REP-W	98-12-074	296-04A-360	NEW-W	98-07-058	296-14-930	AMD-P	98-13-125
296-04-040	REP-W	98-12-074	296-04A-370	NEW-W	98-07-058	296-14-930	AMD	98-19-001
296-04-042	REP-W	98-12-074	296-04A-380	NEW-W	98-07-058	296-14-940	AMD-P	98-13-125
296-04-045	REP-W	98-12-074	296-04A-390	NEW-W	98-07-058	296-14-940	AMD	98-19-001
296-04-05001	REP-W	98-12-074	296-04A-400	NEW-W	98-07-058	296-15-001	NEW-P	98-19-148
296-04-060	REP-W	98-12-074	296-04A-410	NEW-W	98-07-058	296-15-02606	REP-P	98-19-148
296-04-090	REP-W	98-12-074	296-04A-420	NEW-W	98-07-058	296-15-070	REP-P	98-19-148
296-04-105	REP-W	98-12-074	296-04A-430	NEW-W	98-07-058	296-15-072	REP-P	98-19-148
296-04-115	REP-W	98-12-074	296-04A-440	NEW-W	98-07-058	296-15-100	REP-P	98-19-148
296-04-125	REP-W	98-12-074	296-04A-460	NEW-W	98-07-058	296-15-160	REP-P	98-19-148
296-04-160	REP-W	98-12-074	296-04A-470	NEW-W	98-07-058	296-15-180	REP-P	98-19-148
296-04-165	REP-W	98-12-074	296-04A-480	NEW-W	98-07-058	296-15-190	REP-P	98-19-148
296-04-260	REP-W	98-12-074	296-08-001	REP-XR	98-08-102	296-15-190	REP-P	98-19-148
296-04-270	REP-W	98-12-074	296-08-020	REP-XR	98-08-102	296-15-21002	REP-P	98-19-148
296-04-275	REP-W	98-12-074	296-08-030	REP-XR	98-08-102	296-15-230	REP-P	98-19-148
296-04-280	REP-W	98-12-074	296-08-040	REP-XR	98-08-102	296-15-240	REP-P	98-19-148
296-04-295	REP-W	98-12-074	296-08-050	REP-XR	98-08-102	296-15-250	REP-P	98-19-148
296-04-300	REP-W	98-12-074	296-08-060	REP-XR	98-08-102	296-15-265	REP-P	98-19-148
296-04-310	REP-W	98-12-074	296-08-070	REP-XR	98-08-102	296-15-300	NEW-P	98-19-148
296-04-330	REP-W	98-12-074	296-08-080	REP-XR	98-08-102	296-15-305	NEW-P	98-19-148
296-04-340	REP-W	98-12-074	296-08-080	REP-XR	98-08-102	296-15-320	NEW-P	98-19-148
296-04-350	REP-W	98-12-074	296-08-090	REP-XR	98-08-102	296-15-350	NEW-P	98-19-148
296-04-351	REP-W	98-12-074	296-08-100	REP-XR	98-08-102	296-15-380	NEW-P	98-19-148
296-04-360	REP-W	98-12-074	296-08-110	REP-XR	98-08-102	296-15-390	NEW-P	98-19-148
296-04-370	REP-W	98-12-074	296-08-120	REP-XR	98-08-102	296-15-395	NEW-P	98-19-148
296-04-380	REP-W	98-12-074	296-08-130	REP-XR	98-08-102	296-17	PREP	98-11-101
296-04-390	REP-W	98-12-074	296-08-140	REP-XR	98-08-102	296-17	AMD-P	98-12-079
296-04-400	REP-W	98-12-074	296-08-150	REP-XR	98-08-102	296-17	PREP	98-14-140
296-04-410	REP-W	98-12-074	296-08-160	REP-XR	98-08-102	296-17	AMD	98-18-042
296-04-420	REP-W	98-12-074	296-08-170	REP-XR	98-08-102	296-17-310	REP-P	98-12-079
296-04-430	REP-W	98-12-074	296-08-180	REP-XR	98-08-102	296-17-310	REP	98-18-042
296-04-440	REP-W	98-12-074	296-08-190	REP-XR	98-08-102	296-17-31001	NEW-P	98-12-079
296-04-460	REP-W	98-12-074	296-08-200	REP-XR	98-08-102	296-17-31001	NEW	98-18-042
			296-08-210	REP-XR	98-08-102	296-17-31002	NEW-P	98-12-079

TABLE



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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-17-31002	NEW	98-18-042	296-17-360	REP-P	98-12-079	296-17-50912	AMD	98-18-042
296-17-31003	NEW-P	98-12-079	296-17-360	REP	98-18-042	296-17-50915	AMD-P	98-12-079
296-17-31003	NEW	98-18-042	296-17-370	REP-P	98-12-079	296-17-50915	AMD	98-18-042
296-17-31004	NEW-P	98-12-079	296-17-370	REP	98-18-042	296-17-50917	AMD-P	98-12-079
296-17-31004	NEW	98-18-042	296-17-380	REP-P	98-12-079	296-17-50917	AMD	98-18-042
296-17-31005	NEW-P	98-12-079	296-17-380	REP	98-18-042	296-17-510	AMD-P	98-12-079
296-17-31005	NEW	98-18-042	296-17-390	REP-P	98-12-079	296-17-510	AMD	98-18-042
296-17-31006	NEW-P	98-12-079	296-17-390	REP	98-18-042	296-17-511	AMD-P	98-12-079
296-17-31006	NEW	98-18-042	296-17-400	REP-P	98-12-079	296-17-511	AMD	98-18-042
296-17-31007	NEW-P	98-12-079	296-17-400	REP	98-18-042	296-17-51101	AMD-P	98-12-079
296-17-31007	NEW	98-18-042	296-17-410	REP-P	98-12-079	296-17-51101	AMD	98-18-042
296-17-31008	NEW-P	98-12-079	296-17-410	REP	98-18-042	296-17-512	AMD-P	98-12-079
296-17-31008	NEW	98-18-042	296-17-411	REP-P	98-12-079	296-17-512	AMD	98-18-042
296-17-31009	NEW-P	98-12-079	296-17-411	REP	98-18-042	296-17-513	AMD-P	98-12-079
296-17-31009	NEW	98-18-042	296-17-420	REP-P	98-12-079	296-17-513	AMD	98-18-042
296-17-31010	NEW-P	98-12-079	296-17-420	REP	98-18-042	296-17-51301	AMD-P	98-12-079
296-17-31010	NEW	98-18-042	296-17-430	REP-P	98-12-079	296-17-51301	AMD	98-18-042
296-17-31011	NEW-P	98-12-079	296-17-430	REP	98-18-042	296-17-516	AMD-P	98-12-079
296-17-31011	NEW	98-18-042	296-17-440	REP-P	98-12-079	296-17-516	AMD	98-18-042
296-17-31012	NEW-P	98-12-079	296-17-440	REP	98-18-042	296-17-517	AMD-P	98-12-079
296-17-31012	NEW	98-18-042	296-17-44001	REP-P	98-12-079	296-17-517	AMD	98-18-042
296-17-31013	NEW-P	98-12-079	296-17-44001	REP	98-18-042	296-17-519	AMD-P	98-12-079
296-17-31013	NEW	98-18-042	296-17-441	REP-P	98-12-079	296-17-519	AMD	98-18-042
296-17-31014	NEW-P	98-12-079	296-17-441	REP	98-18-042	296-17-52001	AMD-P	98-12-079
296-17-31014	NEW	98-18-042	296-17-441	REP	98-18-042	296-17-52001	AMD	98-18-042
296-17-31015	NEW-P	98-12-079	296-17-450	REP-P	98-12-079	296-17-52002	AMD-P	98-12-079
296-17-31015	NEW	98-18-042	296-17-450	REP	98-18-042	296-17-52002	AMD	98-18-042
296-17-31016	NEW-P	98-12-079	296-17-45001	REP-P	98-12-079	296-17-52002	AMD	98-18-042
296-17-31016	NEW	98-18-042	296-17-45001	REP	98-18-042	296-17-521	AMD-P	98-12-079
296-17-31017	NEW-P	98-12-079	296-17-45002	REP-P	98-12-079	296-17-521	AMD	98-18-042
296-17-31017	NEW	98-18-042	296-17-45002	REP	98-18-042	296-17-52101	AMD-P	98-12-079
296-17-31018	NEW-P	98-12-079	296-17-45003	REP-P	98-12-079	296-17-52101	AMD	98-18-042
296-17-31018	NEW	98-18-042	296-17-45003	REP	98-18-042	296-17-52102	AMD-P	98-12-079
296-17-31019	NEW-P	98-12-079	296-17-45004	REP-P	98-12-079	296-17-52102	AMD	98-18-042
296-17-31019	NEW	98-18-042	296-17-45004	REP	98-18-042	296-17-52103	AMD-P	98-12-079
296-17-31020	NEW-P	98-12-079	296-17-45005	REP-P	98-12-079	296-17-52103	AMD	98-18-042
296-17-31020	NEW	98-18-042	296-17-45005	REP	98-18-042	296-17-52104	AMD-P	98-12-079
296-17-31021	NEW-P	98-12-079	296-17-45006	REP-P	98-12-079	296-17-52104	AMD	98-18-042
296-17-31021	NEW	98-18-042	296-17-45006	REP	98-18-042	296-17-52105	AMD-P	98-12-079
296-17-31022	NEW-P	98-12-079	296-17-455	REP-P	98-12-079	296-17-52105	AMD	98-18-042
296-17-31022	NEW	98-18-042	296-17-455	REP	98-18-042	296-17-52106	AMD-P	98-12-079
296-17-31023	NEW-P	98-12-079	296-17-460	REP-P	98-12-079	296-17-52106	AMD	98-18-042
296-17-31023	NEW	98-18-042	296-17-460	REP	98-18-042	296-17-52108	AMD-P	98-12-079
296-17-31024	NEW-P	98-12-079	296-17-470	REP-P	98-12-079	296-17-52108	AMD	98-18-042
296-17-31024	NEW	98-18-042	296-17-470	REP	98-18-042	296-17-52109	AMD-P	98-12-079
296-17-31025	NEW-P	98-12-079	296-17-501	AMD-P	98-12-079	296-17-52109	AMD	98-18-042
296-17-31025	NEW	98-18-042	296-17-501	AMD	98-18-042	296-17-52110	AMD-P	98-12-079
296-17-31026	NEW-P	98-12-079	296-17-503	AMD-P	98-12-079	296-17-52110	AMD	98-18-042
296-17-31026	NEW	98-18-042	296-17-503	AMD	98-18-042	296-17-52111	AMD-P	98-12-079
296-17-31027	NEW-P	98-12-079	296-17-504	AMD-P	98-12-079	296-17-52111	AMD	98-18-042
296-17-31027	NEW	98-18-042	296-17-504	AMD	98-18-042	296-17-52113	AMD-P	98-12-079
296-17-31028	NEW-P	98-12-079	296-17-505	AMD-P	98-12-079	296-17-52113	AMD	98-18-042
296-17-31028	NEW	98-18-042	296-17-505	AMD	98-18-042	296-17-52116	AMD-P	98-12-079
296-17-31029	NEW-P	98-12-079	296-17-50601	AMD-P	98-12-079	296-17-52116	AMD	98-18-042
296-17-31029	NEW	98-18-042	296-17-50601	AMD	98-18-042	296-17-52118	AMD-P	98-12-079
296-17-320	REP-P	98-12-079	296-17-50602	AMD-P	98-12-079	296-17-52118	AMD	98-18-042
296-17-320	REP	98-18-042	296-17-50602	AMD	98-18-042	296-17-52119	AMD-P	98-12-079
296-17-345	REP-P	98-12-079	296-17-50603	AMD-P	98-12-079	296-17-52119	AMD	98-18-042
296-17-345	REP	98-18-042	296-17-50603	AMD	98-18-042	296-17-52120	AMD-P	98-12-079
296-17-350	REP-P	98-12-079	296-17-508	AMD-P	98-12-079	296-17-52120	AMD	98-18-042
296-17-350	REP	98-18-042	296-17-508	AMD	98-18-042	296-17-52121	AMD-P	98-12-079
296-17-35202	NEW-P	98-12-079	296-17-509	AMD-P	98-12-079	296-17-52121	AMD	98-18-042
296-17-35202	NEW	98-18-042	296-17-509	AMD	98-18-042	296-17-52122	AMD-P	98-12-079
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296-17-35203	NEW	98-18-042	296-17-50908	AMD	98-18-042	296-17-52123	AMD-P	98-12-079
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296-24-06160	NEW	98-06-061	296-30-050	REP	98-14-076	296-44-08619	REP	98-07-009
296-24-065	REP	98-06-061	296-30-060	PREP	98-22-106	296-44-098	REP	98-07-009
296-24-067	REP	98-06-061	296-30-081	PREP	98-22-106	296-44-09805	REP	98-07-009
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296-24-12503	AMD-P	98-16-100	296-31-069	PREP	98-14-141	296-44-110	REP	98-07-009
296-24-12504	NEW-P	98-16-100	296-31-069	AMD-P	98-19-149	296-44-11005	REP	98-07-009
296-24-12505	AMD-P	98-16-100	296-31-071	PREP	98-22-106	296-44-11021	REP	98-07-009
296-24-12507	AMD-P	98-16-100	296-31-072	PREP	98-22-106	296-44-11029	REP	98-07-009
296-24-12509	AMD-P	98-16-100	296-31-073	PREP	98-22-106	296-44-11035	REP	98-07-009
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296-24-12513	AMD-P	98-16-100	296-31-080	PREP	98-22-106	296-44-125	REP	98-07-009
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296-24-12517	AMD-P	98-16-100	296-31-100	PREP	98-22-106	296-44-12515	REP	98-07-009
296-24-12519	AMD-P	98-16-100	296-44-005	REP	98-07-009	296-44-134	REP	98-07-009
296-24-12521	AMD-P	98-16-100	296-44-010	REP	98-07-009	296-44-13405	REP	98-07-009
296-24-12523	AMD-P	98-16-100	296-44-011	REP	98-07-009	296-44-13415	REP	98-07-009
296-24-205	AMD	98-10-073	296-44-013	REP	98-07-009	296-44-13421	REP	98-07-009
296-24-20501	AMD	98-10-073	296-44-015	REP	98-07-009	296-44-13431	REP	98-07-009
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296-24-20507	AMD	98-10-073	296-44-023	REP	98-07-009	296-44-17017	REP	98-07-009
296-24-20509	AMD	98-10-073	296-44-02301	REP	98-07-009	296-44-17029	REP	98-07-009
296-24-20511	AMD	98-10-073	296-44-02305	REP	98-07-009	296-44-182	REP	98-07-009
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296-24-20517	AMD	98-10-073	296-44-02319	REP	98-07-009	296-44-18239	REP	98-07-009
296-24-20519	AMD	98-10-073	296-44-02323	REP	98-07-009	296-44-18250	REP	98-07-009
296-24-20521	AMD	98-10-073	296-44-02329	REP	98-07-009	296-44-18261	REP	98-07-009
296-24-20523	AMD	98-10-073	296-44-02335	REP	98-07-009	296-44-18273	REP	98-07-009
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296-24-20531	AMD	98-10-073	296-44-03505	REP	98-07-009	296-44-19433	REP	98-07-009
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296-24-51005	AMD-P	98-23-085	296-44-041	REP	98-07-009	296-44-21209	REP	98-07-009
296-24-51009	AMD-P	98-23-085	296-44-04105	REP	98-07-009	296-44-21221	REP	98-07-009
296-24-58503	AMD-P	98-17-078	296-44-04109	REP	98-07-009	296-44-21230	REP	98-07-009

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296-45-65015	REP	98-07-009	296-46-915	AMD-P	98-07-097	296-61-230	REP-XR	98-19-057
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296-45-65038	REP	98-07-009	296-52-489	AMD-XA	98-12-103	296-62	PREP	98-12-084
296-45-65039	REP	98-07-009	296-52-489	AMD	98-19-056	296-62-071	AMD-P	98-23-085
296-45-65041	REP	98-07-009	296-56	PREP	98-08-104	296-62-07101	AMD-P	98-23-085
296-45-65043	REP	98-07-009	296-56	PREP	98-12-080	296-62-07102	NEW-P	98-23-085
296-45-65045	REP	98-07-009	296-56-60001	AMD-P	98-17-079	296-62-07103	AMD-P	98-23-085
296-45-65047	REP	98-07-009	296-56-60005	AMD-P	98-17-079	296-62-07105	AMD-P	98-23-085
296-45-660	REP	98-07-009	296-56-60006	NEW-P	98-17-079	296-62-07107	AMD-P	98-23-085
296-45-66001	REP	98-07-009	296-56-60009	AMD-P	98-17-079	296-62-07109	AMD-P	98-23-085
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296-62-07235	NEW-P	98-23-085	296-62-07666	REP-P	98-23-085	296-86A-073	NEW	98-12-043
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296-62-07257	NEW-P	98-23-085	296-62-20027	AMD-P	98-23-085	296-104	PREP	98-09-065
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296-62-07265	NEW-P	98-23-085	296-78-71019	AMD-P	98-23-085	296-104-017	NEW	98-22-024
296-62-07267	NEW-P	98-23-085	296-81	PREP	98-02-080	296-104-100	AMD-P	98-16-079
296-62-07269	NEW-P	98-23-085	296-81	PREP	98-13-124	296-104-100	AMD	98-22-024
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296-62-07306	AMD-P	98-23-085	296-86-050	REP-P	98-07-094	296-104-405	AMD	98-22-024
296-62-07308	AMD-P	98-23-085	296-86-050	REP	98-12-043	296-104-502	AMD-P	98-16-079
296-62-07329	AMD-P	98-23-085	296-86-060	REP-P	98-07-094	296-104-502	AMD	98-22-024
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296-62-07342	AMD-P	98-23-085	296-86-070	REP	98-12-043	296-104-515	AMD-P	98-16-079
296-62-07343	AMD-P	98-23-085	296-86-075	REP-P	98-07-094	296-104-515	AMD	98-22-024
296-62-07347	AMD-P	98-23-085	296-86-075	REP	98-12-043	296-104-520	AMD-P	98-16-079
296-62-07367	AMD-P	98-23-085	296-86-080	REP-P	98-07-094	296-104-520	AMD	98-22-024
296-62-07369	AMD-P	98-23-085	296-86-080	REP	98-12-043	296-104-525	REP-P	98-16-079
296-62-07379	REP-P	98-23-085	296-86-090	REP-P	98-07-094	296-104-525	REP	98-22-024
296-62-07383	AMD-P	98-23-085	296-86-090	REP	98-12-043	296-104-530	AMD-P	98-16-079
296-62-07413	AMD-P	98-23-085	296-86A	PREP	98-13-124	296-104-530	AMD	98-22-024
296-62-07425	AMD-P	98-23-085	296-86A	PREP	98-22-105	296-104-535	NEW-P	98-16-079
296-62-07431	REP-P	98-23-085	296-86A-010	NEW-P	98-07-094	296-104-535	NEW	98-22-024
296-62-07445	REP-P	98-23-085	296-86A-010	NEW	98-12-043	296-104-540	NEW-P	98-16-079
296-62-07460	AMD-P	98-23-085	296-86A-020	NEW-P	98-07-094	296-104-540	NEW	98-22-024
296-62-07470	AMD-P	98-23-085	296-86A-020	NEW	98-12-043	296-104-600	REP-P	98-16-079
296-62-07477	AMD-P	98-05-061	296-86A-025	NEW-P	98-07-094	296-104-600	REP	98-22-024
296-62-07477	AMD	98-10-029	296-86A-025	NEW	98-12-043	296-104-700	AMD-P	98-04-017
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296-104-801	REP	98-22-024	296-125-0760	NEW-P	98-20-093	296-150C-1760	NEW-P	98-07-095
296-104-805	REP-P	98-16-079	296-125-0770	NEW-P	98-20-093	296-150C-1760	NEW	98-14-078
296-104-805	REP	98-22-024	296-125-0771	NEW-P	98-20-093	296-150C-3000	AMD-P	98-07-096
296-124-010	REP-XR	98-07-093	296-125-0772	NEW-P	98-20-093	296-150C-3000	AMD	98-12-041
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296-124-021	REP	98-14-042	296-150C-0020	AMD	98-14-078	296-150F-0130	NEW	98-14-078
296-124-022	REP-XR	98-07-093	296-150C-0310	AMD-P	98-07-095	296-150F-0200	AMD-P	98-07-095
296-124-022	REP	98-14-042	296-150C-0310	AMD	98-14-078	296-150F-0200	AMD	98-14-078
296-124-040	REP-XR	98-07-093	296-150C-0320	AMD-P	98-07-095	296-150F-0210	AMD-P	98-07-095
296-124-040	REP	98-14-042	296-150C-0320	AMD	98-14-078	296-150F-0210	AMD	98-14-078
296-124-050	REP-XR	98-07-093	296-150C-0410	AMD-P	98-07-095	296-150F-0460	AMD-P	98-07-095
296-124-050	REP	98-14-042	296-150C-0410	AMD	98-14-078	296-150F-0460	AMD	98-14-078
296-125	PREP	98-02-079	296-150C-0460	AMD-P	98-07-095	296-150F-0500	AMD-P	98-07-095
296-125-020	REP-P	98-20-093	296-150C-0460	AMD	98-14-078	296-150F-0500	AMD	98-14-078
296-125-0200	NEW-P	98-20-093	296-150C-0500	AMD-P	98-07-095	296-150F-3000	AMD-P	98-07-096
296-125-0210	NEW-P	98-20-093	296-150C-0500	AMD	98-14-078	296-150F-3000	AMD	98-12-041
296-125-0211	NEW-P	98-20-093	296-150C-0560	AMD-P	98-07-095	296-150M	PREP	98-22-105
296-125-0212	NEW-P	98-20-093	296-150C-0560	AMD	98-14-078	296-150M-0020	AMD-P	98-07-095
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296-125-0260	NEW-P	98-20-093	296-150C-1080	AMD-P	98-07-095	296-150M-0331	NEW	98-14-078
296-125-0261	NEW-P	98-20-093	296-150C-1080	AMD	98-14-078	296-150M-0400	AMD-P	98-07-095
296-125-0262	NEW-P	98-20-093	296-150C-1170	AMD-P	98-07-095	296-150M-0400	AMD	98-14-078
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296-125-0264	NEW-P	98-20-093	296-150C-1303	NEW-P	98-07-095	296-150M-0600	AMD	98-14-078
296-125-0265	NEW-P	98-20-093	296-150C-1303	NEW	98-14-078	296-150M-0610	AMD-P	98-07-095
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296-125-0650	NEW-P	98-20-093	296-150C-1752	NEW-P	98-07-095	296-150M-3000	AMD	98-12-041
296-125-0651	NEW-P	98-20-093	296-150C-1752	NEW	98-14-078	296-150P	PREP	98-22-105
296-125-0660	NEW-P	98-20-093	296-150C-1753	NEW-P	98-07-095	296-150P-3000	AMD-P	98-07-096
296-125-0670	NEW-P	98-20-093	296-150C-1753	NEW	98-14-078	296-150P-3000	AMD	98-12-041
296-125-070	REP-P	98-20-093	296-150C-1754	NEW-P	98-07-095	296-150R	PREP	98-22-105
296-125-0700	NEW-P	98-20-093	296-150C-1754	NEW	98-14-078	296-150R-3000	AMD-P	98-07-096
296-125-0710	NEW-P	98-20-093	296-150C-1755	NEW-P	98-07-095	296-150R-3000	AMD	98-12-041
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296-125-0721	NEW-P	98-20-093	296-150C-1756	NEW-P	98-07-095	296-155-17317	AMD-P	98-23-085
296-125-0722	NEW-P	98-20-093	296-150C-1756	NEW	98-14-078	296-155-17335	REP-P	98-23-085
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296-155-17357	REP-P	98-23-085	296-200A-900	AMD	98-12-041	296-307-18015	NEW-P	98-16-100
296-155-17359	REP-P	98-23-085	296-301-020	AMD	98-10-073	296-307-18020	NEW-P	98-16-100
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296-155-17613	AMD-P	98-23-085	296-305	PREP	98-11-075	296-307-18503	AMD-P	98-16-100
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296-155-17635	REP-P	98-23-085	296-305-01005	AMD-P	98-17-078	296-307-18509	AMD-P	98-16-100
296-155-17652	AMD-P	98-23-085	296-305-01509	AMD-P	98-17-078	296-307-18512	AMD-P	98-16-100
296-155-17656	REP-P	98-23-085	296-305-02001	AMD-P	98-17-078	296-307-18515	AMD-P	98-16-100
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296-155-48512	REP	98-05-046	296-307-061	AMD-P	98-16-100	296-307-28018	AMD-P	98-16-100
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296-155-48514	REP	98-05-046	296-307-076	AMD-P	98-16-100	296-307-28022	AMD-P	98-16-100
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296-155-48525	REP	98-05-046	296-307-09503	AMD-P	98-16-100	296-307-28060	AMD-P	98-16-100
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296-307-37825	AMD-P	98-16-100	296-307-50011	AMD-P	98-16-100	296-401-110	REP	98-12-042
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296-307-40005	AMD-P	98-16-100	296-307-50027	AMD-P	98-16-100	296-401-160	REP-P	98-07-097
296-307-40007	AMD-P	98-16-100	296-307-52001	AMD-P	98-16-100	296-401-160	REP	98-12-042
296-307-40009	AMD-P	98-16-100	296-307-52003	AMD-P	98-16-100	296-401-163	REP-P	98-07-097
296-307-40013	AMD-P	98-16-100	296-307-52005	AMD-P	98-16-100	296-401-163	REP	98-12-042
296-307-40015	AMD-P	98-16-100	296-307-52009	AMD-P	98-16-100	296-401-165	REP-P	98-07-097
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296-307-40039	AMD-P	98-16-100	296-307-52047	AMD-P	98-16-100	296-401-170	REP	98-12-042
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296-307-41017	AMD-P	98-16-100	296-307-53005	AMD-P	98-16-100	296-401-175	REP	98-12-042
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296-307-41041	AMD-P	98-16-100	296-400A-021	NEW	98-13-126	296-401A-100	NEW	98-12-042
296-307-41047	AMD-P	98-16-100	296-400A-025	NEW-P	98-09-124	296-401A-100	AMD-P	98-22-107
296-307-41049	AMD-P	98-16-100	296-400A-025	NEW	98-13-126	296-401A-105	NEW-P	98-07-097
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296-307-43515	AMD-P	98-16-100	296-400A-110	AMD	98-13-126	296-401A-210	NEW	98-12-042
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296-307-45017	AMD-P	98-16-100	296-400A-300	AMD	98-13-126	296-401A-300	NEW	98-12-042
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296-307-45027	AMD-P	98-16-100	296-401-030	REP-P	98-07-097	296-401A-320	NEW-P	98-07-097
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296-307-48033	AMD-P	98-16-100	296-401-075	REP	98-12-042	296-401A-410	NEW	98-12-042
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296-307-48505	AMD-P	98-16-100	296-401-080	REP	98-12-042	296-401A-420	NEW	98-12-042
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308-77-040	AMD-P	98-18-059	308-93-085	REP	98-16-030	308-93-330	REP	98-16-030
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388-73-104	AMD-P	98-20-042	388-76-655	AMD	98-11-095	388-79-030	NEW	98-10-055
388-76-540	AMD-S	98-02-077	388-76-660	AMD-S	98-02-077	388-79-040	NEW-P	98-03-085
388-76-540	AMD	98-11-095	388-76-660	AMD	98-11-095	388-79-040	NEW	98-10-055
388-76-550	AMD-S	98-02-077	388-76-665	AMD-S	98-02-077	388-86	PREP	98-10-106
388-76-550	AMD	98-11-095	388-76-665	AMD	98-11-095	388-86-005	AMD-P	98-15-140
388-76-560	AMD-S	98-02-077	388-76-670	AMD-S	98-02-077	388-86-005	AMD	98-18-079
388-76-560	AMD	98-11-095	388-76-670	AMD	98-11-095	388-86-015	REP-P	98-13-082
388-76-561	NEW-S	98-04-032	388-76-675	AMD-S	98-02-077	388-86-015	REP	98-16-050
388-76-561	NEW-W	98-17-072	388-76-675	AMD	98-11-095	388-86-024	PREP	98-15-112
388-76-570	AMD-S	98-02-077	388-76-680	AMD-S	98-02-077	388-86-027	AMD-P	98-11-084
388-76-570	AMD	98-11-095	388-76-680	AMD	98-11-095	388-86-027	AMD	98-16-044
388-76-590	AMD-S	98-04-032	388-76-685	AMD-S	98-02-077	388-86-045	PREP	98-13-086
388-76-590	AMD-W	98-08-091	388-76-685	AMD	98-11-095	388-86-080	REP-P	98-13-082
388-76-590	AMD	98-12-054	388-76-690	AMD-S	98-02-077	388-86-080	REP	98-16-050
388-76-59000	NEW	98-12-054	388-76-690	AMD	98-11-095	388-86-085	PREP	98-22-058
388-76-59010	NEW	98-12-054	388-76-695	AMD-S	98-02-077	388-86-086	PREP	98-22-058
388-76-59020	NEW	98-12-054	388-76-695	AMD	98-11-095	388-86-095	REP-P	98-13-082
388-76-59050	NEW	98-12-054	388-76-705	AMD-S	98-02-077	388-86-095	REP-W	98-15-101
388-76-59060	NEW	98-12-054	388-76-705	AMD	98-11-095	388-86-098	PREP	98-23-091
388-76-59070	NEW	98-12-054	388-76-765	AMD-W	98-08-091	388-86-100	AMD-P	98-19-014
388-76-59080	NEW	98-12-054	388-78A-010	RECOD	98-20-021	388-86-110	REP-P	98-19-014
388-76-59090	NEW	98-12-054	388-78A-010	AMD-P	98-20-097	388-86-110	REP-W	98-21-004
388-76-59100	NEW	98-12-054	388-78A-020	RECOD	98-20-021	388-86-112	PREP	98-23-092
388-76-59110	NEW	98-12-054	388-78A-030	RECOD	98-20-021	388-86-200	AMD-P	98-19-014
388-76-59120	NEW	98-12-054	388-78A-040	RECOD	98-20-021	388-87	PREP	98-10-106
388-76-595	AMD-S	98-02-077	388-78A-045	RECOD	98-20-021	388-87	PREP	98-13-086
388-76-595	AMD	98-11-095	388-78A-050	RECOD	98-20-021	388-87-035	PREP	98-22-058
388-76-600	AMD-S	98-04-032	388-78A-055	RECOD	98-20-021	388-87-036	PREP	98-22-058
388-76-600	AMD	98-12-054	388-78A-060	RECOD	98-20-021	388-87-110	REP-S	98-22-099
388-76-60000	NEW	98-12-054	388-78A-070	RECOD	98-20-021	388-96	PREP	98-03-077
388-76-60010	NEW	98-12-054	388-78A-080	RECOD	98-20-021	388-96	PREP	98-06-066
388-76-60020	NEW	98-12-054	388-78A-090	RECOD	98-20-021	388-96	AMD-P	98-15-141
388-76-60030	NEW	98-12-054	388-78A-100	RECOD	98-20-021	388-96	AMD	98-20-023
388-76-60040	NEW	98-12-054	388-78A-110	RECOD	98-20-021	388-96-010	AMD-P	98-15-141
388-76-60050	NEW	98-12-054	388-78A-120	RECOD	98-20-021	388-96-010	AMD	98-20-023
388-76-60060	NEW	98-12-054	388-78A-130	RECOD	98-20-021	388-96-020	AMD-P	98-15-141
388-76-60070	NEW	98-12-054	388-78A-140	RECOD	98-20-021	388-96-020	AMD	98-20-023
388-76-605	AMD-S	98-02-077	388-78A-150	RECOD	98-20-021	388-96-023	REP-P	98-15-141
388-76-605	AMD	98-11-095	388-78A-160	RECOD	98-20-021	388-96-023	REP	98-20-023
388-76-610	AMD-S	98-04-032	388-78A-170	RECOD	98-20-021	388-96-026	AMD-P	98-15-141
388-76-610	AMD-W	98-08-091	388-78A-180	RECOD	98-20-021	388-96-026	AMD	98-20-023
388-76-610	AMD	98-12-054	388-78A-190	RECOD	98-20-021	388-96-029	REP-P	98-15-141
388-76-61000	NEW	98-12-054	388-78A-200	RECOD	98-20-021	388-96-029	REP	98-20-023
388-76-61010	NEW	98-12-054	388-78A-210	RECOD	98-20-021	388-96-032	REP-P	98-15-141
388-76-61020	NEW	98-12-054	388-78A-220	RECOD	98-20-021	388-96-032	REP	98-20-023
388-76-61030	NEW	98-12-054	388-78A-230	RECOD	98-20-021	388-96-101	REP-P	98-15-141
388-76-61040	NEW	98-12-054	388-78A-240	RECOD	98-20-021	388-96-101	REP	98-20-023
388-76-61050	NEW	98-12-054	388-78A-250	RECOD	98-20-021	388-96-104	REP-P	98-15-141
388-76-61060	NEW	98-12-054	388-78A-260	RECOD	98-20-021	388-96-104	REP	98-20-023
388-76-61070	NEW	98-12-054	388-78A-265	RECOD	98-20-021	388-96-108	AMD-P	98-15-141
388-76-61080	NEW	98-12-054	388-78A-268	RECOD	98-20-021	388-96-108	AMD	98-20-023
388-76-615	AMD-S	98-04-032	388-78A-280	RECOD	98-20-021	388-96-110	REP-P	98-15-141
388-76-615	AMD	98-12-054	388-78A-290	RECOD	98-20-021	388-96-110	REP	98-20-023
388-76-61500	NEW	98-12-054	388-78A-300	RECOD	98-20-021	388-96-113	REP-P	98-15-141
388-76-61510	NEW	98-12-054	388-78A-310	RECOD	98-20-021	388-96-113	REP	98-20-023
388-76-61520	NEW	98-12-054	388-78A-320	RECOD	98-20-021	388-96-119	AMD-P	98-15-141
388-76-61530	NEW	98-12-054	388-78A-330	RECOD	98-20-021	388-96-119	AMD	98-20-023
388-76-61540	NEW	98-12-054	388-78A-335	RECOD	98-20-021	388-96-122	AMD-P	98-15-141
388-76-61550	NEW	98-12-054	388-78A-340	RECOD	98-20-021	388-96-122	AMD	98-20-023

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388-96-128	REP	98-20-023	388-96-542	NEW-P	98-15-141	388-96-741	NEW	98-20-023
388-96-131	REP-P	98-15-141	388-96-542	NEW	98-20-023	388-96-742	NEW-P	98-15-141
388-96-131	REP	98-20-023	388-96-543	REP-P	98-15-141	388-96-742	NEW	98-20-023
388-96-134	REP-P	98-15-141	388-96-543	REP	98-20-023	388-96-744	NEW-P	98-15-141
388-96-134	REP	98-20-023	388-96-555	REP-P	98-15-141	388-96-744	NEW	98-20-023
388-96-202	NEW-P	98-15-141	388-96-555	REP	98-20-023	388-96-745	REP-P	98-15-141
388-96-202	NEW	98-20-023	388-96-557	REP-P	98-15-141	388-96-745	REP	98-20-023
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388-96-204	REP	98-20-023	388-96-567	REP-P	98-15-141	388-96-746	NEW	98-20-023
388-96-207	REP-P	98-15-141	388-96-567	REP	98-20-023	388-96-747	NEW-P	98-15-141
388-96-207	REP	98-20-023	388-96-569	REP-P	98-15-141	388-96-747	NEW	98-20-023
388-96-210	REP-P	98-15-141	388-96-569	REP	98-20-023	388-96-752	REP-P	98-15-141
388-96-210	REP	98-20-023	388-96-571	REP-P	98-15-141	388-96-752	REP	98-20-023
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388-96-213	REP	98-20-023	388-96-573	REP-P	98-15-141	388-96-754	REP	98-20-023
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388-96-218	NEW	98-20-023	388-96-580	AMD-P	98-15-141	388-96-757	AMD	98-20-023
388-96-220	REP-P	98-15-141	388-96-580	AMD	98-20-023	388-96-760	AMD-P	98-15-141
388-96-220	REP	98-20-023	388-96-585	AMD-P	98-15-141	388-96-760	AMD	98-20-023
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388-96-221	REP	98-20-023	388-96-704	AMD-P	98-15-141	388-96-761	REP	98-20-023
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388-96-224	REP	98-20-023	388-96-708	AMD-P	98-15-141	388-96-763	REP	98-20-023
388-96-226	REP-P	98-15-141	388-96-708	AMD	98-20-023	388-96-764	REP-P	98-15-141
388-96-226	REP	98-20-023	388-96-709	AMD-P	98-15-141	388-96-764	REP	98-20-023
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388-96-503	REP	98-20-023	388-96-718	NEW-E	98-11-094	388-96-776	AMD	98-20-023
388-96-505	AMD-P	98-15-141	388-96-718	NEW-P	98-15-103	388-96-778	REP-P	98-15-141
388-96-505	AMD	98-20-023	388-96-718	NEW-E	98-19-061	388-96-778	REP	98-20-023
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388-96-507	REP	98-20-023	388-96-719	REP-P	98-15-141	388-96-801	REP	98-20-023
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388-96-508	REP	98-20-023	388-96-722	REP-P	98-15-141	388-96-804	REP	98-20-023
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388-96-509	REP	98-20-023	388-96-723	NEW-P	98-15-141	388-96-807	REP	98-20-023
388-96-513	REP-P	98-15-141	388-96-723	NEW	98-20-023	388-96-810	REP-P	98-15-141
388-96-513	REP	98-20-023	388-96-724	NEW-P	98-15-141	388-96-810	REP	98-20-023
388-96-521	REP-P	98-15-141	388-96-724	NEW	98-20-023	388-96-813	REP-P	98-15-141
388-96-521	REP	98-20-023	388-96-725	NEW-P	98-15-141	388-96-813	REP	98-20-023
388-96-523	REP-P	98-15-141	388-96-725	NEW	98-20-023	388-96-816	REP-P	98-15-141
388-96-523	REP	98-20-023	388-96-726	NEW-P	98-15-141	388-96-816	REP	98-20-023
388-96-525	AMD-P	98-15-141	388-96-726	NEW	98-20-023	388-96-901	AMD-P	98-15-141
388-96-525	AMD	98-20-023	388-96-727	REP-P	98-15-141	388-96-901	AMD	98-20-023
388-96-529	REP-P	98-15-141	388-96-727	REP	98-20-023	388-96-904	AMD-P	98-15-141
388-96-529	REP	98-20-023	388-96-728	NEW-P	98-15-141	388-96-904	AMD	98-20-023
388-96-530	NEW-P	98-15-141	388-96-728	NEW	98-20-023	388-96-905	NEW-P	98-15-141
388-96-530	NEW	98-20-023	388-96-729	NEW-P	98-15-141	388-96-905	NEW	98-20-023
388-96-531	REF-P	98-15-141	388-96-729	NEW	98-20-023	388-97	PREP	98-06-089
388-96-531	REP	98-20-023	388-96-735	REP-P	98-15-141	388-97-235	AMD-W	98-13-077
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388-96-532	NEW	98-20-023	388-96-737	REP-P	98-15-141	388-150-180	PREP	98-02-057
388-96-533	REP-P	98-15-141	388-96-737	REP	98-20-023	388-150-180	AMD-P	98-20-098
388-96-533	REP	98-20-023	388-96-738	NEW-P	98-15-141	388-150-190	PREP	98-02-057
388-96-535	AMD-P	98-15-141	388-96-738	NEW	98-20-023	388-150-200	PREP	98-02-057
388-96-535	AMD	98-20-023	388-96-738	NEW	98-20-023	388-150-200	AMD-P	98-20-098
388-96-536	NEW-P	98-15-141	388-96-739	NEW-P	98-15-141	388-150-470	PREP	98-02-057
388-96-536	NEW	98-20-023	388-96-739	NEW	98-20-023	388-150-470	AMD-P	98-20-098
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388-225-0080	REP	98-16-044	388-235-0050	REP-P	98-11-084	388-245-1740	REP	98-16-044
388-225-0090	REP-P	98-11-084	388-235-0050	REP	98-16-044	388-245-2010	REP-P	98-11-084
388-225-0090	REP	98-16-044	388-235-0060	REP-P	98-11-084	388-245-2010	REP	98-16-044
388-225-0100	REP-P	98-11-084	388-235-0060	REP	98-16-044	388-245-2020	REP-P	98-11-084
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388-225-0120	REP-P	98-11-084	388-235-0070	REP	98-16-044	388-245-2030	REP-P	98-11-084
388-225-0120	REP	98-16-044	388-235-0080	REP-P	98-11-084	388-245-2030	REP	98-16-044
388-225-0150	REP-P	98-11-084	388-235-0080	REP	98-16-044	388-245-2040	REP-P	98-11-084
388-225-0150	REP	98-16-044	388-235-0090	REP-P	98-11-084	388-245-2040	REP	98-16-044
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388-225-0170	REP	98-16-044	388-235-0110	REP-P	98-11-084	388-250-1010	REP	98-16-044
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388-225-0190	REP	98-16-044	388-235-3000	REP-P	98-11-084	388-250-1100	REP	98-16-044
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388-230-0010	REP	98-16-044	388-235-4000	REP-P	98-11-084	388-250-1150	REP	98-16-044
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388-230-0060	REP-P	98-11-084	388-245-1150	REP-P	98-11-084	388-250-1250	AMD	98-08-037
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388-230-0090	REP-P	98-11-084	388-245-1170	REP	98-16-044	388-250-1310	REP-P	98-11-084
388-230-0090	REP	98-16-044	388-245-1210	REP-P	98-11-084	388-250-1310	REP	98-16-044
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388-233-0010	REP-P	98-11-084	388-245-1315	REP	98-16-044	388-250-1500	REP-P	98-11-084
388-233-0010	REP	98-16-044	388-245-1320	REP-P	98-11-084	388-250-1500	REP	98-16-044
388-233-0020	REP-P	98-11-084	388-245-1320	REP	98-16-044	388-250-1550	REP-P	98-11-084
388-233-0020	REP	98-16-044	388-245-1350	REP-P	98-11-084	388-250-1550	REP	98-16-044
388-233-0030	REP-P	98-11-084	388-245-1350	REP	98-16-044	388-250-1600	REP-P	98-11-084
388-233-0030	REP	98-16-044	388-245-1400	REP-P	98-11-084	388-250-1600	REP	98-16-044
388-233-0035	NEW-E	98-14-086	388-245-1400	REP	98-16-044	388-250-1650	REP-P	98-11-084
388-233-0040	REP-P	98-11-084	388-245-1410	REP-P	98-11-084	388-250-1650	REP	98-16-044
388-233-0040	REP	98-16-044	388-245-1410	REP	98-16-044	388-250-1700	AMD	98-06-057
388-233-0050	REP-P	98-11-084	388-245-1500	REP-P	98-11-084	388-250-1700	REP-P	98-11-084
388-233-0050	REP	98-16-044	388-245-1500	REP	98-16-044	388-250-1700	REP	98-16-044
388-233-0060	REP-P	98-11-084	388-245-1510	AMD	98-04-016	388-250-1750	REP-P	98-11-084
388-233-0060	REP	98-16-044	388-245-1510	REP-P	98-11-084	388-250-1750	REP	98-16-044
388-233-0070	REP-P	98-11-084	388-245-1510	REP	98-16-044	388-255-1350	REP-P	98-11-084
388-233-0070	REP	98-16-044	388-245-1520	REP-P	98-11-084	388-255-1350	REP	98-16-044
388-233-0080	REP-P	98-11-084	388-245-1520	REP	98-16-044	388-255-1400	REP-P	98-11-084
388-233-0080	REP	98-16-044	388-245-1600	REP-P	98-11-084	388-255-1400	REP	98-16-044
388-233-0090	REP-P	98-11-084	388-245-1600	REP	98-16-044	388-265	PREP	98-07-099
388-233-0090	REP	98-16-044	388-245-1610	REP-P	98-11-084	388-265-1010	REP-P	98-11-084
388-233-0100	REP-P	98-11-084	388-245-1610	REP	98-16-044	388-265-1010	REP	98-16-044
388-233-0100	REP	98-16-044	388-245-1700	REP-P	98-11-084	388-265-1050	REP-P	98-11-084
388-235	PREP	98-07-038	388-245-1700	REP	98-16-044	388-265-1050	REP	98-16-044
388-235-0010	REP-P	98-11-084	388-245-1710	REP-P	98-11-084	388-265-1100	REP-P	98-11-084
388-235-0010	REP	98-16-044	388-245-1710	REP	98-16-044	388-265-1100	REP	98-16-044
388-235-0020	REP-P	98-11-084	388-245-1715	REP-P	98-11-084	388-265-1150	AMD-P	98-11-074
388-235-0020	REP	98-16-044	388-245-1715	REP	98-16-044	388-265-1155	NEW-P	98-11-074
388-235-0030	REP-P	98-11-084	388-245-1720	REP-P	98-11-084	388-265-1200	AMD-P	98-11-074
388-235-0030	AMD-E	98-14-086	388-245-1720	REP	98-16-044	388-265-1250	AMD-P	98-11-074
388-235-0030	REP	98-16-044	388-245-1730	REP-P	98-11-084	388-265-1275	AMD-P	98-11-074

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388-265-1375	NEW-P	98-11-074	388-290	PREP	98-08-075	388-406-0010	NEW-P	98-11-084
388-265-1400	REP-P	98-11-074	388-290	PREP	98-20-096	388-406-0010	NEW	98-16-044
388-265-1450	AMD-P	98-11-074	388-290-010	AMD-P	98-03-083	388-406-0015	NEW-P	98-11-084
388-265-1500	AMD-P	98-11-074	388-290-010	AMD	98-08-021	388-406-0015	NEW	98-16-044
388-265-1500	AMD-W	98-16-038	388-290-010	AMD-P	98-17-080	388-406-0020	NEW-P	98-11-084
388-265-1550	REP-P	98-11-074	388-290-010	AMD-E	98-18-078	388-406-0020	NEW	98-16-044
388-265-1550	REP-P	98-11-084	388-290-010	AMD	98-21-005	388-406-0025	NEW-P	98-11-084
388-265-1550	REP-W	98-16-038	388-290-020	AMD-P	98-03-083	388-406-0025	NEW	98-16-044
388-265-1550	REP	98-16-044	388-290-020	AMD	98-08-021	388-406-0030	NEW-P	98-11-084
388-265-1600	AMD-P	98-11-074	388-290-025	AMD-P	98-03-083	388-406-0030	NEW	98-16-044
388-265-1700	REP-P	98-11-074	388-290-025	AMD	98-08-021	388-406-0035	NEW-P	98-11-084
388-265-1700	REP-P	98-11-084	388-290-035	AMD-P	98-03-083	388-406-0035	NEW	98-16-044
388-265-1700	REP	98-16-044	388-290-035	AMD	98-08-021	388-406-0040	NEW-P	98-11-084
388-265-1800	REP-P	98-11-084	388-290-050	AMD-P	98-03-083	388-406-0040	NEW	98-16-044
388-265-1800	REP	98-16-044	388-290-050	AMD	98-08-021	388-406-0045	NEW-P	98-11-084
388-265-1850	REP-P	98-11-084	388-290-055	PREP	98-08-075	388-406-0045	NEW	98-16-044
388-265-1850	REP	98-16-044	388-290-055	AMD-E	98-16-026	388-406-0050	NEW-P	98-11-084
388-265-1900	REP-P	98-11-084	388-290-055	RESCIND	98-16-040	388-406-0050	NEW	98-16-044
388-265-1900	REP	98-16-044	388-290-055	AMD-E	98-16-093	388-406-0055	NEW-P	98-11-084
388-265-1950	REP-P	98-11-084	388-290-055	AMD-P	98-17-080	388-406-0055	NEW	98-16-044
388-265-1950	REP	98-16-044	388-290-055	AMD	98-21-005	388-406-0060	NEW-P	98-11-084
388-265-2000	REP-P	98-11-084	388-290-090	AMD-P	98-03-083	388-406-0060	NEW	98-16-044
388-265-2000	REP	98-16-044	388-290-090	AMD	98-08-021	388-406-0065	NEW-P	98-11-084
388-270-1005	REP-P	98-11-084	388-290-090	PREP	98-08-075	388-406-0065	NEW	98-16-044
388-270-1005	REP	98-16-044	388-310	PREP	98-19-124	388-408-0005	NEW-P	98-11-084
388-270-1010	REP-P	98-11-084	388-310-0400	AMD-P	98-15-139	388-408-0005	NEW	98-16-044
388-270-1010	REP	98-16-044	388-310-0400	AMD	98-23-037	388-408-0010	NEW-P	98-11-084
388-270-1025	REP-P	98-11-084	388-310-0500	AMD-P	98-15-139	388-408-0010	NEW	98-16-044
388-270-1025	REP	98-16-044	388-310-0500	AMD	98-23-037	388-408-0015	NEW-P	98-11-084
388-270-1075	REP-P	98-11-084	388-310-1000	AMD-P	98-15-139	388-408-0015	NEW	98-16-044
388-270-1075	REP	98-16-044	388-310-1000	AMD	98-23-037	388-408-0020	NEW-P	98-11-084
388-270-1100	REP-P	98-11-084	388-310-1050	NEW-P	98-15-139	388-408-0020	NEW	98-16-044
388-270-1100	REP	98-16-044	388-310-1050	NEW	98-23-037	388-408-0025	NEW-P	98-11-084
388-270-1110	REP-P	98-11-084	388-310-1300	NEW-S	98-03-080	388-408-0025	NEW	98-16-044
388-270-1110	REP	98-16-044	388-310-1300	NEW-S	98-07-042	388-408-0030	NEW-P	98-11-084
388-270-1125	REP-P	98-11-084	388-310-1300	NEW	98-10-054	388-408-0030	NEW	98-16-044
388-270-1125	REP	98-16-044	388-310-1600	AMD-P	98-15-139	388-408-0035	NEW-P	98-11-084
388-270-1150	REP-P	98-11-084	388-310-1600	AMD	98-23-037	388-408-0035	NEW	98-16-044
388-270-1150	REP	98-16-044	388-320	PREP	98-22-059	388-408-0040	NEW-P	98-11-084
388-270-1200	REP-P	98-11-084	388-320-340	REP-P	98-08-076	388-408-0040	NEW	98-16-044
388-270-1200	REP	98-16-044	388-320-340	REP	98-11-034	388-408-0045	NEW-P	98-11-084
388-270-1250	REP-P	98-11-084	388-400-0005	NEW-P	98-11-084	388-408-0045	NEW	98-16-044
388-270-1250	REP	98-16-044	388-400-0005	NEW	98-16-044	388-408-0050	NEW-P	98-11-084
388-270-1300	REP-P	98-11-084	388-400-0010	NEW-P	98-11-084	388-408-0050	NEW	98-16-044
388-270-1300	REP	98-16-044	388-400-0010	NEW	98-16-044	388-408-0055	NEW-P	98-11-084
388-270-1400	REP-P	98-11-084	388-400-0015	NEW-P	98-11-084	388-408-0055	NEW	98-16-044
388-270-1400	REP	98-16-044	388-400-0015	NEW	98-16-044	388-410-0001	NEW-P	98-11-084
388-270-1500	REP-P	98-11-084	388-400-0020	NEW-P	98-11-084	388-410-0001	NEW	98-16-044
388-270-1500	REP	98-16-044	388-400-0020	NEW	98-16-044	388-410-0005	NEW-P	98-11-084
388-270-1550	REP-P	98-11-084	388-400-0025	NEW-P	98-11-084	388-410-0005	NEW	98-16-044
388-270-1550	REP	98-16-044	388-400-0025	NEW	98-16-044	388-410-0010	NEW-P	98-11-084
388-270-1600	REP-P	98-11-084	388-400-0030	NEW-P	98-11-084	388-410-0010	NEW	98-16-044
388-270-1600	REP	98-16-044	388-400-0030	NEW	98-16-044	388-410-0015	NEW-P	98-11-084
388-275	PREP	98-07-036	388-400-0035	NEW-P	98-11-084	388-410-0015	NEW	98-16-044
388-275-0020	REP-P	98-11-084	388-400-0035	NEW	98-16-044	388-410-0020	NEW-P	98-11-084
388-275-0020	REP	98-16-044	388-400-0040	NEW-P	98-11-084	388-410-0020	NEW	98-16-044
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388-275-0030	REP	98-16-044	388-400-0045	NEW-P	98-13-080	388-410-0025	NEW	98-16-044
388-275-0050	REP-P	98-11-084	388-400-0045	NEW	98-16-044	388-410-0030	NEW-P	98-11-084
388-275-0050	REP	98-16-044	388-404-0005	NEW-P	98-11-084	388-410-0030	NEW	98-16-044
388-275-0060	REP-P	98-11-084	388-404-0005	NEW	98-16-044	388-410-0035	NEW-P	98-11-084
388-275-0060	REP	98-16-044	388-404-0010	NEW-P	98-11-084	388-410-0035	NEW	98-16-044
388-275-0070	REP-P	98-11-084	388-404-0010	NEW	98-16-044	388-410-0040	NEW-P	98-11-084
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388-275-0090	REP-P	98-11-084	388-404-0015	NEW	98-16-044	388-412	PREP	98-16-089
388-275-0090	REP	98-16-044	388-406-0005	NEW-P	98-11-084	388-412	PREP	98-22-096

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388-412-0005	NEW	98-16-044	388-424-0015	NEW	98-16-044	388-444-0005	PREP	98-21-073
388-412-0005	AMD-P	98-23-094	388-424-0020	NEW-P	98-11-084	388-444-0010	NEW-P	98-11-084
388-412-0010	NEW-P	98-11-084	388-424-0020	NEW	98-16-044	388-444-0010	NEW	98-16-044
388-412-0010	NEW	98-16-044	388-424-0020	AMD-P	98-21-075	388-444-0015	NEW-P	98-11-084
388-412-0015	NEW-P	98-11-084	388-424-0020	AMD-E	98-21-076	388-444-0015	NEW	98-16-044
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388-412-0020	NEW-P	98-11-084	388-424-0025	NEW	98-16-044	388-444-0020	NEW	98-16-044
388-412-0020	NEW	98-16-044	388-426-0005	NEW-P	98-11-084	388-444-0020	PREP	98-21-073
388-412-0020	AMD-P	98-23-094	388-426-0005	NEW	98-16-044	388-444-0025	NEW	98-16-044
388-412-0025	NEW-P	98-11-084	388-428-0005	NEW-P	98-11-084	388-444-0030	NEW-P	98-11-084
388-412-0025	NEW	98-16-044	388-428-0005	NEW-W	98-15-113	388-444-0030	NEW	98-16-044
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388-412-0030	NEW	98-16-044	388-428-0010	NEW	98-16-044	388-444-0035	NEW	98-16-044
388-412-0030	AMD-P	98-23-094	388-430-0001	NEW-P	98-11-084	388-444-0035	PREP	98-21-073
388-412-0035	NEW-P	98-11-084	388-430-0001	NEW	98-16-044	388-444-0040	NEW-P	98-11-084
388-412-0035	NEW	98-16-044	388-430-0005	NEW-P	98-11-084	388-444-0040	NEW	98-16-044
388-412-0035	AMD-P	98-23-094	388-430-0005	NEW	98-16-044	388-444-0040	PREP	98-21-073
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388-412-0040	NEW	98-16-044	388-430-0010	NEW	98-16-044	388-444-0045	NEW	98-16-044
388-412-0045	NEW-P	98-23-094	388-430-0015	NEW-P	98-11-084	388-444-0045	PREP	98-21-073
388-414-0001	NEW-P	98-11-084	388-430-0015	NEW	98-16-044	388-444-0050	NEW-P	98-11-084
388-414-0001	NEW	98-16-044	388-430-0020	NEW-P	98-11-084	388-444-0050	NEW	98-16-044
388-416-0005	NEW-P	98-11-084	388-430-0020	NEW	98-16-044	388-444-0055	NEW-P	98-11-084
388-416-0005	NEW	98-16-044	388-430-0025	NEW-P	98-11-084	388-444-0055	NEW	98-16-044
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388-416-0035	NEW-P	98-11-084	388-436-0010	NEW	98-16-044	388-446-0001	NEW	98-16-044
388-416-0035	NEW	98-16-044	388-436-0015	NEW-P	98-11-084	388-446-0005	NEW-P	98-11-084
388-418	PREP	98-22-096	388-436-0015	NEW	98-16-044	388-446-0005	NEW	98-16-044
388-418-0005	NEW-P	98-11-084	388-436-0020	NEW-P	98-11-084	388-446-0010	NEW-P	98-11-084
388-418-0005	NEW	98-16-044	388-436-0020	NEW	98-16-044	388-446-0010	NEW	98-16-044
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388-418-0010	NEW	98-16-044	388-436-0025	NEW	98-16-044	388-446-0015	NEW	98-16-044
388-418-0015	NEW-P	98-11-084	388-436-0030	NEW-P	98-11-084	388-446-0020	NEW-P	98-11-084
388-418-0015	NEW	98-16-044	388-436-0030	NEW	98-16-044	388-446-0020	NEW	98-16-044
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388-418-0025	NEW	98-16-044	388-436-0040	NEW	98-16-044	388-448-0005	NEW	98-16-044
388-418-0025	PREP	98-22-098	388-436-0045	NEW-P	98-11-084	388-450-0005	NEW-P	98-11-084
388-418-0030	NEW-P	98-11-084	388-436-0045	NEW	98-16-044	388-450-0005	NEW	98-16-044
388-418-0030	NEW	98-16-044	388-436-0050	NEW-P	98-11-084	388-450-0010	NEW-P	98-11-084
388-420-010	NEW-P	98-11-084	388-436-0050	NEW-W	98-13-054	388-450-0010	NEW	98-16-044
388-420-010	NEW	98-16-044	388-436-0050	NEW-P	98-13-080	388-450-0015	NEW-P	98-11-084
388-422-0005	NEW-P	98-11-084	388-436-0050	NEW	98-16-044	388-450-0015	NEW	98-16-044
388-422-0005	NEW	98-16-044	388-437-0001	NEW-P	98-11-084	388-450-0020	NEW-P	98-11-084
388-422-0010	NEW-P	98-11-084	388-437-0001	NEW	98-16-044	388-450-0020	NEW	98-16-044
388-422-0010	NEW	98-16-044	388-438-0100	NEW-P	98-11-084	388-450-0025	NEW-P	98-11-084
388-422-0020	NEW-P	98-11-084	388-438-0100	NEW	98-16-044	388-450-0025	NEW	98-16-044
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388-424-0010	NEW	98-16-044	388-442-0010	NEW	98-16-044	388-450-0045	NEW	98-16-044
388-424-0010	PREP	98-22-095	388-444-0005	NEW-P	98-11-084	388-450-0050	NEW-P	98-11-084

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388-450-0055	NEW-P	98-11-084	388-450-0210	NEW-P	98-11-084	388-466-0010	NEW	98-16-044
388-450-0055	NEW	98-16-044	388-450-0210	NEW	98-16-044	388-466-0015	NEW-P	98-11-084
388-450-0060	NEW-P	98-11-084	388-450-0215	NEW-P	98-11-084	388-466-0015	NEW	98-16-044
388-450-0060	NEW	98-16-044	388-450-0215	NEW	98-16-044	388-466-0020	NEW-P	98-11-084
388-450-0065	NEW-P	98-11-084	388-450-0220	NEW-P	98-11-084	388-466-0020	NEW	98-16-044
388-450-0065	NEW	98-16-044	388-450-0220	NEW	98-16-044	388-466-0025	NEW-P	98-11-084
388-450-0070	NEW-P	98-11-084	388-450-0225	NEW-P	98-11-084	388-466-0025	NEW	98-16-044
388-450-0070	NEW	98-16-044	388-450-0225	NEW	98-16-044	388-468-0005	NEW	98-16-044
388-450-0075	NEW-P	98-11-084	388-450-0230	NEW-P	98-11-084	388-468-0010	NEW-P	98-11-084
388-450-0075	NEW	98-16-044	388-450-0230	NEW	98-16-044	388-470	PREP	98-22-096
388-450-0080	NEW-P	98-11-084	388-450-0235	NEW-P	98-11-084	388-470-0005	NEW-P	98-11-084
388-450-0080	NEW	98-16-044	388-450-0235	NEW	98-16-044	388-470-0005	NEW	98-16-044
388-450-0085	NEW-P	98-11-084	388-450-0240	NEW-P	98-11-084	388-470-0010	NEW-P	98-11-084
388-450-0085	NEW	98-16-044	388-450-0240	NEW	98-16-044	388-470-0010	NEW	98-16-044
388-450-0090	NEW-P	98-11-084	388-450-0245	NEW-P	98-11-084	388-470-0015	NEW-P	98-11-084
388-450-0090	NEW	98-16-044	388-450-0245	NEW	98-16-044	388-470-0015	NEW	98-16-044
388-450-0095	NEW-P	98-11-084	388-450-0250	NEW-P	98-11-084	388-470-0020	NEW-P	98-11-084
388-450-0095	NEW	98-16-044	388-450-0250	NEW	98-16-044	388-470-0020	NEW	98-16-044
388-450-0100	NEW-P	98-11-084	388-452-0005	NEW-P	98-11-084	388-470-0025	NEW-P	98-11-084
388-450-0100	NEW	98-16-044	388-452-0005	NEW	98-16-044	388-470-0025	NEW	98-16-044
388-450-0105	NEW-P	98-11-084	388-452-0005	PREP	98-22-097	388-470-0030	NEW-P	98-11-084
388-450-0105	NEW	98-16-044	388-452-0010	NEW-P	98-11-084	388-470-0030	NEW	98-16-044
388-450-0106	NEW-XA	98-19-126	388-452-0010	NEW	98-16-044	388-470-0035	NEW-P	98-11-084
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388-450-0115	NEW-P	98-11-084	388-454-0010	NEW-P	98-11-084	388-470-0040	NEW	98-16-044
388-450-0115	NEW	98-16-044	388-454-0010	NEW	98-16-044	388-470-0045	NEW-P	98-11-084
388-450-0116	NEW-XA	98-19-126	388-454-0015	NEW-P	98-11-084	388-470-0045	NEW	98-16-044
388-450-0120	NEW-P	98-11-084	388-454-0015	NEW	98-16-044	388-470-0050	NEW-P	98-11-084
388-450-0120	NEW	98-16-044	388-454-0020	NEW-P	98-11-084	388-470-0050	NEW	98-16-044
388-450-0125	NEW-P	98-11-084	388-454-0020	NEW	98-16-044	388-470-0055	NEW-P	98-11-084
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388-450-0130	NEW-P	98-11-084	388-454-0025	NEW	98-16-044	388-470-0060	NEW-P	98-11-084
388-450-0130	NEW	98-16-044	388-456-0001	NEW-P	98-11-084	388-470-0060	NEW	98-16-044
388-450-0135	NEW-P	98-11-084	388-456-0001	NEW	98-16-044	388-470-0065	NEW-P	98-11-084
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388-450-0155	NEW-P	98-11-084	388-458-0005	NEW	98-16-044	388-472-0005	NEW-P	98-11-084
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388-450-0175	NEW	98-16-044	388-460-0010	NEW-P	98-11-084	388-474-0015	NEW	98-16-044
388-450-0180	NEW-P	98-11-084	388-460-0010	NEW	98-16-044	388-474-0020	NEW-P	98-11-084
388-450-0180	NEW	98-16-044	388-460-0010	AMD-P	98-23-094	388-474-0020	NEW	98-16-044
388-450-0185	NEW-P	98-11-084	388-460-0015	NEW-P	98-11-084	388-476-0005	NEW-P	98-11-084
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388-450-0185	PREP	98-23-090	388-462-0005	NEW-P	98-11-084	388-478-0005	NEW-P	98-11-084
388-450-0190	NEW-P	98-11-084	388-462-0005	NEW	98-16-044	388-478-0005	NEW	98-16-044
388-450-0190	NEW	98-16-044	388-462-0010	NEW-P	98-11-084	388-478-0010	NEW-P	98-11-084
388-450-0195	NEW-P	98-11-084	388-462-0010	NEW	98-16-044	388-478-0010	NEW	98-16-044
388-450-0195	NEW	98-16-044	388-462-0015	NEW-P	98-11-084	388-478-0015	NEW-P	98-11-084
388-450-0195	AMD-P	98-21-025	388-462-0015	NEW	98-16-044	388-478-0015	NEW	98-16-044
388-450-0195	AMD-E	98-21-026	388-464-0001	NEW-P	98-11-084	388-478-0015	PREP	98-17-081
388-450-0200	NEW-P	98-11-084	388-464-0001	NEW	98-16-044	388-478-0020	NEW-P	98-11-084
388-450-0200	NEW	98-16-044	388-466-0005	NEW-P	98-11-084	388-478-0020	NEW	98-16-044
388-450-0205	NEW-P	98-11-084	388-466-0005	NEW	98-16-044	388-478-0025	NEW-P	98-11-084

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-478-0025	NEW	98-16-044	388-503-0320	REP-P	98-13-082	388-506-0610	REP-P	98-13-082
388-478-0030	NEW-P	98-11-084	388-503-0320	REP	98-16-050	388-506-0610	REP	98-16-050
388-478-0030	NEW	98-16-044	388-503-0350	REP-P	98-13-082	388-506-0620	AMD-P	98-15-140
388-478-0035	NEW-P	98-11-084	388-503-0350	REP	98-16-050	388-506-0620	AMD	98-18-079
388-478-0035	NEW	98-16-044	388-503-0370	REP-P	98-13-082	388-506-0630	REP-P	98-13-082
388-478-0040	NEW-P	98-11-084	388-503-0370	REP	98-16-050	388-506-0630	REP	98-16-050
388-478-0040	NEW	98-16-044	388-503-0505	NEW-P	98-11-084	388-507	PREP	98-10-106
388-478-0045	NEW-P	98-11-084	388-503-0505	NEW	98-16-044	388-507-0710	AMD-P	98-08-082
388-478-0045	NEW	98-16-044	388-503-0510	NEW-P	98-11-084	388-507-0710	AMD-E	98-08-087
388-478-0050	NEW-P	98-11-084	388-503-0510	NEW	98-16-044	388-507-0710	AMD	98-11-033
388-478-0050	NEW	98-16-044	388-503-0515	NEW-P	98-11-084	388-507-0710	REP-P	98-13-082
388-478-0055	NEW-P	98-11-084	388-503-0515	NEW	98-16-044	388-507-0710	REP	98-16-050
388-478-0055	NEW	98-16-044	388-503-0520	NEW-P	98-11-084	388-507-0720	REP-P	98-13-082
388-478-0055	PREP	98-21-024	388-503-0520	NEW-W	98-16-037	388-507-0720	REP	98-16-050
388-478-0060	NEW-P	98-11-084	388-504	PREP	98-10-106	388-507-0730	REP-P	98-13-082
388-478-0060	NEW	98-16-044	388-504-0405	REP-P	98-13-082	388-507-0730	REP	98-16-050
388-478-0060	AMD-E	98-20-043	388-504-0405	REP	98-16-050	388-507-0740	AMD-P	98-08-081
388-478-0065	NEW-P	98-11-084	388-504-0410	REP-P	98-13-082	388-507-0740	AMD-E	98-08-088
388-478-0065	NEW	98-16-044	388-504-0410	REP	98-16-050	388-507-0740	REP-P	98-13-082
388-478-0070	NEW-P	98-11-084	388-504-0420	REP-P	98-13-082	388-507-0740	AMD	98-15-066
388-478-0070	NEW	98-16-044	388-504-0420	REP	98-16-050	388-507-0740	REP	98-16-050
388-478-0075	NEW-P	98-11-084	388-504-0430	REP-P	98-13-082	388-508	PREP	98-10-106
388-478-0075	NEW	98-16-044	388-504-0430	REP	98-16-050	388-508-0805	PREP	98-07-039
388-478-0080	NEW-P	98-11-084	388-504-0440	REP-P	98-13-082	388-508-0805	AMD-E	98-08-085
388-478-0080	NEW	98-16-044	388-504-0440	REP	98-16-050	388-508-0805	REP-P	98-13-082
388-478-0085	NEW-P	98-11-084	388-504-0450	REP-P	98-13-082	388-508-0805	AMD-P	98-15-053
388-478-0085	NEW	98-16-044	388-504-0450	REP	98-16-050	388-508-0805	AMD-E	98-16-036
388-480-0001	NEW-P	98-11-084	388-504-0460	REP-P	98-13-082	388-508-0805	REP	98-16-050
388-480-0001	NEW	98-16-044	388-504-0460	REP	98-16-050	388-508-0805	AMD-W	98-17-064
388-482-0005	NEW-P	98-11-084	388-504-0470	REP-P	98-13-082	388-508-0810	REP-P	98-13-082
388-482-0005	NEW	98-16-044	388-504-0470	REP	98-16-050	388-508-0810	REP	98-16-050
388-484-0005	NEW-P	98-11-084	388-504-0480	REP-P	98-13-082	388-508-0820	REP-P	98-13-082
388-484-0005	NEW	98-16-044	388-504-0480	REP	98-16-050	388-508-0820	REP	98-16-050
388-486-0005	NEW-P	98-11-084	388-504-0485	REP-P	98-13-082	388-508-0830	REP-P	98-13-082
388-486-0005	NEW	98-16-044	388-504-0485	REP	98-16-050	388-508-0830	REP	98-16-050
388-486-0010	NEW-P	98-11-084	388-505	PREP	98-10-106	388-508-0835	REP-P	98-13-082
388-486-0010	NEW	98-16-044	388-505-0110	NEW-P	98-11-084	388-508-0835	REP	98-16-050
388-488-0005	NEW-P	98-11-084	388-505-0110	NEW	98-16-044	388-508-0840	REP-P	98-13-082
388-488-0005	NEW	98-16-044	388-505-0210	NEW-P	98-11-084	388-508-0840	REP	98-16-050
388-488-0010	NEW-P	98-11-084	388-505-0210	NEW	98-16-044	388-509	PREP	98-10-106
388-488-0010	NEW	98-16-044	388-505-0210	PREP	98-22-095	388-509-0905	REP-P	98-13-082
388-490-0005	NEW-P	98-11-084	388-505-0220	NEW-P	98-11-084	388-509-0905	REP	98-16-050
388-490-0005	NEW	98-16-044	388-505-0220	NEW	98-16-044	388-509-0910	REP-P	98-13-082
388-500	PREP	98-10-106	388-505-0501	REP-P	98-13-082	388-509-0910	REP	98-16-050
388-500-0005	AMD-P	98-08-081	388-505-0501	REP	98-16-050	388-509-0920	PREP	98-07-039
388-500-0005	AMD-E	98-08-088	388-505-0505	REP-P	98-13-082	388-509-0920	AMD-E	98-08-085
388-500-0005	AMD	98-15-066	388-505-0505	REP	98-16-050	388-509-0920	REP-P	98-13-082
388-501	PREP	98-10-106	388-505-0510	REP-P	98-13-082	388-509-0920	AMD-P	98-15-053
388-501-0105	REP-P	98-13-082	388-505-0510	REP	98-16-050	388-509-0920	AMD-E	98-16-036
388-501-0105	REP	98-16-050	388-505-0520	AMD-P	98-08-081	388-509-0920	REP	98-16-050
388-501-0110	REP-P	98-13-082	388-505-0520	AMD-E	98-08-088	388-509-0920	AMD-W	98-17-064
388-501-0110	REP	98-16-050	388-505-0520	REP-P	98-13-082	388-509-0940	REP-P	98-13-082
388-501-0135	AMD-P	98-11-084	388-505-0520	AMD	98-15-066	388-509-0940	REP	98-16-050
388-501-0135	AMD	98-16-044	388-505-0520	REP	98-16-050	388-509-0960	PREP	98-07-039
388-501-0140	REP-P	98-13-082	388-505-0530	REP-P	98-13-082	388-509-0960	AMD-E	98-08-085
388-501-0140	REP	98-16-050	388-505-0530	REP	98-16-050	388-509-0960	REP-P	98-13-082
388-501-0150	REP-P	98-13-082	388-505-0540	AMD-P	98-11-084	388-509-0960	AMD-P	98-15-053
388-501-0170	REP-P	98-13-082	388-505-0540	AMD	98-16-044	388-509-0960	AMD-E	98-16-036
388-501-0170	REP	98-16-050	388-505-0560	REP-P	98-13-082	388-509-0960	REP	98-16-050
388-501-0190	REP-P	98-13-082	388-505-0560	REP	98-16-050	388-509-0960	AMD-W	98-17-064
388-501-0190	REP	98-16-050	388-505-0570	REP-P	98-13-082	388-509-0970	REP-P	98-13-082
388-503	PREP	98-10-106	388-505-0570	REP	98-16-050	388-509-0970	REP	98-16-050
388-503-0305	REP-P	98-13-082	388-505-0580	REP-P	98-13-082	388-510	PREP	98-10-106
388-503-0305	REP	98-16-050	388-505-0580	REP	98-16-050	388-510-1005	NEW-P	98-08-081
388-503-0310	AMD-P	98-08-081	388-505-0590	REP-P	98-13-082	388-510-1005	NEW-E	98-08-088
388-503-0310	AMD-E	98-08-088	388-505-0590	REP	98-16-050	388-510-1005	NEW	98-15-066
388-503-0310	AMD	98-15-066	388-506	PREP	98-10-106	388-510-1020	AMD-P	98-08-081

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388-510-1020	AMD-E	98-08-088	388-517-1750	REP-P	98-13-082	388-522-2230	REP-P	98-13-082
388-510-1020	REP-P	98-13-082	388-517-1750	REP	98-16-050	388-522-2230	REP	98-16-050
388-510-1020	AMD	98-15-066	388-517-1760	REP-P	98-08-083	388-523	PREP	98-10-106
388-510-1020	REP	98-16-050	388-517-1760	REP-E	98-08-086	388-523-0100	NEW-P	98-11-084
388-510-1030	REP-P	98-13-082	388-517-1760	REP	98-11-073	388-523-0100	NEW	98-16-044
388-510-1030	REP	98-16-050	388-517-1770	NEW-P	98-08-083	388-523-2305	PREP	98-03-079
388-511	PREP	98-10-106	388-517-1770	NEW-E	98-08-086	388-523-2305	AMD-P	98-08-081
388-511-1105	AMD-P	98-15-140	388-517-1770	NEW	98-11-073	388-523-2305	AMD-E	98-08-088
388-511-1105	AMD	98-18-079	388-517-1770	REP-P	98-13-082	388-523-2305	REP-P	98-13-082
388-511-1110	REP-P	98-13-082	388-517-1770	REP	98-16-050	388-523-2305	AMD	98-15-066
388-511-1110	REP	98-16-050	388-518	PREP	98-10-106	388-523-2305	REP	98-16-050
388-511-1115	REP-P	98-13-082	388-518-1805	REP-P	98-13-082	388-523-2320	REP-P	98-13-082
388-511-1115	REP	98-16-050	388-518-1805	REP	98-16-050	388-523-2320	REP	98-16-050
388-511-1140	REP-P	98-13-082	388-518-1810	REP-P	98-13-082	388-524	PREP	98-10-106
388-511-1140	REP	98-16-050	388-518-1810	REP	98-16-050	388-524-2405	REP-P	98-13-082
388-511-1150	REP-P	98-13-082	388-518-1820	REP-P	98-13-082	388-524-2405	REP	98-16-050
388-511-1150	REP	98-16-050	388-518-1820	REP	98-16-050	388-524-2420	REP-P	98-13-082
388-511-1160	AMD	98-04-031	388-518-1830	REP-P	98-13-082	388-524-2420	REP	98-16-050
388-511-1160	REP-P	98-13-082	388-518-1830	REP	98-16-050	388-525	PREP	98-10-106
388-511-1160	REP	98-16-050	388-518-1840	REP-P	98-13-082	388-525-2505	REP-P	98-13-082
388-511-1170	REP-P	98-13-082	388-518-1840	REP	98-16-050	388-525-2505	REP	98-16-050
388-511-1170	REP	98-16-050	388-518-1850	REP-P	98-13-082	388-525-2520	REP-P	98-13-082
388-512	PREP	98-10-106	388-518-1850	REP	98-16-050	388-525-2520	REP	98-16-050
388-512-1275	AMD	98-04-004	388-519	PREP	98-10-106	388-525-2570	REP-P	98-13-082
388-512-1280	REP	98-04-004	388-519-0100	NEW-P	98-11-084	388-525-2570	REP	98-16-050
388-513	PREP	98-10-106	388-519-0100	NEW	98-16-044	388-526	PREP	98-10-106
388-513-1315	AMD	98-04-003	388-519-0110	NEW-P	98-11-084	388-527	PREP	98-10-106
388-513-1340	PREP	98-05-052	388-519-0110	NEW	98-16-044	388-528	PREP	98-10-106
388-513-1345	PREP	98-05-052	388-519-0120	NEW-P	98-11-084	388-529	PREP	98-10-106
388-513-1350	AMD-P	98-08-082	388-519-0120	NEW	98-16-044	388-529-0100	NEW-P	98-11-084
388-513-1350	AMD-E	98-08-087	388-519-0120	NEW	98-16-044	388-529-0100	NEW	98-16-044
388-513-1350	AMD	98-11-033	388-519-1905	REP-P	98-13-082	388-529-0200	NEW-P	98-11-084
388-513-1380	AMD-P	98-03-085	388-519-1905	REP	98-16-050	388-529-0200	NEW	98-16-044
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392-140-640	AMD	98-08-013	392-140-742	NEW-P	98-03-067	399-20-080	AMD-S	98-18-019
392-140-656	AMD-P	98-04-036	392-140-742	NEW	98-07-061	399-20-090	AMD-S	98-18-019
392-140-656	AMD	98-08-013	392-140-743	NEW-P	98-03-067	399-20-100	AMD-P	98-07-033
392-140-660	AMD-P	98-04-036	392-140-743	NEW	98-07-061	399-20-100	AMD-S	98-18-019
392-140-660	AMD	98-08-013	392-140-744	NEW-P	98-03-067	399-20-110	AMD-S	98-18-019
392-140-665	AMD-P	98-04-036	392-140-744	NEW	98-07-061	399-20-120	AMD-P	98-07-033
392-140-665	AMD	98-08-013	392-140-745	NEW-P	98-03-067	399-20-120	AMD-S	98-18-019
392-140-675	AMD-P	98-04-036	392-140-745	NEW	98-07-061	399-30-010	AMD-S	98-18-019
392-140-675	AMD	98-08-013	392-140-746	NEW-P	98-03-067	399-30-020	AMD-P	98-07-033
392-140-680	AMD-P	98-04-036	392-140-746	NEW	98-07-061	399-30-020	AMD-S	98-18-019
392-140-680	AMD	98-08-013	392-140-747	NEW-P	98-03-067	399-30-030	AMD-P	98-07-033
392-140-685	AMD-P	98-04-036	392-140-747	NEW	98-07-061	399-30-030	AMD-S	98-18-019
392-140-685	AMD	98-08-013	392-140-800	NEW	98-04-080	399-30-040	AMD-S	98-18-019
392-140-700	NEW-P	98-03-067	392-140-802	NEW	98-04-080	399-30-042	AMD-S	98-18-019
392-140-700	NEW	98-07-061	392-140-804	NEW	98-04-080	399-30-045	AMD-P	98-07-033
392-140-701	NEW-P	98-03-067	392-140-806	NEW	98-04-080	399-30-045	AMD-S	98-18-019
392-140-701	NEW	98-07-061	392-140-808	NEW	98-04-080	399-30-050	AMD-S	98-18-019
392-140-702	NEW-P	98-03-067	392-140-810	NEW	98-04-080	399-30-060	AMD-P	98-07-033
392-140-702	NEW	98-07-061	392-140-812	NEW	98-04-080	399-30-060	AMD-S	98-18-019
392-140-710	NEW-P	98-03-067	392-140-814	NEW	98-04-080	399-30-065	AMD-P	98-07-033
392-140-710	NEW	98-07-061	392-140-816	NEW	98-04-080	399-30-065	AMD-S	98-18-019
392-140-711	NEW-P	98-03-067	392-140-818	NEW	98-04-080	415-108-010	AMD	98-09-059
392-140-711	NEW	98-07-061	392-140-820	NEW	98-04-080	415-108-0110	NEW	98-09-059
392-140-712	NEW-P	98-03-067	392-140-822	NEW	98-04-080	415-108-0111	NEW	98-09-059
392-140-712	NEW	98-07-061	392-140-824	NEW	98-04-080	415-108-441	NEW	98-09-059
392-140-713	NEW-P	98-03-067	392-140-826	NEW	98-04-080	415-108-443	NEW	98-09-059
392-140-713	NEW	98-07-061	392-140-828	NEW	98-04-080	415-108-445	NEW	98-09-059
392-140-714	NEW-P	98-03-067	392-140-830	NEW	98-04-080	415-108-450	REP	98-09-059
392-140-714	NEW	98-07-061	392-140-832	NEW	98-04-080	415-108-451	NEW	98-09-059
392-140-715	NEW-P	98-03-067	392-140-834	NEW	98-04-080	415-108-453	NEW	98-09-059
392-140-715	NEW	98-07-061	392-140-836	NEW	98-04-080	415-108-455	NEW	98-09-059
392-140-716	NEW-P	98-03-067	392-141	PREP	98-09-091	415-108-456	NEW	98-09-059
392-140-716	NEW	98-07-061	392-141-146	AMD-P	98-14-011	415-108-457	NEW	98-09-059
392-140-720	NEW-P	98-03-067	392-141-146	AMD	98-17-007	415-108-458	NEW	98-09-059
392-140-720	NEW	98-07-061	392-141-148	AMD-P	98-14-011	415-108-459	NEW	98-09-059
392-140-721	NEW-P	98-03-067	392-141-148	AMD	98-17-007	415-108-460	REP	98-09-059
392-140-721	NEW	98-07-061	392-141-150	AMD-P	98-14-011	415-108-463	NEW	98-09-059
392-140-722	NEW-P	98-03-067	392-141-150	AMD	98-17-007	415-108-464	NEW	98-09-059
392-140-722	NEW	98-07-061	392-141-152	NEW-P	98-14-011	415-108-465	NEW	98-09-059
392-140-723	NEW-P	98-03-067	392-141-152	NEW	98-17-007	415-108-466	NEW	98-09-059
392-140-723	NEW	98-07-061	392-141-160	AMD-P	98-14-011	415-108-467	NEW	98-09-059
392-140-724	NEW-P	98-03-067	392-141-160	AMD	98-17-007	415-108-468	NEW	98-09-059
392-140-724	NEW	98-07-061	392-170-035	AMD	98-12-002	415-108-469	NEW	98-09-059
392-140-725	NEW-P	98-03-067	392-170-036	NEW	98-12-002	415-108-475	NEW	98-09-059
392-140-725	NEW	98-07-061	392-170-037	NEW	98-12-002	415-108-477	NEW	98-09-059
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392-140-726	NEW	98-07-061	392-170-042	NEW	98-12-002	415-108-482	NEW	98-09-059
392-140-727	NEW-P	98-03-067	392-170-047	NEW	98-12-002	415-108-483	NEW	98-09-059
392-140-727	NEW	98-07-061	392-170-050	AMD	98-12-002	415-108-484	NEW	98-09-059
392-140-728	NEW-P	98-03-067	392-170-078	NEW	98-12-002	415-108-487	NEW	98-09-059
392-140-728	NEW	98-07-061	392-170-080	AMD	98-12-002	415-108-488	NEW	98-09-059
392-140-730	NEW-P	98-03-067	392-170-090	AMD	98-12-002	415-108-490	REP	98-09-059
392-140-730	NEW	98-07-061	392-172	PREP	98-05-039	415-108-491	NEW	98-09-059
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392-140-731	NEW	98-07-061	399-10-010	AMD-P	98-07-033	415-112-4608	AMD	98-09-059
392-140-732	NEW-P	98-03-067	399-10-010	AMD-S	98-18-019	415-112-4609	AMD	98-09-059
392-140-732	NEW	98-07-061	399-10-020	AMD-S	98-18-019	415-114	AMD-P	98-21-064
392-140-733	NEW-P	98-03-067	399-10-030	AMD-P	98-07-033	415-114-100	AMD-P	98-21-064
392-140-733	NEW	98-07-061	399-10-030	AMD-S	98-18-019	415-114-200	AMD-P	98-21-064
392-140-735	NEW-P	98-03-067	399-20-010	AMD-S	98-18-019	415-114-300	REP-P	98-21-064
392-140-735	NEW	98-07-061	399-20-020	AMD-S	98-18-019	415-114-400	AMD-P	98-21-064
392-140-736	NEW-P	98-03-067	399-20-030	AMD-S	98-18-019	415-114-500	REP-P	98-21-064
392-140-736	NEW	98-07-061	399-20-040	AMD-S	98-18-019	415-114-550	REP-P	98-21-064
392-140-740	NEW-P	98-03-067	399-20-060	AMD-P	98-07-033	415-114-600	REP-P	98-21-064
392-140-740	NEW	98-07-061	399-20-060	AMD-S	98-18-019	415-114-700	AMD-P	98-21-064
392-140-741	NEW-P	98-03-067	399-20-070	AMD-P	98-07-033	415-512-015	AMD-P	98-15-098
392-140-741	NEW	98-07-061	399-20-070	AMD-S	98-18-019	415-512-015	AMD	98-20-047

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415-512-020	AMD	98-20-047	434-60-040	DECOD	98-08-010	434-91-090	DECOD	98-08-010
415-512-030	AMD-P	98-15-098	434-60-050	DECOD	98-08-010	434-91-100	DECOD	98-08-010
415-512-030	AMD	98-20-047	434-60-060	DECOD	98-08-010	434-91-110	DECOD	98-08-010
415-512-050	AMD-P	98-15-098	434-60-070	DECOD	98-08-010	434-91-120	DECOD	98-08-010
415-512-050	AMD	98-20-047	434-60-080	DECOD	98-08-010	434-91-130	DECOD	98-08-010
415-512-070	AMD-P	98-15-098	434-60-090	DECOD	98-08-010	434-91-140	DECOD	98-08-010
415-512-070	AMD	98-20-047	434-60-100	DECOD	98-08-010	434-91-150	DECOD	98-08-010
415-512-075	AMD-P	98-15-098	434-60-110	DECOD	98-08-010	434-91-160	DECOD	98-08-010
415-512-075	AMD	98-20-047	434-60-120	DECOD	98-08-010	434-91-170	DECOD	98-08-010
415-512-080	AMD-P	98-15-098	434-60-130	DECOD	98-08-010	434-110-060	AMD-E	98-13-042
415-512-080	AMD	98-20-047	434-60-140	DECOD	98-08-010	434-110-060	AMD-XA	98-13-099
415-512-090	AMD-P	98-15-098	434-60-150	DECOD	98-08-010	434-110-060	AMD	98-17-075
415-512-090	AMD	98-20-047	434-60-160	DECOD	98-08-010	434-120-300	AMD-P	98-13-098
415-512-095	NEW-P	98-15-098	434-60-170	DECOD	98-08-010	434-120-300	AMD	98-18-034
415-512-095	NEW	98-20-047	434-60-180	DECOD	98-08-010	434-120-305	AMD-P	98-13-098
415-512-110	AMD-P	98-15-098	434-60-190	DECOD	98-08-010	434-120-305	AMD	98-18-034
415-512-110	AMD	98-20-047	434-60-200	DECOD	98-08-010	434-120-310	AMD-P	98-13-098
415-524-010	AMD-P	98-15-098	434-60-210	DECOD	98-08-010	434-120-310	AMD	98-18-034
415-524-010	AMD	98-20-047	434-60-215	DECOD	98-08-010	434-120-315	REP-P	98-13-098
415-544-010	AMD-P	98-15-098	434-60-220	DECOD	98-08-010	434-120-315	REP	98-18-034
415-544-010	AMD	98-20-047	434-60-230	DECOD	98-08-010	434-120-317	REP-P	98-13-098
415-548-010	AMD-P	98-15-098	434-60-240	DECOD	98-08-010	434-120-317	REP	98-18-034
415-548-010	AMD	98-20-047	434-60-250	DECOD	98-08-010	434-120-320	AMD-P	98-13-098
415-560-010	AMD-P	98-15-098	434-60-260	DECOD	98-08-010	434-120-320	AMD	98-18-034
415-560-010	AMD	98-20-047	434-60-270	DECOD	98-08-010	434-120-335	REP-P	98-13-098
434-08-010	DECOD	98-08-010	434-60-280	DECOD	98-08-010	434-120-335	REP	98-18-034
434-08-020	DECOD	98-08-010	434-60-290	DECOD	98-08-010	434-120-340	REP-P	98-13-098
434-08-030	DECOD	98-08-010	434-60-300	DECOD	98-08-010	434-120-340	REP	98-18-034
434-08-040	DECOD	98-08-010	434-60-310	DECOD	98-08-010	434-120-350	REP-P	98-13-098
434-08-050	DECOD	98-08-010	434-60-320	DECOD	98-08-010	434-120-350	REP	98-18-034
434-08-060	DECOD	98-08-010	434-60-330	DECOD	98-08-010	434-180-130	AMD-P	98-13-100
434-08-070	DECOD	98-08-010	434-60-340	DECOD	98-08-010	434-180-130	AMD	98-16-031
434-08-080	DECOD	98-08-010	434-60-350	DECOD	98-08-010	434-180-200	AMD-P	98-13-100
434-08-090	DECOD	98-08-010	434-69-005	DECOD	98-08-010	434-180-200	AMD	98-16-031
434-24-065	DECOD	98-08-010	434-69-010	DECOD	98-08-010	434-180-203	NEW-P	98-13-100
434-26-005	DECOD	98-08-010	434-69-020	DECOD	98-08-010	434-180-203	NEW	98-16-031
434-26-010	DECOD	98-08-010	434-69-030	DECOD	98-08-010	434-180-215	AMD-P	98-13-100
434-26-015	DECOD	98-08-010	434-69-040	DECOD	98-08-010	434-180-215	AMD	98-16-031
434-26-020	DECOD	98-08-010	434-69-050	DECOD	98-08-010	434-180-215	AMD-XA	98-22-112
434-26-025	DECOD	98-08-010	434-69-060	DECOD	98-08-010	434-180-235	REP-P	98-13-100
434-26-030	DECOD	98-08-010	434-69-070	DECOD	98-08-010	434-180-235	REP	98-16-031
434-26-035	DECOD	98-08-010	434-69-080	DECOD	98-08-010	434-180-240	AMD-P	98-13-100
434-26-040	DECOD	98-08-010	434-80-010	DECOD	98-08-010	434-180-240	AMD	98-16-031
434-26-045	DECOD	98-08-010	434-80-020	DECOD	98-08-010	434-180-245	AMD-P	98-13-100
434-26-050	DECOD	98-08-010	434-80-030	DECOD	98-08-010	434-180-245	AMD	98-16-031
434-26-055	DECOD	98-08-010	434-80-040	DECOD	98-08-010	434-180-265	AMD-XA	98-22-113
434-26-060	DECOD	98-08-010	434-80-050	DECOD	98-08-010	434-180-360	AMD-XA	98-22-112
434-26-065	DECOD	98-08-010	434-80-060	DECOD	98-08-010	434-208-010	RECOD	98-08-010
434-26-900	DECOD	98-08-010	434-80-070	DECOD	98-08-010	434-208-020	RECOD	98-08-010
434-30-150	AMD	98-03-033	434-81-010	DECOD	98-08-010	434-208-030	RECOD	98-08-010
434-30-150	DECOD	98-03-033	434-81-020	DECOD	98-08-010	434-208-040	RECOD	98-08-010
434-32-010	DECOD	98-08-010	434-81-030	DECOD	98-08-010	434-208-050	RECOD	98-08-010
434-57-010	DECOD	98-08-010	434-81-040	DECOD	98-08-010	434-208-060	RECOD	98-08-010
434-57-020	DECOD	98-08-010	434-81-050	DECOD	98-08-010	434-208-070	RECOD	98-08-010
434-57-030	DECOD	98-08-010	434-81-060	DECOD	98-08-010	434-208-080	RECOD	98-08-010
434-57-040	DECOD	98-08-010	434-81-070	DECOD	98-08-010	434-208-090	RECOD	98-08-010
434-57-050	DECOD	98-08-010	434-81-080	DECOD	98-08-010	434-230-030	AMD	98-03-033
434-57-070	DECOD	98-08-010	434-81-090	DECOD	98-08-010	434-230-150	RECOD	98-03-033
434-57-080	DECOD	98-08-010	434-81-100	DECOD	98-08-010	434-230-160	AMD	98-03-033
434-57-090	DECOD	98-08-010	434-91-010	DECOD	98-08-010	434-236-090	AMD	98-03-033
434-57-100	DECOD	98-08-010	434-91-020	DECOD	98-08-010	434-236-170	AMD	98-03-033
434-57-120	DECOD	98-08-010	434-91-030	DECOD	98-08-010	434-240-190	AMD	98-03-033
434-57-130	DECOD	98-08-010	434-91-040	DECOD	98-08-010	434-240-205	AMD-E	98-18-041
434-57-150	DECOD	98-08-010	434-91-050	DECOD	98-08-010	434-240-230	AMD	98-03-033
434-60-010	DECOD	98-08-010	434-91-060	DECOD	98-08-010	434-240-235	NEW	98-03-033
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434-257-010	RECOD	98-08-010	434-324-035	AMD	98-03-033	434-380-070	RECOD	98-08-010
434-257-020	RECOD	98-08-010	434-324-050	AMD	98-03-033	434-381-010	RECOD	98-08-010
434-257-030	RECOD	98-08-010	434-324-060	AMD	98-03-033	434-381-020	RECOD	98-08-010
434-257-040	RECOD	98-08-010	434-324-065	RECOD	98-08-010	434-381-030	RECOD	98-08-010
434-257-050	RECOD	98-08-010	434-324-085	AMD	98-03-033	434-381-040	RECOD	98-08-010
434-257-070	RECOD	98-08-010	434-324-095	AMD	98-03-033	434-381-050	RECOD	98-08-010
434-257-080	RECOD	98-08-010	434-324-105	AMD	98-03-033	434-381-060	RECOD	98-08-010
434-257-090	RECOD	98-08-010	434-324-105	REP-E	98-21-044	434-381-070	RECOD	98-08-010
434-257-100	RECOD	98-08-010	434-324-120	AMD	98-03-033	434-381-080	RECOD	98-08-010
434-257-120	RECOD	98-08-010	434-324-130	AMD	98-03-033	434-381-090	RECOD	98-08-010
434-257-130	RECOD	98-08-010	434-326-005	RECOD	98-08-010	434-381-100	RECOD	98-08-010
434-257-150	RECOD	98-08-010	434-326-010	RECOD	98-08-010	434-840-001	AMD-P	98-13-111
434-260-010	RECOD	98-08-010	434-326-015	RECOD	98-08-010	434-840-001	AMD-P	98-14-006
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434-260-030	RECOD	98-08-010	434-326-025	RECOD	98-08-010	434-840-001	AMD	98-19-063
434-260-040	RECOD	98-08-010	434-326-030	RECOD	98-08-010	434-840-005	AMD-P	98-13-111
434-260-050	RECOD	98-08-010	434-326-035	RECOD	98-08-010	434-840-005	AMD-P	98-14-006
434-260-060	RECOD	98-08-010	434-326-040	RECOD	98-08-010	434-840-005	AMD-W	98-14-009
434-260-070	RECOD	98-08-010	434-326-045	RECOD	98-08-010	434-840-005	AMD	98-19-063
434-260-080	RECOD	98-08-010	434-326-050	RECOD	98-08-010	434-840-010	AMD-P	98-13-111
434-260-090	RECOD	98-08-010	434-326-055	RECOD	98-08-010	434-840-010	AMD-P	98-14-006
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434-260-110	RECOD	98-08-010	434-326-065	RECOD	98-08-010	434-840-010	AMD	98-19-063
434-260-120	RECOD	98-08-010	434-326-900	RECOD	98-08-010	434-840-020	AMD-P	98-13-111
434-260-130	RECOD	98-08-010	434-332-010	RECOD	98-08-010	434-840-020	AMD-P	98-14-006
434-260-140	RECOD	98-08-010	434-334-055	AMD-E	98-17-029	434-840-020	AMD-W	98-14-009
434-260-150	RECOD	98-08-010	434-334-063	NEW-E	98-17-029	434-840-020	AMD	98-19-063
434-260-160	RECOD	98-08-010	434-334-065	AMD-E	98-17-029	434-840-030	AMD-P	98-13-111
434-260-170	RECOD	98-08-010	434-334-070	AMD-E	98-17-029	434-840-030	AMD-P	98-14-006
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434-260-190	RECOD	98-08-010	434-334-080	AMD-E	98-17-029	434-840-030	AMD	98-19-063
434-260-200	RECOD	98-08-010	434-334-080	DECOD-E	98-17-029	434-840-040	AMD-P	98-13-111
434-260-210	RECOD	98-08-010	434-334-082	NEW-E	98-17-029	434-840-040	AMD-P	98-14-006
434-260-215	RECOD	98-08-010	434-334-085	AMD-E	98-17-029	434-840-040	AMD-W	98-14-009
434-260-220	RECOD	98-08-010	434-334-090	AMD-E	98-17-029	434-840-040	AMD	98-19-063
434-260-230	RECOD	98-08-010	434-334-095	AMD-E	98-17-029	434-840-050	REP-P	98-13-111
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468-84-220	REP	98-11-045	468-400-020	NEW	98-06-029	480-09	PREP	98-05-056
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480-95-060	REP	98-21-041	490-100-040	REP-P	98-17-052	490-105-080	NEW	98-22-033
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