

**WSR 06-02-002**  
**PERMANENT RULES**  
**DEPARTMENT OF CORRECTIONS**

[Filed December 21, 2005, 4:33 p.m., effective January 21, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Increase the reimbursement rates for criminal justice expenses.

Citation of Existing Rules Affected by this Order: Amending WAC 137-70-040.

Statutory Authority for Adoption: RCW 72.01.090, 72.72.040.

Adopted under notice filed as WSR 05-13-161 on June 21, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 21, 2005.

H. W. Clarke  
Secretary

AMENDATORY SECTION (Amending Order 89-04, filed 5/25/89)

**WAC 137-70-040 Reimbursable impacts/rates—Criminal justice costs.** Reimbursement shall be restricted to fully documented law enforcement, prosecutorial, judicial and jail facility costs, as defined herein, at the actual costs of the submitting jurisdiction, not to exceed the following rates:

(1) Law enforcement costs are costs incurred by any political subdivision in apprehending escapees, in investigating crimes committed by state institutional inmates including pretrial investigations within or outside the institution, or in providing security for inmates outside the jail facility. These costs are reimbursable at the following rates:

~~((a) \$19.03 per hour for the period July 1, 1985, through June 30, 1986.~~

~~((b) \$19.81 per hour for the period July 1, 1986, through June 30, 1989-)) \$23.96 per hour.~~

(2) If an escape or investigation results in the filing of a criminal complaint, the impacted political subdivision shall be entitled to attorney costs associated with the prosecution and/or defense of the filed action. These costs are reimbursable at the following maximum rates:

~~((a) \$45.50 per hour from July 1, 1985, through June 30, 1986.~~

~~((b) \$47.37 per hour from July 1, 1986, through June 30, 1989-)) \$57.32 per hour.~~

(3) Reimbursement for judicial costs incurred as a result of the filing of a criminal complaint shall be limited to judges, court reporters, transcript typing or preparation, witness fees and jury fees. These costs are reimbursable at the following maximum rates:

~~(a) Judges - ((\$42.41 per hour from July 1, 1985, through June 30, 1986, and \$44.15 per hour for the period July 1, 1986, through June 30, 1989-)) \$57.32 per hour.~~ These costs shall include the services of court clerks and bailiffs.

~~(b) Court reporters - ((\$19.08 per hour from July 1, 1985, through June 30, 1986, and \$19.86 per hour for the period July 1, 1986, through June 30, 1989-)) \$24.71 per hour.~~

~~(c) Transcript typing services - ((\$3.80 per page from July 1, 1985, through June 30, 1986, and \$3.96 per page for the period July 1, 1986, through June 30, 1989-)) \$4.79 per page.~~

~~(d) Expert witnesses - ((\$63.86 per hour from July 1, 1985, through June 30, 1986, and \$66.48 per hour for the period July 1, 1986, through June 30, 1989-)) \$80.43 per hour.~~

~~(e) Witness fees/nonexpert - jury fees - reimbursable at the rate established by the local governmental legislative authority up to a maximum of ((\$28.67 per day for the period July 1, 1985, through June 30, 1986, and \$29.85 for the period July 1, 1986, through June 30, 1989-)) \$36.11 per day.~~

(4) Jail facility costs resulting from the escape or criminal complaint shall be reimbursed at the ~~((following maximum rate: \$15.00 per inmate day from July 1, 1985, through June 30, 1987, \$18.00 for the period July 1, 1987, through July 31, 1988, and \$30.00 for the period August 1, 1988, through June 30, 1989))~~ rates established by OFM.

(5) Coroner - Where an inmate dies as a result of criminal activity of another inmate, coroner costs incurred by a local jurisdiction may be reimbursed up to a maximum amount established by the department as reasonable.

(6) Medical costs - Where an inmate is in the custody of a local jurisdiction as a result of a crime committed while incarcerated in a state institution, extraordinary medical costs, beyond the routine medical services of the jail, may be reimbursed at the discretion of the department. Counties, cities, and towns shall notify the department prior to incurring expenses for extraordinary medical expenses, where practicable, to allow the department an opportunity to provide the necessary medical care directly.

**WSR 06-02-004**  
**PERMANENT RULES**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**

[Filed December 22, 2005, 10:19 a.m., effective January 22, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 139-10-530 Basic community corrections officers academy curriculum, originally, department of corrections (DOC) planned to introduce defensive tactics training into the community corrections officer (CCO) course in September 2005. This WAC was updated accordingly to include defensive tactics. In a recent DOC message, the

introduction has been deferred for further study. DOC requested that defensive tactics not be included at this time in the WAC covering the CCO curriculum.

Statutory Authority for Adoption: RCW 43.101.080.

Adopted under notice filed as WSR 05-20-030 on September 28, 2005.

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.

Date Adopted: December 14, 2005.

Sonja Hirsch  
Confidential Secretary

**AMENDATORY SECTION** (Amending WSR 05-13-078, filed 6/14/05, effective 7/15/05)

**WAC 139-10-530 Basic community corrections officers academy curriculum.** The basic community corrections officers academy curriculum of the commission must be at least eighty instructional hours in length and will include, but not be limited to, the following subject matter areas:

- (1) Core skills
  - (a) Assessment
  - (b) Motivation
  - (c) Goal setting/action planning
  - (d) Monitoring and intervention
  - (e) Arrest and search procedures
- (2) Key skills
  - (a) Interpersonal skills
  - (b) Interviewing
  - (c) Classification
  - (d) Offense prevention
- (3) Related skills
  - (a) Dealing with aggressive and resistive behavior
  - (b) Legal issues
  - (c) Counseling techniques
  - (d) Managing information
  - (e) (~~Defensive tactics and~~) Security management.

**WSR 06-02-005**

**PERMANENT RULES**

**DEPARTMENT OF REVENUE**

[Filed December 22, 2005, 1:24 p.m., effective January 1, 2006]

Effective Date of Rule: January 1, 2006.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The stumpage value rule is required by statute (RCW 84.33.091) to be effective on January 1, 2006.

Purpose: WAC 458-40-660 contains the stumpage values used by harvesters of timber to calculate the timber excise tax. This rule is being revised to provide the stumpage values to be used during the first half of 2006. The proposed rule also combines red cedar shakes and shingles into a single reporting category and requires these products to be reported by cords rather than board feet.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.

Statutory Authority for Adoption: RCW 82.01.060(2), 82.32.300, and 84.33.096.

Other Authority: RCW 84.33.091.

Adopted under notice filed as WSR 05-22-064 on October 31, 2005.

A final cost-benefit analysis is available by contacting Roseanna Hodson, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6119, fax (360) 586-5543, e-mail roseannah@dor.wa.gov.

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 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 1, Repealed 0.

Date Adopted: December 22, 2005.

Janis P. Bianchi, Manager  
Interpretations and  
Technical Advice Unit

**AMENDATORY SECTION** (Amending WSR 05-14-087, filed 6/30/05, effective 7/1/05)

**WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.** (1) **Introduction.** This rule provides stumpage value tables and stumpage value adjustments used to calculate the amount of a harvester's timber excise tax.

(2) **Stumpage value tables.** The following stumpage value tables are used to calculate the taxable value of stumpage harvested from (~~(July)~~) January 1 through (~~(December 31, 2005)~~) June 30, 2006:

((TABLE 1—Stumpage Value Table  
Stumpage Value Area 1  
July 1 through December 31, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$461	\$454	\$447	\$440	\$433
		2	459	452	445	438	431
		3	411	404	397	390	383
		4	377	370	363	356	349
Western-Redcedar(2)	RC	1	703	696	689	682	675
Western-Hemlock and Other-Conifer(3)	WH	1	351	344	337	330	323
		2	287	280	273	266	259
		3	280	273	266	259	252
		4	280	273	266	259	252
Red-Alder	RA	1	374	367	360	353	346
		2	291	284	277	270	263
Black-Cottonwood	BC	1	31	24	17	10	3
Other-Hardwood	OH	1	197	190	183	176	169
Douglas-Fir-Poles	DFL	1	679	672	665	658	651
Western-Redcedar-Poles	RCL	1	1250	1243	1236	1229	1222
Chipwood(4)	CHW	1	1	1	1	1	1
RC-Shake-Blocks	RCS	1	347	340	333	326	319
RC-Shingle-Blocks	RCF	1	231	224	217	210	203
RC & Other-Posts(5)	RCP	1	0.45	0.45	0.45	0.45	0.45
DF-Christmas-Trees(6)	DFX	1	0.25	0.25	0.25	0.25	0.25
Other-Christmas-Trees(6)	TFX	1	0.50	0.50	0.50	0.50	0.50

- (1) Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Alaska-Cedar.
- (3) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- (4) Stumpage value per ton.
- (5) Stumpage value per 8 lineal feet or portion thereof.
- (6) Stumpage value per lineal foot.

TABLE 2—Stumpage Value Table  
Stumpage Value Area 2  
July 1 through December 31, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$489	\$482	\$475	\$468	\$461
		2	489	482	475	468	461
		3	468	461	454	447	440
		4	415	408	401	394	387
Western-Redcedar(2)	RC	1	703	696	689	682	675
Western-Hemlock and Other-Conifer(3)	WH	1	392	385	378	371	364
		2	334	327	320	313	306
		3	323	316	309	302	295
		4	317	310	303	296	289
Red-Alder	RA	1	374	367	360	353	346
		2	291	284	277	270	263
Black-Cottonwood	BC	1	31	24	17	10	3
Other-Hardwood	OH	1	197	190	183	176	169
Douglas-Fir-Poles	DFL	1	679	672	665	658	651
Western-Redcedar-Poles	RCL	1	1250	1243	1236	1229	1222
Chipwood(4)	CHW	1	1	1	1	1	1
RC-Shake-Blocks	RCS	1	347	340	333	326	319
RC-Shingle-Blocks	RCF	1	231	224	217	210	203
RC & Other-Posts(5)	RCP	1	0.45	0.45	0.45	0.45	0.45
DF-Christmas-Trees(6)	DFX	1	0.25	0.25	0.25	0.25	0.25
Other-Christmas-Trees(6)	TFX	1	0.50	0.50	0.50	0.50	0.50

- (1) Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Alaska-Cedar.
- (3) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- (4) Stumpage value per ton.
- (5) Stumpage value per 8 lineal feet or portion thereof.
- (6) Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table  
Stumpage Value Area 3  
July 1 through December 31, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir(2)	DF	1	\$407	\$400	\$393	\$386	\$379
		2	385	378	371	364	357
		3	385	378	371	364	357
		4	310	303	296	289	282
Western-Redcedar(3)	RC	1	703	696	689	682	675
Western-Hemlock and Other Conifer(4)	WH	1	392	385	378	371	364
		2	287	280	273	266	259
		3	236	229	222	215	208
		4	236	229	222	215	208
Red-Alder	RA	1	374	367	360	353	346
		2	291	284	277	270	263
Black-Cottonwood	BC	1	31	24	17	10	3
Other Hardwood	OH	1	197	190	183	176	169
Douglas-Fir Poles	DFL	1	679	672	665	658	651
Western-Redcedar Poles	RCL	1	1250	1243	1236	1229	1222
Chipwood(5)	CHW	1	1	1	1	1	1
RC-Shake Blocks	RCS	1	347	340	333	326	319
RC-Shingle Blocks	RCF	1	231	224	217	210	203
RC & Other Posts(6)	RCP	1	0.45	0.45	0.45	0.45	0.45
DF-Christmas-Trees(7)	DFX	1	0.25	0.25	0.25	0.25	0.25
Other-Christmas-Trees(7)	TFX	1	0.50	0.50	0.50	0.50	0.50

- (1) Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Western Larch.
- (3) Includes Alaska Cedar.
- (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- (5) Stumpage value per ton.
- (6) Stumpage value per 8 lineal feet or portion thereof.
- (7) Stumpage value per lineal foot.

TABLE 4—Stumpage Value Table  
Stumpage Value Area 4  
July 1 through December 31, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir(2)	DF	1	\$468	\$461	\$454	\$447	\$440
		2	461	454	447	440	433
		3	461	454	447	440	433
		4	461	454	447	440	433
Lodgepole Pine	LP	1	227	220	213	206	199
Ponderosa Pine	PP	1	261	254	247	240	233
		2	195	188	181	174	167
Western-Redcedar(3)	RC	1	703	696	689	682	675
Western-Hemlock and Other Conifer(4)	WH	1	392	385	378	371	364
		2	311	304	297	290	283
		3	290	283	276	269	262
		4	290	283	276	269	262
Red-Alder	RA	1	374	367	360	353	346
		2	291	284	277	270	263
Black-Cottonwood	BC	1	31	24	17	10	3
Other Hardwood	OH	1	197	190	183	176	169
Douglas-Fir Poles	DFL	1	679	672	665	658	651
Western-Redcedar Poles	RCL	1	1250	1243	1236	1229	1222
Chipwood(5)	CHW	1	1	1	1	1	1
RC-Shake Blocks	RCS	1	347	340	333	326	319
RC-Shingle Blocks	RCF	1	231	224	217	210	203
RC & Other Posts(6)	RCP	1	0.45	0.45	0.45	0.45	0.45
DF-Christmas-Trees(7)	DFX	1	0.25	0.25	0.25	0.25	0.25
Other-Christmas-Trees(7)	TFX	1	0.50	0.50	0.50	0.50	0.50

- (1) Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Western Larch.
- (3) Includes Alaska Cedar.
- (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- (5) Stumpage value per ton.
- (6) Stumpage value per 8 lineal feet or portion thereof.
- (7) Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table  
Stumpage Value Area 5  
July 1 through December 31, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir(2)	DF	1	\$520	\$513	\$506	\$499	\$492
		2	474	467	460	453	446
		3	458	451	444	437	430
		4	424	417	410	403	396
Lodgepole Pine	LP	1	227	220	213	206	199
Ponderosa Pine	PP	1	261	254	247	240	233
		2	195	188	181	174	167
Western Redcedar(3)	RC	1	703	696	689	682	675
Western Hemlock and Other Conifer(4)	WH	1	405	398	391	384	377
		2	317	310	303	296	289
		3	317	310	303	296	289
		4	317	310	303	296	289
Red Alder	RA	1	374	367	360	353	346
		2	291	284	277	270	263
Black Cottonwood	BC	1	31	24	17	10	3
Other Hardwood	OH	1	197	190	183	176	169
Douglas-Fir Poles	DFL	1	679	672	665	658	651
Western Redcedar Poles	RCL	1	1250	1243	1236	1229	1222
Chipwood(5)	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	347	340	333	326	319
RC Shingle Blocks	RCF	1	231	224	217	210	203
RC & Other Posts(6)	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees(7)	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(7)	TFX	1	0.50	0.50	0.50	0.50	0.50

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Western Larch.
- (3) Includes Alaska Cedar.
- (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- (5) Stumpage value per ton.
- (6) Stumpage value per 8 lineal feet or portion thereof.
- (7) Stumpage value per lineal foot.

TABLE 6—Stumpage Value Table  
Stumpage Value Area 6  
July 1 through December 31, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir(2)	DF	1	\$302	\$295	\$288	\$281	\$274
Lodgepole Pine	LP	1	227	220	213	206	199
Ponderosa Pine	PP	1	261	254	247	240	233
		2	195	188	181	174	167
Western Redcedar(3)	RC	1	520	513	506	499	492
True Firs and Spruce(4)	WH	1	211	204	197	190	183
Western White Pine	WP	1	327	320	313	306	299
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	520	513	506	499	492
Small Logs(5)	SML	1	30	29	28	27	26
Chipwood(5)	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts(6)	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees(7)	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(8)	DFX	1	0.25	0.25	0.25	0.25	0.25

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Western Larch.
- (3) Includes Alaska Cedar.
- (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- (5) Stumpage value per ton.
- (6) Stumpage value per 8 lineal feet or portion thereof.
- (7) Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- (8) Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table  
Stumpage Value Area 7  
July 1 through December 31, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Douglas-Fir(2)	DF	1	\$356	\$349
Lodgepole Pine	LP	1	245	238	231	224	217
Ponderosa Pine	PP	1	259	252	245	238	231
		2	197	190	183	176	169
Western Redcedar(3)	RC	1	520	513	506	499	492
True Firs and Spruce(4)	WH	1	263	256	249	242	235
Western White Pine	WP	1	327	320	313	306	299
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	520	513	506	499	492
Small Logs(5)	SML	1	26	25	24	23	22
Chipwood(5)	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCE	1	92	85	78	71	64
LP & Other Posts(6)	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees(7)	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(8)	DFX	1	0.25	0.25	0.25	0.25	0.25

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Western Larch.
- (3) Includes Alaska Cedar.
- (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- (5) Stumpage value per ton.
- (6) Stumpage value per 8 lineal feet or portion thereof.
- (7) Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- (8) Stumpage value per lineal foot.

TABLE 8—Stumpage Value Table  
Stumpage Value Area 10  
July 1 through December 31, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Douglas-Fir(2)	DF	1	\$454	\$447
		2	447	440	433	426	419
		3	447	440	433	426	419
		4	447	440	433	426	419
Lodgepole Pine	LP	1	227	220	213	206	199
Ponderosa Pine	PP	1	261	254	247	240	233
		2	195	188	181	174	167
Western Redcedar(3)	RC	1	689	682	675	668	661
Western Hemlock and Other Conifer(4)	WH	1	378	371	364	357	350
		2	297	290	283	276	269
		3	276	269	262	255	248
		4	276	269	262	255	248
Red Alder	RA	1	360	353	346	339	332
		2	277	270	263	256	249
Black Cottonwood	BC	1	17	10	3	1	1
Other Hardwood	OH	1	183	176	169	162	155
Douglas-Fir Poles	DFL	1	665	658	651	644	637
Western Redcedar Poles	RCL	1	1236	1229	1222	1215	1208
Chipwood(5)	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	347	340	333	326	319
RC Shingle Blocks	RCE	1	231	224	217	210	203
RC & Other Posts(6)	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees(7)	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(7)	TFX	1	0.50	0.50	0.50	0.50	0.50

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Western Larch.
- (3) Includes Alaska Cedar.
- (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- (5) Stumpage value per ton.
- (6) Stumpage value per 8 lineal feet or portion thereof.
- (7) Stumpage value per lineal foot.

**TABLE 1—Stumpage Value Table**  
**Stumpage Value Area 1**  
 January 1 through June 30, 2006

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>(1)</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$480	\$473	\$466	\$459	\$452
		2	462	455	448	441	434
		3	424	417	410	403	396
		4	371	364	357	350	343
Western Redcedar <sup>(2)</sup>	RC	1	597	590	583	576	569
Western Hemlock <sup>(3)</sup>	WH	1	342	335	328	321	314
		2	278	271	264	257	250
		3	278	271	264	257	250
		4	278	271	264	257	250
Red Alder	RA	1	390	383	376	369	362
		2	325	318	311	304	297
Black Cottonwood	BC	1	40	33	26	19	12
Other Hardwood	OH	1	178	171	164	157	150
Douglas-Fir Poles	DFL	1	653	646	639	632	625
Western Redcedar Poles	RCL	1	1193	1186	1179	1172	1165
Chipwood <sup>(4)</sup>	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks <sup>(5)</sup>	RCS	1	174	167	160	153	146
RC & Other Posts <sup>(6)</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>(7)</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>(7)</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>(1)</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.  
<sup>(2)</sup> Includes Alaska-Cedar.  
<sup>(3)</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>(4)</sup> Stumpage value per ton.  
<sup>(5)</sup> Stumpage value per cord.  
<sup>(6)</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>(7)</sup> Stumpage value per lineal foot.

**TABLE 2—Stumpage Value Table**  
**Stumpage Value Area 2**  
 January 1 through June 30, 2006

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>(1)</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$543	\$536	\$529	\$522	\$515
		2	514	507	500	493	486
		3	474	467	460	453	446
		4	440	433	426	419	412
Western Redcedar <sup>(2)</sup>	RC	1	597	590	583	576	569
Western Hemlock <sup>(3)</sup>	WH	1	384	377	370	363	356
		2	362	355	348	341	334
		3	333	326	319	312	305
		4	326	319	312	305	298
Red Alder	RA	1	390	383	376	369	362
		2	325	318	311	304	297
Black Cottonwood	BC	1	40	33	26	19	12
Other Hardwood	OH	1	178	171	164	157	150
Douglas-Fir Poles	DFL	1	653	646	639	632	625
Western Redcedar Poles	RCL	1	1193	1186	1179	1172	1165
Chipwood <sup>(4)</sup>	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks <sup>(5)</sup>	RCS	1	174	167	160	153	146
RC & Other Posts <sup>(6)</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>(7)</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>(7)</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>(1)</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.  
<sup>(2)</sup> Includes Alaska-Cedar.  
<sup>(3)</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>(4)</sup> Stumpage value per ton.  
<sup>(5)</sup> Stumpage value per cord.  
<sup>(6)</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>(7)</sup> Stumpage value per lineal foot.

**TABLE 3—Stumpage Value Table**  
**Stumpage Value Area 3**  
 January 1 through June 30, 2006

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>(1)</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>(2)</sup>	DF	1	\$486	\$479	\$472	\$465	\$458
		2	428	421	414	407	400
		3	428	421	414	407	400
		4	340	333	326	319	312
Western Redcedar <sup>(3)</sup>	RC	1	597	590	583	576	569
Western Hemlock and Other Conifer <sup>(4)</sup>	WH	1	384	377	370	363	356
		2	259	252	245	238	231
		3	259	252	245	238	231
		4	259	252	245	238	231
Red Alder	RA	1	390	383	376	369	362
		2	325	318	311	304	297
Black Cottonwood	BC	1	40	33	26	19	12
Other Hardwood	OH	1	178	171	164	157	150
Douglas-Fir Poles	DFL	1	653	646	639	632	625
Western Redcedar Poles	RCL	1	1193	1186	1179	1172	1165
Chipwood <sup>(5)</sup>	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks <sup>(6)</sup>	RCS	1	174	167	160	153	146
RC & Other Posts <sup>(7)</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>(8)</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>(8)</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

**TABLE 4—Stumpage Value Table**  
**Stumpage Value Area 4**  
 January 1 through June 30, 2006

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>(1)</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>(2)</sup>	DF	1	\$543	\$536	\$529	\$522	\$515
		2	485	478	471	464	457
		3	482	475	468	461	454
		4	426	419	412	405	398
Lodgepole Pine	LP	1	250	243	236	229	222
Ponderosa Pine	PP	1	387	380	373	366	359
		2	212	205	198	191	184
Western Redcedar <sup>(3)</sup>	RC	1	597	590	583	576	569
Western Hemlock and Other Conifer <sup>(4)</sup>	WH	1	384	377	370	363	356
		2	319	312	305	298	291
		3	313	306	299	292	285
		4	313	306	299	292	285
Red Alder	RA	1	390	383	376	369	362
		2	325	318	311	304	297
Black Cottonwood	BC	1	40	33	26	19	12
Other Hardwood	OH	1	178	171	164	157	150
Douglas-Fir Poles	DFL	1	653	646	639	632	625
Western Redcedar Poles	RCL	1	1193	1186	1179	1172	1165
Chipwood <sup>(5)</sup>	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks <sup>(6)</sup>	RCS	1	174	167	160	153	146
RC & Other Posts <sup>(7)</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>(8)</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>(8)</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>(1)</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

<sup>(2)</sup> Includes Western Larch.

<sup>(3)</sup> Includes Alaska-Cedar.

<sup>(4)</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>(5)</sup> Stumpage value per ton.

<sup>(6)</sup> Stumpage value per cord.

<sup>(7)</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>(8)</sup> Stumpage value per lineal foot.

<sup>(1)</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

<sup>(2)</sup> Includes Western Larch.

<sup>(3)</sup> Includes Alaska-Cedar.

<sup>(4)</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>(5)</sup> Stumpage value per ton.

<sup>(6)</sup> Stumpage value per cord.

<sup>(7)</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>(8)</sup> Stumpage value per lineal foot.



**TABLE 5—Stumpage Value Table**  
**Stumpage Value Area 5**  
 January 1 through June 30, 2006

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>(1)</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>(2)</sup>	DF	1	\$602	\$595	\$588	\$581	\$574
		2	511	504	497	490	483
		3	489	482	475	468	461
		4	426	419	412	405	398
Lodgepole Pine	LP	1	250	243	236	229	222
Ponderosa Pine	PP	1	387	380	373	366	359
		2	212	205	198	191	184
Western Redcedar <sup>(3)</sup>	RC	1	597	590	583	576	569
Western Hemlock and Other Conifer <sup>(4)</sup>	WH	1	394	387	380	373	366
		2	330	323	316	309	302
		3	330	323	316	309	302
		4	330	323	316	309	302
Red Alder	RA	1	390	383	376	369	362
		2	325	318	311	304	297
Black Cottonwood	BC	1	40	33	26	19	12
Other Hardwood	OH	1	178	171	164	157	150
Douglas-Fir Poles	DFL	1	653	646	639	632	625
Western Redcedar Poles	RCL	1	1193	1186	1179	1172	1165
Chipwood <sup>(5)</sup>	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks <sup>(6)</sup>	RCS	1	174	167	160	153	146
RC & Other Posts <sup>(7)</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>(8)</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>(8)</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.  
 (2) Includes Western Larch.  
 (3) Includes Alaska-Cedar.  
 (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
 (5) Stumpage value per ton.  
 (6) Stumpage value per cord.  
 (7) Stumpage value per 8 lineal feet or portion thereof.  
 (8) Stumpage value per lineal foot.

**TABLE 6—Stumpage Value Table**  
**Stumpage Value Area 6**  
 January 1 through June 30, 2006

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>(1)</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>(2)</sup>	DF	1	\$358	\$351	\$344	\$337	\$330
Lodgepole Pine	LP	1	250	243	236	229	222
Ponderosa Pine	PP	1	387	380	373	366	359
		2	212	205	198	191	184
Western Redcedar <sup>(3)</sup>	RC	1	496	489	482	475	468
True Firs and Spruce <sup>(4)</sup>	WH	1	262	255	248	241	234
Western White Pine	WP	1	336	329	322	315	308
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	496	489	482	475	468
Small Logs <sup>(5)</sup>	SML	1	34	33	32	31	30
Chipwood <sup>(5)</sup>	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks <sup>(6)</sup>	RCF	1	76	69	62	55	48
LP & Other Posts <sup>(7)</sup>	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees <sup>(8)</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>(9)</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.  
 (2) Includes Western Larch.  
 (3) Includes Alaska-Cedar.  
 (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
 (5) Stumpage value per ton.  
 (6) Stumpage value per cord.  
 (7) Stumpage value per 8 lineal feet or portion thereof.  
 (8) Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.  
 (9) Stumpage value per lineal foot.

**TABLE 7—Stumpage Value Table**  
**Stumpage Value Area 7**  
 January 1 through June 30, 2006

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>(1)</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>(2)</sup>	DF	1	\$358	\$351	\$344	\$337	\$330
Lodgepole Pine	LP	1	250	243	236	229	222
Ponderosa Pine	PP	1	387	380	373	366	359
		2	212	205	198	191	184
Western Redcedar <sup>(3)</sup>	RC	1	496	489	482	475	468
True Firs and Spruce <sup>(4)</sup>	WH	1	262	255	248	241	234
Western White Pine	WP	1	336	329	322	315	308
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	496	489	482	475	468
Small Logs <sup>(5)</sup>	SML	1	26	25	24	23	22
Chipwood <sup>(5)</sup>	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks <sup>(6)</sup>	RCS	1	76	69	62	55	48
LP & Other Posts <sup>(7)</sup>	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees <sup>(8)</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>(9)</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

**TABLE 8—Stumpage Value Table**  
**Stumpage Value Area 10**  
 January 1 through June 30, 2006

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>(1)</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>(2)</sup>	DF	1	\$529	\$522	\$515	\$508	\$501
		2	471	464	457	450	443
		3	468	461	454	447	440
		4	412	405	398	391	384
Lodgepole Pine	LP	1	250	243	236	229	222
Ponderosa Pine	PP	1	387	380	373	366	359
		2	212	205	198	191	184
Western Redcedar <sup>(3)</sup>	RC	1	583	576	569	562	555
Western Hemlock and Other Conifer <sup>(4)</sup>	WH	1	370	363	356	349	342
		2	305	298	291	284	277
		3	299	292	285	278	271
		4	299	292	285	278	271
Red Alder	RA	1	376	369	362	355	348
		2	311	304	297	290	283
Black Cottonwood	BC	1	26	19	12	5	1
Other Hardwood	OH	1	164	157	150	143	136
Douglas-Fir Poles	DFL	1	639	632	625	618	611
Western Redcedar Poles	RCL	1	1179	1172	1165	1158	1151
Chipwood <sup>(5)</sup>	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks <sup>(6)</sup>	RCS	1	174	167	160	153	146
RC & Other Posts <sup>(7)</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>(8)</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>(8)</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>(1)</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

<sup>(2)</sup> Includes Western Larch.

<sup>(3)</sup> Includes Alaska-Cedar.

<sup>(4)</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>(5)</sup> Stumpage value per ton.

<sup>(6)</sup> Stumpage value per cord.

<sup>(7)</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>(8)</sup> Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

<sup>(9)</sup> Stumpage value per lineal foot.

<sup>(1)</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

<sup>(2)</sup> Includes Western Larch.

<sup>(3)</sup> Includes Alaska-Cedar.

<sup>(4)</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>(5)</sup> Stumpage value per ton.

<sup>(6)</sup> Stumpage value per cord.

<sup>(7)</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>(8)</sup> Stumpage value per lineal foot.

(3) **Harvest value adjustments.** The stumpage values in subsection (2) of this rule for the designated stumpage value areas are adjusted for various logging and harvest conditions, subject to the following:

(a) No harvest adjustment is allowed for special forest products, chipwood, or small logs.

(b) Conifer and hardwood stumpage value rates cannot be adjusted below one dollar per MBF.

(c) Except for the timber yarded by helicopter, a single logging condition adjustment applies to the entire harvest unit. The taxpayer must use the logging condition adjustment class that applies to a majority (more than 50%) of the acreage in that harvest unit. If the harvest unit is reported over more than one quarter, all quarterly returns for that harvest unit must report the same logging condition adjustment. The helicopter adjustment applies only to the timber volume from the harvest unit that is yarded from stump to landing by helicopter.

(d) The volume per acre adjustment is a single adjustment class for all quarterly returns reporting a harvest unit. A harvest unit is established by the harvester prior to harvesting. The volume per acre is determined by taking the volume logged from the unit excluding the volume reported as chipwood or small logs and dividing by the total acres logged. Total acres logged does not include leave tree areas (RMZ, UMZ, forested wetlands, etc.) over 2 acres in size.

(e) A domestic market adjustment applies to timber which meet the following criteria:

(i) **Public timber**—Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska-cedar. (Stat. Ref. - 36 C.F.R. 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Redcedar only. (Stat. Ref. - 50 U.S.C. appendix 2406.1)

(ii) **Private timber**—Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the act of March 29, 1944 (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The following harvest adjustment tables apply from ~~(July) January 1 through (December 31, 2005)~~ June 30, 2006:

**TABLE 9—Harvest Adjustment Table  
Stumpage Value Areas 1, 2, 3, 4, 5, and 10  
~~(July) January 1 through (December 31, 2005)~~ June 30, 2006**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
<b>I. Volume per acre</b>		
Class 1	Harvest of 30 thousand board feet or more per acre.	\$0.00
Class 2	Harvest of 10 thousand board feet to but not including 30 thousand board feet per acre.	- \$15.00
Class 3	Harvest of less than 10 thousand board feet per acre.	- \$35.00
<b>II. Logging conditions</b>		
Class 1	Ground based logging a majority of the unit using tracked or wheeled vehicles or draft animals.	\$0.00
Class 2	Cable logging a majority of the unit using an overhead system of winch driven cables.	- \$30.00
Class 3	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	- \$145.00
<b>III. Remote island adjustment:</b>		
	For timber harvested from a remote island	- \$50.00
<b>IV. Thinning</b>		
Class 1	A limited removal of timber described in WAC 458-40-610 (28)	-\$100.00

**TABLE 10—Harvest Adjustment Table  
Stumpage Value Areas 6 and 7  
~~(July) January 1 through (December 31, 2005)~~ June 30, 2006**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
<b>I. Volume per acre</b>		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	- \$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	- \$10.00
<b>II. Logging conditions</b>		
Class 1	The majority of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	The majority of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$20.00
Class 3	The majority of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$30.00
Class 4	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	- \$145.00

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
--------------------	------------	--------------------------------------------------------------

Note: A Class 2 adjustment may be used for slopes less than 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department of revenue.

III. Remote island adjustment:		
For timber harvested from a remote island		- \$50.00

**TABLE 11—Domestic Market Adjustment**

Class	Area Adjustment Applies	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 1:	SVA's 1 through 6, and 10	\$0.00
Class 2:	SVA 7	\$0.00

Note: The adjustment will not be allowed on special forest products.

(4) **Damaged timber.** Timber harvesters planning to remove timber from areas having damaged timber may apply to the department of revenue for an adjustment in stumpage values. The application must contain a map with the legal descriptions of the area, an accurate estimate of the volume of damaged timber to be removed, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. The application must be received and approved by the department of revenue before the harvest commences. Upon receipt of an application, the department of revenue will determine the amount of adjustment to be applied against the stumpage values. Timber that has been damaged due to sudden and unforeseen causes may qualify.

(a) Sudden and unforeseen causes of damage that qualify for consideration of an adjustment include:

(i) Causes listed in RCW 84.33.091; fire, blow down, ice storm, flood.

(ii) Others not listed; volcanic activity, earthquake.

(b) Causes that do not qualify for adjustment include:

(i) Animal damage, root rot, mistletoe, prior logging, insect damage, normal decay from fungi, and pathogen caused diseases; and

(ii) Any damage that can be accounted for in the accepted normal scaling rules through volume or grade reductions.

(c) The department of revenue will not grant adjustments for applications involving timber that has already been harvested but will consider any remaining undisturbed damaged timber scheduled for removal if it is properly identified.

(d) The department of revenue will notify the harvester in writing of approval or denial. Instructions will be included for taking any adjustment amounts approved.

**WSR 06-02-006**

**PERMANENT RULES**

**DEPARTMENT OF REVENUE**

[Filed December 22, 2005, 1:26 p.m., effective January 1, 2006]

Effective Date of Rule: January 1, 2006.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This rule is required by statute (RCW 84.33.140) to be effective on January 1st of each year.

Purpose: WAC 458-40-540 contains the forest land values for 2006. County assessors use these published land values for property tax assessments made January 1, 2006. A statutory formula adjusts values annually and requires adoption by the beginning of January each year.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-540 Forest land values—2006.

Statutory Authority for Adoption: RCW 82.01.060(2), 82.32.300, and 84.33.096.

Other Authority: RCW 84.33.140.

Adopted under notice filed as WSR 05-22-063 on October 31, 2005.

Changes Other than Editing from Proposed to Adopted Version: The land values in the rule have been adjusted to correct an arithmetic error made in preparing the earlier draft. The corrections slightly reduce the land values.

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 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 1, Repealed 0.

Date Adopted: December 22, 2005.

Janis P. Bianchi, Manager  
Interpretations and  
Technical Advice Unit

AMENDATORY SECTION (Amending WSR 05-02-037, filed 12/30/04, effective 1/1/05)

**WAC 458-40-540 Forest land values—((2005)) 2006.** The forest land values, per acre, for each grade of forest land for the ((2005)) 2006 assessment year are determined to be as follows:

LAND GRADE	OPERABILITY CLASS	VALUES ROUNDED
		((2005)) 2006
1	1	\$ ((203)) 200
	2	((204)) 198
	3	((190)) 187
	4	((138)) 136
2	1	((172)) 169
	2	((167)) 164
	3	((160)) 157
	4	((115)) 113
3	1	((135)) 133
	2	((134)) 129
	3	((130)) 128
	4	((99)) 97
4	1	((103)) 101
	2	((100)) 98
	3	((99)) 97
	4	((76)) 75
5	1	((75)) 74
	2	((68)) 67
	3	((67)) 66
	4	((46)) 45
6	1	((38)) 37
	2	((35)) 34
	3	((35)) 34
	4	((33)) 32
7	1	17
	2	17
	3	16
	4	16
8	1	1

**WSR 06-02-007**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**

[Filed December 22, 2005, 1:27 p.m., effective January 22, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The current rules provide definitions of terms used in chapter 458-40 WAC and describe the methods used to determine the amount of wood harvested. The present rule does not provide a specific category for wood harvested as firewood. This requires firewood to be reported as sawlogs; however, the values for sawlogs appear to be higher than firewood values. The amended rules define firewood as scaled utility log grade, and require it to [be] measured by converting it at a rate of three tons per cord.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-610 Timber excise tax—Definitions and 458-40-680 Timber excise tax—Volume harvested—Approved scaling and grading methods—Sample scaling—Conversions.

Statutory Authority for Adoption: RCW 82.32.300, 82.01.060(2), and 84.33.096.

Adopted under notice filed as WSR 05-22-065 on October 31, 2005.

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.

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.

Date Adopted: December 22, 2005.

Janis P. Bianchi, Manager  
Interpretations and  
Technical Advice Unit

**AMENDATORY SECTION** (Amending WSR 05-08-070, filed 3/31/05, effective 5/1/05)

**WAC 458-40-610 Timber excise tax—Definitions. (1) Introduction.** The purpose of WAC 458-40-610 through 458-40-690 is to prescribe the policies and procedures for the taxation of timber harvested from public and private forest lands as required by RCW 84.33.010 through 84.33.096.

Unless the context clearly requires otherwise, the definitions in this rule apply to WAC 458-40-610 through 458-40-690. In addition to the definitions found in this rule, definitions of technical forestry terms may be found in *The Dictionary of Forestry*, 1998, edited by John A. Helms, and published by the Society of American Foresters.

(2) **Codominant trees.** Trees whose crowns form the general level of the main canopy and receive full light from above, but comparatively little light from the sides.

(3) **Competitive sales.** The offering for sale of timber which is advertised to the general public for sale at public auction under terms wherein all qualified potential buyers have an equal opportunity to bid on the sale, and the sale is awarded to the highest qualified bidder. The term "competitive sales" includes making available to the general public permits for the removal of forest products.

(4) **Cord measurement.** A measure of wood with dimensions of 4 feet by 4 feet by 8 feet (128 cubic feet).

(5) **Damaged timber.** Timber where the stumpage values have been materially reduced from the values shown in the applicable stumpage value tables due to damage resulting from fire, blow down, ice storm, flood, or other sudden unforeseen causes.

(6) **Dominant trees.** Trees whose crowns are higher than the general level of the main canopy and which receive full light from the sides as well as from above.

(7) **Firewood.** Commercially traded firewood is considered scaled utility log grade as defined in subsection (13) of this section.

(8) **Harvest unit.** An area of timber harvest, defined and mapped by the harvester before harvest, having the same stumpage value area, hauling distance zone, harvest adjustments, harvester, and harvest identification. The harvest identification may be a department of natural resources forest practice application number, public agency harvesting permit number, public sale contract number, or other unique identifier assigned to the timber harvest area prior to harvest operations. A harvest unit may include more than one section, but harvest unit may not overlap a county boundary.

~~((8))~~ (9) **Harvester.** Every person who from the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, fells, cuts, or takes timber for sale or for commercial or industrial use. The term "harvester" does not include persons performing under contract the necessary labor or mechanical services for a harvester. In cases where the identity of the harvester is in doubt, the department of revenue will consider the owner of the land from which the timber was harvested to be the harvester and the one liable for paying the tax.

The definition above applies except when the United States or any instrumentality thereof, the state, including its departments and institutions and political subdivisions, or any municipal corporation therein so fells, cuts, or takes timber for sale or for commercial or industrial use. When a governmental entity described above fells, cuts, or takes timber, the harvester is the first person, other than another governmental entity as described above, acquiring title to or a possessory interest in such timber.

~~((9))~~ (10) **Harvesting and marketing costs.** Only those costs directly and exclusively associated with harvesting the timber from the land and delivering it to the buyer. The term includes the costs of slash disposal required to abate extreme fire hazard. Harvesting and marketing costs do not include the costs of reforestation, permanent road construction, or any other costs not directly and exclusively associated with the harvesting and marketing of the timber. The actual harvesting and marketing costs must be used in all instances where documented records are available. When the taxpayer is unable to provide documented proof of such costs, the deduction for harvesting and marketing costs is thirty-five percent of the gross receipts from the sale of the logs.

~~((10))~~ (11) **Hauling distance zone.** An area with specified boundaries as shown on the statewide stumpage value area and hauling distance zone maps contained in WAC 458-40-640, having similar accessibility to timber markets.

~~((11))~~ (12) **Legal description.** A description of an area of land using government lots and standard general land office subdivision procedures. If the boundary of the area is irregular, the physical boundary must be described by metes and bounds or by other means that will clearly identify the property.

~~((12))~~ (13) **Log grade.** Those grades listed in the "Official Log Scaling and Grading Rules" developed and authored by the Northwest Log Rules Advisory Group (Advisory

Group). "Utility grade" means logs that do not meet the minimum requirements of peeler or sawmill grades as defined in the "Official Log Scaling and Grading Rules" published by the Advisory Group but are suitable for the production of firm useable chips to an amount of not less than fifty percent of the gross scale; and meeting the following minimum requirements:

(a) Minimum gross diameter—two inches.

(b) Minimum gross length—twelve feet.

(c) Minimum volume—ten board feet net scale.

(d) Minimum recovery requirements—one hundred percent of adjusted gross scale in firm useable chips.

~~((13))~~ (14) **Lump sum sale.** Also known as a cash sale or an installment sale, it is a sale of timber where all the volume offered is sold to the highest bidder.

~~((14))~~ (15) **MBF.** One thousand board feet measured in Scribner Decimal C Log Scale Rule.

~~((15))~~ (16) **Noncompetitive sales.** Sales of timber in which the purchaser has a preferential right to purchase the timber or a right of first refusal.

~~((16))~~ (17) **Other consideration.** Value given in lieu of cash as payment for stumpage, such as improvements to the land that are of a permanent nature. Some examples of permanent improvements are as follows: Construction of permanent roads; installation of permanent bridges; stockpiling of rock intended to be used for construction or reconstruction of permanent roads; installation of gates, cattle guards, or fencing; and clearing and reforestation of property.

~~((17))~~ (18) **Permanent road.** A road built as part of the harvesting operation which is to have a useful life subsequent to the completion of the harvest.

~~((18))~~ (19) **Private timber.** All timber harvested from privately owned lands.

~~((19))~~ (20) **Public timber.** Timber harvested from federal, state, county, municipal, or other government owned lands.

~~((20))~~ (21) **Remote island.** An area of land which is totally surrounded by water at normal high tide and which has no bridge or causeway connecting it to the mainland.

~~((21))~~ (22) **Scale sale.** A sale of timber in which the amount paid for timber in cash and/or other consideration is the arithmetic product of the actual volume harvested and the unit price at the time of harvest.

~~((22))~~ (23) **Small harvester.** A harvester who harvests timber from privately or publicly owned forest land in an amount not exceeding two million board feet in a calendar year.

~~((23))~~ (24) **Species.** A grouping of timber based on biological or physical characteristics. In addition to the designations of species or subclassifications defined in Agriculture Handbook No. 451 Checklist of United States Trees (native and naturalized) found in the state of Washington, the following are considered separate species for the purpose of harvest classification used in the stumpage value tables:

(a) **Other conifer.** All conifers not separately designated in the stumpage value tables. See WAC 458-40-660.

(b) **Other hardwood.** All hardwoods not separately designated in the stumpage value tables. See WAC 458-40-660.

(c) **Special forest products.** The following are considered to be separate species of special forest products: Christ-

mas trees (various species), posts (various species), western redcedar flatsawn and shingle blocks, western redcedar shake blocks and boards.

(d) **Chipwood.** All timber processed to produce chips or chip products delivered to an approved chipwood destination that has been approved in accordance with the provisions of WAC 458-40-670 or otherwise reportable in accordance with the provisions of WAC 458-40-670.

(e) **Small logs.** All conifer logs harvested in stumpage value areas 6 or 7 generally measuring seven inches or less in scaling diameter, purchased by weight measure at designated small log destinations that have been approved in accordance with the provisions of WAC 458-40-670. Log diameter and length is measured in accordance with the Eastside Log Scaling Rules developed and authored by the Northwest Log Rules Advisory Group, with length not to exceed twenty feet.

(f) **Sawlog.** For purposes of timber harvest in stumpage value areas 6 and 7, a sawlog is a log having a net scale of not less than 33 1/3% of gross scale, nor less than ten board feet and meeting the following minimum characteristics: Gross scaling diameter of five inches and a gross scaling length of eight feet.

(g) **Piles.** All logs sold for use or processing as piles that meet the specifications described in the most recently published edition of the *Standard Specification for Round Timber Piles (Designation: D 25)* of the American Society for Testing and Materials.

(h) **Poles.** All logs sold for use or processing as poles that meet the specifications described in the most recently published edition of the *National Standard for Wood Poles—Specifications and Dimensions (ANSI 05.1)* of the American National Standards Institute.

~~((24))~~ **(25) Stumpage.** Timber, having commercial value, as it exists before logging.

~~((25))~~ **(26) Stumpage value.** The true and fair market value of stumpage for purposes of immediate harvest.

~~((26))~~ **(27) Stumpage value area (SVA).** An area with specified boundaries which contains timber having similar growing, harvesting and marketing conditions.

~~((27))~~ **(28) Taxable stumpage value.** The value of timber as defined in RCW 84.33.035(7), and this chapter. Except as provided below for small harvesters and public timber, the taxable stumpage value is the appropriate value for the species of timber harvested as set forth in the stumpage value tables adopted under this chapter.

(a) **Small harvester option.** Small harvesters may elect to calculate the excise tax in the manner provided by RCW 84.33.073 and 84.33.074. The taxable stumpage value must be determined by one of the following methods as appropriate:

(i) **Sale of logs.** Timber which has been severed from the stump, bucked into various lengths and sold in the form of logs has a taxable stumpage value equal to the actual gross receipts for the logs, less any costs associated with harvesting and marketing the timber.

(ii) **Sale of stumpage.** When standing timber is sold and harvested within twenty-four months of the date of sale, its taxable stumpage value is the actual purchase price in cash and/or other consideration for the stumpage for the most recent sale prior to harvest. If a person purchases stumpage,

harvests the timber more than twenty-four months after purchase of the stumpage, and chooses to report under the small harvester option, the taxable stumpage value is the actual gross receipts for the logs, less any costs associated with harvesting and marketing the timber. See WAC 458-40-626 for timing of tax liability.

(b) **Public timber.** The taxable stumpage value for public timber sales is determined as follows:

(i) **Competitive sales.** The taxable stumpage value is the actual purchase price in cash and/or other consideration. The value of other consideration is the fair market value of the other consideration; provided that if the other consideration is permanent roads, the value is the appraised value as appraised by the seller. If the seller does not provide an appraised value for roads, the value is the actual costs incurred by the purchaser for constructing or improving the roads. Other consideration includes additional services required from the stumpage purchaser for the benefit of the seller when these services are not necessary for the harvesting or marketing of the timber. For example, under a single stumpage sale's contract, when the seller requires road abandonment (as defined in WAC 222-24-052(3)) of constructed or reconstructed roads which are necessary for harvesting and marketing the timber, the construction and abandonment costs are not taxable. Abandonment activity on roads that exist prior to a stumpage sale is not necessary for harvesting and marketing the purchased timber and those costs are taxable.

(ii) **Noncompetitive sales.** The taxable stumpage value is determined using the department of revenue's stumpage value tables as set forth in this chapter. Qualified harvesters may use the small harvester option.

(iii) **Sale of logs.** The taxable stumpage value for public timber sold in the form of logs is the actual purchase price for the logs in cash and/or other consideration less appropriate deductions for harvesting and marketing costs. Refer above for a definition of "harvesting and marketing costs."

(iv) **Defaulted sales and uncompleted contracts.** In the event of default on a public timber sale contract, wherein the taxpayer has made partial payment for the timber but has not removed any timber, no tax is due. If part of the sale is logged and the purchaser fails to complete the harvesting, taxes are due on the amount the purchaser has been billed by the seller for the volume removed to date. See WAC 458-40-628 for timing of tax liability.

~~((28))~~ **(29) Thinning.** Timber removed from a harvest unit located in stumpage value area 1, 2, 3, 4, 5, or 10:

(a) When the total volume removed is less than forty percent of the total merchantable volume of the harvest unit prior to harvest; and

(b) The harvester leaves a minimum of one hundred undamaged, evenly spaced, dominant or codominant trees per acre of a commercial species or combination thereof.

**AMENDATORY SECTION** (Amending WSR 05-08-070, filed 3/31/05, effective 5/1/05)

**WAC 458-40-680 Timber excise tax—Volume harvested—Approved scaling and grading methods—Sample scaling—Conversions.** (1) **Introduction.** The accept-

able log scaling and grading standard for stumpage value areas 1, 2, 3, 4, 5, and 10 is the Scribner Decimal C log rule as described in the most current edition of the "Official Log Scaling and Grading Rules" developed and authored by the Northwest Log Rules Advisory Group. The acceptable log scaling standard for stumpage value areas 6 and 7 is the Scribner Decimal C log rule described in the most current edition of the "Eastside Log Scaling Handbook" as published by the Northwest Log Rules Advisory Group, except that timber harvested in stumpage value areas 6 and 7 must be scaled using the current regional taper rules at the point of origin.

(2) **Special services scaling.** Special services scaling as described in the "Official Log Scaling and Grading Rules" developed and authored by the Northwest Log Rules Advisory Group may not be used for tax reporting purposes without prior written approval of the department of revenue.

(3) **Sample scaling.** Sample scaling may not be used for tax reporting purposes without prior written approval of the department of revenue. To be approved, sample scaling must be in accordance with the following guidelines:

(a) Sample selection, scaling, and grading must be conducted on a continuous basis as the unit is harvested.

(b) The sample must be taken in such a manner to assure random, unbiased sample selection in accordance with accepted statistical tests of sampling.

(c) The sample used to determine total volume, species, and quality of timber harvested for a given reporting period must have been taken during that period.

(d) Sample frequency must be large enough to meet board foot variation accuracy limits of plus or minus two and five-tenths percent standard error at the ninety-five percent confidence level.

(e) Harvesters, or a purchaser with an approved sample scaling method, must maintain sufficient supporting documentation to allow the department of revenue to verify source data, and test statistical reliability of sample scale systems.

(f) Exceptions: Sampling designs and accuracy standards other than those described herein may only be used with the prior written approval of the department of revenue.

(4) **Conversions to Scribner Decimal C Scale.** The following definitions, tables, and conversion factors must be used in determining taxable volume for timber harvested that was not originally scaled by the Scribner Decimal C Log Rule. Conversion methods other than those listed are not to be used for tax reporting purposes without prior written approval of the department of revenue. Harvesters who wish to use a method of conversion other than those listed below must obtain written approval from the department of revenue before harvesting. Purchasers may obtain written approval of a sample scaling method from the department of revenue. The department will maintain a list of purchasers with an approved sample scaling method. A harvester may obtain this list and a summary of the approved method for specific purchasers from the department of revenue. If a harvester has not obtained approval of a sample scaling method before harvesting, the harvester may use a purchaser's approved sample scaling method. If the harvester, or purchaser, fails to use an approved sample scaling method or other method of conversion approved by these rules to set the purchase price, the

department will establish its own method, as the circumstances require, to determine a reasonable estimate of the volume of timber sold.

(a) **Weight measurement.** If the sole unit of measure used to set the purchase price for logs from harvest units that meet the definition of the lowest quality code for each species was weight, and the harvester does not use an approved method of sample scaling to determine volume for the stumpage value tables, the following tables must be used for converting to Scribner Decimal C. If weight is the sole measure used for a harvest unit with quality codes other than the lowest, the department will establish its own method, as the circumstances require, to determine a reasonable estimate of the volume of timber sold. Harvesters must keep records to substantiate the species and quality codes reported. For tax reporting purposes, a ton equals 2,000 pounds.

(Stumpage Value Areas 1, 2, 3, 4, 5, & 10) BOARD FOOT WEIGHT SCALE FACTORS (TONS/MBF)				
Species	Quality code			
	1	2	3	4
Douglas-fir <sup>1</sup>	NA	NA	NA	7.50
Western Hemlock <sup>2</sup>	NA	NA	NA	8.25
Western Redcedar <sup>3</sup>	7.0			
Red Alder <sup>4</sup>	NA	7.8		
Chipwood	9.0			

<sup>1</sup> Includes Douglas-fir, Western Larch, and Sitka Spruce.

<sup>2</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and other conifers not separately designated. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>3</sup> Includes Alaska-cedar.

<sup>4</sup> Maple, Black Cottonwood and other hardwoods.

(Stumpage Value Areas 6 & 7) BOARD FOOT WEIGHT SCALE FACTORS (TONS/MBF)		
Species	Quality code	
	1	2
Ponderosa Pine	NA	6.50
Douglas-fir <sup>1</sup>	5.50	
Lodgepole Pine	6.0	
Western Hemlock <sup>2</sup>	5.50	
Englemann Spruce	4.50	
Western Redcedar <sup>3</sup>	4.50	
Chipwood	9.0	
Small Logs	6.50	

<sup>1</sup> Includes Western Larch.

<sup>2</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and other conifers not separately designated. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>3</sup> Includes Alaska-cedar.



(b) **Cord measurement.** For the purposes of converting cords into Scribner volume:

(i) In stumpage value areas 1, 2, 3, 4, 5, and 10 logs with an average scaling diameter of 8 inches and larger must be converted to Scribner volume using 400 board feet per cord. Logs having an average scaling diameter of less than 8 inches must be converted to Scribner volume using 330 board feet per cord.

(ii) In stumpage value areas 6 and 7 logs with an average scaling diameter of 8 inches and larger must be converted to Scribner volume using 470 board feet per cord. Logs having an average scaling diameter of less than 8 inches must be converted to Scribner volume using 390 board feet per cord.

(iii) A cord of Western Redcedar shake or shingle blocks must be converted to Scribner volume using 600 board feet per cord.

(iv) Firewood must be converted at a rate of 3 tons per cord.

(c) **Cants or lumber from portable mills.** To convert from lumber tally to Scribner volume:

(i) In stumpage value areas 1, 2, 3, 4, 5, and 10 multiply the lumber tally for the individual species by 75%, and round to the nearest one thousand board feet (MBF); or

(ii) In stumpage value areas 6 and 7 multiply the lumber tally for the individual species by 88%, and round to the nearest one thousand board feet (MBF).

(d) **Log scale conversion.** Timber harvested in stumpage value areas 1, 2, 3, 4, 5, and 10 and which has been scaled by methods and procedures published in the "Eastside Log Scaling Handbook" must have the volumes reported reduced by eighteen percent. Timber harvested in stumpage value areas 6 and 7 and which has been scaled by methods and procedures published in the "Official Log Scaling and Grading Rules" developed and authored by the Northwest log rules advisory group, must have the volumes reported increased by eighteen percent.

(e) **Timber pole and piling volume tables.** Harvesters of poles must use the following tables to determine the Scribner board foot volume for each pole length and class:

Total Scribner Board Foot Volume Stumpage Value Areas 1, 2, 3, 4, 5, and 10																	
Length	Pole Class <sup>1</sup>															Piling Class <sup>2</sup>	
	H6	H5	H4	H3	H2	H1	1	2	3	4	5	6	7	9	10	A	B
20							50	50	40	40	30	30	20	20	20	80	70
25							60	60	50	50	40	40	30	30	30	100	90
30							110	70	60	60	50	50	40	40		130	110
35					160	160	130	100	80	80	60	60	50			130	110
40			240	200	180	180	150	120	120	90	70	60				150	120
45	380	340	340	280	230	230	190	150	120	120	90	90				150	120
50	430	370	370	300	260	260	210	160	140	140	100					160	140
55	470	410	410	330	280	280	230	180	150	150						180	150
60	540	470	470	410	340	340	290	220	190	190						190	160
65	610	520	520	420	380	380	320	260	210	210						210	180
70	650	560	560	480	400	400	350	270	230	230						230	190
75	700	600	600	520	520	520	440	290	250							230	200
80	820	700	700	600	600	540	440	360	290							250	210
85	910	800	800	660	660	660	570	490	360							260	210
90	1080	930	930	820	820	690	590	490	400							260	220
95	1170	1000	1000	870	870	750	640	540								290	240
100	1190	1030	1030	900	900	760	660	550								310	250
105	1310	1160	1160	1000	1000	860	740	610								330	270
110	1370	1220	1220	1050	1050	910	780	650								380	300
115	1440	1280	1280	1100	1100	960	860	680								400	310
120	1660	1460	1460	1300	1300	1140	970	820								500	400
125	1840	1600	1600	1410	1410	1250	1080	930									
130	1920	1680	1680	1490	1490	1310	1120	970									

<sup>1</sup> Pole class definitions taken from American National Standard specifications and dimensions for wood poles as approved August 7, 1976, under American National Standard Institute, Inc. codified ANSI 05.1-1972.

<sup>2</sup> Piling class definitions as per American Society for Testing and Materials for "round timber piles." As the designation: D 25-58 (reapproved 1964).

Total Scribner Board Foot Volume Stumpage Value Areas 6 and 7																	
Length	Pole Class <sup>1</sup>															Piling Class <sup>2</sup>	
	H6	H5	H4	H3	H2	H1	1	2	3	4	5	6	7	9	10	A	B
20							70	60	50	50	30	30	20	20	20	90	70
25							80	70	50	50	40	40	30	30	20	100	80
30							110	90	60	60	50	50	50	40		130	110

Total Scribner Board Foot Volume Stumpage Value Areas 6 and 7																	
Length	Pole Class <sup>1</sup>															Piling Class <sup>2</sup>	
	H6	H5	H4	H3	H2	H1	1	2	3	4	5	6	7	9	10	A	B
35					190	160	140	100	100	70	60	60	50			140	100
40				240	240	200	170	120	110	100	70	70				140	100
45	390	330	330	270	270	220	180	150	110	110	80	70				150	110
50	460	390	390	340	340	280	240	190	150	150	120					190	150
55	510	430	430	370	360	300	250	190	150	150						190	150
60	610	530	530	440	440	380	310	240	200	200						240	200
65	650	570	570	490	480	410	350	280	220	220						240	200
70	750	650	650	550	470	470	410	320	260	260						260	210
75	810	700	700	600	600	500	440	340	270							270	220
80	960	830	830	710	710	610	510	420	340							220	220
85	1020	870	870	760	760	640	550	450	360							300	240
90	1110	970	970	840	840	720	620	500	420							280	280
95	1160	1010	1010	870	870	740	640	510								360	280
100	1380	1210	1210	1060	1060	910	780	650								360	280
105	1430	1250	1250	1100	1100	940	820	690								400	300
110	1580	1390	1390	1220	1220	1070	920	770								460	340
115	1660	1470	1470	1280	1280	970	810	680								470	360
120	1880	1680	1680	1480	1480	1290	1130	950								560	450
125	1910	1690	1690	1490	1490	1140	970	810									
130	2170	1920	1920	1710	1710	1510	1320	1140									

<sup>1</sup> Pole class definitions taken from American National Standard specifications and dimensions for wood poles as approved August 7, 1976, under American National Standard Institute, Inc. codified ANSI 05.1-1972.

<sup>2</sup> Piling class definitions as per American Society for Testing and Materials for "round timber piles." As the designation: D 25-58 (reapproved 1964).

Statutory Authority for Adoption: RCW 84.52.010, 84.52.043, and 84.52.0502.

Adopted under notice filed as WSR 05-21-062 on October 13, 2005.

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 3, 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 3, Repealed 0.

Date Adopted: December 22, 2005.

Janis P. Bianchi, Manager  
Interpretations and  
Technical Advice Unit

**WSR 06-02-008**

**PERMANENT RULES**

**DEPARTMENT OF REVENUE**

[Filed December 22, 2005, 1:30 p.m., effective January 22, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department has amended these rules to incorporate statutory changes made to RCW 84.52.010 and 85.52.043 [84.52.043]. RCW 84.52.010 was amended by section 2, chapter 122, Laws of 2005; section 21, chapter 129, Laws of 2004; section 3, chapter 80, Laws of 2004; and section 310, chapter 83, Laws of 2003. RCW 84.52.043 was amended by section 3, chapter 122, Laws of 2005; section 4, chapter 80, Laws of 2004; and section 311, chapter 83, Laws of 2003.

The amended statutes describe the order in which property tax levies are to be prorated if either the constitutional 1% limit or the \$5.90 limit is exceeded. New taxing districts have been created by the legislature and the prorationing order has also been changed.

Citation of Existing Rules Affected by this Order: Amending WAC 458-19-005 Definitions, 458-19-070 Procedure to adjust consolidated levy rate for taxing districts when the statutory aggregate dollar rate limit is exceeded, and 458-19-075 Constitutional one percent limit calculation.

AMENDATORY SECTION (Amending WSR 02-24-015, filed 11/25/02, effective 12/26/02)

**WAC 458-19-005 Definitions.** (1) **Introduction.** This rule contains definitions of the terms used throughout chapters 84.52 and 84.55 RCW and chapter 458-19 WAC in the administration of the system used to levy property taxes on taxable property within the state of Washington.

(2) Unless the context clearly requires otherwise, the following definitions apply:

(a) "Annexation" means one taxing district is adding territory or another dissimilar taxing district from outside the annexing taxing district's boundary and includes a merger of a portion of a fire protection district under chapter 52.06 RCW with another fire protection district.

(b) "Assessed value" means the value of taxable property placed on the assessment rolls. The term is often abbreviated with the initials "A.V."

~~(c) ("Certified property tax levy" means the levy certified by a taxing district to the county assessor, either through the county legislative authority or directly to the assessor.~~

~~(d))~~ "Certified property tax levy rate" means the tax rate calculated by the county assessor in accordance with law to produce the lawful amount of the certified property tax levy.

~~((e))~~ (d) "Consolidated levy rate" means:

(i) For purposes of the statutory aggregate dollar rate levy limit, the sum of all regular levy rates set for collection exclusive of rates set for the state levy, port and public utility districts, (emergency medical services under RCW 84.52.069, conservation futures under RCW 84.34.230, levies to finance affordable housing under RCW 84.52.105, and the portion of metropolitan park district levies protected under RCW 84.52.120)) financing affordable housing for very low-income households under RCW 84.52.105, acquiring conservation futures under RCW 84.34.230, criminal justice purposes under RCW 84.52.135, emergency medical care or emergency medical services under RCW 84.52.069, county ferry districts under RCW 36.54.130, the portion of the fire protection levies protected under RCW 84.52.125, and the portion of metropolitan park district levies protected under RCW 84.52.120; and

(ii) For purposes of the constitutional one percent limit, the sum of all regular levy rates set for collection exclusive of rates set for port and public utility districts.

~~((f))~~ (e) "Consolidation" means the act of combining two or more similar taxing districts into one taxing district; for example, the combination of two fire protection districts into one fire protection district.

~~((g))~~ (f) "Constitutional one percent limit" means the levy limit established by Article VII, section 2 of the state Constitution, which prohibits the aggregate of all tax levies on real and personal property from exceeding one percent (\$10 per \$1,000) of the true and fair value of property. This limit does not apply to excess levies, levies by port districts, and levies by public utility districts. This limit is also set forth in RCW 84.52.050.

~~((h))~~ (g) "Department" means the department of revenue of the state of Washington.

~~((i))~~ (h) "Excess property tax levy" or "excess levy" means a voter-approved property tax levy by or for a taxing district, other than a port or public utility district, that is subject to neither the statutory aggregate dollar rate limit set forth in RCW 84.52.043 nor the constitutional one percent limit set forth in Article VII, section 2 of the state Constitution and in RCW 84.52.050. It does not include regular levies allowed to exceed ~~((a statutory))~~ the levy limit with voter approval.

~~((j))~~ (i) "Improvement" means any valuable change in or addition to real property, including the subdivision or segregation of parcels of real property or the merger of parcels of real property.

~~((k))~~ (j) "Inflation" means the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the Bureau of Economic Analysis of the Federal Department of Commerce in September of the year before the taxes are payable; see RCW 84.55.005.

~~((l))~~ (k) "Joint taxing district" means a taxing district that exists in two or more counties; the term does not include the state nor does it include an intercounty rural library district.

~~((m))~~ (l) "Junior taxing district" means a taxing district other than the state, a county, a county road district, a city, a town, a port district, or a public utility district.

~~((n))~~ (m) "Levy limit" means the statutorily established limit that prohibits a taxing district, other than the state, from levying regular property taxes for a particular year that exceed the limit factor multiplied by the highest amount of regular property taxes that could have been lawfully levied in the taxing district in any year since 1985, plus an additional dollar amount calculated by multiplying the increase during the current year of the assessed value in the taxing district due to new construction, improvements to property, and the increase in the value of state assessed property by the levy rate of that district for the preceding year, or the last year the taxing district levied taxes.

(i) For purposes of the levy limit, the phrase "highest amount of regular property taxes that could have been lawfully levied" means the maximum amount that could have been levied by a taxing district under the limitation set forth in chapter 84.55 RCW unless the highest amount that could have been levied was actually restricted by the taxing district's statutory dollar rate limit. If the taxing district's levy was restricted by the statutory dollar rate limit, the highest amount that could have been lawfully levied is the amount produced by multiplying the assessed value of the taxing district by the statutory dollar rate.

(ii) The levy limit for the state is the limit factor multiplied by the highest amount of regular property taxes lawfully levied in the three most recent years, plus an additional dollar amount attributable to new construction, improvements to property, and any increase in the assessed value of state assessed property.

~~((o))~~ (n) "Levy rate" means the dollar amount per thousand dollars of assessed value applied to taxable property within a taxing district and is calculated by dividing the total amount of a statutorily authorized levy of a taxing district by the total assessed value of that district and is expressed in dollars and cents per thousand dollars of assessed value.

~~((p))~~ (o) "Limit factor" means:

(i) For taxing districts with a population of less than ten thousand in the calendar year immediately prior to the assessment, one hundred one percent;

(ii) For taxing districts having made a finding of substantial need in accordance with RCW 84.55.0101, the lesser of the substantial need factor or one hundred one percent; or

(iii) For all other taxing districts, including the state, the lesser of one hundred one percent or one hundred percent plus inflation.

~~((+))~~ (p) "New construction" means the construction or alteration of any property for which a building permit was issued, or should have been issued, under chapter 19.27, 19.27A, or 19.28 RCW or other laws providing for building permits, which results in an increase in the value of the property.

~~((+))~~ (q) "Regular property tax levy" or "regular levy" means a property tax levy by or for a taxing district that is subject to the statutory aggregate dollar rate limit set forth in RCW 84.52.043, the constitutional one percent limit set forth in RCW 84.52.050, or is a levy imposed by or for a port district or a public utility district.

~~((+))~~ (r) "Regular property taxes" means those taxes resulting from regular property tax levies.

~~((+))~~ (s) "Senior taxing district" means the state (for support of common schools), a county, a county road district, a city, or a town.

~~((+))~~ (t) "Statutory aggregate dollar rate limit" or "statutory aggregate limit" means the maximum aggregate regular property tax levy rate within a county established by law for senior and junior taxing districts, other than the state. See WAC 458-19-070 for the current limit.

~~((+))~~ (u) "Substantial need limit factor" means a limit factor approved by a taxing district's legislative authority that exceeds one hundred percent plus inflation. This limit cannot exceed one hundred one percent.

~~((+))~~ (v) "Statutory dollar rate limit" means the maximum regular property tax levy rate established by law for a particular class of taxing district.

~~((+))~~ (w) "Super majority" means a majority of at least three-fifths of the registered voters of a taxing district approving a proposition authorizing a levy, at which election the number of persons voting "yes" on the proposition constitutes three-fifths of a number equal to forty percent of the total votes cast in the taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters of the taxing district voting on the proposition when the number of registered voters voting on the proposition exceeds forty percent of the total votes cast in the taxing district in the last preceding general election.

~~((+))~~ (x) "Tax code area" means a geographical area made up of a unique mix of one or more taxing districts, which is established for the purpose of properly calculating, collecting, and distributing taxes. Only one tax code area will have the same combination of taxing districts, with limited exceptions.

~~((+))~~ (y) "Taxing district" means the state and any county, city, town, port district, school district, road district, metropolitan park district, water-sewer district, or other municipal corporation, now or hereafter existing, having the power or ~~(authorized by law)~~ legal authority to impose burdens upon property within the district on an ad valorem basis, for the purpose of obtaining revenue for public purposes, as distinguished from municipal corporations authorized to impose burdens, or for which burdens may be imposed for public purposes, upon property in proportion to the benefits accruing thereto.

AMENDATORY SECTION (Amending WSR 02-24-015, filed 11/25/02, effective 12/26/02)

**WAC 458-19-070 Procedure to adjust consolidated levy rate for taxing districts when the statutory aggregate dollar rate limit is exceeded.** (1) **Introduction.** The aggregate of all regular levy rates of junior taxing districts and senior taxing districts, other than the state and other specifically identified districts, cannot exceed five dollars and ninety cents per thousand dollars of assessed value in accordance with RCW 84.52.043. When the county assessor finds that this limit has been exceeded, the assessor recomputes the levy rates and establishes a new consolidated levy rate in the manner set forth in RCW 84.52.010. This rule describes the prorationing process used to establish a consolidated levy rate when the assessor finds the statutory aggregate levy rate exceeds five dollars and ninety cents. If prorationing is required, the five dollar and ninety cents limit is reviewed before the constitutional one percent limit.

(2) **Levies not subject to statutory aggregate dollar rate limit.** The following levies are not subject to the statutory aggregate dollar rate limit of five dollars and ninety cents per thousand dollars of assessed value:

- (a) Levies by the state;
- (b) Levies by or for port or public utility districts;
- (c) Excess property tax levies authorized in Article VII, section 2 of the state Constitution;
- (d) Levies for ~~(acquiring conservation futures under RCW 84.34.230;~~
- ~~(e) Levies for emergency medical care or emergency medical services imposed under RCW 84.52.069;~~
- ~~(f) Levies to finance affordable housing for very low income households under RCW 84.52.105; and~~
- ~~(g) financing affordable housing for very low-income households under RCW 84.52.105;~~
- ~~(e) Levies for acquiring conservation futures under RCW 84.34.230;~~
- ~~(f) Levies for criminal justice purposes under RCW 84.52.135;~~
- ~~(g) Levies for emergency medical care or emergency medical services under RCW 84.52.069;~~
- ~~(h) Levies by or for county ferry districts under RCW 36.54.130;~~
- ~~(i) The portion of fire protection district levies protected under RCW 84.52.125; and~~
- ~~(j) The portion of metropolitan park district levies protected under RCW 84.52.120.~~

(3) **Prorationing under consolidated levy rate limitation.** RCW 84.52.010 sets forth the prorationing order in which the regular levies of taxing districts will be reduced or eliminated by the assessor to comply with the statutory aggregate dollar rate limit of five dollars and ninety cents per thousand dollars of assessed value. The order contained in the statute lists which taxing districts are the first to either reduce or eliminate their levy rate. Taxing districts that are at the same level within the prorationing order are grouped together in tiers. Reductions or eliminations in levy rates are made on a pro rata basis within each tier of taxing district levies until the consolidated levy rate no longer exceeds the statutory aggregate dollar rate limit of five dollars and ninety cents.

As opposed to the order contained in RCW 84.52.010, which lists the taxing districts that are the first to have their ~~((tax))~~ levy rates reduced or eliminated, this rule is written in reverse order; that is, it lists the taxing districts that must be first either fully or partially funded. If the statutory aggregate dollar rate is exceeded, then the levy rates for taxing districts within a particular tier must be reduced or eliminated on a pro rata basis. The proration factor, which is multiplied by each levy rate within the tier, is obtained by dividing the dollar rate remaining available to the taxing districts in that tier as a group by the sum of the levy rates originally certified by or for all of the taxing districts within the tier.

(a) Step one: Total the aggregate levy rates requested by all affected taxing districts in the tax code area. If this total is less than five dollars and ninety cents per thousand dollars of assessed value, no prorationing is necessary. If this total levy rate is more than five dollars and ninety cents, the assessor must proceed through the following steps until the aggregate dollar rate is brought within that limit.

(b) Step two: Subtract from \$5.90 the levy rates of the county and the county road district if the tax code area includes an unincorporated portion of the county, or the levy rates of the county and the city or town if the tax code area includes an incorporated area, as applicable.

(c) Step three: Subtract from the remaining levy capacity the levy rates, if any, ~~((by))~~ for fire protection districts under RCW 52.16.130, ((library districts, the first fifty cents per thousand dollars of assessed valuation for public hospital districts, and the first fifty cents per thousand dollars of assessed valuation for metropolitan park districts created before January 1, 2002)) regional fire protection service authorities under RCW 52.26.140 (1)(a), library districts under RCW 27.12.050 and 27.12.150, the first fifty cents per thousand dollars of assessed value for metropolitan park districts created before January 1, 2002, under RCW 35.61.210, and the first fifty cents per thousand dollars of assessed value for public hospital districts under RCW 70.44.060(6).

(i) If the balance is zero, there is no remaining levy capacity for any other junior taxing district at a lower tier and their levies, if any, must be eliminated.

(ii) If the balance is less than zero, then the levies within this tier must be reduced on a pro rata basis until the balance is zero. After prorationing, there is no remaining levy capacity for any other junior taxing districts at a lower tier and their levies, if any, must be eliminated.

(iii) If the remaining balance is greater than zero, this amount is available to the remaining junior taxing districts at a lower tier and the assessor should proceed on to step four.

(d) Step four: Subtract from the remaining levy capacity the levy rates, if any, ~~((by))~~ for fire protection districts under RCW 52.16.140 and 52.16.160, and regional fire protection service authorities under RCW 52.26.140 (1)(b) and (c). However, under RCW 84.52.125 fire protection districts may protect up to twenty-five cents per thousand dollars of assessed value of the total levies made under RCW 52.16.140 and 52.16.160 from prorationing.

(i) If the balance is zero, there is no remaining levy capacity for any other junior taxing districts at a lower tier and their levies, if any, must be eliminated.

(ii) If the balance is less than zero, then the levies within this tier must be reduced on a pro rata basis until the balance is zero. It is at this point that the provisions of RCW 84.52.125 come into play; that is, a fire protection district may protect up to twenty-five cents per thousand dollars of assessed value of the total levies made under RCW 52.16.140 and 52.16.160 from prorationing under RCW 84.52.043(2), if the total levies would otherwise be prorated under RCW 84.52.010 (2)(e) with respect to the five-dollar and ninety cent per thousand dollars of assessed value limit. After prorationing, there is no remaining levy capacity for any other junior taxing district at a lower tier and their levies, if any, must be eliminated.

(iii) If the remaining balance is greater than zero, this amount is available to the remaining junior taxing districts at a lower tier and the assessor should proceed on to step five.

(e) Step five: Subtract from the remaining levy capacity the levy rate, if any, ~~((of))~~ for the first fifty cents per thousand dollars of assessed ((valuation for)) value of metropolitan park districts created on or after January 1, 2002, under RCW 35.61.210.

(i) If the balance is zero, there is no remaining levy capacity for any other junior taxing districts at a lower tier and their levies, if any, must be eliminated.

(ii) If the balance is less than zero, then the levies within this tier must be reduced on a pro rata basis until the balance is zero. After prorationing, there is no remaining levy capacity for any other junior taxing district at a lower tier and their levies, if any, must be eliminated.

(iii) If the remaining balance is greater than zero, this amount is available to the remaining junior taxing districts at a lower tier and the assessor should proceed on to step six.

(f) Step six: Subtract from the remaining levy capacity the twenty-five cent per thousand dollars of assessed value levy rate for metropolitan park districts if it is not protected under RCW 84.52.120, the twenty-five cent per thousand dollars of assessed value levy rate for public hospital districts under RCW 70.44.060(6), and the levy rates, if any, for cemetary districts under RCW 68.52.310 and all other junior taxing districts if those levies are not listed in steps three through five or seven or eight of this subsection ((3) of this rule).

(i) If the balance is zero, there is no remaining levy capacity for any other junior taxing districts at a lower tier and their levies, if any, must be eliminated.

(ii) If the balance is less than zero, then the levies within this tier must be reduced on a pro rata basis until the balance is zero. After prorationing, there is no remaining levy capacity for any other junior taxing district at a lower tier and their levies, if any, must be eliminated.

(iii) If the remaining balance is greater than zero, this amount is available to the remaining junior taxing districts at a lower tier and the assessor should proceed on to step seven.

(g) Step seven: Subtract from the remaining levy capacity the levy rate, if any, ~~((by a))~~ for flood control zone districts under RCW 86.15.160.

(i) If the balance is zero, there is no remaining levy capacity for any other junior taxing districts at a lower tier and their levies, if any, must be eliminated.

(ii) If the balance is less than zero, then the levies within this tier must be reduced on a pro rata basis until the balance

is zero. After prorationing, there is no remaining levy capacity for any other junior taxing district at a lower tier and their levies, if any, must be eliminated.

(iii) If the remaining balance is greater than zero, this amount is available to the remaining junior taxing districts at a lower tier and the assessor should proceed on to step eight.

(h) Step eight: Subtract from the remaining levy capacity the levy rates, if any, ~~((of a))~~ for city transportation authorities under RCW 35.95A.100, cultural arts, stadium,

and convention districts under RCW 67.38.130, park and recreation districts under RCW 36.69.145, ~~((a))~~ and park and recreation service areas under RCW 36.68.525~~((, a cultural arts, stadium and convention district under RCW 67.38.130, and a city transportation authority under chapter 248, Laws of 2002))~~ on a pro rata basis until the remaining levy capacity equals zero.

(4) Example.

DISTRICT	ORIGINAL LEVY RATE	PRORATION FACTOR	FINAL LEVY RATE	REMAINING LEVY CAPACITY
County Road	1.8000	NONE	1.8000	1.850
	2.2500	NONE	2.2500	
Library	.5000	NONE	.5000	.350
Fire	.5000	NONE	.5000	
Hospital	.5000	NONE	.5000	
Fire	.2000	NONE	.2000	.150
Cemetery	.1125	.4138	.0466	
Hospital	.2500	.4138	.1034	
Totals	6.1125		5.90	

1. Beginning with the limit of \$5.90, subtract the original certified levy rates for the county and county road taxing districts leaving \$1.85 available for the remaining districts.

2. Subtract the total of the levy rates for each district within the next tier: The library's \$.50, the fire district's \$.50 and the hospital's \$.50 = \$1.50, which leaves \$.35 available for the remaining districts.

3. Subtract the fire district's additional \$.20 levy rate, which leaves \$.15 available for the remaining districts.

4. The remaining \$.15 must be shared by the cemetery and the hospital districts within the next tier of levies. The cemetery district originally sought to levy \$.1125 and the hospital district sought to levy \$.25. The proration factor is arrived at by dividing the amount available (\$.15) by the original levy rates (\$.3625) requested within that tier resulting in a proration factor of .4138. And finally, the original levy rates in this tier of \$.1125 and \$.25 for the cemetery and hospital respectively are multiplied by the proration factor.

AMENDATORY SECTION (Amending WSR 02-24-015, filed 11/25/02, effective 12/26/02)

**WAC 458-19-075 Constitutional one percent limit calculation.** (1) **Introduction.** The total amount of all regular property tax levies that can be applied against taxable property is limited to one percent of the true and fair value of the property in money. The one percent limit is stated in Article VII, section 2 of the state Constitution and the enabling statute, RCW 84.52.050. The constitutional one percent limit is based upon the amount of taxes actually levied on the true and fair value of the property, not the dollar rate used in computing property taxes. This rule explains how to determine if the constitutional one percent limit is being exceeded and the sequence in which levy rates will be reduced or eliminated in accordance with RCW 84.52.010 if the constitutional one percent limit is exceeded. The constitutional one percent calculation is made after the assessor ensures that the statutory aggregate dollar rate limit is not exceeded.

(2) **Preliminary calculations.** After prorationing under RCW 84.52.043 (the five dollar and ninety cent per thousand dollars of assessed value limit) has occurred, make the following calculations to determine if the constitutional one percent limit is being exceeded~~((, the following calculations are made))~~:

(a) First, add all the regular levy rates, except the rates for port and public utility districts, in the tax code area, ((including the state school levy at the local rate, any conservation futures levy imposed under RCW 84.34.230, any emergency medical service levy imposed under RCW 84.52.069, any metropolitan park district levy protected under RCW 84.52.120, and any affordable housing levy imposed under RCW 84.52.105)) to arrive at a combined levy rate for that tax code area. "Regular levy rates" in this context means the levy rates that remain after prorationing under RCW 84.52.043 has occurred. The levy rates for ~~((any))~~ port ~~((or))~~ and public utility districts ~~((is))~~ are not included in this computation ~~((as))~~ because they are not subject to the constitutional one percent limit. The following regular levy rates are used to calculate the combined levy rate of any particular tax code area:

- (i) The local rate for the state levy;
- (ii) The levy rate for financing affordable housing for very low-income households under RCW 84.52.105;
- (iii) The levy rate for acquiring conservation futures under RCW 84.34.230;
- (iv) The levy rate for criminal justice purposes under RCW 84.52.135;
- (v) The levy rate for emergency medical care or emergency medical services under RCW 84.52.069;
- (vi) The levy rate by or for county ferry districts under RCW 36.54.130;
- (vii) The levy rate for the portion of fire protection district levies protected under RCW 84.52.125; and
- (viii) The levy rate for the portion of metropolitan park district levies protected under RCW 84.52.120.

(b) Second, ~~((multiply the combined levy rate obtained in subsection (2)(a) of this rule))~~ divide ten dollars by the higher of the real or personal property ratio of the county for the assessment year in which the levy is made to determine the maximum effective levy rate. If the ~~((effective regular))~~ combined levy rate exceeds ~~((ten dollars per thousand dollars of assessed value))~~ the maximum effective levy rate, then the individual levy rates must be reduced or eliminated until the ~~((effective))~~ combined levy rate is equal to ~~((ten dollars per thousand dollars of assessed value))~~ the maximum effective levy rate.

(3) **Prorating - constitutional one percent limit.** RCW 84.52.010 sets forth the prorating order in which levy rates are to be reduced or eliminated when the constitutional one percent limit is exceeded. The order contained in this statute begins with the taxing districts that are the first to have their levy rates either reduced or eliminated. Taxing districts that are at the same level within the prorating order are grouped together in tiers. Levy rates are reduced or eliminated on a pro rata basis within each tier of taxing district levies until the combined levy rate no longer exceeds one percent of the true and fair value of property.

If the constitutional one percent limit is exceeded, the following levies are to be reduced or eliminated in the following order until the ~~((effective))~~ combined levy rate no longer exceeds ~~((ten dollars per thousand dollars of assessed value))~~ the maximum effective levy rate:

(a) The levy rate for fire protection districts protected under RCW 84.52.125;

(b) The levy rate for criminal justice purposes imposed under RCW 84.52.135;

(c) The levy rate for county ferry districts under RCW 36.54.130;

(d) The twenty-five cents per thousand dollars of assessed value levy rate for metropolitan park districts protected under RCW 84.52.120((-);

~~((b))~~ (e) The levy rates for ~~((conservation futures under RCW 84.34.230, for))~~ levies for financing affordable housing for very low-income households under RCW 84.52.105, acquiring conservation futures under RCW 84.34.230, and any portion of a levy rate for emergency medical care or emergency medical services under RCW 84.52.069 in excess of thirty cents per thousand dollars of assessed value are reduced on a pro rata basis or eliminated((-);

~~((e))~~ (f) The levy rate for the first thirty cents per thousand dollars for emergency medical care or emergency medical services under RCW 84.52.069((-);

~~((d))~~ (g) The levy rates for ~~((a park and recreation district under RCW 36.69.145, a park and recreation service area under RCW 36.68.525, a cultural arts, stadium and convention district under RCW 67.38.130, and a city transportation authority under section 11, chapter 248, Laws of 2002;))~~ city transportation authorities under RCW 35.95A.100, cultural arts, stadium, and convention districts under RCW 67.38.130, park and recreation districts under RCW 36.69.145, and park and recreation service areas under RCW 36.68.525 are reduced on a pro rata basis or eliminated((-);

~~((e))~~ (h) The levy rate for ~~((a))~~ flood control zone districts under RCW 86.15.160((-);

~~((f))~~ (i) The levy rates for all other junior taxing districts, except fire protection districts under RCW 52.16.140 and 52.16.160, regional fire protection service authorities under RCW 52.26.140, library districts under RCW 27.12.050 and 27.12.150, and the first fifty cents per thousand dollars of assessed ~~((valuation))~~ value for metropolitan park districts ~~((; and the first fifty cents per thousand dollars of assessed valuation))~~ under RCW 84.52.120 and for public hospital districts under RCW 70.44.060(6) are reduced on a pro rata basis or eliminated((-);

~~((g))~~ (j) The levy rate of fifty cents per thousand dollars of assessed ~~((valuation))~~ value for metropolitan park districts created on or after January 1, 2002((-);

~~((h))~~ (k) The levy rates for fire protection districts under RCW 52.16.140 and 52.16.160, and regional fire protection authorities under RCW 52.26.140 (1)(b) and (c) are reduced on a pro rata basis or eliminated((-);

~~((i))~~ (l) The levy rates for fire protection districts under RCW 52.16.130, regional fire protection districts under RCW 52.26.140 (1)(a), library districts under RCW 27.12.050 and 27.12.150, and the levy rate for first fifty cents per thousand dollars of assessed ~~((valuation))~~ value for public hospital districts under RCW 70.44.060(6)((-); and ~~((the first fifty cents per thousand dollars of assessed valuation))~~ for metropolitan park districts under RCW 35.61.210 created before January 1, 2002, are reduced on a pro rata basis or eliminated((-);

~~((j))~~ (m) The levy rates for the county, county road, and a city or town are reduced on a pro rata basis or eliminated((-); and

~~((k))~~ (n) The levy rate for the state for the support of common schools.

## WSR 06-02-010

### PERMANENT RULES

### DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed December 22, 2005, 2:28 p.m., effective January 1, 2006]

Effective Date of Rule: January 1, 2006.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The effective date of January 1, 2006, is required under RCW 34.05.380 (3)(a) and under RCW 69.43.170.

Purpose: This rule sets the standards for retail sales logs used to record the transaction or sales of ephedrine, pseudoephedrine, and phenylpropanolamine products.

Statutory Authority for Adoption: RCW 69.43.170, 18.64.005.

Adopted under notice filed as WSR 05-19-113 on September 20, 2005.

Changes Other than Editing from Proposed to Adopted Version: The board adopted WAC 246-889-090 Acceptable forms of photo identification, adding enrollment cards issued by the governing authority of a federally recognized Indian tribe located in Washington, if the enrollment card incorporates security features comparable to those implemented by the department of licensing for Washington drivers' licenses

and are recognized by the liquor control board and WAC 246-889-095 Record of sale, deleting the requirement for retailers to record the purchaser's address and signature. WAC 246-889-070, 246-889-075, 246-889-080, 246-889-085, 246-889-100, and 246-889-105 were adopted by the board as approved at the November 2, 2005, rules hearing.

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 9, 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 9, Amended 0, Repealed 0.

Date Adopted: December 14, 2005.

George Roe  
Chairman

#### NEW SECTION

**WAC 246-889-070 Retail sales logs for ephedrine, pseudoephedrine, and phenylpropanolamine products.** Purpose.

The legislature has recognized that restricting access to ephedrine, pseudoephedrine, and phenylpropanolamine products, or their salts or isomers, is a valid method to reduce the availability of these products for the illegal manufacture of methamphetamine. To reduce the illegal use of these products in the manufacture of methamphetamine, while continuing access for legitimate purposes, the legislature directed the board to adopt rules for the recording of retail sales involving ephedrine, pseudoephedrine or phenylpropanolamine products. The record of sales must be collected and maintained in a written or electronic log or other alternative means. Data from this log will be used to determine if the log is an effective law enforcement tool and if the information received is an effective deterrent to criminal activity. The following rules describe the requirements for the transaction logs.

#### NEW SECTION

**WAC 246-889-075 Definitions.** (1) "Ephedrine, pseudoephedrine, and phenylpropanolamine products" means any product containing any detectable quantity of ephedrine, pseudoephedrine or phenylpropanolamine.

(2) "Retailer" means a pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW, or an employee, a practitioner as defined in RCW 18.64.011, or a traditional Chinese herbal practitioner as defined in chapter 69.43 RCW.

(3) "Sale" means the sale, transfer, or otherwise furnishing of any ephedrine, pseudoephedrine, or phenylpropanolamine product to any person.

(4) "Law enforcement" means any general or limited authority Washington peace officer.

#### NEW SECTION

**WAC 246-889-080 Records of sale. Exemptions.** You must keep a record of a sale except when:

(1) The sale of any product containing ephedrine, pseudoephedrine or phenylpropanolamine that is in liquid, liquid capsule, or in a gel capsule form and is combined with another active ingredient.

(2) The sale of any ephedrine, pseudoephedrine or phenylpropanolamine product that is sold via a prescription written by an authorized practitioner.

(3) The sale of any ephedrine, pseudoephedrine, or phenylpropanolamine product is recorded in a pharmacy profile and the profile is maintained by the pharmacy. The profile must be the individualized record for the purchaser, containing identifying information, including, but not limited to, name, address, date of purchase, purchaser's date of birth, and product description.

#### NEW SECTION

**WAC 246-889-085 Requirements for the sale of an ephedrine, pseudoephedrine, or phenylpropanolamine product.** Unless exempted in WAC 246-889-080, a retailer must:

(1) Review the purchaser's photo identification. The photo identification must include the date of birth of the purchaser. The purchaser must be eighteen years of age or older.

(2) Record the information detailed in WAC 246-889-095 for the record of transaction.

#### NEW SECTION

**WAC 246-889-090 Acceptable forms of photo identification.** To be an acceptable form of identification, the identification must be issued by a government agency and include the person's photograph, name, address, date of birth, and signature. The following are acceptable forms of identification:

(1) A driver's license or instruction permit issued by any U.S. state or province of Canada. If the customer's driver's license has expired, he/she must also show a valid temporary driver's license with the expired card.

(2) A United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents.

(3) A merchant marine identification card issued by the United States Coast Guard.

(4) A state liquor control identification card. An official age identification card issued by the liquor control authority of any U.S. state or Canadian province.

(5) A state identification card issued by any U.S. state or province of Canada.

(6) An official passport issued by any nation.

(7) Enrollment card issued by the governing authority of a federally recognized Indian tribe located in Washington, if



the enrollment card incorporates security features comparable to those implemented by the department of licensing for Washington drivers' licenses and are recognized by the liquor control board.

#### NEW SECTION

**WAC 246-889-095 Record of sale.** Information required. The retailer must record:

- (1) Date of purchase;
- (2) Name of the purchaser;
- (3) Date of birth of the purchaser;
- (4) Type of identification, agency issuing the identification, and the identification number if applicable; and
- (5) Number of packages and the number of tablets per package.

#### NEW SECTION

**WAC 246-889-100 Methods for collecting, recording, and storing records of sales data.** Sales records must be maintained on a written or electronic log and must be readily retrievable and contain all information required in WAC 246-889-095. Methods other than electronic or written must be approved in advance by the board of pharmacy and must contain all the information required for a written or electronic log and be retained for the same period of time as a written or electronic log.

#### NEW SECTION

**WAC 246-889-105 Record retention and destruction.** The retailer must maintain transaction records for two years. Sales records may be destroyed after the retention period of two years. When records are destroyed, the records must be destroyed in a manner that leaves the record unidentifiable and nonretrievable.

#### NEW SECTION

**WAC 246-889-110 Access to retail records of sales.** Records of sales are confidential and are only open to inspection by the board of pharmacy and law enforcement agencies. The retailer does not have to transmit records to law enforcement or the board of pharmacy. Law enforcement and/or the board of pharmacy will request and obtain records if they are needed. Retailers shall also produce the records in a court whenever lawfully required to do so.

### WSR 06-02-028

#### PERMANENT RULES

#### SECRETARY OF STATE

(Elections Division)

[Filed December 28, 2005, 2:43 p.m., effective January 28, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To implement additional election reforms passed by the 2005 legislature.

Citation of Existing Rules Affected by this Order: Amending WAC 434-208-080, 434-250-100, 434-250-120, 434-250-330, 434-253-020, 434-253-045, 434-253-220, 434-253-240, 434-260-310, 434-261-030, 434-262-013, 434-262-050, 434-262-060, 434-262-080, and 434-379-020.

Statutory Authority for Adoption: RCW 29A.04.611, 29A.04.530.

Adopted under notice filed as WSR 05-22-015 on October 24, 2005.

Changes Other than Editing from Proposed to Adopted Version: In WAC 434-250-100, ballot drop boxes may be emptied by persons appointed by the county auditor, in addition to county auditor's office staff. In WAC 434-250-340, selection of the precincts, and the races and issues within those precincts, is clarified. WAC 434-250-340 also clarifies that the manual count must be conducted prior to the machine count, and that the results must be documented in a report.

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 10, 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 5, 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 4, Amended 15, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 28, 2005.

Sam Reed

Secretary of State

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

**WAC 434-208-080 Electronic facsimile filings followed by original document.** The filing officer shall require that, except for requests for absentee ballots, any acceptance of an electronic facsimile filing be followed by the original document not later than seven calendar days after the receipt of the facsimile filing. If a voted ballot is faxed, ~~((a))~~ the ballot and the envelope bearing the original signature of the voter must be received ~~((not later than ten days following a primary or special election or fifteen days following a general election))~~ on or before the date on which the election is certified pursuant to RCW 29A.60.190.

#### NEW SECTION

**WAC 434-215-065 Withdrawal of candidacy.** Consistent with RCW 29A.24.131, a candidate may withdraw his or her declaration of candidacy at any time before the close of business on the Thursday following the last day for candidates to file under RCW 29A.24.050 by filing, with the officer with whom the declaration of candidacy was filed, a

signed request that his or her name not be printed on the ballot. There shall be no withdrawal period for declarations of candidacy filed during special filing periods. The filing officer has discretion to permit the withdrawal of a filing for any elected office of a city, town, or special district at the request of the candidate at any time before a primary if the primary ballots have not been ordered. If no primary election is held for the office, the filing officer has discretion to permit the withdrawal at any time before the general election ballots are ordered.

#### NEW SECTION

**WAC 434-250-095 Voting on direct recording electronic voting devices.** If a voter who was issued an absentee or mail ballot requests to vote on a direct recording electronic voting device, the county auditor must first confirm that the voter has not already returned a voted ballot. Confirmation that the voter has not already returned a voted ballot may be achieved by accessing the county voter registration system by electronic, telephonic, or other means. If the county auditor is unable to confirm that the voter has not already returned a voted ballot, the voter may not vote on a direct recording electronic voting device.

Consistent with RCW 29A.46.110, in order to prevent multiple voting, the voter must be immediately credited or otherwise flagged as having voted. If a voted absentee or mail ballot is returned after a ballot is cast on the direct recording electronic voting device, the absentee or mail ballot must not be counted.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

**WAC 434-250-100 Depositing of ballots.** Ballots may be deposited in the auditor's office during normal business hours prior to the day of the election, and from 7:00 a.m. to 8:00 p.m. on the day of the election. Other places of deposit may be staffed or unstaffed.

(1)(a) Staffed sites must be staffed by at least two people. Deposit site staff may be employees of the county auditor's office or persons appointed by the auditor. ((Whenever possible)) If two or more deposit site staff are persons appointed by the county auditor, the ((persons appointed)) appointees shall be representatives of ((each)) different major political ((party)) parties whenever possible. Deposit site staff ((may not be an employee of the jurisdiction for whom the election is conducted and)) shall subscribe to an oath regarding the discharge of the duties ((, administered by the county auditor)).

(b) Staffed deposit sites must be open from 7:00 a.m. until 8:00 p.m. on the day of the election and may be open prior to the election on dates and times established by the county auditor. Staffed deposit sites must have a secure ballot box that is constructed in a manner to allow return envelopes, once deposited, to only be removed by the county auditor or by the deposit site staff. If a ballot envelope is returned after 8:00 p.m. on election day, deposit site staff must note the time and place of deposit on the ballot envelope, and such ballots must be referred to the canvassing board for consideration of

whether special circumstances warrant consideration, as documented by the deposit site staff.

(c) A staffed deposit site that only receives ballots is not considered a polling place. A staffed deposit site that both receives and issues ballots is considered a polling place.

(2) Unstaffed sites may be used if the ballot drop box is either:

(a) Constructed and secured according to the same requirements as United States Postal Service postal drop boxes; or

(b) Secured and located indoors.

(3) Ballot boxes must be locked and sealed at all times, with seal logs that document each time the box is opened, by whom, and the number of ballots removed. From eighteen days prior to election day until 8:00 p.m. on election day, two people who are either employees of or appointed by the county auditor ((staff members)) must empty each ballot drop box with sufficient frequency to prevent damage or unauthorized access to the ballots. Ballots must be placed into sealed transport carriers and returned to the county auditor's office or another designated location. On election day, ballot drop boxes must be emptied at exactly 8:00 p.m. to ensure that all ballots meet the 8:00 p.m. delivery deadline.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

**WAC 434-250-120 Verification of the signature and postmark on ballots.** A ballot shall be counted only if:

(1) It is returned in the return envelope, or a similar envelope if it contains the same information and signed affidavit and is approved by the auditor;

(2) The affidavit is signed with a valid signature in the place afforded for the signature on the envelope;

(3) The signature has been verified pursuant to WAC 434-379-020, or if the voter is unable to sign his or her name, two other persons have witnessed the voter's mark;

(4) It is postmarked not later than the day of the election or deposited in the auditor's office, a polling location, or a designated deposit site not later than 8:00 p.m. on election day; and

(5) The ballot is received prior to certification of the election.

The signature on the return envelope, or on a copy of the return envelope, must be compared with the signature ((as it appears on)) in the voter's voter registration ((application, as described)) file using the standards established in WAC 434-379-020. The signature on a return envelope may not be rejected merely because the name in the signature is a variation of the name on the voter registration record. The canvassing board may designate in writing representatives to perform this function. All personnel assigned to the duty of signature verification shall subscribe to an oath administered by the county auditor regarding the discharge of his or her duties. Personnel shall be instructed in the signature verification process prior to actually canvassing any signatures. Local law enforcement officials may instruct those employees in techniques used to identify forgeries.

The signature verification process shall be open to the public, subject to reasonable procedures adopted and promul-

gated by the canvassing board to ensure that order is maintained and to safeguard the integrity of the process.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

**WAC 434-250-330 County auditor's office as a polling place.** (1) For elections conducted entirely by mail, services that would have been provided at the polling place must, at a minimum, be provided at the county auditor's office, including provisional ballots (~~and, after January 1, 2006, voting devices that are accessible to the visually impaired~~). Such services must be provided beginning the date that ballots are mailed to voters. Identification must be provided in compliance with RCW 29A.44.205 and WAC 434-253-055, except in the case of replacement ballots as authorized by RCW 29A.48.040. If the auditor does not maintain poll books at the auditor's office, the voter must sign a log sheet that includes the same information that would have appeared in a poll book.

(2) If the persons providing services at the county auditor's office are not employees of the auditor's office but are persons appointed by the county auditor, the appointees must be representatives of different major political parties and must subscribe to an oath regarding the discharge of duties.

~~((Such services must be provided beginning the date that ballots are mailed to voters.))~~

NEW SECTION

**WAC 434-250-340 Manual count of selected precincts.** In an election conducted entirely by mail, the manual count of precincts requested by political party observers pursuant to RCW 29A.60.170 must be conducted as follows:

(1) Upon mutual agreement, the official political party observers may request that a manual count be conducted of one race or issue in up to three precincts.

(2) The official political party observers may mutually agree on which precincts are to be counted, or may agree that the selection be made at random. Once the three precincts are selected, the official political party observers may mutually agree on which race or issue in each precinct is to be counted, or may agree that the selection be made at random. The selection must occur before election day to allow the county auditor to assemble the proper ballots.

(3) The count may begin no earlier than 8:00 p.m. on election day and must be completed by 8:00 p.m. on the second day after election day. The official political party observers must receive timely notice of the time and location of the count established by the county auditor. However, the process must proceed as scheduled if the observers are unable to attend.

(4) The ballots that are ready for tabulation at the time the count begins must be included in the manual count of the selected precincts.

(5) Once the manual count of the selected precincts is complete, the same ballots must be tabulated by the voting system.

(6) The results of the manual count must be compared to the results of the voting system count, and documented in a

report signed by the county auditor and political party observers present.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

**WAC 434-253-020 Polling place—Election supplies.** Polling places shall be provided, at a minimum, with the following supplies at every election:

(1) Precinct list of registered voters or a poll book, which shall include suitable means to record the signature and address of the voter (~~(- Voters issued absentee ballots must either be noted as absentee or not listed in the poll book)~~);

(2) Inspector's poll book;

(3) Required oaths/certificates for inspectors and judges;

(4) Sufficient number of ballots as determined by election officer;

(5) Ballot containers;

(6) United States flag;

(7) Voting instruction signs;

(8) Challenge and provisional ballots and envelopes;

(9) Cancellation cards due to death;

(10) Voting equipment instructions;

(11) Procedure guidelines for inspectors and judges and/or precinct election officer guidebooks;

(12) Keys and/or extra seals;

(13) Pay voucher;

(14) Ballots stub envelope;

(15) Emergency plan of action;

(16) Either sample ballots or voters' pamphlets;

(17) HAVA voter information poster; and

(18) Voter registration forms.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

**WAC 434-253-045 Provisional ballots—Required information.** A provisional ballot may not be voted on a direct recording electronic voting device. At a minimum, the following information is required to be printed on the outer provisional ballot envelope:

(1) Name of voter.

(2) Voter's registered address both present and former if applicable.

(3) Voter's date of birth.

(4) Reason for the provisional ballot.

(5) Polling place and precinct number, if applicable, at which voter voted.

(6) Sufficient space to list disposition of the ballot after review by the county auditor.

(7) The following oath with a place for the voter to sign and date:

---

I do solemnly swear or affirm under penalty of perjury that:

I am a legal resident of the state of Washington;

I am entitled to vote in this election;

I have not already voted in this election;

It is illegal to vote if I am not a United States citizen;

It is illegal to vote if I have been convicted of a felony and have not had my voting rights restored;

It is illegal to cast a ballot or sign an absentee envelope on behalf of another voter, except as otherwise provided by law; and

Attempting to vote when not entitled, attempting to vote more than once, or falsely signing this oath is a felony punishable by a maximum imprisonment of five years, a maximum fine of \$10,000, or both.

Signature \_\_\_\_\_ Date \_\_\_\_\_

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-253-220 Transfer of ballots prior to closing of the polls.** The county auditor may authorize an early pick up of ballots from designated polling places prior to the closing of the polls. Where so authorized, the precinct election officers at the designated polling places shall remove the voted ballots from the voted ballot container at a time specified by the auditor and count the number of ballots. The count shall be entered on the ballot accountability sheet, a transmittal sheet completed and signed, and the ballots sealed in a transfer container in the same manner used for the closing of the polls. The transmittal sheet may be placed with the ballots or it may be attached to the outside of the transfer container. The election officials shall not leave the polling place. Ballot pickup teams, consisting of two employees of the county auditor's office or two representatives of ~~((each))~~ different major political ~~((party and appointed by the county auditor for that purpose))~~ parties, shall be assigned to pick up the transfer containers for return to the counting center.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

**WAC 434-253-240 Return of election supplies and materials.** Supplies and voting materials, including voted, provisional, challenged, spoiled, unused, and absentee ballots and ballot stubs must be secured and returned to the counting center, the county auditor's office, or any other location designated by the auditor. At least two employees of the county auditor's office or two officials representing different major political parties shall transfer the sealed ballot containers to the counting center, county auditor's office, or other location designated by the auditor. Pursuant to RCW 29A.60.110, ballots tabulated by poll site tabulators may be transported by one employee of the county auditor's office if the container is sealed at the poll site and then verified when returned to the counting center, county auditor's office, or other location designated by the county auditor.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

**WAC 434-260-310 Application for initial certification and maintenance of certification.** The secretary of state shall make available certification application and maintenance forms to the county auditors. ~~((The county auditor in~~

~~each county shall, not later than January 1 of each year, submit an application for certification for each employee for whom certification and maintenance is requested.))~~ Applications to maintain certification must be submitted to the secretary of state by the county auditor by January 1 each year.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-261-030** ~~((Transfer of ballots to counting center or))~~ Receipt of ballots at intermediate collection station. ~~((After all the business at the polling place is completed, two of the election officials, one representing each major political party, shall transfer the sealed ballot containers to the counting center, or to a designated collection station. At the discretion of the county auditor, a ballot pickup team composed of a representative of each major political party may be directed to stop at the polling place and pick up the sealed containers of voted ballots for return to the counting center as an alternative. Until the voted ballots are received at the counting center or intermediate collection station, they must always be accompanied by a representative of each of the two major political parties. These representatives may be either precinct election officers or the ballot pickup team.))~~

If an intermediate collection station is used, the ~~((station will be staffed by a representative or representatives of the county auditor who shall be responsible for receiving the voted ballot transfer containers from the precinct election officers or ballot pickup team. The))~~ collection station staff shall maintain a ballot transfer container receipt log on which shall be recorded the ~~((precinct))~~ poll site name or number, the date and time of receipt, the seal number of each container, and any other information the auditor deems appropriate. When the last transfer container has been received and logged, or when so directed by the county auditor, the containers shall be transferred to the counting center in an enclosed vehicle accompanied by at least two employees of the county auditor's office or two representatives of ~~((each))~~ different major political ~~((party, appointed for that purpose by the auditor, or as provided in this rule))~~ parties. The transfer container log sheets shall accompany the containers.

~~((The appointed officials accompanying the ballot transfer containers from the collection station to the counting center shall not be of the same political party.))~~ Officials used for this purpose ~~((if))~~ who are not employees of the county auditor's office, political party representatives, or affiliated with a political party ~~((;))~~ may meet the requirements of this rule by declaring in writing nonpolitical party affiliation. These declarations shall be retained by the auditor along with the transfer container log sheets for sixty days after the election.

NEW SECTION

**WAC 434-261-045 Secure storage.** Received ballots must be maintained in secure storage except during processing, duplication, inspection by the canvassing board, or tabulation. Secure storage must employ the use of numbered seals and logs, or other security measures that will detect any inappropriate access to the secured materials.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

**WAC 434-262-013 Crediting voters.** Voters shall be credited for voting after each special, primary and general election.

(1) A voter may not be credited for voting if the ballot was voted after election day, was received after certification of the election, or will otherwise not be counted.

(2) ~~((If an election was conducted entirely by mail,))~~ The crediting of absentee or mail ballot voters must be completed prior to the certification of the election. ~~((If an election was conducted using polling places,))~~ The crediting of poll voters must be completed ~~((as soon after the election as possible))~~ within thirty days of the election, and prior to the certification of the election when possible.

(3) The reconciliation of voters credited with ballots counted shall be completed within thirty days following certification of a primary or election. The certification must include, but is not limited to, information indicating that the number of ballots counted equals the number of voters credited. If these numbers do not match, the county auditor must take steps to reconcile the numbers and any discrepancies. If the county auditor cannot reconcile the numbers, documentation of steps taken to reconcile and any other applicable information must be included with the official reconciliation.

(4) Changes to the list of registered voters, such as new registrations, transfers, or cancellations, may not be made following a general election until the crediting reconciliation is complete. Correction of errors is allowed.

(5) The county auditor shall make an electronic or paper copy of the list of registered voters immediately following this reconciliation. Using this data, the county auditor shall also produce validation statistics for each minor taxing district in the county. Once the list is copied and the validation statistics are complete, changes to the data base may be made.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

**WAC 434-262-050 Errors or discrepancies discovered during the verification of the auditor's abstract of votes.** ~~((In the event that))~~ (1) If the county canvassing board, during the verification ~~((s))~~ process, discovers that errors or discrepancies exist in the auditor's abstract of votes ~~((or that discrepancies exist between that abstract and the manual or adding machine totals for registered voters and votes cast produced pursuant to WAC 434-262-040))~~, the board shall investigate those errors ~~((and))~~ or discrepancies. They shall be empowered to take whatever corrective steps a majority of the board deems necessary, including changing or modifying the auditor's abstract of votes if the error or discrepancy is discovered in that document. The canvassing board may ~~((then))~~ proceed to verify votes cast on other measures or ~~((for candidates))~~  races if a majority of the board believes that the nature of the errors or discrepancies discovered warrant ~~((such))~~ further action on their part.

(2) Changes in the results of an election following a recount are not considered errors or discrepancies.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-262-060 Documentation of corrective action taken.** If the canvassing board decides to take corrective action with respect to ~~((any part of the auditor's abstract of votes, they))~~ errors or discrepancies described in WAC 434-262-050, the canvassing board shall prepare a written narrative of the errors or discrepancies discovered, the cause of those errors, if known, and the corrective action taken. ~~((# the event the auditor's abstract of votes))~~ Each member of the canvassing board must sign the written narrative and must initial the auditor's abstract of votes if it is altered or modified by the canvassing board ~~((, those alterations and modifications shall be initialed by each member of the canvassing board, additionally, the written narrative shall be signed by each member of the board)).~~

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

**WAC 434-262-080 Transmittal of certified copy of county canvass report to the secretary of state.** Immediately following the certification of the returns of any primary, special, or general election in which state measures, federal or state offices, or legislative or judicial offices whose jurisdiction encompasses more than one county appeared on the ballot, the county auditor must transmit those returns to the secretary of state by fax, e-mail, or other electronic means. No later than the next business day, the county auditor must send to the secretary of state a certified copy of that part of the county canvass report and, if applicable, the written narrative, covering those issues and offices ~~((to the secretary of state)).~~ ~~((A copy of the written narrative documenting errors and discrepancies discovered and corrective action taken shall accompany the abstract if applicable. Copies of the adding machine tapes used during the verification process need not be sent to the secretary of state.))~~

AMENDATORY SECTION (Amending WSR 05-12-116, filed 5/31/05, effective 7/1/05)

**WAC 434-379-020 Signature verification standard.** A signature on a petition sheet ~~((with))~~ must be matched to the signature on file in the voter registration records. ~~((A signature is considered a match if at least three of the following criteria are met:~~

- ~~(1) The capital letters match;~~
- ~~(2) Letters tail off alike;~~
- ~~(3) Letter spacing is the same;~~
- ~~(4) The space between the signature and the line is the same;~~
- ~~(5) The beginning and ending of the signature and the slant are consistent;~~
- ~~(6) Unique letters in the signature match;~~
- ~~(7) The overall appearances match.~~

~~In determining whether a signature matches the signature in the registration file, the age of the voter and the date of the signature on the registration file may also be considered.))~~ The following characteristics must be utilized to evaluate signatures to determine whether they are by the same writer:

(1) Agreement in style and general appearance, including basic construction, skill, alignment, fluency, and a general uniformity and consistency between signatures;

(2) Agreement in the proportions of individual letters, height to width, and heights of the upper to lower case letters;

(3) Irregular spacing, slants, or sizes of letters that are duplicated in both signatures;

(4) After considering the general traits, agreement of the most distinctive, unusual traits of the signatures.

A single distinctive trait is insufficient to conclude that the signatures are by the same writer. There must be a combination or cluster of shared characteristics. Likewise, there must be a cluster of differences to conclude that the signatures are by different writers.

### WSR 06-02-038

#### PERMANENT RULES

#### DEPARTMENT OF CORRECTIONS

[Filed December 28, 2005, 4:41 p.m., effective May 1, 2006]

Effective Date of Rule: May 1, 2006.

Purpose: It is the purpose of this order to amend the rule-making order, WSR 05-24-009 filed on November 28, 2005, to delay the effective date of the amendments made to chapters 137-28 and 137-56 WAC and the adoption of chapter 137-25 WAC from January 1, 2006, to May 1, 2006.

Citation of Existing Rules Affected by this Order: Amending WAC 137-28-260 and chapter 137-56 WAC; and adopting chapter 137-25 WAC.

Statutory Authority for Adoption: RCW 72.01.090, 72.09.130, and 9.94.070.

Adopted under notice filed as WSR 05-21-105 on October 18, 2005.

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.

Date Adopted: December 28, 2005.

Eldon Vail  
Deputy Secretary  
Prisons Division

### WSR 06-02-048

#### PERMANENT RULES

#### DEPARTMENT OF LICENSING

[Filed December 29, 2005, 1:06 p.m., effective February 1, 2006]

Effective Date of Rule: February 1, 2006.

Purpose: To revise chapter 308-20 WAC, regulating cosmetologists, barbers, manicurists, and estheticians, in preparation for the department's move to the national written examinations on February 1, 2006.

Citation of Existing Rules Affected by this Order: Amending WAC 308-20-120 Written and performance examinations and 308-20-210 Fees; and new section WAC 308-20-115 Reciprocity—Persons licensed in other jurisdictions.

Statutory Authority for Adoption: RCW 18.16.030 and 43.24.086.

Adopted under notice filed as WSR 05-23-165 on November 23, 2005.

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 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, 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 1, Amended 2, Repealed 0.

Date Adopted: December 29, 2005.

Andrea C. Archer  
Assistant Director

#### NEW SECTION

**WAC 308-20-115 Reciprocity—Persons licensed in other jurisdictions.** The department shall issue a license to any person who is properly licensed in any state, territory, or possession of the United States, or foreign country if the applicant submits:

- (1) Application;
- (2) Fee;
- (3) Proof that he or she is currently licensed in good standing as a cosmetologist, barber, manicurist, esthetician, instructor, or the equivalent in that jurisdiction;
- (4) Provides proof that he or she has passed the director approved examinations with the minimum passing score approved by the director.

AMENDATORY SECTION (Amending WSR 03-14-046, filed 6/24/03, effective 7/25/03)

**WAC 308-20-120 Written and performance examinations.** (1) The department shall administer or approve the administration of a written and performance license examina-

tion. The department may approve written or performance examinations given by department-approved examination providers.

(2) The director adopts the National-Interstate Council of State Boards of Cosmetology (NIC) examinations as the approved written and performance examinations required for applicants.

~~(3) The written and performance examinations for cosmetologist, barber, manicurist and esthetician shall reasonably measure the applicant's knowledge of safe and sanitary practice. ((The performance examinations may be divided into skill sections. The overall minimum passing grade for performance examinations shall be seventy-five percent with no section being scored lower than forty percent. If an individual scores lower than forty percent in any one section, the entire performance examination must be retaken. The minimum passing grade for the written examinations shall be seventy-six percent of the total examination questions.~~

~~(3))~~ (4) The written and performance examinations for instructors shall be constructed to measure the applicant's knowledge of lesson planning and teaching techniques. ((The overall minimum passing grade for the performance examination shall be eighty percent. The minimum passing grade for the written examination shall be eighty percent of the total examination questions.))

(5) In order to be eligible for licensure, a license applicant must pass both the written and performance examinations in the practice for which they are applying.

(6) The minimum passing score for both the written and performance examinations in all practices is a scaled score of 75.

AMENDATORY SECTION (Amending WSR 03-14-046, filed 6/24/03, effective 7/25/03)

**WAC 308-20-210 Fees.** In addition to any third-party examinations fees, the following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
<b>Cosmetologist:</b>	
<del>((Written examination application</del>	<del>\$ 25.00</del>
<del>Written examination retake</del>	<del>25.00))</del>
<u>Reciprocity license</u>	<u>\$ 40.00</u>
Renewal (two-year license)	40.00
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
<b>Instructor:</b>	
<del>((Examination application</del>	<del>30.00))</del>
<u>Reciprocity license</u>	<u>40.00</u>
Renewal (two-year license)	40.00
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
<b>Manicurist:</b>	

Title of Fee	Fee
<del>((Written examination application</del>	<del>25.00</del>
<del>Written examination retake</del>	<del>25.00))</del>
<u>Reciprocity license</u>	<u>40.00</u>
Renewal (two-year license)	40.00
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
<b>Esthetician:</b>	
<del>((Written examination application</del>	<del>25.00</del>
<del>Written examination retake</del>	<del>25.00))</del>
<u>Reciprocity license</u>	<u>40.00</u>
Renewal (two-year license)	40.00
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
<b>Barber:</b>	
<del>((Written examination application</del>	<del>25.00</del>
<del>Written examination retake</del>	<del>25.00))</del>
<u>Reciprocity license</u>	<u>40.00</u>
Renewal (two-year license)	40.00
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
<b>School:</b>	
License application	175.00
Renewal (one-year license)	175.00
Late renewal penalty	175.00
Duplicate	15.00
Curriculum review	15.00
<b>Salon/shop:</b>	
License application	50.00
Renewal (one-year license)	50.00
Late renewal penalty	50.00
Duplicate license	15.00
<b>Mobile unit:</b>	
License application	50.00
Renewal (one-year license)	50.00
Late renewal penalty	50.00
Duplicate license	15.00
<b>Personal services:</b>	
License application	50.00
Renewal (one-year license)	50.00
Late renewal penalty	50.00
Duplicate license	15.00

**WSR 06-02-059**  
**PERMANENT RULES**  
**WASHINGTON CITIZEN'S COMMISSION**  
**ON SALARIES FOR ELECTED OFFICIALS**

[Filed January 3, 2006, 8:49 a.m., effective February 3, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To inform the public of the commission's present office location and current telephone number. In addition, the commission's hours of operation have changed since chapter 183-04 WAC was originally adopted. The public can now contact the commission on a year-around basis. The proposal deletes reference to requiring the public to contact the office of financial management when the commission's office is closed.

Citation of Existing Rules Affected by this Order: Amending chapter 183-04 WAC.

Statutory Authority for Adoption: RCW 34.05.383 [(1)](c).

Adopted under notice filed as WSR 05-22-059 on November [October] 31, 2005.

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 0, Repealed 0.

Date Adopted: January 3, 2006.

Carol Sayer  
Director

AMENDATORY SECTION (Amending WSR 01-12-002, filed 5/23/01, effective 6/23/01)

**WAC 183-04-030 Description of organization, operations, and procedures.** A description of the commission's organization and the general course and method by which the commission's operations are channeled and determined, along with the nature and requirements of all formal and informal procedures are summarized as follows:

(1) The commission is a state agency authorized by Article 28, section 1 of the state Constitution and created in chapter 43.03 RCW. The commission studies and establishes salaries for the:

(a) Governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, and insurance commissioner;

(b) Members of the legislature; and

(c) Justices of the supreme court, and judges of the courts of appeals, superior courts, and district courts.

(2) The commission's authority and duties are described in Article 28, section 1 of the state Constitution and in chapter 43.03 RCW.

(3) Membership on the commission is described in RCW 43.03.305. The commission may delegate certain duties to subordinates but remains responsible for the official acts of staff and employees.

(4) The commission's office is located at: (~~(1210 East side Street)~~) 210 11th Avenue S.W., Room 301-A, General Administration Building, Olympia, Washington. The commission's telephone number is (~~((360) 586 7542)~~) 360-725-5669. The commission's fax number is (~~((360))~~) 360-586-7544. The commission's web site is at www.salaries.wa.gov and e-mails may be sent to the commission by accessing that site. The commission shall accept public records requests only at the locations and through the means described in WAC 183-04-040.

(5) The commission has an executive director who, as the chief administrative officer of the commission, is delegated authority over matters affecting the operation of the commission.

(6) As needed, the commission may also have additional staff and employees.

(7) The commission conducts its meetings in compliance with the Open Public Meetings Act, chapter 42.30 RCW and chapter 183-06 WAC.

(8) The commission's generally applicable statements of procedure are adopted as authorized by law and contained in Title 183 WAC.

AMENDATORY SECTION (Amending WSR 01-12-002, filed 5/23/01, effective 6/23/01)

**WAC 183-04-040 Where and when public records may be obtained.** (1) The commission's office is not open on a full-time (~~(year-round)~~) basis. The public can find out the commission's hours of operation by contacting the commission's general mailing address, telephone number, or web site address identified in WAC 183-04-030.

(2) The public may nevertheless obtain public records (~~(year-round)~~) as follows:

(a) Mail. The public may mail public records requests to the commission (~~(at any time, regardless of whether the office is open or not. When the office is closed, the commission makes arrangements for such requests to be handled)~~). Requests by mail shall be addressed to the commission's mailing address: The Washington Citizens' Commission on Salaries for Elected Officials, c/o Public Records Officer, P.O. Box 43120; Olympia, WA 98504-3120. The front of the envelope shall conspicuously state: "Public Records Request."

(b) E-mail. (~~(When the commission's office is open,)~~) The commission will accept public disclosure requests by e-mail. E-mail requests shall be sent to the commission by accessing the commission's web site at www.salaries.wa.gov and following the instructions for e-mail. E-mail requests shall contain the subject line "Public Records Request."

(c) Fax. (~~(When the commission's office is open,)~~) The commission will accept public disclosure requests by fax. Fax requests shall be addressed to "The Washington Citizens'



Commission on Salaries for Elected Officials, c/o Public Records Officer" with the subject line "Public Records Request" and sent to ((360)) 360-586-7544.

(d) In person. In person requests shall be made during the hours identified in WAC 183-04-050. ~~((When the commission's office is open,))~~ Requests may be made in person at the commission's office at the address identified in WAC 183-04-030. ~~((When the commission's office is closed, requests may be made in person at the Office of Financial Management, 6639 Capitol Blvd., Tumwater, Washington. Fax requests shall be addressed to "The Washington Citizens' Commission on Salaries for Elected Officials, c/o Public Records Officer" with the subject line "Public Records Request" and sent to the office of financial management (360) 664-3423.))~~

(e) Telephone. Requests may not be made by telephone.

AMENDATORY SECTION (Amending WSR 01-12-002, filed 5/23/01, effective 6/23/01)

**WAC 183-04-050 Public records available.** (1) The public may obtain public records of the commission under these rules, in accordance with chapter 42.17 RCW, and except as otherwise provided by law.

(2) Public records are available for public inspection and copying from 9:00 a.m. to noon and from 1:00 p.m. to ~~((4:00))~~ 3:00 p.m. ~~((Monday))~~ Tuesday through ~~((Friday))~~ Thursday, excluding legal holidays (unless the requesting party and the commission agree on a different time) as described in WAC 183-04-040.

**WSR 06-02-060**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed January 3, 2006, 9:21 a.m., effective April 1, 2006]

Effective Date of Rule: April 1, 2006.

Purpose: The department has rewritten the requirements relating to using hazardous chemicals in laboratories, reorganizing for clarity and removing outdated terminology and unnecessary requirements. This rule is being repealed from chapter 296-62 WAC, and placed into chapter 296-828 WAC. In addition, we have corrected references throughout our standards.

**NEW CHAPTER:**

- Chapter 296-828 WAC, Hazardous chemicals in laboratories.

**NEW SECTIONS:**

WAC 296-828-100 Scope.

- Put language in this section to tell users who the chapter applies to.

WAC 296-828-20005 Chemical hygiene plan.

- Moved requirements relating to the chemical hygiene plan into this section.

WAC 296-828-20010 Exposure evaluation.

- Moved requirements relating to exposure evaluation into this section.

WAC 296-828-20015 Training.

- Moved requirements relating to training into this section.

WAC 296-828-20020 Labeling and material safety data sheets (MSDSs).

- Moved requirements relating to labeling and MSDSs into this section.

WAC 296-828-20025 Chemicals produced in laboratories.

- Moved requirements relating to producing chemicals in labs into this section.

WAC 296-828-20030 Medical evaluations.

- Moved requirements relating to medical evaluations into this section.

WAC 296-828-300 Definitions.

**AMENDED SECTIONS:**

WAC 296-307-55035 Follow these rules for laboratories using hazardous chemicals.

- Correcting reference.

WAC 296-307-704 Scope. What is the purpose of WAC 296-307-704 Emergency response to hazardous substance releases?

- Correcting reference.

WAC 296-800-17305 Follow these rules for laboratories using hazardous chemicals.

- Correcting reference.

WAC 296-848-100 Scope.

- Removing an incorrect exemption.

**REPEALED SECTIONS:**

WAC 296-62-400 Occupational exposure to chemicals in laboratories, 296-62-40001 Scope and application, 296-62-40003 Definitions applicable to all sections of this chapter, 296-62-40005 Permissible exposure limits, 296-62-40007 Permissible exposure determination, 296-62-40009 Chemical hygiene plan—General, 296-62-40011 Employee information and training, 296-62-40013 Medical consultation and medical examinations, 296-62-40015 Hazard identification, 296-62-40017 Use of respirators, 296-62-40019 Recordkeeping, 296-62-40021 Start-up date, 296-62-40023 Appendices, 296-62-40025 Appendix A—National Research Council recommendations concerning chemical hygiene in laboratories (nonmandatory), and 296-62-40027 Appendix B—References (nonmandatory).

Citation of Existing Rules Affected by this Order: Amending WAC 296-307-55035 Follow these rules for laboratories using hazardous chemicals, 296-307-704 Scope. What is the purpose of WAC 296-307-704 Emergency response to hazardous substance releases?, 296-800-17305 Follow these rules for laboratories using hazardous chemicals and 296-848-100 Scope; and repealing WAC 296-62-400 Occupational exposure to chemicals in laboratories, 296-62-

40001 Scope and application, 296-62-40003 Definitions applicable to all sections of this chapter, 296-62-40005 Permissible exposure limits, 296-62-40007 Permissible exposure determination, 296-62-40009 Chemical hygiene plan—General, 296-62-40011 Employee information and training, 296-62-40013 Medical consultation and medical examinations, 296-62-40015 Hazard identification, 296-62-40017 Use of respirators, 296-62-40019 Recordkeeping, 296-62-40021 Start-up date, 296-62-40023 Appendices, 296-62-40025 Appendix A—National Research Council recommendations concerning chemical hygiene in laboratories (non-mandatory), and 296-62-40027 Appendix B—References (nonmandatory).

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Adopted under notice filed as WSR 05-21-089 on October 18, 2005.

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 8, Amended 4, Repealed 15.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 8, Amended 4, Repealed 15.

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 8, Amended 4, Repealed 15.

Date Adopted: January 3, 2006.

Gary Weeks  
Director

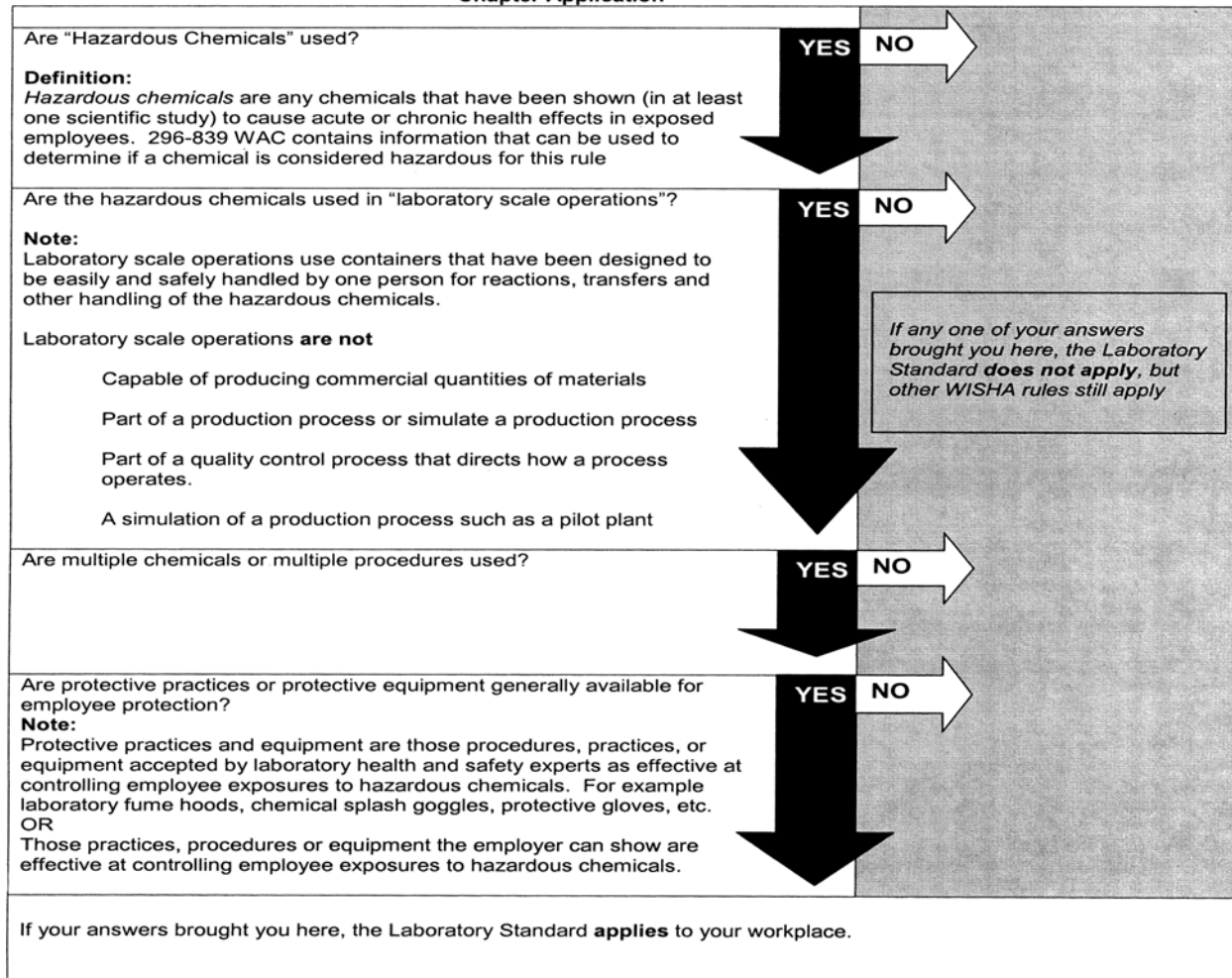
**Chapter 296-828 WAC**

**HAZARDOUS CHEMICALS IN LABORATORIES**

NEW SECTION

**WAC 296-828-100 Scope.** This chapter applies to the laboratory use of hazardous chemicals. To determine if this chapter applies to your workplace, use Table 1.

**Table 1  
Chapter Application**



**IMPORTANT:**

• When your laboratory operation is covered by this chapter, and you use any of the substances in Table 2, the following applies:

– The exposure limits and any requirement protecting employees from skin and eye contact in the rules listed in Table 2 will still apply.

– Where the action level (or where no action level exists, the permissible exposure limit) is exceeded for a substance listed in Table 2, the exposure evaluation and medical surveillance requirements in the substance rule will still apply.

– You are not required to meet other requirements of the substance rule.

• To get the permissible exposure limits (PELs) for hazardous chemicals used in your laboratory, see chapter 296-841 WAC, Respiratory hazards.

**Table 2**  
**WISHA Regulated Hazardous Chemicals**

Acrylonitrile
Arsenic (inorganic)
Asbestos
Benzene
Butadiene
Cadmium
Coke ovens
Cotton dust
1, 2-Dibromo-3-chloropropane
Ethylene oxide
Formaldehyde
Lead
Methylene chloride
Methylenedianiline
Vinyl chloride
Ionizing radiation
4-Nitrobiphenyl
Alpha-Naphthylamine
4,4' Methylene bis (2 - chloroaniline)
Methyl chloromethyl ether
3,3'-Dichlorobenzidine (and its salts)
Bis-Chloromethyl ether
Beta-Naphthylamine benzidine
4-Aminodiphenyl
Ethyleneimine
Beta-Propiolactone
2-Acetylaminofluorene
4-Dimethylaminoazobenzene
N-Nitrosodimethylamine

• Review and evaluate the effectiveness of your written

NEW SECTION**WAC 296-828-200 Using hazardous chemicals in laboratories.****Your responsibility:**

To protect employees from laboratory use of hazardous chemicals.

WAC 296-828-20005

Chemical hygiene plan.

WAC 296-828-20010

Exposure evaluation.

WAC 296-828-20015

Training.

WAC 296-828-20020

Labeling and material safety data sheets (MSDSs).

WAC 296-828-20025

Chemicals produced in laboratories.

WAC 296-828-20030

Medical evaluations.

NEW SECTION**WAC 296-828-20005 Chemical hygiene plan.****You must:**

• Develop and carry out a written chemical hygiene plan (CHP) that will protect your employees from hazardous substances in the laboratory and keep exposure levels below those listed in Respiratory hazards, chapter 296-841 WAC.

• Make sure the written plan is readily available to employees and their representatives.

• Include the following elements in your written CHP:

– The names or job titles of the chemical hygiene officer, other personnel responsible for implementing the CHP, or when appropriate, the members of a chemical hygiene committee.

– Standard operating procedures that provide employee protection when working with hazardous substances.

– Criteria for how you will select and use control measures to reduce employee exposures to hazardous chemicals, especially chemicals known to be extremely hazardous.

– Additional employee protection for select carcinogens, reproductive toxins, and chemicals with high degree of acute toxicity. The following will be considered, when appropriate:

■ The establishment of exposure control areas.

■ Containment devices, such as fume hoods or glove boxes.

■ The safe removal of contaminated waste.

■ Procedures for decontamination.

– Specific measures to make sure fume hoods and other protective equipment provide proper and adequate performance and are properly functioning.

– The circumstances when specific laboratory operation, activity, or procedure requires prior approval from the employer or their designated representative before implementation.

– A description of how you are going to train and inform your employees about laboratory use of hazardous chemicals.

– A description of your provisions for medical consultations and medical examinations.

CHP at least annually and update as necessary.

**Reference:** This publication can provide you with additional information to help you with your written chemical hygiene plan:  
National Research Council, Prudent Practices for Disposal of Chemicals from Laboratories, National Academy Press, Washington, DC, 1995.

NEW SECTION

**WAC 296-828-20010 Exposure evaluation.**

**IMPORTANT:**

For any of the specific substances listed in Table 2 of the scope of this chapter, you need to follow the exposure evaluation procedures found in the chapters regulating those substances if employee exposure routinely exceeds the AL or PEL. For all other employee exposures follow this section to determine exposure evaluation procedures.

**You must:**

- Determine if you could have a respiratory hazard as described in chapter 296-841 WAC, Respiratory hazards.

**Reference:** For additional requirements relating to respiratory hazards, see:

- Chapter 296-841 WAC, Respiratory hazards.
- Chapter 296-842 WAC, Respirators.
- The specific rule for your chemical.

**You must:**

- Provide written notification of exposure monitoring results to employees represented by your exposure evaluation, within five business days after the results become known to you.

**Note:**

- You can notify employees either individually or by posting the notification in areas readily accessible to all affected employees.
- Posted notifications may need information that allows affected employees to determine which monitoring results apply to them.
- Notification may be:
  - In any written form, such as hand-written or e-mail.
  - Limited to the required information, such as exposure monitoring results.

**Reference:** • For additional requirements relating to employee exposure records, go to Access to records, chapter 296-802 WAC.

NEW SECTION

**WAC 296-828-20015 Training.**

**You must:**

- Inform employees about the presence of hazardous chemicals at the following times:
  - At the time of initial assignment to a work area where hazardous chemicals are present.
  - Prior to situations involving a new exposure to hazardous chemicals.
- Train employees on all of the following:
  - Methods and observations for detecting the presence or release of hazardous substances. Examples of these methods and observations may include:
    - Monitoring conducted by you.
    - Continuous monitoring devices.
    - Visual appearance or odor of hazardous chemicals when being released.
  - The physical and health hazards of chemicals in the work area.

– The procedures and measures employees can use to protect themselves from hazardous substances. Examples of these include:

- Appropriate work practices.
- Emergency procedures.
- Personal protective equipment.
- Provide refresher training to fit your needs.
- Provide information to employees on all of the following:

– The contents of this chapter and where to find a copy.  
– Permissible exposure limits found in chapter 296-841 WAC, Respiratory hazards.

– Any recommended exposure levels for compounds without an exposure limit in the WISHA rules. Examples include:

■ The RELs found in the National Institute for Occupational Safety and Health (NIOSH) NIOSH Pocket Guide to Chemical Hazards 2004; or

■ The American Conference of Governmental Industrial Hygienists (ACGIH®) Documentation of the Threshold Limit Values (TLVs) and Biological Exposure Indices (BEIs), 7th Ed.

– Signs and symptoms associated with exposures to hazardous chemicals used in the laboratory.

– Where to find a copy of:

- Your chemical hygiene plan.
- Material safety data sheets (MSDSs), including those received from the chemical suppliers.

■ Reference material on the hazards, safe handling, storage, and disposal of hazardous chemicals found in the laboratory.

NEW SECTION

**WAC 296-828-20020 Labeling and material safety data sheets (MSDSs).**

**You must:**

- Make sure labels on incoming containers are not removed or defaced.
- Keep and make available to employees any MSDS received with an incoming container of hazardous chemicals.

NEW SECTION

**WAC 296-828-20025 Chemicals produced in laboratories.**

**You must:**

Follow Table 3 for chemical substances produced in your laboratory.

**Table 3**

**Lab Produced Chemical Substance Requirements**

<b>If</b>	<b>Then</b>
The chemical is a hazardous chemical	Follow all appropriate requirements of this chapter
A chemical by-product is produced and its composition is unknown	Assume it is a hazardous chemical
	AND

**Table 3**  
**Lab Produced Chemical Substance Requirements**

	Follow your chemical hygiene plan to protect employees
You produce chemicals in your laboratory for users outside the laboratory	Follow chapter 296-839 WAC, MSDS and label preparation

#### NEW SECTION

#### **WAC 296-828-20030 Medical evaluations.**

##### **IMPORTANT:**

For any of the specific substances listed in Table 2 of the scope of this chapter, you need to follow the medical evaluation procedures found in the chapters regulating those substances if employee exposure routinely exceeds the AL or PEL. For all other employee exposures follow this section to determine medical evaluation procedures.

##### **You must:**

(1) Make medical evaluations available when:

- An employee develops signs or symptoms associated with a hazardous substance from laboratory exposure.
- Any emergency situation that could cause a hazardous exposure, such as a spill, leak, or explosion, occurs.
- A medical provider recommends a follow-up evaluation.
- Exposure monitoring for any of the substances found in Table 2 reveals exposures routinely over the action level (AL) or in the absence of an AL the permissible exposure level (PEL).

(2) Make sure medical evaluations are provided at reasonable times and places, and at no cost to employees.

**Note:** This includes travel costs and wages associated with any time spent obtaining the medical evaluation.

##### **You must:**

- Provide the LHCP the following information before the medical evaluation is performed:
  - The name of the hazardous chemicals the employee may have been exposed to.
  - Any signs or symptoms of exposure the employee has.
  - A description of the conditions under which the exposure occurred.
  - The exposure monitoring results for the conditions, if available.
- Obtain the LHCP's written opinion for each medical evaluation that includes the following:
  - Recommendations for medical follow-up.
  - Any medical conditions found that would increase the employee's risk for impairment from exposure to a hazardous chemical.
  - A statement that the employee has been informed of exposure-related medical results and conditions that require further examination or treatment.
  - A written opinion that does not contain any medical information unrelated to the employee's occupational exposures.

■ If the written opinion contains any medical information unrelated to occupational exposures, return it to the LHCP and obtain a revised version without the additional medical information.

**Reference:** • For additional requirements relating to employee medical records, go to Access to records, chapter 296-802 WAC.

#### NEW SECTION

#### **WAC 296-828-300 Definitions.**

##### **Action level**

An airborne concentration of a hazardous substance that is calculated as an 8-hour time-weighted average, and initiates certain requirements to be followed such as exposure monitoring or medical surveillance.

##### **Carcinogens see "select carcinogen"**

##### **Chemical hygiene officer**

An employee designated by the employer who is qualified by training or experience to provide technical guidance in the development and implementation of the chemical hygiene plan. This definition is not intended to place limitations on the designated employee's position description or job classification within the employer's organization.

##### **Chemical hygiene plan**

A written program developed and implemented by the employer that establishes procedures, equipment, personal protective equipment, and work practices to protect employees from the health hazards of the chemicals used in the laboratory.

##### **Container**

Any container, except for pipes or piping systems that contains a hazardous substance. For example it can be any of the following:

- Barrel.
- Bottle.
- Can.
- Cylinder.
- Drum.
- Reaction vessel.
- Storage tank.

##### **Day**

Any part of a calendar day.

##### **Designated representative**

Any one of the following:

- Any individual or organization to which an employee gives written authorization.
- A recognized or certified collective bargaining agent without regard to written employee authorization.
- The legal representative of a deceased or legally incapacitated employee.

##### **Emergency**

Any event that could or does result in the unexpected, significant release of a hazardous substance. Examples of emergencies include equipment failure, container rupture, or control equipment failure.

##### **Exposure**

The contact an employee has with a hazardous substance, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can

occur through various routes of entry such as inhalation, ingestion, skin contact, or skin absorption.

#### **Hazardous chemical**

A chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic systems, and agents which damage the lungs, skin, eyes, or mucous membranes.

#### **Laboratory**

A facility where the "laboratory use of hazardous substances" takes place. A workplace where relatively small amounts of hazardous substances are used on a nonproduction basis.

#### **Laboratory-type hood**

A device located in a laboratory, enclosure on five sides with a moveable sash or fixed partial enclosed on the remaining side; constructed and maintained to draw air from the laboratory and to prevent or minimize the escape of air contaminants into the laboratory; and allows chemical manipulations to be conducted in the enclosure without insertion of any portion of the employee's body other than hands and arms.

**Note:** Walk-in hoods with adjustable sashes meet the above definition provided that the sashes are adjusted during use so that the airflow and the exhaust of air contaminants are not compromised and employees do not work inside the enclosure during the release of airborne hazardous substances.

#### **Laboratory scale**

Work with substances in which the containers used for reactions, transfers and other handling of the substances are designed to be easily and safely manipulated by one person. "Laboratory scale" **does not** include workplaces producing commercial quantities of materials.

#### **Laboratory use**

The handling or use of hazardous substances that includes **all** the following:

- Chemical manipulations conducted on a "laboratory scale."
- Multiple chemical procedures or chemicals are used.
- The procedures are not part of a production process, nor in any way simulate a production process.
- "Protective laboratory practices and equipment" are available and are commonly used to minimize the potential for employee exposures to hazardous substances.

#### **Licensed healthcare professional (LHCP)**

An individual whose legally permitted scope of practice allows him or her to provide some or all of the healthcare services required for medical evaluations.

#### **Material safety data sheet (MSDS)**

Written, printed, or electronic information (on paper, microfiche, or on-screen) that informs manufacturers, distributors, employers or employees about a hazardous substance, its hazards, and protective measures as required by material safety data sheet and label preparation, chapter 296-839 WAC.

#### **Permissible exposure limits (PELs)**

PELs are employee exposures to toxic substances or harmful physical agents that must not be exceeded. PELs are also specified in WISHA rules found in other chapters.

#### **Physical hazard**

As used in Employer chemical hazard communication, WAC 296-800-170 means a chemical that has scientifically valid evidence to show it is one of the following:

- Combustible liquid.
- Compressed gas.
- Explosive.
- Flammable.
- Organic peroxide.
- Oxidizer.
- Pyrophoric.
- Unstable (reactive).
- Water reactive.

#### **Protective laboratory practices and equipment**

Laboratory procedures, practices, and equipment accepted by laboratory health and safety experts as effective, that can be shown to be effective, in minimizing the potential for employee exposure to hazardous substances.

#### **Reproductive toxin**

Chemicals that affect reproductive capabilities including chromosomal damage (mutations) and effects on fetuses (teratogenesis).

#### **Select carcinogen**

Any substance meeting one of the following criteria:

- Regulated by WISHA as a carcinogen.
- Listed in the "know to be carcinogens" category in the latest edition of the Annual Report on Carcinogens by the National Toxicity Program (NTP).
- Listed in Group I (carcinogenic to humans) in the latest editions of the International Agency for Research on Cancer (IARC) Monographs.
- Listed in either group 2A or 2B by IARC **or** in the category "reasonably anticipated to be carcinogens" by the NTP, and causes statistically significant tumor incidence in experimental animals in accordance with any of the following criteria:

- After an inhalation exposure of six to seven hours a day; five days a week; for a significant portion of a lifetime to dosages of less than 10 mg/m<sup>3</sup>; **or**

- After repeated skin application of less than 300 mg/kg of body weight per week; **or**

- After oral dosages of less than 50 mg/kg of body weight per day.

#### **Time-weighted average (TWA<sub>8</sub>)**

An exposure limit averaged over an 8-hour period that must not be exceeded during an employee's workday.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 296-62-400	Occupational exposure to hazardous chemicals in laboratories.
WAC 296-62-40001	Scope and application.
WAC 296-62-40003	Definitions applicable to all sections of this chapter.
WAC 296-62-40005	Permissible exposure limits.
WAC 296-62-40007	Employee exposure determination.
WAC 296-62-40009	Chemical hygiene plan—General.
WAC 296-62-40011	Employee information and training.
WAC 296-62-40013	Medical consultation and medical examinations.
WAC 296-62-40015	Hazard identification.
WAC 296-62-40017	Use of respirators.
WAC 296-62-40019	Recordkeeping.
WAC 296-62-40021	Start up date.
WAC 296-62-40023	Appendices.
WAC 296-62-40025	Appendix A—National Research Council recommendations concerning chemical hygiene in laboratories (nonmandatory).
WAC 296-62-40027	Appendix B—References (nonmandatory).

**AMENDATORY SECTION** (Amending WSR 05-01-166, filed 12/21/04, effective 4/2/05)

**WAC 296-307-55035 Follow these rules for laboratories using hazardous chemicals.**

Note: Laboratories are required to have a written chemical hygiene plan under ((WAC 296-62-400)) chapter 296-828 WAC, *Hazardous chemicals in laboratories*, if applicable. They are not required to have a written Chemical Hazard Communication Program. You may combine your Accident Prevention Program and Chemical Hazard Communication Program to assist you in developing a Chemical Hygiene Plan for your laboratory.

**You must:**

- (1) Make sure that labels on incoming containers of hazardous chemicals are in place and readable.
- (2) Maintain material safety data sheets (MSDSs) received with incoming shipments of hazardous chemicals and make them available to laboratory employees when they are in their work areas.
- (3) Provide laboratory employees with information and training as described in: "Inform and train your employees

about hazardous chemicals in your workplace," WAC 296-307-55030, except for the part about the location and availability of the written Chemical Hazard Communication Program.

Note: Laboratory employers that ship hazardous chemicals are considered to be either chemical manufacturers or distributors. When laboratory employers ship hazardous chemicals they must comply with the rule, Material safety data sheets and label preparation, WAC 296-307-560 through 296-307-56050.

**AMENDATORY SECTION** (Amending WSR 05-01-166, filed 12/21/04, effective 4/2/05)

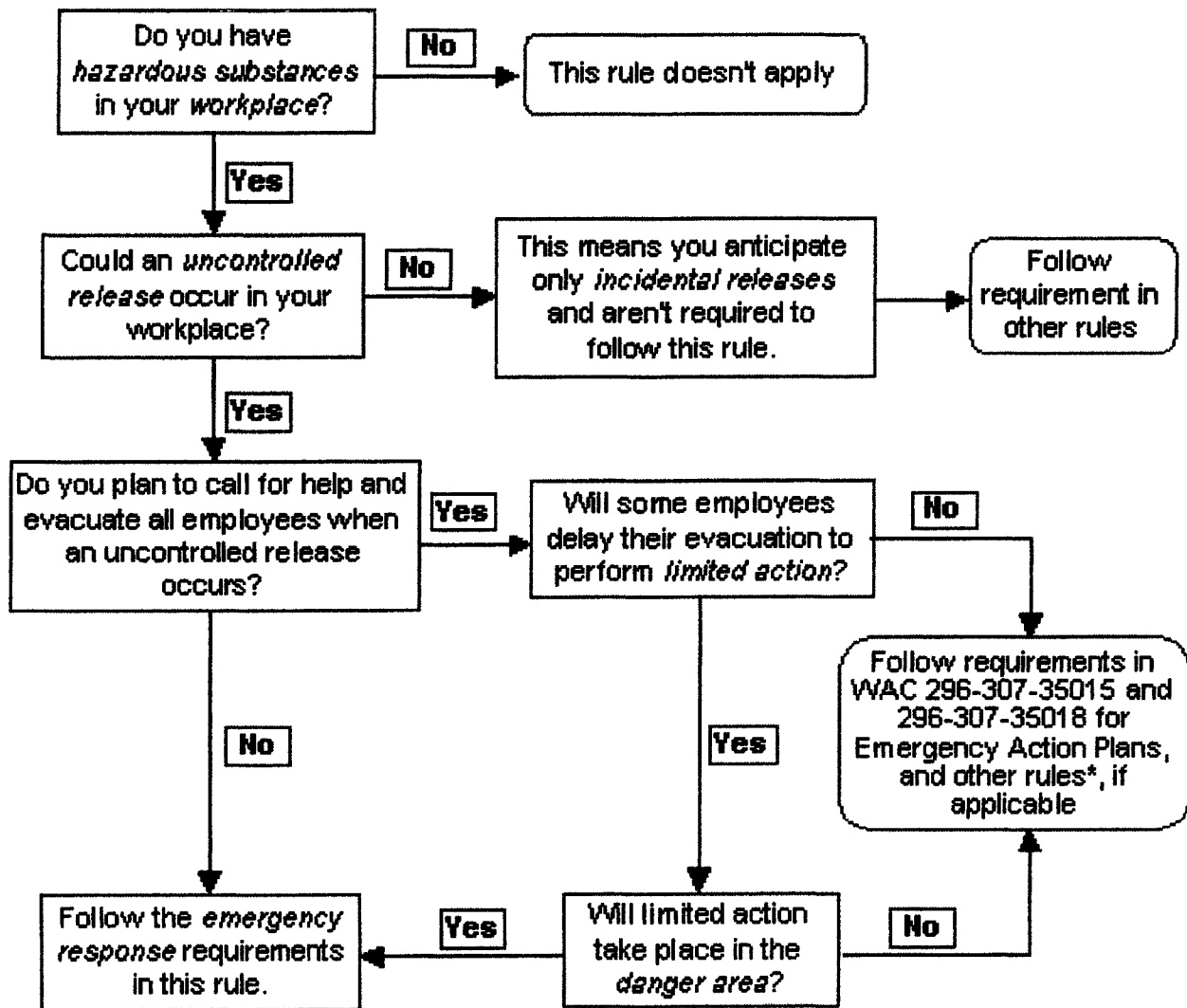
**WAC 296-307-704 Scope. What is the purpose of WAC 296-307-704, Emergency response to hazardous substance releases?**

To state the minimum requirements that help you protect the safety and health of your employees during a response to hazardous substance releases in your workplace or any other location.

**Do the requirements of this rule apply to your workplace?**

This section applies if your employees are, or could become, involved in responding to uncontrolled releases of hazardous substances in your workplace or any other location. Use the scope flow chart, and definitions that follow, to determine if this section applies to your workplace(s). Defined words are *italicized* in the flow chart.

307 - FLOWCHART



\*The flow chart references other rules applicable to your workplace depending on conditions and hazards.

Examples include:

- ((WAC 296-62-400)) Chapter 296-828 WAC, Hazardous chemicals in laboratories
- WAC 296-307-594, Respiratory protection.

**Definitions applicable to the flow chart (see WAC 296-307-70480 for additional definitions used in this section):**

**Danger area**

Areas where conditions pose a serious danger to employees, such as areas where:

- Immediately dangerous to life or health (IDLH) conditions could exist

OR

- High levels of exposure to toxic substances could exist

OR

- There is a potential for exceeding the lower explosive limit (LEL), also known as the lower flammability limit (LFL), of a substance.

**Emergency response**

A response to an anticipated release of a hazardous substance that is, or could become, an *uncontrolled release*.

**Hazardous substance**

Any biological, radiological, or chemical substance that can have adverse effects on humans. (See WAC 296-307-70480 for a more specific definition.)

**Immediately dangerous to life or health (IDLH)**

Any atmospheric condition that would:

- Cause an immediate threat to life
- Cause permanent or delayed adverse health effects
- Interfere with an employee's ability to escape.

**Incidental release**

A release that can be safely controlled at the time of the release and does not have the potential to become an *uncontrolled release*.

Example of a situation that results in an incidental release:

A tanker truck is receiving a load of hazardous liquid when a leak occurs. The driver knows the only



hazard from the liquid is minor skin irritation. The employer has trained the driver on procedures and provided equipment to use for a release of this quantity. The driver puts on skin protection and stops the leak. A spill kit is used to contain, absorb, and pick up the spilled material for disposal.

**Limited action**

Action necessary to:

- Secure an operation during emergency responses,
- OR**
- Prevent an incident from increasing in severity.

Examples include shutting down processes and closing emergency valves.

**Release**

A spill, leak, or other type of hazardous substance discharge.

**Uncontrolled release**

A release where significant safety and health risks could be created. Releases of hazardous substances that are either incidental or could not create a safety or health hazard (i.e., fire, explosion or chemical exposure) are not considered to be uncontrolled releases.

Examples of conditions that could create a significant safety and health risk:

- Large-quantity releases
- Small-releases that could be highly toxic
- Airborne exposures that could exceed a WISHA permissible exposure limit or a published exposure limit and employees are not adequately trained or equipped to control the release.

Example of an uncontrolled release:

A forklift driver knocks over a container of a solvent-based liquid, releasing the contents onto the warehouse floor. The driver has been trained to recognize the vapor is flammable and moderately toxic when inhaled. The driver has not been trained or provided appropriate equipment to address this type of spill. In this situation, it is not safe for the driver to attempt a response. The driver needs to notify someone of the release so an emergency response can be initiated.

**Workplace**

- A fixed facility
- OR**
- A temporary location (such as a traffic corridor)
- OR**
- Locations where employees respond to emergencies.

**Summary:**

**Your responsibility:**

To anticipate, plan for, and manage emergency response operations so employees are protected from hazardous substances and conditions.

- Note:** Other chapters may apply to your workplace, such as:
- Chapter 296-62 WAC, General occupational health standards.

You will find some safety and health requirements (for example, personal protective equipment) are addressed on a general level in the core rules, while being addressed for a specific application in this section. When this happens, both requirements apply and should not conflict.

If you are uncertain which requirements to follow, you must comply with the more protective requirement. Contact your local L&I office if you need assistance in making this determination.

**You must:**

- WAC 296-307-70410 Planning
- WAC 296-307-70415 Training
- WAC 296-307-70420 Medical surveillance
- WAC 296-307-70425 Keep records
- WAC 296-307-70430 Incident requirements
- WAC 296-307-70435 Implement and maintain an incident command system (ICS) (incident command system)
- WAC 296-307-70440 Prepare skilled support personnel
- WAC 296-307-70445 Make sure the incident commander oversees activities during the response
- WAC 296-307-70450 Use the buddy system in danger areas
- WAC 296-307-70455 Provide rescue and medical assistance
- WAC 296-307-70460 Personal protective equipment
- WAC 296-307-70465 Control hazards created by personal protective equipment (PPE)
- WAC 296-307-70470 Use personal protective equipment (PPE) properly
- WAC 296-307-70475 Postemergency response
- WAC 296-307-70480 Definitions.

**AMENDATORY SECTION** (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

**WAC 296-800-17035 Follow these rules for laboratories using hazardous chemicals.**

- Note:**
- Laboratories are required to have a written chemical hygiene plan under ((WAC 296-62-400)) chapter 296-828 WAC, if applicable. They are **not** required to have a written Chemical Hazard Communication Program.
  - You may combine your accident prevention program and chemical hazard communication program to assist you in developing a chemical hygiene plan for your laboratory.

You must:

- (1) Make sure that labels on incoming containers of hazardous chemicals are in place and readable.
- (2) Maintain material safety data sheets (MSDSs) received with incoming shipments of hazardous chemicals and make them readily accessible to laboratory employees when they are in their work areas.
- (3) Provide laboratory employees with information and training as described in: "Inform and train your employees about hazardous chemicals in your workplace," WAC 296-800-17030. You do not have to cover the location and the availability of the Hazard Communication Program.

- Note:** Laboratory employers that ship hazardous chemicals are considered to be either chemical manufacturers or distributors. When laboratory employers ship hazardous chemicals they must comply with the rule, "hazard communication standards for chemical manufacturers, importers and distributors," WAC 296-62-054.

AMENDATORY SECTION (Amending WSR 05-01-173, filed 12/21/04, effective 5/1/05)

**WAC 296-848-100 Scope.** This chapter applies to all occupational exposure to inorganic arsenic.

**Definitions:**

Inorganic arsenic means elemental arsenic (As), copper aceto-arsenite, and inorganic compounds containing arsenic (measured as As), except arsine. Inorganic compounds do not contain the element carbon.

Exposure is the contact an employee has with inorganic arsenic, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry such as inhalation, ingestion, skin contact, or skin absorption.

**Helpful tool:**

**Arsenic contamination in soil; information and guidance for employers.**

Use this tool if you have employees who work with soil. It will help you find out if this rule is applicable to your employee's exposure to soil.

- Exemptions:**
- This chapter does not apply to any of the following:
    - Exposures during agricultural operations.
    - Pesticide applications, including the treatment of wood with preservatives.
    - Use of wood treated with inorganic arsenic.
    - Arsine, a gas identified by Chemical Abstract Service (CAS) Registry No. 7784-42-1.
- ~~((—Laboratories subject to the requirements found in another chapter:
 
  - Go to the General occupational health standards, chapter 296-62 WAC;**AND**
  - Find the section, Hazardous chemicals in laboratories, WAC 296-62-400.)
 – Inorganic arsenic present in a form and handled in such a way that airborne exposures could not occur. For example, inorganic arsenic present in glass is fused in the material. Due to the fused form, airborne exposure can not occur when the glass is scored and subsequently broken.~~

All requirements in this chapter will not apply to every workplace with an occupational exposure. The following steps will show you which requirements apply to your workplace.

**Step 1:** Follow requirements in the basic rules sections, WAC 296-848-20010 through 296-848-20090.

- This includes completing an exposure evaluation, as specified in Exposure evaluations, WAC 296-848-20060, to:
  - Obtain employee eight-hour exposure monitoring results of airborne inorganic arsenic;

**AND**

– Determine if employee exposure monitoring results are above, at, or below these values:

- Eight-hour time-weighted average (TWA<sub>8</sub>). . . . . 10 micrograms per cubic meter (µg/m<sup>3</sup>).
- Eight-hour action level (AL). . . . . 5 µg/m<sup>3</sup>.

**Step 2:** Use employee exposure monitoring results from Step 1 and follow Table 1 to find out which additional sections of this chapter apply to your workplace.

**Table 1**  
**Sections That Apply To Your Workplace**

<b>If:</b>	<b>Then continue to follow the Basic Rules, and these additional requirements:</b>
<ul style="list-style-type: none"> <li>• Employee exposure monitoring results are above the TWA<sub>8</sub></li> </ul>	<ul style="list-style-type: none"> <li>• Training, exposure monitoring, and medical monitoring, WAC 296-848-30005 through 296-848-30080;</li> <li><b>AND</b></li> <li>• Exposure control areas, WAC 296-848-40005 through 296-848-40045.</li> </ul>
<ul style="list-style-type: none"> <li>• Employee exposure monitoring results are:                             <ul style="list-style-type: none"> <li>– At or below the TWA<sub>8</sub>;</li> </ul> </li> <li><b>AND</b></li> <li>– At or above AL</li> </ul>	<ul style="list-style-type: none"> <li>• Training, exposure monitoring, and medical monitoring, WAC 296-848-30005 through 296-848-30080.</li> </ul>
<ul style="list-style-type: none"> <li>• Employee exposure monitoring results are below the AL;</li> <li><b>AND</b></li> <li>• Eye or skin irritation from exposure to inorganic arsenic cannot occur</li> </ul>	<ul style="list-style-type: none"> <li>• No additional requirements apply if exposures remain stable.</li> </ul>
<ul style="list-style-type: none"> <li>• Employees could experience eye or skin irritation from exposure to inorganic arsenic</li> </ul>	<ul style="list-style-type: none"> <li>• Training in WAC 296-848-30005.</li> <li>• Washing, showering, and changing in WAC 296-848-40030.</li> <li>• Personal protective equipment (PPE) in WAC 296-848-40040.</li> </ul>

**WSR 06-02-063**

**PERMANENT RULES**

**DEPARTMENT OF**

**FISH AND WILDLIFE**

[Order 05-271—Filed January 3, 2006, 12:12 p.m., effective February 3, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend WAC 232-28-331 Game management units (GMUs) boundary descriptions—Region one, 232-28-322 Game management units (GMUs) boundary descriptions—Region two, 232-28-333 Game management units (GMUs) boundary descriptions—Region three, 232-28-335 Game management units (GMUs) boundary descriptions—Region five, 232-28-336 Game management units (GMUs) boundary descriptions—Region six, 233-28-337 Deer and elk areas, 232-28-248 Special closures and firearm restriction areas, 232-12-021 Importation and retention of dead nonresident wildlife, 232-28-282 Big game and wild turkey auction,

raffle, and special incentive permits, and 232-28-284 Spring black bear damage seasons and regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-331, 232-28-332, 232-28-333, 232-28-335, 232-28-336, 232-28-337, 232-28-248, 232-12-021, 232-28-282, and 232-28-284.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 05-21-109, 05-21-118, 05-21-116, 05-21-115, 05-21-117, 05-21-110, 05-21-111, 05-21-112, and 05-21-113 on October 18, 2005.

Changes Other than Editing from Proposed to Adopted Version: WAC 232-28-331 Game management units (GMUs) boundary descriptions—Region one.

Changes, if any, from the text of the proposed rule and reasons for difference: Changed the word Rd to Trail in the last line of the GMU 172 description. This change was made to correct a typographical error.

WAC 232-28-337 Deer and elk area descriptions.

Changes, if any, from the text of the proposed rule and reasons for difference: Add the following language to define islands in Puget Sound as Deer Areas.

- Deer Area 4010 (San Juan County) That part of GMU 410 made up of all of the islands in San Juan County.
- Deer Area 4011 (Island County) That part of GMU 410 made up of Camano Island.
- Deer Area 4012 (Island County) That part of GMU 410 made up of Whidbey Island.
- Deer Area 4013 (King County) That part of GMU 454 made up of Vashon and Maury Islands.
- Deer Area 4014 (Pierce County) That part of GMU 652 made up of Anderson Island.

The islands of Puget Sound present a unique wildlife management challenge that includes relatively high deer densities, extensive human development, and limited access opportunities for hunters. Defining these islands as Deer Areas allows the department to develop creative hunting season structures that can be applied to specific islands that may not be appropriate at the larger GMU scale. Staff was still working through these issues with county governments, citizen task groups, and local sports groups at the time the CR-102 was filed. The consensus solutions that the department and the other vested entities are working toward will require the development of these new deer areas as a first step.

WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits.

Changes, if any, from the text of the proposed rule and reasons for difference:

Under turkey raffle permit hunt section:

- Change the number of permits back to 2 from 1. Statute allows up to 15 raffle opportunities and we were below that level.

WAC 232-28-284 Spring black bear seasons and regulations.

Changes, if any, from the text of the proposed rule and reasons for difference:

In the permit table:

- Hancock Forest Management would like to continue spring bear season. So the following line was added to the permit table.

Kapowsin South <sup>a</sup>	That portion of GMUs 653 and 654 that is designated as Kapowsin South by Hancock Forest Management	100	April 15 - June 15
-----------------------------	----------------------------------------------------------------------------------------------------	-----	--------------------

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 10, 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.

Date Adopted: December 2, 2005.

Susan Yeager  
for Ron Ozment, Chair  
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 03-175, filed 8/5/03, effective 9/5/03)

**WAC 232-28-331 Game management units (GMUs) boundary descriptions—Region one.**

**GMU 101-SHERMAN (Ferry and Okanogan counties):**

Beginning at the Kettle River and the US-Canadian border near the Ferry Customs Office, north of the town of Toroda; E on the US-Canadian border to the Kettle River, east of the town of Laurier; S down the Kettle River (Ferry-Stevens county line) to the mouth of the Kettle River on Lake Roosevelt; S down the western shore of Lake Roosevelt to the northeastern corner of the Colville Indian reservation; W on the northern Colville Indian reservation boundary to SR 21; N on SR 21 to SR 20 at the town of Republic; NW on SR 20 to Toroda Creek Rd (Okanogan County Rd 9495) at the town of Wauconda; NE on the Toroda Creek Rd (Okanogan County Rd 9495 and Ferry County Rd 502) to Toroda Creek at the town of Toroda; E along Toroda Creek to its mouth on the Kettle River; N up the Kettle River to the US-Canadian border near the Ferry Customs Office north of the town of Toroda and point of beginning.

**GMU 105-KELLYHILL (Stevens County):**

Beginning at the Kettle River (Ferry-Stevens county line) and the US-Canadian border east of the town of Laurier; E on the US-Canadian border to Lake Roosevelt (Columbia River); SW along the eastern shore of Lake Roosevelt (Columbia River) to the US Hwy 395 bridge; W on US Hwy 395 over the bridge to the western shore of Lake Roosevelt; N on the

western shore of Lake Roosevelt to the mouth of the Kettle River; N up the Kettle River (Ferry-Stevens county line) to the US-Canadian border east of the town of Laurier and the point of beginning.

**GMU 108-DOUGLAS (Stevens County):**

Beginning at the junction of US Hwy 395 and SR 20 in the town of Colville; NW on US Hwy 395 (SR 20) to the bridge over Lake Roosevelt; N up the southeastern shore of Lake Roosevelt and Columbia River to the SR 25 bridge over the Columbia River at the town of Northport; S on SR 25 to Aladdin Rd in the town of Northport; SW on the Aladdin Rd to SR 20, E of the town of Colville; W on SR 20 to Hwy 395 at the town of Colville and point of beginning.

**GMU 111-ALADDIN (Stevens and Pend Oreille counties):**

Beginning at the junction of the Aladdin Rd and SR 20 on the east side of Colville; N on Aladdin Rd to SR 25 at the town of Northport; N on SR 25 to the bridge over the Columbia River; NE along the southeastern shoreline of the Columbia River to the US-Canadian border; E along the US-Canadian border to the Pend Oreille River; S along the western shoreline of the Pend Oreille River to Tiger East Rd, which is due east of the town of Tiger; W on the Tiger East Rd to SR 20 at the town of Tiger; W and S on SR 20 to the junction with the Aladdin Rd, E of the town of Colville and point of beginning.

**GMU 113-SELKIRK (Pend Oreille County):**

Beginning on the western shore of the Pend Oreille River at the US-Canadian border; E on the US-Canadian border to the Washington-Idaho state line; S on the Washington-Idaho state line to the southwestern shore of the Pend Oreille River at the town of Newport; NW along the southwestern shore of the Pend Oreille River to the US-Canadian border and the point of beginning.

**GMU 117-49 DEGREES NORTH (Stevens and Pend Oreille counties):**

Beginning at junction of SR 20 and US Hwy 395 at the town of Colville; E on SR 20 to Tiger East Rd at the town of Tiger; E on Tiger East Rd to western shore of the Pend Oreille River; S along the southwestern shore of the Pend Oreille River to the Washington-Idaho state line; S along the Washington-Idaho state line to US Hwy 2 in the town of Newport; SW and S on US Hwy 2 to the Deer Park-Milan Rd; W on the Deer Park-Milan Rd to US Hwy 395 at the town of Deer Park; NW on US Hwy 395 to its junction with SR 20 at the town of Colville and the point of the beginning.

**GMU 121-HUCKLEBERRY (Stevens County):**

Beginning at the US Hwy 395 bridge over Lake Roosevelt (Columbia River) northwest of the town of Kettle Falls; SE on US Hwy 395 through Colville and Chewelah to SR 292 at Loon Lake; W on SR 292 to SR 231 at the town of Springdale; S on SR 231 to the northeast corner of the Spokane Indian reservation; W on the northern boundary of the Spokane Indian reservation to eastern boundary of the Colville Indian reservation on the Ferry-Stevens county line on Lake Roosevelt; N along the Colville Indian reservation boundary to its northern corner on Lake Roosevelt; W along Colville Indian reservation boundary to the western shore of Lake

Roosevelt; N along western shore of Lake Roosevelt to the US Hwy 395 bridge over Lake Roosevelt northwest of the town of Kettle Falls and the point of beginning.

**GMU 124-MOUNT SPOKANE (Spokane, Stevens and Pend Oreille counties):**

Beginning at the junction of SR 231 and SR 292 at the town of Springdale; E on SR 292 to US Hwy 395 at Loon Lake; SE on US Hwy 395 to the Deer Park-Milan Rd; E on the Deer Park-Milan Rd to US Hwy 2; N and NE on US Hwy 2 to the Washington-Idaho state line at the town of Newport; S on the Washington-Idaho state line to the Spokane River; W and NW down the north shore of Spokane River to Spokane Indian reservation boundary (Chamokane Creek) north along the eastern boundary of the Spokane Indian reservation boundary (Chamokane Creek) to the northeastern corner of the Spokane Indian reservation; E from the northeastern corner of the Spokane Indian reservation to SR 231; N on SR 231 to SR 292 at the town of Springdale and the point of beginning.

**GMU 127-MICA PEAK (Spokane County):**

Beginning at the mouth of Latah Creek (Hangman Creek) on the Spokane River; E up the south shore of the Spokane River to the Maple Street Bridge; N across the Maple Street Bridge to the north shore of the Spokane River; E on the north shore of the Spokane River to the Washington-Idaho state line; south on the Washington-Idaho state line to SR 274 at the town of Willard; SW on SR 274 to SR 27 at the town of Tekoa; NW on SR 27 to Fairbanks Rd; W on Fairbanks Rd to Dunn Rd; SW on Dunn Rd to Merrit Rd; W on Merrit Rd to US Route 195; N on US Route 195 to I-90; E on I-90 to Latah Creek (Hangman Creek); N down Latah Creek (Hangman Creek) to the Spokane River and the point of the beginning.

**GMU 130-CHENEY (Spokane and Lincoln counties):**

Beginning on the Spokane River and SR 231; E up the north shore of the Spokane River to the Maple Street Bridge; S on the Maple Street Bridge to the south shore of the Spokane River; W on the south shore of the Spokane River to Latah Creek (Hangman Creek) in Spokane; S up Latah Creek (Hangman Creek) to I-90; W on I-90 to US Hwy 195; S on US Hwy 195 to Rosalia exit and south to Gashouse Rd in the town of Rosalia; W on Gashouse Rd to Squaw Rd; NW on Squaw Rd to Blackman Rd; W on Blackman Rd to Texas Ferry Rd; S on Texas Ferry Rd to Siegal Rd; W on Siegal Rd to Belsby Rd; W on Belsby Rd to Henderson Rd; W on Henderson Rd to Mullinix Rd; N on Mullinix Rd to Reed Rd; W on Reed Rd to Spuller Rd; S on Spuller Rd to Dewey Rd; W on Dewey Rd to Stoner Rd; SW on Stoner Rd to SR 23; NW along SR 23 to SR 231; N on SR 231 to US Hwy 2; E on US Hwy 2 to SR 231 at the town of Reardan; N along State Hwy 231 to the Spokane River and to the point of beginning.

**GMU 133-ROOSEVELT (Lincoln County):**

Beginning at the west end of the Grand Coulee Dam at Lake Roosevelt; E along the Grant-Okanogan, Lincoln-Okanogan, Lincoln-Ferry county lines on Lake Roosevelt to the Spokane River; E up the Spokane River, following the Lincoln-Stevens county line, to SR 231; S on SR 231 to US Hwy 2 at the town of Reardan; W on US Hwy 2 to SR 21 at the town of Wilbur; N on SR 21 to SR 174; NW on SR 174 to SR 155 at

the town of Grand Coulee; NE on SR 155 to the access road to the Grand Coulee Dam causeway (access restricted); E on the causeway access road to the west end of the Grand Coulee Dam at Lake Roosevelt and the point of the beginning.

**GMU 136-HARRINGTON (Lincoln and Grant counties):**

Beginning at the town of Grand Coulee at SR 174 and Rd W N.E. (Grand Coulee Hill Rd); SE on SR 174 to US Hwy 2 at the town of Wilbur; E on US Hwy 2 to SR 231; S on 231 to SR 23; S on SR 23 to I-90; SW on I-90 to Danekas Rd (Interstate Hwy Exit 231); W on Danekas Rd to Tokio Rd; W on Tokio Rd to Marcellus Rd; N on Marcellus Rd to Davis Rd; W on Davis Rd to Rd 12 N.E.; W on Rd 12 N.E. to Rd W N.E.; N on Rd W N.E. to Rd X N.E. at the town of Marlin; N on Rd X N.E. to Kiner Rd (Lincoln County Rd 9115); NE, E, N, E, and N on Kiner Rd (Lincoln County Rd 9115) to US Hwy 2, east of the town of Almira; SW on US Hwy 2 to Maxwell Rd; W on Maxwell Rd to Old Coulee Rd at the town of Almira; N on Old Coulee Rd to Douglas Rd; W on Douglas Rd to Peterson Rd; N on Peterson Rd to Rd 51; E on Rd 51 N.E. to Rd W N.E.; N on Rd W N.E. to Grand Coulee Hill Rd; N on Grand Coulee Hill Rd to SR 174 in the town of Grand Coulee and the point of the beginning.

**GMU 139-STEPTOE (Lincoln, Whitman, and Spokane counties):**

Beginning at the Washington-Idaho state line and SR 274 at the town of Willard; W on SR 274 to SR 27 at the town of Tekoa; NW on SR 27 to Fairbanks Rd; W on Fairbanks Rd to Dunn Rd; SW on Dunn Rd to Merrit Rd; W on Merrit Rd to the town of Rosalia; from Rosalia, W on Gashouse Rd to Squaw Rd; NW on Squaw Rd to Blackman Rd; W on Blackman Rd to Texas Ferry Rd; S on Texas Ferry Rd to Siegal Rd; W on Siegal Rd to Belsby Rd; W on Belsby Rd to Henderson Rd; W on Henderson Rd to Mullinix Rd; N on Mullinix Rd to Reed Rd; W on Reed Rd to Spuller Rd; S on Spuller Rd to Dewey Rd; W on Dewey Rd to Stoner Rd; SW on Stoner Rd to SR 23; N on SR 23 to Lamont Rd; SW on Lamont Rd to Revere Rd; S on Revere Rd to Rock Creek; S down Rock Creek to the Palouse River; S down the Palouse River to SR 26; E along SR 26 to US Hwy 195 at the town of Colfax; S on US Hwy 195 to SR 270; E on SR 270 to Washington-Idaho state line; north on the Washington-Idaho state line to SR 274 at the town of Willard and the point of the beginning.

**GMU 142-ALMOTA (Whitman County):**

Beginning at US Hwy 195 and SR 26 at the town of Colfax; SE on US Hwy 195 to SR 270; E on SR 270, through the town of Pullman to the Washington-Idaho state line near Moscow, Idaho; S along the Washington-Idaho state line to the Snake River (Asotin-Whitman county line), north of the town of Clarkston; W along the Snake River (Asotin-Whitman, Garfield-Whitman, and Columbia-Whitman county line) to the mouth of the Palouse River (Franklin-Whitman county line); N and E up the Palouse River (Franklin-Whitman county line) to SR 26, west of the town of Gordon; E on SR 26 (Washtucna-Lacrosse Hwy) to US Hwy 195 at the town of Colfax and the point of beginning.

**GMU 145-MAYVIEW (Garfield and Asotin counties):**

Beginning at the SR 127 bridge crossing the Snake River (Whitman-Garfield county line) at Central Ferry; E along the

Snake River (Whitman-Asotin and Whitman-Garfield county lines) to the mouth of Alpowa Creek; S up Alpowa Creek to the US Hwy 12 bridge; W on US Hwy 12 to SR 127; N on SR 127 (Central Ferry Hwy) to the bridge crossing the Snake River (Garfield-Whitman county line) at Central Ferry and the point of beginning.

**GMU 149-PRESCOTT (Walla Walla, Columbia, and Garfield counties):**

Beginning on the Columbia River at the mouth of the Snake River (Benton-Franklin-Walla Walla county line); NE and E along the Snake River (Franklin-Walla Walla, Whitman-Columbia, and Whitman-Garfield county lines) to SR 127 bridge at Central Ferry; S on SR 127 (Central Ferry Hwy) to US Hwy 12 at Dodge Junction; SW on US Hwy 12, through the towns of Dayton and Waitsburg, to SR 125 at the town of Walla Walla; S on SR 125 to the Washington-Oregon state line; W on the Washington-Oregon state line to the Columbia River (Benton-Walla Walla county line); N along the Columbia River (Benton-Walla Walla county line) to the mouth of the Snake River and the point of beginning.

**GMU 154-BLUE CREEK (Walla Walla and Columbia counties):**

Beginning on US Hwy 12 at the town of Waitsburg; NE on US Hwy 12 to Hogeey Rd at Long Station; E on Hogeey Rd to the Payne Hollow Rd; S on the Payne Hollow Rd to Jasper Mountain Rd; S on Jasper Mountain Rd to Mt. Pleasant Rd; S on Mt. Pleasant Rd to Dent Rd; S on Dent Rd to the Lewis Peak Rd; S on the Lewis Peak Rd to Lewis Peak Trail; SE on Lewis Peak Trail to US Forest Service Trail 3211 (Mill Creek Watershed Intake Trail); SW on US Forest Service Trail 3211 to the Washington-Oregon state line; W on the Washington-Oregon state line to SR 125; N on SR 125 to US Hwy 12; NE on US Hwy 12 to the town of Waitsburg and the point of beginning.

**GMU 157-MILL CREEK WATERSHED (Walla Walla and Columbia counties):**

Beginning at US Forest Service Trail 3211 (Mill Creek Watershed Intake Trail) at the Washington-Oregon state line; NE and E on US Forest Service Trail 3211 to US Forest Service Rd 64; S on the US Forest Service Rd 64 to the Washington-Oregon state line; W on the Washington-Oregon state line to US Forest Service Trail 3211 and the point of beginning.

**GMU 162-DAYTON (Walla Walla and Columbia counties):**

Beginning at the junction of US Hwy 12 and Patit Rd in the town of Dayton; E on the Patit Rd to the Hartsock Grade Rd-Maloney Mountain Rd intersection; S on Maloney Mountain Rd to US Forest Service Rd 4625 (Maloney Mountain Rd); S and W on to US Forest Service Rd 4625 to Skyline Drive Rd; SE on Skyline Drive Rd to US Forest Service Rd 46 (Skyline Drive Rd); S on US Forest Service Rd 46 to US Forest Service Rd 64; S on US Forest Service Rd 64 to US Forest Service Trail 3211 (Mill Creek Watershed Intake Trail); W on US Forest Service Trail 3211 to the Lewis Peak Trail; NW on the Lewis Peak Trail to Lewis Peak Rd; N on the Lewis Peak Rd to Dent Rd; N on Dent Rd to Mt. Pleasant Rd; N on the Mt. Pleasant Rd to the Jasper Mountain Rd; N on the Jasper

Mountain Rd to Payne Hollow Rd; N on Payne Hollow Rd to Hogeeye Rd; W on Hogeeye Rd to US Hwy 12 at Long Station; NE on US Hwy 12 to its junction with Patit Rd at the town of Dayton and the point of beginning.

**GMU 163-MARENAGO (Columbia and Garfield counties):**

Beginning at the junction of US Hwy 12 and Patit Rd in the town of Dayton; N and E on US Hwy 12 to the Tatman Mountain Rd at Zumwalt; SE on Tatman Mountain Rd to Linville Gulch Rd; S on the Linville Gulch Rd to the Blind Grade Rd; SW on the Blind Grade Rd to the Tucannon Rd; N on the Tucannon Rd to the Hartsock Grade Rd; S on the Hartsock Grade Rd to the Patit Rd; W on the Patit Rd to US Hwy 12 in the town of Dayton and the point of beginning.

**GMU 166-TUCANNON (Columbia and Garfield counties):**

Beginning at the intersection of the Hartsock Grade Rd and the Tucannon River Rd; SE on the Tucannon River Rd to the elk drift fence at the northern boundary of the W.T. Wooten Wildlife Area; E and S along the elk drift fence to the US Forest Service Rd 40 (Mountain Rd) at the Umatilla National Forest's northern boundary; S on the US Forest Service Rd 40 (Mountain Rd) to US Forest Service Rd 4030 (Diamond Peak Rd); W on US Forest Service Rd 4030 to US Forest Service Trail 3113 (Diamond Peak Trail-Bullfrog Springs Trail-Oregon Butte Trail) at Diamond Peak; W on US Forest Service Trail 3113 to US Forest Service Trail 3136 (Teepee Trail); W along US Forest Service Trail 3136 to US Forest Service Rd 4608 (Teepee Rd) at Teepee Camp; W on the US Forest Service Rd 4608 to US Forest Service Rd 46 (Skyline Drive Rd); N on the US Forest Service Rd 46 to Skyline Drive Rd; N on Skyline Drive Rd to the Maloney Mountain Rd; W on Maloney Mountain Rd to US Forest Service Rd 4625 (Maloney Mountain Rd); E and N on the US Forest Service Rd 4625 (Maloney Mountain Rd) to the Hartsock Grade Rd; N on the Hartsock Grade Rd to the Tucannon River Rd and the point of the beginning.

**GMU 169-WENAHA (Columbia, Garfield and Asotin counties):**

Beginning on the Washington-Oregon state line at the US Forest Service Rd 64; N on US Forest Service Rd 64 to US Forest Service Rd 46 (Skyline Dr); E on US Forest Service Rd 46 to US Forest Service Rd 4608 (Teepee Rd) at Godman Springs; E on US Forest Service Rd 4608 to US Forest Service Trail 3136 (Teepee Trail) at Teepee Camp; E on the US Forest Service Trail 3136 to US Forest Service Trail 3113 (Oregon Butte Trail-Bullfrog Springs Trail-Diamond Peak Trail); E on US Forest Service Trail 3113 to US Forest Service Rd 4030 (Diamond Peak Rd) at Diamond Peak; E on US Forest Service Rd 4030 to US Forest Service Rd 40 (Mountain Rd); S along US Forest Service Rd 40 to US Forest Service Rd 4039 (South Boundary Rd); SW along US Forest Service Rd 4039 to US Forest Service Trail 3133 (Three Forks Trail); NW on US Forest Service Trail 3133 to US Forest Service Trail 3100; S on US Forest Service Trail 3100 to the Washington-Oregon state line; due W on the Washington-Oregon state line to US Forest Service Rd 64 and the point of beginning.

**GMU 172-MOUNTAIN VIEW (Garfield and Asotin counties):**

Beginning on the Washington-Oregon state line at US Forest Service (~~Rd~~) Trail 3100; N on US Forest Service Trail 3100 to US Forest Service Trail 3133 (Three Forks Trail); SE on US Forest Service Trail 3133 (Three Forks Trail) to US Forest Service Rd 4039 (South Boundary Rd); NE on US Forest Service Rd 4039 to US Forest Service Rd 40 (Mountain Rd); N on US Forest Service Rd 40 to US Forest Service Rd 44 (Mount Misery-Big Butte Rd) at Misery junction; E on US Forest Service Rds 44, 43, and 4304 (Mount Misery-Big Butte Rd) to West Mountain Rd; NE on the West Mountain Rd to the Bennett Ridge Rd-Mill Rd; N and E on the Bennett Ridge Rd-Mill Rd to SR 129 at the town of Anatone; SW on SR 129 to the Washington-Oregon state line; due W on the Washington-Oregon state line to US Forest Service (~~Rd~~) Trail 3100 and the point of beginning.

**GMU 175-LICK CREEK (Garfield and Asotin counties):**

Beginning at the intersection of US Forest Service Rd 40 (Mountain Rd) and the elk drift fence on the Umatilla National Forest's northern boundary; E along the elk drift fence to its end at the eastern border section line of Section 2, T9N, R43E; due S from the end to the elk drift fence on section line of Section 2, T9N, R43E to Charley Creek; E down Charley Creek to Asotin Creek; S down Asotin Creek to the South Fork Asotin Creek Rd; S up the South Fork Asotin Creek Rd to Campbell Grade Rd; E on the Campbell Grade Rd to Back Rd (Asotin County Rd 01550); N and E on Back Rd (Asotin County Rd 01550) to the Cloverland Rd; S on Cloverland Rd to its junction with the Umatilla National Forest's eastern boundary fence; E and S on the US Forest Service boundary fence past Big Butte to US Forest Service Rd 4303 (Big Butte Rd-Mount Misery Rd); W on US Forest Service Rds 4304, 43, and 44 (Big Butte Rd-Mount Misery Rd) to US Forest Service Rd 40 (Mountain Rd) at Misery junction; NW on US Forest Service Rd 40 (Mountain Rd) to the intersection with the elk drift fence on the Umatilla National Forest's northern boundary and the point of beginning.

**GMU 178-PEOLA (Garfield and Asotin counties):**

Beginning at the intersection of US Hwy 12 and Tatman Mountain Rd at Zumwalt; E on US Hwy 12 to bridge near the mouth of Alpowa Creek; N down Alpowa Creek to the Snake River; E and S along the Snake River (Asotin-Whitman county line, Washington-Idaho state line) to the mouth of Asotin Creek; W along Asotin Creek to Charley Creek; W along Charley Creek to the unit boundary marker at the eastern border section line of Section 2, T9N, R43E; N on eastern border section line of Section 2, T9N, R43E to end of the elk drift fence; W along the elk drift fence to the boundary of the W.T. Wooten Wildlife Area; NW and W along the elk drift fence to the Tucannon River Rd; N on the Tucannon River Rd to Blind Grade Rd; NE up Blind Grade Rd to the Linville Gulch Rd; N on the Linville Gulch Rd to Tatman Mountain Rd; NW up Tatman Mountain Rd to US Hwy 12 at Zumwalt and the point of beginning.

**GMU 181-COUSE (Asotin County):**

Beginning at the mouth of Asotin Creek on the Snake River at the town of Asotin; S along the Snake River (Washington-Idaho state line) to the Grande Ronde River; W along the

north shore of Grande Ronde River to SR 129; NW on SR 129 to Mill Rd in the town of Anatone; S and W on the Mill Rd-Bennett Ridge Rd to West Mountain Rd; SW on West Mountain Rd to Umatilla National Forest eastern boundary fence at Big Butte; N along the Umatilla National Forest boundary fence to the Cloverland Rd; NE on the Cloverland Rd to Back Rd (Asotin County Rd 01550); W and S on Back Rd (Asotin County Rd 01550) to Campbell Grade Rd; W on the Campbell Grade Rd to the South Fork Asotin Creek Rd; NE on the South Fork Asotin Creek Rd to Asotin Creek; NE down Asotin Creek to the Snake River at the town of Asotin and the point of beginning.

**GMU 186-GRANDE RONDE (Asotin County):**

Beginning on the Washington-Oregon state line and SR 129; N on SR 129 to the Grande Ronde River; E along the north shore of the Grande Ronde River to the Snake River (Washington-Idaho state line); S along the Snake River (Washington-Idaho state line) to the Washington-Oregon state line; W on the Washington-Oregon state line to SR 129 and the point of beginning.

AMENDATORY SECTION (Amending Order 03-175, filed 8/5/03, effective 9/5/03)

**WAC 232-28-332 Game management units (GMUs) boundary descriptions—Region two.**

**GMU 203-PASAYTEN (Okanogan and Whatcom counties):**

Beginning at the western junction of the Pasayten Wilderness Area-Ross Lake National Recreational Area border and the US-Canadian border; E along the US-Canadian border to the eastern junction of the Pasayten Wilderness Area boundary and the US-Canadian border; S on the Pasayten Wilderness border to US Forest Service Trail 375; W on US Forest Service Trail 375 to US Forest Service Trail 341; SW on US Forest Service Trail 341 to its junction with US Forest Service Trail 533 and US Forest Service Trail 343; W on US Forest Service Trail 343 to US Forest Service Trail 342; SW on US Forest Service Trail 342 to Pasayten Wilderness boundary; W on the Pasayten Wilderness boundary to US Forest Service Trail 478 (Robinson Creek Trail); N on US Forest Service Trail 478 (Robinson Creek Trail) to US Forest Service Trail 575; S on US Forest Service Trail 575 to US Forest Service Trail 498; NW overland from the junction of US Forest Service Trails 575 and 498 to the junction of US Forest Service Trails 576 and 472; W on US Forest Service Trail 576 to US Forest Service Trail 2000 (Pacific Crest Trail); N on US Forest Service Trail 2000 (Pacific Crest Trail) to the Pasayten Wilderness Area border at Jim Pass; W on the Pasayten Wilderness Area border to Ross Lake National Recreational Area border; N on the Pasayten Wilderness Area-Ross Lake National Recreational Area border to the US-Canadian border and the point of the beginning.

**GMU 204-OKANOGAN EAST (Okanogan and Ferry counties):**

Beginning on the eastern shore of Osoyoos Lake and the US-Canadian border; E on the US-Canadian border to the Kettle River near the Ferry Customs Office, north of the town of Toroda; S down the Kettle River to the mouth of Toroda

Creek; W up Toroda Creek to Toroda Creek Rd (Ferry County Rd 502); SW on Toroda Creek Rd (Ferry County Rd 502 and Okanogan County Rd 9495) to SR 20 at the town of Wauconda; E on SR 20 to SR 21 at the town of Republic; S on SR 21 to the northern border of the Colville Indian reservation; W on the northern border of the Colville Indian reservation to the Okanogan River; N up the eastern shore of the Okanogan River and the eastern shore of Osoyoos Lake to the US-Canadian border and the point of beginning.

**GMU 209-WANNACUT (Okanogan County):**

Beginning where the Similkameen Rd (County Rd 4568) crosses the US-Canadian border; E on the US-Canadian border to the eastern shore of Lake Osoyoos; S along the eastern shore of Lake Osoyoos and the eastern shore of Okanogan River to the Fourth Street Bridge at the town of Tonasket; NW on Fourth Street on the Fourth Street Bridge to County Hwy 7; S on County Hwy 7 to North Pine Creek Rd (County Rd 9410); SW on North Pine Creek Rd (County Rd 9410) to the Horse Springs Coulee Rd (County Rd 4371), north of Aeneas Lake; north on Horse Springs Coulee Road (County Road 4371) to Loomis-Oroville Highway (County Road 9425) west of Spectacle Lake; W and N on Loomis-Oroville Hwy (County Rd 9425) to Similkameen Rd (County Rd 4568); N on the Similkameen Rd (County Rd 4568) to the US-Canadian border and the point of beginning.

**GMU 215-SINLAHEKIN (Okanogan County):**

Beginning at the eastern boundary of the Pasayten Wilderness border and the US-Canadian border; E on the US-Canadian border to the border station on Similkameen Rd (County Rd 4568); SE on the Similkameen Rd (County Rd 4568) to the Loomis-Oroville Rd (County Rd 9425); S on the Loomis-Oroville Rd (County Rd 9425), through the town of Loomis, then east to the Horse Springs Coulee Rd (County Rd 4371) west of Spectacle Lake; S on the Horse Springs Coulee Rd (County Rd 4371) to the North Pine Creek Rd (County Rd 9410); NE on the North Pine Creek Rd (County Rd 9410) to County Hwy 7; NE on County Hwy 7 to Fourth Street and the Fourth Street Bridge which crosses the Okanogan River into the town of Tonasket; SE onto the Fourth Street Bridge and the Okanogan River; S along the eastern shore of the Okanogan River to bridge crossing the Okanogan River at the town of Riverside; SW from said bridge to the junction of Riverside Cutoff Rd (County Rd 9260) and US Hwy 97; N on US Hwy 97 to the South Pine Creek Rd (County Rd 9410); W on the South Pine Creek Rd (County Rd 9410) to Fish Lake Rd (County Rd 4290); W on Fish Lake Rd (County Rd 4290) to South Fish Lake Rd (County Rd 4282), along the south shore of Fish Lake; SW on South Fish Lake Rd (County Rd 4282), to the Sinlahekin Rd (County Rd 4015); SW on the Sinlahekin Rd (County Rd 4015), along the north shore of Conconully Lake, to the Salmon Creek North Fork Rd (County Rd 2361), at the town of Conconully; N on US Forest Service Rd 38 (Salmon Creek North Fork Rd, County Rd 2361) to US Forest Service Rd 3820; N on US Forest Service Rd 3820 over Lone Frank Pass, to US Forest Service Rd 39; N on US Forest Service Rd 39 to the US Forest Service Rd 300 at Long Swamp trailhead; W on the US Forest Service 300 to US Forest Service Trail 342; N on US Forest Service Trail 342 to US Forest Service Trail 343; E on US Forest Service Trail 343 to

US Forest Service Trail 341; E on US Forest Service Trail 341 to US Forest Service Trail 375; E on US Forest Service Trail 375 to the eastern boundary of the Pasayten Wilderness Area; N on the Pasayten Wilderness Area boundary to the US-Canadian border and the point of beginning.

**GMU 218-CHEWUCH (Okanogan County):**

Beginning at Harts Pass on the US Forest Service Trail 2000 (Pacific Crest Trail); N on the US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Trail 576 at Buffalo Pass; E on US Forest Service Trail 576 to its junction with US Forest Service Trail 472; SE overland from the junction of US Forest Service Trails 576 and 472 to the junction of US Forest Service Trails 498 and 575; NE on US Forest Service Trail 575 to the US Forest Service Trail 478 (Robinson Creek Trail); SE on the US Forest Service Trail 478 (Robinson Creek Trail) to the Pasayten Wilderness Area boundary; E on the Pasayten Wilderness Area boundary to US Forest Service Trail 342; S on US Forest Service Trail 342 to US Forest Service Rd 300; SW on US Forest Service Rd 300 to the US Forest Service Rd 39 (Middle Fork Toats Coulee Creek Rd) at Long Swamp Trailhead; S on US Forest Service Rd 39 (Middle Fork Toats Coulee Creek Rd) to US Forest Service Rd 37 (Boulder Creek Rd); SW and S on US Forest Service Rd 37 (Boulder Creek Rd) to the Eastside Chewuch River Rd (County Rd 9137); S on the Eastside Chewuch River Rd (County Rd 9137) to SR 20 at the town of Winthrop; NW on SR 20 to the US Forest Service Trail 2000 (Pacific Crest Trail); N on US Forest Service Trail 2000 (Pacific Crest Trail) to Harts Pass and the point of beginning.

**GMU 224-PEARRYGIN (Okanogan County):**

Beginning at the US Forest Service Rd 39 and US Forest Service Rd 3820; S on US Forest Service Rd 3820, through Lone Frank Pass, to the North Fork Salmon Creek Rd (US Forest Service Rd 38); SE on the North Fork Salmon Creek Rd (US Forest Service Rd 38, County Rd 2361) to West Fork Rd (County Rd 2017) at the town of Conconully; SW on West Fork Rd (County Rd 2017) to US Forest Service Rd 42 (North Summit Rd); SW on US Forest Service Rd 42 (North Summit Rd) to SR 20 at Loup Loup Summit; W on SR 20, through the town of Twisp, to the Eastside Chewuch River Rd at the town of Winthrop; N on the Eastside Chewuch River Rd to US Forest Service Rd 37 (Boulder Creek Rd); NE on the US Forest Service Rd 37 (Boulder Creek Rd) to US Forest Service Rd 39 (Middle Fork Boulder Creek Rd); NE on US Forest Service Rd 39 (Middle Fork Boulder Creek Rd) to US Forest Service Rd 3820 and the point of beginning.

**GMU 231-GARDNER (Okanogan County):**

Beginning at the crossing of US Forest Service Trail 2000 (Pacific Crest Trail) and SR 20; S and E on SR 20 to the Twisp River Rd at the town ((~~of~~ ~~on~~)) of Twisp; W on the Twisp River Rd (County Rd 9114, US Forest Service Rd 44, US Forest Service Rd 4440) to US Forest Service Trail 432 (North Fork Twisp River Trail); N on US Forest Service Trail 432 (North Fork Twisp River Trail) to North Cascades National Park boundary at Twisp Pass; N and W on North Cascades National Park boundary US Forest Service Trail 2000 (Pacific Crest Trail); N on US Forest Service Trail 2000 (Pacific Crest Trail) to SR 20 and the point of beginning.

**GMU 233-POGUE (Okanogan County):**

Beginning at Sinlahekin Rd (County Rd 4015) and West Fork Rd (County Rd 2017) at the town of Conconully; north on the Sinlahekin Rd (County Rd 4015) to the South Fish Lake Rd (County Rd 4282); NE on the South Fish Lake Rd (County Rd 4282), along the south end of Fish Lake to Fish Lake Rd (County Rd 4290); E on Fish Lake Rd (County Rd 4290) to the South Pine Creek Rd (County Rd 9410); E on the South Pine Creek Rd (County Rd 9410) to US Hwy 97; S on US Hwy 97 to its junction with Riverside Cutoff Rd at the town of Riverside; NE from the junction of Riverside Cutoff Rd and US Hwy 97 to the bridge crossing the Okanogan River at the town of Riverside; S down the Okanogan River, through the town of Omak, to SR 20 at the town of Okanogan; W on SR 20 to US Forest Service Rd 42 (North Summit Rd), east of Loup Loup Summit; N on US Forest Service Rd 42 (North Summit Rd) to West Fork Rd (County Rd 2017); N on West Fork Rd (County Rd 2017) to the town of Conconully and the point of beginning.

**GMU 239-CHILIWIST (Okanogan County):**

Beginning at the intersection of SR 153 and SR 20, southeast of the town of Twisp; E on SR 20, past Loup Loup Summit, to the bridge crossing over the Okanogan River at the town of Okanogan; SE on to the bridge over the Okanogan River at the town of Okanogan; S along the Okanogan River to the Columbia River (Douglas-Okanogan county line); W along the Columbia River (Douglas-Okanogan county line) to a point on the county line due east of the US Hwy 97 bridge crossing the mouth of the Methow River at the town of Pateros; SE on US Hwy 97 to SR 153; NW and N on SR 153 to SR 20, southeast of the town of Twisp, and the point of beginning.

**GMU 242-ALTA (Okanogan County):**

Beginning at the junction of the Sawtooth Ridge line (Chelan-Okanogan county line) and US Forest Service Trail 432 at Twisp Pass; E on US Forest Service Trail 432 to Twisp River Rd at the Roads End Campground; E on the Twisp River Rd (US Forest Service Rd 4440, US Forest Service Rd 44, County Rd 9114) to SR 20 at the town of Twisp; S and E on SR 20 to SR 153; S and SE on SR 153 to US Hwy 97; N on the US Hwy 97 to the bridge crossing the mouth of the Methow River at the town of Pateros; E from the US Hwy 97 bridge to the Douglas-Okanogan county line in Lake Pateros (Columbia River); S along Douglas-Okanogan county line in Lake Pateros (Columbia River) to Wells Dam; NW from Wells Dam to the junction of Azwell Rd and US Hwy 97; S on US Hwy 97 to Apple Acres Rd; W on Apple Acres Rd to Antoine Creek Rd (Chelan County Rd 8140); NW on the Antoine Creek Rd (Chelan County Rd 8140) to US Forest Service Rd 8020 (Manastash Ridge); N on US Forest Service Rd 8020 to the Sawtooth Ridge line (Chelan-Okanogan county line) at Fox Peak; NW on the Sawtooth Ridge line (Chelan-Okanogan county line) to its intersection with US Forest Service Trail 432 at Twisp Pass and the point of beginning.

**GMU 243-MANSON (Chelan County):**

Beginning at the Chelan River in the town of Chelan, northwest to Lake Chelan; NW along the south shore of Lake Chelan to the Stehekin River; SE along the north shore of



Lake Chelan to the Lake Chelan National Recreation boundary; NE along the National Recreation Area boundary to Sawtooth Ridge; SE along Sawtooth Ridge line (Chelan-Okanogan county line) to US Forest Service Rd 8020 at Fox Peak; SE on US Forest Service Rd 8020 to US Forest Service Rd 8140 (Antoine Creek Rd); SE on US Forest Service Rd 8140 (Antoine Creek Rd) to Apple Acres Rd; NE on Apple Acres Rd to US Hwy 97; NE on US Hwy 97 to its junction with Azwell Rd; SE from the junction of US Hwy 97 and Azwell Rd to Wells Dam on the Columbia River; SW down the Columbia River (Chelan-Douglas county line) to the Chelan River; NW up the Chelan River to the town of Chelan and the point of beginning.

**GMU 244-CLARK (Chelan County):**

Beginning at the mouth of Stehekin River on Lake Chelan; SE along the south shore of Lake Chelan to the Glacier Peak Wilderness boundary at Bearcat Ridge; S, W and N on the Glacier Peak Wilderness boundary to the Pacific Crest Trail (US Forest Service Trail 2000) at Kodak Peak; N on the Pacific Crest Trail (US Forest Service Trail 2000) to North Cascades National Park; N and E on the North Cascades National Park boundary to Lake Chelan National Recreation boundary at Hock Mountain; S along the Lake Chelan National Recreation Area boundary to the north shore of Lake Chelan; NW along the north shore of Lake Chelan to the Stehekin River and the point of beginning.

**GMU 245-CHIWAHA (Chelan County):**

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and the Glacier Peak Wilderness boundary at Kodak Peak; SE and NE on the Glacier Peak Wilderness Area boundary to the Entiat River; SE down the Entiat River to US Forest Service Rd 5700 (Mad River Rd) at the town of Ardenvoir; NW on US Forest Service Rd 5700 (Mad River Rd) to the US Forest Service Rd 5800; SW on US Forest Service Rd 5800 to US Forest Service Rd 7520 (Eagle Creek Rd) at French Corral; SW on US Forest Service Rd 7520 (Eagle Creek Rd) to SR 209 (Chumstick Hwy) north of Leavenworth; S on SR 209 (Chumstick Hwy) to US Hwy 2; W and N on US Hwy 2 to US Forest Service Trail 2000 (Pacific Crest Trail) at Stevens Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to Glacier Peak Wilderness boundary at Kodak Peak and the point of beginning.

**GMU 246-SLIDE RIDGE (Chelan County):**

Beginning on the south shore of Lake Chelan at the Glacier Peak Wilderness boundary at Bearcat Ridge; SE along the south shore of Lake Chelan to Twenty-five Mile Creek; SW up Twenty-five Mile Creek to US Forest Service Rd 8410 (Slide Ridge Rd); S and E on US Forest Service Rd 8410 (Slide Ridge Rd) to US Forest Service Trail 1448, at Stormy Mountain; NW on US Forest Service Trail 1448 to US Forest Service Trail 1445 (Fourmile Ridge Trail); W on US Forest Service Trail 1445 (Fourmile Ridge Trail) to US Forest Service Trail 1443; W on US Forest Service Trail 1443 to Lake Creek; SW down Lake Creek to the Entiat River; NW up the Entiat River to the Glacier Peak Wilderness Area boundary; NE on the Glacier Peak Wilderness boundary to south shore of Lake Chelan at Bearcat Ridge and the point of beginning.

**GMU 247-ENTIAT (Chelan County):**

Beginning at Twenty-five Mile Creek on the south shore of Lake Chelan; SE along the south shore of Lake Chelan to the Chelan River; SE down the Chelan River to the Columbia River (Chelan-Douglas county line); SW along the Columbia River (Chelan-Douglas county line) to the mouth of the Entiat River; NW up the Entiat River to Lake Creek; NE up Lake Creek to US Forest Service Trail 1443; E on US Forest Service Trail 1443 to US Forest Service Trail 1445 (Fourmile Ridge Trail); E on US Forest Service Trail 1445 (Fourmile Ridge Trail) to US Forest Service Trail 1448; SE on US Forest Service Trail 1448 to the US Forest Service Rd 8410 (Slide Ridge Rd) at Stormy Mountain; N on US Forest Service Rd 8410 (Slide Ridge Rd) to Twenty-five Mile Creek; N down Twenty-five Mile Creek to the south shore of Lake Chelan and the point of beginning.

**GMU 248-BIG BEND (Douglas and Grant counties):**

Beginning on SR 17 at the Chalk Hills Rd (K N.E. Rd) to the Chalk Hills Rd (K N.E. Rd) to Box Canyon Rd (L N.E. Rd); N on Box Canyon Rd (L N.E. Rd) to the first intermittent stream crossed in Section 30, T30N, R27E; N on the first intermittent stream crossed in Section 30 T30N, R27E by the Box Canyon Rd (L N.E. Rd) to the Columbia River; E up the Columbia River to the west end of the Grand Coulee Dam; W on the Grand Coulee Dam causeway access road (Limited Access) to SR 155; SW on SR 155 to SR 174; NE on SR 174 to the Grand Coulee Dam feeder canal; SW up the Grand Coulee Dam feeder canal to Banks Lake; S along the west shore of Banks Lake to a point due east from Mold Rd (Rd 9 N.E.); W from the point due east of Mold Rd on the west shore of Banks Lake to Mold Rd (Rd 9 N.E.); W on Mold Rd (Rd 9 N.E.) to SR 17; N along SR 17 to SR 172; W on SR 172, through the town of Mansfield, to Bridgeport Hill Rd (Mathieson Rd, B N.E. Rd); N on the Bridgeport Hill Rd (Mathieson Rd, B N.E. Rd) to West Foster Creek Rd; N on West Foster Creek Rd to SR 17; E on SR 17 to the Chalk Hills Rd (K N.E. Rd) and the point of beginning.

**GMU 249-ALPINE (Kittitas and Chelan counties):**

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and the Alpine Lakes Wilderness boundary near Josephine Lake south of Stevens Pass; E, S, and W on the Alpine Lakes Wilderness boundary to US Forest Service Trail 2000 (Pacific Crest Trail) near Kendall Peak Lake; N on US Forest Service Trail 2000 (Pacific Crest Trail) to the Alpine Lakes Wilderness boundary near Josephine Lake and the point of beginning.

**GMU 250-SWAKANE (Chelan County):**

Beginning at the intersection of US Hwy 2 and Chumstick Hwy (SR 209); SE on US Hwy 2 to the Columbia River (Chelan-Douglas county line); NE on Chelan-Douglas county line (the Columbia River) to the Entiat River; NW up the Entiat River to the Mad River Rd (US Forest Service Rd 5700) at the town of Ardenvoir; N on the Mad River Rd (US Forest Service Rd 5700) to US Forest Service Rd 5800; SW on US Forest Service Rd 5800 to US Forest Service Rd 7520 at French Corral; S on US Forest Service Rd 7520 to US Forest Service Rd 7520 (Eagle Creek Rd); SW on US Forest Service Rd 7520 (Eagle Creek Rd) to SR 209 (Chumstick Hwy);

S on SR 209 (Chumstick Hwy) to US Hwy 2 and the point of the beginning.

**GMU 251-MISSION (Kittitas and Chelan counties):**

Beginning at US Hwy 2 and the Columbia River (Chelan-Douglas county line); S down the Columbia River (Chelan-Douglas county line) to Tarpiscan Creek; W up Tarpiscan Creek to North Fork Tarpiscan Creek; W up North Fork Tarpiscan Creek to WA Dept. of Fish and Wildlife Rd No. 14 (Tarpiscan Rd); N approximately 100 feet on WA Dept. of Fish and Wildlife Rd No. 14 (Tarpiscan Rd) to WA Dept. of Fish and Wildlife Rd No. 10.10 (North Fork Tarpiscan Creek Rd); W along WA Dept. of Fish and Wildlife Rd No. 10.10 (North Fork Tarpiscan Creek Rd) to the WA Dept. of Fish and Wildlife Rd 10 (Colockum Pass Rd); W along the WA Dept. of Fish and Wildlife Rd 10 (Colockum Pass Rd) to WA Dept. of Fish and Wildlife Rd 9 (Naneum Ridge Rd); NW on WA Dept. of Fish and Wildlife Rd 9 (Naneum Ridge Rd) to Naneum Ridge (Chelan-Kittitas county line) at Wenatchee Mountain; NW along Naneum Ridge (Chelan-Kittitas county line), past Mission Peak, to US Forest Service Rd 9712 (Liberty-Beehive Rd); NW on US Forest Service Rd 9712 (Liberty-Beehive Rd) to US Forest Service Rd 9716; N on US Forest Service Rd 9716 to US Hwy 97 at Swauk Pass; NW on the Wenatchee Mountain Range divide (Kittitas-Chelan county line) to the Alpine Lakes Wilderness Area boundary at Navaho Peak; N and E on Alpine Lakes Wilderness Area boundary to US Forest Service Trail 2000 (Pacific Crest Trail); N on US Forest Service Trail 2000 (Pacific Crest Trail) to US Hwy 2; E on US Hwy 2 to the Columbia River (Chelan-Douglas county line) and the point of beginning.

**GMU 254-SAINT ANDREWS (Douglas and Grant counties):**

Beginning at the town of Mansfield on SR 172; E on SR 172 to SR 17; S on SR 17 to Mold Rd (Rd 9 N.E.); E on the Mold Rd (Rd 9 N.E.) to the road's end; due E from the end of Mold Rd (Rd 9 N.E.) to the western shore of Banks Lake; S along the west shore of Banks Lake to US Hwy 2; W on US Hwy 2 to SR 172; N and E on SR 172 to the town of Mansfield and the point of beginning.

**GMU 260-FOSTER CREEK (Douglas County):**

Beginning at the town of Brewster and the Columbia River (Douglas-Okanogan county line); E on the Columbia River (Douglas-Okanogan county line), past the town of Bridgeport to the first intermittent stream crossed in Section 30, T30N, R27E by the Box Canyon Rd (L N.E. Rd); S up the first intermittent stream crossed in Section 30, T30N, R27E by the Box Canyon Rd to the Box Canyon Rd (L N.E. Rd); E and S on Box Canyon Rd (Rd L N.E.) to the Chalk Hills Rd (K N.E. Rd); SW on the Chalk Hills Rd (K N.E. Rd) to SR 17; W on SR 17 to the West Foster Rd; S on West Foster Rd to Dyer Hill Rd; W and N on Dyer Hill Rd to Gallaher Rd (20 N.E. Rd); W on Gallaher Rd to Dyer Hill Rd (North Division Rd); N on Dyer Hill Rd to Cold Springs Rd (Bonita Flats Rd) at the town of Dyer; W on Cold Springs Rd (Bonita Flats Rd) to the Columbia River then west to the Douglas-Okanogan county line on the Columbia River; N up the Columbia River (Douglas-Okanogan county line) to town of Brewster and the point of beginning.

**GMU 262-WITHROW (Douglas County):**

Beginning at Cold Spring Rd and the Dyer Hill Rd at the town of Dyer; S on the Dyer Hill Rd (North Division Rd) to Gallaher Rd (20 N.E. Rd); E on Gallaher Rd (20 N.E. Rd) to Bridgeport Hill Rd (B N.E. Rd); S on the Bridgeport Hill Rd to SR 172; W and S on SR 172 to US Hwy 2; W on US Hwy 2, through the town of Waterville, to the Columbia River at the town of Orondo then west to the Chelan-Douglas county line in the Columbia River; N up the Columbia River (Chelan-Douglas county line), past the Wells Dam, to the point due west of the Cold Springs Rd; E from the point on the Columbia River (Chelan-Douglas county line) which is due east of Cold Springs Rd to Cold Springs Rd; E on the Cold Springs Rd to the town of Dyer and the point of beginning.

**GMU 266-BADGER (Douglas County):**

Beginning at US Hwy 2 at the town of Orondo; E on US Hwy 2, through the towns of Waterville and Douglas, to the Westerman Rd (K S.W. Rd); S on the Westerman Rd (K S.W. Rd) to Alstown Rd (3 S.W. Rd) at the town of Alstown; W on the Alstown Rd (3 S.W. Rd) to the Titchenal Canyon Rd; SW on the Titchenal Canyon Rd to the Sheehan Rd; S on the Sheehan Rd to the Rock Island Grade Rd; SW on the Rock Island Grade Rd to the Columbia River (Chelan-Douglas county line) at the Rock Island Dam; N up the Columbia River (Chelan-Douglas county line), through the town of Wenatchee, to a point in the Columbia due west of the town of Orondo; E to US Hwy 2 at the town of Orondo and the point of beginning (includes Turtle Rock Island).

**GMU 269-MOSES COULEE (Douglas and Grant counties):**

Beginning on US Hwy 2 and the Westerman Rd (K S.W. Rd); E on US Hwy 2 to the Moses Coulee Rd; S on Moses Coulee Rd to Coulee Meadows Rd; S on Coulee Meadows Rd to Rd J N.W. at the Douglas-Grant county line; S on Rd J N.W. to Rd 23 N.W.; E on Rd 23 N.W. to Sagebrush Flats Rd; S on Sagebrush Flats Rd to Rd J N.W.; S on Rd J N.W. to Overen Rd (Rd 20 N.W.); SW on the Overen Rd (Rd 20 N.W.) to Baird Springs Rd; SW on Baird Springs Rd across SR 28 to the Crescent Bar Rd; S along the Crescent Bar Rd to the Crescent Bar boat launch on the Columbia River; W from the Crescent Bar boat launch to the Douglas-Kittitas county line on the Columbia River; N up the Columbia River (Douglas-Kittitas county line) to the Rock Island Grade Rd at the Rock Island Dam; N on Rock Island Grade Rd to the Sheehan Rd; N on the Sheehan Rd to the Titchenal Canyon Rd; N on the Titchenal Road Canyon Rd to the Alstown Rd (3 S.W. Rd); E on the Alstown Rd (3 S.W. Rd), through the town of Alstown to the Westerman Rd (K Rd S.W.); N on the Westerman Rd to US Hwy 2 and the point of beginning.

**GMU 272-BEEZLEY (Grant, Lincoln, and Douglas counties):**

Beginning at the junction of SR 155 and SR 174 in the town of Grand Coulee; SE on SR 174 to Rd W N.E. (Grand Coulee Hill Rd); S on Rd W N.E. to Rd 52 N.E.; E on Rd 52 N.E. to X Rd N.E.; S on X Rd N.E. to Peterson Rd; S on Peterson Rd to Douglas Rd; E on Douglas Rd to Old Coulee Rd; S on Old Coulee Rd to Maxwell Rd at the town of Almira; E on Maxwell Rd to SR 2; E on SR 2 to Kiner Rd; S on Kiner Rd to Rd

X N.E.; S on Rd X N.E. to Rd W N.E. at the town of Marlin; S on Rd W N.E. to North Frontage Rd; W on North Frontage Rd to Rd U N.E.; S on Rd U N.E. to I-90; W on I-90 to the Columbia River (Grant-Kittitas county line) at the Vantage Bridge; N up the Columbia River (Grant-Kittitas county line) to a point due west of Crescent Bar boat launch; E from the Grant-Kittitas county line on the Columbia River to the Crescent Bar boat launch and Crescent Bar Rd; N on Crescent Bar Rd to SR 28; N across SR 28 to Baird Springs Rd; NE on Baird Springs Rd to Overen Rd; NE on Overen Rd to Rd J N.W.; N on Rd J N.W. to Sagebrush Flats Rd; N on Sagebrush Flats Rd to Coulee Meadows Rd at the Grant-Douglas county line; N on Coulee Meadows Rd to the Moses Coulee Rd; N on the Moses Coulee Rd to US Hwy 2; E on US Hwy 2 to the west shore of Banks Lake; N along the west shore of Banks Lake to the feeder canal for the Grand Coulee Dam; NE along the feeder canal to SR 174; SW on SR 174 to SR 155 and the point of beginning (~~((except Private Lands Wildlife Management Area 201, Wilson Creek))~~).

**GMU 278-WAHLUKE (Grant, Franklin, and Adams counties):**

Beginning at I-90 and the Columbia River (Grant-Kittitas county line) at the Vantage Bridge; NE and E on I-90 to Beverly Burke Rd; S on Beverly Burke Rd to Frenchman Hills Rd; E on Frenchman Hills Rd to SR 262; E on SR 262 to SR 17; N on SR 17 to I-90; E on I-90 to Rd U S.E.; S on Rd U S.E. to Booker Rd; S on Booker Rd to SR 26; W on SR 26 to SR 17; S on SR 17 to Scootney Rd; SW on Scootney Rd to Mail Rd; W on Mail Rd to Muse Rd; W on Muse Rd to SR 24; W on SR 24 to the Columbia River (Benton-Grant county line) at the Vernita Bridge; W and N along the Columbia River (Benton-Grant-Kittitas-Yakima county lines) to I-90 at the Vantage Bridge and the point of beginning.

**GMU 284-RITZVILLE (Adams, Grant, Lincoln, and Whitman counties):**

Beginning at I-90 and Rd U N.E.; N on Rd U N.E. to North Frontage Rd; E on North Frontage Rd to Rd W N.E.; N on Rd W N.E. to Rd 12 N.E.; E on Rd 12 N.E. to Davis Rd; E on Davis Rd to Marcellus Rd; S on Marcellus Rd to Tokio Rd; E on Tokio Rd to Danekas Rd; E on Danekas Rd to I-90; NE on I-90 to SR 23; S on SR 23 to Lamont Rd; SW on Lamont Rd to Revere Rd; S on Revere Rd to Rock Creek; S down Rock Creek to the Palouse River; S and W down the Palouse River to Old SR 26, west of the town of Hooper; W on Old SR 26, across the Palouse River to SR 26; W on SR 26 to Booker Rd; N on Booker Rd to Rd U S.E.; N on Rd U S.E. to I-90 and point of beginning.

**GMU 290-DESERT (Grant County):**

Beginning at I-90 and Beverly Burke Rd (Rd R S.W.), SW of the town of George; E on I-90 to SR 17; S on SR 17 to SR 262; W on SR 262 to Frenchman Hills Rd (Rd 7 S.W.); W on Frenchman Hills Rd (Rd 7 S.W.) to Beverly Burke Rd; N along Beverly Burke Rd to I-90 and the point of beginning.

AMENDATORY SECTION (Amending Order 05-90, filed 5/10/05, effective 6/10/05)

**WAC 232-28-333 Game management units (GMUs) boundary descriptions—Region three.**

**GMU 328-NANEUM (Kittitas and Chelan counties):**

Beginning US Hwy 97 and US Forest Service Rd 9716 at Blewitt Pass; E on US Forest Service Rd 9716 to US Forest Service Rd 9712 (Liberty-Beehive Rd); E on US Forest Service Rd 9712 (Liberty-Beehive Rd) to the Naneum Ridge (Chelan-Kittitas county line) at the west boundary of Section 22, T21N, R19E; SE along the Naneum Ridge (Chelan-Kittitas county line), past Mission Peak, to Naneum Ridge Rd (WA Dept. of Fish and Wildlife Rd 9) at Wenatchee Mountain; SE on Naneum Ridge Rd (WA Dept. of Fish and Wildlife Rd 9) to Colockum Pass Rd (WA Dept. of Fish and Wildlife Rd 10); S on Colockum Pass Rd (WA Dept. of Fish and Wildlife Rd 10) to the Highline Canal (North Branch Canal); NW along the Highline Canal (North Branch Canal) to Lower Green Canyon Rd; S on Lower Green Canyon Rd to US Hwy 97; N on US Hwy 97 to Blewett Pass and the point of beginning.

**GMU 329-QUILOMENE (Kittitas and Chelan counties):**

Beginning on the Columbia River at the mouth of Tarpiscan Creek; E from Tarpiscan Creek to the Douglas-Kittitas county line on the Columbia River; S along the Columbia River (Douglas-Kittitas county line) to a point north of Cape Horn; S from the Columbia River (Douglas-Kittitas county line) to Cape Horn; S up Cape Horn to its rim; SE along the top of Cape Horn and the rim of the West Bar Cliffs (cliffs overlooking West Bar) to WA Dept. of Fish and Wildlife Rd 14.14; E along WA Dept. of Fish and Wildlife Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd 14.17 to WA Dept. of Fish and Wildlife Rd 14 rear gate; S on WA Dept. of Fish and Wildlife Rd 14 to Tekison Creek; SE along Tekison Creek its mouth on the Columbia River; E from Tekison Creek to the Grant-Kittitas county line on the Columbia River; S along Columbia River (Grant-Kittitas county line) to I-90 bridge at the town of Vantage; W along I-90 to Highline Canal (North Branch Canal); N on Highline Canal (North Branch Canal) to Colockum Rd (WA Dept. of Fish and Wildlife Rd 10); N on Colockum Rd to North Fork Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 10.10); E on North Fork Tarpiscan Rd to Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 14); S on Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 14) approximately 100 feet to Tarpiscan Creek; E down Tarpiscan Creek to its mouth on the Columbia River and the point of beginning.

**GMU 330-West Bar (Kittitas County):**

Beginning on the Columbia River at Cape Horn; S up Cape Horn to its rim; SE along the rim of Cape Horn and West Bar Cliffs (the cliffs overlooking West Bar) to WA Dept. of Fish and Wildlife Rd 14.14; E along Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd 14.17 to WA Dept. of Fish and Wildlife Rd 14 near the gate; S on WA Dept. of Fish and Wildlife Rd. 14 to Tekison Creek; SE down Tekison Creek to its mouth on the Columbia River; E from Tekison Creek to the Kittitas-Grant

county line on the Columbia River; N and W along the Columbia River (Kittitas-Grant then Kittitas-Douglas county lines) to a point north of Cape Horn; S from the aforesaid point in the Columbia River to Cape Horn and the point of beginning.

**GMU 334-ELLENSBURG (Kittitas County):**

Beginning on US Hwy 97 and Lower Green Canyon Rd; N on Lower Green Canyon Rd to Highline Canal; N, E and S along Highline Canal to I-90 and the Yakima Training Center boundary; S and W along the Yakima Training Center boundary to I-82; N on I-82 to Thrall Rd; W on Thrall Rd to Wilson Creek; S down Wilson Creek to Yakima River; N up Yakima River to Umptanum Rd; S up Umptanum Rd to the South Branch Extension Canal; W on South Branch Extension Canal to Bradshaw Rd; W on Bradshaw Rd to the elk fence; N along the elk fence to Taneum Creek; NE down Taneum Creek to the Yakima River; NE down the Yakima River to Thorp Hwy; NW along the Thorp Hwy to SR 10; SE on SR 10 to US Hwy 97 junction; N on US Hwy 97 to Lower Green Canyon Rd and point of beginning.

**GMU 335-TEANAWAY (Kittitas County):**

Beginning at I-90 and US Forest Service Trail 2000 (Pacific Crest Trail) at Snoqualmie Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to the Alpine Lakes Wilderness boundary; E on the Alpine Lakes Wilderness boundary to the Chelan-Kittitas county line; E on US Forest Service Trail 1226 to US Hwy 97 at Blewett Pass; S on US Hwy 97 to SR 10; N and W on SR 10 to Thorp Hwy; SE on Thorp Hwy to Yakima River; SW up the Yakima River to Taneum Creek; SW up Taneum Creek to I-90; W on I-90 to US Forest Service Trail 2000 (Pacific Crest Trail) at Snoqualmie Pass and the point of beginning.

**GMU 336-TANEUM (Kittitas County):**

Beginning at US Forest Service Trail 2000 (Pacific Crest Trail) and I-90 at Snoqualmie Pass; E on I-90 to Taneum Creek; W up Taneum Creek to the south fork of Taneum Creek; W up the south fork of Taneum Creek to US Forest Service Trail 1367; W on US Forest Service Trail 1367 to US Forest Service Trail 1363; S on US Forest Trail 1363 (Peaches Ridge Trail) to US Forest Service Trail 1388; W on US Forest Service Trail 1388 to US Forest Service Trail 2000 (Pacific Crest Trail) to Blowout Mountain; N on US Forest Service Trail 2000 (Pacific Crest Trail) to I-90 at Snoqualmie Pass and the point of beginning.

**GMU 340-MANASTASH (Kittitas County):**

Beginning at I-82 and SR 821; N on SR 821 to SR 823 (Harrison Rd); W on SR 823 (Harrison Rd) to Yakima River; N up Yakima River to Umtanum Creek; W up Umtanum Creek to Ellensburg-Wenas Rd; W and S along Ellensburg-Wenas Rd to North Fork Wenas Rd (Audubon Rd, W5000); NW along North Fork Wenas Rd to Barber Springs Rd; W on Barber Springs Rd to US Forest Service Trail 4W694; NW on US Forest Service Trail 4W694 to US Forest Service Trail 4W307; NW on US Forest Service Trail 4W307 to US Forest Service Trail 1388; NW on US Forest Service Trail 1388 to US Forest Service Trail 4W306; NW on US Forest Service Trail 4W306 to US Forest Service Trail 1388 at Quartz Mountain; NW along US Forest Service Rd 1388 to US For-

est Service Trail 1363 (Peaches Ridge Trail); N and E along US Forest Service Trail 1363 (Peaches Ridge Trail) to US Forest Service Trail 1367; SE along US Forest Service 1367 to South Fork Taneum Creek; E down the South Fork Taneum Creek to Taneum Creek; E down Taneum Creek to the elk fence; SE along the elk fence to Bradshaw Rd; E on Bradshaw Rd to South Branch Extension Canal; SE along the South Branch Extension Canal to Umtanum Rd; N on Umtanum Rd to Yakima River; S down the Yakima River to Wilson Creek; NE up Wilson Creek to Thrall Rd; E on Thrall Rd to I-82; SE and SW on I-82 to SR 821 and the point of beginning.

**GMU 342-UMTANUM (Kittitas and Yakima counties):**

Beginning at US Forest Service Rd 1701 and Barber Springs Rd (WA Dept. of Natural Resources Rd W5000) at T17N, R15E, NE 1/4 of Section 12; SE on Barber Springs Rd to the North Fork Wenas Rd (Audubon Rd); SE on the North Fork Wenas Rd to Wenas-Ellensburg Rd; NE on Wenas-Ellensburg Rd to Umtanum Creek; E down the Umtanum Creek to the Yakima River; S down the Yakima River to I-82; SE on I-82 to US Hwy 12 at the city of Yakima; NW on US Hwy 12 to SR 410; NW on SR 410 to US Forest Service Rd 1701; N on US Forest Service Rd 1701 to Barber Spring Rd-US Forest Service Trail 4W694 intersection and the point of beginning.

**GMU 346-LITTLE NACHES (Yakima and Kittitas counties):**

Beginning at US Forest Service Rd 1388 and US Forest Service Trail 2000 (Pacific Crest Trail) at Blowout Mountain; SE on US Forest Service Rd 1388 to US Forest Service Trail 4W306; SE on US Forest Service Trail 4W306 to US Forest Service Trail 1388; SE on US Forest Service Trail 1388 to US Forest Service Trail 4W307; SE on US Forest Service Trail 4W307 to US Forest Service Trail 4W694; E on US Forest Service Trail 4W694 to US Forest Service Rd 1701 (T17N, R15E, NW 1/4 of Section 12); S on US Forest Service Rd 1701 to SR 410; NW and SW on SR 410 to US Forest Service Trail 2000 (Pacific Crest Trail) near Chinook Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Rd 1388 at Blowout Mountain and the point of beginning.

**GMU 352-NILE (Yakima County):**

Beginning on the Bumping Lake Rd and SR 410; E and S on SR 410 to the Lower Nile Loop Rd; W and N on the Lower Nile Loop Rd to US Forest Service Rd 1500; W on US Forest Service Rd 1500 to US Forest Service Rd 1502 (McDaniel Lake Rd); W on the US Forest Service Rd 1502 (McDaniel Lake Rd) to Rattlesnake Creek; N down Rattlesnake Creek to the North Fork of Rattlesnake Creek; W up the North Fork of Rattlesnake Creek to US Forest Service Trail 973 (Richmond Mine Rd); N on US Forest Service Trail 973 (Richmond Mine Trail) to US Forest Service Rd 1800 (Bumping Lake Rd); N on the US Forest Service Rd 1800 (Bumping Lake Rd) to SR 410 and the point of beginning.

**GMU 356-BUMPING (Yakima County):**

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and SR 410 at Chinook Pass; NE on SR 410 to US Forest Service Rd 1800 (Bumping Lake Rd); SW on the US For-

est Service Rd 1800 (Bumping Lake Rd) to US Forest Service Trail 973 (Richmond Mine Rd); SE on US Forest Service Trail 973 (Richmond Mine Rd) to the north fork of Rattlesnake Creek; SE down the north fork of Rattlesnake Creek to US Forest Service Rd 1502 (McDaniel Lake Rd); SE on US Forest Service Rd 1502 (McDaniel Lake Rd) to US Forest Service Rd 1500; S on US Forest Service Rd 1500 to US Hwy 12; W on US Hwy 12 to US Forest Service Trail 2000 (Pacific Crest Trail) at White Pass; N on the US Forest Service Trail 2000 (Pacific Crest Trail) to SR 410 at Chinook Pass and the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting.)

**GMU 360-BETHEL (Yakima County):**

Beginning on SR 410 and the Lower Nile Loop Rd; SE on SR 410 to US Hwy 12; SW on US Hwy 12 to US Forest Service Rd 1500; N and E on US Forest Service Rd 1500 to Nile Loop Rd; SE on Nile Loop Rd to SR 410, southeast of the town of Nile, and the point of beginning.

**GMU 364-RIMROCK (Yakima County):**

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and US Hwy 12 at White Pass; E on US Hwy 12 to US Forest Service 1302 (Jump Off Rd) at Windy Point; SW on US Forest Service 1302 (Jump Off Rd) to US Forest Service Trail 1127, southeast of the Jump Off Lookout; SW on US Forest Service Trail 1127 to US Forest Service Rd 613; SW on US Forest Service Rd 613 to US Forest Service Rd 1020; SW on US Forest Service Rd 1020 to US Forest Service Rd 615; SW on US Forest Service Rd 615 to US Forest Service Trail 1136; SW on US Forest Service Trail 1136 to its southernmost point; W from US Forest Service Trail 1136 to Spenser Point; NW on the Yakama Indian reservation boundary from Spenser Point to the US Forest Service Trail 2000 (Pacific Crest Trail); N on the US Forest Service Trail 2000 (Pacific Crest Trail) to US Hwy 12 at White Pass and the point of beginning.

**GMU 368-COWICHE (Yakima County):**

Beginning on US Hwy 12 to US Forest Service Rd 1302 (Jump Off Rd) at Windy Point; NE and SE on US Hwy 12 to I-82; NW on I-82 to the Yakima River; S down the Yakima River to Ahtanum Creek; W up Ahtanum Creek to the south fork of Ahtanum Creek; SW up the south fork of Ahtanum Creek to its junction with Reservation Creek; ~~((NW))~~ SW up ~~((the south fork of Ahtanum Creek))~~ Reservation Creek to its headwaters; N along the crest of the main divide between the Diamond Fork drainage and the ~~((Middle Fork))~~ Ahtanum Creek drainage to Darland Mountain; NE on US Forest Service Trail 615 to US Forest Service Rd 1020; NE on US Forest Service Rd 1020 to US Forest Service Rd 613; NE on US Forest Service Rd 613 to US Forest Service Trail 1127; NE on US Forest Service Trail 1127 to US Forest Service Rd 1302 (Jump Off Rd), SE of the Jump Off Lookout Station; NE on US Forest Service Rd 1302 (Jump Off Rd) to US Hwy 12 and the point of beginning.

**GMU 371-ALKALI (Kittitas and Yakima counties):**

Beginning at the Vantage Bridge where I-90 crosses the Columbia River; S down the Columbia River (Kittitas-Grant and Grant-Yakima county line) to the Priest Rapids Dam;

NW on the southern shore of the Columbia River (Priest Rapids Lake) to the Yakima Training Center boundary; S and W along the Yakima Training Center boundary to the main gate on Firing Center Rd; W along Firing Center Rd to I-82; N along I-82 to Yakima Training Center boundary at Vanderbuilt Gap; N and E along the Yakima Training Center boundary to I-90; E on I-90 to the Vantage Bridge on Columbia River and the point of beginning.

**GMU 372 RATTLESNAKE HILLS (Benton and Yakima counties):**

Beginning at southern corner of Yakima Training Center border on the Columbia River, northwest of the Priest Rapids Dam; SE on the southern shore of the Columbia River (Priest Rapids Lake) to the Priest Rapids Dam; E along the Columbia River (Yakima-Grant, Grant-Benton county lines) to the Vernita Bridge on SR 24; E and S down the Benton County side of the Columbia River, following the ordinary high water mark of the shoreline, to the mouth of the Yakima River; NW up the Yakima River to SR 823 (Harrison Rd) south of the town of Pomona; E along SR 823 (Harrison Rd) to SR 821; SE on SR 821 to Firing Center Rd at I-82; E on Firing Center Rd to the main gate of the Yakima Training Center; S and E along the Yakima Training Center boundary to southern corner of the Yakima Training Center boundary on the Columbia River and the point of beginning.

**GMU 373-HORSE HEAVEN (Benton and Yakima counties):**

Beginning at the mouth of the Yakima River and Columbia River; SE down the Columbia River (Franklin-Benton and Benton-Walla Walla county lines) to the Washington-Oregon state line; W on the Columbia River (Washington-Oregon state line) from the southern junction of the Benton-Walla Walla county lines to Alder Creek (including all islands in the Columbia River north of the Oregon state line and between Alder Creek and the junction of the Benton-Walla Walla county lines); N on Alder Creek to SR 14; E on SR 14 to Alderdale Rd; N on the Alderdale Rd to Ridge Rd; W and S on Ridge Rd to Donaho Rd; W on Donaho Rd to Mabton-Bickleton Hwy (Glade Rd); N on Mabton-Bickleton Rd to the power transmission lines; SW on the power transmission lines to the power line access road in Section 3, T6N, R20E; N on power line access road to Yakama reservation Road 272 at the Yakama Indian reservation boundary; NE on the Yakama Indian reservation boundary to the Mabton-Sunnyside Rd; N on the Mabton-Sunnyside Rd to the Yakima River; E along the Yakima River the point of beginning.

**GMU 381-ESQUATZEL (Franklin, Grant and Adams counties):**

Beginning at the Vernita Bridge on SR 24 and the west shore of the Columbia River Grant-Benton county line; N and E on SR 24 to Muse Rd; E on Muse Rd to Mail Rd; E on Mail Rd to Scootney Rd; N on Scootney Rd to SR 17; N on SR 17 to SR 26; E on SR 26 to Old SR 26; E on Old SR 26 to the Palouse River (Whitman-Franklin county line); S down the Palouse River to Snake River (Franklin-Walla Walla county line); W and SW down the Snake River to the Columbia River (Franklin-Benton-Walla Walla county line junction); NW up the Columbia River (Franklin-Benton county line) to a point northeast of the mouth of the Yakima River where it

joins the Columbia River; SW to the mouth of the Yakima River; N and W up the Benton county side of the Columbia River, following the ordinary high water mark of the shoreline, to the mouth of the Vernita Bridge on SR 24 and the point of beginning. (Certain portions of the Hanford Reach National Monument are closed to public entry. The Hanford Nuclear Reservation and the Saddle Mountain National Wildlife Refuge are closed to unauthorized public entry.)

**GMU 382-EAST KLIICKITAT (Klickitat County):**

Beginning at the US Hwy 97 Bridge on the Columbia River at the town of Maryhill; N on US Hwy 97 to the Yakama Indian reservation at Satus Pass; E along the Yakama Indian reservation boundary to Yakama Reservation Rd 272 and the power line access road; S and E on the power line access road to the electrical transmission lines; N and E on the electrical transmission lines to the Mabton-Bickleton Hwy (Glade Rd); S on the Mabton-Bickleton Hwy to Donaho Rd; E on Donaho Rd to Ridge Rd; E and N on Ridge Rd to Alderdale Rd; SE and S on Alderdale Rd to SR 14; W on SR 14 to Alder Creek; S down Alder Creek to the Columbia River; W down the Columbia River to the US Hwy 97 Bridge at the town of Maryhill and the point of beginning including all islands in the Columbia River both north of the Washington-Oregon state line and between Alder Creek and the US Hwy 97 Bridge at Maryhill.

**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.

AMENDATORY SECTION (Amending Order 05-89, filed 5/10/05, effective 6/10/05)

**WAC 232-28-335 Game management units (GMUs) boundary descriptions—Region five.**

**GMU 501-LINCOLN (Lewis, Thurston, Pacific, and Grays Harbor counties):**

Beginning at the intersection of I-5 and SR 6; west on SR 6 to Stevens Rd; NW on Stevens Rd to Elk Creek Rd at the town of Doty; W on Elk Creek Rd to Weyerhaeuser 7000 line; W and N on Weyerhaeuser 7000 line to Weyerhaeuser 7400 line; N on Weyerhaeuser 7400 line to Weyerhaeuser 7050 line; NE on Weyerhaeuser 7050 line to Weyerhaeuser 7000 line; NW and N on Weyerhaeuser 7000 line to the Weyerhaeuser 7800 line; N on Weyerhaeuser 7800 line to Weyerhaeuser 7800 F line; NE on Weyerhaeuser 7800 F line to Weyerhaeuser 720 line; E on Weyerhaeuser 720 line to Weyerhaeuser 723 line; NW on Weyerhaeuser 723 line to the Weyerhaeuser C line; NE on Weyerhaeuser C line to Garrard Creek Rd; NE on Garrard Creek Rd to South Bank Rd; E on South Bank Rd to North State St; N on North State St to US Hwy 12 at the town of Oakville; E on US Hwy 12 to I-5; S on I-5 to SR 6 and point of beginning.

**GMU 503-RANDLE (Lewis County):**

Beginning at the intersection of US Hwy 12 and the Rainier Timber 100 Mainline (Kosmos Rd, Old Champion Haul Rd); E on US Hwy 12 to SR 131; S on SR 131 to US Forest Service Rd 25; S on the US Forest Service Rd 25 to the Cispus River; W on the Cispus River to Rainier Timber 271 line; S on the Rainier Timber 271 line to the Rainier Timber 300

line; W on the Rainier Timber 300 line to the Rainier Timber 100 line; N on the Rainier Timber 100 line (Kosmos Rd) to US Hwy 12 and the point of beginning.

**GMU 504-STELLA (Cowlitz County):**

Beginning at the mouth of the Cowlitz River on the Columbia River; W down the Columbia River to the mouth of Germany Creek (including all islands in the Columbia River which are both north of the Washington-Oregon state line and between the Cowlitz River and Germany Creek); N up Germany Creek to SR 4; E on SR 4 to Germany Creek Rd; N on Germany Creek Rd to International Paper 1000 line; N on International Paper 1000 line to International Paper 1050 line; E on International Paper 1050 line to International Paper 2200 line; E and S on International Paper 2200 to Woodside Dr; NE on Woodside Dr to Delameter Rd; E on Delameter Rd to the three power lines; N along the three power lines to Weyerhaeuser 9312 line; E on Weyerhaeuser 9312 line to Growlers Gulch Rd; E on Growlers Gulch Rd to Public Highway 10 Rd; E along the Public Highway 10 Rd to the A Street bridge over the Cowlitz River at the town of Castle Rock; S down the Cowlitz River to the Columbia River and point of beginning.

**GMU 505-MOSSYROCK (Lewis County):**

Beginning on I-5 and the Cowlitz River; NE up the Cowlitz River to the Mayfield Dam; NE along the south shore of Mayfield Lake to the US Hwy 12 bridge; NE on US Hwy 12 to Winston Creek Rd; SE on Winston Creek Rd to Longbell Rd; E on Longbell Rd to Perkins Rd; NE on Perkins Rd to Green Mountain Rd; E on Green Mountain Rd to the outlet of Swofford Pond; E along the Swofford Pond outlet to Riffe Lake; E along the south shore of Riffe Lake to the Cowlitz River; up the Cowlitz River to the Rainier Timber 100 Mainline; N on the Rainier Timber 100 Mainline to US Hwy 12; W on US Hwy 12 to SR 7 at the town of Morton; N on SR 7 to SR 508; W on Highway 508 to Centralia-Alpha Rd; W and N on Centralia-Alpha Rd to Salzer Valley Rd; W on Salzer Valley Rd to Summa St at the town of Centralia; W on Summa St to Kresky Rd; N on Kresky Rd to Tower St; N on Tower St to SR 507; W on SR 507 (Cherry St, Alder St, and Mellen St) to I-5; S on I-5 to the Cowlitz River and point of beginning.

**GMU 506-WILLAPA HILLS (Wahkiakum, Pacific and Lewis counties):**

Beginning at SR 6 and 3rd St South at the town of Pe Ell; S on 3rd St South to Muller Rd; S on Muller Rd to Weyerhaeuser 1000 line; S on Weyerhaeuser 1000 line to Weyerhaeuser 1800 line; S on Weyerhaeuser 1800 line to Weyerhaeuser 500 line; SE on Weyerhaeuser 500 line to SR 407 (Elochoman Valley Rd) at Camp 2; S on SR 407 (Elochoman Valley Rd) to the Elochoman River; down the Elochoman River to Foster Rd; N on Foster Rd to Risk Rd; W and N along Risk Rd to SR 4; W on SR 4 to Skamokawa Creek; SW down Skamokawa Creek to the Columbia River; W along Columbia River to the mouth of the Deep River (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Deep River); N along the Deep River to SR 4; NW on SR 4 to the Salmon Creek Rd; NE on Salmon Creek Rd to Weyerhaeuser 5000 line; N on Weyerhaeuser 5000 line to Weyerhaeuser 5800 line; NE on Weyerhaeuser 5800 line to power

transmission line; N on the power transmission line to SR 6; E on SR 6 to the town of Pe Ell and the point of beginning.

**GMU 510-STORMKING (Lewis County):**

Beginning on US Hwy 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverbrook Rd to US Forest Service Rd 47; N on US Forest Service Rd 47 to US Forest Service Rd 85; W and N on US Forest Service Rd 85 to US Forest Service Rd 52; N on US Forest Service Rd 52 to the Nisqually River; W down the Nisqually River to SR 7; S on Hwy 7 to US Hwy 12 at the town of Morton; E on US Hwy 12 to the Silver Creek bridge and point of beginning.

**GMU 513-SOUTH RAINIER (Lewis County):**

Beginning on US Hwy 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverdale Rd to US Forest Service Rd 47; N on US Forest Service Rd 47 to US Forest Service Rd 85; W and N on US Forest Service Rd 85 to US Forest Service Rd 52; W and N on US Forest Service Rd 52 to the Nisqually River; E up the Nisqually River to the southern boundary of Mount Rainier National Park; E along the south park boundary to the Pacific Crest Trail (US Forest Service Trail 2000); S along the Pacific Crest Trail (US Forest Service Trail 2000) to US Hwy 12; W on US Hwy 12 to the Silver Creek bridge and point of beginning.

**GMU 516-PACKWOOD (Lewis and Skamania counties):**

Beginning at US Hwy 12 and Pacific Crest Trail at White Pass; S on Pacific Crest Trail (US Forest Service Trail 2000) to US Forest Service Trail 98 at Sheep Lake; W on US Forest Service Trail 98 to US Forest Service Rd 2160 at Walupt Lake; W on US Forest Service Rd 2160 to US Forest Service Rd 21; S and W on US Forest Service Rd 21 to US Forest Service Rd 23; S on US Forest Service Rd 23 to US Forest Service Trail 263; S and W on US Forest Service Trail 263 to US Forest Service Trail 261; S on US Forest Service Trail 261 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Rd 99; W on US Forest Service Rd 99 to US Forest Service Rd 26; N on US Forest Service Rd 26 to US Forest Service Rd 2612; W on US Forest Service Rd 2612 to US Forest Service Trail 217; N and W on US Forest Service Trail 217 to Weyerhaeuser 2600 line; Weyerhaeuser 2600 line to Weyerhaeuser 2658 line; N on Weyerhaeuser 2658 line to Rainier Timber (Campbell Group) 430 line; N on Rainier Timber 430 line to the Rainier Timber Mainline 400 line; N and E on Rainier Timber Mainline 400 line to Rainier Timber 300 line; E on Rainier Timber 300 line to Rainier Timber 271 line; N on Rainier Timber 271 line to the Cispus River; E on the Cispus River to US Forest Service Rd 25; N on US Forest Service Rd 25 to SR 131; N on SR 131 to US Hwy 12; E on US Hwy 12 to the Pacific Crest Trail (US Forest Service Trail 2000) at White Pass and beginning.

**GMU 520-WINSTON (Cowlitz, Lewis and Skamania counties):**

Beginning at the bridge at intersection of I-5 and the Cowlitz River; S down the Cowlitz River to the Toutle River; E up the Toutle River to the South Fork Toutle River; SE up South Fork Toutle River to Johnson Creek; NE up Johnson Creek to Weyerhaeuser 4400 line; N along Weyerhaeuser 4400 line to Weyerhaeuser 2421 line; N along Weyerhaeuser 2421 line to Weyerhaeuser 2400 line; NW along Weyerhaeuser 2400 line

to Alder Creek; NW down Alder Creek to North Fork Toutle River; W down the North Fork Toutle River to the Green River; E up the Green River to US Forest Service Rd 2612; E on US Forest Service Rd 2612 to US Forest Service Trail 217; N and W on US Forest Service Trail 217 to Weyerhaeuser 2600 line; W on Weyerhaeuser 2600 line to Weyerhaeuser 2658 line; N on Weyerhaeuser 2658 line to Rainier Timber (Campbell Group) 430 line; N on Rainier Timber 430 line to Rainier Timber 400 Mainline; N and E on Rainier Timber 400 Mainline to Rainier Timber 100 Mainline; N on Rainier Timber 100 Mainline to Cowlitz River; W down the Cowlitz River to Riffe Lake; W along the south shore to the Swofford Pond outlet; W along the Swofford Pond outlet to Green Mountain Rd; W on Green Mountain Rd to Perkins Rd; SW on Perkins Rd to Longbell Rd; W on Longbell Rd to Winston Creek Rd; NW on Winston Creek Rd to US Hwy 12; SW on US Hwy 12 to the Mayfield Lake bridge at Mayfield Lake; SW down the south shore of Mayfield Lake to the Cowlitz River at Mayfield Dam; SW down the Cowlitz River to I-5 bridge crossing the Cowlitz River and point of beginning.

**GMU 522-LOO-WIT (Cowlitz and Skamania counties):**

Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; SE up the North Fork Toutle River to Deer Creek; SE up Deer Creek to Weyerhaeuser 3020 line; NW along Weyerhaeuser 3020 line to Weyerhaeuser 3000 line; E along Weyerhaeuser 3000 line to US Forest Service Trail 216G; SE along US Forest Service Trail 216G to the intersection of US Forest Service Trail 238 and US Forest Service Trail 216; S on US Forest Service Trail 238 to South Fork of the Toutle River; E along South Fork Toutle River to its headwaters and Mount St. Helens crater's edge; E along the Mount St. Helens crater's southern edge to the headwaters of Ape Canyon Creek; NE down Ape Canyon Creek to US Forest Service Trail 225 (Smith Creek Trail); N and NW on US Forest Service Trail 225 (Smith Creek Trail) to US Forest Service Rd 99; NE along US Forest Service Rd 99 to US Forest Service Rd 26; N on US Forest Service Rd 26 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Trail 214; NW on US Forest Service Trail 214 to US Forest Service Trail 211; W on US Forest Service Trail 211 to Coldwater Creek; W down Coldwater Creek to Coldwater Lake; SW along the northwest shore of Coldwater Lake to the outlet of Coldwater Lake; SW down the outlet stream from Coldwater Lake to SR 504 bridge at mile post 45; W on SR 504 to Hoffstadt Creek Bridge on Hoffstadt Creek; S and W down Hoffstadt Creek to the North Fork Toutle River and point of beginning.

**GMU 524-MARGARET (Cowlitz, Skamania and Lewis counties):**

Beginning on the North Fork Toutle River at the mouth of the Green River; SE up the North Fork Toutle River to the mouth of Hoffstadt Creek; N and E up Hoffstadt Creek to the SR 504 bridge over Hoffstadt Creek; E on SR 504 to the bridge over the outlet to Coldwater Lake at mile post 45; NE up the outlet stream of Coldwater Lake to Coldwater Lake; NE along the northwest shoreline of Coldwater Lake to Coldwater Creek inlet; E up Coldwater Creek to US Forest Service Trail 211; NE on US Forest Service Trail 211 to US Forest Service Trail 214; SE on US Forest Service Trail 214 to US Forest Service



Trail 1; E on US Forest Service Trail 1 to US Forest Service Rd 26; N on the US Forest Service Rd 26 (Ryan Lake Rd) to US Forest Service Rd 2612; W on US Forest Service Rd 2612 to the Green River; W down the Green River to its mouth on the North Fork of the Toutle River and point of beginning.

**GMU 530-RYDERWOOD (Cowlitz, Lewis and Wahkiakum counties):**

Beginning at Stevens Rd and SR 6, south of the town of Doty; E on SR 6 to I-5 at the town of Chehalis; S on I-5 to the Cowlitz River; S along the Cowlitz River to Public Hwy 10 on the A Street bridge at the town of Castle Rock; W on the Public Hwy 10 to Growler's Gulch Rd; W on Growler's Gulch Rd to Weyerhaeuser 9312 line; W on Weyerhaeuser 9312 line to three power lines; S on the three power lines to Delameter Rd; SW on Delameter Rd to Woodside Dr; SW on Woodside Dr to International Paper Rd 2200; N and W on International Paper Rd 2200 to International Paper Rd 1050; W on International Paper Rd 1050 to International Paper Rd 1000; S on International Paper Rd 1000 to the Germany Creek Rd; S on the Germany Creek Rd to SR 4; W on SR 4 to Germany Creek; S along Germany Creek to its mouth at the Columbia River; W along the Columbia River to Skamokawa Creek (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Germany Creek); NE up Skamokawa Creek to SR 4; E on SR 4 to Risk Rd; SE on Risk Rd to Foster Rd; S on Foster Rd to the Elochoman River; SE up the Elochoman River to SR 407 (Elochoman Valley Rd); NE on SR 407 (Elochoman Valley Rd) to Weyerhaeuser 500 line at Camp 2; NW on Weyerhaeuser 500 line to Weyerhaeuser 1800 line; N on Weyerhaeuser 1800 line to Weyerhaeuser 1000 line; N on Weyerhaeuser 1000 line to Muller Rd; N on Muller Rd to 3rd St South in the town of Pe Ell; N on 3rd St South to SR 6 at the town of Pe Ell; N on SR 6 to Stevens Rd, south of the town of Doty, and the point of beginning.

**GMU 550-COWEEMAN (Cowlitz County):**

Beginning at the mouth of the Toutle River on the Cowlitz River; E along the Toutle River to the South Fork Toutle River; up the South Fork Toutle River to Weyerhaeuser 4100 line; E on Weyerhaeuser 4100 line to Weyerhaeuser 4950 line; S and E on Weyerhaeuser 4950 line to Weyerhaeuser 235 line; SE on Weyerhaeuser 235 line to Weyerhaeuser 200 line; W on Weyerhaeuser 200 line to Weyerhaeuser 240 line; SE on Weyerhaeuser 240 line to Weyerhaeuser 243 line; E on Weyerhaeuser 243 line to Weyerhaeuser 135A line; S on Weyerhaeuser 135A line to Weyerhaeuser 135 line; E on Weyerhaeuser 135 line to Weyerhaeuser 134 line; SW on Weyerhaeuser 134 line to Weyerhaeuser 133 line; SW on Weyerhaeuser 133 line to Weyerhaeuser 130 line; SW on Weyerhaeuser 130 line to Weyerhaeuser 1680 line; W on Weyerhaeuser 1680 line to Weyerhaeuser 1600 line; SE on Weyerhaeuser 1600 line to Weyerhaeuser 1400 line; W on Weyerhaeuser 1400 line to Weyerhaeuser 1420 line which is the Kalama/Coweeman Summit; SE on Weyerhaeuser 1420 line to Weyerhaeuser 1426 line; W on Weyerhaeuser 1426 line to Weyerhaeuser 1428 line; SW on Weyerhaeuser 1428 line to Weyerhaeuser 1429 line which turns into Weyerhaeuser 6400 line; SW down Weyerhaeuser 6400 line to Weyerhaeuser 6000 line; E on Weyerhaeuser 6000 line to Weyer-

haeuser 6450 line; SE for approximately one mile on Weyerhaeuser 6450 line (crossing the Kalama River) to Weyerhaeuser 6452 line; SE on Weyerhaeuser 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; W on SR 503 to Cape Horn Creek; SE down Cape Horn Creek to Merwin Reservoir; SW along the north shore of Merwin Reservoir to the Lewis River; SW down the Lewis River to the power transmission lines in Section 4, T5N, R2E; NW along the power transmission lines to Northwest Natural Gas Pipeline located east of the town of Kalama, approximately 1/2 mile east of China Gardens Rd; N up the Natural Gas Pipeline right of way to Ostrander Creek; W down Ostrander Creek to the Cowlitz River; N on the Cowlitz River to the Toutle River and point of beginning.

**GMU 554-YALE (Cowlitz and Clark counties):**

Beginning on SR 503 at its crossing of Cape Horn Creek; E on SR 503 to Weyerhaeuser 6600 line (Rock Creek Rd); NE on Weyerhaeuser 6600 line (Rock Creek Rd) to Weyerhaeuser 6690 Rd; N and E on Weyerhaeuser 6690 line to Weyerhaeuser 6696 line; N on Weyerhaeuser 6696 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of the Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to Dog Creek; S down Dog Creek to Yale Reservoir; S and W along western shore of Reservoir to Yale Dam and the North Fork Lewis River; W along the northern shore of the North Fork Lewis River to State Route 503 bridge crossing; S and W along SR 503 to N.E. 221st Ave; N about 1/4 mile on N.E. 221st Ave to N.E. Cedar Creek Rd; W along N.E. Cedar Creek Rd to N.E. Pup Creek Rd; N on N.E. Pup Creek Rd to N.E. Buncome Hollow Rd; N about 1/4 mile on N.E. Buncome Hollow Rd to electrical transmission line; S and W on the electrical transmission line to the north shore of the North Fork Lewis River; NE along the north shore of the North Fork Lewis River to Merwin Reservoir at the Merwin Dam; NE along the north shore of Merwin Reservoir to Cape Horn Creek; NW up Cape Horn Creek to SR 503 and the point of beginning.

**GMU 556-TOUTLE (Cowlitz County):**

Beginning on the intersection of SR 503 (Lewis River Rd) and US Forest Service Rd 81 (Merrill Lake Rd); N on US Forest Service Rd 81 to Weyerhaeuser 7200 line; NW on Weyerhaeuser 7200 line to Weyerhaeuser 7400 line; N on Weyerhaeuser 7400 line to Weyerhaeuser 5500 line; E and N on Weyerhaeuser 5500 line to Weyerhaeuser 5670 line; N and E on Weyerhaeuser 5670 line to Weyerhaeuser 5660 line; N on Weyerhaeuser 5660 line about a 1/4 mile to the South Fork Toutle River; E on the South Fork Toutle River to US Forest Service Trail 238; N on US Forest Service Trail 238 to the intersection of US Forest Service Trail 216 and US Forest Service Trail 216G; NW on US Forest Service Trail 216G to Weyerhaeuser 3000 line; W on Weyerhaeuser 3000 line to Weyerhaeuser 3020 line; SE on Weyerhaeuser 3020 line to Deer Creek; NW down Deer Creek to the North Fork Toutle River; down the North Fork Toutle River to Alder Creek; up Alder Creek to Weyerhaeuser 2400 line; S on Weyerhaeuser 2400 line to Weyerhaeuser 2421 line; S on Weyerhaeuser 2421 line to Weyerhaeuser 4400 line; S and W along Weyerhaeuser 4400 line to Johnson Creek; S along Johnson Creek to the South Fork Toutle River; SE up the South Fork Toutle



River to Weyerhaeuser 4100 line; E on Weyerhaeuser 4100 line to the Weyerhaeuser 4950 line; S and E on Weyerhaeuser 4950 line to Weyerhaeuser 235 line; SE on Weyerhaeuser 235 line to Weyerhaeuser 200 line; W on Weyerhaeuser 200 line to Weyerhaeuser 240 line; SE on Weyerhaeuser 240 line to Weyerhaeuser 243 line; E on Weyerhaeuser 243 line to Weyerhaeuser 135A line; S on Weyerhaeuser 135A line to Weyerhaeuser 135 line; E on Weyerhaeuser 135 line to Weyerhaeuser 134 line; SW on Weyerhaeuser 134 line to Weyerhaeuser 133 line; SW on Weyerhaeuser 133 line to Weyerhaeuser 130 line; SW on Weyerhaeuser 130 line to Weyerhaeuser 1680 line; W on Weyerhaeuser 1680 line to Weyerhaeuser 1600 line; SE on Weyerhaeuser 1600 line to Weyerhaeuser 1400 line; W on Weyerhaeuser 1400 line to Weyerhaeuser 1420 line which is the Kalama/Coweeman Summit; SE on Weyerhaeuser 1420 line to Weyerhaeuser 1426 line; W on Weyerhaeuser 1426 line to Weyerhaeuser 1428 line; SW on Weyerhaeuser 1428 line to Weyerhaeuser 1429 line; SW on Weyerhaeuser 1429 line to Weyerhaeuser 6400 line; SW on Weyerhaeuser 6400 line to Weyerhaeuser 6000 line; E on Weyerhaeuser 6000 line to Weyerhaeuser 6450 line; SE for approximately one mile on Weyerhaeuser 6450 line (crossing the Kalama River) to Weyerhaeuser 6452 line; SE on Weyerhaeuser 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; E on SR 503 to Weyerhaeuser 6600 line (Rock Creek Rd); NE on Weyerhaeuser 6600 line (Rock Creek Rd) to Weyerhaeuser 6690 Rd; N and E on Weyerhaeuser 6690 line to Weyerhaeuser 6696 line; N on Weyerhaeuser 6696 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to US Forest Service Rd 81 and point of beginning.

**~~((GMU 558-MARBLE (Cowlitz and Skamania counties):~~**  
~~Beginning on SR 503 (Lewis River Rd) and the US Forest Service Rd 81 intersection; N on US Forest Service Rd 81 to Weyerhaeuser 7200 line; NE on Weyerhaeuser 7200 line to Weyerhaeuser 7400 line; NW on Weyerhaeuser 7400 line to Weyerhaeuser 5500 line; E and N on Weyerhaeuser 5500 line to Weyerhaeuser 5670 line; N and E on Weyerhaeuser 5670 line to Weyerhaeuser 5660 line; N on Weyerhaeuser 5660 line about 1/4 mile to the South Fork Toutle River; E along South Fork Toutle River to its headwaters and Mount St. Helens crater's edge; E along the Mount St. Helens crater's southern edge to the headwaters of Ape Canyon Creek; NE down Ape Canyon Creek to the US Forest Service Trail 225 (Smith Creek Trail); N and NW on US Forest Service Trail 225 (Smith Creek Trail) to US Forest Service Rd 99; NE on US Forest Service Rd 99 to US Forest Service Trail 1; S and E on US Forest Service Trail 1 to US Forest Service Rd 25; S on US Forest Service Rd 25 to the Muddy River; S down the Muddy River to the North Fork Lewis River; W down the North Fork Lewis River to the Swift Reservoir; W along the north shore of the Swift Reservoir to Swift Dam and the Lewis River; W down the Lewis River to Yale Reservoir; W along the north shore of the Yale Reservoir to the mouth of Dog Creek; N up Dog Creek to SR 503; SW on SR 503 to US Forest Service Rd 81 and point of beginning.))~~

**GMU 560-LEWIS RIVER (Cowlitz, Skamania, Klickitat, Yakima and Lewis counties):**

Beginning on SR 141 and Mount Adams Recreational Area Rd at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service Rd 80 (Mount Adams Recreational Area Rd); N on US Forest Service Rd 80 (Mount Adams Recreational Area Rd) to US Forest Service Rd 82 (Mount Adams Recreational Area Rd); N on US Forest Service Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); N along the Yakama Indian reservation boundary (Cascade Mountain Range Crest) to US Forest Service Trail 2000 (Pacific Crest Trail) in Section 3, T11N, R11E; S on US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Trail 98 at Sheep Lake; W on US Forest Service Trail 98 to US Forest Service Rd 2160 at Walupt Lake; W on US Forest Service Rd 2160 to US Forest Service Rd 21; S and W on US Forest Service Rd 21 to US Forest Service Rd 23; S on US Forest Service Rd 23 to US Forest Service Trail 263; S and W on US Forest Service Trail 263 to US Forest Service Trail 261; S on US Forest Service Trail 261 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Rd ((~~25; S on US Forest Service Rd 25 to the Muddy River; S down the Muddy River to the North Fork Lewis River; W down the North Fork Lewis River to US Forest Service Rd 90 bridge (Eagle Cliff))~~ 99; S and W on US Forest Service Rd 99 to US Forest Service Trail 225 (Smith Creek Trail); S on US Forest Service Trail 225 to Ape Canyon Creek; S and W up Ape Canyon Creek to Mount St. Helens crater's eastern edge; W along Mount St. Helens crater's southern edge to headwaters of S Fork Toutle River; W along S Fork Toutle River to Weyerhaeuser 5660 line; S along Weyerhaeuser 5660 line to Weyerhaeuser 5670 line; S and W on Weyerhaeuser 5670 line to Weyerhaeuser 5500 line; S and W on Weyerhaeuser 5500 line to Weyerhaeuser 7400 line; S and E on Weyerhaeuser 7400 line to Weyerhaeuser 7200 line; S and E on Weyerhaeuser 7200 line to US Forest Service Rd 81; S on US Forest Service Rd 81 to State Route 503; N and E on State Route 503 to Dog Creek; S down Dog Creek to the N shore of Yale Reservoir; E along N shore of Yale Reservoir to N Fork Lewis River; E up the Lewis River to Swift Dam and Swift Reservoir; E along the N shore of Swift Reservoir to N Fork Lewis River; E up N Fork Lewis River to US Forest Service Rd 90 Bridge (Eagle Cliff); E on US Forest Service Rd 90 to US Forest Service Rd 51 (Curly Creek Rd); SE on US Forest Service Rd 51 (Curly Creek Rd) to US Forest Service Rd 30; NE on US Forest Service Rd 30 to US Forest Service Rd 24; SE on US Forest Service Rd 24 to SR 141; NE on SR 141 to Mount Adams Recreational Area Rd, at the town of Trout Lake and point of beginning.

**GMU 564-BATTLE GROUND (Clark, Skamania, and Cowlitz counties):**

Beginning at the mouth of Ostrander Creek on the Cowlitz River; E up Ostrander Creek approximately 1 1/2 miles to the second Northwest Natural Gas Pipeline right of way crossing Ostrander Creek, east of the railroad crossing; S along the Northwest Natural Gas Pipeline right of way to the power transmission lines right of way located east of the town of Kalama, approximately 1/2 mile east of China Garden Rd; SE along the power transmission lines right of way across the

north fork of the Lewis River in the northeast corner of Section 4, T5N, R2E to N.E. Buncome Hollow Rd; S on N.E. Buncome Hollow Rd to N.E. Pup Creek Rd; S on N.E. Pup Creek Rd to N.E. Cedar Creek Rd; E on N.E. Cedar Creek Rd to 221st Ave; S along 221st Ave about 1/4 mile to SR 503; SE along SR 503 to N.E. Amboy Rd; S on N.E. Amboy Rd to N.E. Yacolt Rd; E on Yacolt Rd to Railroad Ave; SE on Railroad Ave to Lucia Falls Rd; W on Lucia Falls Rd to Hantwick Rd; SE on Hantwick Rd to Basket Flats Rd; W on Basket Flats Rd to N.E. 197th Ave; S on N.E. 197th Ave to N.E. 279th St; W on N.E. 279th St to N.E. 182nd Ave; S on N.E. 182nd Ave to N.E. 259th St; E on N.E. 259th St to N.E. 220th Ave; S on N.E. 220th Ave to N.E. Cresap Rd; SE on N.E. Cresap Rd to N.E. 222nd Ave; S on N.E. 222nd Ave to N.E. Allworth Rd; E on N.E. Allworth Rd to NE 232nd Ave; S on N.E. 232nd Ave to N.E. 237th St; E on N.E. 237th St to N.E. 240th Ave; S on N.E. 240th Ave to N.E. Berry Rd; NE on N.E. Berry Rd to the DNR L-1410 Rd; SE on L-1410 Rd to the DNR L-1400 Rd; W on L-1400 Rd to N.E. Rawson Rd; W on N.E. Rawson Rd to N.E. Powell Rd; SW on N.E. Powell Rd to N.E. 212th Ave; S on N.E. 212th Ave to N.E. 109th St; E on N.E. 109th St to N.E. 222nd Ave; S on N.E. 222nd Ave to N.E. 83rd St; W on N.E. 83rd St to N.E. 217th Ave; S on N.E. 217th Ave to N.E. 68th St; E on N.E. 68th St to N.E. 232nd Ave; S on N.E. 232nd Ave to SR 500; SE on SR 500 to N.E. 53rd St; E on N.E. 53rd St to N.E. 292nd Ave; S on N.E. 292nd Ave to N.E. Ireland Rd; E on N.E. Ireland Rd to N.E. Stauffer Rd; SW on N.E. Stauffer Rd to N.E. 292nd Ave; S on N.E. 292nd Ave to N.E. Reilly Rd; SW on N.E. Reilly Rd to N.E. Blair Rd; SE on N.E. Blair Rd to N.E. Zeek Rd; E on N.E. Zeek Rd to N.E. 10th St; E on N.E. 10th St to N.E. 312th Ave; S on N.E. 312th Ave to N.E. 9th St; E on N.E. 9th St to N.E. 322nd Ave; N on N.E. 322nd Ave to N.E. Ammeter Rd; NE on N.E. Ammeter Rd approximately 1/8th mile to the power transmission lines; E along the northern margin of the power transmission lines to N.E. Hughes Rd; N on N.E. Hughes Rd to N.E. 392nd Ave; N on N.E. 392nd Ave to N.E. 28th St; E on N.E. 28th St to N.E. Miller Rd; NE on N.E. Miller Rd to N.E. 39th St; E on N.E. 39th St to Skye Rd; SE on Skye Rd to Washougal River Rd; S on Washougal River Rd to SR 140; SE on SR 140 to Cape Horn Rd; S on Cape Horn Rd to Columbia River; W down the Columbia River to the Cowlitz River (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and the Cowlitz River); N along Cowlitz River to Ostrander Creek and point of beginning.

**GMU 568-WASHOUGAL (Clark and Skamania counties):**

Beginning on the Lewis River at SR 503; E on Lewis River (Cowlitz-Clark County line) to Canyon Creek; SE along Canyon Creek to N.E. Healy Rd; E on N.E. Healy Rd to US Forest Service Rd 54; E on US Forest Service Rd 54 to US Forest Service Rd 37; NW on US Forest Service Rd 37 to US Forest Service Rd 53; S on US Forest Service Rd 53 to US Forest Service Rd 4205 (Gumboat Rd); S on US Forest Service Rd 4205 to US Forest Service Rd 42 (Green Fork Rd); SW on US Forest Service Rd 42 to US Forest Service Rd 41 at Sunset Falls; E on US Forest Service Rd 41 to US Forest Service Rd 406 at Little Lookout Mountain; SE on US Forest Service Rd

406 to the boundary of the Gifford Pinchot National Forest; due E on the national forest boundary to Rock Creek; SE along Rock Creek to the Columbia River at the town of Stevenson; W down the Columbia River to the Cape Horn Rd (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and Rock Creek); N on Cape Horn Rd to SR 140; W on SR 140 to Washougal River Rd; E on Washougal River Rd to Skye Rd; NW on Skye Rd to N.E. 39th St; W on N.E. 39th St to N.E. Miller Rd; SW on N.E. Miller Rd to N.E. 28th St; W on N.E. 28th St to N.E. 392nd Ave; S on N.E. 392nd Ave to N.E. Hughes Rd; S on N.E. Hughes Rd approximately 1/8th mile to the power transmission lines; W along the northern margin of the power transmission lines to N.E. Ammeter Rd; SW on N.E. Ammeter Rd to N.E. 322nd Ave; S on N.E. 322nd Ave to N.E. 9th St; W on N.E. 9th St to N.E. 312th Ave; N on N.E. 312th Ave to N.E. 10th St; W on N.E. 10th St to N.E. Zeek Rd; W on N.E. Zeek Rd to N.E. Blair Rd; NW on N.E. Blair Rd to N.E. Reilly Rd; NE on N.E. Reilly Rd to N.E. 292nd Ave; NE on N.E. 292nd Ave to N.E. Stauffer Rd; NE on N.E. Stauffer Rd to N.E. Ireland Rd; W on N.E. Ireland Rd to N.E. 292nd Ave; N on N.E. 292nd Ave to N.E. 53rd St; W on N.E. 53rd St to SR 500; NW on SR 500 to N.E. 232nd Ave; N on N.E. 232nd Ave to N.E. 68th St; W on N.E. 68th St to N.E. 217th Ave; N on N.E. 217th Ave to N.E. 83rd St; E on N.E. 83rd St to N.E. 222nd Ave; N on N.E. 222nd Ave to NE 109th St; W on N.E. 109th St to N.E. 212th Ave; N on N.E. 212th Ave to N.E. Powell Rd; NE on N.E. Powell Rd to N.E. Rawson Rd; E on Rawson Rd to DNR L-1400 Rd; E on DNR L-1400 Rd to DNR L-1410 Rd; NW on DNR L-1410 Rd to N.E. Berry Rd; SW on N.E. Berry Rd to N.E. 240th Ave; N on N.E. 240th Ave to N.E. 237th St; W on N.E. 237th St to N.E. 232nd Ave; N on N.E. 232nd Ave to N.E. Allworth Rd; W on N.E. Allworth Rd to N.E. 222nd Ave; N on N.E. 222nd Ave to N.E. Cresap Rd; NW on N.E. Cresap Rd to N.E. 220th Ave; N on N.E. 220th Ave to N.E. 259th St; W on N.E. 259th St to N.E. 182nd Ave; N on N.E. 182nd Ave to N.E. 279th St; E on N.E. 279th St to N.E. 197th Ave; N on N.E. 197th Ave to N.E. Basket Flats Rd; E on N.E. Basket Flats Rd to N.E. Hantwick Rd; NW on N.E. Hantwick Rd to Lucia Falls Rd; E on Lucia Falls Rd to Railroad Ave; NW on Railroad Ave to N.E. Yacolt Rd; W on N.E. Yacolt Rd to N.E. Amboy Rd; N on N.E. Amboy Rd to N.E. 221st Ave; N on 221st Ave to SR 503; NE along SR 503 to the Lewis River and point of beginning.

**GMU 572-SIOUXON (Skamania and Clark counties):**

Beginning at the Yale Dam at Yale Lake; N then E along the shore of Yale Lake to the Lewis River; NE along the Lewis River to Swift Reservoir; E along the north shore Swift Reservoir to US Forest Service Rd 90 at the Eagle Cliff bridge; E on US Forest Service Rd 90 to US Forest Service Rd 51 (Curly Creek Rd); SE on US Forest Service Rd 51 to US Forest Service Rd 30 (Wind River Rd); N on US Forest Service Rd 30 to US Forest Service Rd 24 (Twin Butte Rd); S on US Forest Service Rd 24 to US Forest Service Rd 60 (Carson Guler Rd); SW on US Forest Service Rd 60 to US Forest Service Rd 65; SW on US Forest Service Rd 65 to the Wind River Rd; NW on the Wind River Rd to Hemlock Rd at the town of Stabler; W on Hemlock Rd to US Forest Service Rd 41 (Sunset-Hemlock Rd); W on the US Forest Service Rd 41

to US Forest Service Road 42 (Green Fork Rd) at Sunset Falls; NE on US Forest Service Rd 42 to US Forest Service Rd 4205 (Gumboat Rd); N on US Forest Service Rd 4205 to US Forest Service Rd 53; NW on US Forest Service Rd 53 to US Forest Service Rd 54 (N.E. Healy Rd); W on US Forest Service Rd 54 to Canyon Creek; N down Canyon Creek to the Lewis River; NE up the Lewis River to the Yale Dam and the point of beginning.

**GMU 574-WIND RIVER (Skamania and Klickitat counties):**

Beginning at SR 141 and US Forest Rd 86, SW of the town of Trout Lake; S on US Forest Service Rd 86 to US Forest Service Rd 1840; S on US Forest Service Rd 1840 to US Forest Service Rd 18 (Oklahoma Rd); S on US Forest Service Rd 18 to Willard Rd, at the town of Willard; E on Willard Rd to the Little White Salmon River; S down the Little White Salmon River to the Columbia River; W down the Columbia River to the mouth of Rock Creek (including all islands in the Columbia River that are both north of the Washington state line and between the Little White Salmon River and Rock Creek); NW along Rock Creek through the town of Stevenson to the southern boundary of the Gifford Pinchot National Forest; W along the southern boundary of the Gifford Pinchot National Forest to US Forest Service Rd 4100-406; NW on US Forest Service Rd 4100-406 to the US Forest Service Rd 41 (Sunset-Mowich Rd) at Little Lookout Mountain; E on US Forest Service Rd 41 to Hemlock Rd; E on Hemlock Rd to Wind River Rd at the town of Stabler; SE on Wind River Rd to Old State Rd; E on Old State Rd to US Forest Service Rd 65 (Panther Creek Rd); N on US Forest Service Rd 65 to US Forest Service Road 60 (Carson-Guler); NE on US Forest Service 60 to US Forest Service 24 (also called Carson-Guler); E on US Forest Service Rd 24 to SR 141; NE, E and SE on SR 141 to US Forest Service Rd 86, SW of the town of Trout Lake, and the point of beginning.

**GMU 578-WEST KLICKITAT (Klickitat, Yakima, and Skamania counties):**

Beginning at the mouth of the Little White Salmon River on the Columbia River; N up the Little White Salmon River to Willard Road bridge, E of Willard; W on Willard Rd to US Forest Service Rd 18 (Oklahoma Rd); N on US Forest Service Rd 18 to US Forest Service 1840; N on US Forest Service Rd 1840 to US Forest Service Rd 86; N on US Forest Service Road 86 to SR 141; NE on SR 141 to Mount Adams Recreation Area Road, at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service Rd 80 (Mount Adams Recreational Area Rd); N on US Forest Service Rd 80 (Mount Adams Recreational Area Rd) to US Forest Service Rd 82 (Mount Adams Recreational Area Rd); N on US Forest Service Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); S along the Yakama Indian Reservation boundary to the Reservation's SW corner at King Mountain (Section 27, T7N, R11E); E along the Yakama Indian Reservation boundary to the end of King Mountain Rd, about 1 mile; N along the Yakama Indian Reservation boundary to its corner in Section 2, T7N, R11E; E along the Yakama Indian Reservation boundary to the NE corner of Section 4, T7N, R12E; SE along the Yakama Indian Reservation boundary to Summit Creek Rd; SW on Summit

Creek Rd to Glenwood-Goldendale Hwy; NW on Glenwood-Goldendale Hwy to Lakeside Rd; S on Lakeside Rd to Fisher Hill Rd (P-2000); S on Fisher Hill Rd to the Fisher Hill bridge crossing the Klickitat River; S and SW down the Klickitat River to the Columbia River; W down the Columbia River to the mouth of the Little White Salmon River and the point of beginning (including all islands in the Columbia River which are both north of the Washington state line and between the Klickitat River and the Little White Salmon River).

**GMU 588-GRAYBACK (Klickitat County):**

Beginning at the US Hwy 97 bridge crossing the Columbia River; W down the Columbia River to the mouth of the Klickitat River at the town of Lyle (including all islands in the Columbia River which are both north of the Washington state line and between the US Hwy 97 bridge and the Klickitat River); N up the Klickitat River to the Fisher Hill Rd (P-2000) at the Fisher Hill bridge; N along Fisher Hill Rd to Lakeside Rd; S on Lakeside Rd to Glenwood-Goldendale Hwy; E and SE on Glenwood-Goldendale Hwy to Summit Creek Rd; NE on Summit Creek Rd to the Yakama Indian Reservation; E along the southern boundary of the Yakama Indian Reservation to US Hwy 97 (Satus Pass Hwy); S on US Hwy 97 to US Hwy 97 bridge crossing the Columbia River and point of beginning.

AMENDATORY SECTION (Amending Order 03-23, filed 3/5/03, effective 4/5/03)

**WAC 232-28-336 Game management units (GMUs) boundary descriptions—Region six.**

**GMU 601-HOKO (Clallam County):**

Beginning on the Makah Indian reservation boundary and the Strait of Juan de Fuca; SE along the shore of the Strait of Juan de Fuca to the mouth of the Hoko River; S along the Hoko River to SR 112; SE on SR 112 to the Hoko-Ozette Rd; SW on the Hoko-Ozette Rd to the Olympic National Park boundary near Ozette; N along the Olympic National Park boundary to the Makah Indian reservation boundary; E and N along the Makah Indian reservation boundary to the Strait of Juan de Fuca and the point of beginning.

**GMU 602-DICKEY (Clallam County):**

Beginning at the mouth of the Hoko River and the Strait of Juan de Fuca; SE along the shore of the Strait of Juan de Fuca to the mouth of the Clallam River; S along the Clallam River to SR 112; S on SR 112 to the Burnt Mountain Rd (SR 113); S on the Burnt Mountain Rd (SR 113) to US Hwy 101 at the town of Sappho; SW on US Hwy 101 to the LaPush Rd; SW on the LaPush Rd to the Olympic National Park boundary; N along the Olympic National Park boundary to the Hoko-Ozette Rd; NE on the Hoko-Ozette Rd to SR 112; NW on SR 112 to the Hoko River; NW on the Hoko River to its mouth on the Strait of Juan De Fuca and the point of beginning.

**GMU 603-PYSHT (Clallam County):**

Beginning at the mouth of the Clallam River on Strait of Juan de Fuca; E along the shore of the Strait of Juan de Fuca to the mouth of the Elwha River; S along the Elwha River to the Olympic National Park boundary; W along the Olympic National Park boundary to one mile west of Lake Crescent; S

on the Olympic National Park boundary to US Hwy 101; W on US Hwy 101 to the Burnt Mountain Rd (SR 113); N on the Burnt Mountain Rd (SR 113) to SR 112; N on SR 112 to the Clallam River; N along the Clallam River to its mouth and the point of beginning (~~(except Private Lands Wildlife Management Area 600, Merrill and Ring)~~).

**GMU 607-SOL DUC (Clallam County):**

Beginning at US Hwy 101 at the town of Sappho; E on US Hwy 101 to the Olympic National Park boundary; S and W along the Olympic National Park boundary to the Bogachiel River; W along the Bogachiel River to US Hwy 101; N on US Hwy 101, through the town of Forks, to the town of Sappho and the point of beginning.

**GMU 612-GOODMAN (Jefferson and Clallam counties):**

Beginning approximately two miles east of the town of LaPush on the Olympic National Park boundary and LaPush Rd intersection; NE on LaPush Rd to US Hwy 101 at the town of Forks; S on US Hwy 101, across the Hoh River, and west to Olympic National Park Boundary; N on the Olympic National Park boundary to LaPush Rd and the point of beginning.

**GMU 615-CLEARWATER (Jefferson County):**

Beginning on US Hwy 101 and the Bogachiel River; E along the Bogachiel River to the Olympic National Park boundary; SE and W on the Olympic National Park boundary to the Quinault Indian reservation boundary; W on the Quinault Indian reservation boundary to the Olympic National Park boundary; N along the Olympic National Park boundary to US Hwy 101; E, N, and W on US Hwy 101 to the Bogachiel River and the point of beginning.

**GMU 618-MATHENY (Jefferson and Grays Harbor counties):**

Beginning at the boundary junction of Olympic National Park and the Quinault Indian reservation, east of the Queets River Rd; N, E, S, and W along the Olympic National Park boundary to the park and Quinault Indian reservation boundary junction north of Lake Quinault; NW along the Quinault Indian reservation boundary to its junction with the boundary of Olympic National Park, east of the Queets River Rd, and the point of beginning, including the Olympic National Forest land and private land one mile west of Lake Quinault and bounded by the Olympic National Park and the Quinault Indian reservation.

**GMU 621-OLYMPIC (Jefferson, Clallam and Mason counties):**

Beginning at the Olympic National Park boundary and the Elwha River; N along the Elwha River to US Hwy 101; E on US Hwy 101, through Port Angeles and Sequim, to the Chimaicum Center Rd at the town of Quilcene; N on the Chimaicum Center Rd to the East Quilcene Rd; E on the East Quilcene Rd to Quilcene Bay; S along the shore of Quilcene Bay to Dabob Bay; S along the shore of Dabob Bay to Hood Canal; SW along the shore of Hood Canal to Finch Creek; upstream on Finch Creek to US Hwy 101; S on US Hwy 101 to SR 119; W on SR 119 to Standstill Dr (Power Dam Rd); W on Standstill Dr (Power Dam Rd) to Upper Cushman Dam and the shore of Lake Cushman; NW on the west shore of

Lake Cushman to the North Fork Skokomish River; N along the North Fork Skokomish River to the Olympic National Park boundary; N and W on the Olympic National Park boundary to the Elwha River and the point of beginning.

**GMU 624-COYLE (Clallam and Jefferson counties):**

Beginning at the mouth of the Elwha River and the Strait of Juan de Fuca; north from the mouth of the Elwha River to the Clallam county line in the Strait of Juan De Fuca; NE on the Clallam county line to Clallam-San Juan county line; NE on the Clallam-San Juan county line to the Jefferson-San Juan county line; NE on the Jefferson-San Juan county line to the Jefferson-Island county line; S then SE on the Jefferson-Island county line to the Kitsap-Island county line; SE on the Kitsap-Island county line to a point due east of Point No Point; W from the Kitsap-Island county line to Point No Point; NW, S, N, and SW along the coast of the Kitsap peninsula to Cougar Spit; W from Cougar Spit to Finch Creek at the town of Hoodspout; NE along the east shore of Hood Canal to Dabob Bay; N along the shore of Dabob Bay and Quilcene Bay to East Quilcene Rd; W on East Quilcene Rd to the Chimaicum Center Rd; S on Chimaicum Center Rd to US Hwy 101; N and W on US Hwy 101 through Sequim and Port Angeles to the Elwha River; N down the Elwha River to its mouth and the Strait of Juan de Fuca and the point of beginning.

**GMU 627-KITSAP (Kitsap, Mason, and Pierce counties):**

Beginning at the Hood Canal Bridge; E, S, N, and SE along the shore of the Kitsap peninsula to Point No Point; due E from Point No Point to Kitsap-Island county line in the Puget Sound; S along the Kitsap-Island county line to the Kitsap-Snohomish county line; S along the Kitsap-Snohomish county line to Kitsap-King county line; S along the Kitsap-King county line to the King-Pierce county line; S on the King-Pierce county line to the outlet of the Tacoma Narrows; S through the Tacoma Narrows, past Fox Island (which is included in this GMU), to Carr Inlet; NW up Carr Inlet around McNeil and Gertrude Islands (which are excluded from this GMU), to Pitt Passage; SW through Pitt Passage and Drayton Passage to the Pierce-Thurston county line in the Nisqually Reach; NW along the Pierce-Thurston county line to the Pierce-Mason county line; NW on the Pierce-Mason county line in the Nisqually Reach to North Bay; along the east shore of North Bay to SR 3 at the town of Allyn; N on SR 3 to the Old Belfair Hwy at the town of Belfair; N on the Old Belfair Hwy to the Bear Creek-Dewatto Rd; W on the Bear Creek-Dewatto Rd to the Dewatto Rd West; N along the Dewatto Rd to its intersection with the Albert Pfundt Rd; N on the Albert Pfundt Rd to Anderson Creek; E down Anderson Creek to the east shore of the Hood Canal; N from Anderson Creek along the east shore of Hood Canal to the Hood Canal bridge and the point of beginning.

**GMU 633-MASON (Mason and Kitsap counties):**

Beginning at the mouth of Anderson Creek on the eastern shore of Hood Canal; W along Anderson Creek to Albert Pfundt Rd; S on the Albert Pfundt Rd to West Dewatto Rd; S on West Dewatto Rd to Bear Creek-Dewatto Rd; E along Bear Creek-Dewatto Rd to Old Belfair Hwy; S on Old Belfair Hwy to SR 3 at the town of Belfair; S on SR 3 to North Bay at the town of Allyn; N along the west shore of North Bay; S

along the east shore of North Bay to Pierce-Mason county line at Case Inlet; SE along the Pierce-Mason county line through Case Inlet to the Mason-Thurston county line; W along the Mason-Thurston county line through Dana Passage, Squaxin Passage, and Totten Inlet to US Hwy 101 at Oyster Bay; N on US Hwy 101 Finch Creek at the town of Hoodspport; E from Finch Creek across Hood Canal to Cougar Spit on the east shore of the Hood Canal; N from Cougar Spit along the east shore of Hood Canal to the mouth of Anderson Creek and the point of beginning.

**GMU 636-SKOKOMISH (Grays Harbor and Mason counties):**

Beginning on the Olympic Park boundary and the North Fork Skokomish River; S along the North Fork Skokomish River to Lake Cushman; SE along the west shore of Lake Cushman to Standstill Dr (Power Dam Rd) at the Upper Cushman Dam; E on the Standstill Dr to SR 119; SE on Lake Cushman Rd to US Hwy 101 at the town of Hoodspport; S on US Hwy 101 to the Shelton-Matlock Rd at the town of Shelton; W on the Shelton-Matlock Rd to the Matlock-Brady Rd; S on the Matlock-Brady Rd to Deckerville Rd south of the town of Matlock; W on Deckerville Rd to Boundary Rd (Middle Satsop Rd); W and S on Boundary Rd (Middle Satsop Rd) to Kelly Rd; N on Kelly Rd to US Forest Service Rd 2368 (Simpson Timber 500 line); N on US Forest Service Rd 2368 (Simpson Timber 500 line) to US Forest Service Rd 2260 (Simpson Timber 600 line); W on US Forest Service Rd 2260 (Simpson Timber 600 line) to Wynoochee Rd (US Forest Service Rd 22); NW and W on US Forest Service Rd 22 (Wynoochee Rd) to US Forest Service Rd 2294, 1/4 mile east of Big Creek; NW on US Forest Service Rd 2294 which parallels Big Creek, to junction with US Forest Service Rd 2281; W on US Forest Service Rd 2281, to the watershed divide between the Humptulips River watershed and the Wynoochee River watershed; N on the ridge between the Humptulips River watershed and Wynoochee River watershed to Olympic National Park boundary; E along the Olympic National Park boundary to the north fork of the Skokomish River and the point of beginning.

**GMU 638-QUINALT RIDGE (Grays Harbor and Jefferson counties):**

Beginning on the Olympic National Park boundary and the Quinault Indian reservation boundary at the northwest corner of Lake Quinault; NE along the west shore of Lake Quinault to the Quinault River; NE on the Olympic National Park boundary, along the Quinault River, to the Olympic National Park boundary west of Bunch Creek; S and NE on the Olympic National Park boundary to the ridge between the Wynoochee River watershed and Humptulips River watershed; S along the ridge between the Humptulips River watershed and the Wynoochee River watershed to its intersection with US Forest Service Rd 2281; E along US Forest Service Rd 2281 to US Forest Service Rd 2294; SE on US Forest Service Rd 2294, paralleling Big Creek, to US Forest Service Rd 22 (Donkey Creek Rd); W on the US Forest Service Rd 22 (Donkey Creek Rd) to US Hwy 101; N on US Hwy 101 to the Quinault Indian reservation boundary; NE on the reservation boundary to Lake Quinault; NW along the south shore of

Lake Quinault to the Olympic National Park boundary and the point of beginning.

**GMU 642-COPALIS (Grays Harbor County):**

Beginning at the Quinault Indian reservation and US Hwy 101 south of Lake Quinault; S on US Hwy 101 to the Hoquiam River in the city of Hoquiam; S along the Hoquiam River to the north shore of Grays Harbor; W along the north shore of Grays Harbor to the Pacific Ocean; N along the shore of the Pacific Ocean to the Quinault Indian reservation boundary; E and NE along the Quinault Indian reservation to US Hwy 101 south of Lake Quinault and the point of beginning.

**GMU 648-WYNOOCHEE (Grays Harbor County):**

Beginning at the junction of US Hwy 101 and the Donkey Creek Rd; NE along the Donkey Creek Rd (US Forest Service Rd 22) to its junction with the Donkey Creek-Grisdale Rd; continuing E on this road (US Forest Service Rd 22) to Camp Grisdale (south of Wynoochee Lake); S along the Wynoochee Rd (US Forest Service Rd 22) to US Forest Service Rd 2260 (Simpson Timber 600 line); E on US Forest Service Rd 2260 (Simpson Timber 600 line) to US Forest Service Rd 2368 (Simpson Timber 500 line); S on US Forest Service Rd 2368 (Simpson Timber 500 line) to Kelly Rd; S on Kelly Rd to Boundary Rd (Middle Satsop Rd); S on Boundary Rd (Middle Satsop Rd) to Cougar Smith Rd; W on Cougar Smith Rd to the west fork of the Satsop River; S down the west fork Satsop River to the Satsop River; S down the Satsop River to US Hwy 12; W along US Hwy 12 to its junction with US Hwy 101 in the town of Aberdeen; SE along US Hwy 101 to the north shore of the Chehalis River; W along the north shore of the Chehalis River to the north shore of Grays Harbor; W along the north shore of Grays Harbor to the mouth of the Hoquiam River; N up the Hoquiam River to US Hwy 101; W and N along US Hwy 101 to its junction with the Donkey Creek Rd (US Forest Service Rd 22) and the point of beginning. INCLUDES Rennie Island.

**GMU 651-SATSOP (Grays Harbor, Mason and Thurston counties):**

Beginning at the US Hwy 12 bridge on the Satsop River; N up the Satsop River to its junction with the west fork of the Satsop River; N up the west fork of the Satsop River to Cougar Smith Rd; E on Cougar Smith Rd to Boundary Rd (Middle Satsop Rd); N and E on Boundary Rd (Middle Satsop Rd) to Deckerville Rd; E on Deckerville Rd to Matlock-Brady Rd; N on Matlock-Brady Rd to the town of Matlock; E on Shelton-Matlock Rd to its junction with US Hwy 101 west of the town of Shelton; S on US Hwy 101 to its junction with SR 8; W on SR 8 to its junction with US Hwy 12; W along US Hwy 12 to bridge over the Satsop River and the point of beginning.

**GMU 652-PUYALLUP (Pierce and King counties):**

Beginning at Redondo Junction on the shore of Puget Sound and Redondo Way South; SE on Redondo Way South to SR 509; E on SR 509 to Pacific Hwy South (Old Hwy 99) (SR 99); S on Pacific Hwy South to SR 18 at the city of Auburn; E on SR 18 to SR 164; SE on SR 164 to SR 410 (Chinook Pass Hwy) at the town of Enumclaw; E on SR 410 to the second set of power transmission lines near the Mud Mountain

Dam Rd; SW on the power transmission lines to the White River; NW along the White River to the ~~((Campbell Group)) Kapowsin Tree Farm~~ ownership line ~~((Kapowsin Tree Farm))~~ (along west line of Section 6, T19N, R7E); W and S along the ~~((Campbell Group)) Kapowsin Tree Farm~~ ownership line ~~((Kapowsin Tree Farm))~~ to South Prairie Creek (Section 14, T19N, R6E); S up South Prairie Creek to the first intersection with a power transmission line; SW on this power transmission line to Orville Rd East at the Puyallup River; S on Orville Rd East to SR 161; S on SR 161 to the Mashel River; down the Mashel River to the Nisqually River (Pierce-Thurston county line); NW along the Nisqually River, which is the Pierce-Thurston county line, to the Nisqually Reach in the Puget Sound; NW along the Thurston-Pierce county line in the Nisqually Reach to a point on the Thurston-Pierce county line southeast of Drayton Passage Channel; NE through Drayton Passage and Pitt Passage to Carr Inlet; E and S around McNeil Island to a point southwest of the Tacoma Narrows (including McNeil, Gertrude, Anderson and Ketron Islands); NE through the Tacoma Narrows to a point on the Pierce-King county line northeast of the main channel of the Tacoma Narrows; E on the Pierce-King county line to the point where the county line turns southeast, northwest of Dash Point; E to Redondo Junction on the eastern shore of the Puget Sound and the point of beginning ~~((except Private Lands Wildlife Management Area 401 (Campbell Group) (Kapowsin Tree Farm)))~~.

**GMU 653-WHITE RIVER (King and Pierce counties):**

Beginning at the lookout station at Grass Mountain mainline (US Forest Service Rd 7110) and the city of Tacoma Green River Watershed boundary; E on the Green River Watershed boundary to US Forest Service Rd 7032; E along US Forest Service Rd 7032 to US Forest Service Rd 7030; SE along US Forest Service Rd 7030 to Forest Service Rd 7036; SE along US Forest Service Rd 7036 to US Forest Service Rd 7038; SE on US Forest Service Rd 7038 to US Forest Service Trail 2000 (Pacific Crest Trail) at its closest point to US Forest Service Rd 7038 near Windy Gap north of Pyramid Peak; S on the (US Forest Service Trail 2000) Pacific Crest Trail to the Mount Rainier National Park boundary at Chinook Pass; N and W on the Mount Rainier National Park boundary to the Carbon River; NW down the Carbon River to the power transmission line; NE along the power transmission line to South Prairie Creek; N along South Prairie Creek to intersection with ~~((Campbell Group)) Kapowsin Tree Farm~~ ownership line ~~((Kapowsin Tree Farm))~~ (Section 14, T19N, R6E); E and N along ~~((Campbell Group)) Kapowsin Tree Farm~~ ownership line ~~((Kapowsin Tree Farm))~~ to the White River (along west line of Section 6, T19N, R7E); SE along the White River to the power transmission lines on the north side of the White River near Mud Mountain Dam Rd; NE on the power transmission lines to SR 410; E on SR 410 to US Forest Service Rd 7110; N on US Forest Service Rd 7110 to the city of Tacoma Green River Watershed and the point of beginning ~~((except Private Lands Wildlife Management Area 401 (Campbell Group) (Kapowsin Tree Farm)))~~.

**GMU 654-MASHEL (Pierce County):**

Beginning at the power transmission line at the Puyallup River Bridge on Orville Rd East; NE on the power transmis-

sion line to the Carbon River; SE along the Carbon River to the west boundary of Mt. Rainier National Park; S on the Mt. Rainier National Park boundary to the Nisqually River; W down the Nisqually River to the mouth of the Mashel River; N up the Mashel River to the SR 161 bridge (Eatonville-LaGrande Rd); N on SR 161 through Eatonville to Orville Rd East (Kapowsin-Eatonville Rd); N on Orville Rd East to the Puyallup River bridge and the point of beginning ~~((except Private Lands Wildlife Management Area 401 (Campbell Group) (Kapowsin Tree Farm)))~~.

**GMU 658-NORTH RIVER (Grays Harbor and Pacific counties):**

Beginning at the Pacific Ocean and the south shore of Grays Harbor at the Westport Jetty; E along the south shore of Grays Harbor to the mouth of the Chehalis River at the town of Aberdeen; E up the Chehalis River to the US Hwy 101 bridge and US Hwy 101; S on US Hwy 101 to the Willapa River at the town of Raymond; W down the Willapa River to Willapa Bay; W along the north shore of Willapa Bay to the Pacific Ocean; N along the Pacific Ocean to the south shore of Grays Harbor at the Westport Jetty and the point of beginning.

**GMU 660-MINOT PEAK (Grays Harbor and Pacific counties):**

Beginning at the intersection of US Hwy 12 and US Hwy 101 at the town of Aberdeen; E and S on US Hwy 12 to North State St at the town of Oakville; S on North State St to South Bank Rd; W on South Bank Rd to Garrard Creek Rd; SW on Garrard Creek Rd to Oakville-Brooklyn Rd; W on Oakville-Brooklyn Rd to North River Valley Rd; W on North River Valley Rd to Smith Creek Rd; W on Smith Creek Rd to US Hwy 101; N on US Hwy 101 to US Hwy 12 at the town of Aberdeen and the point of beginning.

**GMU 663-CAPITOL PEAK (Grays Harbor and Thurston counties):**

Beginning at US Hwy 12 and SR 8 at the town of Elma; E on SR 8 to US Hwy 101; E on US Hwy 101 to Delphi Rd SW; S on Delphi Road SW to 110th Ave SW; E on 110th Ave SW to Littlerock Rd; S on Littlerock Rd to US Hwy 12; NW on US Hwy 12 to SR 8 at the town of Elma and the point of beginning.

**GMU 666-DESCHUTES (Thurston County):**

Beginning on US Hwy 101 at the Mason-Thurston county line southeast of Oyster Bay; NE on the Mason-Thurston county line, through Totten Inlet, Squaxin Passage and Dana Passage, to the Pierce-Thurston county line in the Nisqually Reach; SE through the Nisqually Reach along the Pierce-Thurston county line to the mouth of the Nisqually River; SE on the Nisqually River to SR 507; SW on SR 507 to Old Hwy 99 SE (SR 99) at the town of Tenino; SW on Old Hwy 99 SE (SR 99) to I-5; W on SR 12 to Littlerock Rd; N on the Littlerock Rd to 110th Ave SW; W on 110th Ave SW to Delphi Rd SW; N on Delphi Rd SW to US Hwy 101; NW on US Hwy 101 to the Mason-Thurston county line southeast of Oyster Bay and the point of beginning.

**GMU 667-SKOOKUMCHUCK (Thurston and Lewis counties):**

Beginning at the SR 507 bridge on the Nisqually River; SE up the Nisqually River (Pierce-Thurston county line) SR 7 bridge at the town of Elbe on Alder Lake; S on SR 7 to SR 508 at the town of Morton; W on SR 508 to the Centralia-Alpha Rd; W and N on the Centralia-Alpha Rd to Salzer Valley Rd; W on Salzer Valley Rd to Summa St at the town of Centralia; W on Summa St to Kresky Rd; N on Kresky Rd to Tower St; N on Tower St to SR 507; W on SR 507 (Cherry St, Alder St, and Mellen St) to I-5; N on I-5 to Old Hwy 99 SE (SR 99); NE on Old Hwy 99 SE (SR 99) to SR 507; NE on SR 507 to the Nisqually River bridge and the point of beginning.

**GMU 672-FALL RIVER (Pacific, Lewis and Grays Harbor counties):**

Beginning at the intersection of US Hwy 101 and SR 6 at the town of Raymond; N on US Hwy 101 to Smith Creek Rd; NE on Smith Creek Rd to North River Valley Rd; E on North River Valley Rd to Oakville-Brooklyn Rd; E on the Oakville-Brooklyn Rd to Garrard Creek Rd; S on Garrard Creek Rd to Weyerhaeuser C line at mile post 5; W on the Weyerhaeuser C line to Weyerhaeuser 723 line; S on the Weyerhaeuser 723 line to the Weyerhaeuser 720 line; W on the Weyerhaeuser 720 line to Weyerhaeuser 7800 F line; S on Weyerhaeuser 7800 F line to Weyerhaeuser 7800 line; S and SE on Weyerhaeuser 7800 line to Weyerhaeuser 7000 line; SW on Weyerhaeuser 7000 line to Weyerhaeuser 7050 line; S on Weyerhaeuser 7050 line to Weyerhaeuser 7400 line; S and E on Weyerhaeuser 7400 line to Weyerhaeuser 7000 line; E on the Weyerhaeuser 7000 line to Elk Creek Rd; E on Elk Creek Rd to Stevens Rd at the town of Doty; E on Stevens Rd to SR 6; S, W and NW on SR 6 to US Hwy 101 at the town of Raymond and the point of beginning.

**GMU 673-WILLIAMS CREEK (Pacific County):**

Beginning at US Hwy 101 bridge crossing the Willapa River at the town of Raymond; S on US Hwy 101 to SR 6; SE on SR 6 to the Trap Creek A line; S and W on the Trap Creek A line to power transmission lines; S and SW on the power transmission lines to Weyerhaeuser 5800 line (Section 22, T11N, R8W); SW along the Weyerhaeuser 5800 line to Weyerhaeuser 5000 line (Deep River main line); SW on the Weyerhaeuser 5000 line (Deep River main line) to the Salmon Creek Rd; SW along the Salmon Creek Rd to SR 4; W on SR 4 to US Hwy 101 at Johnson's Landing; W on US Hwy 101 to the Naselle River bridge; W down the Naselle River to Willapa Bay; N along the east shore of Willapa Bay to the Willapa River; SE and NE up the Willapa River to the US Hwy 101 bridge and the point of beginning.

**GMU 681-BEAR RIVER (Pacific and Wahkiakum counties):**

Beginning at the US Hwy 101 bridge at the Naselle River; E on US Hwy 101 to SR 4; SE on SR 4 to Deep River bridge; S down the Deep River to the Columbia River; W along the shore of the Columbia River to the mouth of the Wallacut River (including all islands in the Columbia both north of the Washington-Oregon state line and between the Deep River and the Wallacut River); N up the Wallacut River to US Hwy 101; NW on US Hwy 101 to alternate US Hwy 101, north of the Ilwaco Airport; N on alternate US Hwy 101 to US Hwy

101; E and NE on US Hwy 101 to Bear River; N down Bear River to Willapa Bay; N along the eastern shore of Willapa Bay to the mouth of the Naselle River; SE up the Naselle River to the US Hwy 101 bridge and the point of beginning.

**GMU 684-LONG BEACH (Pacific County):**

Beginning at the mouth of Bear River on Willapa Bay; S up Bear River to US Hwy 101; W and SW on US Hwy 101 to alternate US Hwy 101 north of the Ilwaco Airport; S on alternate US Hwy 101 to US Hwy 101; W on US Hwy 101 to the Wallacut River; S along the Wallacut River to the Columbia River; W down the Columbia River to its mouth on the Pacific Ocean (including all islands in the Columbia River both north of the Washington-Oregon state line and between the Wallacut River and the mouth of the Columbia River); N, E, S, and E along the shoreline of the Long Beach peninsula to Bear River and the point of beginning.

**GMU 699-LONG ISLAND (Pacific County):**

Includes all of Long Island.

AMENDATORY SECTION (Amending Order 05-84, filed 5/10/05, effective 5/15/05)

**WAC 232-28-337 Deer and elk area descriptions.****ELK AREAS**

**Elk Area No. 1010 (Columbia County):** GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

**Elk Area No. 1011 (Columbia County):** That part of GMU 162 east of the North Touchet Road, excluding National Forest land.

**Elk Area No. 1012 (Columbia County):** That part of GMU 162 west of the North Touchet Road, excluding National Forest land and the Rainwater Wildlife Area.

**Elk Area No. 1013 (Asotin County):** GMU 172, excluding National Forest lands.

**Elk Area No. 1014 (Columbia-Garfield counties):** That part of GMU 166 Tucannon west of the Tucannon River and USFS Trail No. 3110 (Jelly Spr.-Diamond Pk. Trail).

**Elk Area No. 2032 Malaga (Kittitas and Chelan counties):** Beginning at the mouth of Davies Canyon on the Columbia River; west along Davies Canyon to the cliffs above (north of) the North Fork Tarpiscan Creek; west and north along the cliffs to the Bonneville Power Line; southwest along the power line to the North Fork Tarpiscan Road in Section 9, Township 20N, Range 21E; north and west along North Fork Tarpiscan Road to Colockum Pass Road (Section 9, Township 20N, Range 21E); south and west on Colockum Pass Road to section line between Sections 8 & 9; north along the section line between Sections 8 and 9 as well as Sections 4 & 5 (T20N, R21E) & Sections 32 & 33 (T21N, R21E) to Moses Carr Road; west and north on Moses Carr Road to Jump Off Road; south and west on Jump Off Road to Shaller Road; north and west on Shaller Road to Upper Basin Loop Road; north and west on Upper Basin Loop Road to Wheeler Ridge Road; north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); north on Basin



Loop Road to Wenatchee Heights Road; west on Wenatchee Heights Road to Squilchuck Road; south on Squilchuck Road to Beehive Road (USFS Rd 9712); northwest on Beehive Road to USFS Rd 7100 near Beehive Reservoir; north and west on USFS Rd 7100 to Peavine Canyon Road (USFS Rd 7101); north and east on Peavine Canyon Road to Number Two Canyon Road; north on Number Two Canyon Road to Crawford Street in Wenatchee; east on Crawford Street to the Columbia River; south and east along the Columbia River to Davies Canyon and point of beginning. (Naneum Green Dot, Washington Gazetteer, Wenatchee National Forest)

**Elk Area No. 2033 Peshastin (Chelan County):** Beginning at Crawford Street and the Columbia River in Wenatchee; west on Crawford Street and Number Two Canyon Road to USFS 7101 Road (Peavine Canyon); west on USFS 7101 Road to Mission Creek Road; north on Mission Creek Road to USFS 7104 Road (Sand Creek Road); west on USFS 7104 Road (Sand Creek Road) to Camas Creek; west up Camas Creek to where Camas Creek crosses USFS 7200 Road, T22N, R18E, Section 4; north along USFS 7200 Road to U.S. Highway 97; north on U.S. Highway 97 to USFS 7300 Road (Mountain Home Road); north on the USFS 7300 Road to the Wenatchee River at Leavenworth; down the Wenatchee River and Columbia River to the point of beginning.

**Elk Area No. 2051 Tronsen (Chelan County):** All of GMU 251 except that portion described as follows: Beginning at the junction of Naneum Ridge Road (WDFW Rd 9) and Ingersol Road (WDFW Rd 1); north and east on Ingersol Road to Colockum Road (WDFW Rd 10); east on Colockum Road and Colockum Creek to the intersection of Colockum Creek and the Columbia River; south on the Columbia River to mouth of Tarpiscan Creek; west up Tarpiscan Creek and Tarpiscan Road (WDFW Rd 14) and North Fork Road (WDFW Rd 10.10) to the intersection of North Fork Road and Colockum Road; southwest on Colockum Road to Naneum Ridge Road; west on Naneum Ridge Road to Ingersol Road and the point of beginning.

**Elk Area No. 3028 Cooke Creek (Kittitas County):** Beginning at the junction of the Naneum Ridge and Swift Creek Road in T20N, R20E, Section 16, east on the Naneum Ridge Road to the Colockum Road; south on the Colockum and Brewton roads to the power lines in T20N, R21E, Section 29; south and west on the power lines to the Coleman Creek Road; north on the Coleman Creek Road to the Swift Creek Road and point of beginning, excluding Arthur Coffin Game Reserve.

**Elk Area No. 3068 Klickitat Meadows (Yakima County):** Beginning at (~~Reservation Creek and South Fork Ahtanum Creek; west along Reservation Creek to~~) the high point (Section 18, T12N, R14E) on the ridge above (~~its~~) the headwaters of Reservation Creek; northwest to Spenser Point (as represented on the Mt. Adams DNR 100K map); northeast from Spenser Point to USFS Trail 1136; north along USFS Trail 1136 to USFS Road 615 to Darland Mt.; southeast along crest of main divide between Diamond Fork drainage and (~~Middle Fork~~) Ahtanum Creek drainage to the high point on the ridge above the headwaters of (~~South Fork Ahtanum Creek; east~~

~~along South Fork Ahtanum Creek to~~) Reservation Creek and point of beginning.

**Elk Area No. 3721 Corral Canyon (Benton and Yakima counties):** That part of GMU 372 beginning at the Yakima River Bridge on SR 241 just north of Mabton; north along SR 241 to the Rattlesnake Ridge Road (mile post #19); east on Rattlesnake Ridge Road to the Hanford Reach National Monument's (HRNM) southwest corner boundary; (~~north along the HRNM western boundary to SR 24; continue north along the HRNM western boundary to the Columbia River; east along Columbia River (Yakima Grant, Grant-Benton Co. lines) to Vernita Bridge on SR 24; east and south down Benton County side of Columbia River, following ordinary high water mark of shoreline, to mouth of~~) east and south along the HRNM boundary to SR 225; south on SR 225 to the Yakima River; west (upstream) along Yakima River ((upstream)) to point of beginning (SR 241 Bridge).

**Elk Area No. 3722 Blackrock (Benton and Yakima counties):** That part of GMU 372 beginning at southern corner of the Yakima Training Center border on Columbia River, northwest of Priest Rapids Dam; southeast on southern shore of Columbia River (Priest Rapids Lake) to Priest Rapids Dam; east along Columbia River (~~(Yakima Grant, Grant-Benton Co. lines) to Vernita Bridge on SR 24; east and south down Benton County side of Columbia River, following ordinary high water mark of shoreline, to mouth of Yakima River; west along Yakima River (upstream) to southeast corner of the WDFW Rattlesnake Slope Wildlife Area; west along the southern boundary of the Rattlesnake Wildlife Area to the southern boundary of the Arid Lands Ecology Reserve (ALE); west along the ALE southern boundary~~) to the Hanford Reach National Monument's (HRNM) western boundary; south along the HRNM boundary to the Rattlesnake Ridge Road; west on Rattlesnake Ridge Road to SR 241; south on SR 241 to the Yakima River Bridge; west along Yakima River to SR 823 (Harrison Road) south of town of Pomona; east along SR 823 (Harrison Road) to SR 821; southeast on SR 821 to Firing Center Road at I-82; east on Firing Center Road to main gate of Yakima Training Center; south and east along Yakima Training Center boundary to southern corner of Yakima Training Center boundary on Columbia River and point of beginning.

**Elk Area No. 3723 ALE (Benton County):** That part of GMU 372 within the boundaries of the Arid Lands Ecology Reserve (ALE) of the Hanford Reach National Monument (HRNM). ALE encompasses the HRNM lands south of SR 24, southwest of SR 240, and west of SR 225.

**Elk Area No. 3911 Fairview (Kittitas County):** Beginning at the intersection of the BPA Power Lines in T20N, R14E, Section 36 and I-90; east along the power lines through Cle Elum to the Teanaway Road; north on the Teanaway Road to Ballard Hill Road; east on Ballard Hill Rd and Swauk Prairie Road to Hwy 970; north on Hwy 970 to Hwy 97; south on Hwy 97 to the power lines in T20N, R17E, Section 34; east on the power lines to Naneum Creek; south on Naneum Creek approximately 1/2 mile to power lines in T19N, R19E, Section 20; east along BPA power lines to Colockum Pass Road in T19N, R20E, Section 16; south on Colockum Pass



Road to BPA power lines in T18N, R20E, Section 6; east and south along power lines to Parke Creek Road; north on Parke Creek Road to Whiskey Jim Road; east on Whiskey Jim Road to Beacon Ridge Road; south on Beacon Ridge Road to the Vantage Highway; east along the Vantage Highway to I-90; west along I-90 to the Yakima Training Center boundary; south and west along the Yakima Training Center boundary to I-82; north on I-82 to Thrall Road; west on Thrall Road to Wilson Creek; south on Wilson Creek to Yakima River; north on Yakima River to gas pipeline crossing in T17N, R18E, Section 25; south and west on the gas pipeline to Umtanum Creek; west on Umtanum Creek to the Durr Road; north on the Durr Road to Umptaneum Road; north on Umptaneum Road to South Branch Canal; west on South Branch Canal to Bradshaw Road; west on Bradshaw Road to the elk fence; north and west along the elk fence to power line crossing in T19N, R16E, Section 10; west along the power line (south branch) to the Cabin Creek Road; east and north on Cabin Creek Road to Easton and I-90; east on I-90 to point of beginning.

**Elk Area No. 3912 Old Naches (Yakima County):** Starting at the elk fence and Roza Canal along the south boundary T14N, R19E, Section 8; following the elk fence to the sheep feeding site in T15N, R16E, Section 30; south on the feeding site Access Road to the Old Naches Highway; west and south on the Old Naches Highway to State Route 12 and the Naches River; down the Naches River to the Tieton River; up the Tieton River approximately 2 miles to the elk fence in T14N, R16E, Section 3; due south from the start of the elk fence to the top of the cliff; southwest along the cliff/rimrock to the irrigation canal in T14N, R16E, Section 9; southwest along the irrigation canal to the elk fence in T14N, R16E, Section 8; the elk fence to the township line between T12N, R15E and T12N, R16E; south along the township line to the South Fork Ahtanum Creek; South Fork Ahtanum Creek to Ahtanum Creek to Yakima River; up the Yakima River to Roza Canal and point of beginning.

**Elk Area No. 3944 Clemen (Yakima County):** That portion of GMU 342 beginning at the junction of Highway 410 and USFS Road 1701 (Big Bald Mountain Road); north to USFS Road 1712; east on USFS Road 1712 (Clemen Ridge Road) to the elk fence gate (T15N; R17E; Section 23 NE 1/4) at the top of Austin Spur Road; south and west along the elk fence to Highway 410 to the point of beginning.

**Elk Area No. 4041 Grandy Creek (Skagit County):** Begin at the intersection of CP 190 Road and CP 132 Road (Section 28, T36N, R5E); east along the CP 132 Road to the CP 130 Road; east and south along CP 130 Road to CP 110 Road, west, south and east along CP 110 Road to Childs Creek; south down Childs Creek to State Route 20; east on State Route 20 to Grandy Creek; south down Grandy Creek to the Skagit River; south on a line to South Skagit Hwy; west on South Skagit Hwy to State Route 9; north on State Route 9 to State Route 20; east on State Route 20 to Helmick Road; north on Helmick Road to CP 190 Road to CP 132 Road and the point of beginning. (WA Atlas & Gazetteer & Mt. Baker-Snoqualmie National Forest Map)

**Elk Area No. 4941 Skagit River (Skagit County):** Beginning at the intersection of State Route 9 and State Route 20; east on State Route 20 to Grandy Creek; south down Grandy Creek to the Skagit River; south on a line to South Skagit Highway; west on South Skagit Highway to State Route 9; north on State Route 9 to point of beginning.

**Elk Area No. 5029 Toledo (Lewis and Cowlitz counties):** Beginning at the Cowlitz River and State Highway 505 junction; east along the Cowlitz River to the Weyerhaeuser 1800 Road; south along Weyerhaeuser 1800 Road to Cedar Creek Road; east along Cedar Creek Road to Due Road; south on Due Road to Weyerhaeuser 1823 Road; south along Weyerhaeuser 1823 Road to the Weyerhaeuser 1945 Road; south along the Weyerhaeuser 1945 Road to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the North Fork Toutle River; west along the North Fork Toutle River to the Toutle River; west on the Toutle River to the Cowlitz River; North along the Cowlitz River to the junction of State Highway 505 and the point of beginning.

**Elk Area No. 5050 Curtis (Lewis County):** Beginning at the Boistfort Road, State Highway 6 intersection; west to the Mauerman Road; west and southwest on the Mauerman Road to the Pe Ell/McDonald Road; south and east on the Pe Ell/McDonald Road to the Lost Valley Road; south and southeast on the Lost Valley Road to the Boistfort Road; east and north along the Boistfort Road to State Highway 6 and point of beginning.

**Elk Area No. 5051 Green Mountain (Cowlitz County):** Beginning at the junction of the Cowlitz River and the Toutle River; east along the Toutle River to the North Fork Toutle River; east along the North Fork Toutle River to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the Weyerhaeuser 1910 Road; south along the Weyerhaeuser 1910 Road to the Weyerhaeuser 2410 Road; south along the Weyerhaeuser 2410 Road to the Weyerhaeuser 4553 Road; south along the Weyerhaeuser 4553 Road to the Weyerhaeuser 4500 Road; south along the Weyerhaeuser 4500 Road to the Weyerhaeuser 4400 Road; south along the Weyerhaeuser 4400 Road to the Weyerhaeuser 4100 Road; east along the Weyerhaeuser 4100 Road to the Weyerhaeuser 4700 Road; south along the Weyerhaeuser 4700 Road to the Weyerhaeuser 4720 Road; west along the Weyerhaeuser 4720 Road to the Weyerhaeuser 4730 Road; west along the Weyerhaeuser 4730 Road to the Weyerhaeuser 4732 Road; west along the Weyerhaeuser 4732 Road to the Weyerhaeuser 4790 Road; west along the Weyerhaeuser 4790 Road to the Weyerhaeuser 1390 Road; south along the Weyerhaeuser 1390 Road to the Weyerhaeuser 1600 Road; west along the Weyerhaeuser 1600 Road to the Weyerhaeuser Logging Railroad Tracks at Headquarters; west along the Weyerhaeuser Logging Railroad Track to Ostrander Creek; west along Ostrander Creek to the Cowlitz River; north along the Cowlitz River to the Toutle River and point of beginning.

**Elk Area No. 5052 Mossyrock (Lewis County):** Beginning at the intersection of Winston Creek Road and State Highway 12; east on State Highway 12 to the Cowlitz River; east on the Cowlitz River to Riffe Lake; southeast along the south shore of Riffe Lake to Swofford Pond outlet creek; south on Swof-

ford Pond outlet creek to Green Mountain Road; west on Green Mountain Road to Perkins Road; west on Perkins Road to Longbell Road; south on Longbell Road to Winston Creek Road; north on Winston Creek Road to State Highway 12 and the point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

**Elk Area No. 5053 Randle (Lewis County):** Beginning at the town of Randle and the intersection of U.S. Highway 12 and State Route 131 (Forest Service 23 and 25 roads); south on State Route 131 to Forest Service 25 Road; south on Forest Service 25 Road to the Cispus River; west along the Cispus River to the Champion 300 line bridge; south and west on the Champion 300 line to the Champion Haul Road; north along the Champion Haul Road to Kosmos Road; north on Kosmos Road to U.S. Highway 12; east on U.S. Highway 12 to Randle and point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

**Elk Area No. 5054 Boistfort (Lewis County):** Beginning at the town of Vader; west along State Highway 506 to the Wildwood Road; north along the Wildwood Road to the Abernathy 500 line gate (Section 20, T11N, R3W, Willamette Meridian); northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Section 15, T12N, R4W); west along the Pe Ell/McDonald Road to the Lost Valley Road; northeast along the Lost Valley Road to the Boistfort Road; north along the Boistfort Road to the King Road; east along the King Road to the town of Winlock and State Highway 603; south along Highway 505 to Interstate 5; south along Interstate 5 to State Hwy 506; west along State Hwy 506 to the town of Vader and the point of beginning.

**Elk Area No. 5055 East Valley (Wahkiakum County):** Within one mile on either side of the line beginning at Wilson Creek Park on East Valley Road; west on East Valley Road to the junction with Middle Valley Road (4.5 miles); north along Middle Valley Road to the junction of Oat Field Road (2.5 miles).

**Elk Area No. 5056 Grays River Valley (Wahkiakum County):** On or within 1/4 mile of agricultural land in the Grays River Valley within the following sections: T10N, R7W, Sections 8, 9, 17, 18 and T10N, R8W, Sections 13, 23, 24, 26.

**Elk Area No. 5057 Carlton (Lewis County):** That part of 513 (South Rainier) lying east of Highway 123 and north of Highway 12.

**Elk Area No. 5058 West Goat Rocks (Lewis County):** Goat Rocks Wilderness west of the Pacific Crest Trail.

**Elk Area No. 5059 Mt. Adams Wilderness (Skamania and Yakima counties):** The Mt. Adams Wilderness.

**Elk Area No. 5060 Merwin (Cowlitz County):** Begin at the State Route 503 and the Longview Fibre Road WS-8000 junction; north and west on the Longview Fibre Road WS-8000 to Day Place Road; west on Day Place Road to Dubois

Road; south on Dubois Road to State Route 503; east on State Route 503 to the State Route 503 and the Longview Fibre Road WS-8000 junction and point of beginning.

**Elk Area No. 5090 JBH (Wahkiakum County):** The mainland portion of the Julia Butler Hansen National Wildlife Refuge, as administered by the U.S. Fish and Wildlife Service as described: Beginning at the junction of State Route 4 and Steamboat Island Slough Road, northwest on Steamboat Island Slough Road to Brooks Slough Road, east on Brooks Slough Road to State Route 4, south on State Route 4 to Steamboat Slough Road and point of beginning.

**Elk Area No. 5099 Mudflow (Cowlitz County):** That part of GMU 522 (Loo-wit) that is within the boundary of the St. Helens Wildlife Area.

**Elk Area No. 6010 Mallis (Pacific County):** That part of GMUs 506, 672, and 673 within one mile either side of State Road 6 between the east end of Elk Prairie Road and the Mallis Landing Road.

**Elk Area No. 6011 Centralia Mine (Lewis County):** That portion of GMU 667 within Centralia Mine property boundary.

**Elk Area No. 6012 Tri Valley (Grays Harbor and Mason counties):** All lands within one mile of Brady-Matlock Road from State Highway 12 north to the junction with Schaefer State Park Road (east Satsop Road) and all lands within one mile of Wynoochee Valley Road from State Highway 12 north to the junction with Cougar Smith Road, and all lands within one mile of Wishkah Valley Road from north Aberdeen city limit to the junction with Wishkah-East Hoquiam Road.

**Elk Area No. 6054 Puyallup River (Pierce County):** That part of GMU 654 south of the Puyallup River.

**Elk Area No. 6061 Twin Satsop Farms (Mason County):** That portion of GMU 651 starting at the junction of the Deckerville Road and the Brady-Matlock Road; southwest to the junction with the West Boundary Road; north on West Boundary Road to the Deckerville Road; east on the Deckerville Road to the junction of Brady-Matlock Road and point of beginning. In addition, the area within a circle with a radius of two miles centered on the junction of State Route 108 and the Eich Road.

**Elk Area No. 6062 South Bank (Grays Harbor County):** That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; southeast on the South Bank Road to Delezene Road; south on the Delezene Road to a point one mile from the South Bank Road; southeast along a line one mile southwest of the South Bank Road to the Oakville-Brooklyn Road; east on the Oakville-Brooklyn Road to Oakville and Highway 12; northwest on Highway 12 to Wakefield Road to Elma and the point of beginning.

**Elk Area No. 6063 (Grays Harbor and Jefferson counties):** Private lands within Elk Area 6064 east of Highway 101.

**Elk Area No. 6064 Quinault Valley (Grays Harbor and Jefferson counties):** That portion of GMU 638 (Quinault) within the Quinault River watershed.

**Elk Area No. 6066 Chehalis Valley (Grays Harbor County):** That portion of GMU 660 (Minot Peak) beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on Oakville-Brooklyn Road to a point one mile west of South Bank Road; northwest along a line one mile southwest of South Bank Road to Delezene Road; north along Delezene Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to Chehalis River; west on Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 and the point of beginning.

**Elk Area No. 6067 North Minot (Grays Harbor County):** The portion of GMU 660 (Minot Peak) beginning at the junction on State Route 107 and the Melbourne A-line, on the Melbourne A-line to the Vesta F-line; south on Vesta F-line to Vesta H-line (Vesta Creek Road); south on Vesta Creek Road to the North River Road; south and east on North River Road to the Brooklyn Road; east on Brooklyn Road to the Garrard Creek Road; east and north on Garrard Creek Road to the South Bank Road; east on South Bank to South State Street (Oakville); north on South State Street to U.S. 12; northwest and west on U.S. 12 to State Route 107; south and southwest on SR 107 to the Melbourne A-line and the point of beginning.

**Elk Area No. 6068 Willapa (Grays Harbor County):** That part of GMU 658 south of SR 105 between the intersection of SR 105 and Hammond Road and the SR 105 bridge over Smith Creek; and within one mile north of SR 105 west from Hammond Road and east of the SR 105 bridge over Smith Creek.

**Elk Area No. 6069 Hanaford (Lewis and Thurston counties):** Beginning at the intersection of Salzer Valley Road and Centralia-Alpha Road; east and north on Salzer Valley Road to Little Hanaford Road; west on Little Hanaford Road to Teitzel Road; north on Teitzel Road to Big Hanaford Road; west on Big Hanaford Road to State Route 507; north on State Route 507 to Skookumchuck Road; east on Skookumchuck Road to the first bridge over the Skookumchuck River; east along the Skookumchuck River to the Skookumchuck Road bridge; east on Skookumchuck Road to the steel tower power line; southwest along the power line to Big Hanaford Road; east and south along Big Hanaford Road to Weyerhaeuser Road E150; east on Weyerhaeuser Road E150 to Weyerhaeuser Road E247; south and west on Weyerhaeuser Road E247 to Weyerhaeuser Road E240; south on Weyerhaeuser Road E240 to North Fork Road; south on North Fork Road to Centralia-Alpha Road; west on Centralia-Alpha Road to Salzer Valley Road and the point of beginning.

**Elk Area No. 6071 Dungeness (Clallam County):** Beginning at the mouth of the Dungeness River; east and south along the coast of the Strait of Juan De Fuca to the mouth of Jimmycomelately Creek on Sequim Bay; south and west up Jimmycomelately Creek to Don Schmith Road; north on Don Schmith Road to Palo Alto Road; west and southwest on Palo

Alto Road to US Forest Service Road 2880; southwest on US Forest Service Road 2880 to the Dungeness River; north down the Dungeness River to its mouth and the point of beginning.

#### DEER AREAS

**Deer Area No. 1010 (Columbia County):** GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

**Deer Area No. 1020 Prescott (Columbia and Garfield counties):** That portion of GMU 149 between Hwy 261 and Hwy 127.

**Deer Area No. 1030 Flat Creek (Stevens County):** That portion of GMU 105, beginning at the junction of Northport-Flat Creek Rd (Co. 4005) and Bull Hill Rd; north on Bull Hill Rd to USFS Rd 240; north on USFS Rd 240 to USFS Rd 230 (Belshazzar Mtn Rd); east and north on USFS Rd 230 to East Boundary of Colville National Forest at Section 24; north on Forest Boundary to Sheep Creek Rd (USFS 15, Co. 4220); west on Sheep Creek Rd to USFS Rd 170 at Kiel Springs; south on USFS Rd 170 to Lael-Flat Creek Rd (USFS 1520); south on Lael-Flat Creek Rd (USFS 1520, Co. 4181) to Northport-Flat Creek Rd; north on Northport-Flat Creek Rd to Bull Hill Rd junction and point of beginning.

**Deer Area No. 1040 Summit Lake (Stevens County):** That portion of GMU 105, beginning at the intersection of Sand Creek Rd (Co. 4017) and the Kettle River at the Rock Cut Bridge; north and east on Sand Cr Rd to Lael-Flat Cr Rd (Co. 4181, USFS Churchill Mine Rd, 1520); east on Lael-Flat Cr Rd (Churchill Mine Rd) to intersection with USFS Rd 15 near Fisher Cr; north and east on USFS Rd 15 to USFS Rd 180; north and west on USFS Rd 180 and continue west on Box Canyon-Deep Creek Rd (USFS Rd 030, Co. 4212) to the intersection of Box Canyon-Deep Creek Rd and the Kettle River; south on the Kettle River to the intersection of Sand Creek Rd and the Kettle River at the Rock Cut Bridge and the point of beginning.

**Deer Area No. 2010 Benge (Adams County):** That part of GMU 284 beginning at the town of Benge, west on Benge-Washtucna Road to Cow Creek; north along Cow Creek to McCall Road; east on McCall Road to Gering Road; east on Gering Road to Lakin Road; east on Lakin Road to Revere Road; south on Revere Road to Rock Creek; south along Rock Creek to the Palouse River; south and west along the Palouse River to SR 26; west on SR 26 to Beckley Road; north on Beckley Road to Negro Road; north on Negro Road to Beckley Road; north on Beckley Road to Benge-Winona Road; west on Benge-Winona Road to Benge and the point of beginning.

**Deer Area No. 2011 Lakeview (Grant County):** That part of GMU 272 beginning at the junction of SR 28 and First Avenue in Ephrata; west on First Avenue to Sagebrush Flats Road; west on Sagebrush Flats Road to Davis Canyon Road; north on Davis Canyon Road to E Road NW; north on E Road NW to the Grant-Douglas county line; east along the county line to the point where the county line turns north; from this point continue due east to SR 17; south on SR 17 to SR 28 at

Soap Lake; south on SR 28 to the junction with First Avenue in Ephrata and the point of beginning.

**Deer Area No. 3071 Whitcomb (Benton County):** That part of GMU 372 made up by the Whitcomb Unit of the Umatilla National Wildlife Refuge.

**Deer Area No. 3072 Paterson (Benton County):** That part of GMU 372 made up by the Paterson Unit of the Umatilla National Wildlife Refuge.

**Deer Area No. 3081 (Franklin County):** That part of GMU 381 that is west of Highways 395 and 17.

**Deer Area No. 4010 (San Juan County):** That part of GMU 410 made up of all of the islands in San Juan County.

**Deer Area No. 4011 (Island County):** That part of GMU 410 made up of Camano Island.

**Deer Area No. 4012 (Island County):** That part of GMU 410 made up of Whidbey Island.

**Deer Area No. 4013 (King County):** That part of GMU 454 made up of Vashon and Maury islands.

**Deer Area No. 4014 (Pierce County):** That part of GMU 652 made up of Anderson Island.

**Deer Area No. 4926 Guemes (Skagit County):** That part of GMU 407 (North Sound) on Guemes Island.

**Deer Area No. 5051 Fisher Island (Cowlitz County):** The islands in the Columbia River known as Fisher Island and Hump Island in Game Management Unit 504.

**AMENDATORY SECTION** (Amending Order 05-89, filed 5/10/05, effective 6/10/05)

**WAC 232-28-248 Special closures and firearm restriction areas.**

**RESTRICTED AND PROHIBITED HUNTING AREAS.**

These areas are closed by Fish and Wildlife Commission action. Other areas may be closed to hunting by local, state or federal regulations.

IT IS ILLEGAL TO HUNT EXCEPT WHERE PROVIDED IN THE FOLLOWING AREAS:

1. Parker Lake: All lands south of Ruby Creek Road (USFS Road 2489), north of Tacoma Creek Road (USFS Road 2389) and west of Bonneville Power Administration power lines are designated as "CLOSED AREA" to the hunting of wild animals and wild birds year round. ~~((Both the Little Pend Oreille (1) and))~~ The Parker Lake ((2) closures were) closure was established to provide a protected area for the Air Force Military Survival Training Program.
2. Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is des-

ignated as a "CLOSED AREA" to the hunting of wild animals and wild birds.

3. Green River (GMU 485): Except for special permit hunters, who may also take a black bear and/or cougar with the appropriate license/tag options, all lands within GMU 485 are designated as a "CLOSED AREA" to the hunting of big game by Department of Fish and Wildlife regulated hunters throughout the year. During the general westside elk season and general and late deer seasons, all lands within GMU 485 are also designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds). The City of Tacoma enforces trespass within GMU 485 on lands owned or controlled by the City during all times of the year.
4. McNeil Island: McNeil Island (part of GMU 652) is closed to the hunting of all wild animals (including wild birds) year around.
5. Loo-wit (GMU 522): Closed to hunting and trapping within GMU 522 (Loo-wit), except for the hunting of elk by special permit holders during established seasons and designated areas.
6. The Voice of America Dungeness Recreation Area County Park in Clallam County is closed to all hunting except Wednesdays, weekends, and holidays, from the first weekend in October to the end of January.

**BIG GAME CLOSURES**

1. Clark, Cowlitz, Pacific, and Wahkiakum counties are closed to Columbian Whitetail Deer hunting.
2. Cathlamet: Beginning in the town of Skamokawa; then east along SR 4 to the Risk Road; then south and east along the Risk Road to Foster Road; then south along the Foster Road to the Elochoman River; then upstream along the Elochoman River to the Elochoman Valley Road (old SR 407); then west along the Elochoman Valley Road to SR 4; then east along SR 4 to SR 409; then south along SR 409 to the Cathlamet Channel of the Columbia River; then east along the north shore of the Cathlamet Channel to Cape Horn; then south in the Columbia River to the state line; then west along the state line to a point directly south of the mouth of Skamokawa Creek; then north on Skamokawa Creek to SR 4 and the point of beginning. This area is closed to all deer and elk hunting, to protect the Columbian White-tail Deer.
3. Willapa National Wildlife Refuge: Except for Long Island, Willapa National Wildlife Refuge is closed to all big game hunting.
4. Walla Walla Mill Creek Watershed (GMU 157): All lands in the Mill Creek Watershed are designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds) except for the hunting of elk by the holders of GMU-157 special elk permits during the established open season. This area is closed to motorized vehicles. Entry is allowed only by Forest Service permit for the duration of the hunt. Any entry into the Mill Creek Watershed at other times is prohibited.
5. Westport: Closed to hunting of all big game animals on that part of Westport Peninsula lying north of State Highway 105 from the west end of the Elk River Bridge and the Schafer Island Road to the ocean beach.

**FIREARM RESTRICTION AREAS**

The firearm restriction areas listed below have been established by the Fish and Wildlife Commission. Centerfire and rimfire rifles are not legal for hunting in any of these areas.

In firearm restriction areas, hunters may hunt only during the season allowed by their tag. Archery tag holders may hunt during archery seasons with archery equipment. Muzzleloaders may hunt during muzzleloader seasons with muzzleloader equipment. Modern firearm tag holders may hunt during modern firearm seasons with bows and arrows, muzzleloaders or revolver-type handguns meeting the equipment restrictions or legal shotguns firing slugs or buckshot.

Additional firearm restrictions may be listed under the area description.

COUNTY	AREA	COUNTY	AREA
			The Chehalis Valley restriction applies only during elk seasons: That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on the Oakville-Brooklyn Road to a point onemile west of South Bank Road; northwest along a line one mile southwest of the South Bank Road to Delzene Road; north along Delzene Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to the Chehalis River; west along the Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 to the point of beginning.
Chelan	That portion of GMU 251 (Mission) beginning at the intersection of the Duncan Road and Highway 2; south on Duncan Road to Mountain Home Road; south along Mountain Home Road to the Icicle Irrigation Ditch; south and west along the Icicle Irrigation Ditch to the Snow Lake Trail; west and north along the Snow Lake Trail and across the Icicle River to Icicle River Road; east and north along Icicle River Road to the Wenatchee River; northwest along the Wenatchee River to Highway 2; north and east on Highway 2 to Duncan Road and the point of beginning.	Island	That portion of GMU 410 (Island) located on Camano and Whidbey islands.
		Jefferson	Indian and Marrowstone islands.
		King	The area west of Highway 203 (Monroe-Fall City, Fall City-Preston Road) to Interstate 90 (I-90), I-90 to Highway 18, Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; Vashon and Maury islands. This area is restricted to archery only: The following portion of GMU 652 (Puyallup): Beginning at the intersection of State Highway 410 and the southeast Mud Mountain Dam Road near the King/Pierce County line north of Buckley; then east along the southeast Mud Mountain Road to 284th Avenue Southeast; then north along 284th Avenue Southeast to State Highway 410; then west along Highway 410 to the point of the beginning.
Clallam	That portion of GMU 624 (Coyle) located within Clallam County.		
Clark	GMU 564 (Battleground) That portion of GMU 554 in Clark County.		
Cowlitz	GMU 554 (Yale) GMU 504 (Stella) That portion of GMU 564 (Battleground) in Cowlitz County.		
Grays Harbor	That portion of GMU 658 (North River) beginning at Bay City; then west along Highway 105 to Twin Harbors State Park; then south along Highway 105 to Grayland Grocery; then east on Cranberry Road to Turkey Road; then east and north on Turkey Road to Bayview Logging Road; then north and east along Bayview Logging Road to Mallard Slough; then east and south along the Bayview Road to Andrews Creek; then north along main channel of Andrews Creek to Grays Harbor; then north and west along the main navigation channel to Bay City and point of beginning.	Kitsap	East of State Highway 16 originating at the Tacoma Narrows Bridge to Gorst, and east of Highway 3 to Newbury Hill Road, north of Newbury Hill Road and the Bremerton-Seabeck Highway to Big Beef Creek Bridge; all of Bainbridge Island, and Bangor Military Reservation.
		Kittitas	GMU 334 (Ellensburg) Closed to ( <del>high power</del> ) centerfire rifles during deer and elk seasons.
		Mason	GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Harstene Island.

COUNTY	AREA
Pacific	GMU 684 (Long Beach) west of Sand Ridge Road. The portion of GMU 658 (North River) south and west of State Highway 105 and Airport Road between Raymond and North River Bridge. GMU 681 between U.S. Highway 101, Chinook Valley Road and the Columbia River from Astoria-Megler bridge to the Wallacut River.
Pierce	GMU 652 (Anderson and Ketron islands) limited to archery, shotgun, and muzzle-loader. McNeil Island closed to hunting. See GMU 652 restriction area outlined for King County. GMU 627 (Kitsap) south of Highway 302 on the Longbranch Peninsula is a firearm restriction area.
Snohomish	West of Highway 9.
Skagit	Guemes Island and March Point north of State Highway 20.
Skamania	That portion of GMU 564 (Battle Ground) in Skamania County.
Thurston	GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5 between Oyster Bay and the mouth of the Nisqually River.
Whatcom	Area west of I-5 and north of Bellingham city limits including Lummi Island and Point Roberts.

AMENDATORY SECTION (Amending Order 04-327, filed 1/3/05, effective 2/3/05)

**WAC 232-12-021 Importation and retention of dead nonresident wildlife.** It is unlawful:

(1) To import or possess dead wildlife, taken in another state or country, into Washington unless such wildlife was acquired lawfully. Proof of legal acquisition must be retained during the period of retention of the carcass or edible parts. Violation of this subsection is punishable under RCW 77.15.290.

(2) For a person who imports a dead mountain sheep, mountain goat, cougar or bear to fail to report such importation to the department in writing within ten days of the importation. The report must contain the name and address of the importer, the location where the dead wildlife is being stored and general information describing where and how the wildlife was obtained. Violation of this subsection is punishable under RCW 77.15.290.

(3) To import or possess deer ~~((or))~~, elk, or moose, or parts thereof, harvested in Colorado, Wyoming, Utah, New Mexico, Wisconsin, Illinois, South Dakota, Nebraska, New York, West Virginia, Alberta, and Saskatchewan with the following exceptions:

- (a) Meat that has been deboned in the state or province where it was harvested and is imported as boned out meat;
- (b) Skulls and antlers, antlers attached to the skull plate, or upper canine teeth (buglers, whistlers, ivories) from which all soft tissue has been removed;
- (c) Hides or capes without heads attached;
- (d) Tissue imported for use by a diagnostic or research laboratory;
- (e) Finished taxidermy mounts.

Violation of this subsection is punishable under RCW 77.15.290.

(4) To fail to notify the department within twenty-four hours if an importer or receiver of deer or elk is notified by a state or province that a harvested animal has tested positive for chronic wasting disease. Violation of this subsection is an infraction punishable under RCW 77.15.160.

AMENDATORY SECTION (Amending Order 05-89, filed 5/10/05, effective 6/10/05)

**WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits.**

**BIG GAME AUCTION PERMITS**

The director will select a conservation organization(s) to conduct annual auction(s). Selection of the conservation organizations will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey auctions shall be conducted consistent with WAC 232-28-292.

~~((SPECIES - ONE DEER PERMIT~~

~~Hunting season dates: September 1 - December 31, 2004  
 Hunt Area: Statewide except all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.  
 Weapon: Any legal weapon.  
 Bag limit: One additional any buck deer))~~

SPECIES - ONE WESTSIDE DEER PERMIT

Hunting season dates: 2005 and thereafter, September 1 - December 31

Hunt Area: Western Washington EXCEPT ~~((all Private Lands Wildlife Management Areas (PLWMAs),))~~ GMU 485~~((;))~~ and those GMUs closed to deer hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any buck deer

SPECIES - ONE EASTSIDE DEER PERMIT

Hunting season dates: 2005 and thereafter, September 1 - December 31

Hunt Area: Eastern Washington EXCEPT ~~((all Private Lands Wildlife Management Areas (PLWMAs) and))~~ those GMUs closed to deer hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any buck deer

SPECIES - ONE WESTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31, 2005

Hunt Area: Western Washington EXCEPT ~~((all Private Lands Wildlife Management Areas (PLWMA's);))~~ those GMUs closed to elk hunting(;) and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any bull elk

Hunting season dates: September 1 - December 31, 2006 and thereafter

Hunt Area: Western Washington EXCEPT ~~((all Private Lands Wildlife Management Areas (PLWMA's);))~~ GMU 485, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any bull elk

SPECIES - ONE EASTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31

Hunt Area: Eastern Washington EXCEPT ~~((all Private Lands Wildlife Management Areas (PLWMA's);))~~ GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any bull elk

SPECIES - ONE BIGHORN SHEEP PERMIT

Hunting season dates: September 1 - October 31, 2005

Hunt Area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), Sheep Unit 12 (Lincoln Cliffs), or Sheep Unit 13 (Quilomene).

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One bighorn ram

Hunting season dates: September 1 - October 31, 2006 and thereafter

Hunt Area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), or Sheep Unit 13 (Quilomene).

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One bighorn ram

SPECIES - ONE MOOSE PERMIT

Hunting season dates: October 1 - November 30

Hunt Area: Any open moose unit.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One moose of either sex

SPECIES - ONE MOUNTAIN GOAT PERMIT

Hunting season dates: September 15 - October 31

Hunt Area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One mountain goat of either sex

#### RAFFLE PERMITS

Raffle permits will be issued to individuals selected through a Washington department of fish and wildlife drawing or the director may select a conservation organization(s) to conduct annual raffles. Selection of a conservation organization will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey raffles shall be conducted consistent with WAC 232-28-290.

#### RAFFLE PERMIT HUNT(S)

##### ~~((DEER RAFFLE PERMIT HUNT~~

~~Bag limit: One additional any buck deer~~

~~Open area: Statewide except all Private Lands Wildlife Management Areas (PLWMA's), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.~~

~~Open season: September 1 - December 31, 2004.~~

~~Weapon: Any legal weapon.~~

~~Number of permits: 1~~

~~Raffle ticket cost: \$5.00 including a 50-cent vendor fee.))~~

##### WESTSIDE DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer

Open area: Western Washington EXCEPT ~~((all Private Lands Wildlife Management Areas (PLWMA's);))~~ GMU 485(;) and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: 2005 and thereafter, September 1 - December 31

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

##### EASTSIDE DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer

Open area: Eastern Washington EXCEPT ~~((all Private Lands Wildlife Management Areas (PLWMA's) and))~~ those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: 2005 and thereafter, September 1 - December 31

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

##### WESTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk

Open area: Western Washington EXCEPT ~~((all Private Lands Wildlife Management Areas (PLWMA's);))~~ those GMUs closed to elk hunting(;) and those GMUs not open to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31, 2005.

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

Bag limit: One additional any bull elk

Open area: Western Washington EXCEPT ((~~all Private Lands Wildlife Management Areas (PLWMAs)~~)) GMU 485, those GMUs closed to elk hunting, and those GMUs not open to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31, 2006 and thereafter.

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

#### EASTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk

Open area: Eastern Washington EXCEPT ((~~all Private Lands Wildlife Management Areas (PLWMAs)~~)) GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

#### BIGHORN SHEEP RAFFLE PERMIT HUNT

Bag limit: One bighorn ram

Open area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), Sheep Unit 12 (Lincoln Cliffs), or Sheep Unit 13 (Quilomene).

Open season: September 1 - October 31, 2005.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$10.00 including a 50-cent vendor fee.

Bag limit: One bighorn ram

Open area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain) or Sheep Unit 13 (Quilomene).

Open season: September 1 - October 31, 2006 and thereafter.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$10.00 including a 50-cent vendor fee.

#### MOOSE RAFFLE PERMIT HUNT

Bag limit: One moose of either sex

Open area: Any open moose unit.

Open season: October 1 - November 30.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

#### MOUNTAIN GOAT RAFFLE PERMIT HUNT

Bag limit: One mountain goat of either sex

Open area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).

Open season: September 15 - October 31.

Weapon: Hunter may use any legal weapon.

Number of permits: ((+)) 2

Raffle tickets cost: \$5.00 including a 50-cent vendor fee.

#### TURKEY RAFFLE PERMIT HUNTS

Bag limit: Three (3) additional wild turkeys, but not to exceed more than one turkey in Western Washington or two turkeys in Eastern Washington.

Open area: Statewide.

Open season: April 1 - May 31.

Weapon: Archery or shotgun only.

Number of permits: 2

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

#### DIRECTOR AUTHORIZED BIG GAME AUCTION OR RAFFLE PERMITS

The director shall determine which method of permit opportunity, auction or raffle, taking into consideration impacts to the wildlife resource, opportunity to the hunting community, other resource management issues, and expected revenue. The director may select a conservation organization(s) to conduct annual auction(s) or raffle(s). Selection of the conservation organization will be based on criteria adopted by the Washington department of fish and wildlife. Big game auctions and raffles shall be conducted consistent with WAC 232-28-292.

#### ROCKY MOUNTAIN BIGHORN SHEEP AUCTION OR RAFFLE PERMIT

Hunting season dates: 2005 and thereafter, September 1 - October 31

Hunt Area: GMUs 166, 169, 181, 186.

Weapon: Hunter may use any legal weapon.

Bag limit: One bighorn ram

#### SPECIAL INCENTIVE PERMITS

Hunters will be entered into a drawing for special deer and elk incentive permits for prompt reporting of hunting activity in compliance with WAC 232-28-299.

(a) There will be two (2) any elk special incentive permits for Western Washington.

Open area: Western Washington EXCEPT ((~~all Private Lands Wildlife Management Areas (PLWMAs)~~)) GMUs 418, 485, 522, and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional elk.

There will be two (2) any elk special incentive permits for Eastern Washington.

Open area: Eastern Washington EXCEPT ((~~all Private Lands Wildlife Management Areas (PLWMAs)~~)) GMU 157 and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional elk.



(b) There will be five (5) statewide any deer special incentive permits, for use in any area open to general or permit hunting seasons EXCEPT ~~((all Private Lands Wildlife Management Areas (PLWMAs),))~~ GMUs 157, 418, 485, 522, and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons and any legal weapon at other times if there are no firearm restrictions.

Bag limit: One additional any deer.

Auction, raffle, and special incentive hunt permittee rules

(1) Permittee shall contact the appropriate regional office of the department of fish and wildlife when entering the designated hunt area or entering the region to hunt outside the general season.

(2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a legal weapon or harvest an animal.

(3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.

(4) If requested by the department, the permittee is required to direct department officials to the site of the kill.

(5) The permit is valid during the hunting season dates for the year issued.

(6) The permittee will present the head and carcass of the bighorn sheep killed to any department office within 72 hours of date of kill.

(7) The permittee must abide by all local, state, and federal regulations including firearm restriction areas and area closures.

(8) Hunters awarded the special incentive permit will be required to send the appropriate license fee to the department of fish and wildlife headquarters in Olympia. The department will issue the license and transport tag and send it to the special incentive permit winner.

AMENDATORY SECTION (Amending Order 04-327, filed 1/3/05, effective 2/3/05)

**WAC 232-28-284 ((2005)) Spring black bear ((~~dam~~age)) seasons and regulations. ((~~Spring black bear hunting seasons under this section constitute a three year pilot program to reduce black bear damage to trees.~~))**

**Who may apply:** Anyone with a valid Washington big game license, which includes black bear as a species option.

**Hunt areas, ((~~permits~~)) permit levels, and season dates for each license year:**

Hunt name	Hunt area	((2005)) Permits	((2005)) Season dates <sup>b</sup>
<u>Blue Creek</u>	<u>GMU 154</u>	<u>15</u>	<u>April 15 - May 31</u>
<u>Dayton</u>	<u>GMU 162</u>	<u>15</u>	<u>April 15 - May 31</u>
<u>Tucannon</u>	<u>GMU 166</u>	<u>10</u>	<u>April 15 - May 31</u>
<u>Wenaha</u>	<u>GMU 169</u>	<u>30</u>	<u>April 15 - May 31</u>
<u>Mt. View</u>	<u>GMU 172</u>	<u>15</u>	<u>April 15 - May 31</u>
<u>Lick Creek</u>	<u>GMU 175</u>	<u>15</u>	<u>April 15 - May 31</u>
<u>Grande Ronde</u>	<u>GMU 186</u>	<u>5</u>	<u>April 15 - May 31</u>
Capitol Forest <sup>a</sup>	That portion of Capitol Forest within GMU 663	(( <del>100</del> )) <u>75</u>	April 15 - June 15
(( <del>Kapowsin (All)</del> ))	<del>PLWMA 401 in GMU 653 and 654</del>	<del>100</del>	<del>April 15 - June 15))</del>
<u>Kapowsin South</u> <sup>a</sup>	<u>That portion of GMUs 653 and 654 that is designated as Kapowsin South by Hancock Forest Management</u>	<u>100</u>	<u>April 15 - June 15</u>

<sup>a</sup> Spring black bear hunting seasons under this hunt area constitute a pilot program to reduce black bear damage to trees.

<sup>b</sup> Permits are valid for the license year they are issued.

**Bag limit:** One black bear per black bear special permit season.

**License required:** A valid big game hunting license, which includes black bear as a species option, is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option.

**Hunting method:** Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of dogs or bait to hunt black bear is prohibited statewide.

**Submitting bear teeth:** Successful bear hunters must submit the black bear premolar located behind the canine tooth of the upper jaw.

**WSR 06-02-065  
PERMANENT RULES  
DEPARTMENT OF ECOLOGY**

[Order 01-10—Filed January 3, 2006, 12:41 p.m., effective February 3, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The underground injection control (UIC) program regulates fluids, such as storm water, that go to ground through UIC wells, such as, dry wells, large on-site septic systems and other infiltration devices.

This adoption will revise chapter 173-218 WAC, Underground injection control (UIC) program;

1. Updated the current UIC rule to meet the federal changes made in 1999.

2. Bringing consistency between the rules that regulate UIC wells, chapters 173-218 and 173-216 WAC.

## 3. Clarifying language in the rule.

This adoption will also make a small change to chapter 173-216 WAC, State waste discharge permit program. The current state waste permit program regulation does not apply to injection of fluids through UIC wells regulated by chapter 173-218 WAC. The proposal will bring consistency between the rules that regulate UIC wells, chapters 173-218 and 173-216 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-218-010, 173-218-020, 173-218-030, 173-218-040, 173-218-050, 173-218-060, 173-218-070, 173-218-080, 173-218-090, 173-218-100, 173-218-110 and 173-216-010; and new sections WAC 173-218-120 and 173-218-130.

Statutory Authority for Adoption: Chapters 43.21A and 90.48 RCW.

Adopted under notice filed as WSR 05-14-159 on July 6, 2005.

Changes Other than Editing from Proposed to Adopted Version: The changes include: Definitions, addition of allowed and prohibited wells, details on registration, required best management practices and decommissioning. See the concise explanatory statement, publication number 05-10-095 for more information.

A final cost-benefit analysis is available by contacting Mary Shaleen-Hansen, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6143, fax (360) 407-6426, e-mail maha461@ecy.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, Amended 5, 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 2, Amended 12, 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.

Date Adopted: January 3, 2006.

Jay J. Manning  
Director

**AMENDATORY SECTION** (Amending Order 92-55, filed 5/5/93, effective 5/19/93)

**WAC 173-216-010 Purpose.** (1) The purpose of this chapter is to implement a state permit program, applicable to the discharge of waste materials from industrial, commercial, and municipal operations into ground and surface waters of the state and into municipal sewerage systems. However, this regulation does not apply to the following:

(a) ~~((The injection of fluids through wells which are regulated by the Underground injection control program, chapter 173-218 WAC.~~

~~((b)))~~ The point source discharge of pollutants into navigable waters of the state which are regulated by the National Pollutant Discharge Elimination System (NPDES) Permit Program, chapter 173-220 WAC.

~~((c)))~~ ~~(b)~~ The discharge of pollutants into waters of the state which are regulated by the Waste discharge general permit program, chapter 173-226 WAC.

(2) Permits issued under this chapter are designed to satisfy the requirement for discharge permits under the Water Pollution Control Act, chapter 90.48 RCW and to implement applicable pretreatment requirements under section 307 of the Federal Water Pollution Control Act (33 U.S.C. §1251 et seq.).

**AMENDATORY SECTION** (Amending Order DE 84-02, filed 2/29/84)

**WAC 173-218-010 Purpose.** ~~((4)))~~ The purpose of this chapter is to ~~((set forth the procedures and practices applicable to the injection of fluids through wells.~~

~~(2) Permits issued in accordance with the provisions of this chapter are designed:~~

~~(a) To satisfy)) protect ground water quality by:~~

~~(1) Preventing ground water contamination by regulating the discharge of fluids into Underground Injection Control (UIC) wells; and~~

~~(2) Satisfying the intent and requirements of Part C of the Federal Safe Drinking Water Act (SDWA) ((42 U.S.C. §300h et seq. as authorized by RCW 43.21A.445)) and ((of)) the Washington state Water Pollution Control Act, chapter 90.48 RCW((; and~~

~~(b) To preserve and protect ground waters, including underground sources of drinking water, for existing and future beneficial uses)).~~

**AMENDATORY SECTION** (Amending Order DE 84-02, filed 2/29/84)

**WAC 173-218-020 Policy ((enunciated)).** (1) ~~((It shall be))~~ The policy of the department of ecology ~~((in carrying out the purposes of))~~ for this chapter is:

~~(a) To ((maintain the highest possible standards to prevent the injection of fluids that may endanger ground waters which are obtainable for beneficial uses or which contain fewer than 10,000 mg/L of total dissolved solids)) preserve and protect ground waters by preventing the injection of fluids that will endanger ground water:~~

~~(i) That contains fewer than 10,000 mg/L of total dissolved solids and is obtainable for beneficial uses as defined in WAC 173-218-030;~~

~~(ii) That contains greater than 10,000 mg/L of total dissolved solids and is obtainable for beneficial uses if the practices meet the requirements of this chapter;~~

~~(b) To require the use of all known, available, and reasonable methods ((to prevent and control the discharge of fluids and waste fluids into the waters of the state;~~

~~(c) To protect public health and welfare through preservation and protection of the quality of the state's ground waters)) of prevention, control and treatment (AKART) to the discharge of fluids and waste fluids into the waters of the state as authorized by RCW 90.48.010; and~~

(c) To prohibit the injection of fluids through wells except as authorized by this chapter.

(2) Consistent with this policy(=

(a)) the disposal of ((waste)) fluids from industrial, commercial, or municipal sources, or multifamily dwellings, into wells will ((not)) be authorized by the department, ((except that existing operations are authorized)) providing these operations satisfy ((the standards and requirements of)) this chapter(=

(b) ~~The department will act to prevent the disposal of waste fluids that present a risk to human health, including the potential, chronic effects of lifetime exposure to waste fluids)) and are in compliance with local, state, and federal laws.~~

AMENDATORY SECTION (Amending Order DE 84-02, filed 2/29/84)

**WAC 173-218-030 Definitions.** ~~((1) "Beneficial uses" shall include, among others, uses for domestic water, irrigation, fish, shellfish, game, and other aquatic life, municipal, recreation, industrial water, generation of electric power, and navigation.~~

(2) "Class I injection well" means a well used to inject industrial, commercial, or municipal waste fluids beneath the lowermost formation containing, within 1/4-mile of the well bore, an USDW.

(3) "Class II injection well" means a well used to inject fluids:

(a) Brought to the surface in connection with conventional oil or natural gas exploration or production and may be commingled with wastewaters from gas plants which are an integral part of production operations, unless those waters are classified as dangerous wastes at the time of injection;

(b) For enhanced recovery of oil or natural gas; or

(c) For storage of hydrocarbons which are liquid at standard temperature and pressure.

(4) "Class III injection well" means a well used for extraction of minerals, including but not limited to the injection of fluids for:

(a) In-situ production of uranium or other metals that have not been conventionally mined;

(b) Mining of sulfur by Frasch process; or

(c) Solution mining of salts or potash.

(5) "Class IV injection well" means a well used to inject dangerous or radioactive waste fluids.

(6) "Class V injection well" means all injection wells not included in Classes I, II, III, or IV.

(7) "Dangerous waste" means any discarded, useless, unwanted, or abandoned nonradioactive substances, including but not limited to certain pesticides or any residues or containers of such substances, which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

(a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means (Hazardous Waste Disposal Act, chapter 70.105 RCW).

(8) "Department" means department of ecology.

(9) "Fluid" means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

(10) "Ground waters" means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of this state, whatever may be the geological formation or structure in which such water stands or flows, percolates, or otherwise moves (Regulation of public ground waters, chapter 90.44 RCW).

(11) "Injection well" means a "well" that is used for the subsurface emplacement of fluids.

(12) "New injection well" means an injection well that is proposed subsequent to the effective date of this chapter.

(13) "Person" includes any political subdivision, local, state, or federal government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatsoever.

(14) "Radioactive waste" means any waste which contains radioactive material in concentrations which exceed those listed in 10 Code of Federal Regulations Part 20, Appendix B, Table II, Column 2.

(15) "SDWA" means Part C of the Federal Safe Drinking Water Act, 42 U.S.C. §300f et seq.

(16) "Underground source of drinking water (USDW)" means ground waters which contain fewer than 10,000 mg/L of total dissolved solids or which are obtainable for beneficial uses.

(17) "Waste fluid" means any discarded, abandoned, unwanted, or unrecovered fluid(s), except the following are not waste fluids for the purposes of this chapter:

(a) Discharges into the ground or ground water of return flow, unaltered except for temperature, from a ground water heat pump used for space heating or cooling. Provided, That such discharges do not have significant potential, either individually or collectively, to affect ground water quality or beneficial uses;

(b) Discharges of stormwater that are not contaminated or potentially contaminated by industrial or commercial sources.

(18) "Well" means a bored, drilled or driven shaft, or dug hole whose depth is greater than the largest surface dimension.) **"Abandoned well"** means a well that is unused, unmaintained, or is in such disrepair as to be unusable.

**"AKART"** is an acronym that means all known, available and reasonable methods of prevention, control and treatment. AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution. The term "best management practices" typically applies to nonpoint source pollution controls, and is considered a subset of the AKART requirement. The storm water management manuals (see definition in this section) may be used as a guideline, to the extent appropriate, for developing

best management practices to apply AKART for storm water discharges.

**"Aquifer"** means a geologic formation, group of formations or part of a formation capable of yielding a significant amount of ground water to wells or springs.

**"Beneficial uses"** mean uses of the waters of the state which include, but are not limited to, use for domestic, stock watering, industrial, commercial, agricultural, irrigation, mining, fish and wildlife maintenance and enhancement, recreation, generation of electric power and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state.

**"Best management practices"** mean approved physical, structural, and/or managerial practices that, when used singularly or in combination, prevent or reduce pollutant discharges.

**"Cesspool"** means a drywell that receives untreated sanitary waste containing human excreta, and that sometimes has an open bottom and/or perforated sides that discharge to the subsurface.

**"Commercial business"** means a type of business activity that may distribute goods or provide services, but does not involve the manufacturing, processing or production of goods.

**"Contaminant"** means any chemical, physical, biological, or radiological substance that does not occur naturally in ground water or that occurs at concentrations greater than those found naturally.

**"Contamination"** means introduction of a contaminant.

**"Dangerous waste"** means those solid wastes designated in WAC 173-303-070 through 173-303-100 as dangerous, or extremely hazardous or mixed waste. As used in chapter 173-303 WAC, Dangerous waste regulations, the words "dangerous waste" will refer to the full universe of wastes regulated by chapter 173-303 WAC.

**"Decommission"** means to fill or plug a UIC well so that it will not result in an environmental or public health or safety hazard, nor serve as a channel for movement of water or pollution to an aquifer.

**"Department"** means department of ecology.

**"Dispersion"** means the release of surface and storm water runoff from a drainage facility system such that the flow spreads over a wide area and is located so as not to allow flow to concentrate anywhere upstream of a drainage channel with erodible underlying granular soils.

**"Drywell"** means a well, other than an improved sinkhole or subsurface fluid distribution system, completed above the water table so that its bottom and sides are typically dry except when receiving fluids.

**"Existing well"** means a well that is in use at the adoption date of this chapter.

**"Fluid"** means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

**"Ground water"** means water in a saturated zone or stratum beneath the surface of land or below a surface water body.

**"Ground water protection area"** means a geographic area that is by or close by a surrounding community and non-transient noncommunity water system, that uses ground

water as a source of drinking water (40 CFR 144.87) and other sensitive ground water areas critical to protecting underground sources of drinking water from contamination, such as sole source aquifers, highly productive aquifers supplying private wells, critical aquifer recharge areas and/or other state and local areas determined by state and local governments.

**"Hazardous substances"** mean any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) and (6) or any dangerous or extremely dangerous waste as designated by rule under chapter 70.105 RCW; any hazardous substance as defined in RCW 70.105.010(14) or any hazardous substance as defined by rule under chapter 70.105 RCW; any substance that, on the effective date of this section, is a hazardous substance under section 101(14) of the federal cleanup law, 42 U.S.C., Sec. 9601(14); petroleum or petroleum products; and any substance or category of substances, including solid waste decomposition products, determined by the director by rule to present a threat to human health or the environment if released into the environment.

**"High threat to ground water"** means, for this chapter, a UIC well is a high threat to ground water when it receives fluids that cannot meet the criteria in chapter 173-200 WAC Water quality standards for ground waters of Washington (GWQS) at the top of the aquifer, which include, but are not limited to, the following examples: A UIC well that receives drainage, that has not been pretreated and does not meet the GWQS; such as, from an area where storm water comes into contact with a vehicle fueling area, airport deicing activities, storage of treated lumber or vehicle washing; or a UIC well that receives a discharge that is determined to be an imminent public health hazard by a legal authority or is prohibited in this chapter.

**"Improved sinkhole"** means a naturally occurring karst depression or other natural crevice found in volcanic terrain and other geologic settings that has been modified by man for the purpose of directing and emplacing fluids into the subsurface.

**"Infiltration pond"** means an earthen impoundment used for the collection, temporary storage and infiltration of incoming storm water runoff.

**"Infiltration trench"** means a trench used to infiltrate fluid into the ground, is generally at least twenty-four inches wide and backfilled with a coarse aggregate. Perforated pipe or a product with similar use may also be installed.

**"Industrial wastewater"** means water or liquid-carried waste from industrial or commercial processes, as distinct from domestic wastewater. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feedlots, poultry houses or dairies. The term includes contaminated storm water and leachate from solid waste facilities.

**"Motor vehicle waste disposal well"** means a Class V injection well that is typically a shallow disposal system that receives or has received fluids from vehicular repair or maintenance activities such as auto body repair shop, automotive repair shop, new and used car dealership, specialty repair shops or any facility that does any vehicular repair work (40 CFR 144.81).

**"New injection well"** means an injection well that is put in use following the adoption date of this chapter.

**"Nonendangerment standard"** means to prevent the movement of fluid containing any contaminant into the ground water if the contaminant may cause a violation of the Water quality standards for ground waters of the state of Washington, chapter 173-200 WAC or may cause health concerns.

**"Nonpollution-generating surface"** means a surface considered to be an insignificant source of pollutants in storm water runoff and/or a surface not defined as a pollution-generating surface.

**"Person"** means any political subdivision, local, state, or federal government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatsoever.

**"Point of compliance"** means the location where the facility must be in compliance with chapter 173-200 WAC Water quality standards for ground waters of the state of Washington; the top of the aquifer, as near to the source as technically, hydrogeologically, and geographically feasible.

**"Pollution"** means contamination or other alteration of the physical, chemical, or biological properties of waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will, or is likely to, create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

**"Pollution-generating surfaces"** mean the surfaces are considered a significant source of pollutants in storm water runoff. Pollution generating surfaces include pollution generating pervious surfaces and pollution generating impervious surfaces such as surfaces that are subject to: Regular vehicular use, industrial activities, or storage of erodible or leachable materials that receive direct rainfall, or the run-on or blow-in of rainfall, use of pesticides or fertilizers or loss of soil; or leaching such as from metal roofs not coated with an inert, nonleachable material, roofs that are subject to venting of manufacturing, commercial, or other indoor pollutants. Examples of commercial indoor pollutants are commercial facilities such as restaurants where oils and other solid particles are expected to be expelled. It does not include normal indoor air venting at commercial facilities where activities such as cooking, processing, etc., do not take place. Examples are: Roads, unvegetated road shoulders, bike lanes within the traveled lane of a roadway, driveways, parking lots, unfenced fire lanes, vehicular equipment storage yards, airport runways, lawns, and landscaped areas that apply pesticide applications; such as golf courses, parks, cemeteries, and sports fields except for landscaped areas that are approved infiltrative best management practices.

**"Proper management of storm water"** means AKART has been provided or the well owner has demonstrated that the discharge will meet the nonendangerment standard.

**"Radioactive waste"** means any waste which contains radioactive material in concentrations that exceed those listed in 10 Code of Federal Regulations Part 20, Appendix B, Table II, and Column 2.

**"Retrofit"** means taking actions to reduce the pollutant load from a UIC well to meet the statutory requirements of 40 CFR 144.12 and RCW 90.48.010. These actions may include, but are not limited to: Changes to the source control activities and/or structures around the well; an upgrade to the well such as adding a catch basin or spill control device; and/or addition of pretreatment facilities or decommissioning. The selection of actions is based on local priorities, required by the department or the local jurisdiction to address a documented water quality problem.

**"Rule authorized"** means a UIC well that is registered with the department and meets the nonendangerment standard. If a well is rule authorized, it does not require a state waste discharge permit from the department.

**"Sanitary waste"** means liquid or solid wastes originating solely from humans and human activities, such as wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and utensils are cleaned. Sources of these wastes may include single or multiple residences, hotels and motels, restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations, campgrounds, picnic grounds, day-use recreation areas, other commercial facilities, and industrial facilities provided the waste is not mixed with industrial waste.

**"Septic system"** means a well that is used to discharge sanitary waste below the surface and is typically comprised of a septic tank and subsurface fluid distribution system or disposal system. (Also called on-site sewage system.)

**"State waste discharge permit"** means a permit issued in accordance with chapter 173-216 WAC, State waste discharge permit program.

**"Storm water"** means the portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes and other features of a storm water drainage system into a defined surface water body, or a constructed treatment, evaporation, or infiltration facility.

**"Storm water manuals"** mean the *Stormwater Management Manual for Eastern or Western Washington* or other manuals approved by the department.

**"Storm water pollution prevention plan"** means a documented plan to implement measures to identify, prevent, and control the contamination of storm water and its discharge to UIC wells.

**"Subsurface fluid distribution system"** means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground.

**"Underground source of drinking water"** means ground waters that contain fewer than 10,000 mg/L of total dissolved solids and/or supplies drinking water for human consumption.

**"UIC well" or "underground injection control well"** means a well that is used to discharge fluids into the subsur-

face. A UIC well is one of the following: (1) A bored, drilled or driven shaft, or dug hole whose depth is greater than the largest surface dimension; (2) an improved sinkhole; or (3) a subsurface fluid distribution system.

**"Waste fluid"** means any fluid that cannot meet the nonendangerment standard at the point of compliance, which is the top of the aquifer.

**"Well assessment"** means an evaluation of the potential risks to ground water from the use of UIC wells. A well assessment includes information such as the land use around the well which may affect the quality of the discharge and whether the UIC well is located in a ground water protection area. It may include the local geology and depth of the ground water in relation to the UIC well if the well is considered a high threat to ground water.

**"Well injection"** means the subsurface emplacement of fluids through a well.

**"You"** means the owner or operator of the UIC well.

AMENDATORY SECTION (Amending Order DE 84-02, filed 2/29/84)

**WAC 173-218-040 ((Authorization required.)) UIC well classification including allowed and prohibited wells.** ((No fluids may be injected through wells except as authorized pursuant to this chapter.)) The most common type of UIC well in Washington is a Class V well. A Class V well is usually a shallow disposal well such as a drywell, drainfield or French drain (see subsection (5) of this section).

(1) "Class I injection well" means a well used to inject dangerous and/or radioactive waste, beneath the lowermost formation containing an underground source of drinking water within one-quarter mile of the well bore. All Class I wells are prohibited in Washington and must be decommissioned.

(2) "Class II injection well" means a well used to inject fluids:

(a) Brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production. It may be mixed with wastewaters from gas plants that are an integral part of production operations, unless those waters are classified as hazardous wastes at the time of injection;

(b) For enhanced recovery of oil or natural gas; or

(c) For storage of hydrocarbons that are liquid at standard temperature and pressure.

(3) "Class III injection well" means a well used for extraction of minerals. All Class III wells are prohibited in Washington and must be decommissioned. Examples of Class III injection wells include, but are not limited to, the injection of fluids for:

(a) In situ production of uranium or other metals that have not been conventionally mined;

(b) Mining of sulfur by Frasch process; or

(c) Solution mining of salts or potash.

(4) "Class IV injection well" means a well used to inject dangerous or radioactive waste into or above an underground source of drinking water. Class IV wells are prohibited and must be decommissioned except for Class IV wells reinjecting treated ground water into the same formation from where

it was drawn as part of a removal or remedial action if such injection is approved by EPA in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act or the Resource Conservation and Recovery Act, 40 CFR 144.13(c). Other examples of Class IV wells include:

(a) Dangerous or radioactive waste into or above a formation that contains an underground source of drinking water within one quarter mile of the well. This includes disposal of dangerous waste into a septic system or cesspool regardless of the size; or

(b) Dangerous or radioactive waste that cannot be classified as a Class I well type or (a) of this subsection.

(5) "Class V injection well" means all injection wells not included in Classes I, II, III, or IV. Class V wells are usually shallow injection wells that inject fluids above the uppermost ground water aquifer. Some examples are dry wells, French drains used to manage storm water and drain fields.

(a) The following are examples of Class V injection wells that are allowed in Washington:

(i) Drainage wells used to drain surface fluids, primarily storm water runoff, into or below the ground surface, such as, but not limited to, a drywell or infiltration trench containing perforated pipe;

(ii) Heat pump or cooling water return flow wells used to inject water previously used for heating or cooling;

(iii) Aquifer recharge wells used to replenish the water in an aquifer;

(iv) Salt water intrusion barrier wells used to inject water into a fresh water aquifer to prevent the intrusion of salt water into the fresh water;

(v) Septic systems serving multiple residences or nonresidential establishments that receive only sanitary waste and serve twenty or more people per day or an equivalent design capacity of 3,500 gallons or larger per day;

(vi) Subsidence control wells (not used for the purpose of oil or natural gas production) used to inject fluids into a nonoil or gas producing zone to reduce or eliminate subsidence associated with the removal of fresh water;

(vii) Injection wells associated with the recovery of geothermal energy for heating, aquaculture and production of electric power;

(viii) Injection wells used in experimental technologies;

(ix) Injection wells used for in situ recovery of lignite, coal, tar sands, and oil shale;

(x) Injection wells used for remediation wells receiving fluids intended to clean up, treat or prevent subsurface contamination;

(xi) Injection wells used to inject spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts;

(xii) Injection wells used to control flooding of residential basements;

(xiii) Injection wells used for testing geologic reservoir properties for potential underground storage of natural gas or oil in geologic formations; if the injected water used is of equivalent or better quality than the ground water in the targeted geologic formation and the ground water in the targeted geologic formation is nonpotable and/or toxic because of naturally occurring ground water chemistry; and

(xiv) Injection wells used as part of a reclaimed water project as allowed under a permit.

(b) The following are examples of Class V wells that are prohibited in Washington:

(i) New and existing cesspools including multiple dwelling, community or regional cesspools, or other devices that receive sanitary wastes that have an open bottom and may have perforated sides that serve twenty or more people per day or an equivalent design capacity of 3,500 gallons or larger per day. The UIC requirements do not apply to single family residential cesspools or to nonresidential cesspools which receive solely sanitary waste and have the capacity to serve fewer than twenty persons a day or an equivalent design capacity of less than 3,500 gallons per day;

(ii) Motor vehicle waste disposal wells that receive or have received fluids from vehicular repair or maintenance activities (see definition of motor vehicle waste disposal wells in WAC 173-218-030). UIC wells receiving storm water located at vehicular repair, maintenance or dismantling facilities shall not be considered waste disposal wells if the wells are protected from receiving vehicle waste;

(iii) Wells used for solution mining of conventional mines such as stopes leaching;

(iv) Backfill wells used to inject a mixture of water and sand, mill tailings or other solids into mined out portions of subsurface mines whether what is injected is a radioactive waste or not;

(v) UIC wells receiving fluids containing hazardous substances (see definition for hazardous substances in WAC 173-218-030) except for wells:

(A) Allowed under (a)(x) of this subsection; or

(B) Receiving storm water that meets the nonendangerment standard by applying the best management practices and requirements in WAC 173-218-090 or storm water authorized under a permit; and

(vi) UIC wells receiving industrial wastewater except for industrial wastewater authorized under a permit.

AMENDATORY SECTION (Amending Order DE 84-02, filed 2/29/84)

**WAC 173-218-050 (~~(Class I injection wells.)~~) Exemptions from UIC well status.** ~~((1) New Class I injection wells are prohibited.~~

~~(2) All persons operating an existing Class I injection well operation must apply to the department for approval to operate within one year of the effective date of this chapter.~~

~~(3) The department will accept, process, and act upon the application in accordance with applicable requirements as contained in 40 Code of Federal Regulations Parts 124 and 144 as published in Federal Register Volume 48, #64 (April 1, 1983) and Part 146 as published in Federal Register Volume 45, #123 (June 24, 1980), Volume 46, #166 (August 27, 1981) and Volume 47, #23 (February 3, 1982).) The following are not considered UIC wells and are not regulated under this chapter.~~

(1) Single-family residential septic systems, handling only sanitary wastes and have the capacity to serve less than twenty people per day or an equivalent design capacity of less than 3,500 gallons per day;

(2) Nonresidential septic systems and cesspools handling only sanitary wastes and have the capacity to serve less than twenty people per day or an equivalent design capacity of less than 3,500 gallons per day;

(3) Any dug, blasted or drilled hole, bored shaft that is not used for the subsurface placement of fluids in accordance with 40 CFR 144.1 (g)(1)(ii);

(4) Infiltration ponds, dispersion systems, or infiltration trenches that do not contain perforated pipe; or

(5) Storm drain components that contain perforated pipes, drain tiles or other similar mechanisms designed and intended to convey water directly or indirectly to a surface water body.

AMENDATORY SECTION (Amending Order DE 84-02, filed 2/29/84)

**WAC 173-218-060 (~~(Class II injection wells.)~~) Requirements to operate a UIC well.** ~~((1) Any person, who proposes to conduct or is conducting a Class II injection well operation, as defined in WAC 173-218-030 (3)(a), must notify the oil and gas conservation committee (OGCC) in accordance with the provisions of general rules, chapter 344-12 WAC.~~

~~(2) The department shall perform review, evaluation, and approval in accordance with the provisions of general rules, chapter 344-12 WAC.~~

~~(3) The department shall process a Class II injection well application, as defined in WAC 173-218-030 (3)(a), in accordance with applicable requirements as contained in 40 Code of Federal Regulations Parts 124 and 144 as published in Federal Register Volume 48, #64 (April 1, 1983) and Part 146 as published in Federal Register Volume 45, #123 (June 24, 1980), Volume 46, #166 (August 27, 1981) and Volume 47, #23 (February 3, 1982).~~

~~(4) At present, there appears to be no reasonable likelihood that approval will be sought for a Class II injection well for either enhanced recovery of oil or natural gas or for storage of liquid hydrocarbons; therefore, Class II injection wells as defined in WAC 173-218-030 (3)(b) and (3)(c) are not authorized. If it appears likely that approval will be sought for either of these types of injection wells, these regulations will be amended to include an appropriate regulatory program.) To operate an existing or new UIC well in Washington, the UIC well must be registered and either rule authorized or receive a state waste discharge permit from the department to operate, except as noted below, and the following must be met:~~

~~(1) Class I UIC wells are prohibited and must be decommissioned.~~

~~(2) Class II UIC wells must be registered and have a state waste discharge permit issued by the department to operate, and the following must occur:~~

~~(a) The well must be reported to the department of natural resources in accordance with the provisions of chapter 344-12 WAC General rules by any person who proposes to conduct or is conducting a Class II injection well operation, as defined in chapter 173-218 WAC;~~

(b) The department of natural resources will perform review, evaluation, and approval in accordance with the provisions of chapter 344-12 WAC General rules; and

(c) The department of ecology will process a Class II injection well application, in accordance with applicable requirements as contained in 40 Code of Federal Regulations Parts 124 and 144 as published in Federal Register Volume 48, #64 (April 1, 1983) and Part 146 as published in Federal Register Volume 45, #123 (June 24, 1980), Volume 46, #166 (August 27, 1981) and Volume 47, #23 (February 3, 1982).

(3) Class III UIC wells are prohibited and must be decommissioned.

(4) Class IV UIC wells that are not prohibited (see WAC 173-218-040) must be registered and approved under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or the Resource Conservation and Recovery Act (RCRA), 40 CFR 144.13 (a)(4)(c). Approved Class IV UIC wells are wells used at:

(a) CERCLA sites conducting a cleanup under an EPA order, consent order or consent decree or where the cleanup is being conducted by EPA; or

(b) RCRA sites conducting a cleanup under an order, agreed order or consent decree.

(5) Class V UIC wells, except as noted below, must be registered and either rule authorized (see WAC 173-218-070) or receive a state waste discharge permit issued by the department to operate including wells used in independent remedial actions under MTCA. The following Class V wells do not need a permit but do have to register with the UIC program if they are authorized in accordance with:

(a) CERCLA conducting a cleanup under an EPA order, consent order or consent decree or where the cleanup is being conducted by EPA; and

(b) RCRA or MTCA conducting a cleanup under a MTCA order, agreed order or consent decree or where the cleanup is being conducted by the department.

AMENDATORY SECTION (Amending Order DE 84-02, filed 2/29/84)

**WAC 173-218-070 ((Class III injection wells.) Rule authorization and registration.** ~~((At present, there appears to be no reasonable likelihood that approval will be sought for a Class III injection well; therefore, Class III injection wells are not authorized. If it appears likely that approval will be sought for a Class III injection well, these regulations will be amended to include an appropriate regulatory program.))~~ In order to receive rule authorization, your well must meet the nonendangerment standard (see WAC 173-218-080 and 173-218-090) and must be registered with the department unless otherwise noted below. If your UIC well is rule authorized, it does not need a state waste discharge permit to operate. Rule authorization can be rescinded if a UIC well no longer meets the nonendangerment standard of this chapter.

(1) Registering your UIC well:

(a) The UIC well owner or operator must register the UIC well with the department and the wells only need to be registered once. Registration forms are available for single and multiple sites and can be found on the department's web site at <http://www.ecy.wa.gov/programs/wq/grndwtr/uic>.

When completing the form, the following information must be included:

(i) Operator/owner information;

(ii) Site location;

(iii) Best management practices used to protect ground water quality;

(iv) UIC well description;

(v) Other information the department determines is necessary to meet the nonendangerment standard.

(b) Owners of UIC wells used to manage storm water must:

(i) Complete a well assessment for existing wells (see WAC 173-218-090) except for UIC wells authorized for use at CERCLA facilities; and

(ii) Provide to the department an annual update on any well status changes, such as a change in the legal owner or if the well has been closed, after the initial well registration is sent to the department.

(c) Owners of existing UIC wells that are not used for storm water management must complete a survey provided by the department except for wells in WAC 173-218-100 and UIC wells authorized for use at CERCLA facilities.

(d) UIC wells on tribal land must be registered with the Environmental Protection Agency, Region 10. Tribal land means the land within Indian reservations and federal land located off-reservation which is held in trust for Indians, unless specifically delegated by EPA.

(e) UIC wells at single-family homes that only receive residential roof runoff, or are used to control basement flooding, do not have to register with the department.

(f) Septic systems that serve twenty or more people per day or an equivalent design capacity of 3,500 gallons or larger per day that receive operating permits, meet the requirements and are permitted in accordance with chapter 246-272B WAC Large on-site sewage system regulations will be registered after the Washington state department of health provides to the department:

(i) Registration information for all systems with valid operating permits as of the effective date of this chapter; and

(ii) Annual updates on newly permitted systems and closed systems.

(g) The following types of Class V UIC wells that require an associated permit still need to register with the department:

(i) Aquifer recharge wells that meet the requirements and are permitted in accordance with chapter 173-157 WAC Underground artificial storage and recovery;

(ii) Septic systems that serve twenty or more people per day or an equivalent design capacity of 3,500 gallons or larger per day that meet the requirements and are permitted in accordance with chapter 246-272A WAC On-site sewage systems;

(iii) UIC wells used for geothermal fluid return flow into the same aquifer and that meet chapter 173-200 WAC Water quality standards for ground waters of the state of Washington and chapter 173-216 WAC State waste discharge permit program requirements; and

(iv) UIC wells that are used as part of a reclaimed water project that meet the requirements of the water reclamation and reuse standards as authorized by RCW 90.46.042.



(2) The department will determine if the UIC well is rule authorized based on the information provided in the registration packet and will take one of the following actions within sixty days:

(a) Provide written notification that your UIC well is registered and rule authorized;

(b) Contact you or conduct a site visit if additional information is needed;

(c) Provide written notification if rule authorization of your UIC well is denied. The denial letter will include one of the following:

(i) Written notification that improvements to your on-site practices are needed to meet the nonendangerment standards for rule authorization;

(ii) Written notification indicating that you must decommission the UIC well (see WAC 173-218-120); or

(iii) Written notification indicating that you will have to apply for a state waste discharge permit to operate your UIC well under chapter 173-216 WAC State waste discharge permit program.

(d) If you do not hear from the department within sixty days, the well will be automatically registered.

(3) Class IV wells that are not prohibited (see WAC 173-218-040) are rule authorized, after the UIC well is registered, for the life of the well if such subsurface emplacement of fluids is authorized under the Comprehensive Environmental Response, Compensation, and Liability Act or the Resource Conservation Recovery Act, 40 CFR 144.23(c).

AMENDATORY SECTION (Amending Order DE 84-02, filed 2/29/84)

**WAC 173-218-080 ((Class IV injection wells.)) The nonendangerment standard for UIC wells.** ((Class IV injection wells are prohibited regardless of proximity to USDW.)) To meet the nonendangerment standard you must prevent the movement of fluid containing any contaminant into the ground water if the contaminant may cause a violation of chapter 173-200 WAC Water quality standards for the ground waters of the state of Washington. In order to meet the nonendangerment standard, you must meet the following:

(1) Be in compliance with the following sections in RCW 90.48.010, 90.48.080, 90.48.160, 90.48.162, and 90.48.455;

(2) Be in compliance with chapter 173-200 WAC Water quality standards for ground waters of the state of Washington; such as, but not limited to, providing best management practices at the site that will fulfill the AKART requirement; and

(3) Be constructed, operated, maintained and decommissioned in a manner that protects ground water quality as described in 40 CFR 144.12(a).

AMENDATORY SECTION (Amending Order DE 84-02, filed 2/29/84)

**WAC 173-218-090 ((Class V injection wells.)) Specific requirements for Class V wells to meet the nonendangerment standard.** ((1) All new Class V injection wells that inject industrial, municipal, or commercial waste fluids into or above an USDW are prohibited.

(2) All persons operating an existing Class V injection well, that inject industrial, commercial, or municipal waste fluids into or above an USDW, must apply to the department for approval to operate within one year of the effective date of this regulation. The department will accept, process, and act upon the application in accordance with the procedures and practices of the State waste discharge permit program, chapter 173-216 WAC.

(3) All other Class V injection well owners and operators must notify the department of the location of injection wells within one year of approval of the state underground injection control program by the United States Environmental Protection Agency. The notification shall be on a form as prescribed by the department and will include the information needed to satisfy the requirements of 40 Code of Federal Regulations Part 146.52-.) Specific requirements for Class V wells are organized by wells that are used for storm water management and wells that are used for other purposes. This section does not apply to the Class V wells in WAC 173-218-100.

(1) New Class V UIC wells used for **storm water management** must:

(a) Meet additional ground water protection area requirements as determined by other state laws or by local ordinances;

(b) Not directly discharge into ground water. A separation between the bottom of the well and the top of the ground water is required. The treatment capacity of the unsaturated zone or the zone where the fluid is discharged, and the pollutant loading of the discharge must be considered when determining the vertical separation; and

(c) The owner or operator of a new Class V well used to manage storm water must meet the nonendangerment standard as defined under WAC 173-218-080. The owner or operator of a new Class V well must show compliance with the nonendangerment standard prior to placing a new well into service. Compliance with the nonendangerment standard may be met through one or a combination of the following two approaches:

(i) Presumptive approach: The presumptive approach means compliance with the nonendangerment standard is presumed, unless discharge monitoring data or other site specific information shows that a discharge causes or contributes to a violation of chapter 173-200 WAC Water quality standards for ground waters of the state of Washington, when:

(A) The well activity is in compliance with this chapter; and either

(B) The well is designed and installed to the storm water manual current at the time of construction and is operated in conformance with storm water best management practices including the proper selection, implementation, and maintenance of all on-site pollution control using the current storm water manual published by the department for your region or an equivalent department approved local manual.

(C) Owners or operators of municipal separate storm sewer systems regulated under section 1342(p) of the Federal Water Pollution Control Act which also own or operate Class V UIC wells may satisfy the presumptive approach by applying the storm water management programs developed to comply with the Federal Water Pollution Control Act to their

new UIC wells. For new UIC wells, construction phase and postconstruction storm water controls must be applied in accordance with applicable storm water manuals.

(D) The presumptive approach may not be used when best management practices do not exist to remove or reduce a contaminant, the vadose zone has no treatment capacity and/or the storm water quality is such that a best management practice does not exist to reduce or eliminate the concentration.

(ii) Demonstrative approach: The demonstrative approach means that the technical bases for the selection of storm water best management practices are documented. The documentation must include:

(A) The method and reasons for choosing the storm water best management practices selected;

(B) The pollutant removal performance expected from the practices selected;

(C) The technical basis supporting the performance claims for the practices selected, including any available existing data concerning field performance of the practices selected;

(D) An assessment of how the selected practices will satisfy the requirements of WAC 173-218-080 and chapter 173-200 WAC; and

(E) An assessment of how the selected practices will satisfy state requirements to use all known, available, and reasonable methods of prevention, control and treatment.

(2) Existing Class V UIC wells used for storm water management do not have to meet the new well requirements. If the UIC wells are not already registered, the owner or operator must register the wells with the department and complete a well assessment. The following timelines must be met unless otherwise approved from the department:

(a) If you own or operate less than or equal to fifty wells:

(i) You have three years after the adoption date of this rule to register your UIC wells unless an extension has been approved by the department;

(ii) You have five years after the adoption date of this rule to complete a well assessment. The approach to conducting the well assessment will be determined by the owner. The well assessment evaluates the potential risks to ground water from the use of UIC wells and includes information such as the land use around the well which may affect the quality of the discharge and whether the UIC well is located in a ground water protection area. It may include the local geology, and depth of the ground water in relation to the UIC well if the well is considered a high threat to ground water. The well assessment requirements will be met if an owner or operator applies the storm water best management practices contained in a guidance document approved by the department to their UIC wells and determines if the UIC well is located in a ground water protection area;

(iii) Any well assessment that identifies a well as a high threat to ground water must include a retrofit schedule; and

(iv) You must immediately take action to correct the use of a well that is determined to be an imminent public health hazard, for example when a drinking water supply is contaminated and causes a public health emergency. The department must be notified within thirty days from the determination and may determine a retrofit schedule. The department's

enforcement procedure (see WAC 173-218-130) will be followed when a retrofit schedule is needed.

(b) If you own or operate more than fifty wells:

(i) You have five years after the adoption date of this rule to register your UIC wells unless an extension has been approved from the department;

(ii) You have seven years after the adoption date of this rule to complete a well assessment. The approach to conducting the well assessment will be determined by the owner. The well assessment evaluates the potential risks to ground water from the use of UIC wells and includes information such as the land use around the well which may affect the quality of the discharge, and whether the UIC well is located in a ground water protection area. It may include the local geology, and depth of the ground water in relation to the UIC well if the well is considered a high threat to ground water. The well assessment requirements will be met if an owner or operator applies the storm water best management practices contained in a guidance document approved by the department to their UIC wells and determines if the UIC well is located in a ground water protection area;

(iii) Any well assessment that identifies a well as a high threat to ground water must include a retrofit schedule; and

(iv) You must immediately take action to correct the use of a well that is determined to be an imminent public health hazard, for example when a drinking water supply is contaminated and causes a public health emergency. The department must be notified within thirty days from the determination and may establish a retrofit schedule. The department's enforcement procedure will be followed when a retrofit schedule is needed.

(c) If you own or operate a site that uses, stores, loads, or treats hazardous substances or is an industrial facility that has a Standard Industrial Classification as regulated by Federal Regulations, 40 CFR Subpart 122.26(b)(14) (excluding construction sites), you may use the following to satisfy the documentation requirements for meeting the nonendangerment standard:

(i) If the facility has or will have a waste water discharge permit issued pursuant to chapter 90.48 RCW, including a National Pollutant Discharge Elimination System (NPDES) permit, the associated storm water pollution prevention plan may be used in place of the well assessment to meet the nonendangerment standard provided the storm water pollution prevention plan specifically addresses storm water discharges to UIC wells; or

(ii) For unpermitted facilities, the preparation and implementation of a storm water pollution prevention plan can be used in place of the well assessment to meet the nonendangerment standard if applied to the UIC wells or documentation must be provided to show that the well does not pose a threat to ground water. Examples of documentation include, but are not limited to, a site drainage map for the UIC wells or a no-exposure certification form completed for discharges to ground.

(d) Owners or operators of municipal separate storm sewer systems regulated under section 1342(p) of the federal Water Pollution Control Act which also own or operate Class V UIC wells may satisfy the nonendangerment standard by applying the storm water management programs developed

to comply with the federal Water Pollution Control Act to their UIC wells. For existing UIC wells receiving new sources of storm water, construction phase and post-construction storm water controls must be applied to all development and redevelopment projects in accordance with applicable storm water manuals.

(3) Class V UIC wells **not** used for **storm water management**:

(a) **New** UIC wells that are **not** used for storm water management must:

(i) Not directly discharge into an aquifer, except for wells listed in WAC 173-218-040 (5)(a)(ii) through (iv), (vii) through (xi), (xiii) and (xiv). A separation between the bottom of the well and the top of the aquifer is required; and

(ii) Meet additional ground water protection requirements if the UIC well is located in a ground water protection area (see WAC 173-218-030) as determined by other state laws or by local ordinances.

(b) **Existing registered** UIC wells that are **not** used for storm water management are already considered to be rule authorized. To verify that current site practices are protective of ground water quality, the owner or operator must complete a survey from the department except for UIC wells used at CERCLA sites. The department will provide written notification that the current site practices are adequate.

(c) **Existing** UIC wells that are **not registered** and **not** used for storm water management must meet the requirements for new wells.

AMENDATORY SECTION (Amending Order DE 84-02, filed 2/29/84)

**WAC 173-218-100 ((Permit terms and conditions.)) UIC wells that automatically meet the nonendangerment standard.** ((1) Any permit issued by the department shall specify conditions necessary to prevent and control injection of fluids into the waters of the state, including the following, whenever applicable:

(a) All known, available, and reasonable methods of prevention, control, and treatment;

(b) Applicable requirements as contained in 40 Code of Federal Regulations Parts 124 and 144 as published in Federal Register Volume 48, #64 (April 1, 1983) and Part 146 as published in Federal Register Volume 45, #123 (June 24, 1980), Volume 46, #166 (August 27, 1981) and Volume 47, #23 (February 3, 1982); and

(c) Any conditions necessary to preserve and protect USDW.

(2) Any injection well that causes or allows the movement of fluid into an USDW that may result in a violation of any primary drinking water standard under 40 Code of Federal Regulations Part 141 or that may otherwise adversely affect the beneficial use of an USDW is prohibited.) (1) The following new and existing Class V UIC wells automatically meet the nonendangerment standard and are considered rule authorized after the well is registered. These Class V wells are not subject to the requirements of WAC 173-218-090:

(a) UIC wells which inject fluids that meet chapter 173-200 WAC, Water quality standards for ground waters of the state of Washington, to control subsidence;

(b) UIC wells that temporarily inject fluids or other material for the purpose of maintaining a properly functioning water extraction well or dewatering well;

(c) Closed loop heating and cooling water return flow wells that have not added any chemicals or product to the water;

(d) Air conditioning or heat pump return flow wells that have not added any chemical or product to the water, and are used to return fluid to the supply aquifer. The fluids must not impair beneficial uses of ground water or surface water;

(e) Aquifer recharge wells that meet the requirements in chapter 173-157 WAC Underground artificial storage and recovery;

(f) UIC wells used as part of a reclaimed water project that meet the requirements of the Water reclamation and reuse standards as authorized by RCW 90.46.042;

(g) Septic systems that serve twenty or more people per day or an equivalent design capacity of 3,500 gallons or larger per day; and

(i) Receive operating permits, meet the requirements and are permitted in accordance with chapter 246-272B WAC Large on-site sewage system regulations; or

(ii) Meet the requirements of chapter 246-272A WAC On-site sewage systems.

(h) UIC wells receiving storm water from nonpollution generating surfaces; and

(i) UIC wells that only receive runoff from a roof coated with an inert, nonleachable material and a roof that is not subject to venting of manufacturing, commercial, or other indoor pollutants.

(2) The following Class V UIC wells automatically meet the nonendangerment standard, are considered rule authorized and are exempt from registering:

(a) UIC wells used in residential settings that receive water from sump pumps, for basement flood control; and

(b) UIC wells that only receive runoff from a residential roof.

AMENDATORY SECTION (Amending Order DE 84-02, filed 2/29/84)

**WAC 173-218-110 ((Enforcement.)) Permit terms and conditions if a UIC well is not rule authorized.** ((1) For violations of this chapter, the department shall have the remedies available in the Water Pollution Control Act, chapter 90.48 RCW, and all other applicable statutes.

(2) All injection well operations not operated in accordance with the provisions of this chapter, that cause or tend to cause entry of fluids into the waters of the state as a result of a violation of these provisions, constitutes pollution of the waters of the state in violation of RCW 90.48.080.) If you are denied rule authorization and you are operating a UIC well, you must obtain a state waste discharge permit under chapter 173-216 WAC State waste discharge permit program or chapter 173-226 WAC Waste discharge general permit program or close the well.

(1) Permit terms and conditions must meet the requirements of chapter 173-216 or 173-226 WAC and this chapter.

(2) All injection activities including construction of an injection well are prohibited until the well is rule authorized or issued a permit 40 CFR 144.31 (October 4, 2001).

#### NEW SECTION

**WAC 173-218-120 Decommissioning a UIC well.** (1) Decommissioning standards for all UIC wells:

(a) Wells must be decommissioned in a manner that prevents movement of fluid containing any contaminant into the ground water (40 CFR 144.82); and

(b) When decommissioning wells, the owner or operator must dispose or otherwise manage any soil, gravel, sludge, liquids or other materials removed from or adjacent to the wells in accordance with all applicable federal, state, and local requirements (40 CFR 144.82b).

(2) Decommissioning standards for UIC wells that are determined to be an imminent public health hazard or prohibited:

(a) Class I wells are prohibited and must be decommissioned in accordance with 40 CFR 146;

(b) Class III wells are prohibited and must be decommissioned in accordance with 40 CFR 146;

(c) Class IV wells that are prohibited must be decommissioned in accordance with 40 CFR 144, 146; or

(d) Class V wells that are determined to be an imminent public health hazard or are prohibited in this rule must be decommissioned at the earliest extent possible as approved by the department and meet the decommissioning standards, except for:

(i) Existing cesspools that serve twenty or more people per day or an equivalent design capacity of 3,500 gallons or larger per day must be decommissioned immediately (40 CFR 144.88); and

(ii) Motor vehicle waste disposal wells must be decommissioned immediately.

(3) Decommissioning standards for allowed UIC wells:

(a) Class II wells must meet the closure requirements found in chapter 344-12 WAC General rules;

(b) Class V wells must be decommissioned by filling or plugging the well so that it will not result in an environmental, public health or safety hazard, and will not serve as a channel for movement of water or pollution to an aquifer:

(i) UIC wells that are in contact with an aquifer, even if they are in contact with only the seasonal high aquifer, must be decommissioned in accordance with the most applicable method found in chapter 173-160 WAC Minimum standards for construction and maintenance of wells; or

(ii) UIC wells that are not in contact with an aquifer must be decommissioned by:

(A) Removing any structure within three feet of the land surface;

(B) Backfilling up to three feet below the land surface with material that is uncontaminated, chemically and biologically inert, and that drains equal to or more slowly than the native material surrounding the UIC well; and

(C) Filling the remaining three feet directly below the land surface with native soil or other structurally sound material common with current engineering practices.

(c) Septic systems that receive only sanitary waste and serve twenty or more people per day or an equivalent design capacity of 3,500 gallons or larger per day must be decommissioned in accordance with chapter 246-272B WAC Large on-site sewage system regulations or chapter 246-272A WAC On-site sewage systems;

(d) The department may require additional measures to those above prior to the decommissioning of a UIC well if such measures are deemed necessary to protect the public health and safety.

(4) Decommissioning recordkeeping requirements for UIC wells:

(a) The owner or operator of a Class I, II, III, or IV well must notify the department thirty days prior to decommissioning the UIC well;

(b) An owner or operator of a Class V well that is determined to be an imminent public health hazard or that is prohibited must notify the department thirty days prior to decommissioning the well (40 CFR 144.88); or

(c) After adoption of this rule, an owner or operator of a Class V well that is determined not to be an imminent public health hazard and is not prohibited must notify the department within one year of the closure except for existing UIC wells used for storm water management and septic systems that are permitted and meet the requirements of chapter 246-272B WAC Large on-site sewage system regulations. The owner or operator must submit to the department, on an annual basis, an update on the wells that have been decommissioned, once the initial well registration(s) has been sent to the department.

#### NEW SECTION

**WAC 173-218-130 Enforcement.** (1) For violations of this chapter, the department shall rely upon the provisions of the Water Pollution Control Act, chapter 90.48 RCW, and all other applicable statutes.

(2) All injection well operations not operated in accordance with the provisions of this chapter, that cause or tend to cause entry of fluids into the waters of the state as a result of a violation of these provisions, constitutes pollution of the waters of the state in violation of RCW 90.48.080.

### **WSR 06-02-068**

#### **PERMANENT RULES**

#### **DEPARTMENT OF TRANSPORTATION**

[Filed January 3, 2006, 2:59 p.m., effective February 3, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To amend chapter 468-100 WAC to reflect regulatory changes made by the Federal Highway Administration (FHWA) to the federal regulations in 49 C.F.R. Part 24 Section 24 that went into effect on February 3, 2005.

Citation of Existing Rules Affected by this Order: Repealing WAC 468-100-505; and amending WAC 468-100-001 through 468-100-603.

Statutory Authority for Adoption: Chapter 8.26 RCW.

Adopted under notice filed as WSR 05-22-083 on November 1, 2005.

Changes Other than Editing from Proposed to Adopted Version: Included language omitted from WAC 468-100-002 (15)(c) when original changes were submitted on November 1, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 2, Amended 34, Repealed 1; 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 2, Amended 34, 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 2, Amended 34, Repealed 1.

Date Adopted: January 3, 2006.

John F. Conrad  
Assistant Secretary

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-001 Purpose ((and scope)).** (1) This chapter promulgates rules to implement chapter 8.26 RCW (Relocation assistance—Real property acquisition policy).

(2) Conflicts: In the event of any conflict between these regulations and the provisions of chapter 8.26 RCW or any other applicable law, the statutory provisions are controlling.

(3) Notwithstanding anything to the contrary in this chapter, any displacing agency, where otherwise authorized, may make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by this chapter, and may comply with regulations promulgated pursuant to other authority, if the making of such payment or compliance with such requirements is necessary under federal law or regulations to secure federal financial assistance.

AMENDATORY SECTION (Amending WSR 01-02-027, filed 12/22/00, effective 1/22/01)

**WAC 468-100-002 Definitions and acronyms, Definitions:** Certain terms used in this chapter are defined as follows:

(1) **Agency:** ~~((Means the state agency or local public agency which))~~ The term agency means the federal agency, state, state agency, or person that acquires ((the)) real property or displaces a person.

(a) **Acquiring agency.** The term acquiring agency means a state agency, as defined in (d) of this subsection, which has the authority to acquire property by eminent domain under state law, and a state agency or person that does not have such authority.

(b) **Displacing agency.** The term displacing agency means any federal agency carrying out a program or project,

and any state, state agency, or person carrying out a program or project with the federal financial assistance that causes a person to be a displaced person.

(c) **Federal agency.** The term federal agency means any department, agency, or instrumentality in the executive branch of the government, any wholly owned government corporation, the architect of the capitol, the federal reserve banks and branches thereof, and any person who has the authority to acquire property by eminent domain under federal law.

(d) **State agency.** The term state agency means any department, agency or instrumentality of a state or of a political subdivision of a state, any department, agency, or instrumentality or two or more states or of two or more political subdivisions of a state or states, and any person who has the authority to acquire property by eminent domain under state law.

(2) **Alien not lawfully present in United States:** Means an alien who is not "lawfully present" in the United States as defined in Public Law 104-193 and includes:

(a) An alien present in the United States who has not been admitted or paroled into the United States pursuant to the Immigration and Nationality Act and whose stay in the United States has not been authorized by the United States Attorney General; and

(b) An alien who is present in the United States after the expiration of the period of stay authorized by the United States Attorney General or who otherwise violates the terms and conditions of admission, parole or authorization to stay in the United States.

(3) **Appraisal:** Means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

(4) **Business:** Means any lawful activity, except a farm operation, that is conducted:

(a) Primarily for the purchase, sale, lease, and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property; or

(b) Primarily for the sale of services to the public; or

(c) ~~((Solely for the purpose of WAC 468-100-303, conducted))~~ Primarily for outdoor advertising display purposes, when the display must be moved as a result of the project; or

(d) By a nonprofit organization that has established its nonprofit status under applicable federal or state law.

(5) **Citizen:** The term citizen for purposes of this part includes both citizens of the United States and noncitizen nationals.

(6) **Comparable replacement dwelling:** Means a dwelling ~~((which))~~ that meets the additional rules in WAC 468-100-403 and which is:

(a) ~~((Is))~~ Decent, safe, and sanitary according to the definition in subsection ~~((7))~~ (8) of this section.

(b) ~~((Is functionally similar to the displacement dwelling with particular attention to the number of rooms and living space-))~~ Functionally equivalent to the displacement dwelling. The term functionally equivalent means that it performs the same function, and provides the same utility. While a

comparable replacement dwelling need not possess every feature of the displacement dwelling, the principal features must be present. Generally, the functional equivalency is an objective standard, reflecting the range of purposes for which the various physical features of a dwelling may be used. However, in determining whether a replacement is functionally equivalent to the displacement dwelling, the agency may consider reasonable tradeoffs for specific features when the replacement unit is equal to or better than the displacement dwelling.

(c) ~~((Is))~~ Adequate in size to accommodate the occupants.

(d) ~~((Is))~~ Located in an area that is not subject to unreasonable adverse environmental conditions(~~(-is not generally less desirable))~~).

(e) In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and is reasonably accessible to the person's place of employment. Comparables may be used from neighborhoods similar to that of the acquired dwelling.

~~((Has))~~ (f) On a site that is typical in size for residential development with normal site improvements, including customary landscaping. The replacement site need not include either a special improvement or a major exterior attribute (~~(of the displacement site))~~ such as outbuildings, swimming pools, or greenhouses in accordance with WAC 468-100-403 (1)(b).

~~((Is))~~ (g) Currently available to the displaced person on the private market except as provided in subsection (6)(i) of this section. (~~However, a comparable replacement dwelling for a person receiving government housing assistance before displacement may reflect similar government housing assistance.~~

~~(Is priced))~~ (h) Within the financial means of the displaced person.

(i) For a one hundred eighty-day owner-occupant described at WAC 468-100-401, a comparable dwelling is considered to be within the displacee's financial means.

(ii) For a ninety-day tenant-occupant described at WAC 468-100-402, a comparable dwelling is considered to be within the displacee's financial means if after application of the rental assistance payment, described in said section, the displacee's portion of the monthly rent plus utilities would be thirty percent or less of his total monthly income from all sources.

(iii) For a displaced person who is not eligible to receive a replacement housing payment under WAC 468-100-402 due to failure to meet the length of occupancy requirements, comparable housing is considered to be within the displacee's financial means if the acquiring agency pays that portion of the monthly housing costs of a replacement dwelling which (~~would~~) exceeds (~~thirty percent of the displacee's monthly income for forty-two months. Replacement housing payments would be paid under WAC 468-100-601~~) the person's base monthly rent for the displacement dwelling as described in WAC 468-100-402 (2)(b). Such rental assistance must be paid under WAC 468-100-404, replacement housing of last resort.

~~((6))~~ (i) For a person receiving government housing assistance before displacement, a dwelling that may reflect similar government housing assistance. In such cases any requirements of the government housing assistance program relating to the size of the replacement dwelling shall apply.

(7) **Contribute materially:** Means that during the two taxable years prior to the taxable year in which displacement occurs, or during such other period as the agency determines to be more equitable, a business or farm operation:

(a) Had average annual gross receipts of at least five thousand dollars; or

(b) Had average annual net earnings of at least one thousand dollars; or

(c) Contributed at least thirty-three and one-third percent of the owner's or operator's average annual gross income from all sources.

(d) If the application of the above criteria creates an inequity or hardship in any given case, the agency may approve the use of other criteria as determined appropriate.

~~((7))~~ (8) **Decent, safe, and sanitary (DSS) dwelling:** Means a dwelling (~~which~~) that meets (~~(applicable))~~ local housing and occupancy codes. However, any of the following standards (~~which~~) that are not met by (~~(an applicable))~~ the local code shall apply, unless waived for good cause by the agency funding the project. The dwelling shall:

(a) Be structurally sound, weather-tight, and in good repair.

(b) Contain a safe electrical wiring system adequate for lighting and other electrical devices.

(c) Contain a heating system capable of sustaining a healthful temperature (of approximately seventy degrees Fahrenheit) for a displaced person except in those areas where local climatic conditions do not require such a system.

(d) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. The number of persons occupying each habitable room used for sleeping purposes shall not exceed that permitted by local housing codes or, in the absence of local codes, the policies of the displacing agency. In addition, the displacing agency shall follow the requirements for separate bedrooms for children of the opposite gender included in local housing codes or in the absence of local housing codes, the policies of such agencies.

(e) There shall be a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.

~~((e))~~ (f) Contains unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.

~~((f))~~ (g) For a displaced person (~~(who is handicapped))~~ with a disability, be free of any barriers (~~which~~) that would

preclude reasonable ingress, egress, or use of the dwelling by such displaced person.

~~((8))~~ (9) Displaced person:

(a) **General:** Means any person who moves from the real property or moves his or her personal property from the real property. This includes a person who occupies the real property prior to its acquisition, but who does not meet the length of occupancy requirements of the Uniform Act:

(i) As a direct result of the agency's acquisition of, or the initiation of negotiation for, or the acquisition of, such real property in whole or in part for a project; or

(ii) As a direct result of a written order from the acquiring agency to vacate such real property for a project; or

(iii) As a direct result of the agency's acquisition of, or written order to vacate for a project, other real property on which the person conducts a business or farm operation; or

(iv) As a direct result of a voluntary transaction by the owner pursuant to WAC 468-100-101 (2)(a), thereby displacing a tenant.

(b) **Persons not displaced:** The following is a nonexclusive listing of persons who do not qualify as a displaced person under this chapter.

(i) A person who moves before the initiation of negotiations except one who is required to move for reasons beyond his or her control as explained in WAC 468-100-403~~((5))~~ (4), unless the agency determines that the person was displaced as a direct result of the program or project; or

(ii) A person who initially enters into occupancy of the property after the date of its acquisition for the project; or

(iii) A person who has occupied the property for the purpose of obtaining assistance under the Uniform Act; or

(iv) A person whom the agency determines is not required to relocate permanently as a direct result of a project. Such determination shall be made by the agency in accordance with any guidelines established by the federal agency funding the project; or

~~((iv) A person whom the agency determines is not displaced as a direct result of a partial acquisition; or)~~

(v) An owner-occupant who moves as a result of an acquisition of real property or as a result of the rehabilitation or demolition of the real property. However, the displacement of a tenant as a direct result of any acquisition, rehabilitation or demolition for a federal or federally assisted project is subject to this part; or

(vi) A person whom the agency determines is not displaced as a direct result of a partial acquisition; or

(vii) A person who, after receiving a notice of relocation eligibility ~~((also receives a)), is notified in writing that he or she will not be displaced for a project. Such written notification shall not be issued unless the person has not moved and the agency agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of~~ ~~((noneligibility))~~ relocation eligibility as described in WAC 468-100-203 (2)(b)(( )); or

~~((vi))~~ (viii) An owner-occupant who voluntarily sells his or her property pursuant to WAC 468-100-101 (2)(a) after being informed in writing that if a mutually satisfactory agreement of sale cannot be reached, the agency will not acquire the property. In such cases, however, any resulting

displacement of a tenant is subject to the regulations in this part; or

~~((vii))~~ (ix) A person who retains the right of use and occupancy of the real property for life following its acquisition by the agency; or

~~((viii))~~ (x) A person who retains the right of use and occupancy of the real property for a fixed term after its acquisition for a program or project receiving federal financial assistance from the Department of Interior; or

~~((ix) A person who has occupied the property for the purpose of obtaining assistance under the Uniform Act; or~~

~~((x))~~ (xi) An owner who retains the right of use and occupancy of the real property for a fixed term after its acquisition by the Department of Interior under Public Law 93-477 or Public Law 93-303, except that such owner remains a displaced person for purposes of subpart D of this code; or

~~((xi))~~ (xii) A person who is determined to be in unlawful occupancy prior to or after the initiation of negotiations, or a person who has been evicted for cause ~~((prior to the initiations of negotiations for the property)), under applicable state law, in accordance with WAC 468-100-206. However, advisory assistance may be provided to unlawful occupants at the option of the agency in order to facilitate the project; or~~

~~((xii))~~ (xiii) A person who is not lawfully present in the United States and who has been determined to be ineligible for relocation ~~((benefits))~~ assistance in accordance with WAC 468-100-208; or

(xiv) Tenants required to move as a result of the sale of their dwelling to a person using downpayment assistance provided under the American Dream Downpayment Initiative (ADDI) authorized by Section 102 of the American Dream Downpayment Act (Pub. L., 108-186; codified at 42 U.S.C. 12821).

~~((9))~~ (10) Dwelling: Means the place of permanent or customary and usual residence of a person, as determined by the agency according to local custom or law, including a single family house; a single family unit in a two-family, multi-family, or multipurpose property; a unit of a condominium or cooperative housing project; a nonhousekeeping unit; a mobile home; or any other ~~((fixed or installed))~~ residential unit ~~((other than a unit customarily used, and currently (although not necessarily immediately) capable of use, for transportation or recreational purposes)).~~

~~((10))~~ (11) Dwelling site: The term dwelling site means a land area that is typical in size for similar dwellings located in the same neighborhood or rural area.

(12) Farm operation: Means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

~~((11))~~ (13) Federal financial assistance: Means any grant, loan, or contribution, except a federal guarantee or insurance.

~~((12))~~ (14) Household income: The term household income means total gross income received for a twelve-month period from all sources (earned and unearned) including, but not limited to, wages, salary, child support, alimony, unemployment benefits, workers compensation, Social Secu-

ity, or the net income from a business. It does not include income received or earned by dependant children and full-time students under eighteen years of age.

**(15) Initiation of negotiations:** Means the date of delivery of the initial written offer by the agency to the owner or the owner's representative to purchase real property for a project for the amount determined to be just compensation, unless applicable agency program regulations specify a different action to serve this purpose. However:

(a) If the agency issues a notice of its intent to acquire the real property, and a person moves after that notice, but before delivery of the initial written purchase offer, the "initiation of negotiations" means the date the person moves from the property. ~~((See also WAC 468-100-505(3)-))~~

(b) In the case of a permanent relocation to protect the public health and welfare under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (Pub. L. 96-510, or "Superfund"), the "initiation of negotiations" means the formal announcement of such relocation or the federal or federally-coordinated health advisory where the federal government later decides to conduct a permanent relocation.

~~((13))~~ **(c) In the case of permanent relocation of a tenant as a result of an acquisition of real property described in WAC 468-100-101 (2)(a)(i) through (iii), the initiation of negotiations means the actions described in this section, except that such initiation of negotiations does not become effective, for the purposes of establishing eligibility for relocation assistance for such tenants under this part, until there is a written agreement between the agency and the owner to purchase the real property.**

**(16) Lead agency:** Means the department of transportation acting through the Federal Highway Administration.

**(17) Mobile home:** The term mobile home includes manufactured homes and recreational vehicles used as residences.

**(18) Mortgage:** Means any of such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the state in which the real property is located, together with the credit instruments, if any, secured thereby.

~~((14))~~ **(19) Nonprofit organization:** The term nonprofit organization means an organization that is incorporated under the applicable laws of a state as a nonprofit organization, and exempt from paying federal income taxes under Section 501 of the Internal Revenue Code (26 U.S.C. 501).

**(20) Owner of ~~((displacement))~~ a dwelling:** A ~~((displaced))~~ person is considered to have met the requirement to own a ~~((displacement))~~ dwelling if the person purchases or holds any of the following interests in real property acquired for a project:

(a) Fee title, a life estate, a land contract, a ninety-nine-year lease, or a lease(~~(:)~~) including any options for extension, with at least fifty years to run from the date of acquisition; or

(b) An interest in a cooperative housing project which includes the right to occupy a dwelling; or

(c) A contract to purchase any of the interests or estates described in ~~((subsection (1)))~~ (a) or ~~((3))~~ (b) of this ~~((section))~~ subsection; or

(d) Any other interests, including a partial interest, which in the judgment of the agency warrants consideration as ownership.

~~((15))~~ **(21) Person:** Means any individual, family, partnership, corporation, or association.

~~((16))~~ **(22) Program or project:** The phrase program or project means any activity or series of activities undertaken by a federal agency or with federal financial assistance received or anticipated in any phase of any undertaking in accordance with the federal funding agency guidelines.

**(23) Salvage value:** Means the probable sale price of an item, if offered for sale ~~((on the condition))~~ to knowledgeable buyers with the requirement that it will be removed from the property at the buyer's expense, ~~((allowing a reasonable period of time to find a person buying with knowledge of the uses and purposes for which it is adaptable and capable of being used, including separate use of serviceable components and scrap))~~ (i.e., not eligible for relocation assistance). This includes items for reuse as well as items with components that can be reused or recycled when there is no reasonable prospect of sale except on ~~((that))~~ this basis.

~~((17))~~ **(24) Small business:** Means any business having not more than five hundred employees working at the site being required or permanently displaced by a program or project, which site is the location of economic activity. Sites operated solely by outdoor advertising signs, displays, or devices do not qualify as a business for purposes of WAC 468-100-306.

~~((18))~~ **(25) State:** Means any department, commission, agency, or instrumentality of the state of Washington.

~~((19))~~ **(26) Tenant:** Means a person who has the temporary use and occupancy of real property owned by another.

~~((20))~~ **(27) Uneconomic remnant:** Means a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property, and which the acquiring agency has determined has little or no value.

~~((21))~~ **(28) Uniform Act:** Means the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894; 42 U.S.C. 4601 et seq.; Pub. L. 91-646), and amendments thereto.

~~((22))~~ **(29) Unlawful ~~((occupancy))~~ occupant:** A person ~~((is considered to be in unlawful occupancy when such person has been ordered to move by a court prior to the initiation of negotiations for the acquisition of the occupied property))~~ who occupies without property right, title or payment of rent or a person legally evicted, with no legal rights to occupy a property under state law. An agency, at its discretion, may consider such person to be in lawful occupancy.

~~((23))~~ **(30) Utility costs:** The term utility costs means expenses for electricity, gas, other heating and cooking fuels, water and sewer.

**(31) Utility facility:** The term utility facility means any electric, gas, water, steam power, or materials transmission or distribution system; any transportation system; any communications system, including cable television; and any fixtures, equipment, or other property associated with the operation, maintenance, or repair or any such system. A utility facility may be publicly, privately, or cooperatively owned.

**(32) Utility relocation:** The term utility relocation means the adjustment of a utility facility required by the pro-



gram or project undertaken by the displacing agency. It includes removing and reinstalling the facility, including necessary temporary facilities; acquiring necessary right of way on a new location; moving, rearranging or changing the type of existing facilities; and taking any necessary safety and protective measures. It shall also mean constructing a replacement facility that has the functional equivalency of the existing facility and is necessary for the continued operation of the utility service, the project economy, or sequence of project construction.

**(33) Voluntary transaction:** Means a donation, exchange, market sale, or other type of agreement entered into without compulsion on the part of the agency.

**(34) Waiver valuation:** The term waiver valuation means the valuation process used and the product produced when the agency determines that an appraisal is not required, pursuant to WAC 468-100-102 appraisal waiver provisions.

**Acronyms:** The following acronyms are commonly used in the implementation of programs subject to this regulation.

**BCIS:** Bureau of Citizenship of Immigration Service.

**DSS:** Decent, safe and sanitary.

**FEMA:** Federal Emergency Management Agency.

**FHA:** Federal Housing Association.

**FHWA:** Federal Highway Administration.

**FIRREA:** Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

**HLR:** Housing of last resort.

**HUD:** U.S. Department of Housing and Urban Development.

**MIDP:** Mortgage interest differential payment.

**RHP:** Replacement housing payment.

**STURAA:** Surface Transportation and Uniform Relocation Act Amendments of 1987.

**URA:** Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

**USDOT:** U.S. Department of Transportation.

**USPAP:** Uniform Standards of Professional Appraisal Practice.

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-004 ((Agency procedures, temporary relocation)) ~~Assurances, monitoring, and corrective action.~~ (1) ((Agency procedures:)) **Assurances:** Prior to a state agency or local public agency commencement of any project phase that will result in real property acquisition or displacement that is subject to chapter 8.26 RCW, the agency shall prepare and adopt operating procedures. Such procedures shall:**

(a) Assure that the agency will comply with chapter 8.26 RCW and this chapter((:));

(b) Contain specific reference to any state law which the agency believes provides an exception to RCW 8.26.180, 8.26.190, or this chapter((:));

(c) Include appropriate provisions to carry out this chapter in a manner that minimizes the opportunity for, and/or the appearance of fraud, waste, and mismanagement((:)); and

(d) Shall be prefaced by a certification that the agency will carry out its responsibilities for real property acquisition and relocation assistance in accordance with chapter 8.26 RCW and this chapter. A statement such as the following would satisfy the certification requirement:

"The agency certifies that the agency will comply with chapter 8.26 RCW and chapter 468-100 WAC in connection with the acquisition of real property for, and relocation of persons displaced by, a program or project of the agency."

The agency shall maintain a record copy of such procedures available for public review at any reasonable time and location.

(2) **Temporary relocation:** In the case of a person that will not be displaced but is required to relocate temporarily because of the project, the provisions of WAC 468-100-204(3) shall apply.

(3) **Monitoring and corrective action:** The funding agency will monitor compliance with this chapter, and the acquiring agency and/or displacing agency shall take whatever corrective action is necessary to comply with chapter 8.26 RCW and this chapter. The funding agency may also apply sanctions in accordance with applicable program regulations.

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-005 Manner of notices.** Notices which the agency is required to provide shall be written in plain, understandable language. Persons who are unable to read and understand the notice must be provided with appropriate translation and counseling. Each notice shall indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help. Notices shall be personally served or sent by registered or certified first-class mail return receipt requested and documented in the agency's files.

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-007 ((Funding)) **Federal agency waiver of regulations.**** The federal agency funding the project may, on a case-by-case or project basis, waive any requirement in this chapter not required by law if it determines that the waiver does not reduce any assistance or protection provided to an owner or displaced person under this chapter. Any request for a waiver by an acquiring or displacing agency shall be justified on a case-by-case or project basis.

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-009 **Recordkeeping and reports.** (1) **Records:**** The agency shall maintain adequate records of its acquisition and displacement activities in sufficient detail to demonstrate compliance with this chapter. These records shall be retained for at least three years after each owner of a property and each person displaced from a property receives

the final payment to which the person is entitled under this chapter.

(2) **Confidentiality of records:** Records maintained by an agency in accordance with this chapter are confidential regarding their use as public information, unless applicable law provides otherwise.

(3) **Reports:** The agency shall submit a report of its real property acquisition and displacement activities under this chapter if required by the federal agency funding ((agency)) the project. A report will not be required more frequently than every three years, or as the Uniform Act provides, unless the funding agency shows good cause.

AMENDATORY SECTION (Amending Order 146, filed 7/6/94, effective 8/6/94)

**WAC 468-100-010 Appeals.** The displacing agency shall promptly review appeals in accordance with the requirements of applicable law and this chapter.

(1) **Actions which may be appealed:** A person may file written notice of an appeal with the displacing agency in any case in which the person believes that the agency has failed to properly determine the person's eligibility for, or the amount of, a payment required under WAC ~~((468-100-106 or 468-100-107))~~ 468-100-105 or RCW 8.26.200, or a relocation payment required under this chapter.

(2) **Limitations:** A person is entitled to only such benefits as are specifically delineated in this chapter.

(3) **Form of notice:** The displacing agency shall consider a written appeal regardless of form. The appeal notice or letter should state what issues are being claimed, the reasons why the aggrieved person believes the claim should be allowed, and how the person believes he or she is otherwise aggrieved. The letter or notice should clearly identify the displacing agency's project and parcel of real property involved and should bear the signature and address of the aggrieved person or the person's authorized representative. The displacing agency may refuse to schedule any review or hearing on an appeal until these requirements have been complied with or may issue an order providing for dismissal of such appeal upon failure to comply within a reasonable time specified by the agency.

(4) **Time limit for initiating appeal:** The time limit shall be sixty days after the person receives written notification of the agency's determination on the person's claim.

(5) **Review of files by person making appeal:** The displacing agency shall permit a person to inspect and copy all materials pertinent to the person's appeal, except materials which are classified as confidential by the agency. The agency may, however, impose reasonable conditions on the person's right to inspect, consistent with applicable laws.

(6) **Hearing process:** Except as they may be inconsistent with the rules of this chapter, the department of transportation adopts the practice and procedure rules as set forth in chapter 468-10 WAC for appeals under this chapter. Where the rules of this chapter conflict with those of chapter 468-10 or 10-08 WAC, the rules of this chapter shall govern.

(7) **Discovery:** Discovery will be available in relocation appeals as follows: Any party to a relocation appeal may obtain discovery from any party by written interrogatories,

written admissions, oral depositions, subpoena duces tecums, and written requests for production of documents. The procedures regarding these methods of discovery are found at CR 28 through 36 and 45(b) as now or hereafter amended and are hereby incorporated in this section.

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-101 Applicability of acquisition requirements. General:**

(1) Except as provided in subsection (2) of this section, the requirements of RCW 8.26.180 through 8.26.200 apply to any agency acquisition of real property for a program or project where the agency's program or project is carried out under threat of eminent domain including amicable agreements. Whether or not the acquiring agency has or intends to use the power of eminent domain, the requirements of RCW 8.26.180 through 8.26.200 apply to any project or program where there is an intended, planned, or designated project area, and all, or substantially all, of the property within that area is eventually intended to be acquired.

(2) Provided it does not conflict with subsection (1) of this section, an agency may determine that the requirements of RCW 8.26.180 through 8.26.200 do not apply to:

(a) Voluntary transactions (defined in WAC 468-100-002~~((22)(23)))~~ (33) if all of the following conditions are present:

(i) No specific site or property needs to be acquired, although the agency may limit its search for alternative sites to a general geographic area.

(ii) The property to be acquired is not part of an intended, planned, or designated project area where all, or substantially all, of the property within the area is eventually to be acquired.

(iii) The agency will not acquire the property in the event negotiations fail to result in an amicable agreement, and the owner is so informed in writing.

(b) The acquisition of real property from a federal, state, or local public agency, if the acquiring agency does not have the authority to acquire the property through condemnation.

(3) In those situations where an agency wishes to purchase more than one site within a geographic area on a "voluntary transaction" basis, all owners shall be treated similarly.

AMENDATORY SECTION (Amending WSR 01-02-027, filed 12/22/00, effective 1/22/01)

**WAC 468-100-102 Criteria for appraisals. (1) Standards of appraisal:** The format and level of documentation for an appraisal depend on the complexity of the appraisal problem. The agency shall develop minimum standards for appraisals consistent with established and commonly accepted appraisal practice for those acquisitions which, by virtue of their low value or simplicity, do not require the in-depth analysis and presentation necessary in a detailed appraisal. A detailed appraisal shall be prepared for all other acquisitions. A detailed appraisal shall reflect nationally recognized appraisal standards. An appraisal must contain sufficient documentation, including valuation data and the

appraiser's analysis of that data, to support the appraiser's opinion of value. At a minimum, the appraisal shall contain the following items:

(a) The purpose and/or the function of the appraisal, a definition of the estate being appraised, and a statement of the assumptions and limiting conditions affecting the appraisal.

(b) An adequate description of the physical characteristics of the property being appraised (and, in the case of a partial acquisition, an adequate description of the remaining property), a statement of the known and observed encumbrances if any, title information, location, zoning, present use, an analysis of highest and best use, and at least a five-year sales history of the property.

(c) All relevant and reliable approaches to value consistent with commonly accepted professional appraisal practices. When sufficient market sales data are available to reliably support the fair market value for the specific appraisal problem encountered, the agency, at its discretion, may require only the market approach. If more than one approach is utilized, there shall be an analysis and reconciliation of approaches to value that are sufficient to support the appraiser's opinion of value.

(d) A description of comparable sales, including a description of all relevant physical, legal, and economic factors such as parties to the transaction, source and method of financing, and verification by a party involved in the transaction.

(e) A statement of the value of the real property to be acquired and, for a partial acquisition, a statement of the value of the damages and benefits, if any, to the remaining real property.

(f) The effective date of valuation, date of appraisal, signature, and certification of the appraiser.

(2) **Influence of the project on just compensation.** To the extent permitted by applicable law, the appraiser in his "before" valuation shall disregard any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to the physical deterioration within the reasonable control of the owner.

(3) **Owner retention of improvements:** If the owner of a real property improvement agrees and is permitted to obtain the right to remove it in whole or in part from the project site, the amount to be offered for the interest in the real property to be acquired shall be the amount determined to be just compensation for the owner's entire interest in the real property. The salvage value (defined in WAC 468-100-002(~~((15))~~~~((16))~~) (23)) of the improvement to be removed shall be deducted from the agency's payment.

(4) **Qualifications of appraisers:** The agency shall establish criteria for determining the minimum qualifications of appraisers. Appraiser qualifications shall be consistent with the level of difficulty of the appraisal assignment. The agency shall review the experience, education, training, and other qualifications of appraisers, including review appraisers, and utilize only those determined to be qualified.

(5) **Conflict of interest:** No appraiser or review appraiser shall have any interest, direct or indirect, in the real property being appraised for the agency that would in any

way conflict with the preparation or review of the appraisal. Compensation for making an appraisal shall not be based on the amount of the valuation.

No person shall attempt to unduly influence or coerce an appraiser, review appraiser, or waiver valuation preparer regarding any valuation or other aspect of an appraisal, review or waiver valuation. Persons functioning as negotiators may not supervise or formally evaluate the performance of any appraiser or review appraiser performing appraisal or appraisal review work.

No appraiser shall act as a negotiator for real property which that person has appraised, except that the agency may permit the same person to both appraise and negotiate an acquisition where the value of the acquisition is ten thousand dollars, or less.

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-104 Acquisition of tenant-owned improvements.** (1) **Acquisition of improvements:** When acquiring any interest in real property, the agency shall offer to acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property to be acquired or which the agency determines will be adversely affected by the use to which such real property will be put. This shall include any improvement of a tenant-owner who has the right or obligation to remove the improvement at the expiration of the lease term.

(2) **Improvements considered to be real property:** Any building, structure, or other improvement, which would be considered to be real property if owned by the owner of the real property on which it is located, shall be considered to be real property for purposes of WAC 468-100-101 through 468-100-106.

(3) **Appraisal and establishment of just compensation for tenant-owned realty improvements:** Just compensation for a tenant-owned realty improvement is the amount which the improvement contributes to the fair market value of the whole property or its salvage value, whichever is greater. (Salvage value is defined in WAC 468-100-002(~~((15))~~~~((16))~~) (23).)

(4) **Special conditions:** No payment shall be made to a tenant-owner to acquire any real property improvement or relocate any tenant-owned real estate fixture unless:

(a) The owner of the real property on which the improvement is located disclaims all interest in the tenant's realty improvement or fixture; and

(b) The tenant-owner, in consideration for the acquisition payment, assigns, transfers, and releases to the agency all of the tenant-owner's right, title, and interest in the realty improvement; and

(c) The payment does not result in the duplication of any compensation otherwise authorized by law.

(5) **Alternative compensation:** Nothing in WAC 468-100-101 through 468-100-106 shall be construed to deprive the tenant-owner of any right to reject payment under WAC 468-100-101 through 468-100-106 and to obtain payment for such property interests in accordance with other applicable law.

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-201 Purpose.** WAC 468-100-201 through ~~((468-100-208))~~ 468-100-209 prescribes general requirements governing the provision of relocation payments and other relocation assistance under the regulations in this chapter.

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-202 Applicability.** These requirements apply to the relocation of any displaced person as defined in WAC 468-100-002(~~((7))~~~~((8))~~) (9). Any person who qualifies as a displaced person must be fully informed of his or her rights and entitlements to relocation assistance and payments provided by the Uniform Act and regulations.

AMENDATORY SECTION (Amending WSR 01-02-027, filed 12/22/00, effective 1/22/01)

**WAC 468-100-203 Relocation notices.** Written notices shall be furnished as required by WAC 468-100-005.

(1) **General (~~(relocation)~~) information notice:** As soon as feasible, a person scheduled to be displaced shall be furnished with a general written description of the agency's relocation program which does at least the following:

(a) Informs the person that the person may be displaced for the project and generally describes the relocation payment(s) for which the person may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s).

(b) Informs the person that the person will be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help the person successfully relocate.

(c) Informs the person that the person will not be required to move without at least ninety days' advance written notice (see subsection (3) of this section), and informs any person to be displaced from a dwelling that the person cannot be required to move permanently unless at least one comparable replacement dwelling has been made available.

(d) Describes the person's right to appeal the agency's determination as to eligibility for, or the amount of, any relocation payment for which the person may be eligible.

(2) **Notice of relocation eligibility:**

(a) Eligibility for relocation assistance shall begin on the date of a notice of intent to acquire (defined in WAC 468-100-203(4)), the initiation of negotiations (defined in WAC 468-100-002(~~((11))~~~~((12))~~) (15)) (~~(for the occupied property), or actual acquisition, whichever occurs first.~~ When this occurs, the agency shall promptly (~~(provide written notice to all occupants to be displaced)~~) notify all occupants in writing of their eligibility for applicable relocation assistance in accordance with WAC 468-100-005.

(b) An occupant may subsequently be provided a notice of noneligibility if the agency determines the person will not be displaced. Such notice may be issued only if the person has not moved and the agency agrees to reimburse the person

for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility.

(3) **Ninety-day notice:**

(a) **General:** No lawful occupant shall be required to move unless the occupant has received at least ninety days advance written notice of the earliest date by which he or she may be required to move.

(b) **Timing of notice:** The displacing agency may issue the notice ninety days before it expects the person to be displaced or earlier.

(c) **Content of notice:** The ninety-day notice shall either state a specific date as the earliest date by which the occupant may be required to move, or state that the occupant will receive a further notice indicating, at least thirty days in advance, the specific date by which the occupant must move. If the ninety-day notice is issued before a comparable replacement dwelling is made available, the notice must state clearly that the occupant will not have to move earlier than ninety days after such a dwelling is made available. (See WAC 468-100-204(1).)

(d) Informs the person that any person who is an alien not lawfully present in the United States is ineligible for relocation advisory services and relocation payments, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child, as defined in WAC 468-100-208(~~((9))~~) (8).

(e) **Urgent need:** In unusual circumstances, an occupant may be required to vacate the property on less than ninety days advance written notice if the agency determines that a ninety-day notice is impracticable, such as when the person's continued occupancy of the property would constitute a substantial danger to health or safety. A record of the agency's determination shall be included in the applicable case file.

(4) Notice of intent to acquire: A notice of intent to acquire is a displacing agency's written communication that is provided to a person to be displaced, including those to be displaced by rehabilitation or demolition activities from property acquired prior to the commitment of federal financial assistance to the activity, which clearly sets forth that the agency intends to acquire the property. A notice of intent to acquire establishes eligibility for relocation assistance prior to the initiation of negotiations and/or prior to the commitment of federal financial assistance.

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-204 Availability of comparable replacement dwelling before displacement.** No person to be displaced shall be required to move from the person's dwelling unless at least one comparable replacement dwelling (defined in WAC 468-100-002(~~((4))~~~~((5))~~) (6)) has been made available to the person.

(1) **Policy:** Three or more comparable replacement dwellings shall be made available unless such numbers are not available on the local housing market. When otherwise feasible, in accordance with WAC 468-100-205 (3)(b)(iii) and 468-100-403 (1)(d), comparable replacement dwellings to be made available to minority persons may include dwell-

ings not located in an area of minority concentration. A comparable replacement dwelling will be considered to have been made available to a person, if:

(a) The person is informed of its location; and

(b) The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property; and

(c) Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition payment to which the person is entitled in sufficient time to complete the purchase or lease of the property.

(2) **Circumstances permitting waiver:** The funding agency may grant a waiver of the policy in subsection (1) of this section in any case where it is demonstrated that a person must move because of:

(a) A major disaster as defined in Section 102(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act ((of 1974), as amended (42 U.S.C. ((5121) 5122)); or

(b) A presidentially declared national emergency; or

(c) Another emergency which requires immediate vacation of the real property, such as when continued occupancy of the displacement dwelling constitutes a substantial danger to the health or safety of the occupants or the public.

(3) **Basic conditions of emergency move:** Whenever a person to be displaced is required to relocate from the displacement dwelling for a temporary period because of an emergency as described in subsection (2) of this section, for purposes of filing a claim and meeting the eligibility requirements for a relocation payment, the date of displacement is the date the person moves from the temporarily-occupied dwelling. The agency shall:

(a) Take whatever steps are necessary to assure that the person is temporarily relocated to a decent, safe and sanitary dwelling;

(b) Pay the actual reasonable out-of-pocket moving expenses and any reasonable increase in ((monthly housing)) rent and utility costs incurred in connection with the temporary relocation; and

(c) Make available to the displaced person as soon as feasible, at least one comparable replacement dwelling.

(d) The person is entitled to be heard according to WAC 468-100-010 in the event of a grievance.

**AMENDATORY SECTION** (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-205 Relocation planning, advisory services, and coordination.** (1) **Relocation planning:** During the early stages of development, state and federal-aid programs or projects shall be planned in such a manner that the problems associated with the displacement of individuals, families, businesses, farms, and nonprofit organizations are recognized and solutions are developed to minimize the adverse impacts of displacement. Such planning, where appropriate, shall precede any action by an agency ((which)) that will cause displacement, and should include an evaluation of program resources available to carry out timely and orderly relocations. Planning may involve a relocation survey or study ((which)) that may include the following:

(a) An estimate of the number of households to be displaced including information such as owner/tenant status,

estimated value and rental rates of properties to be acquired, family characteristics, and special consideration of the impacts on minorities, the elderly, large families, and ((the handicapped)) persons with disabilities when applicable.

(b) An estimate of the number of comparable replacement dwellings in the area (including price ranges and rental rates) that may be available to fulfill the needs of those households displaced. When an adequate supply of comparable housing is not expected to be available, ((consideration of last resort housing actions should be instituted)) the agency should consider housing of last resort actions.

(c) An estimate of the number, type and size of the businesses, farms, and nonprofit organizations to be displaced and the approximate number of employees that may be affected.

(d) An estimate of the availability of replacement business sites. When an adequate supply of replacement business sites is not expected to be available, the impacts of displacing the businesses should be considered and addressed. Planning for displaced businesses which are reasonably expected to involve complex or lengthy moving processes or small businesses with limited financial resources and/or few alternative relocation sites should include an analysis of business moving problems.

(e) Consideration of any special relocation advisory services that may be necessary from the displacing agency and other cooperating agencies.

(2) **Loans for planning and preliminary expenses:** In the event that an agency elects to consider using the duplicative provision in Section 215 of the Uniform Act which permits the use of project funds for loans to cover planning and other preliminary expenses for the development of additional housing, the lead agency will establish criteria and procedures for such use upon the request of the federal agency funding the program or project.

**(3) Relocation assistance advisory services((s)):**

**General:** The agency shall carry out a relocation assistance advisory program which satisfies the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), and Executive Order 11063 (27 FR 11527), and offers the services described in subsection (3) of this section. If the agency determines that a person occupying property adjacent to the real property acquired for the project is caused substantial economic injury because of such acquisition, it may offer the services to such person.

((s)) (4) Services to be provided: The advisory program shall include such measures, facilities, and services as may be necessary or appropriate in order to:

(a) Determine, for nonresidential (businesses, farm, and nonprofit organizations) displacements, the relocation needs and preferences of each ((person)) business (farm and nonprofit organization) to be displaced and explain the relocation payments and other assistance for which the ((person)) business may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. This shall include a personal interview with each ((person)) business. At a minimum, interviews with the displaced business owners and operators should include the following items:

(i) The business's replacement site requirements, current lease terms and other contractual obligations and the financial capacity of the business to accomplish the move.

(ii) Determination of the need for outside specialists in accordance with WAC 468-100-301 (7)(k) that will be required to assist in planning the move, assistance in the actual move, and in the reinstallation of machinery and/or other personal property.

(iii) For businesses, an identification and resolution of personalty/realty issues. Every effort must be made to identify and resolve realty/personalty issues prior to, or at the time of, the appraisal of the property.

(iv) An estimate of the time required for the business to vacate the site.

(v) An estimate of the anticipated difficulty in locating a replacement property.

(vi) An identification of any advance relocation payments required for the move, and the agency's legal capacity to provide them.

(b) Determine, for residential displacements, the relocation needs and preferences of each person to be displaced and explain the relocation payments and other assistance for which the person may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. This shall include a personal interview with each residential displaced person.

(i) Provide current and continuing information on the availability, purchase prices, and rental costs of comparable replacement dwellings, and explain that the person cannot be required to move unless at least one comparable replacement dwelling is made available as set forth in WAC 468-100-204(1).

((+)) (ii) As soon as feasible, the agency shall inform the person in writing of the specific comparable replacement dwelling and the price or rent used for establishing the upper limit of the replacement housing payment (see WAC 468-100-403 (1) and (2)) and the basis for the determination, so that the person is aware of the maximum replacement housing payment for which the person may qualify.

((+)) (iii) Where feasible, housing shall be inspected prior to being made available to assure that it meets applicable standards. (See WAC 468-100-002 ~~((4))~~~~(5))~~ and ~~(6))~~~~(7))~~ (8).) If such an inspection is not made, the agency shall notify the person to be displaced ~~((shall be notified))~~ that a replacement housing payment may not be made unless the replacement dwelling is subsequently inspected and determined to be DSS.

((+)) (iv) Whenever possible, minority persons shall be given reasonable opportunities to relocate to DSS replacement dwellings, not located in an area of minority concentration, that are within their financial means. This policy, however, does not require an agency to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

((+)) (v) The agency shall offer all displaced persons, ~~((especially the elderly and handicapped, shall be offered))~~ transportation to inspect housing to which they are referred.

(vi) Any displaced person that may be eligible for government housing assistance at the replacement dwelling shall be advised of any requirements of such government housing

assistance program that would limit the size of the replacement dwelling (see WAC 468-100-002 (6)(i)) as well as the long-term nature of such rent subsidy, and the limited (forty-two-month) duration of the relocation rental assistance payment.

(c) Provide, for nonresidential moves, current and continuing information on the availability, purchase prices, and rental costs of comparable and suitable commercial and farm properties and locations. Assist any person displaced from a business or farm operation to obtain and become established in a suitable replacement location.

(d) Minimize hardships to persons in adjusting to relocation by providing counseling, advice as to other sources of assistance that may be available, and such other help as may be appropriate.

(e) Supply persons to be displaced with appropriate information concerning federal and state housing programs, disaster loans and other programs administered by the Small Business Administration, and other federal, state, and local programs offering assistance to persons to be displaced.

(f) Any person who occupies property acquired by an agency, when such occupancy began subsequent to the acquisition of the property, and the occupancy is permitted by a short-term rental agreement or an agreement subject to termination when the property is needed for a program or project, shall be eligible for advisory services, as determined by the agency.

~~((4))~~ (5) Coordination of relocation activities: Relocation activities shall be coordinated with project work and other displacement-causing activities to ensure that, to the extent feasible, persons displaced receive consistent treatment and the duplication of functions is minimized.

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-206 Eviction for cause.** (1) Eviction for cause must conform to applicable state and local law. Any person who ~~((has lawfully occupied the real property, but who is later evicted for cause on or after the date of the initiation of negotiations, retains the right to the relocation payments and other assistance set forth in these regulations. For purposes of determining eligibility for relocation payments, the date of displacement is the date the person moves or the date a comparable replacement dwelling is made available, whichever is later. This section applies only if the agency had intended to displace the person))~~ occupies the real property and is not in unlawful occupancy on the date of the initiation of negotiations, is presumed to be entitled to relocation payments and other assistance set forth in this part unless the agency determines that:

(a) The person received an eviction notice prior to the initiation of negotiations and, as a result of that notice, is later evicted; or

(b) The person is evicted after the initiation of negotiations for serious or repeated violation of material terms of the lease or occupancy agreement; and

(c) In either case the eviction was not undertaken for the purpose of evading the obligation to make available the payments and other assistance set forth in this part.

(2) For purposes of determining eligibility for relocation payments, the date of displacement is the date the person moves, or if later, the date a comparable replacement dwelling is made available. This section applies only to persons who would otherwise have been displaced by the project.

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-207 General requirements—Claims for relocation payments.** (1) **Documentation:** Any claim for a relocation payment shall be supported by such documentation as may be reasonably required to support expenses incurred, such as, bills, certified prices, appraisals, or other evidence of such expenses. Payment for a low cost or uncomplicated move may be made without documentation of actual costs when payment is limited to the amount of the lowest acceptable bid or estimate obtained by the agency. A displaced person must be provided reasonable assistance necessary to complete and file any required claim for payment.

(2) **Expeditious payments:** The agency shall review claims in an expeditious manner. The claimant shall be promptly notified as to any additional documentation that is required to support the claim. Payment for a claim shall be made as soon as feasible following receipt of sufficient documentation to support the claim.

(3) **Advance payments:** If a person demonstrates the need for an advance relocation payment in order to avoid or reduce a hardship, the agency shall issue the payment, subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished.

**(4) Time for filing:**

(a) All claims for a relocation payment shall be filed with the agency within eighteen months after:

~~((a))~~ (i) For tenants, the date of displacement;

~~((b))~~ (ii) For owners, the date of displacement or the date of the final payment for the acquisition of the real property, whichever is later.

(b) This time period shall be waived by the agency for good cause.

~~(5) (Multiple occupants of one displacement dwelling: If two or more occupants of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable prorated share, as determined by the agency, of any relocation payments that would have been made if the occupants moved together to a comparable replacement dwelling. However, if the agency determines that two or more occupants maintained separate households within the same dwelling, such occupants have separate entitlements to relocation payments.)~~

~~(6) Deductions from relocation payments: An agency shall deduct the amount of any advance relocation payment from the relocation payment(s) to which a displaced person is otherwise entitled. Similarly where such a deduction would not prevent the displaced person from obtaining a comparable replacement dwelling as required by WAC 468-100-204, an agency may, deduct from relocation payments any rent that the displaced person owes the agency. The agency shall not withhold any part of a relocation payment to a displaced person to satisfy an obligation to any other creditor.~~

~~(7))~~ **Notice of denial of claim:** If the agency disapproves all or part of a payment claimed or refuses to consider the claim on its merits because of untimely filing or other grounds, it shall promptly notify the claimant in writing of its determination, the basis for its determination, and the procedures for appealing that determination.

(6) No waiver of relocation assistance: A displacing agency shall not propose or request that a displaced person waive his or her rights or entitlements to relocation assistance and benefits provided by the Uniform Act and this regulation.

(7) Expenditure of payments: Payments, provided pursuant to this part, shall not be considered to constitute federal financial assistance. Accordingly, this part does not apply to the expenditure of such payments by, or for, a displaced person.

AMENDATORY SECTION (Amending WSR 01-02-027, filed 12/22/00, effective 1/22/01)

**WAC 468-100-208 Aliens not lawfully present in the United States.** (1) Each person seeking relocation payments or relocation advisory assistance shall, as a condition of eligibility, certify:

(a) In the case of an individual, that he or she is either a citizen or national of the United States, or an alien who is lawfully present in the United States.

(b) In the case of a family, that each family member is either a citizen or national of the United States, or an alien who is lawfully present in the United States. The certification may be made by the head of the household on behalf of other family members.

(c) In the case of an unincorporated business, farm, or nonprofit organization, that each owner is either a citizen or national of the United States, or an alien who is lawfully present in the United States. The certification may be made by the principal owner, manager, or operating officer on behalf of other persons with an ownership interest.

(d) In the case of an incorporated business, farm, or nonprofit organization, that the corporation is authorized to conduct business within the United States.

(2) The certification provided pursuant to subsection (1)(a), (b) and (c) of this section shall indicate whether such person is either a citizen or national of the United States, or an alien who is lawfully present in the United States. Requirements concerning the certification in addition to those contained in this rule shall be within the discretion of the federal funding agency and, within those parameters, that of the displacing agency.

(3) In computing relocation payments under the Uniform Act, if any member(s) of a household or owner(s) of an unincorporated business, farm, or nonprofit organization is (are) determined to be ineligible because of a failure to be legally present in the United States, no relocation payments may be made to him or her. Any payment(s) for which such household, unincorporated business, farm, or nonprofit organization would otherwise be eligible shall be computed for the household, based on the number of eligible household members and for the unincorporated business, farm, or nonprofit organization, based on the ratio of ownership between eligible and ineligible owners.

(4) The displacing agency shall consider the certification provided pursuant to subsection (1) of this section to be valid, unless the displacing agency determines in accordance with subsection (6) of this section that it is invalid based on a review of an alien's documentation or other information that the agency considers reliable and appropriate.

(5) Any review by the displacing agency of the certifications provided pursuant to subsection (1) of this section shall be conducted in a nondiscriminatory fashion. Each displacing agency will apply the same standard of review to all such certifications it receives, except that such standard may be revised periodically.

(6) If, based on a review of an alien's documentation or other credible evidence, a displacing agency has reason to believe that a person's certification is invalid (for example a document reviewed does not on its face reasonably appear to be genuine), and that, as a result, such person may be an alien not lawfully present in the United States, it shall obtain the following information before making a final determination:

(a) If the agency has reason to believe that the certification of a person who has certified that he or she is an alien lawfully present in the United States is invalid, the displacing agency shall obtain verification of the alien's status from the local Bureau of Citizenship and Immigration (~~and Naturalization Service (INS))~~ (BCIS) Office. A list of local (~~(INS))~~ BCIS offices (~~(was published in the Federal Register in November 17, 1997, at 62 FR 61350)~~) is available at <http://www.uscis.gov/graphics/fieldoffices/alpha.htm>. Any request for (~~(INS))~~ BCIS verification shall include the alien's full name, date of birth and alien number, and a copy of the alien's documentation. (If an agency is unable to contact the (~~(INS))~~ BCIS, it may contact the FHWA in Washington, DC (~~(at 202-366-2035 (Marshall Schy))~~), Office of Real Estate Services(~~(3)~~) or (~~(202-366-1371 (Reid Alsop))~~) Office of Chief Counsel(~~(3)~~), for a referral to the (~~(INS))~~ BCIS.)

(b) If an agency has reason to believe that the certification of a person who has certified that he or she is a citizen or national is invalid, the displacing agency shall request evidence of United States citizenship or nationality from such person and, if considered necessary, verify the accuracy of such evidence with the issuer.

(7) No relocation payments or relocation advisory assistance shall be provided to a person who has not provided the certification described in this section or who has been determined to be not lawfully present in the United States, unless such person can demonstrate to the displacing agency's satisfaction that the denial of relocation benefits will result in an exceptional and extremely unusual hardship to such person's spouse, parent, or child who is a citizen of the United States, or is an alien lawfully admitted for permanent residence in the United States.

(8) For purposes of subsection (7) of this section, "exceptional and extremely unusual hardship" to such spouse, parent, or child of the person not lawfully present in the United States means that the denial of relocation payments and advisory assistance to such person will directly result in:

(a) A significant and demonstrable adverse impact on the health or safety of such spouse, parent, or child;

(b) A significant and demonstrable adverse impact on the continued existence of the family unit of which such spouse, parent, or child is a member; or

(c) Any other impact that the displacing agency determines will have a significant and demonstrable adverse impact on such spouse, parent, or child.

(9) The certification referred to in subsection (1) of this section may be included as part of the claim for relocation payments described in WAC 468-100-207.

AMENDATORY SECTION (Amending WSR 01-02-027, filed 12/22/00, effective 1/22/01)

**WAC 468-100-209 Relocation payments not considered as income.** No relocation payment received by a displaced person under this chapter may be considered as income for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any state law or for the purposes of any income tax or any tax imposed under Title 82 RCW, and the payments shall not be deducted from any amount to which any recipient would otherwise be entitled under Title 74 RCW.

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-301 Payment for actual reasonable moving and related expenses(~~—Residential moves~~).** (~~Any displaced owner-occupant or tenant of a dwelling who qualifies as a displaced person (defined in WAC 468-100-002(7)(8)) is entitled to payment of the person's actual moving and related expenses, as the agency determines to be reasonable, including expenses necessary to:~~

(1) Disconnect, dismantle, and remove displaced personal property.

(2) Pack displaced personal property.

(3) Transport displaced personal property within fifty miles. The agency may authorize transportation costs of a distance beyond fifty miles based on economic feasibility of the available choices of replacement locations, but not on the displacee's subjective preferences.

(4) Store personal property for a period not to exceed twelve months, unless the agency determines a longer period is necessary.

(5) Unpack relocated personal property.

(6) Reassemble, reinstall, and reconnect relocated personal property.

(7) Insure for the replacement value of personal property in connection with the move; or where insurance covering loss, theft, or damage in the process of moving (not through fault or negligence of the displaced person or the person's agent, or employee) is not reasonably available, pay the replacement value for such loss, theft, or damage.

(8) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.

(9) Reimburse other moving-relating expenses that are not listed as ineligible under WAC 468-100-305, as the



agency determines to be reasonable and necessary.)) (1) **General.**

(a) Any owner-occupant or tenant who qualifies as a displaced person (defined at WAC 468-100-002(9)) and who moves from a dwelling (including a mobile home) or who moves from a business, farm or nonprofit organization is entitled to payment of his or her actual moving and related expenses, as the agency determines to be reasonable and necessary.

(b) A nonoccupant owner of a rented mobile home is eligible for actual cost reimbursement under this section to relocate the mobile home. If the mobile home is not acquired as real estate, but the homeowner-occupant obtains a replacement housing payment under one of the circumstances described in WAC 468-100-502 (1)(c), the homeowner-occupant is not eligible for payment for moving the mobile home, but may be eligible for a payment for moving personal property from the mobile home.

(2) **Moves from a dwelling.** A displaced person's actual, reasonable and necessary moving expenses for moving personal property from a dwelling may be determined based on the cost of one, or a combination of the following methods: Eligible expenses for moves from a dwelling include the expenses described in subsection (7)(a) through (g) of this section. Self-moves based on the lower of two bids or estimates are not eligible for reimbursement under this section.

(a) Commercial move - moves performed by a professional mover.

(b) Self-move - moves that may be performed by the displaced person in one or a combination of the following methods:

(i) Fixed residential moving cost schedule (described in WAC 468-100-302).

(ii) Actual cost move. Supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the cost paid by a commercial mover. Equipment rental fees should be based on the actual cost of renting the equipment but not exceed the cost paid by a commercial mover.

(3) **Moves from a mobile home.** A displaced person's actual, reasonable and necessary moving expenses for moving personal property from a mobile home may be determined based on the cost of one, or a combination of the following methods: Self-moves based on the lower of two bids or estimates are not eligible for reimbursement under this section. Eligible expenses for moves from a mobile home include those expenses described in subsection (7)(a) through (g) of this section (however, if the mobile home is not acquired but the owner obtains a replacement housing payment under one of the circumstances described in WAC 468-100-502, the owner is not eligible for payment for moving the mobile home). In addition to the items in subsection (1) of this section, the owner-occupant of a mobile home that is moved as personal property and used as the person's replacement dwelling, is also eligible for the moving expenses described in subsection (7)(h) through (j) of this section.

(a) Commercial move - moves performed by a professional mover.

(b) Self-move - moves that may be performed by the displaced person in one or a combination of the following methods:

(i) Fixed residential moving cost schedule (described in WAC 468-100-302).

(ii) Actual cost move. Supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the cost paid by a commercial mover. Equipment rental fees should be based on the actual cost of renting the equipment but not exceed the cost paid by a commercial mover.

(4) **Moves from a business, farm or nonprofit organization.** Personal property as determined by an inventory from a business, farm or nonprofit organization may be moved by one or a combination of the following methods: Eligible expenses for moves from a business, farm or nonprofit organization include those expenses described in subsection (7)(a) through (g) of this section and subsection (7)(k) through (r) of this section and WAC 468-100-303.

(a) Commercial move. Based on the lower of two bids or estimates prepared by a commercial mover. At the agency's discretion, payment for a low-cost or uncomplicated move may be based on a single bid or estimate.

(b) Self-move. A self-move payment may be based on one or a combination of the following:

(i) The lower of two bids or estimates prepared by a commercial mover or qualified agency staff person. At the agency's discretion, payment for a low-cost or uncomplicated move may be based on a single bid or estimate; or

(ii) Supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the rates paid by a commercial mover to employees performing the same activity and equipment rental fees should be based on the actual rental cost of the equipment but not to exceed the cost paid by a commercial mover.

(5) **Personal property only.** Eligible expenses for a person who is required to move personal property from real property but is not required to move from a dwelling (including a mobile home), business, farm or nonprofit organization include those expenses described in subsection (7)(a) through (g) and (r) of this section.

(6) **Advertising signs.** The amount of a payment for direct loss of an advertising sign, which is personal property, shall be the lesser of:

(a) The depreciated reproduction cost of the sign, as determined by the agency, less the proceeds from its sale; or

(b) The estimated cost of moving the sign, but with no allowance for storage.

(7) **Eligible actual moving expenses.**

(a) Transportation of the displaced person and personal property. Transportation costs for a distance beyond fifty miles are not eligible, unless the agency determines that relocation beyond fifty miles is justified.

(b) Packing, crating, unpacking, and uncrating of the personal property.

(c) Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances and other personal property. For businesses, farms or nonprofit organizations this includes machinery, equipment, substitute personal property, and connections to utilities available within the building; it also includes modifications to the personal

property, including those mandated by federal, state or local law, code or ordinance, necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property (expenses for providing utilities from the right of way to the building or improvement are excluded).

(d) Storage of the personal property for a period not to exceed twelve months, unless the agency determines that a longer period is necessary.

(e) Insurance for the replacement value of the property in connection with the move and necessary storage.

(f) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.

(g) Other moving-related expenses that are not listed as ineligible under subsection (8) of this section as the agency determines to be reasonable and necessary.

(h) The reasonable cost of disassembling, moving, and reassembling any appurtenances attached to a mobile home, such as porches, decks, skirting, and awnings, which were not acquired, anchoring of the unit, and utility "hookup" charges.

(i) The reasonable cost of repairs and/or modifications so that a mobile home can be moved and/or made decent, safe, and sanitary.

(j) The cost of a nonrefundable mobile home park entrance fee, to the extent it does not exceed the fee at a comparable mobile home park, if the person is displaced from a mobile home park or the agency determines that payment of the fee is necessary to effect relocation.

(k) Any license, permit, fees or certification required of the displaced person at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, fees or certification.

(l) Professional services as the agency determines to be actual, reasonable and necessary for:

(i) Planning the move of the personal property;

(ii) Moving the personal property; and

(iii) Installing the relocated personal property at the replacement location.

(m) Relettering signs and replacing stationery on hand at the time of displacement that are made obsolete as a result of the move.

(n) Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business or farm operation. The payment shall consist of the lesser of:

(i) The fair market value in place of the item, as is for continued use, less the proceeds from its sale (to be eligible for payment, the claimant must make a good faith effort to sell the personal property, unless the agency determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the market value shall be based on the cost of the goods to the business, not the potential selling prices); or

(ii) The estimated cost of moving the item as is, but not including any allowance for storage; or for reconnecting a piece of equipment if the equipment is in storage or not being

used at the acquired site. If the business or farm operation is discontinued, the estimated cost of moving the item shall be based on a moving distance of fifty miles.

(o) The reasonable cost incurred in attempting to sell an item that is not to be relocated.

(p) Purchase of substitute personal property. If an item of personal property, which is used as part of a business or farm operation, is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the lesser of:

(i) The cost of the substitute item, including installation costs of the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or

(ii) The estimated cost of moving and reinstalling the replaced item but with no allowance for storage. At the agency's discretion, the estimated cost for a low-cost or uncomplicated move may be based on a single bid or estimate.

(q) Searching for a replacement location. A business or farm operation is entitled to reimbursement for actual expenses, not to exceed two thousand five hundred dollars, as the agency determines to be reasonable, which are incurred in searching for a replacement location, including:

(i) Transportation;

(ii) Meals and lodging away from home;

(iii) Time spent searching, based on reasonable salary or earnings;

(iv) Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such sites;

(v) Time spent in obtaining permits and attending zoning hearings; and

(vi) Time spent negotiating the purchase of a replacement site based on a reasonable salary or earnings.

(r) Low value/high bulk. When the personal property to be moved is of low value and high bulk, and the cost of moving the property would be disproportionate to its value in the judgment of the displacing agency, the allowable moving cost payment shall not exceed the lesser of: The amount which would be received if the property were sold at the site or the replacement cost of a comparable quantity delivered to the new business location. Examples of personal property covered by this provision include, but are not limited to, stockpiled sand, gravel, minerals, metals and other similar items of personal property as determined by the agency.

(8) Ineligible moving and related expenses. A displaced person is not entitled to payment for:

(a) The cost of moving any structure or other real property improvement in which the displaced person reserved ownership (however, this part does not preclude the computation under WAC 468-100-401 (2)(d)(iii));

(b) Interest on a loan to cover moving expenses;

(c) Loss of goodwill;

(d) Loss of profits;

(e) Loss of trained employees;

(f) Any additional operating expenses of a business or farm operation incurred because of operating in a new location except as provided in WAC 468-100-360 (1)(f);

(g) Personal injury;

(h) Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the agency;

(i) Expenses for searching for a replacement dwelling;

(j) Physical changes to the real property at the replacement location of a business or farm operation except as provided in WAC 468-100-301 (7)(c) and 468-100-306(1);

(k) Costs for storage of personal property on real property already owned or leased by the displaced person; and

(l) Refundable security and utility deposits.

(9) Notification and inspection (nonresidential). The agency shall inform the displaced person, in writing, of the requirements of this section as soon as possible after the initiation of negotiations. This information may be included in the relocation information provided the displaced person as set forth in WAC 468-100-203. To be eligible for payments under this section, the displaced person must:

(a) Provide the agency reasonable advance notice of the approximate date of the start of the move or disposition of the personal property and an inventory of the items to be moved. However, the agency may waive this notice requirement after documenting its file accordingly.

(b) Permit the agency to make reasonable and timely inspections of the personal property at both the displacement and replacement sites and to monitor the move.

(10) Transfer of ownership (nonresidential). Upon request and in accordance with applicable law, the claimant shall transfer to the agency ownership of any personal property that has not been moved, sold, or traded-in.

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-302 Fixed payment for moving expenses—Residential moves.** Any person displaced from a dwelling or a seasonal residence(=) or a dormitory style room is entitled to receive a fixed moving cost payment ((in lieu of)) as an alternative to a payment for actual moving and related expenses ((covered)) under WAC 468-100-301. This ((allowance)) payment shall be determined according to the ((applicable schedule approved by the lead agency, except that the expense and dislocation allowance to a person occupying a furnished one-room unit shared by more than one other person involving a minimum of personal property to be moved, shall be limited to fifty dollars)) fixed residential moving cost schedule\* approved by the Federal Highway Administration and published in the *Federal Register* on a periodic basis. The payment to a person with minimal personal possessions who is in occupancy of a dormitory style room or a person whose residential move is performed by an agency at no cost to the person shall be limited to the amount stated in the most recent edition of the fixed residential moving cost schedule.

\*The fixed residential moving cost schedule is available at the following URL: <http://www.fhwa.dot.gov/realstate/fixsch96.htm>. Agencies are cautioned to ensure they are using the most recent edition.

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-303 ((Payment for actual reasonable moving and)) Related nonresidential eligible expenses((— Nonresidential moves)).** ((1) Eligible costs. Any business or farm operation which qualifies as a displaced person (defined in WAC 468-100-002(7))[(8)]) is entitled to payment for such actual moving and related expenses, as the agency determines to be reasonable and necessary, including expenses for:

(a) Transportation of personal property. Transportation costs for a distance beyond fifty miles are not eligible, unless the agency determines that relocation beyond fifty miles is justified.

(b) Packing, crating, unpacking, and uncrating of the personal property.

(c) Disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment, and other personal property, including substitute personal property described in WAC 468-100-303 (1)(1). This includes connection to utilities available nearby. It also includes modifications to the personal property necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property. (Expenses for providing utilities from the right of way to the building or improvement are excluded.)

(d) Storage of the personal property for a period not to exceed twelve months, unless the agency determines that a longer period is necessary.

(e) Insurance for the replacement value of the personal property in connection with the move and necessary storage.

(f) Any license, permit, or certification required of the displaced person at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, or certification.

(g) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.

(h) Professional services necessary for:

(i) Planning the move of the personal property;

(ii) Moving the personal property; and

(iii) Installing the relocated personal property at the replacement location.

(i) Relettering signs and replacing stationery on hand at the time of displacement that are made obsolete as a result of the move.

(j) Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business or farm operation. The payment shall consist of the lesser of:

(i) The fair market value of the item for continued use at the displacement site, less the proceeds from its sale. (To be eligible for payment, the claimant must make a good faith effort to sell the personal property, unless the agency determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price.); or

(ii) The estimated cost of moving the item, but with no allowance for storage. (If the business or farm operation is discontinued, the estimated cost shall be based on a moving distance of fifty miles.)

(k) The reasonable cost incurred in attempting to sell an item that is not to be relocated.

(l) Purchase of substitute personal property. If an item of personal property which is used as part of a business or farm operation is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the lesser of:

(i) The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or

(ii) The estimated cost of moving and reinstalling the replaced item but with no allowance for storage. At the agency's discretion, the estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate.

(m) Searching for a replacement location. A displaced business or farm operation is entitled to reimbursement for actual expenses, not to exceed one thousand dollars, as the agency determines to be reasonable, which are incurred in searching for a replacement location, including:

(i) Transportation;

(ii) Meals and lodging away from home;

(iii) Time spent searching, based on reasonable salary or earnings;

(iv) Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such site.

(n) Other moving-related expenses that are not listed as ineligible under WAC 468-100-305, as the agency determines to be reasonable and necessary.

(2) Notification and inspection. The following requirements apply to payments under this section:

(a) The agency shall inform the displaced person in writing, of the requirements of (b) and (c) of this subsection, as soon as possible after the initiation of negotiations. This information may be included in the relocation information provided to the displaced person as set forth in WAC 468-100-203.

(b) The displaced person must provide the agency reasonable advance written notice of the approximate date of the start of the move or disposition of the personal property and a list of the items to be moved. However, the agency may waive this notice requirement after documenting its file accordingly.

(c) The displaced person must permit the agency to make reasonable and timely inspections of the personal property at both the displacement and replacement sites and to monitor the move.

(3) Self-move. If the displaced person elects to take full responsibility for the move of the business or farm operation, the agency may make a payment for the person's moving expenses in an amount not to exceed the lower of two acceptable bids or estimates obtained by the agency or prepared by qualified staff. At the agency's discretion, a payment for a

low cost or uncomplicated move may be based on a single bid or estimate.

(4) Transfer of ownership. Upon request and in accordance with applicable law, the claimant shall transfer to the agency ownership of any personal property that has not been moved, sold, or traded in.

(5) Advertising signs. The amount of a payment for direct loss of an advertising sign which is personal property shall be the lesser of:

(a) The depreciated reproduction cost of the sign, as determined by the agency, less the proceeds from its sale; or

(b) The estimated cost of moving the sign, but with no allowance for storage.) The following expenses, in addition to those provided by WAC 468-100-301 for moving personal property, shall be provided if the agency determines that they are actual, reasonable and necessary:

(1) Connection to available nearby utilities from the right of way to improvements at the replacement site.

(2) Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation including, but not limited to, soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site). At the discretion of the agency a reasonable preapproved hourly rate may be established.

(3) Impact fees or one-time assessments for anticipated heavy utility usage, as determined necessary by the agency.

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-304 Fixed payment for moving expenses—Nonresidential moves.** (1) **Business((?:). A displaced business((, defined in WAC 468-100-002(3))((4)),) may be eligible to choose a fixed payment in lieu of ((a)) the payments for actual moving and related expenses, and actual reasonable reestablishment expenses provided by WAC 468-100-301, 468-100-303, and 468-100-306. ((The)) Such fixed payment, except for payment to a nonprofit organization, shall equal the average annual net earnings of the business, as computed in accordance with subsection (5) of this section, but not less than one thousand dollars nor more than twenty thousand dollars. The displaced business is eligible for the payment if the agency ((determined)) determines that:**

(a) The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move; and, the business vacates or relocates from its displacement site; ((and))

(b) The business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings). A business is assumed to meet this test unless the agency ((demonstrates)) determines that it will not suffer a substantial loss of its existing patronage; ((and))

(c) The business is not part of a commercial enterprise having more than three other entities which are not being acquired by the agency, and which are under the same ownership and engaged in the same or similar business activities((-);

(d) The business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others; ~~(and)~~

(e) The business is not operated at the displacement site solely for the purpose of renting the site to others; and

(f) The business contributed materially (defined in WAC 468-100-002(~~(3)~~~~(4)~~) (7)) to the income of the displaced person during the two taxable years prior to displacement.

(2) **Determining the number of businesses(+)**. In determining whether two or more displaced legal entities constitute a single business which is entitled to only one fixed payment, ~~((the displacing agency shall consider))~~ all pertinent factors shall be considered, including the extent to which:

(a) The same premises and equipment are shared;

(b) Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;

(c) The entities are held out to the public, and to those customarily dealing with them, as one business; and

(d) The same person(;) or closely related persons own, control, or manage the affairs of the entities.

(3) **Farm operation(+)**. A displaced farm operation(;) (defined in WAC 468-100-002(~~(9)~~~~(10)~~) (12)), may choose a fixed payment, in lieu of ~~((a))~~ the payments for actual moving and related expenses and actual reasonable reestablishment expenses, in an amount equal to its average annual net earnings as computed in accordance with subsection (5) of this section, but not less than one thousand dollars nor more than twenty thousand dollars. In the case of a partial acquisition of land, which was a farm operation before the acquisition, the fixed payment shall be made only if the agency determines that:

(a) The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or

(b) The partial acquisition caused a substantial change in the nature of the farm operation.

(4) **Nonprofit organization(+)**. A displaced nonprofit organization may choose a fixed payment of one thousand to twenty thousand dollars in lieu of ~~((a))~~ the payments for actual moving and related expenses and actual reasonable reestablishment expenses, if the agency determines that it cannot be relocated without a substantial loss of existing patronage (membership or clientele). A nonprofit organization is assumed to meet this test, unless the agency demonstrates otherwise. Any payment in excess of one thousand dollars must be supported with financial statements for the two twelve-month periods prior to the acquisition. The amount to be used for the payment is the average of two years annual gross revenues less administrative expenses.

(5) **Average annual net earnings of a business or farm operation(+)**. The average annual net earnings of a business or farm operation are one-half of its net earnings before federal, state, and local income taxes during the two taxable years immediately prior to the taxable year in which it was displaced. If the business or farm was not in operation for the full two taxable years prior to displacement, net earnings shall be based on the actual period of operation at the displacement site during the two taxable years prior to displace-

ment, projected to an annual rate. Average annual net earnings may be based upon a different period of time when the agency determines it to be more equitable. Net earnings include any compensation obtained from the business or farm operation by its owner, the owner's spouse, and dependents. The displaced person shall furnish the agency proof of net earnings through income tax returns, certified financial statements, or other reasonable evidence, which the agency determines is satisfactory.

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-305 ((Ineligible moving and related expenses-)) Discretionary utility relocation payments.** ~~((A displaced person is not entitled to payment for:~~

(1) ~~The cost of moving any structure or other real property improvement in which the displaced person reserved ownership. However, this section does not preclude the computation under WAC 468-100-401(3)(d)(iii); or~~

(2) ~~Interest on a loan to cover moving expenses; or~~

(3) ~~Loss of goodwill; or~~

(4) ~~Loss of profits; or~~

(5) ~~Loss of trained employees; or~~

(6) ~~Any additional operating expenses of a business or farm operation, incurred because of operating in a new location except as provided in WAC 468-100-306(1)(j); or~~

(7) ~~Personal injury; or~~

(8) ~~Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the agency; or~~

(9) ~~Expenses for searching for a replacement dwelling; or~~

(10) ~~Physical changes to the real property at the replacement location of a business or farm operation, except as provided in WAC 468-100-303(1)(b)(iii) and (iv); or~~

(11) ~~Costs for storage of personal property on real property already owned or leased by the displaced person.)~~ (1)

Whenever a program or project undertaken by a displacing agency causes the relocation of a utility facility (WAC 468-100-002(31)) and the relocation of the facility creates extraordinary expenses for its owner, the displacing agency may, at its option, make a relocation payment to the owner for all or part of such expenses, if the following criteria are met:

(a) The utility facility legally occupies state or local government property, or property over which the state or local government has an easement or right of way;

(b) The utility facility's right of occupancy thereon is pursuant to state law or local ordinance specifically authorizing such use, or where such use and occupancy has been granted through a franchise, use and occupancy permit, or other similar agreement;

(c) Relocation of the utility facility is required by and is incidental to the primary purpose of the project or program undertaken by the displacing agency;

(d) There is no federal law, other than the Uniform Act, which clearly establishes a policy for the payment of utility moving costs that is applicable to the displacing agency's program or project; and

(e) State or local government reimbursement for utility moving costs or payment of such costs by the displacing agency is in accordance with state law.

(2) For the purposes of this section, the term extraordinary expenses means those expenses which, in the opinion of the displacing agency, are not routine or predictable expenses relating to the utility's occupancy of rights of way, and are not ordinarily budgeted as operating expenses, unless the owner of the utility facility has explicitly and knowingly agreed to bear such expenses as a condition for use of the property, or has voluntarily agreed to be responsible for such expenses.

(3) A relocation payment to a utility facility owner for moving costs under this section may not exceed the cost to functionally restore the service disrupted by the federally assisted program or project, less any increase in value of the new facility and salvage value of the old facility. The displacing agency and the utility facility owner shall reach prior agreement on the nature of the utility relocation work to be accomplished, the eligibility of the work for reimbursement, the responsibilities for financing and accomplishing the work, and the method of accumulating costs and making payment.

AMENDATORY SECTION (Amending WSR 04-08-041, filed 3/31/04, effective 5/1/04)

**WAC 468-100-306 Reestablishment expenses—Non-residential moves.** In addition to the payments available under WAC 468-100-301 and 468-100-303, a small business, as defined in WAC 468-100-002~~((17))~~ (24), farm or non-profit organization ~~((may be eligible))~~ is entitled to receive a payment, not to exceed fifty thousand dollars, for expenses actually incurred in relocating and reestablishing such small business, farm~~(s)~~ or nonprofit organization at a replacement site.

(1) Eligible expenses. Reestablishment expenses must be reasonable and necessary, as determined by the agency. They ~~((may))~~ include, but are not limited to, the following:

(a) Repairs or improvements to the replacement real property as required by federal, state~~(s)~~ or local law, code~~(s)~~ or ordinance.

(b) Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.

(c) Construction and installation costs for exterior signing to advertise the business.

~~(d) ((Provision of utilities from right of way to improvements on the replacement site.~~

~~(e))~~ Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, ~~((panelling))~~ paneling, or carpeting.

~~((f) Licenses, fees, and permits when not paid as part of moving expenses.~~

~~(g) Feasibility surveys, soil testing and marketing studies.~~

~~(h))~~ (e) Advertisement of replacement location.

~~((i) Professional services in connection with the purchase or lease of a replacement site.~~

~~(j))~~ (f) Estimated increased costs of operation during the first two years at the replacement site for such items as:

(i) Lease or rental charges;

(ii) Personal or real property taxes;

(iii) Insurance premiums; and

(iv) Utility charges, excluding impact fees.

~~((k) Impact fees or one-time assessments for anticipated heavy utility usage.~~

~~(l))~~ (g) Other items that the agency considers essential to the reestablishment of the business.

(2) Ineligible expenses. The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:

(a) Purchase of capital assets, such as, office furniture, filing cabinets, machinery, or trade fixtures.

(b) Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.

~~(c) ((Interior or exterior refurbishments at the replacement site which are for aesthetic purposes, except as provided in WAC 468-100-306 (1)(e).~~

~~(d))~~ Interest on money borrowed to make the move or purchase the replacement property.

~~((e))~~ (d) Payment to a part-time business in the home which does not contribute materially to the household income.

~~(e) Interior or exterior refurbishments at the replacement site which are for aesthetic purposes, except as provided in WAC 468-100-306 (1)(d).~~

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-401 Replacement housing payment for one hundred eighty-day homeowner-occupants.** (1) ~~((Entitlement:))~~ **Eligibility:** A displaced person is ~~((entitled to))~~ eligible for the replacement housing payment for a one hundred eighty-day homeowner-occupant if the person:

(a) Has actually owned and occupied the displacement dwelling for not less than the one hundred eighty days immediately prior to the initiation of negotiations; and

(b) Purchases and occupies a DSS replacement dwelling within one year after the later of the following dates (except that the agency may extend such one-year period for good cause):

(i) The date the displaced person receives final payment for the displacement dwelling or, in the case of condemnation, the date the ~~((required))~~ full amount is deposited in the court; or

(ii) The date the person moves from the displacement dwelling; or

(iii) The date the displacing agency's obligation under WAC 468-100-204 is met.

(2) **Amount of payment:** The replacement housing payment for an eligible one hundred eighty-day homeowner-occupant may not exceed twenty-two thousand five hundred dollars (see also WAC 468-100-404). The payment under this section is limited to the amount necessary to relocate to a comparable replacement dwelling within one year from the date the displaced homeowner-occupant is paid for the displacement dwelling, or the date such person is initially

offered a comparable replacement dwelling, whichever is later. The payment shall be the sum of:

(a) The amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling (price differential), as determined in accordance with subsection (3) of this section; and

(b) The increased interest costs and other debt service costs to be incurred in connection with the mortgage(s) on the replacement dwelling (increased mortgage interest cost), as determined in accordance with subsection (4) of this section; and

(c) The necessary and reasonable expenses incidental to the purchase of the replacement dwelling (incidental purchase expense), as determined in accordance with subsection (5) of this section.

**(3) Price differential:**

~~(a) ((Determination of price differential:))~~ **Basic computation:** The price differential to be paid under subsection (2)(a) of this section is the amount which must be added to the acquisition cost of the displacement dwelling and site (see WAC 468-100-002(11)) to provide a total amount equal to the lesser of:

(i) The reasonable cost of a comparable replacement dwelling as determined in accordance with WAC 468-100-403(1); or

(ii) The purchase price of the DSS replacement dwelling actually purchased and occupied by the displaced person.

~~(b) ((Mixed-use and multifamily properties: If the displacement dwelling was part of a property that contained another dwelling unit and/or space used for nonresidential purposes, and/or is located on a tract larger than a site that is typical for residential purposes, only that portion of the acquisition payment which is actually attributable to the displacement dwelling shall be considered its acquisition cost when computing the price differential.~~

~~(c) Insurance proceeds: To the extent necessary to avoid duplicate compensation, the amount of any insurance proceeds received by a person in connection with a loss to the displacement dwelling due to a catastrophic occurrence (fire, flood, etc.) shall be included in the acquisition cost of the displacement dwelling when computing the price differential. (Also see WAC 468-100-003.)~~

~~(d))~~ **Owner retention/salvage of displacement dwelling:** If the owner retains ownership of, or obtains salvage rights to, the person's dwelling, moves it from the displacement site, and reoccupies it on a replacement site, the purchase price of the replacement dwelling shall be the sum of:

(i) The cost of moving and restoring the dwelling to ~~((retain the functional utility it had when situated on the displacement site))~~ a condition comparable to that prior to the move; and

(ii) The cost of making the unit a DSS replacement dwelling (defined in WAC 468-100-002~~((6))~~~~((7))~~) (8); and

(iii) The current ~~((fair))~~ market value for residential use of the replacement dwelling site (based on any reasonable evaluation method determined by the agency), unless the claimant rented the displacement site and there is a reasonable opportunity for the claimant to rent a suitable replacement site; and

(iv) The retention/salvage value of the displacement dwelling, ~~((as determined from the acquisition of the displacement dwelling))~~ if such retention value is reflected in the "acquisition cost" used when computing the replacement housing payment.

~~((e))~~ **(c) Owner constructs replacement dwelling:** If the owner obtains a DSS replacement dwelling by contracting for or otherwise obtaining new construction, the purchase price of the replacement dwelling shall be the sum of:

(i) The cost necessary to construct a dwelling that is comparable to the displacement dwelling; and

(ii) The current fair market value for residential use of the replacement site (based on any reasonable evaluation method determined by the agency), unless the claimant rented the displacement site and there is a reasonable opportunity for the claimant to rent a suitable replacement site.

**(4) Increased mortgage interest costs:**

(a) The displacing agency shall determine the factors to be used in computing the amount to be paid to a displaced person under subsection (2)(b) of this section. The payment for increased mortgage interest costs shall be the amount which will reduce the mortgage balance on a new mortgage to an amount which could be amortized with the same monthly payment for principal and interest as that for the mortgage(s) on the displacement dwelling. In addition, payments shall include other debt service costs, if not paid as incidental costs, and shall be based only on bona fide mortgages that were valid liens on the displacement dwelling for at least one hundred eighty days prior to the initiation of negotiations. (b) through (f) of this subsection shall apply to the computation of the increased mortgage interest costs payment, which payment shall be contingent upon a mortgage being placed on the replacement dwelling.

(b) The payment shall be based on the unpaid mortgage balance(s) on the displacement dwelling; however, in the event the person obtains a smaller mortgage than the mortgage balance(s) computed in the buydown determination the payment will be prorated and reduced accordingly.

In the case of a home equity loan the unpaid balance shall be that balance which existed one hundred eighty days prior to the initiation of negotiations or the balance on the date of acquisition, whichever is less.

(c) The payment shall be based on the remaining term of the mortgage(s) on the displacement dwelling or the term of the new mortgage, whichever is shorter.

(d) The interest rate on the new mortgage used in determining the amount of the payment shall not exceed the prevailing fixed interest rate for conventional mortgages currently charged by mortgage lending institutions in the area in which the replacement dwelling is located.

(e) Purchaser's points and loan origination or assumption fees, but not seller's points, shall be paid to the extent:

(i) They are not paid as incidental expenses;

(ii) They do not exceed rates normal to similar real estate transactions in the area;

(iii) The agency determines them to be necessary; and

(iv) The computation of such points and fees shall be based on the unpaid mortgage balance on the displacement dwelling, less the amount determined for the reduction of such mortgage balance under this section.

(f) The displaced person shall be advised of the approximate amount of this payment and the conditions that must be met to receive the payment as soon as the facts relative to the person's current mortgage(s) are known and the payment shall be made available at or near the time of closing on the replacement dwelling in order to reduce the new mortgage as intended.

(5) **Incidental purchase expenses:** The incidental purchase expenses to be paid for a one hundred eighty-day homeowner-occupant (under subsection (2)(c) of this section) or for downpayment assistance (under WAC 468-100-402 (3)(a)) are those necessary and reasonable costs actually incurred by the displaced person incident to the purchase of a replacement dwelling, and customarily paid by the buyer, including and are limited by such costs based on the cost of a comparable replacement dwelling pursuant to WAC 468-100-403(1):

(a) Legal, closing, and related costs, including those for title search, preparing conveyance instruments, notary fees, preparing surveys and plats, and recording fees.

(b) Lender, FHA, or VA application and appraisal fees.

(c) Loan origination or assumption fees that do not represent prepaid interest.

(d) Professional home inspection, certification of structural soundness and termite inspection (when required).

(e) Credit report.

(f) Owner's and mortgagee's evidence of title, e.g., title insurance, not to exceed the costs for a comparable replacement dwelling.

(g) Escrow agent's fee.

(h) State revenue or documentary stamps, sales or transfer taxes (not to exceed the costs for a comparable replacement dwelling).

(i) Such other costs as the agency determines to be incidental to the purchase.

(6) **Rental assistance payment for one hundred eighty-day homeowner:** A one hundred eighty-day homeowner-occupant who ~~(is)~~ could be eligible for a replacement housing payment under subsection (1) of this section but elects to rent a replacement dwelling, is eligible for a rental assistance payment ~~((not to exceed five thousand two hundred fifty dollars, computed and disbursed in accordance with WAC 468-100-402(2))).~~ The amount of the rental assistance payment is based on a determination of market rent for the acquired dwelling compared to a comparable rental dwelling available on the market. The difference, if any, is computed in accordance with WAC 468-100-402 (2)(a), except that the limit of five thousand two hundred fifty dollars does not apply, and disbursed in accordance with WAC 468-100-402 (2)(c). Under no circumstances would the rental assistance payment exceed the amount that could have been received under WAC 468-100-401 (2)(a) had the one hundred eighty-day homeowner elected to purchase and occupy a comparable replacement dwelling.

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-402 Replacement housing payment for ninety-day occupants. (1) ~~(Entitlement:))~~ Eligibility:**

A tenant or owner-occupant displaced from a dwelling is entitled to a payment not to exceed five thousand two hundred fifty dollars for rental assistance, as computed in accordance with subsection (2) of this section, or downpayment assistance, as computed in accordance with subsection (3) of this section, if such displaced person:

(a) Has actually and lawfully occupied the displacement dwelling for at least ninety days immediately prior to the initiation of negotiations; and

(b) Has rented, or purchased, and occupied a DSS replacement dwelling within one year (unless the agency extends this period for good cause) after:

(i) For a tenant, the date the tenant moves from the displacement dwelling; or

(ii) For an owner-occupant, the later of:

(A) The date the owner-occupant receives final payment for the ~~((displacing interest))~~ displacement dwelling, or in the case of condemnation, the date the ~~((required))~~ full amount of the estimate of just compensation is deposited with the court; or

(B) The date the owner-occupant moves from the displacement dwelling.

**(2) Rental assistance payment:**

(a) **Amount of payment:** An eligible displaced person who rents a replacement dwelling is entitled to a payment not to exceed five thousand two hundred fifty dollars for rental assistance~~(-)~~ (see also WAC ~~((468-100-403(2)))~~ 468-100-404).~~((3))~~ Such payment shall be forty-two times the amount obtained by subtracting the base monthly rent or the fair market rent (in accordance with (b) of this subsection) of the displacement dwelling for a reasonable period prior to displacement, as determined by the agency, from the lessor of:

(i) The monthly rent and average monthly cost of utilities for a comparable replacement dwelling; or

(ii) The monthly rent and estimated average monthly utilities for the DSS replacement dwelling actually occupied by the displaced person.

(b) Base monthly rental for displacement dwelling. The base monthly rental for the displacement dwelling is the lesser of:

(i) The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by the agency. (For an owner-occupant, use the fair market rent for the displacement dwelling. For a tenant who paid little or no rent for the displacement dwelling, use the fair market rent, unless its use would result in a hardship because of the person's income or other circumstances); or

(ii) Thirty percent of the person's average gross household income. ~~((If the person refuses to provide appropriate evidence of income or is a dependent, the base monthly rental shall be established solely on the criteria in (b)(i) of this subsection.))~~ If the amount is classified as "low income" by the U.S. Department of Housing and Urban Development's Annual Survey of Income Limits for the Public Housing and Section 8 Programs\*, the base monthly rental shall be established solely on the criteria in (b)(i) of this subsection for persons with income exceeding the survey's "low income" limits, for persons refusing to provide appropriate evidence of income, and for persons who are dependents. A full time stu-



dent or resident of an institution may be assumed to be a dependent, unless the person demonstrates otherwise~~((=))~~; or

<sup>\*</sup>The U.S. Department of Housing and Urban Development's Public Housing and Section 8 Program Income Limits are updated annually and are available on FHWA's web site at <http://www.fhwa.dot.gov/realestate/us/uahic.htm>

(iii) The total of the amounts designated for shelter and utilities if receiving a welfare assistance payment from a program that designates the amounts for shelter and utilities.

(c) Manner of disbursement: A rental assistance payment may, at the agency's discretion, be disbursed in either a lump sum or in installments. However, except as limited by WAC 468-100-403~~((=))~~ (6), the full amount vests immediately, whether or not there is any later change in the person's income or rent, or in the condition or location of the person's housing.

(3) Downpayment assistance payment:

(a) Amount of payment: An eligible displaced person who purchases a replacement dwelling is entitled to a downpayment assistance payment in the amount the person would receive under subsection (2) of this section if the person rented a comparable replacement dwelling. At the discretion of the agency, a downpayment assistance payment that is less than five thousand two hundred fifty dollars may be increased to any amount not to exceed five thousand two hundred fifty dollars. However, the payment to a displaced homeowner shall not exceed the amount the owner would receive under WAC 468-100-401(2) if he or she met the one hundred eighty-day occupancy requirement. An agency's discretion to provide the maximum payment shall be exercised in a uniform and consistent manner, so that eligible displaced persons in like circumstances are treated equally. A displaced person eligible to receive a payment as a one hundred eighty-day owner-occupant under WAC 468-100-401(1) is not eligible for this payment.

(b) Application of payment: The full amount of the replacement housing payment for downpayment assistance must be applied to the purchase price of the replacement dwelling and related incidental expenses.

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-403 Additional rules governing replacement housing payments.** (1) **Determining cost of comparable replacement dwelling:** The upper limit of a replacement housing payment shall be based on the cost of a comparable replacement dwelling (defined in WAC 468-100-002~~((4))~~~~((5))~~) (6).

(a) **Three-comparable method:** If available, at least three comparable replacement dwellings (~~((defined in WAC 468-100-002(4))~~~~((5))~~)) shall be examined and the payment computed on the basis of the dwelling most nearly representative of, and equal to, or better than, the displacement dwelling. ~~((An adjustment shall be made to the asking price of any dwelling, to the extent justified by local market data (see also WAC 468-100-205 (1)(b)). An obviously overpriced or underpriced dwelling may be ignored.))~~

(b) **Major exterior attribute:** If the site of the comparable replacement dwelling lacks a major exterior attribute of

the displacement dwelling site (e.g., the site is significantly smaller or does not contain a swimming pool or outbuildings), the value of such attribute shall be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the replacement housing payment.

(c) **Remainder offer:** If the acquisition of a portion of a typical residential property causes the displacement of the owner from the dwelling and the remainder is a remnant of the displacement dwelling site or a buildable residential lot, the agency may offer to purchase ~~((that remainder))~~ the entire property. If such an offer is made and the owner refuses to sell the remainder to the agency, the value attributable to that remainder, shall be added to the acquisition price paid for the displacement dwelling for purposes of computing the price differential.

(d) **Location:** To the extent feasible, comparable replacement dwellings shall be selected preferably from the neighborhood in which the displacement dwelling was located or, if not otherwise feasible, from nearby or similar neighborhoods where housing costs are generally the same as in the displacement neighborhood. Where that is not possible dwellings may be selected from neighborhoods where housing costs are the same or higher.

(e) **Multiple occupants of one displacement dwelling:** If two or more occupants of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable prorated share, as determined by the agency, of any relocation payments that would have been made if the occupants moved together to a comparable replacement dwelling. However, if the agency determines that two or more occupants maintained separate households within the same dwelling, such occupants have separate entitlements to relocation payments.

(f) **Deductions from relocation payments:** An agency shall deduct the amount of any advance relocation payment from the relocation payment(s) to which a displaced person is otherwise entitled. Similarly, where such a deduction would not prevent the displaced person from obtaining a comparable replacement dwelling as required by WAC 468-100-204, an agency may deduct from relocation payments any rent that the displaced person owes the agency. The agency shall not withhold any part of a relocation payment to a displaced person to satisfy an obligation to any other creditor.

(g) **Mixed-use and multifamily properties:** If the displacement dwelling was part of a property that contained another dwelling unit and/or space used for nonresidential purposes, and/or is located on a tract larger than a site that is typical for residential purposes, only that portion of the acquisition payment which is actually attributable to the displacement dwelling shall be considered its acquisition cost when computing the price differential.

(h) **Insurance proceeds:** To the extent necessary to avoid duplicate compensation, the amount of any insurance proceeds received by a person in connection with a loss to the displacement dwelling due to a catastrophic occurrence (fire, flood, etc.) shall be included in the acquisition cost of the displacement dwelling when computing the price differential. (Also see WAC 468-100-003.)

(2) ~~((Applicability of last resort housing: Whenever a twenty-two thousand five hundred dollar replacement hous-~~

~~ing payment under WAC 468-100-401 or a five thousand two hundred fifty dollar replacement housing payment under WAC 468-100-402 would be insufficient to ensure that a comparable replacement dwelling is available on a timely basis to a person, the agency shall provide additional or alternative assistance under the last resort housing provisions in WAC 468-100-601 and 468-100-602, which may include increasing the replacement housing payment so that a replacement dwelling is within the displaced person's financial means as described in subsection (1)(g) of this section.~~

~~(3))~~ **Inspection of replacement dwelling:** Before making a replacement housing payment or releasing a payment from escrow, the agency or its designated representative shall inspect the replacement dwelling and determine whether it is a DSS dwelling as defined in WAC 468-100-002~~((6))~~~~((7))~~ **(8).**

~~((4))~~ **(3) Purchase of replacement dwelling:** A displaced person is considered to have met the requirement to purchase a replacement dwelling, if the person:

- (a) Purchases a dwelling; or
  - (b) Purchases and rehabilitates a substandard dwelling;
- or
- (c) Relocates a dwelling which the person owns or purchases; or
  - (d) Constructs a dwelling on a site the person owns or purchases; or
  - (e) Contracts for the purchase or construction of a dwelling on a site provided by a builder or on a site the person owns or purchases; or
  - (f) Currently owns a previously purchased dwelling and site, valuation of which shall be on the basis of current fair market value.

~~((5))~~ **(4) Occupancy requirements for displacement or replacement dwelling:** No person shall be denied eligibility for a replacement housing payment solely because the person is unable to meet the occupancy requirements set forth in this chapter for a reason beyond the person's control, including:

- (a) A disaster, an emergency, or an imminent threat to the public health or welfare, as determined by the funding agency; or
- (b) Another reason, such as a delay in the construction of the replacement dwelling, military reserve duty, or hospital stay, as determined by the agency.

~~((6))~~ **(5) Conversion of payment:** A displaced person who initially rents a replacement dwelling and receives a rental assistance payment under WAC 468-100-402(2) is eligible to receive a payment under WAC 468-100-401 or 468-100-402(3) if the person meets the eligibility criteria for such payments, including purchase and occupancy within the prescribed one-year period. Any portion of the rental assistance payment that has been disbursed shall be deducted from the payment computed under WAC 468-100-401 or 468-100-402(3).

~~((7))~~ **(6) Payment after death:** A replacement housing payment is personal to the displaced person and upon the person's death the undisbursed portion of any such payment shall not be paid to the heirs or assigns, except that:

(a) The amount attributable to the displaced person's period of actual occupancy of the replacement housing shall be paid.

(b) The full payment shall be disbursed in any case in which a member of a displaced family dies and the other family member(s) continue to occupy a DSS replacement dwelling.

(c) Any portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a replacement dwelling by or on behalf of a deceased person shall be disbursed to the estate.

#### NEW SECTION

**WAC 468-100-404 Replacement housing of last resort.** (1) Determination to provide replacement housing of last resort. Whenever a program or project cannot proceed on a timely basis because comparable replacement dwellings are not available within the monetary limits for owners or tenants, as specified in WAC 468-100-401 or 468-100-403, as appropriate, the agency shall provide additional or alternative assistance under the provisions of this subpart. Any decision to provide last resort housing assistance must be adequately justified either:

(a) On a case-by-case basis, for good cause, which means that appropriate consideration has been given to:

- (i) The availability of comparable replacement housing in the program or project area;
- (ii) The resources available to provide comparable replacement housing; and
- (iii) The individual circumstances of the displaced person; or

(b) By a determination that:

- (i) There is little, if any, comparable replacement housing available to displaced persons within an entire program or project area; and, therefore, last resort housing assistance is necessary for the area as a whole;
- (ii) A program or project cannot be advanced to completion in a timely manner without last resort housing assistance; and
- (iii) The method selected for providing last resort housing assistance is cost effective, considering all elements, which contribute to total program or project costs.

(2) Basic rights of persons to be displaced. Notwithstanding any provision of this subpart, no person shall be required to move from a displacement dwelling unless comparable replacement housing is available to such person. No person may be deprived of any rights the person may have under the Uniform Act or this part. The agency shall not require any displaced person to accept a dwelling provided by the agency under these procedures (unless the agency and the displaced person have entered into a contract to do so) in lieu of any acquisition payment or any relocation payment for which the person may otherwise be eligible.

(3) Methods of providing comparable replacement housing. Agencies shall have broad latitude in implementing this subpart, but implementation shall be for reasonable cost, on a case-by-case basis unless an exception to case-by-case analysis is justified for an entire project.

(a) The methods of providing replacement housing of last resort include, but are not limited to:

(i) A replacement housing payment in excess of the limits set forth in WAC 468-100-401 or 468-100-402. A replacement housing payment under this section may be provided in installments or in a lump sum at the agency's discretion.

(ii) Rehabilitation of and/or additions to an existing replacement dwelling.

(iii) The construction of a new replacement dwelling.

(iv) The provision of a direct loan, which requires regular amortization or deferred repayment. The loan may be unsecured or secured by the real property. The loan may bear interest or be interest-free.

(v) The relocation and, if necessary, rehabilitation of a dwelling.

(vi) The purchase of land and/or a replacement dwelling by the displacing agency and subsequent sale or lease to, or exchange with a displaced person.

(vii) The removal of barriers for persons with disabilities.

(b) Under special circumstances, consistent with the definition of a comparable replacement dwelling, modified methods of providing replacement housing of last resort permit consideration of replacement housing based on space and physical characteristics different from those in the displacement dwelling, including upgraded, but smaller replacement housing that is decent, safe, and sanitary and adequate to accommodate individuals or families displaced from marginal or substandard housing with probable functional obsolescence. In no event, however, shall a displaced person be required to move into a dwelling that is not functionally equivalent in accordance with WAC 468-100-002 (6)(b).

(c) The agency shall provide assistance under this subpart to a displaced person who is not eligible to receive a replacement housing payment under WAC 468-100-402 because of failure to meet the length of occupancy requirement when comparable replacement rental housing is not available at rental rates within the displaced person's financial means (see WAC 468-100-002 (6)(h)(iii)). Such assistance shall cover a period of forty-two months.

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-501 Applicability.** ((WAC 468-100-501 through 468-100-505)) (1) General: This subpart describes the requirements governing the provision of relocation payments to a person displaced from a mobile home and/or mobile homesite who meets the basic eligibility requirements of this chapter. Except as modified by ((WAC 468-100-501 through 468-100-505)) this subpart, such a displaced person is entitled to a moving expense payment in accordance with WAC 468-100-301 through 468-100-306 and a replacement housing payment in accordance with WAC 468-100-401 through 468-100-403 to the same extent and subject to the same requirements as persons displaced from conventional dwellings. Moving cost payments to persons occupying mobile homes are covered in WAC 468-100-301 (7)(a) through (j).

(2) Partial acquisition of mobile home park. The acquisition of a portion of a mobile home park property may leave a remaining part of the property that is not adequate to continue the operation of the park. If the agency determines that a mobile home located in the remaining part of the property must be moved as a direct result of the project, the occupant of the mobile home shall be considered to be a displaced person who is entitled to relocation payments and other assistance under this part.

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-502 ((Moving and related expenses—Mobile homes-)) Replacement housing payment for one hundred eighty-day mobile home homeowner displaced from a mobile home, and/or from the acquired mobile home site.** ((A tenant or owner-occupant displaced from a mobile home or mobile homesite is entitled to a payment for the cost of moving his or her personal property on an actual cost basis in accordance with WAC 468-100-301 or, as an alternative, on the basis of a fixed payment under WAC 468-100-302. (However, if the mobile home is not acquired but the owner obtains a replacement housing payment under one of the circumstances described in WAC 468-100-503(3), the owner is not eligible for payment for moving the mobile home.) The following apply to payments for actual moving expenses under WAC 468-100-301:

(1) ~~A displaced mobile homeowner, who moves the mobile home to a replacement site, is eligible for the necessary and reasonable cost of disassembling, moving, and reassembling any attached appurtenances (such as porches, decks, skirting, and awnings) which were not acquired, anchoring of the unit, and utility "hook-up" charges.~~

(2) ~~If a mobile home requires repairs and/or modifications so that it can be moved and/or made decent, safe, and sanitary, and the agency determines that it would be practical to relocate it, the reasonable cost of such repairs and/or modifications is reimbursable.~~

(3) ~~A nonreturnable mobile home park entrance fee is reimbursable, to the extent it does not exceed the fee at a comparable mobile home park, if the person is displaced from a mobile home park or the agency determines that payment of the fee is necessary to effect relocation.)~~ (1) Eligibility: A displaced owner-occupant from a mobile home or site is entitled to a replacement housing payment, not to exceed twenty-two thousand five hundred dollars under WAC 468-100-401 if:

(a) The person occupied the mobile home on the displacement site for at least one hundred eighty days immediately before:

(i) The initiation of negotiations to acquire the mobile home, if the person owned the mobile home and the mobile home is real property;

(ii) The initiation of negotiations to acquire the mobile home site if the mobile home is personal property, but the person owns the mobile home site; or

(iii) The date of the agency's written notification to the owner-occupant that the owner is determined to be displaced

from the mobile home as described in (c)(i) through (iv) of this subsection.

(b) The person meets the other basic eligibility requirements in WAC 468-100-401 (1)(b); and

(c) The agency acquires the mobile home as real estate, or acquires the mobile home site from the displaced owner, or the mobile home is personal property but the owner is displaced from the mobile home because the agency determines that the mobile home:

(i) Is not, and cannot economically be made, decent, safe, and sanitary;

(ii) Cannot be relocated without substantial damage or unreasonable cost;

(iii) Cannot be relocated because there is no available comparable replacement site; or

(iv) Cannot be relocated because it does not meet mobile home park entrance requirements.

(2) Replacement housing payment computation for a one hundred eighty-day owner that is displaced from a mobile home. The replacement housing payment for an eligible displaced one hundred eighty-day owner is computed as described in WAC 468-100-401(2) incorporating the following, as applicable:

(a) If the agency acquires the mobile home as real estate and/or acquires the owned site, the acquisition cost used to compute the price differential payment is the actual amount paid to the owner as just compensation for the acquisition of the mobile home, and/or site, if owned by the displaced mobile homeowner.

(b) If the agency does not purchase the mobile home as real estate but the owner is determined to be displaced from the mobile home and eligible for a replacement housing payment based on subsection (1)(a)(iii) of this section, the eligible price differential payment for the purchase of a comparable replacement mobile home is the lesser of the displaced mobile homeowner's net cost to purchase a replacement mobile home (i.e., purchase price of the replacement mobile home less trade-in or sale proceeds of the displacement mobile home); or the cost of the agency's selected comparable mobile home less the agency's estimate of the salvage or trade-in value for the mobile home from which the person is displaced.

(c) If a comparable replacement mobile home site is not available, the price differential payment shall be computed on the basis of the reasonable cost of a conventional comparable replacement dwelling.

(3) **Rental assistance payment for a one hundred eighty-day owner-occupant that is displaced from a leased or rented mobile home site.** If the displacement mobile home site is leased or rented, a displaced one hundred eighty-day owner-occupant is entitled to a rental assistance payment computed as described in WAC 468-100-402. This rental assistance payment may be used to lease a replacement site; may be applied to the purchase price of a replacement site; or may be applied, with any replacement housing payment attributable to the mobile home, to the purchase of a replacement mobile home or conventional decent, safe and sanitary dwelling.

(4) **Owner-occupant not displaced from the mobile home.** If the agency determines that a mobile home is per-

sonal property and may be relocated to a comparable replacement site, but the owner-occupant elects not to do so, the owner is not entitled to a replacement housing payment for the purchase of a replacement mobile home. However, the owner is eligible for moving costs described in WAC 468-100-301 and any replacement housing payment for the purchase or rental of a comparable site as described in this section or WAC 468-100-503 as applicable.

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-503 Replacement housing payments for ~~((one hundred eighty day))~~ ninety-day mobile home ~~((owner-))~~occupants.** A displaced tenant or owner-occupant of a mobile home is ~~((entitled to))~~ eligible for a replacement housing payment, not to exceed ~~((twenty-two))~~ five thousand ((five)) two hundred fifty dollars under WAC ~~((468-100-401))~~ 468-100-402 if:

(1) The person ~~((both owned))~~ actually occupied the displacement mobile home ~~((and occupied it))~~ on the displacement site for at least the ~~((one hundred eighty))~~ ninety days immediately prior to the initiation of negotiations;

(2) The person meets the other basic eligibility requirements in WAC ~~((468-100-401))~~ 468-100-402(1); and

(3) The agency acquires the mobile home and/or mobile homesite, or the mobile home is not acquired by the agency but the owner or tenant is displaced from the mobile home because ~~((the agency determines that the mobile home:~~

(a) Is not and cannot economically be made decent, safe, and sanitary; or

(b) Cannot be relocated without substantial damage or unreasonable cost; or

(c) Cannot be relocated because there is no available comparable replacement site; or

(d) Cannot be relocated because it does not meet mobile home park entrance requirements.

If the mobile home is not actually acquired, but the agency determines that it is not practical to relocate it, the acquisition cost of the displacement dwelling used when computing the price differential amount, described in WAC 468-100-401(3), shall include the salvage value or trade-in value of the mobile home, whichever is higher)) of one of the circumstances described in WAC 468-100-502 (1)(c).

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-504 ~~((Replacement housing payments for ninety day))~~ Additional rules governing relocation payment to mobile home occupants.** ~~((A displaced tenant or owner-occupant of a mobile home is eligible for a replacement housing payment, not to exceed five thousand two hundred fifty dollars, under WAC 468-100-402 if:~~

(1) The person actually occupied the displacement mobile home on the displacement site for at least the ninety days immediately prior to the initiation of negotiations;

(2) The person meets the other basic eligibility requirements in WAC 468-100-402(1); and

(3) The agency acquires the mobile home and/or mobile homesite, or the mobile home is not acquired by the agency

but the owner or tenant is displaced from the mobile home because of one of the circumstances described in WAC 468-100-503(3).) **(1) Replacement housing payment based on dwelling and site:** Both the mobile home and mobile home-site must be considered when computing a replacement housing payment. For example, a displaced mobile home occupant may have owned the displacement mobile home and rented the site or may have rented the displacement mobile home and owned the site. Also a person may elect to purchase a replacement mobile home and rent a replacement site, or rent a replacement mobile home and purchase a replacement site. In such cases, the total replacement housing payment shall consist of a payment for a dwelling and a payment for a site, each computed under the applicable section in WAC 468-100-401 through 468-100-403. However, the total replacement housing payment under WAC 468-100-401 through 468-100-403 shall not exceed the maximum payment (either twenty-two thousand five hundred dollars or five thousand two hundred fifty dollars) permitted under the subsection that governs the computation for the dwelling.

**(2) Cost of comparable replacement dwelling:**

(a) If a comparable replacement mobile home is not available, the replacement housing payment shall be computed on the basis of the reasonable cost of a conventional comparable replacement dwelling.

(b) If the agency determines that it would be practical to relocate the mobile home, but the owner-occupant elects not to do so, the agency may determine that, for purposes of computing the price differential under WAC 468-100-401(3), the cost of a comparable replacement dwelling is the sum of:

(i) The value of the mobile home;

(ii) The cost of any necessary repairs or modifications; and

(iii) The estimated cost of moving the mobile home to a replacement site.

**(3) General provisions:** WAC 468-100-403 also applies.

**SUBPART G  
(LAST RESORT HOUSING) CERTIFICATION**

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-601 ((Applicability-)) Purpose.** ((+) Basic determination to provide last resort housing: A person cannot be required to move from the person's dwelling unless at least one comparable replacement dwelling is made available to the person. Whenever an agency determines that a replacement housing payment under WAC 468-100-401 through 468-100-403 would not be sufficient to provide a comparable replacement dwelling on a timely basis to the person, the agency is authorized to take appropriate cost-effective measures under WAC 468-100-601 and 468-100-602 to provide such a dwelling. The agency's obligation to ensure that a comparable replacement dwelling is available shall be met when such a dwelling, or assistance necessary to provide such a dwelling, is offered under the provisions of WAC 468-100-601 and 468-100-602.

(2) Basic rights of persons to be displaced:

(a) The provisions of WAC 468-100-601 and 468-100-602 do not deprive any displaced person of any rights the person may have under chapter 8.26 RCW or any implementing regulations. The agency shall not require any displaced person to accept a dwelling provided by the agency under the procedures in WAC 468-100-601 and 468-100-602 (unless the agency and the displaced person have entered into a contract to do so) in lieu of any acquisition payment or any relocation payment for which the person may otherwise be eligible. A one hundred eighty-day homeowner-occupant who is eligible for a payment under WAC 468-100-401 is entitled to a reasonable opportunity to purchase a comparable replacement dwelling.

(b) The actual amount of assistance shall be limited to the amount necessary to relocate to a comparable replacement dwelling within one year from the date the displaced homeowner-occupant is paid for the displacement dwelling or the date the person is initially offered a comparable replacement dwelling, whichever is later.

(c) The agency is not required to provide persons owning only a fractional interest in the displacement dwelling a greater level of assistance to purchase a replacement dwelling than the agency would be required to provide such persons if they owned fee simple title to the displacement dwelling. If such assistance is not sufficient to buy a replacement dwelling, the agency may provide additional purchase assistance or rental assistance.) This subpart permits a state agency to fulfill its responsibilities under the Uniform Act by certifying that it shall operate in accordance with state laws and regulations which shall accomplish the purpose and effect of the Uniform Act, in lieu of providing the assurances required by WAC 468-100-004.

AMENDATORY SECTION (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-602 ((Methods of providing replacement housing-)) Certification application.** ((Agencies shall have broad latitude in implementing WAC 468-100-601 and 468-100-602, but implementation shall be on a reasonable cost-effective basis.

(1) The methods of providing last resort housing include, but are not limited to:

(a) Rehabilitation of and/or additions to an existing replacement dwelling.

(b) The construction of a new replacement dwelling.

(c) The provision of a direct loan, which requires regular amortization or deferred repayment. The loan may be unsecured or secured by the real property. The loan may bear interest or be interest free.

(d) A replacement housing payment in excess of the limits set forth in WAC 468-100-401 or 468-100-402. A rental assistance subsidy under WAC 468-100-601 and 468-100-602 may be provided in installments or in a lump sum.

(e) The relocation and, if necessary, rehabilitation of a dwelling.

(f) The purchase of land and/or a replacement dwelling by the displacing agency and subsequent sale or lease to, or exchange with, a displaced person.

(g) The removal of barriers to the handicapped.

~~(h) The change in status of the displaced person from tenant to homeowner when it is more cost effective to do so, as in cases where a downpayment may be less expensive than a last resort rental assistance payment.~~

~~(2) Under special circumstances, modified methods of providing housing of last resort permit consideration of:~~

~~(a) Replacement housing based on space and physical characteristics different from those in the displacement dwelling.~~

~~(b) Upgraded, but smaller replacement housing that is decent, safe, and sanitary and adequate to accommodate individuals or families displaced from marginal or substandard housing with probable functional obsolescence.~~

~~(c) The financial means of a displaced person who is not eligible to receive a replacement housing payment because of failure to meet length of occupancy requirements when comparable replacement rental housing is not available at rental rates within thirty percent of the person's gross monthly household income.) An agency wishing to proceed on the basis of a certification may request an application for certification from the Lead Agency Director, Office of Real Estate Services, HEPR-1, Federal Highway Administration, 400 Seventh St., S.W., Washington, D.C. 20590. The completed application for certification must be approved by the governor of the state, or the governor's designee, and must be coordinated with the federal funding agency, in accordance with application procedures.~~

#### NEW SECTION

##### **WAC 468-100-603 Monitoring and corrective action.**

(1) The federal lead agency shall, in coordination with other federal agencies, monitor from time to time state agency implementation of programs or projects conducted under the certification process and the state agency shall make available any information required for this purpose.

(2) The lead agency may require periodic information or data from affected federal or state agencies.

(3) A federal agency may, after consultation with the lead agency, and notice to and consultation with the governor, or his or her designee, rescind any previous approval provided under this subpart if the certifying state agency fails to comply with its certification or with applicable state law and regulations. The federal agency shall initiate consultation with the lead agency at least thirty days prior to any decision to rescind approval of a certification under this subpart. The lead agency will also inform other federal agencies, which have accepted a certification under this subpart from the same state agency, and will take whatever other action that may be appropriate.

(4) Section 103(b)(2) of the Uniform Act, as amended, requires that the head of the lead agency report biennially to the Congress on state agency implementation of Section 103. To enable adequate preparation of the prescribed biennial report, the lead agency may require periodic information or data from affected federal or state agencies.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-100-505 Additional rules governing relocation payment to mobile home occupants.

#### **WSR 06-02-088**

##### **PERMANENT RULES**

##### **DEPARTMENT OF HEALTH**

(Chiropractic Quality Assurance Commission)

[Filed January 4, 2006, 10:50 a.m., effective February 4, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule adds text that conveys more accurately the language in the statute, clarify what tasks regular senior students, clinical postgraduate trainees, and auxiliary staff may perform, and adds text that will allow auxiliary staff, regular senior students, and clinical postgraduate trainees to oversee patients during approved therapeutic procedures, rehabilitation exercises or use of therapeutic or rehabilitation equipment as incident to chiropractic services.

Citation of Existing Rules Affected by this Order: Amending WAC 246-808-190 and 246-808-535.

Statutory Authority for Adoption: RCW 18.25.0171.

Other Authority: RCW 18.25.190.

Adopted under notice filed as WSR 05-20-102 on October 5, 2005.

A final cost-benefit analysis is available by contacting Karen Kelley, Program Manager, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 236-4856, fax (360) 236-4918, e-mail karen.kelley@doh.w.gov.

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 1, 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.

Date Adopted: November 17, 2005.

Nancy McCown, DC

Vice Chair

Chiropractic Quality Assurance Commission

AMENDATORY SECTION (Amending WSR 96-16-074, filed 8/6/96, effective 9/6/96)

**WAC 246-808-190 Preceptor or direct supervisory doctor.** A preceptor is a doctor of chiropractic who is approved by the commission to provide direct supervision to ~~((an unlicensed chiropractic doctor)),~~ clinical postgraduate trainee, or regular senior student, as set forth in RCW 18.25.190. The commission ~~((shall))~~ maintains a list of approved preceptors.

(1) An approved preceptor shall:

(a) Provide direct supervision and control;

(b) Be on the premises any time the ~~((unlicensed chiropractic doctor))~~ clinical postgraduate trainee, or regular senior student, treats patients in accordance with WAC 246-808-535; and

(c) Meet with the patient prior to commencement of chiropractic care, and inform the patient in writing of the unlicensed status of the person from whom care is being received.

(2) To apply for commission approval to function as a preceptor, a doctor of chiropractic shall submit to the commission:

(a) Proof of licensure as a Washington chiropractic doctor for the preceding five years, during which time the license has not been suspended, revoked, or otherwise conditioned or restricted;

(b) A completed official application;

(c) Verification of approval to participate in the program by an approved chiropractic college;

(d) Evidence of malpractice insurance for the ~~((unlicensed chiropractic doctor and))~~ clinical postgraduate trainee, the preceptor applicant, the regular senior student; and

(e) A fee as specified in WAC 246-808-990.

AMENDATORY SECTION (Amending WSR 96-16-074, filed 8/6/96, effective 9/6/96)

**WAC 246-808-535 Delegation of services to auxiliary staff, regular senior students, and ~~((graduate doctors of chiropractic))~~ clinical postgraduate trainees.** (1) A licensed chiropractor may ~~((, within the confines of this section,))~~ delegate certain services to auxiliary staff, regular senior students, and ~~((graduate doctors of chiropractic, provided that))~~ clinical postgraduate trainees, if these services are performed under the licensed chiropractor's direct supervision and control. The supervising chiropractor shall be responsible for determining that auxiliary staff, regular senior students, and ~~((graduate doctors of chiropractic))~~ clinical postgraduate trainees are competent to perform the delegated services. The licensed supervising chiropractor must render adequate supervision so that the patient's health and safety is not at risk.

(2) Auxiliary staff ~~((and graduate doctors of chiropractic))~~ shall not perform the following services:

(a) Detection of subluxation;

(b) Adjustment or manipulation of the articulations of the ~~((spinal column or its immediate articulations))~~ body;

(c) Interpretation or analysis of radiographs;

(d) Determining the necessity for chiropractic care;

~~((provided, graduate doctors of chiropractic may perform preliminary orthopedic or neurological examinations under the direct supervision of a licensed chiropractor)).~~

(3) Regular senior students may perform the following under the direct supervision and control of an approved preceptor:

(a) Detection of subluxation;

(b) Expose, interpret or analyze radiographs;

(c) Determine the necessity for chiropractic care;

(d) Orthopedic or neurological examinations.

(4) Clinical postgraduate trainees may perform the following under the direct supervision and control of an approved preceptor:

(a) Detection of subluxation;

(b) Adjustment or manipulation of the articulations of the body;

(c) Expose, interpret or analyze radiographs;

(d) Determine the necessity for chiropractic care;

(e) Orthopedic or neurological examinations.

(5) Auxiliary staff, regular senior students, and ~~((graduate doctors of chiropractic))~~ clinical postgraduate trainees may perform the following auxiliary services: Preliminary patient history, height, weight, temperature, blood pressure, pulse rate, ~~((and))~~ gross postural observation, ~~((and))~~ active spinal range of motion utilizing a generally accepted measuring device~~((s)),~~ and oversight of patients during approved therapeutic procedures, rehabilitation exercises or use of therapeutic or rehabilitation equipment as incident to chiropractic services.

## WSR 06-02-089

### PERMANENT RULES

#### DEPARTMENT OF HEALTH

(Medical Quality Assurance Commission)

[Filed January 4, 2006, 10:52 a.m., effective February 4, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule repeals all rules relating to joint practice arrangements: WAC 246-919-840 How do advanced registered nurse practitioners qualify for prescriptive authority for Schedule II-IV drugs?, 246-919-841 Criteria for joint practice arrangement, 246-919-842 Endorsement of joint practice arrangements for ARNP licensure, 246-919-843 Process for joint practice arrangement termination, 246-919-844 Seventy-two hour limit, 246-919-845 Education for prescribing Schedule II-IV drugs, and 246-919-846 Jurisdiction.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-919-840 through 246-919-846.

Statutory Authority for Adoption: RCW 18.71.017 and 18.71.050.

Adopted under notice filed as WSR 05-17-047 on August 9, 2005.

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 7.

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 7.

Date Adopted: November 18, 2005.

Blake T. Maresh  
Executive Director

### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-919-840	How do advanced registered nurse practitioners qualify for prescriptive authority for Schedule II - IV drugs?
WAC 246-919-841	Criteria for joint practice arrangement.
WAC 246-919-842	Endorsement of joint practice arrangements for ARNP licensure.
WAC 246-919-843	Process for joint practice arrangement termination.
WAC 246-919-844	Seventy-two-hour limit.
WAC 246-919-845	Education for prescribing Schedule II - IV drugs.
WAC 246-919-846	Jurisdiction.