

WSR 10-09-110
PERMANENT RULES
OLYMPIC REGION
CLEAN AIR AGENCY

[Filed April 21, 2010, 11:45 a.m., effective May 22, 2010]

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

Purpose: Rule 1.4 was changed to expand the definition of "Owner" to include all potential parties. Definitions that were not used within the regulations were deleted. Rule 2.2 was moved to Rule 1.10. The reference to Rule 2.2 in Rule 6.1.2 was removed. Rule 7.7 was deleted as it was less stringent than current state rule and was deemed no longer necessary. Rule 8.1 was changed to be consistent with current state law.

Citation of Existing Rules Affected by this Order: Repealing Rules 7.7, 2.2; and amending Rules 1.4, 1.10, 6.1.2, 8.1.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 10-04-087 on February 2, 2010.

Changes Other than Editing from Proposed to Adopted Version: The definition of volatile organic compounds (VOC) was amended to exempt dimethyl carbonate and propylene carbonate as VOCs. This change is consistent with the United States Environmental Protection Agency exemption for the same chemicals on February 20, 2009. The text of Rule 8.1.7 was simplified to improve clarity. The intent of the rule was not modified.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: April 14, 2010.

Francea L. McNair
Executive Director

AMENDED SECTION

RULE 1.4 DEFINITIONS

When used in regulations of the Olympic Region Clean Air Agency, the following definitions shall apply, unless defined otherwise in individual Regulations:

"Actual Emissions" means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with a through c of this rule.

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the

emission unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. The Agency shall allow the use of a different time period upon determination that it is more representative of normal source rates, and types of materials processed, stored, or combusted during the selected time operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production period.

(b) The Agency may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

(c) For an emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emissions unit on that date.

"Agency" shall mean the same as "Authority."

"Agricultural Operation" means the growing of crops, the raising of fowl or animals as gainful occupation.

"Air Contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

"Air Pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, property, or which unreasonably interferes with enjoyment of life and property. For the purpose of these Regulations, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

"Air Pollution Episode" means a period when a forecast, alert, warning, or emergency air pollution state is declared, as stated in chapter 173-435 WAC.

"Allowable Emissions" means the emission rate of a source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

(a) The applicable standards as set forth in 40 CFR part 60, 61, or 63;

(b) Any applicable state implementation plan emissions limitation including those with a future compliance date; or;

(c) The emissions rate specified as a federally enforceable permit condition, including those with future compliance date.

"Alteration" means the act of altering, which means to change or make different and includes any addition to or enlargement or replacement; or change of the design, capacity, process or arrangement; or any increase in the connected loading of equipment or control facility; or any change in fuels, method of operation or hours of operation not previously approved by the Agency through a Notice of Construction Approval, which would increase or adversely affect the kind or amount of air contaminant emitted by a stationary source.

"Ambient Air" means the surrounding outside air.

"Ambient Air Quality Standard" means an established concentration, exposure time, and frequency of occur-

rence of air contaminant(s) in the ambient air, which shall not be exceeded.

"**Ancillary**" for the purpose of defining "stationary source" or "source," means "related."

"**Approval Order**" is defined in "order of approval."

"**Attainment Area**" means a geographic area designated by EPA at 40 CFR Part 81 as having attained the National Ambient Air Quality Standard for a given criteria pollutant.

"**Authority**" means the Olympic Region Clean Air Agency. "Agency" shall mean the same as "Authority."

"**Authorized Permitting Agent**" means either the county, county fire marshal, fire districts, or county conservation district, provided an agreement has been signed with the local air pollution control agency or Department of Ecology.

"**Begin Actual Construction**" means, in general, initiation of physical on-site construction activities on an emission unit, which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipe work and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities with mark the initiation of the change.

"**Best Available Control Technology (BACT)**" means an emission limitation based on the maximum degree of reduction for each air pollutant subject to regulation under chapter 70.94 RCW emitted from or which results from any new or modified stationary source which the permitting agency, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such stationary source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of such air pollutant. In no event shall application of the best available control technology result in emissions of any pollutants which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60, Part 61, and Part 62. Emissions from any stationary source utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under definition of BACT in the Federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990.

"**Board**" means the Board of Directors of the Olympic Region Clean Air Agency.

"**Bubble**" means a set of emission limits which allows an increase in emissions from a given emissions unit in exchange for a decrease in emissions from another emissions unit, pursuant to RCW 70.94.155 and Rule 6.1.12 of Regulation 6.

(("**Capacity Factor**" means the ratio of the average load on equipment or a machine for the period of time considered, to the manufacturer's capacity rating of the machine or equipment.

"**Class I Area**" means any area designated under section 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas in Washington State:

(~~a~~) Alpine Lakes Wilderness;

(~~b~~) Glacier Peak Wilderness;

(~~c~~) Goat Rocks Wilderness;

(~~d~~) Mount Adams Wilderness;

(~~e~~) Mount Rainier National Park;

(~~f~~) North Cascades National Park;

(~~g~~) Olympic National Park;

(~~h~~) Pasayten Wilderness; and,

(~~i~~) Spokane Indian Reservation.

"~~Combustible Refuse~~" means any burnable waste material containing carbon in a free or combined stated other than liquid or gases.

"~~Combustion and Incineration Units~~" means units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.)

"**Commenced**" as applied to "Construction" means that the owner or operator has all the necessary pre-construction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

For the purpose of this definition, "necessary pre-construction approvals" means those permits or orders of approval required under federal air quality control laws and regulations, including state, local and federal regulations and orders contained in the SIP.

"**Concealment**" means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

"**Control Apparatus**" means any device that prevents or controls the emission of any air contaminant.

"**Control Officer**" means the Air Pollution Control Officer of the Olympic Region Clean Air Agency. "Executive Director" means the same as "Control Officer."

"**Construction**" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions.

"**Criteria Pollutant**" means a pollutant for which there is established a National Ambient Air Quality Standard at 40 CRF Part 50. The criteria pollutants are carbon monoxide (CO), particulate matter, ozone (O₃), sulfur dioxide (SO₂), lead (Pb), and nitrogen dioxide (NO₂).

"**Daylight Hours**" means the hours between official sunrise and official sunset.

(("**Director of Ecology**" means director of the Washington State Department of Ecology or duly authorized representative.

"~~Dispersion Technique~~" means a method that attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.)

"**Ecology**" means the Washington State Department of Ecology.

"Emission" means a release of air contaminants into the ambient air.

"Emission Point" means the location (place in horizontal plant and vertical elevation) at which an emission enters the atmosphere.

"Emission reduction credit (ERC)" means a credit granted pursuant to chapter 173-400 WAC. This is a voluntary reduction in emissions.

"Emission Standard" and "Emission Limitation" means requirements established under the Federal Clean Air Act or chapter 70.94 RCW which limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a stationary source to assure continuous emission reduction and any design, equipment work practice, or operational standard adopted under the Federal Clean Air Act, chapter 70.94 RCW.

"Emission Unit" means any part of a stationary source or source which emits or would have a potential to emit any pollutant subject to regulation under the Federal Clean Air Act, chapter 70.94 or 70.98 RCW.

"EPA" means the United States Environmental Protection Agency (USEPA).

"Equipment" means any stationary or portable device, or any part thereof, capable of causing the emission of any air contaminant into the atmosphere.

"Excess Emission" means emissions of an air pollutant in excess of an applicable emission standard.

"Establishment" means the act of establishing, which means creating, setting up, or putting into practice any equipment, material, fuel, or operational change.

~~("Excess Stack Height" means that portion of a stack that exceeds the greater of sixty-five meters or the calculated stack height described in WAC 173-400-200(2).)~~

"Facility" means all emission units in the same industrial grouping located on contiguous or adjacent properties and under common ownership and control.

~~("Federal Class I Area" means any federal land that is classified or reclassified Class I. The following areas are federal Class I areas in Washington State:~~

- ~~(a) Alpine Lakes Wilderness;~~
- ~~(b) Glacier Peak Wilderness;~~
- ~~(c) Goat Rocks Wilderness;~~
- ~~(d) Mount Adams Wilderness;~~
- ~~(e) Mount Rainier National Park;~~
- ~~(f) North Cascades National Park;~~
- ~~(g) Olympic National Park; and,~~
- ~~(h) Pasayten Wilderness.)~~

"Federal Clean Air Act (FCAA)" means the Federal Clean Air Act, as known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

"Federally Enforceable" means all limitations and conditions which are enforceable by EPA, including those requirements developed under 40 CFR Parts 60, 61, and 63, requirements within the Washington SIP, requirements within any permit established under 40 CFR 52.21 or order of approval under a SIP approved new source review regulation,

or any voluntary limits on emissions pursuant to Rule 6.1.12 or WAC 173-400-091.

"Fee Eligible Generating Equipment" means, for the purposes of calculating Rule 3.1 fees, any equipment or process capable of generating or emitting air contaminants except for the equipment and processes listed in a through g below:

(a) Gasoline or other fuel storage tanks located at dispensing facilities as defined in Rule 8.12.

(b) Storage tanks and other equipment located at dry cleaning facilities.

(c) Combustion units with less than 10 million BTUs per hour heat input.

(d) Process equipment with less than 5,000 ACFM flow rate.

(e) Paint spray booths and related paint spraying equipment.

(f) Mobile sources.

(g) Any other equipment or process determined appropriate for this exemption by the Agency.

"Fee Eligible Stack" means, for the purposes of calculating fees pursuant to Rule 3.1, any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct, except for the following:

(a) Emission points associated with gasoline or fuel dispensing stations.

(b) Emission points associated with dry cleaning facilities.

(c) Pipes or ducts equal to or less than six (6) inches in diameter.

(d) Any other emission point determined appropriate for this exemption by the Agency.

~~("Fossil Fuel-fired Steam Generator" means a device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.)~~

"Fuel Burning Equipment" means any equipment, device or contrivance used for the burning of any fuel, and all appurtenances thereto, including ducts, breechings, control equipment, fuel feeding equipment, ash removal equipment, combustion controls, stacks, chimneys, etc., used for indirect heating in which the material being heated is not contacted by and adds no substances to the products of combustion.

"Fugitive Dust" means a particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

"Fugitive Emission" means emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Garbage" means refuse, animal or vegetable matter as from a kitchen, restaurant or store.

~~("General Process Unit" means an emissions unit using a procedure or combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.)~~

"Generating Equipment" means any equipment, device, process or system that creates any air contaminant(s) or toxic air pollutant(s).

"Good Engineering Practice (GEP)" refers to a calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

"Hogged-fuel" means wood slabs, edging, trimmings, etc., which have been put through a "hog" to reduce them to a uniform small size, and also includes shavings from planing mills, sawdust from saw-kerfs, bits of bark, chips and other small recovered products from the manufacture of wood products or any combination thereof.

~~("Identical Units" means units installed and operated in a similar manner on the same premises provided the materials handled, processed, or burned are substantially the same in composition and quantity and their design, mode of operation, connected devices and types and quantities of discharge are substantially the same.~~

~~**"Impaired Air Quality"** means a condition declared by the department or a local air agency in accordance with the following criteria:~~

~~(a) Meteorological conditions are conducive to accumulation of air contamination concurrent with:~~

~~(1) Particulate that is ten micron and smaller in diameter (PM₁₀) at or above an ambient level of sixty (60) micrograms per cubic meter measured on a twenty-four (24) hour average; or~~

~~(2) Carbon monoxide at an ambient level of eight parts of contaminant per million parts of air by volume (ppm) measured on an eight-hour average.~~

~~(b) Air Quality that threatens to exceed other limits established by the department or a local air agency.)~~

"Incinerator" means a furnace used primarily for the thermal destruction of waste.

"In Operation" means engaged in activity related to the primary design function of the source.

"Installation" means the act of installing, which means placing, assembling or constructing equipment or control equipment at the premises where the equipment or control equipment will be used, and includes all preparatory work at such premises.

"Light Detection and Ranging (LIDAR)" means the EPA alternate method 1 determination of the opacity of emissions from stationary sources remotely by LIDAR.

"Lowest Achievable Emission Rate (LAER)" means for any stationary source that rate of emissions which reflects the more stringent of:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless the owner or operator of the proposed new or modified stationary source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation that is achieved in practice by such class or category of stationary source.

In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

"Major Modification" is defined depending on the attainment status of the area in which the project is located, or planned to be located, as follows:

(a) Nonattainment Areas. "Major Modification" as it applies in nonattainment areas means any physical change or change in method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Federal Clean Air Act.

(1) Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone.

(2) A physical change or change in method of operation shall not include:

(i) Routine maintenance, repair and replacement;

(ii) Use of an alternative fuel or raw material by reason of an order under section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(iii) Use of an alternative fuel by reason of an order or rule under section 125 of the Federal Clean Air Act;

(iv) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(v) Use of an alternative fuel or raw material by a stationary source which: The stationary source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit or approval order condition which was established after December 12, 1976, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation; or the stationary source is approved to use under any major new source review permit or approval order issued under Rule 6.1.4(b) or WAC 173-400-112;

(vi) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit or approval order condition which was established after December 21, 1976, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation.

(vii) Any change in ownership at a stationary source.

(viii) The addition, replacement, or use of a pollution control project (as defined in 40 CFR 51.165 (a)(1)(xxv), in effect on July 1, 2001) at an existing electric utility steam generating unit, unless the permitting agency determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

(A) When the permitting agency has reason to believe that the pollution control project would result in a significant net emissions increase in representative actual annual emissions of any criteria pollutant over levels used for that stationary source in the most recent air quality impact analysis in the area conducted for the purpose title I of the Federal Clean Air Act, if any; and

(B) The permitting agency determines that the increase will cause or contribute to a violation of any National Ambient Air Quality Standard or PSD increment, or visibility limitation.

(ix) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

(A) The SIP; and

(B) Other requirements necessary to attain and maintain the National Ambient Air Quality Standard during the project and after it is terminated.

(b) Attainment or unclassified areas. "Major Modification" as it applies in attainment or unclassified areas means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Federal Clean Air Act.

(1) Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone.

(2) A physical change or change in the method of operation shall not include:

(i) Routine maintenance, repair and replacement;

(ii) Use of alternative fuel or raw material by reason of an order under section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(iii) Use of an alternative fuel by reason of an order or rule section 125 of the Federal Clean Air Act;

(iv) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(v) Use of an alternative fuel or raw material by a stationary source which:

(A) The stationary source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition or approval order which was established after January 6, 1975, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation; or

(B) The stationary source is approved to use under any PSD permit;

(vi) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition or an approval order which was established after January 6, 1975, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation.

(vii) Any change in ownership at a stationary source.

(viii) The addition, replacement, or use of pollution control project at an existing electric utility steam generating unit, unless the permitting agency determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

(A) When the permitting agency has reason to believe that the pollution control project (as defined in 40 CFR 51.166, in effect on July 1, 2001) would result in a significant net emissions increase in representative actual annual emissions of any criteria pollutant over levels used for that stationary source in the most recent air quality impact analysis in the area conducted for the purpose of title I of the Federal Clean Air Act, if any; and

(B) The permitting agency determines that the increase will cause or contribute to a violation of any National Ambient Air Quality Standard or PSD increment, or visibility limitation.

(ix) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project,

provided that the project complies with the SIP, and other requirements necessary to attain and maintain the National Ambient Air Quality Standard during the project and after it is terminated.

"Major Stationary Source" is defined depending on the attainment status of the area in which the stationary source is located, or planned to be located as follows:

(a) Nonattainment areas. "Major Stationary Source" as it applies in nonattainment areas means:

(1) Any stationary source of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Federal Clean Air Act, except that lower emissions thresholds shall apply as follows:

(i) 70 tons per year of PM₁₀ in any "serious" nonattainment area for PM₁₀.

(ii) 50 tons per year of carbon monoxide in any "serious" nonattainment area for carbon monoxide where stationary sources contribute significantly to carbon monoxide levels in the area.

(2) Any physical change that would occur at a stationary source not qualifying under (b)(1) of this rule as a major stationary source, if the change would constitute a major stationary source by itself.

(3) A major stationary source that is major for volatile organic compounds or NO_x shall be considered major for ozone.

(4) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this paragraph whether it is a major stationary source, unless the stationary source belongs to one of the following categories of stationary sources or the stationary source is a major stationary source due to (b)(1)(i) or (b)(1)(ii) of this rule:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cement plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than 50 tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants (furnace process);

(xvi) Primary lead smelters;

(xvii) Fuel conversion plants;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

(xx) Chemical process plants;

(xxi) Fossil fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

(xxvi) Fossil fuel fired steam electric plants of more than 250 million British thermal units per hour heat input; and

(xxvii) Any other stationary source category, which, as of August 7, 1980, is being regulated under section 111 of 113 of the Federal Clean Air Act.

(5) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, FACILITY, or installation" means all the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or person under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, as amended.

(b) Attainment or unclassified areas. "Major Stationary Source" as it applies in attainment or unclassified areas means:

(1) Any of the following stationary sources of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Federal Clean Air Act:

(i) Fossil fuel fired steam electric plants of more than 250 million British thermal units per hour heat input;

(ii) Coal cleaning plants (with thermal dryers);

(iii) Kraft pulp mills;

(iv) Portland cement plants;

(v) Primary zinc smelters;

(vi) Iron and steel mill plants;

(vii) Primary aluminum ore reduction plants;

(viii) Primary copper smelters;

(ix) Municipal incinerators capable of charging more than 50 tons of refuse per day;

(x) Hydrofluoric, sulfuric, and nitric acid plants;

(xi) Petroleum refineries;

(xii) Lime plants;

(xiii) Phosphate rock processing plants;

(xiv) Coke oven batteries;

(xv) Sulfur recovery plants;

(xvi) Carbon black plants (furnace process);

(xvii) Primary lead smelters;

(xviii) Fuel conversion plants;

(xix) Sintering Plants;

(xx) Secondary metal production plants;

(xxi) Chemical process plants;

(xxii) Fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input;

(xxiii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(xxiv) Taconite ore processing plants;

(xxv) Glass fiber processing plants; and

(xxvi) Charcoal production plants.

(2) Regardless of the stationary source size specified in (b)(1) of this rule, any stationary source which emits, or has the potential to emit, 250 tons per year or more of any air pol-

lutant subject to regulation under the Federal Clean Air Act; or

(3) Any physical change that would occur at a stationary source not otherwise qualifying under (b)(1) or (b)(2) of this rule, as a major stationary source if the change would constitute a major stationary source by itself.

(4) A major stationary source that is major for volatile organic compounds or NO_x shall be considered major for ozone.

(5) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this rule whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cement plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills'

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than 50 tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants (furnace process);

(xvi) Primary lead smelters;

(xvii) Fuel conversion plants;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

(xx) Chemical process plants;

(xxi) Fossil fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

(xxvi) Fossil fuel fired steam electric plants of more than 250 million British thermal units per hour heat input;

(xxvii) Any other stationary source category, which, as of August 7, 1980, is being, regulated under section 111 or 112 of the Federal Clean Air Act.

(6) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, facility, or installation" means all the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended.

"Masking" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.

"Materials Handling" means the handling, transporting, loading, unloading, storage, and transfer of material with no significant chemical or physical alteration.

"Modification" means any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such stationary source or that result in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

"National Ambient Air Quality Standards (NAAQS)" means an ambient air quality standard set by EPA at 40 CFR Part 50 and includes standards for carbon monoxide (CO), particulate matter, ozone (O₃), sulfur dioxide (SO₂), lead (Pb), and nitrogen dioxide (NO₂).

"National Emission Standards for Hazardous Air Pollutants (NESHAP)" means the federal rules in 40 CFR Part 61.

"National Emission Standards for Hazardous Air Pollutants For Source Categories" means the federal rules in 40 CFR Part 63.

"Net Emissions Increase" is defined depending on the attainment status of the area in which the new stationary source or modification is located, or planned to be located, as follows:

(a) Nonattainment areas. "Net Emissions Increase" as it applies in nonattainment areas means:

(1) The amount by which the sum of the following exceeds zero:

(i) Any increase in actual emissions from a particular physical change or change in method of operation at a stationary source; and

(ii) Any other increases and decreases in actual emissions at the stationary source that are contemporaneous with the particular change and are otherwise creditable.

(2) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs.

(3) An increase or decrease in actual emissions is creditable only if:

(i) It occurred no more than one year prior to the date of submittal of a complete notice of construction application for the particular change, or it has been documented by an emission reduction credit (ERC). Any emissions increases occurring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC.

(ii) The permitting agency has not relied on it in issuing any permit or order of approval for the stationary source under this rule or a previous SIP approved nonattainment area new source review regulation, which order or permit is in effect when the increase in actual emissions from the particular change occurs.

(4) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(5) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is federally enforceable at and after the time that actual construction on the particular change begins;

(iii) It has approximately the same qualitative significance to the increase from the particular change; and

(iv) The permitting agency has not relied on it in issuing any permit or order of approval under this rule or a SIP approved nonattainment area new source review regulation; or the permitting agency has not relied on it in demonstrating attainment or reasonable further progress.

(6) An increase that results from a physical change at a stationary source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty (180) days.

(b) Attainment or unclassified areas. "Net Emissions Increase" as it applies in attainment or unclassified areas means:

(1) The amount by which the sum of the following exceeds zero:

(i) Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and

(ii) Any other increases and decreases in actual emission at the stationary source that are contemporaneous with the particular change and are otherwise creditable.

(2) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs within five years before the date that the increase from the particular change occurs.

(3) An increase or decrease in actual emissions is creditable only if ecology or EPA has not relied on it in issuing a PSD permit for the stationary source, which permit is in effect when the increase in actual emissions from the particular change occurs.

(4) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides, which occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM₁₀ emissions can be used to evaluate the net emissions increase for PM₁₀.

(5) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(6) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is federally enforceable at and after the time that actual construction on the particular change begins; and

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(7) An increase that results from a physical change at a stationary source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operationally only after a reasonable shakedown period, not to exceed one hundred eighty (180) days.

"New Source" means:

(a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such stationary source or that results in the emission of any air contaminant not previously emitted; and

(b) Any other project that constitutes a new stationary source under the Federal Clean Air Act.

"New Source Performance Standards (NSPS)" means the federal rules set forth in 40 CFR Part 60.

"Nonattainment Area" means a geographic area designated by EPA at 40 CFR Part 81 as exceeding a national ambient air quality standard (NAAQS) for a given criteria pollutant. An area is nonattainment only for the pollutants for which the area has been designated nonattainment.

"Nonroad Engine" means:

(a) Except as discussed in (b) of this rule, a nonroad engine is any internal combustion engine:

(1) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or

(2) In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

(3) That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(b) An internal combustion engine is not a nonroad engine if:

(1) The engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the Federal Clean Air Act; or

(2) The engine is regulated by a New Source Performance Standard promulgated under section 111 or 112 of the Federal Clean Air Act; or

(3) The engine otherwise included in (a)(3) of this rule remains or will remain at a location for more than twelve consecutive months or a shorter period of time for an engine located at a seasonal source. A location is a single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full

annual operating period of the seasonal source. A seasonal source is a stationary source that operates at a single location approximately three months (or more) each year. The paragraph does not apply to an engine after the engine is removed from the location.

"Notice of Construction Application" means a written application to permit construction, installation or establishment of a new stationary source, modification of an existing stationary source, or replacement or substantial alteration of control technology at an existing stationary source.

"Nuisance" means an emission that unreasonably interferes with the use and enjoyment of property.

"Olympic Air Pollution Control Authority (OAPCA)" is the former name of Olympic Region Clean Air Agency (ORCAA). Reference to "OAPCA" shall mean ORCAA.

"Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

"~~(Open)~~ Outdoor Burning" means the combustion of material in an open fire or in an open container, without providing for the control of combustion or the control of the emissions from the combustion. ~~((Wood waste disposal in wigwam burners is not considered open burning.))~~

"Open Fire" means a fire where any material is burned in the open or in a receptacle other than a furnace, incinerator or kiln.

"Order" means any order issued by ecology or a local air agency pursuant to chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.211, 70.94.152, 70.94.153, and 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, and regulatory order.

"Order of Approval" or "Approval Order" means a regulatory order issued by Ecology of the Agency to approve the Notice of Construction application for a proposed new source or modification, or the replacement or substantial alteration of control technology at an existing stationary source.

"Owner" means ~~((and includes the))~~ person, ~~((who owns, leases, supervises or operates the))~~ agent, lessor, lessee, possessor, manager, supervisor, operator, or other responsible party of real property or other assets which includes equipment or control apparatus.

"Ozone Depleting Substance" means any substance listed in Appendices A and B to Subpart A of 40 CFR part 82.

"Particulate Matter" or "Particulates" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

~~(("Particulate Matter Emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in Title 40, chapter I of the Code of Federal Regulations or by the test method specified in the SIP.))~~

"Parts Per Million (ppm)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

"Permit" means a written warrant or license granted by the Board, Control Officer, or duly authorized Representative or Agent.

"Permitting Agency" means ecology or the local air pollution control agency with jurisdiction over the source.

"Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

"PM₁₀" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

"PM₁₀ Emissions" means finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part 51 or by a test method specified in the SIP.

"Potential to Emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a source.

"Prevention of Significant Deterioration (PSD)" means the program in WAC 173-400-141. Ecology is responsible for the PSD program for stationary sources in ORCAA's jurisdiction. Contact Ecology at (360) 407-6800 for more information.

"Process" means any equipment, device apparatus, chemical, natural element, procedure, effort, or any combination thereof which performs a service, function, use, or method, leading to an end of a particular performance, or manufacturing production.

~~("Projected Width" means the dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.)~~

"Reasonably Available Control Technology (RACT)" means the lowest emission limit that a particular stationary source or stationary source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual stationary source or stationary source category taking into account the impact of the stationary source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any stationary source or stationary source category shall be adopted only after notice and opportunity for comment are afforded.

"Recreational Fire" means barbecues and campfires, using charcoal, natural gas, propane, or natural wood, which occur in designated areas, or on private property. Fires used

for debris disposal purposes are not considered recreational fires.

"Refuse" means waste as defined in Rule 1.4 of this Regulation.

"Regulation" means any regulation, or any subsequently adopted additions or amendments thereto, of the Olympic Region Clean Air Agency.

"Regulatory Order" means an order issued by Ecology or an Agency to an air contaminant source that applies to that source, any applicable provision of chapter 70.94 RCW, or the rules adopted there under, or, for sources regulated by a local air agency, the regulations of that agency.

"Representative" or **"Agent"** means any person authorized by the Control Officer of the Agency to represent him in an official and specific manner.

"Residential" means a two or single-family unit.

"Secondary Emissions" means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification that causes the secondary emissions. Secondary emissions may include, but are not limited to:

(a) Emissions from ships or trains located at the new modified stationary source; and,

(b) Emissions from any off-site support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

"Significant" is defined depending on the attainment status of the area:

(a) Nonattainment areas. "Significant" as it applies in nonattainment areas means, in reference to a net emissions increase or the stationary source's potential to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate	
Carbon monoxide:	100 tons per year (tpy)
Nitrogen oxides:	40 tpy
Sulfur dioxide:	40 tpy
Volatile organic compounds:	40 tpy
Lead:	0.6 tpy
PM-10:	15 tpy

(b) Attainment or unclassified areas. "Significant" as it applies in attainment or unclassified areas means:

(1) In reference to a net emissions increase or the stationary source's potential to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate	
Carbon monoxide	100 tons per year (tpy)
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy

Pollutant and Emissions Rate	
Particulate matter (PM)	25 tpy of PM emissions 15 tpy of PM-10 emissions
Volatile organic compounds	40 tpy
Fluorides	3 tpy
Lead	0.6 tpy
Sulfuric acid mist	7 tpy
Hydrogen sulfide (H ₂ S)	10 tpy
Total reduced sulfur (including H ₂ S)	10 tpy
Reduced sulfur compounds (including H ₂ S)	10 tpy
Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	3.2 grams per year (0.112 oz. per year or 49 grains per year)
Municipal waste combustor metals (measured as particulate matter)	14 megagrams per year (15 tpy)
Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	36 megagrams per year (40 tpy)
Municipal solid waste landfill emissions (measured as non-methane organic compounds)	45 megagrams per year (50 tpy)
Ozone-depleting substances (in effect on July 1, 2000)	100 tpy

(2) In reference to a new emissions increase or the stationary source's potential to emit a pollutant subject to regulation under the Federal Clean Air Act that the definition in (b)(1) of this rule does not list, any emissions rate. However, for purposes of the applicability of this rule, the hazardous air pollutants listed under section 112(b) of the Federal Clean Air Act, including the hazardous air pollutants that may have been added to the list, are not considered subject to regulation.

(3) Regardless of the definition in (b)(1) of this rule, significant means any emissions rate or any net emissions increase associated with a major stationary source or major modification which would construct within 10 kilometers of a Class I area, and have an impact on such area equal to or greater than 1 microgram per cubic meter (twenty four hour average).

"**Silvicultural Burning**" means burning on any land the Department of Natural Resources protects per RCW 70.94.-030(13), 70.94.660, 70.94.690, and pursuant to chapter 76.04 RCW.

"**Source**" means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Activities

shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same Major Group (i.e., which have the same two digit code) as describe in the Standard Industrial Classification Manual, 1972, as amended by the 1977 supplement.

"**Source Category**" means all sources of the same type of classification.

"**Stack**" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

"**Stack Height**" means the height of an emission point measured from the ground-level elevation at the base of the stack.

"**Standard Conditions**" means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury.

"**Standard Cubic Foot of Gas**" means that amount of the gas, which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor and at standard conditions.

"**State Act**" means the Washington Clean Air Act, chapter 70.94 RCW, as amended.

"**State Implementation Plan (SIP)**" or the "Washington SIP" in 40 CFR Part 52, subpart WW. The SIP contains state, local and federal regulations and orders, the state plan and compliance schedules approved and promulgated by EPA, for the purpose of implementing, maintaining, and enforcing the National Ambient Air Quality Standards.

"**Stationary Source**" means any building, structure, facility, or installation, which emits or may emit any air contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in section 216(11) of the Federal Clean Air Act.

(("Sulfuric Acid Plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.))

"**Synthetic Minor**" means any stationary source that's potential to emit has been limited below applicable thresholds by means of a federally enforceable order, rule, or permit condition.

"**Temporary**" means a period of time not to exceed one (1) year.

"**Total Reduced Sulfur (TRS)**" means the sum of the sulfur compounds hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides emitted and measured by EPA method 16 or an approved equivalent method and expressed as hydrogen sulfide.

"**Total Suspended Particulate**" means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B.

"**Toxic Air Pollutant (TAP)**" or "**Toxic Air Contaminant**" means any Class A or Class B toxic air pollutant listed in WAC 173-460-150 and WAC 173-460-160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 and/or WAC 173-460-160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes or compounds.

"**True Vapor Pressure**" means the equilibrium partial pressure exerted by the stored organic compound at:

(a) The annual average temperature of the organic compound as stored; or

(b) At the local annual average temperature as reported by the National Weather Service if stored at ambient temperature.

"**Unclassifiable Area**" means an area that cannot be designated attainment or nonattainment on the basis of available information as meeting or not meeting the National Ambient Air Quality Standard for the criteria pollutant that is listed by EPA at 40 CFR part 81.

"**United States Environmental Protection Agency (USEPA)**" shall be referred to as EPA.

"**Urban Growth Area**" means an area defined by RCW 36.70A.030.

"**Vent**" means any opening through which gaseous emissions are exhausted into the ambient air.

"**Volatile Organic Compound (VOC)**" means any carbon compound that participates in atmospheric photochemical reactions.

(a) Exceptions. The following compounds are not a VOC:

Acetone;
carbon monoxide;
carbon dioxide;
carbonic acid;
metallic carbides or carbonates;
ammonium carbonate;
dimethyl carbonate
propylene carbonate
methane;
ethane;
methylene chloride (dichloromethane);
1,1,1-trichloroethane (methyl chloroform);
1,1,2-trichloro 1,2,2-trifluoroethane (CFC-113);
trichlorofluoromethane (CFC-11);
dichlorodifluoromethane (CFC-12);
chlorodifluoromethane (HCFC-22);
trifluoromethane (HFC-23);
1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);
chloropentafluoroethane (CFC-115);
1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
1,1,1,2-tetrafluoroethane (HCFC-134a);
1,1-dichloro 1-fluoroethane (HCFC-141b);
1-chloro 1,1-difluoroethane (HCFC-142b);
2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124);
pentafluoroethane (HFC-125);
1,1,2,2-tetrafluoroethane (HFC-134);
1,1,1-trifluoroethane (HFC-143a);
1,1-difluoroethane (HFC-152a);
parachlorobenzotrifluoride (PCBTF);
cyclic, branched, or linear completely methylated siloxanes;
perchloroethylene (tetrachloroethylene);
3,3-dichloro 1,1,1,2,2-pentafluoropropane (HCFC-225ca);
1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
difluoromethane (HFC-32);
ethylfluoride (HFC-161);

1,1,1,3,3,3-hexafluoropropane (HFC-236fa);

1,1,2,2,3-pentafluoropropane (HFC-254ca);

1,1,2,3,3-pentafluoropropane (HFC-245ea);

1,1,1,2,3-pentafluoropropane (HFC-245eb);

1,1,1,3,3-pentafluoropropane (HFC-245fa);

1,1,1,2,3,3-hexafluoropropane (HFC-236ea);

1,1,1,3,3-pentafluorobutane (HFC-365mfc);

chlorofluoromethane (HCFC-31);

1-chloro-1-fluoroethane (HCFC-151a);

1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);

1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃);

2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane (CF₃)₂CF₂OCH₃);

1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅);

2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane (CF₃)₂(CF₂OC₂H₅); methyl acetate and perfluorocarbon compounds which fall into these classes:

(i) Cyclic, branched, or linear completely fluorinated alkanes;

(ii) Cyclic, branched, or linear completely fluorinated ethers with no saturations;

(iii) Cyclic, branched, or linear completely fluorinated tertiary amines with no saturations; and

(iv) Sulfur containing perfluorocarbons with no saturations and with sulfur bonds only to carbon and fluorine.

(b) For the purpose of determining compliance with emission limits, VOC will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where the method also measures compounds with negligible photochemical reactivity, these negligibly reactive compounds may be excluded as VOC if the amount of the compounds is accurately quantified, and the exclusion is approved by ecology, the Agency, or EPA.

(c) As a precondition to excluding these negligibly reactive compounds as VOC or at any time thereafter, ecology or the Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Agency, the amount of negligibly reactive compounds in the source's emissions.

~~("Waste wood Burner" means equipment or facility used solely for the combustion disposal of waste wood without heat recovery. Such burners shall include, but not be limited to, a wigwam burning, a silo type burning, or an air curtain burner.~~

~~"Wigwam or Teepee Burner" see Waste wood Burner.)~~

Reviser's note: The spelling errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION**RULE 1.10 SERVICE OF NOTICE**

(a) Service of any written notice required by ORCAA Regulations shall be made on the owner(s) as follows:

(1) Either by mailing the notice in a prepaid envelope directed to the owner at the address listed on their application, order, registration certificate, or at the address where the equipment is located, by United States Certified Mail, return receipt requested; or

(2) By leaving the notice with the owner or if the owner is not an individual, with a member of the partnership or other group concerned, or with an officer, registered agent or managing agent of the corporation.

(b) Service of any written notice required by ORCAA Regulations shall be made on the Agency, as follows:

(1) Either by mailing the notice in a prepaid envelope directly to the Agency at its office by United States Certified Mail, return receipt requested; or

(2) By leaving the notice at the Agency office with an employee of the Agency.

Reviser's note: The unnecessary underscoring 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.

REPEALED SECTION**~~(RULE 2.2 SERVICE OF NOTICE)~~**

~~(a) Service of any written notice required by this Regulation shall be made on the owner or operator of equipment, or their agent, as follows:~~

~~(1) Either by mailing the notice in a prepaid envelope directed to the owner or operator of the equipment, or their agent, at the address listed on their application or order, or registration certificate or at the address where the equipment is located, by United States Certified Mail, return receipt requested; or~~

~~(2) By leaving the notice with the owner or operator of the equipment, or their agent, or if the owner or operator is not an individual, with a member of the partnership or other group concerned, or with an officer or managing agent of the corporation.~~

~~(b) Service of any written notice required by this Regulation shall be made on the Agency, as follows:~~

~~(1) Either by mailing the notice in a prepaid envelope direct to the Agency at its office by United States Certified Mail, return receipt requested; or~~

~~(2) By leaving the notice at the Agency office with an employee of the Agency.)~~

Reviser's note: The typographical error in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDED SECTION**Rule 6.1.2 Application Processing**

(a) Application certification. All NOC applications shall be signed by the applicant or owner, who may be required to submit evidence of their authority.

(b) Completeness determination. Within thirty (30) days after receiving a NOC application, the Agency shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Complete applications shall include:

(1) Any standard NOC form of the Agency that is applicable to the proposed stationary source or modification;

(2) An Environmental Checklist consistent with requirements in WAC 197-11-315 of the State Environmental Policy Act (SEPA), or any one of the following:

(i) A Determination of Non-significance (DNS) in accordance with WAC 197-11-340;

(ii) A Mitigated Determination of Non-significance (MDNS) in accordance with WAC 197-11-350; or,

(iii) Written statement by the applicant claiming that the proposed stationary source or modification is categorically exempt from SEPA.

(3) When applicable, all information required for review under WAC 173-400-117 and WAC 173-400-141;

(4) NOC processing fees in accordance with Rule 3.3 (b) and (c); and,

(5) Any additional information requested by the Agency that is necessary to make the determinations required under Rule 6.1.4.

(c) Timeframe for Public Involvement:

(1) For NOC applications subject to a mandatory public comment period pursuant to Rule 6.1.3(b), the Agency shall issue a Preliminary Determination within 60 days from receipt of a complete application followed by a public comment period in accordance with Rule 6.1.3(c).

(2) For all other NOC applications, the Agency will post a public comment period in accordance with Rule 6.1.3(a) within 30 days from receipt of an application.

(d) Final determination schedule. Final Determination on an application subject to a mandatory public comment period in accordance with Rule 6.1.3(b) shall be made as promptly as possible after close of the public comment period. Final Determination on all other applications shall be made within sixty (60) days of receipt of a complete NOC application.

(e) Approval. A final determination to approve a NOC application and an "Order of Approval," setting forth the conditions of approval, shall be issued, and served ~~((in accordance with Rule 2.2))~~ as provided for in these Regulations, provided the following conditions are met:

(1) A complete application in accordance with Rule 6.1.2(b) was received by the Agency;

(2) The application verifies to the Agency that the applicable new source review requirements in Rule 6.1.4 have been met;

(3) Application processing fees in accordance with Rule 3.3 have been paid;

(4) The application includes an environmental checklist and other documents that verify compliance with the State Environmental Policy Act;

(5) Applicable public involvement requirements in Rule 6.1.3 have been met; and,

(6) The NOC has been signed by the Executive Director of the Agency or an authorized representative.

(f) Denial. If the Agency determines that a proposed project subject to approval of a NOC application does not meet the applicable approval requirements in Rule 6.1.4, then a final determination to deny approval and an Order to Deny Construction shall be issued and served ~~((in accordance with Rule 2.2))~~ as provided for in these Regulations. Any Order to Deny Construction shall:

(1) Be in writing;

(2) Set forth the objections in detail with reference to the specific law or rule or rules of these Regulations that will not be met by the proposed project; and,

(3) Shall be signed by the Executive Director of the Agency or an authorized representative.

(g) Scope of review of modifications. New source review of a modification to an existing stationary source shall be limited to the emission unit proposed to be modified, and the air contaminants whose emissions would increase as a result of the action; provided, however, that review of a major modification must also comply with applicable major new source review requirements under Rule 6.1.4(a) and/or Rule 6.1.4(b), as applicable.

(h) Integration with Title V permitting requirements. A person seeking approval to construct or modify a stationary source subject to chapter 173-401 WAC may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the NOC application required by this rule. A NOC application designated for integrated review shall be processed in accordance with operating permit program procedures and deadlines in chapter 173-401 WAC. A PSD application under WAC 173-400-141, a NOC application for a major modification in a nonattainment area or a NOC application for a major stationary source in a nonattainment area must also comply with public involvement requirements of Rule 6.1.3 and WAC 173-400-171.

(i) P.E. review and sign-off. Every final determination on a NOC application shall be reviewed and signed prior to issuance by a professional engineer, or staff under the direct supervision of a professional engineer, in the employ of the Agency.

(j) Appeals.

(1) Any order issued pursuant to this Rule may be appealed to the Pollution Control Hearings Board of the State of Washington, pursuant to Rule 1.8.

(2) Any order issued or the failure to issue such an order, shall not relieve any person from their obligation to comply with any emission control requirement or with any other provision of law.

(k) Major NSR obligations of the Agency. If the new stationary source is a major stationary source, or the change is a major modification, the Agency shall:

(1) Submit any control technology determination included in a final order of approval to the RACT/BACT/LAER clearinghouse maintained by EPA; and

(2) Send a copy of the final approval order to EPA.

Deviations from approved plans. After approval to construct, install, establish or modify a stationary source or air pollution control device is granted, deviations from the approved plans, drawings, data and specifications that may result in changes to air pollutant emission rates, control efficiencies or impacts are not permissible without prior approval through a NOC application

REPEALED SECTION

((RULE 7.7 EMISSION AND OPERATING OF WASTE WOOD BURNERS

~~All waste wood burners within the jurisdiction of this Authority are required to meet the following:~~

~~(a) Definitions:~~

~~(1) Wigwam Burner—A simple structure consisting of nothing more than a sheet metal shell supported by structural steel members in a conical shape. Usually the base diameter is approximately equal to its height and the outlet diameter is approximately one-third of its base diameter. They have limited control of primary air. The metal shell is cooled by peripheral air which flows upward and over the inside surface.~~

~~(2) Silo Burner—Burner consists of cylindrical chamber constructed of high duty refractory material. Air is supplied by mechanically powered underfire and overfire air.~~

~~(b) Visible Emissions:~~

~~(1) Wigwam Burner—No person shall cause or allow the emission to the outdoor atmosphere for more than fifteen (15) minutes in any consecutive eight (8) hours of any contaminant greater than 20% opacity.~~

~~(2) Other Burners (including Silo Burners)—No person shall cause or permit the emission for more than three (3) minutes, in any one hour, of an air contaminant which exceeds 20% opacity.~~

~~(c) Particulate:~~

~~(1) No person shall cause or allow the emission of particulate matter to the outdoor atmosphere from any single source in excess of 0.10 grains per standard cubic foot of gas (calculated to 7% oxygen), as demonstrated by a source test approved by the Authority.~~

~~(2) No person shall cause or permit the emission of particulate matter from a waste wood burner which then becomes deposited beyond the property directly controlled by the owner or operator of the waste wood burner in sufficient quantity to interfere unreasonably with using and enjoying the property where the material was deposited.~~

~~(d) Construction and Operation Standards:~~

~~(1) All new sources or major modifications of existing sources shall use Best Available Control Technology (BACT). After notice from the Authority, one or more of the following items of equipment shall be installed, and corrective measures shall be taken until compliance with ORCAA's Regulations is attained:~~

~~(i) Refractory lining with the top of the chamber a smaller diameter than the base.~~

~~(ii) Mechanically powered overfire and underfire combustion air system.~~

~~(iii) A controlled and metered solids feeding system.~~

~~(iv) Other modification determined necessary by the Authority.~~

Rule 7.7.1 Exceptions

~~Abnormal Conditions and Equipment Malfunction. Emissions in excess of established regulation limits as a direct result of equipment malfunction or breakdown, or to abnormal conditions beyond the control of the person or firm owning or operating such equipment shall not be deemed in violation of such regulations, if the Authority is advised of the circumstances of such malfunction within 24 hours and a corrective program is outlined which is acceptable to the Authority.~~

Rule 7.7.2 Prohibited Materials

~~Asphaltic materials, plastics, rubber products, dead animals, petroleum products, paints, paper (other than what is necessary to start a fire), cardboard, treated wood, processed wood, construction debris, metal, sanitary garbage, or materials which cause dense smoke or obnoxious odors shall not be burned or disposed of in waste wood burners.~~

Rule 7.7.3 Other Rules Not Applicable

~~(a) This rule is a specific process emission restriction, and if any portion herein conflicts with any other rule or portion thereof, or other regulation of this Authority, the provisions herein shall apply.~~

~~(b) The effective date of these Regulations shall be on the date of the passage of this Resolution.~~

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

AMENDED SECTION

RULE 8.1 (~~RESIDENTIAL~~) WOOD HEATING

The provisions of this rule apply to solid fuel burning devices in all areas within the jurisdiction of Olympic Region Clean Air Agency (ORCAA).

Rule 8.1.1 Definitions

"Adequate Source of Heat" means a furnace or heating system, connected or disconnected from its energy source, designed with the ability to maintain seventy degrees Fahrenheit (70°F) at a point three (3) feet above the floor in all normally inhabited areas of a dwelling. Garages are specifically excluded.

"Certified" means that a woodstove meets emission performance standards when tested by an accredited independent laboratory and labeled according to procedures specified by EPA in 40 CFR Part 60 Subpart AAA-Standards of Performance for Residential Wood Heaters as amended through July 1, 1990(~~or Oregon Department of Environmental Quality Phase 2 emission standards contained in Subsections (2) and (3) of Section 340-21-115, and Oregon Administrative Rules, chapter 340, Division 21—Woodstove Certification dated November 1984~~).

~~("Commercial" means a location that is licensed by the State of Washington to conduct business within the State of Washington.)~~

"Cook Stove" means an appliance designed with the primary function of cooking food and containing an integrally built-in oven, with an internal temperature indicator and oven rack, around which the fire is vented, as well as a shaker grate ash pan, and an ash cleanout below the firebox. Any device with a fan or heat channels used to dissipate heat into the room shall not be considered a cook stove.

"Fireplace" means a permanently installed masonry fireplace, or a factory-built metal solid fuel burning device designed to be used with an open combustion chamber and without features to control the air to fuel ratio.

"First Stage of Impaired Air Quality ((Stage 1))" means the same as Stage 1 burn ban and ((a condition)) is declared ((by the Control Officer)) when meteorological conditions are predicted to cause fine particulate ((10 microns and smaller in diameter, are at an ambient level of sixty (60))) levels to exceed 35 micrograms per cubic meter measured on a 24 hour average, within 48 hours. ((or when carbon monoxide is at an ambient level of eight parts of contaminant per million parts of air by volume measured on an eight hour average.))

"Second Stage of Impaired Air Quality ((Stage 2))" means the same as Stage 2 burn ban and ((a condition)) is declared ((by the Control Officer)) when ((particulates 10 microns and smaller in diameter are at an ambient level of 105 micrograms per cubic meter measured on a 24 hour average.)) a first stage of impaired air quality has been in force and has not been sufficient to reduce the increasing fine particulate pollution trend (RCW 70.94.473). A second stage burn ban may be called without calling a first stage burn ban only when all of the following occur (RCW 70.94.473 (c)(ii):

(a) Fine particulate levels have reached or exceeded 25 micrograms per cubic meter, measured on a 24 hour average;

(b) Meteorological conditions have caused fine particulate levels to rise rapidly;

(c) Meteorological conditions are predicted to cause fine particulate levels to exceed the 35 micrograms per cubic meter, measured on a 24 hour average, within 24 hours; and,

(d) Meteorological conditions are highly likely to prevent sufficient dispersion of fine particulate.

"Nonaffected Pellet Stove" means that a pellet stove has an air-to-fuel ratio equal to or greater than 35.0 when tested by an accredited laboratory in accordance with methods and procedures specified by the EPA in 40 CFR Part 60 Appendix A, Reference Method 28A-Measurement of Air to Fuel Ratio and minimum achievable burn rates for wood fired appliances as amended through July 1, 1990.

"Salt Laden Wood" means any species of wood that has been soaked in salt water.

"Seasoned Wood" means clean, untreated wood of any species that has been sufficiently dried so as to contain twenty percent (20%) or less moisture by weight.

"Solid Fuel Burning Device" means a device that burns seasoned wood, coal, or any other nongaseous or nonliquid fuels(~~and includes any device burning any solid fuel~~) except those prohibited by Rule 8.1.3. This also includes devices used for aesthetic or space heating purposes (~~in a~~

private residence or commercial establishment,)) which has a heat input less than one million British thermal units per hour. A cook stove is specifically excluded from this definition.

"Treated Wood" means wood of any species that has been chemically impregnated, painted, or similarly modified to improve structural qualities or resistance to weathering or deterioration.

"Woodstove" means an enclosed solid fuel burning device capable of and intended for ((residential)) space heating and/or domestic water heating. ~~((Any combination of parts, typically consisting of, but not limited to: Doors, legs, flue pipe collars, brackets, bolts and other hardware, when manufactured for the purpose of being assembled, with or without additional owner supplied parts, into a woodstove, is considered a woodstove.))~~

Rule 8.1.2 ~~((Opacity))~~ *General Emission Standards*

(a) No person shall cause or allow an emission from a solid fuel burning device that unreasonably interferes with the use and enjoyment of property or workplace.

(b) No person shall cause or allow emission of a smoke plume from any solid fuel burning device to exceed an average of twenty percent (20%) opacity ~~((for six consecutive minutes in any one hour period))~~ as determined by EPA Method 9. The provision of this requirement shall not apply during the starting of a new fire for a period not to exceed 20 minutes in any 4 hour period.

(c) ~~((Enforcement.))~~ Smoke visible from a chimney, flue, or exhaust duct, in excess of the opacity standard shall constitute prima facie evidence of unlawful operation of an applicable solid fuel burning device. This presumption may be refuted by demonstration that the smoke was not caused by an applicable solid fuel burning device. ~~((The provision of this requirement shall not apply during the starting of a new fire for a period not to exceed twenty (20) minutes in any four hour period.))~~

Rule 8.1.3 *Prohibited Fuel Types*

~~**(a)** ((A solid fuel burning device shall only burn clean, dry, untreated, and seasoned wood. Paper is allowed only for starting the fire.))~~

~~**(b)** A person shall not cause or allow any of the following materials to be burned in a solid fuel burning device:~~

- ~~**(a)** Garbage;~~
- ~~**(b)** Treated wood;~~
- ~~**(c)** Plastic products;~~
- ~~**(d)** Rubber products;~~
- ~~**(e)** Animals;~~
- ~~**(f)** Asphalt products;~~
- ~~**(g)** Petroleum products;~~
- ~~**(h)** Paints and chemicals;~~
- ~~**(i)** Salt laden wood; or~~
- ~~**(j)** Any substance that normally emits dense smoke or obnoxious odors.~~

Rule 8.1.4 *Curtailment*

(a) Whenever the ((Authority)) Agency has declared a ~~((n Impaired Air Quality))~~ Stage 1 burn ban for a geographic area, a person ~~((in a residence or commercial establishment))~~ within that geographic area with an adequate source of heat

other than a solid fuel burning device shall not operate any solid fuel burning device, unless the solid fuel burning device is one of the following:

(1) Certified; or

(2) A nonaffected pellet stove.

(b) Whenever the ((Authority)) Agency has declared a ~~((n Impaired Air Quality))~~ Stage 2 burn ban for a geographic area, a person ~~((in a residence or commercial establishment))~~ within that geographical area with an adequate source of heat other than a solid fuel burning device shall not operate any solid fuel burning device.

(c) The affected geographic area of a declared Impaired Air Quality shall be determined by the ~~((Control Officer))~~ Executive Director or their designee.

(d) A person responsible for an applicable solid fuel burning device already in operation at the time Impaired Air Quality is declared shall withhold new solid fuel for the duration of the Impaired Air Quality. Smoke visible from a chimney, flue, or exhaust duct after three hours has elapsed from the declaration of the Impaired Air Quality shall constitute prima facie evidence of unlawful operation of an applicable solid fuel burning device. This presumption may be refuted by demonstration that the smoke was not caused by a solid fuel burning device.

(e) For the sole purpose of a contingency measure to meet the requirements of Section 172 (c)(9) of the Federal Clean Air Act, the use of solid fuel burning devices, except fireplaces as defined in RCW 70.94.453(3), woodstoves meeting the standards set forth in RCW 70.94.457 or pellet stoves either certified or issued an exemption by the EPA in accordance with Title 40, Part 60 of the Code of Federal Regulations will be prohibited if the EPA, in consultation with Ecology and the ((Authority)) Agency, makes written findings that:

(1) The area has failed to make reasonable further progress or attain or maintain a national ambient air quality standard; and,

(2) Emissions from solid fuel burning devices from a particular geographic area are a contributing factor to such failure to make reasonable further progress or attain or maintain a national ambient air quality standard.

(3) A prohibition issued under 8.1.4(c) shall not apply to a person that does not have an adequate source of heat without burning wood.

(4) The area is to consist of all areas within the city limits of Lacey, Olympia, and Tumwater and unincorporated areas of Thurston County lying within or between the municipal boundaries.

~~((A prohibition issued under this rule shall not apply to a person in a residence or commercial establishment that does not have an adequate source of heat without burning wood.~~

~~**(f)** The nonattainment area is to consist of all areas within the city limits of Lacey, Olympia and Tumwater and unincorporated areas of Thurston County lying within or between the municipal boundaries.~~

~~**(g)** A person responsible for an applicable solid fuel burning device already in operation at the time Impaired Air Quality is declared shall withhold new solid fuel or the duration of the Impaired Air Quality. Smoke visible from a chimney, flue, or exhaust duct after three hours has elapsed from~~

~~the declaration of the Impaired Air Quality shall constitute prima facie evidence of unlawful operation of an applicable solid fuel burning device. This presumption may be refuted by demonstration that the smoke was not caused by a solid fuel burning device.))~~

Rule 8.1.5 Exemptions

Written exemptions granted by the ~~((Authority))~~ Agency shall be valid for one (1) year from date of issue. Exemptions may be canceled at any time if the original request is found to be incorrect, inaccurate or fraudulent. Exemptions shall apply only to the use of solid fuel burning device during an Impaired Air Quality and not to the other rules of this regulation or other applicable regulations.

(a) Emergency exemption. In an emergency situation the ~~((Authority))~~ Agency may issue a written solid fuel burning device emergency exemption. An emergency situation shall include, but is not limited to, a situation where a person demonstrates that their heating system, other than a solid fuel heating device, is inoperable for reasons other than their own actions or a situation where the heating system has been involuntarily disconnected by a utility company or other fuel supplier. ~~((An emergency exemption shall not exceed one year.))~~

(b) Inadequate heat source. Written exemptions may be issued by the ~~((Authority))~~ Agency if a person can demonstrate that:

(1) The structure was originally designed with a solid fuel burning device as the source of heat; or

(2) The existing heat source, fueled with other than solid fuel, will not provide adequate heat.

Rule 8.1.6 Penalties

A person in violation of this Rule 8.1 may be subject to the provisions of Rule 2.5.

Rule 8.1.7 Sale and Installation of Uncertified Woodstoves

~~It shall be unlawful to install, sell, offer for sale, advertise for sale, or otherwise transfer an uncertified solid fuel burning device((~~- except cook stoves, in new or existing buildings or structures,)) unless the device has been rendered permanently inoperable as a combustion device. ((Uncertified solid fuel burning devices installed after January 1, 1992, shall be in violation of this rule and shall be promptly removed from the structure.))~~~~

Rule 8.1.8 ~~((Sale and))~~ Disposal of Uncertified Woodstoves

At such time as an uncertified solid fuel burning device is to be permanently removed from its location it shall be rendered inoperable as a solid fuel burning device. A removed uncertified solid fuel burning device shall not be sold, bartered, traded, or given away for a purpose other than recycling of the materials to form something other than an uncertified solid fuel burning device.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The spelling error in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 10-10-061

PERMANENT RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 10-94—Filed April 30, 2010, 8:23 a.m., effective May 31, 2010]

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

Purpose: Amending WAC 220-55-115 Recreational license dealer's fees, 232-12-047 Unlawful methods for hunting, 232-12-051 Muzzleloading firearms, 232-12-054 Archery requirements—Archery special use permits, 232-12-284 Bighorn sheep—Marking requirements, 232-28-248 Special closures and firearm restriction areas, 232-28-266 Damage prevention permits, 232-28-273 2009-2011 Moose, bighorn sheep, and mountain goat seasons and permit quotas, 232-28-285 2010-2011 Pilot cougar hunting seasons with the aid of dogs, 232-28-286 2010, 2011, and 2012 Spring black bear seasons and regulations, 232-28-287 2009-2010, 2010-2011, 2011-2012 Cougar permit seasons and regulations, 232-28-290 Washington raffle hunts, 232-28-291 Special hunting season permits, 232-28-292 Washington auction hunts, 232-28-295 Landowner hunting permits, 232-28-337 Deer and elk area descriptions, 232-28-342 Small game seasons, 232-28-351 Deer general seasons and definitions and 232-28-352 Elk general seasons and definitions; adopting new WAC 232-28-288 2010-2011 Fall black bear hunting seasons and regulations, 232-28-355 2010 Deer special permits and 232-28-356 2010 Elk special permits; and repealing WAC 232-28-353 2009 Deer special permits and 232-28-354 2009 Elk special permits.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-353 and 232-28-354; and amending WAC 220-55-115, 232-12-047, 232-12-051, 232-12-054, 232-12-284, 232-28-248, 232-28-266, 232-28-273, 232-28-285, 232-28-286, 232-28-287, 232-28-290, 232-28-291, 232-28-292, 232-28-295, 232-28-337, 232-28-342, 232-28-351, and 232-28-352.

Statutory Authority for Adoption: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.32.070, 77.32.530.

Adopted under notice filed as WSR 10-04-125 on February 3, 2010.

Changes Other than Editing from Proposed to Adopted Version:

STATEMENT OF CHANGES

WAC 220-55-115 Recreational license dealer fees.
Changes from the text of the proposed rule and reasons for difference: None.

WAC 232-12-047 Unlawful methods for hunting.
Changes from the text of the proposed rule and reasons for difference:

- Add the following subsections under subsection 4:

(d) It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead and the broadhead blade or blades are less than seven-eighths inch wide.

(e) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width and forming a smooth line toward the feather end of the shaft, and such line does not angle toward the point.

(f) It is unlawful to hunt big game animals with a retractable broadhead.

The purpose of these changes is to clarify the types of broadheads that may be used by hunters using crossbows.

- Add the following subsection: "A violation of this section will be punished under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted."

The purpose of the change is to clarify how violations of the rule will be punished.

WAC 232-12-051 Muzzleloading firearms.

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

- Several minor edits were made to the language to improve readability and accuracy.
- Add the following subsection: "A violation of this section will be punished under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted."

The purpose of the change is to clarify how violations of the rule will be punished.

WAC 232-12-054 Archery requirements—Archery special use permits.

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

- Several minor edits were made to the language and punctuation to improve readability and accuracy.
- Add the following subsection: "(h) It is unlawful to hunt big game animals with a retractable broadhead."

The purpose of the change is to clarify the broadheads that are lawful while participating in archery hunts.

- Add the following subsection: "A violation of this section will be punished under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted."

The purpose of the change is to clarify how violations of the rule will be punished.

WAC 232-12-284 2009-2011 Bighorn sheep—Marking requirements.

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

- The penalties for violation of this rule were inserted under the appropriate subsections for clarity.

- Subsection four was modified to clarify what a person must do to transfer ram horns as follows: "A person may not transfer ownership or possession of bighorn sheep horns by offering them for sale, selling them, purchasing them, or bartering them, without a written permit authorized by the director. It is unlawful for any person who transfers ownership or possession of the horns of a bighorn sheep ram that have been permanently marked to fail to give written notice of the transfer to the department within ten days after the transfer. A violation of this subsection will be punished under RCW 77.15.750."

WAC 232-28-248 Special closures and firearm restriction areas.

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

- Insert the following language to clarify the penalty for violation of this section of the rule: "A violation of any provision in subsection (1) through (6) above is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending upon the species hunted."
- The following language is added at the beginning of the list of big game closures for clarity: "It is unlawful to hunt big game in the following closed areas, unless otherwise specified:[]"
- Under Big Game Closures, the new item listed under entry 6, change the word Cotton to Cottonwood. This change corrects a misspelling for one of the islands listed in the big game closure.
- Insert the following language to clarify the penalty for violation of this section of the rule: "A violation of any provision of subsections (1) through (6) under "Big Game Closures" will be punished under RCW 77.15.410."
- The language at the beginning of the Firearm Restriction Area section of this rule was modified for clarification. The original language was deleted and the following is inserted: "It is unlawful to hunt wildlife in the following firearm restriction areas with center fire or rim fire rifles, or to fail to comply with additional firearm restrictions, except as established below."
- A new section is added to clarify what types of equipment may be used in firearm restriction areas. The new language reads: "2. Archery tag holders may only hunt during established archery seasons with archery equipment as defined in WAC 232-12-054. Muzzleloader tag holders may only hunt during established muzzleloader seasons with muzzleloader equipment as defined in WAC 232-12-051. Modern firearm tag holders may hunt during established modern firearm seasons with bows and arrows; crossbows; muzzleloaders; revolver-type handguns; or shotguns, so long as the equipment used meets the department's regulations for that equipment and ammunition."
- Insert the following language to clarify the penalty for violation of this section of the rule: "3. A violation of subsections (1) or (2) under "Firearm Restriction Areas—Unlawful Acts" is punishable

under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted."

WAC 232-28-266 Damage prevention permit hunts.

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

- Add the following subsection: "Landowners who violate this section will be punished under RCW 77.15.750(1). Hunters who violation this section will be punished under RCW 77.15.400 or 77.15.-410, depending on the species hunted." The purpose of the change is to clarify how violations of the rule will be punished.
- Several minor edits were made to the language to improve readability and accuracy.

WAC 232-28-273 2009-2011 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

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

- Several minor edits were made to the language to improve readability and accuracy.
- Add the following subsection: "It is unlawful to fail to comply with the provisions of this section. A violation of species, sex, size, number, area, season, or eligibility requirements will be punished under RCW 77.15.410." The purpose of the change is to clarify how violations of the rule will be punished.
- Change "any moose" to "antlerless only" under the Mt. Spokane^{HC} hunt. The change is for consistency with other damage hunts, where antlerless animals are targeted for removal.
- Make the following permit level and season date changes to the Selah Butte bighorn sheep hunts:

Selah Butte A	Sept. 15 - Oct. 10 Nov. 3 - 30	Sheep Unit 4	Any Legal Weapon	5
Selah Butte B	Sept. 1 - 30	Sheep Unit 4	Adult ewe only Any Legal Weapon	5

The reason for the change is because the Selah Butte and Umtanum herds have suffered a disease outbreak, with several bighorns dying due to the disease and removed by the department's disease control actions.

- Given the decline in adult ewes in the herds, the department is recommending removing the ewe hunt in Selah Butte to prevent further declines. The herds have numerous rams and rams are more likely to spread disease during long distance movements associated with pre-rut behavior. As such, the department is recommending not reducing ram permits (status quo ram permits), but opening the season earlier in Selah Butte A to remove a few rams prior to the rut.
- Add bighorn sheep permit hunt area as follows:

<u>Sinlahekin</u>	Sept. 15 - Oct. 10	<u>Sheep Unit 19</u>	<u>Any Legal Weapon</u>	<u>1</u>
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The reason for the change is recent surveys indicate the bighorn herd at Sinlahekin is large enough to allow limited harvest without impacting the viability of the herd.

- Add legal description for bighorn sheep hunt area at Sinlahekin.

WAC 232-28-285 2010-2011 Pilot cougar hunting seasons with the aid of dogs.

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

- Insert the following language at the beginning of the rule to clarify the definition of accompany: "Accompany" means that up to three persons may engage in hunting activities with a permittee under a single permit during this season. However, these persons may participate only as dog handlers for the permittee, and the permittee and dog handlers must be simultaneously in the field and within the same open designated permit area during the permit hunt. Furthermore, the dog handlers and the permittee must be in the physical presence of each other at the time dogs are released from a leash or unrestrained or starting a cougar track."
- Several edits were made to clarify what a permittee is authorized to do and to improve readability and understanding.
- Add a definition of a "permittee" as follows: "Permittee" means a hunter who has applied for and been selected for this pilot season and is issued a permit to hunt as allowed by this season. Only permittees may kill cougar. Dog handlers may not.
- Modify the definition of dog handler to clarify the meaning as follows: "Dog handler" means a person who owns or hunts with dogs that are capable of detecting, tracking, and treeing a cougar. Only up to three dog handlers may "accompany" a permittee in participating in this pilot season.
- Language is added to the penalties section to clarify the punishment for violation of this rule as follows: "(9) Penalties: A violation of reporting requirements under subsections (5) and (8)(h); the training requirement under subsection (8)(a); the permit-possession requirement under subsection (8)(b); and the vehicle placard requirement in subsection (8)(g), may be punished under RCW 77.15.750. A violation of the sealing or inspection requirements under subsection (5) may be punished under RCW 77.15.-280. A violation of any other provisions of this section may be punished under RCW 77.15.410."

WAC 232-28-286 2010, 2011, and 2012 Spring black bear seasons and regulations.

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

- Insert the following language at the beginning of the rule: "It is unlawful to fail to comply with the provisions below. Violators may be punished under RCW 77.15.410, 77.15.245, and 77.15.280 (1)(c)." The reason for the change is to clarify the penalties that may be invoked for violation of this rule.

- Change the permit levels in the following hunt areas:
 - GMU 101 from 15 to 19
 - GMU 105 from 10 to 13
 - GMU 108 from 5 to 7
 - GMU 111 from 10 to 13
 - GMU 117 from 15 to 19
 - GMU 212 from 15 to 19
 - GMU 501 from 50 to 75

The purpose of the change is to increase bear harvest to address nuisance and damage by bears.

- For the Lincoln hunt, change the season end date from May 31 to June 15. The reason for the change is because bear damage continues through mid-June and the purpose of the season is to remove bears during peak damage periods.

WAC 232-28-287 2009-2010, 2010-2011, 2011-2012 Cougar permit seasons and regulations.

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

- Insert the following language at the beginning of the rule: "It is unlawful to fail to comply with the provisions below. Violators may be punished under RCW 77.15.410, 77.15.245, and 77.15.280 (1)(c)." The reason for the change is to clarify the penalties that may be invoked for violation of this rule.
- Punctuation was added to improve readability and accuracy.

WAC 232-28-288 Fall black bear hunting seasons and regulations.

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

- Insert the following language at the beginning of the rule: "It is unlawful to fail to comply with the provisions below. Violators may be punished under RCW 77.15.410, 77.15.245, and 77.15.280 (1)(c)." The reason for the change is to clarify the penalties that may be invoked for violation of this rule.
- Add status quo 2011 fall bear seasons with calendar date adjustments. The reason for the change is because the opening day of fall bear season in three units is a Saturday, thus needing a calendar date adjustment.

WAC 232-28-290 Washington raffle hunts.

Changes from the text of the proposed rule and reasons for difference: None.

WAC 232-28-291 Special hunting season permits.

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

- Add the word "categories" to the maximum group size listed by species to make it clear that the group sizes correspond to the new categories being proposed.
- To clarify how many choices would be allowed under each permit application category, add the following language: "Permit applications will allow

four choices for all categories except the quality category for deer and elk will allow two choices."

- Add the following language under section D to provide clarity in the way accumulated points will be handled during the 2010 transition from single species permit categories to multiple categories within each species.

iii. An applicant's accumulated point totals, immediately prior to sales of the 2010 permit applications, will be replicated across all categories for that species. The point replication will only occur in 2010, during the transition from single species categories to multiple categories of the same species. Applicants for any new category added in the future will begin with the point awarded at the time of the initial application purchase.
- For clarity, change the sentence, "Incomplete applications will not be accepted or entered into the drawing" to read "Incomplete, ineligible, or inaccurate applications will not be accepted or entered into the drawing."
- Add the following language:

F. Permits will be voided if the applicant is found to be ineligible or to have provided an application based on inaccurate information.

G. The purchase of an application will result in one accrued point for the category purchased.

This information is added so that permit applicants would have a clear understanding of the application process.

WAC 232-28-292 Washington auction hunts.

Changes from the text of the proposed rule and reasons for difference: None.

WAC 232-28-295 Landowner hunting permits.

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

- Several edits were made to the language used in the rule to improve readability.
- Insert the following language at the beginning of the rule: "A violation of this section will be punished under RCW 77.15.410." The reason for the change is to clarify the penalties that may be invoked for violation of this rule.

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

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

- Under Elk Areas, substitute the following language for Elk Area 4601. This change provides clearer description language for a new Elk Area. The new language has been confirmed on site by Regional staff and will be more readily discernible for hunters.

Elk Area No. 4601 North Bend (King County): That portion of ~~King County~~ GMU 460 beginning within the following described boundary. Beginning at the interchange of State Route (SR) 18 and I-90; W on I-90 to SE 82nd St, Exit 22, at the town of Preston; N on SE 82nd Street to Preston Fall City Rd SE (Old SR 203); N on Preston Fall City Rd SE

to SE Fall City Snoqualmie Rd (SR 202) at the town of Fall City; E on SE Fall City Snoqualmie Rd to the crossing of Tokul Creek; N and E up Tokul Creek to its crossing with Tokul Rd SE; S on SE Tokul Rd to SE 53rd Way; E on SE 53rd Way where it turns into 396th Dr SE then S on 396th Dr SE to SE Reinig Rd; E on SE Reinig Rd to 428th Ave SE; N on 428th Ave SE to where it turns into North Fork Rd SE; N and E on North Fork Rd SE to Ernie's Grove Rd; E on Ernie's Grove Rd to SE 70th St; N on SE 70th St to its ends at Fantastic Falls on North Fork Snoqualmie River; SW down the North Fork Snoqualmie River to Fantastic Falls and the Mt Si Natural Resource Conservation Area boundary then S and E along southern boundary of the Mt. Si NRCA the end of Moon Valley Rd SE; S and W on Moon Valley Rd SE to where it turns into SE 87th St; W on SE 87th to 436th Pl SE; S on 436th Pl SE to 436th Ave SE; S on 436th Ave SE to SE 92nd St; W on SE 92nd St to 428th Ave SE; S on 428th Ave SE to the crossing of the Middle Fork Snoqualmie River; S and E up the Middle Fork Snoqualmie River to SE Mt Si Road; E on SE Mt Si to the "School Bus" turnaround at SE 114th St and Mt Si Road; S on 480th Ave SE to SE 130th St; S and E on SE 130th St to its end; SSE overland from the end of SE 130th St, over the Middle Fork Snoqualmie River, to the end of 486th Ave SE; S on 486th Ave SE to the intersection with SE Middle Fork Road; Due S, from said intersection, up Grouse Mountain toward its peak, to the logging road adjacent to Grouse Mountain Peak; S down the logging road to Grouse Ridge Access Rd; W on Grouse Ridge Access Road which becomes SE 146th St; W on SE 146th St to ~~468th Ave SE (SE Edgewick Rd); S on 468th Ave SE (SE Edgewick Rd) to I-90 then east along I-90 to the W boundary of Olallie/Twin Falls State Park then S along the state park western boundary to its most western boundary where it intersects with the boundary of the Iron Horse State Park; W along the boundary of Iron Horse State Park to the boundary of the Rattlesnake Lake Recreation Area; W along the boundary of the Rattlesnake Lake Recreation Area to Cedar Falls Rd SE; N along the Cedar Falls Rd to SE 174th Way; W on SE 174th Way to SE 174th St; W on SE 174th St to SE 173rd St; W on SE 173rd St to SE 170th Pl; W on SE 170th Pl to SE 169th St; W on SE 169th St to 424th Ave SE; N on 424th Ave SE to SE 168th St; W on SE 168th St to 422 Ave SE; N on 422 Ave SE to 426th Way SE; S on 426th Way SE to SE 164th St; E on SE 164th St to Uplands Way SE; W on Uplands Way SE to the crossing with the Power Transmission Lines; W along the Power Transmission Lines to the Winery Rd; NW on the Winery Rd to SE 99th Rd; W and N on SE 99th Rd to the I-90 interchange, at Exit 27; SW on I-90 to the interchange with SR 18 and the point of beginning.~~

- Under Elk Areas, substitute the following language for Elk Area 6054. This change provides clearer description language for a new Elk Area. The new language has been confirmed on site by Regional staff and will be more readily discernible for hunters.

Elk Area 6054 - Puyallup River (Pierce County)

~~Beginning at the intersection of the Mount Rainier National Park western boundary and the Nisqually River, west down Nisqually River to mouth of Mashel River; north up Mashel~~

~~River to SR 161 bridge (Eatonville-LaGrande Rd); north on SR 161 through Eatonville to Orville Rd E (Kapowsin-Eatonville Rd); north on Orville Rd E to Hancock's Kapowsin Tree Farm ownership boundary at the north end of Ohop Lake (Kapowsin and Buckley Tree Farms map); east along Kapowsin Tree Farm boundary to Mount Rainier National Park boundary; south long Mount Rainier National Park boundary to Nisqually River and point of beginning. That portion of GMU 654 beginning at the intersection of Mount Rainier National Park's western boundary and State Route (SR) 706; W on SR 706 to 278th Ave E; N on 278th Ave E to WA Dept of Natural Resources' (DNR) 1300 Rd; NW on DNR 1300 Rd to Scott Turner Rd; NW on Scott Turner Rd to Alder Cutoff Rd; W and NE on Alder Cutoff Rd to Center St SE in the town of Eatonville; NW on Center St SE to SR 161; N and W on SR 161 to Orville Rd E; N on Orville Rd E, past Lake Ohop and Lake Kapowsin, to the bridge crossing the Puyallup River; SE up the Puyallup River to Mount Rainier National Park's western boundary; S on Rainier National Park's western boundary to SR 706 and the point of the beginning.~~

- Under deer areas, substitute the following language to better address the boundary and management issues.

Deer Area No. 2010 Benge (Adams & Whitman County Counties): That part of GMU 284 beginning at the town of Washtucna; north on SR 261 to Weber Road; east on Weber Road to ~~Bengel Benzel~~ Road; north on ~~Bengel Benzel~~ Road to Wellsandt Road; east on Wellsandt Road to ~~McCall Hills~~ Road; south on Hills road to Urquhart Road; east on ~~Urquhart Road to Harder Road; East on Harder Road 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~~ George Knott Road; south on George Knott 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 Washtucna and the point of beginning.

- Under Deer Area 2011, substitute Norton Canyon Road for Davis Canyon Road to correct a road name.

WAC 232-28-342 Small game seasons.

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

- Insert the following language at the beginning of the rule: "It is unlawful to fail to comply with bag, possession, and season limits except as described below. Violations of this section may be punished under RCW 77.15.245, 77.15.400, and 77.15.430, depending on the species hunted and the violation." The reason for the change is to clarify the penalties that may be invoked for violation of this rule.
- The licensing requirements were changed by the legislature in 2009. These changes reflect that legislation.

WAC 232-28-351 Deer general seasons and definitions.

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

- The following should be added at the beginning of the rule to clarify the penalty for violations: "It is unlawful to fail to comply with bag, possession, and season limits except as described below. Violations of this section will be punished under RCW 77.15.410."
- Maintain the deer hunting closure in GMU 490 (Cedar River). This change allows additional time to negotiate hunter access with the landowner.
- Under the late general season for western Washington black-tailed deer, GMU 410 should be removed from the "Any buck" category. GMU 410 should only appear in the "Any deer" category. This change corrects an error that was made last year.
- Delete GMUs 574 and 578 from the late black-tailed deer hunt for modern firearm hunters. These units were not part of the 2009-11 hunting season rules adopted last year and were added in error earlier this year.
- Under the modern firearm general season table, in the Hunters 65 and Over, Disabled, or Youth General Seasons section, the season dates for antlerless white-tailed deer should change from October 16 - 29 to October 21 - 24. There have been two very hard winters, presenting the need to reduce the antlerless harvest so that the population can recover quicker.
- Under the archery general seasons, GMU 603 should be moved from any deer to any buck. All of these northern Olympic peninsula units are experiencing low recruitment and antlerless harvest is not appropriate at this time.
- GMU 124 should be moved to the any white-tailed deer row and out of the any white-tailed buck row. This area is not seeing the same problems with deer survival as the more northern units in GMUs 101-121.
- Under the early muzzleloader season for western Washington black-tailed deer, GMU 636 should be moved from the "Any buck" category to the "2 pt. min." category. When the new muzzleloader season for GMU 636 was added last year, it was inadvertently put into the wrong category. This change will make the muzzleloader season consistent with the modern firearm and archery seasons in this GMU.
- Under Modern, General Season, eastern Washington white-tailed deer, add GMU 373 to Oct. 16-29, any white-tailed buck. This change corrects an oversight in the last three year package process.

WAC 232-28-352 Elk general seasons and definitions.

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

- Insert the following language at the beginning of the rule to clarify the penalty for violation: "It is unlawful to fail to comply with bag, possession, and sea-

son limits except as described below. Violations of this section will be punished under RCW 77.15.410."

- Language was added to the last sentence in the True Spike - Bull Antler Restrictions section to read: "All other types of violations of the true spike restriction are subject to current penalties and assessments under RCW 77.15.410 and 77.15.420." This clarifies the penalty for violation.
- Maintain the elk hunting closure in GMU 490. This change allows additional time to negotiate hunter access with the landowner.
- Under the Master Hunter hunt in Elk Area 3911, split the season to avoid the modern firearm general season. This change is to better manage damage issues and maintain an orderly hunt on private lands in this unit. The early season dates were modified to end on October 29, 2010, and October 28, 2011, and the later season dates were modified to start on November 8, 2010, and November 7, 2011.
- Change the beginning season date for the Eastern Washington Late Archery General Elk Season from Nov. 24 to Nov. 25. This change avoids an overlap with the late modern firearm deer permit season.
- Under late archery, the 3911 hunt should indicate that it is open to Master Hunters only. This change corrects an error in the earlier versions of the rule.
- The early general season muzzleloader elk hunt in GMU 245 should have been for any elk; this GMU is outside the area managed for elk.
- Under late muzzleloader, all of the hunts in Elk Area 3911 should indicate Master Hunter only. This change corrects an error in the earlier versions of the rule.

WAC 232-28-353 2009 Deer special permits.

Changes from the text of the proposed rule and reasons for difference: None.

WAC 232-28-354 2009 Elk special permits.

Changes from the text of the proposed rule and reasons for difference: None.

WAC 232-28-355 Deer special permits.

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

- Add year 2010 to the title. The title of the WAC should now read: "2010 Deer Special Permits." This change specifies the year which the special permit hunting seasons are valid.
- Insert the following language at the beginning of the rule to clarify the penalty for violation: "It is unlawful to fail to comply with bag, possession, and season limits except as described below. Violations of this section will be punished under RCW 77.15.-410."
- For consistency throughout the rule, the weapon/tag references were changed from "modern firearm" to "modern."
- Increase the number of permits available for the GMU 485 Green River hunt from 5 to 10. The permits in GMU 485 are negotiated between the land-

- owners, the Muckleshoot tribe, and the department. This change reflects the current agreement.
- Under the "Quality" category, changes the Desert Archery permit hunt dates to Nov. 29 - Dec. 12 to avoid an overlap with the modern firearm permit hunters.
 - Under the buck category, move the East Klickitat, Grayback, and West Klickitat hunts to the youth category. Place the hunts adjacent to the antlerless hunts of the same name. This change will facilitate youth points to be accrued and expended in the proper category under the new special permits system.
 - Under the buck category, add 8 permits to the Alkali muzzleloader special permit hunt. This change is to correct a typographical error.
 - Under the antlerless category, white-tailed deer antlerless permits were shifted from muzzleloader to modern firearm to provide opportunity to both groups. Fifty permits were provided to modern firearm hunters and one hundred were provided to muzzleloader hunters.
 - Insert the following language to clarify the license and tag requirements for second deer permits: "Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license."
 - The Republic hunt was moved from the 2nd tag category to the Master Hunter category because this hunt will need to be carefully coordinated with the town of Republic and individual property owners.
 - Change the permit level under the 2nd deer permit category for the Kahlotus hunt for modern tag holders from 50 to 20 permits. The antlerless deer harvest in this unit increased more dramatically than expected during the previous year.
 - Delete the permits in the 2nd deer category for GMU 485 Green River. The permits in GMU 485 are negotiated between the landowners, the Muckleshoot tribe, and the department. This change reflects the current agreement.
 - Under the second deer category, the archery permits for Mt Spokane, Mica Peak, Spokane North, and Spokane South hunts should start on November 25th for the later part of the permit season to avoid an overlap with modern firearm quality permits in these areas.
 - Under the second deer category, the archery permit hunt in Deer Area 1080 Colfax should be changed to a muzzleloader hunt. This area is not very conducive to archery hunting.
 - Under the Youth category, delete the Steptoe and Almota Youth hunts. These are redundant with general season opportunities for youth hunters and are therefore unnecessary.
 - Change the permit level under the Youth deer permit category for the Kahlotus hunt from 15 to 10 permits. The antlerless deer harvest in this unit increased more dramatically than expected during the previous year.
 - Under the "Youth" category, changes the Benge hunt permit dates to Oct. 30 - Nov. 7 to avoid overlap with the modern firearm general season.
 - Under the Senior 65+ category in the hunt name column delete the "S" after Yale and delete the "C" after North River. These letters are no longer necessary under the new system.
 - Under the Hunters with Disabilities category, delete the "E" after the Capitol Peak hunt, and delete the "F" after the North River hunt. These letters are no longer necessary under the new system.
 - For both Capitol Peak hunt and North River hunt, delete the word "muzzleloader" from the hunt date column. This change eliminates redundant terminology.
 - Under the Quality category, for Modern, change the number of permits for Ritzville, Nov. 1-20, to 9 permits. This change reflects the allocation of special permits for bucks between the three primary user groups.
 - Under the Quality category, for Modern, change the number of permits for Naneum, Nov. 15-21, to 15 permits. This change reflects the allocation of special permits for bucks between the three primary user groups.
 - Under the Quality category, for Modern, change the number of permits for Teanaway, Nov. 15-21, to 15 permits. This change reflects the allocation of special permits for bucks between the three primary user groups.
 - Under the Quality category, for Archery, change the number of permits for Chiwawa, Dec. 1-8, to 14 permits. This change reflects the allocation of special permits for bucks between the three primary user groups.
 - Under the Quality category, for Archery, change the number of permits for Slide Ridge, Dec. 1-8, to 3 permits. This change reflects the allocation of special permits for bucks between the three primary user groups.
 - Under the Quality category, for Archery, change the number of permits for Desert, Nov. 29 - Dec. 12, to 18 permits. This change reflects the allocation of special permits for bucks between the three primary user groups.
 - Under the Quality category, for Archery, change the number of permits for Naneum, Nov. 24 - Dec. 8, to 7 permits. This change reflects the allocation of special permits for bucks between the three primary user groups.
 - Under the Quality category, for Archery, change the number of permits for Quilomene, Nov. 24 - Dec. 8, to 11 permits. This change reflects the allocation of special permits for bucks between
 - Under the Quality category, for Archery, change the number of permits for L. T. Murray, Nov. 24 - Dec. 8, to 9 permits. This change reflects the allocation of special permits for bucks between
 - Under the Quality category, for Muzzleloader, change the number of permits for Chiwawa, Nov. 25-30, to 2 permits. This change reflects the alloca-

- tion of special permits for bucks between the three primary user groups.
- Under the Quality category, for Muzzleloader, change the number of permits for L. T. Murray, Nov. 8-14, to 2 permits. This change reflects the allocation of special permits for bucks between the three primary user groups.
 - Under the Bucks category, for Archery, change the number of permits for Alkali, Sept. 1-25, to 4 permits. This change reflects the allocation of special

- permits for bucks between the three primary user groups.
- Under the Bucks category, for Muzzleloader, change the number of permits for Alkali, Sept. 26 - Oct. 15, to 1 permit. This change reflects the allocation of special permits for bucks between the three primary user groups.
 - Under the Youth category, change the Mount Spokane hunt to:

<u>Spokane North</u>	Modern	Youth	Oct. 16-24	Antlerless	<u>Deer Area 1050</u>	<u>50</u>
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- Under the Youth category, change the date on the Green River, modern to Oct. 30 - Nov. 5. This change corrects an error. The dates in the Green River Watershed are negotiated with the land manager who graciously allows access for state hunters.

WAC 232-28-356 Elk special permits.

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

- Add the year 2010 to the title. The title of the WAC should now read: "2010 Elk Special Permits." This change specifies the year which the special permit hunting seasons are valid.
- The following should be added at the beginning of the rule to clarify the penalty for violations: "It is unlawful to fail to comply with bag, possession, and season limits except as described below. Violations of this section will be punished under RCW 77.15.-410."
- Remove the letter "A" from the name of the Dayton and Tucannon quality hunts, as this letter designation is no longer needed under the new permit system.
- In the Quality category, change the dates for the Mission, EF hunt from Sept. 21-25 to Sept. 20-24.

- In the Quality category, add a Mission bull permit for muzzleloader tag holders consistent with available opportunity.
- Under the bull category for modern elk permits, the number of permits for the Green River hunt should be increased from 3 to 4. The permits in GMU 485 are negotiated between the landowners, the Muckleshoot tribe, and the department. This change reflects the current agreement.
- The Sherman, Kelly Hill, and Douglas antlerless elk permits are deleted because these units have an any elk general season for modern firearm hunters.
- Delete GMU 149 from the "Prescott-Blue Creek" and "Prescott Dayton" hunts. The elk damage issues in GMU 149 are being addressed in other ways. Remove the Prescott from the names of these two hunts because the Prescott GMU is being removed.
- Under the antlerless elk category, the number of permits available in the Malaga permit hunt should be reduced from 35 to 10 to reduce the harvest consistent with population objectives while addressing damage issues. Additionally, the season dates should be changed from Sept. 15-25 to Sept. 14-24 to avoid an overlap with muzzleloader seasons.
- Under the antlerless elk category for modern elk permits, add a hunt as follows:

Green River	WF	Any	Oct. 30 - Nov. 5	Antlerless	GMU 485	6
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- The permits in GMU 485 are negotiated between the landowners, the Muckleshoot tribe, and the department. This change reflects the current agreement.
- Under the antlerless elk category, the Tri-Valley hunts for modern firearm and muzzleloader permit levels are reduced to 5 each to reduce overall harvest yet continue to address damage issues.
 - The Sherman, Kelly Hill, and Douglas antlerless elk permits are deleted because these units have an any elk general season for muzzleloader hunters.
 - Delete the Mission antlerless hunt listed as 1 permit. This change corrects a typographical error.
 - Under the antlerless elk permit category, the Wildwood elk hunt for muzzleloader hunters should close on January 15 to correct an error.
 - Under the Youth category, add 5^{HC} antlerless elk permits for Elk Area 6071 north of Highway 101. This change provides youth opportunity while helping control the Dungeness elk herd.

- The following language was added to the Master Hunter permit hunts to clarify that only one elk may be harvested in the area covered by the permit: "For those hunts allowing the purchase of a second tag, only one elk may be killed in the unit under the authorization of the permit."
- To create an adequate pool of applicants, Master Hunter weapon/tag requirements were adjusted to reflect any tag.
- Under the Master Hunter category the three Trout Lake hunts for dates Dec. 15-31, Jan. 1-14, 2011, and Jan. 15-30, 2011 should all have a double asterisk added (**). This references the footnote on that page indicating these hunts are only taking place on private lands and only archery and legal shotguns are allowed.
- Under the Quality category for Modern (EF) elk permits, the number of permits for Prescott, Oct. 25 - Nov. 7, should be changed to 8. This change

reflects the allocation of special permits for bulls between the three primary user groups.

- Under the Quality category for Modern (EF) elk permits, the number of permits for Blue Creek, Oct. 25 - Nov. 7, should be changed to 6. This change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Modern (EF) elk permits, the number of permits for Tucannon, Oct. 25 - Nov. 7, should be changed to 9. This change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Modern (EF) elk permits, the number of permits for Wenaha East, Oct. 25 - Nov. 7, should be changed to 12. This change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Modern (EF) elk permits, the number of permits for Mountain View, Oct. 25 - Nov. 7, should be changed to 11. This change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Modern (EF) elk permits, the number of permits for Couse, Oct. 25 - Nov. 7, should be changed to 2. This change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Modern (EF) elk permits, the number of permits for Colockum, Oct. 25 - Nov. 7, should be changed to 2. This change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Modern (EF) elk permits, the number of permits for Little Naches, Oct. 1-10, should be changed to 7. This change reflects a response to the number of bulls counted in the Feb. - Mar. surveys.
- Under the Quality category for Archery (EA) elk permits, the number of permits for Blue Creek, Sept. 1-19, should be changed to 4. This change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Archery (EA) elk permits, the number of permits for Dayton, Sept. 1-19, should be changed to 14. This change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Archery (EA) elk permits, the number of permits for Tucannon, Sept. 1-19, should be changed to 4. This change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Archery (EA) elk permits, the number of permits for Wenaha West, Sept. 1-19, should be changed to 4. This change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Archery (EA) elk permits, the number of permits for Mountain View, Sept. 1-19, should be changed to 6. This change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Archery (EA) elk permits, the number of permits for Colockum, Sept. 7-19, should be changed to 2. This change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Archery (EA) elk permits, the number of permits for Peaches Ridge, Sept. 7-19, should be changed to 74. This change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Archery (EA) elk permits, the number of permits for Observatory, Sept. 7-19, should be changed to 87. This change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Archery (EA) elk permits, the number of permits for Goose Prairie, Sept. 7-19, should be changed to 60. This change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Archery (EA) elk permits, the number of permits for Bethel, Sept. 7-19, should be changed to 18. This change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Archery (EA) elk permits, the number of permits for Rimrock, Sept. 7-19, should be changed to 98. This change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Archery (EA) elk permits, the number of permits for Cowiche, Sept. 7-19, should be changed to 12. This change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Archery (WA) elk permits, the number of permits for Margaret, Sept. 7-19 and Dec. 1-15, should be changed to 8. This change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Archery (WA) elk permits, the number of permits for Toutle, Sept. 7-19 and Dec. 1-15, should be changed to 83. This change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Archery (WA) elk permits, the number of permits for White River, Sept. 7-19, should be changed to 13. This change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Muzzleloader (EM) elk permits, the number of permits for Dayton, Oct. 1-15, should be changed to 6. This change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Muzzleloader (EM) elk permits, the number of permits for Wenaha West, Oct. 1-15, should be changed to 2. This change reflects the allocation of special permits for bulls between the three primary user groups.

- change reflects the allocation of special permits for bulls between the three primary user groups.
- Under the Quality category for Muzzleloader (EM) elk permits, the number of permits for Mountain View, Oct. 1-15, should be changed to 3. This change reflects the allocation of special permits for bulls between the three primary user groups.
 - Under the Quality category for Muzzleloader (EM) elk permits, the number of permits for Peola, Oct. 1-15, should be changed to 6. This change reflects the allocation of special permits for bulls between the three primary user groups.
 - Under the Quality category for Muzzleloader (EM) elk permits, the number of permits for Peaches Ridge, Oct. 1-10, should be changed to 17. This change reflects the allocation of special permits for bulls between the three primary user groups.
 - Under the Quality category for Muzzleloader (EM) elk permits, the number of permits for Observatory, Oct. 1-10, should be changed to 16. This change reflects the allocation of special permits for bulls between the three primary user groups.
 - Under the Quality category for Muzzleloader (EM) elk permits, the number of permits for Goose Prairie, Oct. 1-10, should be changed to 10. This change reflects the allocation of special permits for bulls between the three primary user groups.
 - Under the Quality category for Muzzleloader (EM) elk permits, the number of permits for Bethel, Oct. 1-10, should be changed to 8. This change reflects the allocation of special permits for bulls between the three primary user groups.
 - Under the Quality category for Muzzleloader (EM) elk permits, the number of permits for Rimrock, Oct. 1-10, should be changed to 17. This change reflects the allocation of special permits for bulls between the three primary user groups.
 - Under the Quality category for Muzzleloader (EM) elk permits, the number of permits for Cowiche, Oct. 1-10, should be changed to 6. This change reflects the allocation of special permits for bulls between the three primary user groups.
 - Under the Quality category for Muzzleloader (WM) elk permits, the number of permits for Margaret, Oct. 2-8, should be changed to 5. This change reflects the allocation of special permits for bulls between the three primary user groups.
 - Under the Quality category for Muzzleloader (WM) elk permits, the number of permits for Toutle, Oct. 2-8, should be changed to 30. This change reflects the allocation of special permits for bulls between the three primary user groups.
 - Under the Bull category for Modern (EF) elk permits, change the date for the Mission hunt to Oct 25 - Nov. 7. This change replaces last year's dates with the correct dates for 2010.
 - Under the Bull category for Modern (EF) elk permits, the number of permits for Teanaway, Dec. 18-31, should be changed to 9. This change reflects the allocation of special permits for bulls between the three primary user groups.
 - Under the Bull category for Modern (EF) elk permits, the number of permits for Peaches Ridge, Oct. 25 - Nov. 7, should be changed to 98. This change reflects the allocation of special permits for bulls between the three primary user groups.
 - Under the Bull category for Modern (EF) elk permits, the number of permits for Observatory, Oct. 25 - Nov. 7, should be changed to 52. This change reflects the allocation of special permits for bulls between the three primary user groups.
 - Under the Bull category for Modern (EF) elk permits, the number of permits for Goose Prairie, Oct. 25 - Nov. 7, should be changed to 55. This change reflects the allocation of special permits for bulls between the three primary user groups.
 - Under the Bull category for Modern (EF) elk permits, the number of permits for Bethel, Oct. 25 - Nov. 7, should be changed to 31. This change reflects the allocation of special permits for bulls between the three primary user groups.
 - Under the Bull category for Modern (EF) elk permits, the number of permits for Rimrock, Oct. 25 - Nov. 7, should be changed to 124. This change reflects the allocation of special permits for bulls between the three primary user groups.
 - Under the Bull category for Modern (WF) elk permits, the number of permits for Green River, Oct. 30 - Nov. 5, should be changed to 6. This change reflects the negotiated level of harvest with the land manager and the tribes.
 - Under the Bull category for Modern (WF) elk permits, the number of permits for Skokomish, Nov. 6-16, should be changed to 10. This change reflects the allocation of special permits for bulls between the three primary user groups.
 - Under the Bull category for Modern (WF) elk permits, the number of permits for White River, Nov. 6-16, should be changed to 30. This change reflects the allocation of special permits for bulls between the three primary user groups.
 - Under the Bull category for Archery (EA) elk permits, the number of permits for Teanaway, Nov. 24 - Dec. 8, should be changed to 13. This change reflects the allocation of special permits for bulls between the three primary user groups.
 - Under the Bull category for Muzzleloader (EM) elk permits, the number of permits for Teanaway, Dec. 9-17, should be changed to 8. This change reflects the allocation of special permits for bulls between the three primary user groups.
 - Under the Bull category for Muzzleloader (WM) elk permits, the number of permits for Olympic, Oct. 2-8, should be changed to 5. This change reflects the allocation of special permits for bulls between the three primary user groups.
 - Under the Bull category for Muzzleloader (WM) elk permits, the number of permits for Skokomish, Oct. 2-8, should be changed to 5. This change reflects the allocation of special permits for bulls between the three primary user groups.

- Delete the Green River, Oct. 30 - Nov. 5, hunt for antlerless elk. This change is a response to aerial surveys conducted on March 26th.
- Under the Antlerless category for Muzzleloader (EM) elk permits, the number of permits for Turnbull, Oct. 2-8, should be changed to 9 permits. This reflects a new restriction established by USFWS Refuge staff to accommodate and coordinate the hunt.
- Under the Antlerless category for Muzzleloader (EM) elk permits, the number of permits for Turnbull, Nov. 24 - Dec. 8, should be changed to 9 permits. This reflects a new restriction established by USFWS Refuge staff to accommodate and coordinate the hunt.

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 3, Amended 19, Repealed 2.

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: April 9-10, 2010.

Miranda Wecker, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 09-15-122, filed 7/17/09, effective 8/17/09)

WAC 220-55-115 Recreational license dealer's fees.

License dealers may charge a license issuance fee as follows:

(1) Two dollars for the issuance of any of the following fishing licenses:

- A combination license.
- A saltwater license.
- A freshwater license.
- A two-day temporary fishing license.
- A family fishing weekend license.
- A shellfish and seaweed license.
- A razor clam license.

(2) Two dollars for the issuance of any of the following hunting licenses:

- A big game combination license.
- A small game license.
- A three-consecutive day small game license.

(3) Two dollars for the issuance of a fish and wildlife lands vehicle use permit when issued separately from an annual freshwater, saltwater or combination fishing license, or separately from an annual small game hunting license, big game combination license, or trapping license.

(4) Notwithstanding the provisions of this section, if any two or more licenses are issued at the same time, or the fish and wildlife lands vehicle use permit is issued with any recreational license, the license issuance fee for the document is two dollars.

(5) Fifty cents for the issuance of any of the following:

- A deer, elk, bear, cougar, mountain goat, mountain sheep, moose, or turkey transport tag.
- A state of Washington migratory bird stamp.
- A Western Washington pheasant permit.
- An application for a special permit hunt.
- A migratory bird hunting authorization (including harvest report card).

(f) A replacement of substitute special hunting season permit.

AMENDATORY SECTION (Amending Order 09-53, filed 4/15/09, effective 5/16/09)

WAC 232-12-047 Unlawful methods for hunting. (1)

It is unlawful to hunt any big game with:

- A fully automatic firearm.
- A centerfire cartridge less than 22 caliber for cougar.
- A centerfire cartridge less than 24 caliber for any other big game.
- A shotgun, provided that a 20 gauge, or larger shotgun, using shells loaded with slugs or buckshot size #1 or larger, may be used to hunt deer, bear, and cougar.
- A shotgun for any other big game, except that a 12 gauge or 10 gauge shotgun using slugs may be used.
- A handgun during a modern firearm season that does not meet the following criteria: Have a minimum barrel length of four inches, per manufacturer's specification, and fire a centerfire cartridge.

(g) Any rimfire cartridge.

(2) It is unlawful to hunt game birds with a shotgun capable of holding more than three shells.

(3) It is unlawful to hunt game birds or game animals, except bullfrogs, in a manner other than with a firearm, a bow and arrow, or by falconry, except in those designated areas where crossbows are allowed.

(4) Rules pertaining to crossbows:

(a) It is unlawful to hunt big game animals with a crossbow with a draw weight less than 125 pounds, a limb width less than 24 inches, a draw length less than 14 inches, and a trigger safety that does not work properly.

(b) It is unlawful to hunt big game animals with any arrow or bolt measuring less than 16 inches in length and weighing less than 350 grains.

(c) It is unlawful to hunt game animals or game birds with a crossbow that weighs more than 15 pounds.

(d) It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead and the broadhead blade or blades are less than seven-eighths inch wide.

(e) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width and form-

ing a smooth line toward the feather end of the shaft, and such line does not angle toward the point.

(f) It is unlawful to hunt big game animals with a retractable broadhead.

(5) Hunters with disabilities may use a crossbow with a special use permit as conditioned in WAC 232-12-054.

~~((5))~~ (6) It is unlawful to hunt game animals or game birds with a shotgun larger than 10 gauge.

~~((6))~~ (7) It is unlawful to hunt game birds with a rifle or handgun, with the exception of blue grouse, spruce grouse and ruffed grouse.

(8) A violation of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.

AMENDATORY SECTION (Amending Order 09-53, filed 4/15/09, effective 5/16/09)

WAC 232-12-051 Muzzleloading firearms. (1) Definitions.

(a) Muzzleloader: A firearm (~~(which)~~ that is loaded from the muzzle and uses black powder or a black powder substitute as recommended by the manufacturer for use in all muzzleloading firearms.

(b) A muzzleloading firearm shall be considered loaded if a powder charge and a projectile, either shot or single projectile are in the barrel and the barrel or breech is capped or primed.

(2) It is unlawful to hunt wildlife using a muzzleloading firearm (~~(which)~~ that does not meet the following specifications(-):

(a) A muzzleloading shotgun or rifle must have a single or double barrel, rifled or smooth-bored.

(b) A muzzleloading shotgun or rifle used for deer must be .40 caliber or larger. Buckshot size #1 or larger may be used in a smoothbore of .60 caliber or larger for deer.

(c) A muzzleloading shotgun, rifle, or handgun used for all other big game must be .45 caliber or larger.

(d) Persons lawfully hunting small game with a double barrel, muzzleloading shotgun may keep both barrels loaded.

(e) A muzzleloading handgun must have a single or double barrel of at least eight inches, must be rifled, and must be capable of being loaded with forty-five grains or more of black powder or black powder substitute per the manufacturer's recommendations.

(f) A muzzleloading handgun used for big game must be .45 caliber or larger.

(g) A handgun designed to be used with black powder, including black powder percussion revolvers, can be used to hunt forest grouse, cottontail rabbits, and snowshoe hares.

(3) In addition to the above requirements, it is unlawful to participate (hunt) in a muzzleloading hunting season using a firearm (~~(which)~~ that does not meet the following specifications for a muzzleloader. However, a modern handgun may be carried for personal protection ((if that person possesses a concealed pistol license as defined in RCW 9.41.070)). Modern handguns cannot be used to hunt big game or dispatch wounded big game during a big game hunting season for muzzleloading firearms.

(a) Ignition is to be wheel lock, matchlock, flintlock, or percussion using original style percussion caps that fit on the nipple and are exposed to the weather. "Exposed to the weather" means the percussion cap or the frizzen must be visible and not capable of being enclosed by an integral part of the weapon proper. Primers designed to be used in modern cartridges are not legal.

(b) Sights must be open, peep, or of other open sight design. Fiber optic sights are legal. Telescopic sights or sights containing glass are prohibited.

(c) It is unlawful to have any electrical device or equipment attached to a muzzleloading firearm while hunting.

(d) Those persons lawfully hunting big game with a double barrel muzzleloader may only keep one barrel loaded.

(4) Hunters with disabilities who meet the definition of being visually impaired in WAC 232-12-828 may receive a special use permit that would allow the use of scopes or other visual aids. A disabled hunter permit holder in possession of a special use permit that allows the use of a scope or visual aid may hunt game birds or game animals during muzzleloader seasons.

(5) Muzzleloading firearms used during a modern firearm season are not required to meet ignition, sight, or double barrel restrictions.

(6) A violation of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.

AMENDATORY SECTION (Amending Order 09-53, filed 4/15/09, effective 5/16/09)

WAC 232-12-054 Archery requirements—Archery special use permits. (1) Rules pertaining to all archery:

(a) It is unlawful for any person to carry or have in his possession any firearm while in the field archery hunting, during an archery season specified for that area, except for modern handguns carried for personal protection (~~(if that person possesses a concealed pistol license as defined by RCW 9.41.070)).~~ Modern handguns cannot be used to hunt big game or dispatch wounded big game during an archery, big game hunting season.

(b) It is unlawful to have any electrical equipment or electric device(s) attached to the bow or arrow while hunting.

(c) It is unlawful to shoot a bow and arrow from a vehicle or from, across, or along the maintained portion of a public highway, except that persons with a disabled hunter permit may shoot from a vehicle if the hunter is in compliance with WAC 232-12-828.

(d) It is unlawful to use any device secured to or supported by the bow for the purpose of maintaining the bow at full draw or in a firing position, except that persons with an archery special use permit may hunt game birds or game animals using a device that stabilizes and holds a long bow, recurve bow, or compound bow at a full draw, and may use a mechanical or electrical release.

(e) It is unlawful to hunt wildlife with a crossbow(~~(; except in designated areas))~~ during an archery season. However, disabled hunter permittees in possession of a crossbow special use permit may hunt with a crossbow in any season that allows archery equipment.

(f) It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead, and the broadhead blade or blades are less than seven-eighths inch wide.

(g) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width and forming a smooth line toward the feather end of the shaft, and such line does not angle toward the point.

(h) It is unlawful to hunt big game animals with a retractable broadhead.

(i) It is unlawful to hunt wildlife with any bow or crossbow equipped with a scope. ((Except)) However, hunters with disabilities who meet the definition of being visually impaired in WAC 232-12-828 may receive a special use permit that would allow the use of scopes or other visual aids. A disabled hunter permit holder in possession of a special use permit that allows the use of a scope or visual aid may hunt game birds or game animals during archery seasons.

(2) Rules pertaining to long bow, recurve bow and compound bow archery:

(a) It is unlawful for any person to hunt big game animals with a bow that ~~((possesses less than))~~ does not produce a minimum of 40 pounds of pull measured at twenty-eight inches or less draw length.

(b) It is unlawful to hunt big game animals with any arrow measuring less than 20 inches in length or weighing less than 6 grains per pound of draw weight with a minimum arrow weight of 300 grains.

(3) ~~((Rules pertaining to crossbows:~~

~~(a) It is unlawful to hunt big game animals with a crossbow with a draw weight less than 125 pounds, a limb width less than 24 inches, a draw length less than 14 inches, and a working trigger safety.~~

~~(b) It is unlawful to hunt big game animals with any arrow or bolt measuring less than 16 inches in length and weighing less than 350 grains.~~

~~(c) It is unlawful to hunt game animals or game birds with a crossbow that weighs more than 15 pounds.~~

~~(4)) Archery special use permits:~~

(a) An archery special use permit is available to a person who possesses a valid disabled hunter permit. An archery special use permit application must be signed by a physician stating that the person's disability is permanent and the person has a loss of use of one or both upper extremities, has a significant limitation in the use of an upper extremity, or has a permanent physical limitation, which loss or limitation substantially impairs the ability to safely hold, grasp, or shoot a long bow, recurve bow or compound bow. The loss or limitation may be the result of, but not limited to, amputation, paralysis, diagnosed disease, or birth defect. The approved archery special use permit must be in the physical possession of the person while using adaptive archery equipment as described in subsection (1)(d) of this section to hunt game birds or game animals.

(b) A crossbow special use permit is available to a person who meets the requirements for an archery special use permit and is unable to use adaptive archery equipment. Adaptive equipment includes, but is not limited to: Cocking

devices that hold the bow at full draw; trigger mechanisms that may be released by mouth, or chin, or hand supporting the bow; and devices that assist in supporting the bow. Information describing types of adaptive equipment will be provided to physicians for their assessment of the applicant's ability to utilize adaptive archery equipment. Muscle weakness, impaired range of motion, or unilateral hand weakness disability, of both hands or both arms or both sides of the upper extremity, may result in an inability to use adaptive archery equipment. Standard tests approved by the American Medical Association may be conducted to assess a person's abilities.

(4) A violation of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.

AMENDATORY SECTION (Amending Order 96-193, filed 11/5/96, effective 12/6/96)

WAC 232-12-284 Bighorn sheep—Marking requirements. (1) For the purpose of this regulation, horns shall be defined as the permanent, paired, hollow sheath of bighorn sheep ram attached to the bony core and skull.

(2) It is unlawful for a person who kills or possesses a bighorn sheep ram taken in Washington to fail, within ten days after acquisition, to personally present the horns for inspection and permanent marking at a department regional office. A department employee shall permanently mark one of the horns of each lawfully acquired bighorn sheep. A violation of this subsection is punishable under RCW 77.15.280 (1)(c).

(3) It is unlawful for any person to possess the horns of a bighorn sheep ram taken in Washington without one of the horns being permanently marked by the department. A violation of this subsection is punishable under RCW 77.15.410.

(4) A person may not transfer ownership or possession of bighorn sheep horns by offering them for sale, selling them, purchasing them, or bartering them, without a written permit authorized by the director. It is unlawful for any person who transfers ownership or possession of the horns of a bighorn sheep ~~((which has))~~ ram that have been permanently marked to fail to give written notice of the transfer to the department within ten days after the transfer. A violation of this subsection is punishable under RCW 77.15.750.

AMENDATORY SECTION (Amending Order 09-53, filed 4/15/09, effective 5/16/09)

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 (GMU 117, Pend Oreille County): 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. The Parker Lake 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 designated 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.
7. A violation of any provision in 1. through 6. under "Restricted and Prohibited Hunting Areas" is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending upon the species hunted.

BIG GAME CLOSURES

It is unlawful to hunt big game in the following closed areas, unless otherwise specified:

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.
6. Cottonwood and Howard islands in GMU 564 are closed to all deer hunting.
7. A violation of any provision in 1. through 6. under "Big Game Closures" is punishable under RCW 77.15.410.

FIREARM RESTRICTION AREAS - UNLAWFUL ACTS

~~((The firearm restriction areas listed below have been established by the Fish and Wildlife Commission. Exceptions to firearm restrictions may be made through rule 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, crossbows, muzzleloaders or revolver-type handguns meeting the equipment restrictions or legal shotguns firing slugs or buckshot.~~

~~Additional or more specific firearm restrictions may be listed under the area description.))~~

1. It is unlawful to hunt wildlife in the following firearm restriction areas with centerfire or rimfire rifles, or to fail to comply with additional firearm restrictions, except as established below.

COUNTY	AREA
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

COUNTY	AREA	COUNTY	AREA
	Highway 2; north and east on Highway 2 to Duncan Road and the point of beginning.		Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; Vashon and Maury islands.
Clallam	That portion of GMU 624 (Coyle) located within Clallam County.		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.
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 centerfire rifles during deer and elk seasons.
		Klickitat	Elk Area 5062 (Trout Lake) closed to centerfire rifles, handguns, and muzzleloaders October 1 to December 15.
Grays Harbor	The following 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 one mile 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.	Mason	GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Harstene Island.
		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 muzzleloader. 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.
Island	That portion of GMU 410 (Island) located on Camano and Whidbey islands.	San Juan	All San Juan County.
Jefferson	Indian and Marrowstone islands.	Snohomish	All areas west of Highway 9, until the intersection of Highway 9 and Highway 2, then east along Highway 2 to Highway 203, then all areas west of Highway 203 to the Snohomish/King County line.
King	The area west of Highway 203 (Monroe-Fall City, then Fall City-Preston Road) to Interstate 90 (I-90), I-90 to Highway 18,		

COUNTY	AREA
Skagit	All mainland areas and islands in Skagit County west of I-5 and north of the Skagit/Snohomish County line, except Cypress Island. This restriction applies to big game hunting only.
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	All mainland areas and islands of Whatcom County that are west of I-5. This restriction applies to big game hunting only.

2. Archery tag holders may only hunt during established archery seasons with archery equipment as defined under WAC 232-12-054. Muzzleloader tag holders may only hunt during established muzzleloader seasons with muzzleloader equipment as defined under WAC 232-12-051. Modern firearm tag holders may hunt during established modern firearm seasons with bows and arrows; crossbows; muzzleloaders; revolver-type handguns; or shotguns, so long as the equipment used meets the department's regulations for that equipment and ammunition.
3. A violation of any provision in 1. or 2. under "Firearm Restriction Areas - Unlawful Acts" is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.

AMENDATORY SECTION (Amending Order 09-53, filed 4/15/09, effective 5/16/09)

WAC 232-28-266 Damage prevention permit hunts.

DAMAGE PREVENTION PERMIT HUNTS

(1) Pursuant to RCW 77.12.150 and 77.12.260, a landowner with deer, elk, or turkey-caused property damage may enter into a Cooperative Agreement (contract) with WDFW ~~((and the))~~, and thereby receive a damage prevention permit. The commission may establish a special season for these permits, as described by this rule.

The landowner agrees not to claim damage payments, except for Elk Areas 3721 and 3722, and will allow access to hunters during the general hunting seasons. Landowner selects hunters. A damage prevention ~~((aeesss))~~ permit provided to a landowner by WDFW and given to the hunter will authorize the hunter to use an unused general deer, elk, or turkey tag to hunt and kill a legal animal during the appropriate prescribed season.

(2) Landowners who violate this section will be punished under RCW 77.15.750(1). Hunters who violate this section will be punished under RCW 77.15.400 or 77.15.410, depending on the species hunted.

(3) Deer:

Tag Required: Deer hunter must have a current valid, unaltered, unnotched deer tag on his/her person.

Hunting Method: Any legal weapon

Season Framework: August 1 - March 31

Location: Statewide

Legal Deer: Antlerless Only

Kill Quota: 300 per license year

Location: Region One

Legal Deer: Antlerless Only

Kill Quota: 300 per license year

Location: GMUs 105-124

Legal Deer: Whitetail Antlerless Only

Kill Quota: 300 per license year

(4) Elk:

Tag Required: Elk hunter must have a current valid, unaltered, unnotched elk tag on his/her person.

Hunting Method: Any legal weapon

Season Framework: August 1 - March 31

Location: Statewide

Legal Elk: Antlerless Only

Kill Quota: 200 per license year

Location: Hanford Area - GMUs 372 and 379

Legal Elk: Antlerless Only

Kill Quota: 60 ~~((antlerless only,))~~ per license year

Location: Elk Area 3721

Legal Elk: Spike or antlerless during Aug. 1 - March 31; bulls only during May 15 - July 31, except spike only July 1-31

Kill Quota: 50 Spike or antlerless ~~((during Aug. 1 - March 31))~~ per license year; 30 bulls ~~((only during May 15 - July 31, except spike only July 1-31,))~~ per license year.

Location: GMU 501 - 578

Legal Elk: Antlerless Only

Kill Quota: 50 per license year

Special Note: Access in Elk Area 3721 may not be sold as a condition of use of these permits. The director may consider damage claims from landowners in Elk Areas 3721 and 3722 who accept these permits and do not charge for access.

(5) Turkey:

Tag Required: Turkey hunter must have a current valid, unaltered, unnotched turkey tag on his/her person.

Hunting Method: Any legal turkey hunting method

Season Framework: (~~December 16~~) October 10 - March 1
 Location: GMUs 105 - 130
 Legal Turkey: Either sex
 Kill Quota: 200 per license year.

violation of species, sex, size, number, area, season, or eligibility requirements is punishable under RCW 77.15.410.

(1) Moose Permit Hunts

Who May Apply: Anyone may apply(~~(;)~~), EXCEPT those who harvested a moose previously in Washington state. An individual may only harvest one moose during their lifetime (except waived for antlerless only hunts, master hunter hunts, and raffle and auction hunts).

Bag Limit: One moose.

Weapon Restrictions: Permit holders may use any legal weapon.

AMENDATORY SECTION (Amending Order 09-53, filed 4/15/09, effective 5/16/09)

WAC 232-28-273 2009-2011 Moose, bighorn sheep, and mountain goat seasons and permit quotas. It is unlawful to fail to comply with the provisions of this section. A

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Kettle Range/East Okanogan	Oct. 1 - Nov. 30	GMUs 101, 105, 204	Any Moose	3
Selkirk Mtns. A	Oct. 1 - Nov. 30	GMU 113	Any Moose	22
Selkirk Mtns. B ^d	Oct. 1 - Nov. 30	GMU 113	Antlerless Only	2
Mt. Spokane A	Oct. 1 - Nov. 30	GMU 124 east of Hwy 395	Any Moose	12
Mt. Spokane B	Oct. 1 - Nov. 30	GMU 124 east of Hwy 395	Antlerless Only	14
Mt. Spokane ^{H((M))C}	Dec. 1 - Mar. 31	GMUs 124, 127, and 130 within Spokane County	((Any Moose)) Antlerless Only	20 ^{H((M))C}
Mt. Spokane Youth Only ^a	Oct. 1 - Nov. 30	GMU 124 east of Hwy 395	Antlerless Only	10
49 Degrees North A	Oct. 1 - Nov. 30	GMU 117	Any Moose	22
49 Degrees North B ^b	Oct. 1 - Nov. 30	GMU 117	Antlerless Only	3
49 Degrees North C ^c	Oct. 1 - Nov. 30	GMU 117	Antlerless Only	2
49 Degrees North Youth Only ^a	Oct. 1 - Nov. 30	GMU 117	Antlerless Only	2
Three Forks	Oct. 1 - Nov. 30	GMUs 108, 111	Any Moose	6
Hangman A	Oct. 1 - Nov. 30	GMUs 127, 130	Any Moose	7
Hangman B	Oct. 1 - Nov. 30	GMUs 127, 130	Antlerless Only	7
Huckleberry Range A	Oct. 1 - Nov. 30	GMUs 121, 124 west of Hwy 395	Any Moose	6
Huckleberry Range B ^c	Oct. 1 - Nov. 30	GMUs 121, 124 west of Hwy 395	Antlerless Only	2

^aApplicants must be eligible to purchase a youth moose (~~(license by November 30 during the license year they are applying for)~~ permit application. Youth hunters must be accompanied by an adult during the hunt.

^bApplicants must possess a Disabled Hunter Permit.

^cApplicants must be eligible to purchase a 65 years of age or older (~~(by November 30 during the license year they are applying for)~~ permit application.

^dApplicants must be a certified hunter education instructor who meets program-defined eligibility criteria.

^{H((M))C}This is a damage hunt administered by a WDFW designated hunt (~~(master)~~ coordinator). Only master hunters may apply(~~(; these hunts will not affect accumulated points);~~), and any weapon may be used. Successful applicants will be contacted on an as-needed basis to help with specific sites of nuisance moose activity in designated areas. Not all successful applicants will be contacted in any given year.

(2) Bighorn Sheep Permit Hunts

Who May Apply: Anyone may apply(~~(;)~~), EXCEPT those who harvested a bighorn sheep previously in Washington state. An individual may only harvest one bighorn sheep during their lifetime. (Except waived for raffle and auction hunts, and ewe only hunts.)

Bag Limit: One bighorn ram (except in designated adult ewe hunts, one bighorn adult ewe).

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Vulcan Mountain A	Sept. 15 - Oct. 10	Sheep Unit 2	Any Legal Weapon	1

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Vulcan Mountain B ^a	Oct. 1-10	Sheep Unit 2	Adult ewe only Any Legal Weapon	2
Vulcan Mountain C ^b	Oct. 1-10	Sheep Unit 2	Adult ewe only Any Legal Weapon	1
Selah Butte A	((Nov. 3-30)) <u>Sept. 15 - Oct. 10</u>	Sheep Unit 4	Any Legal Weapon	5
((Selah Butte B	Sept. 1-30	Sheep Unit 4	Adult ewe only Any Legal Weapon	5))
Umtanum	Sept. 15 - Oct. 10	Sheep Unit 5	Any Legal Weapon	5
Cleman Mountain A	Sept. 15 - Oct. 10	Sheep Unit 7	Any Legal Weapon	3
Cleman Mountain B	Nov. ((3)) <u>8-30</u>	Sheep Unit 7	Any Legal Weapon	3
Mt. Hull A	Sept. 15 - Oct. 10	Sheep Unit 10	Any Legal Weapon	1
Mt. Hull B	Oct. 1-10	Sheep Unit 10	Adult ewe only Any Legal Weapon	2
((Wenaha	Sept. 15 - Oct. 10	Sheep Unit 11	Any Legal Weapon	4))
Lincoln Cliffs	Sept. 15 - Oct. 10	Sheep Unit 12	Any Legal Weapon	1
Quilomene	Sept. 15 - Oct. 10	Sheep Unit 13	Any Legal Weapon	4
<u>Swakane</u>	<u>Sept. 15 - Oct. 10</u>	<u>Sheep Unit 14</u>	<u>Any Legal Weapon</u>	<u>1</u>
<u>Tieton A</u>	Sept. 15 - Oct. 10	Sheep Unit 15	Any Legal Weapon	((3)) <u>4</u>
<u>Tieton B</u>	<u>Nov. 8-30</u>	<u>Sheep Unit 15</u>	<u>Any Legal Weapon</u>	<u>4</u>
Manson	Nov. ((3)) <u>8-30</u>	Sheep Unit 16	Any Legal Weapon	2
Asotin	Sept. 15 - Oct. 10	Sheep Unit 17	Any Legal Weapon	1
<u>Chelan Butte</u>	<u>Sept. 15 - Oct. 10</u>	<u>Sheep Unit 18</u>	<u>Any Legal Weapon</u>	<u>1</u>
<u>Sinlahekin</u>	<u>Sept. 15 - Oct. 10</u>	<u>Sheep Unit 19</u>	<u>Any Legal Weapon</u>	<u>1</u>

^aApplicants must be eligible to purchase a 65 years of age or older ~~((by November 30 during the license year they are applying for))~~ permit application.

^bApplicants must be eligible to purchase a youth bighorn sheep ~~((license by November 30 during the license year they are applying for))~~ permit application. Youth hunters must be accompanied by an adult during the hunt.

Bighorn Sheep Units:

Sheep Unit 2 Vulcan Mountain: Permit Area: Ferry County north of the Kettle River near Curlew.

Sheep Unit 4 Selah Butte: Permit Area: That part of Yakima and Kittitas counties between Ellensburg and Yakima east of the Yakima River and north of Selah Creek, west of Interstate 82 and south of Interstate 90.

Sheep Unit 5 Umtanum: Permit Area: Those portions of Yakima and Kittitas counties west of the Yakima River, north of Wenas Creek, and east of USFS Road 1701 to Manastash Lake and its drainage; south and east along the South Fork Manastash Creek to Manastash Creek and the Yakima River.

Sheep Unit 7 Cleman Mountain: Permit Area: That part of Yakima County south of Wenas Creek and east of USFS Road 1701, north of Highway 410 and Highway 12 and west of the Yakima River.

Sheep Unit 10 Mt. Hull: Permit Area: That part of Okanogan County within the following described boundary: Begin-

ning at Oroville; then south along U.S. Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews; then east to the Dry Gulch Road; then north to the Oroville-Toroda Creek Road (Molson Grade Road); then west to Oroville and the point of beginning.

Sheep Unit 11 Wenaha Wilderness: Permit Area: That part of GMU 169 within Crooked Creek drainage.

Sheep Unit 12 Lincoln Cliffs: Permit Area: That part of Lincoln County north of Highway 2.

Sheep Unit 13 Quilomene: Permit Area: GMUs 329, 330, and 251 south of Colockum Creek.

Sheep Unit 14 Swakane: Permit Area: GMU 250.

Sheep Unit 15 Tieton: Permit Area: GMU 360.

Sheep Unit 16 Manson: Permit Area: Beginning at the mouth of Granite Falls Creek on the south shore of Lake Chelan, E across Lake Chelan to Willow Point; NW along the shoreline of Lake Chelan to the mouth of Stink Creek; E along Stink Creek to the intersection with Green's Landing Road; along Green's Landing Road to Manson Boulevard; E on Manson Boulevard to Lower Joe Creek Road; NE on Lower Joe Creek Road to Grade Creek Road; NE on Grade Creek Road to US Forest Service Road 8210; NE on US Forest Service Road 8210 to intersection with US Forest Service Road 8020; W on US Forest Service Road 8020 to Fox Peak; NW along Sawtooth Ridge (Chelan-Okanogan County Line)

to the Lake Chelan National Recreation Area boundary; S along the Lake Chelan National Recreation Area boundary to shore line of Lake Chelan; W across Lake Chelan to the mouth of Riddle Creek on the South Shore; SE along South Shore of Lake Chelan to the point of beginning.

Sheep Unit 17 Asotin: Permit Area: GMU 175.

Sheep Unit 18 Chelan Butte: Permit Area: Beginning at the intersection of State Hwy 971 and US Hwy 97A, S to the W shoreline of the Columbia River, N along the W shoreline of the Columbia River for 21 miles to the mouth of Antione Creek, W up Antione Creek to where it crosses Apple Acres Rd, W on Apple Acres Rd to the intersection with Washington Creek Rd (US Forest Service Rd 8135), N on Washington Creek Rd to its end and then follow Washington Creek, W on Washington Creek to where it crosses US Forest Service Rd 8010, S on US Forest Service Rd 8010 (transitions into Purtteman Creek Rd) to Purtteman Gulch, S into Purtteman Gulch to the N shoreline of Lake Chelan, S along the shoreline to the S shoreline of Lake Chelan to the mouth of First Creek, S up First Creek to the intersection of State Hwy 971 (Navarre Coulee Rd), S on State Hwy 971 to the point of beginning.

Sheep Unit 19 Sinlahekin: 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 (Co. Rd 4568); SE on the Similkameen Rd (Co. Rd 4568) to the Loomis-Oroville Rd (Co. Rd 9425); E on the Loomis-Oroville Rd (Co. Rd 9425) to US Hwy 97 in Oroville; S on US Hwy 97 to 12th Ave; W on 12th Ave (it curves S and changes to Old Highway 97); S on Old Highway

97 to US Hwy 97; S on US Hwy 97 to the South Pine Creek Rd (Co. Rd 9410); W on the South Pine Creek Rd (Co. Rd 9410) to Fish Lake Rd (Co. Rd 4290); W on Fish Lake Rd (Co. Rd 4290) to South Fish Lake Rd (Co. Rd 4282), along the south shore of Fish Lake; SW on South Fish Lake Rd (Co. Rd 4282), to the Sinlahekin Rd (Co. Rd 4015); SW on the Sinlahekin Rd (Co. Rd 4015), along the north shore of Conconully Lake, to the Salmon Creek North Fork Rd (Co. Rd 2361), at the town of Conconully; N on US Forest Service Rd 38 (Salmon Creek North Fork Rd, Co. 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 Rd 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.

(3) Mountain Goat Permit Hunts

Who May Apply: Anyone may apply(=), except those who harvested a mountain goat in Washington state after 1998. An individual may only harvest one mountain goat during their lifetime, except for those who harvested a goat prior to 1999. (Except waived for raffle and auction hunts.)

Bag Limit: One (1) adult goat of either sex with horns four (4) inches or longer. WDFW urges hunters to refrain from shooting nannies with kids.

Hunt Name	Permit Season ^b	Subpopulations Open to Hunting ^a	Special Restrictions	Permits ^a
Mt. Baker	Sept. 15 - Oct. 31	Chowder Ridge, Coleman Pinnacle, Lava Divide, Black Buttes, Lake Ann, SE Baker	Any Legal Weapon	7
North Lake Chelan	Sept. 15 - Oct. 31	Skookum Pass Mtn., Big Goat Creek	Any Legal Weapon	2
Naches Pass	Sept. 15 - Oct. 31	Fife's East, Fife's Peak, ((Corral Pass)) Crystal Mountain, Basin Lake	Any Legal Weapon	1
Bumping River	Sept. 15 - Oct. 31	Nelson Ridge, Cash Prairie, American Ridge, American Lake, Timber Wolf, Russell Ridge	Any Legal Weapon	((2)) 1
Blazed Ridge	Sept. 15 - Oct. 31	Blowout Mtn., Blazed Ridge, Blazed North, Milk Creek, Rock Creek	Any Legal Weapon	1
Goat Rocks-Tieton River	Sept. 15 - Oct. 31	Chimney Rocks, Goat Lake, McCall Glacier, Gilbert Peak	Any Legal Weapon	5

^aMountain goat populations are managed as a collection of subpopulations, and the ideal harvest is distributed through all the subpopulations. The director is authorized to open or

close subpopulations and reduce permit levels to protect from overharvesting specific areas.

The director is authorized by the commission to identify the hunt area as a condition of the hunt permit. Selected hunters will receive a text description or map of their hunt area.

^bPermit hunters may start hunting September 1 with archery equipment.

AMENDATORY SECTION (Amending WSR 09-15-122, filed 7/17/09, effective 8/17/09)

WAC 232-28-285 ((2009-2010)) 2010-2011 Pilot cougar hunting seasons with the aid of dogs. As used in this section and in the context of pilot cougar hunting seasons, the following definitions apply:

"Accompany" means that up to three persons may engage in hunting activities with a permittee under a single permit during this season. However, these persons may participate only as dog handlers for the permittee, and the permittee and dog handlers must be simultaneously in the field and within the same open designated permit area during the permit hunt. Furthermore, the dog handlers and ((permit hunter)) the permittee must be in the physical presence of each other at the time dogs are released from a leash or unrestrained or starting a cougar track.

"Pursue" or "pursuit" means dogs are:

- Not on a leash or restrained; or
- Starting a cougar track; or
- In the act of tracking a cougar; or
- At a treed cougar.

Transporting dogs in a motorized vehicle or walking a dog on a leash is not a "pursuit" within the meaning of this section.

"Dog handler" means a person ((that)) who owns or hunts with dogs that are capable of detecting, tracking and treeing a cougar. Only up to three dog handlers may "accompany" a permittee in participating in this pilot season.

"Permittee" means a hunter who has applied for and been selected for this pilot season and is issued a permit to hunt as allowed by this section. Only permittees may kill cougar. Dog handlers may not.

"Quota" means the targeted harvest goal. The actual harvest level may exceed the quota.

"Kill permit" allows a ((hunter)) permittee to pursue or kill cougar.

"Pursuit permit" allows a ((hunter)) permittee to pursue cougar.

(1) The pilot cougar-hunting season will allow the use of dogs to hunt cougar. The hunts will consist of pursuit-or-kill seasons and pursuit-only seasons.

(2) Pursuit-or-kill seasons:

Cougar may be pursued or killed ((with the aid of dogs)) from December ((19, 2009)) 1, 2010, until the female zone quota has been killed, the total zone quota has been killed, or March 31, ((2010)) 2011, whichever occurs first; EXCEPT that in GMUs 101, 105, and 204 ((where)), cougar may be pursued or killed from January 1, ((2010)) 2011, until the female zone quota has been killed, the total zone quota has been killed, or March 31, ((2010)) 2011, whichever occurs first.

(3) Pursuit-only seasons:

(a) If a zone quota is killed prior to March 31, ((2010)) 2011, cougar may be pursued with dogs in all or portions of that zone until March 31, ((2010)) 2011. ((Hunters)) Permittees and their dog handlers may only pursue cougars in designated pursuit-only areas identified on their kill or pursuit-only permit. ((Hunters)) Permittees may not kill cougar during pursuit-only seasons.

(b) Hunters selected for the pursuit-or-kill season (accompanied by up to three of their identified dog handlers) may participate in a pursuit-only season. ((Permit hunters that)) Permittees who harvest a cougar under a kill permit may continue to pursue cougars until March 31. If a zone quota is killed, the department may also issue pursuit-only permits to hunters drawn at random from the unselected pool of applicants. The director will identify the number of pursuit-only hunters selected.

(4) Hunt areas and kill quotas:

Cougar seasons will be based on a quota system, where ((permit hunters)) permittees may hunt and kill cougar until the allotted numbers of cougar have been killed from each hunt zone or March 31, ((2010)) 2011, whichever occurs first.

(a) Kill quotas start September 1 and will include all cougar killed during seasons with and without the aid of dogs, including cougar seasons under this section, cougar seasons without the aid of dogs authorized under WAC 232-28-272 and 232-28-287, depredation permits, landowner kill permits, and WDFW depredation authority.

(b) Individual problem cougar will continue to be killed on an as-needed basis utilizing depredation permits, landowner kill permits, and WDFW depredation authority even if these kills result in exceeding a zone quota.

CMU	Hunt Choice	Hunt Zone	Area Description	QUOTA	
				Total	Female
East Cascades North	9001	Okanogan	Those portions of GMUs 203, 209, 215, 218, 233, 224, 231, 239, and 242 within Okanogan County	17	7
	9002	Chelan	Those portions of GMUs 243, 244, 245, 246, 247, 249, 250, and 251 within Chelan County	6	2
Northeastern	9003	Ferry-Okanogan	GMUs 101, 105, 204	20	8
	9004	Stevens-Pend Oreille	Those portions of GMUs 108, 111, 113, 117, 121 within Stevens and Pend Oreille counties	19	7

CMU	Hunt Choice	Hunt Zone	Area Description	QUOTA	
				Total	Female
East Cascades South	9005	Klickitat	Those portions of GMUs 382, 388, 578 within Klickitat County	((6)) 10	((2)) 4

(5) Quota hotline:

~~((Permit hunters))~~ Permittees participating in a pursuit-or-kill season must call the toll free cougar quota hotline within twenty-four hours prior to each day hunting cougar to determine if the zone quota has been killed and the zone is closed. Hunters who hunt more than one consecutive day must call the quota hotline once daily to determine if the zone quota is killed. Hunters who harvest a cougar ~~((with the aid of dogs))~~ must notify the department within twenty-four hours of the kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar, with proof of sex naturally attached, must be sealed by an authorized department employee within five days of the notification of kill. Any person who takes a cougar must present the cougar skull to an authorized department employee in such a manner that teeth and biological samples can be extracted ~~((to an authorized department employee))~~ at the time of sealing.

(6) Kill or pursuit-only permit eligibility:

(a) To apply for a kill or pursuit-only permit under this section, individuals must purchase a cougar permit application and submit the application in compliance with WAC 232-28-291 by a date and time identified by the director.

(b) To be eligible for a permit, the participant must be a Washington resident who at the time of application for a permit possesses a valid big game license with cougar as a species option. The permit holder may use dogs while participating in a cougar hunt under this section.

(c) A permit will not be issued to any person who has been convicted of unlawful use of dogs under RCW 77.15.-245 within the five-year period prior to December 1, 2004. Any person issued a permit and who is subsequently convicted of any wildlife offense while participating in a pursuit-or-kill or pursuit-only season, or who violates any condition of the permit, will have the permit revoked and will be ineligible to participate in the remainder of the pilot program.

(7) Permit issuance procedure:

(a) The number of kill permits may be established by the director, but will not exceed ~~((two))~~ three times the total cougar quota for each hunt zone.

(b) The department will issue kill or pursuit-only permits to the persons whose applications are drawn at random. Individuals selected will be notified by telephone or mail. Kill and pursuit-only permits may not be sold or reassigned.

(c) If a female zone quota or total zone quota is not killed in a hunt zone by February 15 (or sooner as identified by the director), then the department may issue kill permits to additional hunters. Hunters will be drawn at random from the unselected pool of applicants and must be a resident of one of the participating counties.

(8) Qualifications for participation and requirements:

In addition to the provisions applicable to all cougar hunters:

(a) Successful applicants must complete a training program prior to participating in a pursuit-or-kill season or pursuit-only season with the aid of dogs.

(b) ~~((Participants))~~ Permittees must have their department-issued permit ~~((issued by the department))~~ in their possession while hunting cougar.

(c) Individuals selected for a kill permit may kill and possess one cougar per permit, and only the permittee may kill the cougar.

(d) Individuals selected for a ~~((cougar kill or pursuit-only))~~ permit, who use dogs to kill or pursue a cougar, may use dog handlers. However, no more than three handlers may accompany the permittee while hunting or pursuing cougar. Dog handlers may not pursue cougar when the permit hunter is not present at the time the dogs are released from a leash or unrestrained. Dog handlers must have a dog handler identification card, issued by the department, in their possession while participating in a pursuit-or-kill season or pursuit-only season.

(e) Dog handlers must possess a valid Washington hunting license.

(f) It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

(g) Participants must have a vehicle placard issued by the department. The vehicle placard must be placed in the permittee's and dog ~~((handler's))~~ handlers' vehicles and be visible from outside the vehicles at all times while hunting or pursuing cougar.

(h) Kill and pursuit-only ~~((permit hunters))~~ permittees are required to report their hunting activity, whether they harvest a cougar or not, using the toll free cougar quota hotline. Unsuccessful hunters must report their hunting activity by April 10~~((, 2009))~~.

(9) Penalties: A violation of ~~((this))~~ reporting requirements under ((this)) subsections ((is punishable as an infraction)) (5) and (8)(h) of this section; the training requirement under subsection (8)(a) of this section; the permit-possession requirement under subsection (8)(b) of this section; and the vehicle placard requirement in subsection (8)(g) of this section, may be punished under RCW ((77.15.160)) 77.15.750. A violation of the sealing or inspection requirements under subsection (5) of this section may be punished under RCW 77.15.280. A violation of any other provisions of this section may be punished under RCW 77.15.410.

~~((9))~~ (10) The permit belongs to the state of Washington. The ~~((permit holder))~~ permittee may be required to return to or turn over to the department the permit when, in the judgment of the department, the ~~((permit holder))~~ permittee violates any conditions of the permit, violates trespass laws while acting under this permit, or violates any other criminal law or hunting regulation of the state while acting under this permit. If the ~~((permit holder))~~ permittee is required to return to or turn over to the department the permit, ~~((the permit holder))~~ he or she may request an appeal of that action in accordance with chapter 34.05 RCW. Appeal requests shall

be filed in writing and returned within twenty days of ~~((the date of action))~~ relinquishing the permit, and the requests shall be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

AMENDATORY SECTION (Amending Order 09-52, filed 4/15/09, effective 6/16/09)

WAC 232-28-286 2010, 2011, and 2012 Spring black bear seasons and regulations. It is unlawful to fail to com-

ply with the provisions below. Violators may be punished under RCW 77.15.410, 77.15.245, and 77.15.280 (1)(c).

Who may apply: Anyone with a valid Washington big game license, which includes black bear as a species option.

Hunt areas, permit levels, and season dates for each license year:

Hunt name	Hunt area	Permits	Season dates ^b
Sherman	GMU 101	((15)) 19	April 15 – May 31
Kelly Hill	GMU 105	((10)) 13	April 15 – May 31
Douglas	GMU 108	((5)) 7	April 15 – May 31
Aladdin	GMU 111	((10)) 13	April 15 – May 31
49 Degrees North	GMU 117	((15)) 19	April 15 – May 31
Huckleberry	GMU 121	((15)) 19	April 15 – May 31
Blue Creek	GMU 154	15	April 15 – May 31
Dayton	GMU 162	15	April 15 – May 31
Tucannon	GMU 166	5	April 15 – May 31
Wenaha	GMU 169	45	April 15 – June 15
Mt. View	GMU 172	15	April 15 – May 31
Lick Creek	GMU 175	15	April 15 – May 31
Grande Ronde	GMU 186	5	April 15 – May 31
North Skagit	That portion of GMU 418 that is designated as the hunt area by DNR, Sierra Pacific, and Grandy Lake Timber company.	20	April 15 – May 31
Monroe	That portion of GMU 448 that is designated as the hunt area by DNR, Green Crow, and Longview Timber Lands.	25	April 15 – May 31
Copalis ^a	That portion of GMU 642 that is designated as the hunt area by Rayonier Timber Company.	100	April 15 – June 15
Kapowsin ^a	That portion of GMUs 653 and/or 654 that is designated as the hunt area by Hancock Forest Management.	150	April 15 – June 15
Lincoln ^a	That portion of GMU 501 that is designated as the hunt area by participating commercial timber landowners.	((50)) 75	April 15 – ((May 31)) June 15
^a Spring black bear hunting seasons under this area constitute a pilot program to reduce black bear damage to trees.			
^b 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.

AMENDATORY SECTION (Amending Order 09-53, filed 4/15/09, effective 5/16/09)

WAC 232-28-287 2009-2010, 2010-2011, and 2011-2012 Cougar permit seasons and regulations. It is unlawful to fail to comply with the provisions below. Violators may be punished under RCW 77.15.410, 77.15.245, and 77.15.280 (1)(c).

Who may apply: Anyone with a valid Washington big game license, which includes cougar as a species option.

Hunt areas, permit levels, and season dates for each license year:

Hunt Name	Hunt Area	Permits	Season Dates ^a
South Cascades	GMUs 503, 505, 510-520, 524, 550-574, 653, 654, 667	40	Jan. 1 - Mar. 31
Blue Mountains	GMUs 145-154, 162-186	40	Jan. 1 - Mar. 31
Kittitas-Yakima	GMUs 328-368	30	Jan. 1 - Mar. 31
Spokane	GMUs 124-133	30	Jan. 1 - Mar. 31
Chelan	Those portions of GMUs 243, 244, 245, 246, 247, 249, 250, and 251 within Chelan County.	40	Dec. 1-31
Okanogan	Those portions of GMUs 203, 209, 215, 218, 233, 224, 231, 239, and 242 within Okanogan County.	40	Dec. 1-31
Okanogan-Ferry	GMUs 101,105, 204	20	Dec. 1-31
Stevens-Pend Oreille	Those portions of GMUs 108, 111, 113, 117, 121 within Stevens and Pend Oreille counties.	30	Dec. 1-31
Klickitat	Those portions of GMUs 382, 388, 578 within Klickitat County.	20	Dec. 1-31

^aPermits are valid for the license year they are issued.

Requirements for Cougar Seasons:

Bag limit: One (1) cougar per license year, excluding public safety cougar removals. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

License required: A valid big game hunting license, which includes cougar as a species option, is required to hunt cougar.

Tag information: One cougar transport tag is included with a big game license that has cougar as a species option.

Hunting method: The use of dogs to hunt cougar is prohibited except by a public safety cougar removal permit (WAC 232-12-243) or commission authorized hound permit (WAC 232-28-285).

Cougar pelt sealing: Any person who takes a cougar must comply with the sealing requirements in WAC 232-12-024.

NEW SECTION

WAC 232-28-288 2010-2011 Fall black bear hunting seasons and regulations. It is unlawful to fail to comply with the provisions below. Violators may be punished under RCW 77.15.410, 77.15.245, and 77.15.280 (1)(c).

Black Bear Management Unit	Season	Hunt Area
Coastal	Aug. 1 - Nov. 15, 2010 Aug. 1 - Nov. 15, 2011	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound	Aug. 1 - Nov. 15, 2010 Aug. 1 - Nov. 15, 2011	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades	Aug. 1 - Nov. 15, 2010 Aug. 1 - Nov. 15, 2011	GMUs 418-450, 460
South Cascades	Aug. 14 - Nov. 15, 2010 Aug. 13 - Nov. 15, 2011	GMUs 466, 485, 503, 505, 510-520, 524, 550-574, 653, 654
Okanogan	Aug. 14 - Nov. 15, 2010 Aug. 13 - Nov. 15, 2011	GMUs 203, 209-243
East Cascades	Aug. 1 - Nov. 15, 2010 Aug. 1 - Nov. 15, 2011	GMUs 244-247, 249-251, 328, 329-368, 382, 388, 578

Black Bear Management Unit	Season	Hunt Area
Northeastern A	Sept. 1 - Nov. 15, 2010 Sept. 1 - Nov. 15, 2011	GMUs 101-121, 204
Northeastern B	Aug. 14 - Nov. 15, 2010 Aug. 13 - Nov. 15, 2011	GMUs 124-130
Blue Mountains	Sept. 1 - Nov. 15, 2010 Sept. 1 - Nov. 15, 2011	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Nov. 15, 2010 Aug. 1 - Nov. 15, 2011	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
Long Island	Sept. 1 - Nov. 15, 2010 Sept. 1 - Nov. 15, 2011	GMU 699

Bag Limit: Two (2) black bear per annual hunting season, only one of which may be taken in Eastern Washington.

Area Restriction: Special deer permit required to hunt black bear in GMU 485.

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. A second black bear transport tag must be purchased to take a second bear.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

Submitting Bear Teeth: Successful bear hunters must submit the black bear premolar tooth located behind the canine tooth of the upper jaw.

AMENDATORY SECTION (Amending Order 01-69, filed 4/26/01, effective 5/27/01)

WAC 232-28-290 Washington raffle hunts. 1. The commission, in consultation with the director, may authorize hunts for big game animals and wild turkey through raffle.

2. When a raffle hunt is adopted by the commission the director may conduct the raffle or may award a contract to a nonprofit wildlife conservation organization (hereafter referred to as "organization") to market and conduct the raffle drawing. The department of fish and wildlife shall solicit bids consistent with established state competitive bid rules.

3. There is no limit on the number of raffle tickets a person may purchase.

4. The organization interested in conducting a raffle for an authorized hunt shall submit a proposal outlining its experience and plan to conduct a raffle. The proposal shall include:

- a. Name of the organization, articles of incorporation, and contact person.
- b. The date, time, and place of the proposed raffle drawing.
- c. The approximate number of raffle tickets expected to be sold.
- d. Past experience in conducting raffles.
- e. Marketing strategies to be used.
- f. Portion of revenue proposed to be retained by the organization.

5. The director will select an organization to conduct a raffle.

- a. Revenue potential to the department will be a primary criterion in applicant selection.
- b. The department shall enter into a contract with the organization identifying specific terms of the contract.
- c. The director may authorize the organization to sell raffle tickets for the department and retain a portion of the revenue from the tickets sold.

6. The following are rules for raffles conducted by a director authorized nonprofit wildlife conservation organization.

- a. The organization shall notify the public about the raffle hunt opportunity and offer raffle tickets for sale.
- b. The public must be informed of the date, time, and place of the raffle, and the organization must hold the drawing as specified.
- c. The drawing must be accessible to the public.
- d. Raffle ticket sales must be completed prior to the public drawing. An accounting must be made of raffle tickets and funds received. A representative of the department will monitor the drawing.
- e. One winner and two alternates shall be drawn at the drawing.
- f. The organization shall notify the department of the name, address, and telephone number of the raffle winner and two alternates immediately (but no later than two business days) after the drawing.

g. The department's share of the raffle revenue shall be delivered to the department within 30 (thirty) business days of the drawing.

7. The following are rules for raffles conducted by the department.

- a. The department shall notify the public about the raffle hunt opportunity and offer raffle tickets for sale.
- b. The department shall inform the public of date and place of the raffle, and hold the drawing as specified.
- c. Raffle ticket sales must be complete prior to the drawing.
- d. One winner and two alternates shall be drawn at the drawing.

8. The department will notify the winner and two alternates by telephone and by certified mail. The department will obtain enough information from the winner to issue the appropriate hunting license and transport tag(s).

9. If the winner does not contact the department within 15 business days of the drawing, the first alternate will be contacted and offered the raffle hunt. If the first alternate cannot be contacted within 10 business days after the winner disqualification deadline, the second alternate will be contacted and offered the raffle hunt. If the second alternate cannot be contacted within 10 business days after the first alternate disqualification deadline, the raffle hunt will not be offered by the department.

10. There shall be no refunds for any raffle ticket purchases.

11. The deer raffle winner may purchase an additional deer hunting license and transport tag and the elk raffle winner may purchase an additional elk hunting license and transport tag if desired. Even if drawn in a previous license year for a mountain goat, bighorn sheep, or moose hunt a hunter may participate in a raffle hunt. Turkey raffle winners may purchase up to three additional turkey licenses and transport tags.

12. Hunting licenses or transport tags obtained pursuant to a raffle may not be resold or reassigned.

13. ~~((All revenue to the department from a raffle shall be used for the management and benefit of that species))~~ Revenue from the sale of single-species raffle permits shall be used for the management of that species and revenue from the sale of multiple-species raffle permits shall be used for game management, except the hunting license and transport tag fees for the appropriate species shall be deducted from the raffle revenue.

AMENDATORY SECTION (Amending Order 09-53, filed 4/15/09, effective 5/16/09)

WAC 232-28-291 Special hunting season permits. The commission may establish special hunting seasons ~~((limited to species and/or weapon type))~~ and may set the conditions for each category and hunt.

1. Deer, elk, cougar, or black bear special hunting season permit applications:

A. To apply for special hunting season permits for all categories of deer, elk, cougar, or black bear, applicants must have a valid Washington big game hunting license and a valid transport tag for the appropriate species. To apply for a particular hunt, each applicant for deer or elk must have the proper transport tag as identified in the special deer or elk permit regulations.

B. Multiple season deer and elk permit applications may be purchased without additional licenses or tags. Persons who are successfully drawn must purchase a multiple season permit for deer or elk and may also apply for archery, muzzleloader, or modern firearm special hunting season permits for the species drawn.

2. Mountain goat, moose, and bighorn sheep special hunting season permit applications:

A. Persons who have previously harvested a mountain goat, bighorn sheep ram, or bull moose in Washington are ineligible ~~((to apply))~~ for a special hunting season permit for that ~~((species))~~ category. This lifetime harvest restriction does not apply to individuals who harvested a mountain goat before 1999, raffle or auction hunt authorizations, ewe-only

bighorn sheep hunts, ~~((master hunter moose hunts,))~~ or antlerless-only moose hunts.

B. Successful applicants under this section must purchase the appropriate hunting license ~~((within fifteen days of the published notification))~~ by the deadline established by the department (a minimum of 15 days). Failure to purchase forfeits the permit to an alternate applicant.

3. Wild turkey special hunting season permit applications

A. To apply for wild turkey special hunting season permits, each applicant must have a valid small game hunting license.

B. Fall wild turkey special hunting season permit holders must have a valid turkey transport tag in possession to hunt turkeys in fall special hunting seasons.

4. Special hunting season permit applications:

A. Maximum group sizes are determined for each category. If a group application is drawn, all hunters in the group will receive a special hunting season permit and each hunter in the group can take an animal. If the number of permits available in a hunt category is less than the maximum group size, then the maximum group size is equal to the number of permits.

i. Maximum group size for deer categories is 8.

ii. Maximum group size for elk categories is 8.

iii. Maximum group size for bear categories is 2.

iv. Maximum group size for cougar categories is 2.

v. Maximum group size for mountain goat categories is

2.

vi. Maximum group size for bighorn sheep categories is

2.

vii. Maximum group size for fall turkey categories is 4.

viii. Maximum group size for moose categories is 2.

ix. Maximum group size for multiple season deer is 2.

x. Maximum group size for multiple season elk is 2.

B. An applicant may purchase only one application for a special hunting season permit for each category.

C. Permit applications will allow four choices for all categories except the quality category for deer and elk will allow two choices.

D. Permits will be drawn by computer selection using a weighted point selection system.

i. Applicants will receive one point for each application category purchased.

ii. Once drawn for a permit, the applicant's points will be reduced to zero in that category.

iii. An applicant's accumulated point totals, immediately prior to sales of the 2010 permit applications, will be replicated across all categories for that species. The point replication will only occur in 2010, during the transition from single species categories to multiple categories of the same species. Applicants for any new category added in the future will begin with the point awarded at the time of the initial application purchase.

~~((D-))~~ E. Incomplete, ineligible, or inaccurate applications will not be accepted or entered into the drawing.

~~((E-))~~ F. Permits will be voided if the applicant is found to be ineligible or to have provided an application based on inaccurate information.

G. The purchase of an application will result in one accrued point for the category purchased.

H. If an applicant makes a mistake, applies for the wrong hunt, and is successfully drawn, the special hunting season permit can be returned to the department of fish and wildlife Olympia headquarters before the opening day of the special hunting season (~~(or the opening day of the general hunting season, whichever comes first)~~). The applicant's points will be restored to the level prior to the permit drawing.

~~(F-)~~ I. Anyone may apply for a special hunting season permit for deer, elk, bear, cougar, and wild turkey.

5. In addition to requirements for special hunting season permit applications, following are application requirements for:

A. Special hunting seasons for persons of disability: Only applicants with a Washington disabled hunter permit are eligible to apply for any special hunting season permits for persons of disability.

B. Special hunting seasons for youth: Only persons who are eligible to lawfully purchase a youth (~~(hunting license)~~) special hunt application are eligible to apply for special hunting season permits for youth.

C. Special hunting seasons for hunters age 65 and older: Only applicants sixty-five years of age or older on or before March 31 of the current license year will be eligible to apply for special hunting season permits for hunters age 65 and older (~~(; except for special moose hunts for persons age 65 and older, applicants must be 65 years of age or older by November 30 during the license year they are applying for)~~).

D. Special hunting seasons for master hunter program graduates: Only persons who hold a valid certificate from the Washington department of fish and wildlife's master hunter program are eligible to apply for special hunting season permits for master hunters.

6. Citizen reward for reporting violations - bonus points: A person who provides information which contributes substantially to the arrest of another person for illegally hunting or killing big game or an endangered species as defined by Title 77 RCW is eligible to receive ten bonus points toward the special hunting permit drawing for one application category of deer or elk special hunting season permits.

A. Only ten bonus points can be awarded for providing information for each person charged regardless of the number of violations involved.

B. Selection of bonus points is in lieu of application for a cash award.

AMENDATORY SECTION (Amending Order 01-69, filed 4/26/01, effective 5/27/01)

WAC 232-28-292 Washington auction hunts. 1. The commission, in consultation with the director, may authorize hunts for big game animals and wild turkeys through auction.

2. When an auction hunt is adopted by the commission, the director shall solicit nonprofit wildlife conservation organizations (hereafter referred to as "organizations") to bid to market and conduct a public auction for the special auction hunt. The department of fish and wildlife shall solicit bids consistent with established state competitive bid rules.

3. The organization interested in conducting an auction for an authorized hunt shall submit a proposal outlining its experience and plan to conduct a public auction. The proposal shall include:

a. Name of the organization, articles of incorporation, and contact person.

b. The date, time, and place of the proposed public auction.

c. The approximate number of people expected to attend the auction.

d. Past experience in conducting auctions.

e. Marketing strategies to be used.

f. Portion of revenue proposed to be retained by the organization.

4. The director will select an organization to conduct an auction.

a. Revenue potential to the department will be a primary criterion in applicant selection.

b. The department shall enter into a contract with the organization identifying specific terms of the contract.

5. The organization shall notify the public about the auction hunt opportunities.

a. The public must be informed of the date, time, and place of the auction and, the organization must hold the auction as specified.

b. The auction must be accessible to the public.

c. Anyone may bid on an auction permit.

d. The organization shall award the hunt to the highest qualified bidder who will then become the auction hunt hunter.

e. The organization shall notify the department of the name and address of the successful bidder within two days of the auction.

f. The department's share of the auction revenue shall be delivered to the department within 30 days of the auction.

6. ~~((All revenue to the department from an auction shall be used for the management and benefit of that species.))~~ Revenue from the sale of single-species auction permits shall be used for the management of that species and revenue from the sale of multiple-species auction permits shall be used for game management. Except, that the hunting license fees for the appropriate species shall be considered part of the auction price and be deducted from the auction revenue. A hunting license and transport tag will be mailed to the successful bidder.

7. The deer auction winner may purchase an additional deer hunting license and transport tag, and the elk auction winner may purchase an additional elk hunting license and transport tag. Even if drawn in a previous license year for a mountain goat, bighorn sheep, or moose hunt, a hunter may participate in an auction hunt.

8. Hunting licenses or transport tags obtained pursuant to an auction may not be resold or reassigned.

9. The auction hunt hunter shall comply with all applicable hunting rules and regulations.

AMENDATORY SECTION (Amending Order 09-53, filed 4/15/09, effective 5/16/09)

WAC 232-28-295 Landowner hunting permits. A landowner may enter into a contract with the department and establish boundaries and other requirements for hunter access consistent with commission policy.

It is unlawful for hunters to participate in landowner-permit hunts unless the hunters ((must)) possess both an access permit from the landowner and a hunting permit from the department ((when hunting on lands and)) for the species covered under landowner's contract. A violation of this section is punishable under RCW 77.15.410.

(1) Buckrun

Buckrun is located in Grant County, near the town of Wilson Creek.

Hunting on Buckrun is managed for a quality experience by scheduling hunt dates and keeping the number of hunters in the field low. Hunters with limited flexibility for hunt dates may experience scheduling problems. Hunters can generally expect one day hunts during the permit seasons with written authorization from the Buckrun manager. All hunters must check in and out on hunt day. Hunts will be scheduled on a first come basis by calling 509-345-2577 in advance.

Deer

2009 Buckrun Landowner Hunting Permits

The manager of Buckrun will distribute these hunting permits. An access fee may be charged in order to utilize these permits. No access fee will be charged for the raffle permit winners. Only hunters possessing a modern firearm deer tag are eligible for permits on Buckrun properties. Contact the manager at 509-345-2577 for additional information.

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless Mule Deer or any Whitetail Deer	Buckrun
Buckrun	30	Sept. 1 - Dec. 31	Any deer	Buckrun
Buckrun Raffle	10	Oct. 26 - Dec. 31	Any deer	Buckrun

Deer

2009 Buckrun Special Hunting Permits

Hunters apply to the Washington department of fish and wildlife for these permits. Only hunters possessing a modern firearm deer tag are eligible for Buckrun special permits. All hunters must check in and out. Schedule hunts in advance by calling 509-345-2577.

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless Mule Deer or any White-tail Deer	Buckrun

(2) Silver Dollar Association

The Silver Dollar Association is located in Yakima and Benton counties, on the western edge of the Hanford Reservation. A legal description of the property is in the contract between the Silver Dollar Association and the department.

2009-10 Silver Dollar Association Landowner Hunting Permits

The manager of the Silver Dollar Association will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

Elk

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Silver Dollar	24	Aug. 1 - March 31	Any Elk	Silver Dollar
Silver Dollar	8	Aug. 1 - March 31	Antlerless	Silver Dollar

2009-10 Silver Dollar Special Hunting Permits

Hunters apply to the Washington department of fish and wildlife for these permits.

Elk

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Silver Dollar	8	Aug. 1 - March 31	Youth Only, Any Elk	Silver Dollar

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Silver Dollar Antlerless Elk	6	Aug. 1 - March 31	Youth Only, Antlerless Elk Only	Silver Dollar
Silver Dollar Antlerless Elk	2	Aug. 1 - March 31	Persons of Disability Only, Antlerless Elk Only	Silver Dollar

(3) Blackrock Ranches

Blackrock Ranches is located in Yakima County, west of the Hanford Reservation. A legal description of the property is in the contract between Blackrock Ranches and the department.

2009-10 Blackrock Ranches Landowner Hunting Permits

The manager of Blackrock Ranches will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

Elk

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Blackrock Ranches	6	Aug. 1 - March 31	Any Elk	Blackrock Ranches
Blackrock Ranches	6	Aug. 1 - March 31	Antlerless	Blackrock Ranches

2009-10 Blackrock Ranches Special Hunting Permits

Hunters apply to the Washington department of fish and wildlife for these permits.

Elk

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Blackrock Ranches	1	Aug. 1 - March 31	Any Elk	Blackrock Ranches
Blackrock Ranches	3	Aug. 1 - March 31	Antlerless Only	Blackrock Ranches
Blackrock Ranches	1	Aug. 1 - March 31	Youth Only, Any Elk	Blackrock Ranches
Blackrock Ranches	3	Aug. 1 - March 31	Youth Only, Antlerless Only	Blackrock Ranches

(4) ~~Teaway Ranch~~

~~The Teaway Ranch is located in Kittitas County, 7 miles west of Cle Elum. A legal description of the property is in the contract between the Teaway Ranch and the department.~~

2009-10 Teaway Landowner Hunting Permits

~~The manager of the Teaway Ranch will distribute this hunting permit. An access fee may be charged in order to utilize this permit.~~

Elk

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Teaway Ranch	1	Oct. 1 - Jan. 31	Any Bull	Teaway Ranch

2009-10 Teaway Special Hunting Permits

~~Hunters apply to the Washington department of fish and wildlife for this permit.~~

ELK

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Teaway Ranch	1	Oct. 1 - Jan. 31	Any Bull	Teaway Ranch

~~(5))~~ **Pine Mountain Ranch**

The Pine Mountain Ranch is located in Yakima County, 14 miles west of Yakima. A legal description of the property is in the contract between the Pine Mountain Ranch and the department.

2009 Pine Mountain Ranch Landowner Hunting Permits

The manager of the Pine Mountain Ranch will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

Deer

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	2	Nov. 2 - Dec. 31	Any Buck	Pine Mountain Ranch

Elk

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	1	Nov. 2 - Dec. 31	Any Bull	Pine Mountain Ranch

2009 Pine Mountain Ranch Special Hunting Permits

Hunters apply to Washington department of fish and wildlife for these permits.

Deer

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	2	Nov. 2 - Dec. 31	Youth Only, Any Buck	Pine Mountain Ranch

Elk

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	1	Nov. 2 - Dec. 31	Youth Only, Any Bull	Pine Mountain Ranch

AMENDATORY SECTION (Amending Order 09-53, filed 4/15/09, effective 5/16/09)

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

ELK AREAS

Elk Area No. 1008 West Wenaha (Columbia County): That part of GMU 169 west of USFS trail 3112 from Tepee Camp (east fork of Butte Creek) to Butte Creek, and west of Butte Creek to the Washington-Oregon state line.

Elk Area No. 1009 East Wenaha (Columbia, Garfield, Asotin counties): That portion of GMU 169 east of USFS trail 3112 from Tepee Camp (east fork Butte Creek) to Butte Creek, and east of Butte Creek to the Washington-Oregon state line.

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. 1015 Turnbull (Spokane County): Located in GMU 130, designated areas within the boundaries of Turnbull National Wildlife Refuge.

Elk Area No. 1016 (Columbia County): GMU-162 Dayton, excluding the Rainwater Wildlife Area.

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): Starting at the Division St bridge over the Wenatchee River in the town of Cashmere; S on Aplets Way then Division St to Pioneer St; W on Pioneer St to Mission Creek Rd; S on Mission Creek Rd to Binder Rd; W on Binder Rd to Mission Creek Rd; S on Mission Creek Rd to Tripp Canyon Rd; W on Tripp Canyon Rd to where Tripp Canyon Rd stops following Tripp Creek; W on Tripp Creek to its headwaters; W up the drainage, about 1000 feet, to US Forest Service (USFS) Rd 7200-160; W on USFS Rd 7200-160 to Camas Creek Rd (USFS Rd 7200); W on Camas Creek Rd (USFS 7200 Rd) (excluding Camas Land firearm closure*) to US Hwy 97; N on US Hwy 97 to Mountain Home Rd (USFS 7300 Rd); N on Mountain Home Rd to the Wenatchee River in the town of Leavenworth; S on the Wenatchee River to the Division St bridge in Cashmere and 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. 3068 Klickitat Meadows (Yakima County): Beginning at Darland Mountain, southeast along the main divide between the Diamond Fork drainage and the Ahtanum Creek drainage to the point due west of the headwaters of Reservation Creek (Section 18, T12N, R14E); then along a line due west to Spencer Point (as represented in the DNR 100k map); northeast from Spencer Point to US Forest Service (USFS) Trail 1136; north along USFS Trail 1136 to USFS Trail 615; east on USFS Trail 615 to Darland Mountain and the point of beginning.

Elk Area No. 3681 Ahtanum (Yakima County): That part of GMU 368 beginning at the power line crossing on Ahtanum Creek in T12N, R16E, Section 15; west up Ahtanum Creek to South Fork Ahtanum Creek; southwest up South Fork Ahtanum Creek to its junction with Reservation Creek; southwest up Reservation Creek and the Yakama Indian Reservation boundary to the main divide between the Diamond Fork drainage and Ahtanum Creek drainage; north along the

crest of the main divide between the Diamond Fork drainage and the Ahtanum Creek drainage to Darland Mountain; northeast on US Forest Service Trail 615 to US Forest Service Road 1020; northeast on US Forest Service Road 1020 to US Forest Service Road 613; northeast on US Forest Service Road 613 to US Forest Service Trail 1127; northeast on US Forest Service Trail 1127 to US Forest Service Road 1302 (Jump Off Road), southeast of the Jump Off Lookout Station; northeast on US Forest Service Road 1302 (Jump Off Road) to Highway 12; northeast on Highway 12 to the Naches River; southeast down the Naches River to Cowiche Creek; west up Cowiche Creek and South Fork Cowiche Creek to Summitview Avenue; northwest on Summitview Avenue to Cowiche Mill Road; west on Cowiche Mill Road to the power line in the northeast corner of T13N, R15E, SEC 13; southeast along the power line to Ahtanum Creek and the 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; east and south along the HRNM boundary to SR 225; south on SR 225 to the Yakima River Bridge in Benton City; west (upstream) along Yakima River 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 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 just north of Mabton; 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. 3911 Fairview (Kittitas County): Beginning at the intersection of the BPA Power Lines in T20N, R14E, Section 36 and Interstate 90; east along the power lines to Highway 903 (Salmon La Sac Road); northwest along Highway 903 to Pennsylvania Avenue; northeast along Pennsylvania Avenue to No. 6 Canyon Road; northeast along No. 6 Canyon Road to Cle Elum Ridge Road; north along Cle Elum Ridge Road to Carlson Canyon Road; northeast along Carlson Canyon Road to West Fork Teanaway River; east along West Fork Teanaway River to North Fork Teanaway River; north along North Fork Teanaway River to Teanaway Road; southeast on Teanaway Road to Ballard Hill Road; east on Ballard Hill Rd and Swauk Prairie Road to Hwy 970; northeast 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; north on Parke Creek to Whiskey Jim Creek; east on Whiskey Jim Creek to the Wild Horse Wind Farm Boundary; south and East on Wild Horse Wind Farm boundary to the Vantage Highway; east along the Vantage Highway to the first power line crossing; southwest along the power lines to where they intersect with the second set of BPA power lines in T17N, R21E, Section 18; southeast along the BPA power lines 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 Umtanum Road; north on Umtanum Road to South Branch Canal; west on South Branch Canal to Bradshaw/Hanson 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 Big Creek; north on Big Creek to Nelson Siding Road; west and north on Nelson Siding Road to 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 big-horn sheep feeding site in T15N, R16E, Section 36; 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 intersection of the metal footbridge and the elk fence at the south end of the bridge in T14N, R16E, Section 3; south along the elk fence to the top of the cliff/rimrock line; southwest along the top of the cliff/rimrock line to the irrigation canal in T14N, R16E, Section 9; southwest along the irrigation canal to the elk fence in T14N, R16E, Section 8; south along the elk fence to the township line between T12N, R15E and T12N, R16E; south along the township line to the South Fork Ahtanum Creek; downstream along the South Fork Ahtanum Creek and Ahtanum Creek to the Yakima River; upstream along the Yakima River to Roza Canal and 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. 4601 North Bend (King County): That portion of ~~((King County within the following described boundary-))~~ GMU 460 beginning at the interchange of State Route (SR) 18 and I-90; W on I-90 to SE 82nd St, Exit 22, at the town of Preston; N on SE 82nd Street to Preston Fall City Rd SE (Old SR 203); N on Preston Fall City Rd SE to SE Fall City Snoqualmie Rd (SR 202) at the town of Fall City; E on SE Fall City Snoqualmie Rd to the crossing of Tokul Creek; N and E up Tokul Creek to its crossing with Tokul Rd SE; S on SE Tokul Rd to SE 53rd Way; E on SE 53rd Way where it turns into 396th Dr SE then S on 396th Dr SE to SE Reinig Rd; E on SE Reinig Rd to 428th Ave SE; N on 428th Ave SE to where it turns into North Fork Rd SE; N and E on North Fork Rd SE to Ernie's Grove Rd; E on Ernie's Grove Rd to SE 70th St; N on SE 70th St to its ends at Fantastic Falls on the North Fork Snoqualmie River; SW down the North Fork Snoqualmie River to ~~((the end of Moon Valley Rd SE; S and W on Moon Valley Rd SE to where it turns into SE 87th St; W on SE 87th to 436th Pl SE; S on 436th Pl SE to 436th Ave SE; S on 436th Ave SE to SE 92nd St; W on SE 92nd St to 428th Ave SE; S on 428th Ave SE to the crossing of the Middle Fork Snoqualmie River; S and E up the Middle Fork Snoqualmie River to SE Mt Si Road; E on SE Mt Si))~~ Fantastic Falls and the Mt Si Natural Resource Conservation Area boundary then S and E along the southern boundary of the Mt Si NRCA to the "School Bus" turnaround at SE 114th St; S on 480th Ave SE to SE 130th St; S and E on SE 130th St to its end; SSE overland from the end of SE 130th St, over the Middle Fork Snoqualmie River, to the end of 486th Ave SE; S on 486th Ave SE to the intersection with SE Middle Fork Road; Due S, from said intersection, up Grouse Mountain toward its peak, to the logging road adjacent to Grouse Mountain Peak; S down the logging road to Grouse Ridge Access Rd; W on Grouse Ridge Access Road which becomes SE 146th St; W on SE 146th St to ((468th Ave SE (SE Edgewick Rd); S on 468th Ave SE (SE Edgewick Rd) to)) I-90 then east along I-90 to the W boundary of Olallie/Twin Falls State Park then S along the state park western boundary to its most western boundary where it intersects with the boundary of the Iron Horse State Park; W along the boundary of Iron Horse State Park to the boundary of the Rattlesnake Lake Recreation Area; W along the boundary of the Rattlesnake Lake Recreation Area to Cedar Falls Rd SE; N along the Cedar Falls Rd to SE 174th Way; W on SE 174th Way to SE 174th St; W on SE 174th St to SE 173rd St; W on SE 173rd St to SE 170th Pl; W on SE 170th Pl to SE 169th St; W on SE 169th St to 424th Ave SE; N on 424th Ave SE to SE 168th St; W on SE 168th St to 422 Ave SE; N on 422 Ave SE to 426th Way SE; S on 426th Way SE to SE 164th St; E on SE 164th St to Uplands Way SE; W on Uplands Way SE to the crossing with the Power Transmission Lines; W along the Power Transmission Lines to the Winery Rd; NW on the Winery Rd to SE 99th Rd; W and N on SE 99th Rd to the I-90 interchange, at Exit 27; SW on I-90 to the interchange with SR 18 and the point of beginning.

Elk Area No. 4941 Skagit River (Skagit County): That portion of GMU 437 beginning at the intersection of State Route 9 and State Route 20; east on State Route 20 to Cape Horn Road NE; south down Cape Horn Road NE to the power line crossing which passes over the Skagit River; east

on the power line to the Skagit River; south and west down the Skagit River to Pressentine Creek; south up Pressentine Creek to the 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. 5049 Ethel (Lewis County): That part of GMU 505 beginning at the intersection of Jackson Highway and Highway 12; south along Jackson Highway to Buckley Road; south on Buckley Road to Spencer Road; east on Spencer Road to Fuller Road; north on Fuller Road to Highway 12; east on Highway 12 to Stowell Road; north on Stowell Road to Gore Road; west on Gore Road to Larmon Road; west on Larmon Road to Highway 12; west on Highway 12 to Jackson Highway and point of beginning.

Elk Area No. 5050 Newaukum (Lewis County): That part of GMU 505 beginning at the intersection of Interstate 5 and Highway 12; east on Highway 12 to Larmon Road; east on Larmon Road to Leonard Road; north on Leonard Road through the town of Onalaska to Degler Road; north on Degler Road to Middle Fork Road; east on Middle Fork Road to Beck Road; north on Beck Road to Centralia-Alpha Road; west on Centralia-Alpha Road to Logan Hill Road; south then west on Logan Hill Road to Jackson Highway; south on Jackson Highway to the Newaukum River; west along the Newaukum River to Interstate 5; south on Interstate 5 to Highway 12 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 Swofford 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. 5056 Grays River Valley (Wahkiakum County): On or within 3/4 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. 5061 Wildwood (Lewis County): Beginning at the junction of the Pacific West Timber (PWT) 600 Road and the Wildwood Road (SE1/4 S29 T11N R3W); southwest on the 600 Road to the 800 Road (NW1/4 S36 T11N R4W); southwest on the 800 Road to the 850 Road (SW1/4 S3 T10N R4W); northwest on the 850 Road to the Weyerhaeuser 4720 Road (S20 T11N R4W); north on the Weyerhaeuser 4720 Road to the Weyerhaeuser 4700 Road (S17 T11N R4W); east on the Weyerhaeuser 4700 Road to the Weyerhaeuser 5822 Road (NW1/4 S16 T11N R4W); east on the Weyerhaeuser 5822 Road to the Weyerhaeuser 5820 Road (NW1/4 S10 T11N R4W); southeast on the Weyerhaeuser 5820 Road to the PWT 574 Road (SE1/4 S10 T11N R4W); south on the PWT 574 Road to the 570 Road (NW1/4 S14 T11N R4W); south on the 570 Road to the 500 Road (NW1/4 S14 T11N R4W); northeast on the 500 Road to the 560 Road (SW1/4 S12 T11N R4W); east on the 560 Road to the 540 Road (SE1/4 S12 T11N R4W); east and south on the 540 Road to the 500 Road (SE1/4 S18 T11N R3W); east on the PWT 500 Road to the Wildwood Road (N1/2 S20 T11N R3W); south on the Wildwood Road to the point of beginning, the PWT 600 Road junction (SE1/4 S29 T11N R3W).

Elk Area No. 5062 Trout Lake (Klickitat County): Those portions of GMUs 560 (Lewis River) and 578 (West Klickitat) beginning at the intersection of SR 141 and Sunnyside Road; north on Sunnyside Road to Mount Adams Recreational Area Road; north on Mount Adams Recreational Area Road to USFS Road 23; north on USFS Road 23 to DNR T-4300 Road; west on DNR T-4300 Road to Trout Lake Creek Road; south on Trout Lake Creek Road to SR 141; east and south on SR 141 to the intersection of SR 141 and Sunnyside Road to the point of beginning.

Elk Area No. 5063 Pumice Plain (Cowlitz and Skamania counties): That part of GMU 522 beginning at the confluence of the N. Fork Toutle River and Castle Creek; East along the N. Fork Toutle River to USFS trail 207; south along USFS trail 207 to USFS trail 216E; southwest along USFS trail 216E to USFS trail 216; west along USGS trail 216 to USGS 216G; northwest along USFS trail 216G to USGS trail 221; north along USFS 221 to Castle Creek; northwest along Castle Creek to N. Fork Toutle River and point of beginning.

Elk Area No. 5064 Upper Smith Creek (Skamania County): That part of GMU 522 beginning at the U.S. Forest Service Rd. 99 and U.S. Forest Service Trail 225 (Smith Creek Trail) junction; south on Trail 225 to Ape Canyon Creek; south and west up Ape Canyon Creek to U.S. Forest Service Trail 216 (Loowit Trail); north on Trail 216 to U.S. Forest Service Trail 216D (Abraham Trail); north on Trail

216D to U.S. Forest Service Trail 207 (Truman Trail); north and east on Trail 207 to U.S. Forest Service Rd. 99; north and east on U.S. Forest Service Rd. 99 to the junction of U.S. Forest Service Rd. 99 and U.S. Forest Service Trail 225 and the point of beginning.

Elk Area No. 5065 Mount Whittier (Skamania County): That part of GMU 522 beginning at the U.S. Forest Service Trail 1 (Boundary Trail) and U.S. Forest Service Trail 214 (Whittier Ridge Trail) junction; west on the U.S. Forest Service Trail 1 to U.S. Forest Service Trail 230 (Coldwater Trail); north on U.S. Forest Service Trail 230 to U.S. Forest Service Trail 211 (Lakes Trail); east on Trail 211 to U.S. Forest Service Trail 214; south on U.S. Forest Service Trail 214 to the junction of U.S. Forest Service Trail 214 and U.S. Forest Service Trail 1 and the 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 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 (Weyco) 3020 line; NW along Weyco 3020 line to Weyco 3000 line; E along Weyco 3000 line to Weyco 3000P line; E on the 3000P line to Weyco 5600 Line to the Mount Saint Helens National Volcanic Monument Boundary; N on the Mount Saint Helens National Volcanic Monument Boundary to SR 504; 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.

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): Those portions of GMUs 648 (Wynoochee) and 651 (Satsop) 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 mile post 16 and all lands within 2 miles north of SR 12 between the Satsop River and Schouweiler and Hurd roads and then a line north from the end of Hurd Road to a point 2 miles north of SR 12.

Elk Area No. 6013 (Pierce County): That part of GMU 652 beginning at the intersection of Highway 167 and Highway

410; north on Highway 167 to Highway 18; east on Highway 18 to Highway 164; southeasterly on Highway 164 to Highway 410; westerly on Highway 410 to Highway 167 and the point of beginning.

Elk Area No. 6054 Puyallup River (Pierce County): ~~((Beginning at the intersection of the Mount Rainier National Park western boundary and the Nisqually River, west down Nisqually River to mouth of Mashel River; north up Mashel River to SR 161 bridge (Eatonville-LaGrande Rd); north on SR 161 through Eatonville to Orville Rd E (Kapowsin-Eatonville Rd); north on Orville Rd E to Hancock's Kapowsin Tree Farm ownership boundary at the north end of Ohop Lake (Kapowsin and Buckley Tree Farms map); east along Kapowsin Tree Farm boundary to Mount Rainier National Park boundary; south along Mount Rainier National Park boundary to Nisqually River and point of beginning.))~~ That portion of GMU 654 beginning at the intersection of Mount Rainier National Park's western boundary and State Route (SR) 706; W on SR 706 to 278th Ave E; N on 278th Ave E to WA Dept of Natural Resources' (DNR) 1300 Rd; NW on DNR 1300 Rd to Scott Turner Rd; NW on Scott Turner Rd to Alder Cutoff Rd; W and NE on Alder Cutoff Rd to Center St SE in the town of Eatonville; NW on Center St SE to SR 161; N and W on SR 161 to Orville Rd E; N on Orville Rd E, past Lake Ohop and Lake Kapowsin, to the bridge crossing the Puyallup River; SE up the Puyallup River to Mount Rainier National Park's western boundary; S on Mount Rainier National Park's western boundary to SR 706 and the point of beginning.

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 Decker-ville 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 east of Gattion Creek and Lake Quinault.

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): That part of GMU 667 (Skookumchuck) 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): Portions of GMUs 621 (Olympic) and 624 (Coyle) 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 US Hwy 101; east on US Hwy 101 to Chicken Coop Road; east and north on Chicken Coop Road to the Clallam-Jefferson county line; south and west along the Clallam-Jefferson county line to the Olympic National Park

boundary; north and west along the Olympic Park boundary to McDonald Creek; north along McDonald Creek to US Hwy 101; east along US Hwy 101 to the Dungeness River; north down the Dungeness River to its mouth and the point of beginning.

Elk Area No. 6072 Sol Duc Valley (Clallam County): That portion of GMU 607 (Sol Duc) between the Sol Duc River and Hwy 101 from a point at the Sol Duc River bridge over Hwy 101 approximately 2 miles north of Forks to the westernmost Sol Duc River bridge over Hwy 101 at a point approximately 1 mile east of Lake Pleasant.

Elk Area No. 6073 Clearwater Valley (Jefferson County): That portion of GMU 615 (Clearwater) within one mile of the Clearwater Road from the Quinault Indian Reservation boundary to a point 4 miles to the north.

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. 1021 Clarkston (Asotin County): That portion of GMU 178 beginning at the junction of the Highway 12 bridge and Alpowa Creek; east on Highway 12 to Silcott Road; south and east on Silcott Road to Highway 128; southwest on Highway 128 to McGuire Gulch Road; southeast along the bottom of McGuire Gulch to Asotin Creek; east on Asotin Creek to the Snake River; north and west on the Snake River to Alpowa Creek; southwest of Alpowa Creek to the Highway 12 bridge and the point of beginning.

Deer Area No. 1030 Republic (Ferry County): That area within one-half mile surrounding the incorporated town of Republic.

Deer Area No. 1035 Highway 395 Corridor (Stevens County): That portion of GMU 121 beginning at the intersection of US Highway (Hwy) 395 (State Route 20) and State Route (SR) 25: S on SR 25 to Old Kettle Rd; E on Old Kettle Rd to Mingo Mountain Rd; S on Mingo Mountain Rd to Greenwood Loop Rd; E on Greenwood Loop Rd to the bridge over the Colville River; S on the Colville River to the bridge over Gold Creek Loop/Valley Westside Rd; W and S on Valley Westside Rd to the Orin-Rice Rd; E on Orin-Rice Rd to Haller Creek Rd; S on Haller Creek Rd to Skidmore Rd; E and S on Skidmore Rd to Arden Hill Rd; E on Arden Hill Rd to Townsend-Sackman Rd; S on Townsend-Sackman Rd to Twelve Mile Rd; S on Twelve Mile Rd to Marble Valley Basin Rd; S on Marble Valley Basin Rd to Zimmer Rd; S on Zimmer Rd to Blue Creek West Rd; E on Blue Creek West Rd to Dry Creek Rd; S on Dry Creek Rd to Duncan Rd; E on Duncan Rd to Tetro Rd; S on Tetro Rd to Heine Rd; E and S on Heine Rd to Farm-to-Market Rd; S on Farm-to-Market Rd to Newton Rd (also known as Rickers Lane); E on Newton Rd to US Hwy 395; N on US Hwy 395 to McLean Rd and Twelve Mile Rd (also known as Old Arden Hwy); N on McLean Rd and Twelve Mile Rd to US Hwy 395; N on US

Hwy 395 to Old Arden Hwy (again); N on Old Arden Hwy to US Hwy 395; N on US Hwy 395, through the town of Colville, then W on US Hwy 395 (SR 20) to SR 25 and the point of beginning.

Deer Area No. 1050 Spokane North (Spokane County): From the intersection of the Spokane River and the Idaho-Washington state line, N to Hauser Lake Rd, W to Starr Rd, S to Newman Lake Dr, W and N to Foothills Rd, W to Forker Rd, N and W to Hwy 206 (Mt Spokane Park Rd), N to Feehan Rd, N to Randall Rd, W to Day Mt Spokane Rd, N to Big Meadows Rd, W to Madison Rd, N to Tallman Rd, W to Elk-Chattaroy Rd, N to Laurel Rd, E to Conklin Rd, N to Nelson Rd, E to Jackson Rd, N to Oregon Rd, E to Jefferson Rd, N to Frideger Rd, W to Elk-Camden Rd, S to Boundary Rd, N and W to Dunn Rd, S to Oregon Rd, W to Hwy 2, ((S to Eloika Lake Rd, W onto Bridges Rd, W to Sherman Rd, N to Oregon Rd, W to Whittier Rd, S to Railroad Rd, SE to)) 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 and W onto Williams Valley Rd, W and S to Hattery Rd (Owens Rd), S and E to Swenson Rd, S to Hwy 291, west to Stone Lodge Rd, west to the Spokane River, E on the Spokane River to the Idaho state border and the point of beginning.

Deer Area No. 1060 Spokane South (Spokane County): That part of GMU 127 beginning at the intersection of Spokane River and Barker Rd Bridge, Barker Rd S to 24 Ave, 24 Ave W to Barker Rd, Barker Rd S to 32 Ave, 32 Ave W to Linke Rd, Linke Rd S and E to Chapman Rd, Chapman Rd S to Linke Rd, Linke Rd S to Belmont Rd, Belmont Rd W to Hwy 27, Hwy 27 S to Palouse Hwy, Palouse Hwy W to Valley Chapel Rd, Valley Chapel Rd S to Spangle Creek Rd, Spangle Creek Rd SW to Hwy 195, Hwy 195 N to I-90, I-90 E to Latah Creek at I-90-Latah Creek Bridge, Latah Creek NE to Spokane River, Spokane River E to the Barker Rd Bridge and the point of beginning.

Deer Area No. 1070 Spokane West (Spokane County): That part of GMU 130 beginning at the intersection of I-90 and Latah Creek at I-90-Latah Creek Bridge, NE to Hwy 195 S on Hwy 195 S to Paradise Rd, Paradise Rd W to Smythe Road, Smythe Road NW to Anderson Rd, Anderson Rd W to Cheney Spokane Rd, Cheney Spokane Rd SW to Hwy 904/1st St in the town of Cheney, 1st SW to Salnave Rd/Hwy 902, Salnave Rd NW to Malloy Prairie Rd, Malloy Prairie Rd W to Medical Lake Tyler Rd, Medical Lake Tyler Rd N to Gray Rd, Gray Rd W then N to Fancher Rd, Fancher Rd NW to Ladd Rd, Ladd Rd N to Chase Rd, Chase Rd E to Espanola Rd, Espanola Rd N turns into Wood Rd, Wood Rd N to Coulee Hite Rd, Coulee Hite Rd E to Seven Mile Rd, Seven Mile Rd E to Spokane River, Spokane River S to Latah Creek, Latah Creek S to I-90 at the Latah Creek Bridge and the point of beginning.

Deer Area No. 1080 Colfax (Whitman County): That part of GMUs 139 and 142 beginning at the intersection of Hwy 195 and Crumbaker Rd, NE on Crumbaker Rd to Brose Rd, E on Brose Rd to Glenwood Rd, S on Glenwood Rd to Hwy 272, SE on Hwy 272 to Clear Creek Rd, SE on Clear Creek Rd to Stueckle Rd, S on Stueckle Rd to Paulouse River Rd, E

to Kenoyer Rd SE to Abbott Rd, S on Abbott Rd to Parvin Rd, S on Parvin Rd to McIntosh Rd, S on McIntosh Rd to 4 mile Rd/Shawnee Rd, W on Shawnee Rd to Hwy 195, N on Hwy 195 to Prune Orchard Rd, W on Prune Orchard Rd to Almota Rd, S on Almota Rd to Duncan Springs Rd, W and NW on Duncan Springs Rd to Airport Rd, NW on Airport Rd to Fairgrounds Rd, N on Fairgrounds Rd to Endicott Rd, NNW on Endicott Rd to Morley Rd, E and S and E on Morley Rd to Hwy 295 (26), NE on Hwy 295 to West River Dr then follow Railroad Tracks NW to Manning Rd, E on Manning Rd to Green Hollow Rd, E and S on Green Hollow Rd to Bill Wilson Rd, E on Bill Wilson Rd to Hwy 195, S on Hwy 195 to Crumbaker Rd and the point of beginning.

Deer Area No. 2010 Benge (Adams (~~County~~)) and Whitman counties): That part of GMU 284 beginning at the town of Washtucna; north on SR 261 to Weber Road; east on Weber Road to (~~(Bengel)~~) Benzel Road; north on (~~(Bengel)~~) Benzel Road to Wellsandt Road; east on Wellsandt Road to (~~(McCall)~~) Hills Road; south on Hills Road to Urquhart Road; east on Urquhart Road to Harder Road. East on Harder Road 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)~~) George Knott Road; south on George Knott 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 Washtucna 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)~~) Norton Canyon Road; north on (~~(Davis)~~) Norton 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. 2012 Methow Valley (Okanogan County): All private land in the Methow Watershed located outside the external boundary of the Okanogan National Forest and north of the following boundary: starting where the Libby Creek Road (County road 1049) intersects the Okanogan National Forest boundary; east on road 1049 to State Hwy 153; north on Hwy 153 to the Old Carlton Road; east on the Old Carlton Road to the Texas Creek Road (County road 1543); east on the Texas Creek Road to the Vintin Road (County road 1552); northeast on the Vintin Road to the Okanogan National Forest boundary.

Deer Area No. 2013 North Okanogan (Okanogan County): Restricted to private land only located within the following boundary: Beginning in Tonasket at the junction of Havillah Road and Hwy 97; northeast on Havillah Road to Dry Gulch Extension road; north to Dry Gulch Road, north on Dry Gulch Road to Oroville-Chesaw Road; west on Oroville-Chesaw Road to Molson Road; north on Molson Road to Nine Mile road, north and west on Nine Mile Road to the Canadian border at the old Sidley Town Site; west along the

border to the east shore of Lake Osoyoos; south around Lake Osoyoos to the Okanogan River; south along the east bank of the Okanogan River to the Bridge at Riverside over the Okanogan River; east on Tunk Creek Rd to Chewiliken Valley Rd; northeast along Chewiliken Valley Road to Talkire Lake Road; north on Talkire Lake Rd to Hwy 20; west on Hwy 20 to the junction of Hwy 20 and Hwy 97; north on Hwy 97 to point of beginning.

Deer Area No. 2014 Central Okanogan (Okanogan County): Restricted to private land only located within the following boundary: Beginning in Tonasket on the Okanogan River at the Fourth St Bridge; south along Hwy 7 to Pine Creek Road; west along Pine Creek Rd to Horse Spring Coulee Rd; north on Horse Spring Coulee Rd to Beeman Rd; west on Beeman Rd to North Lemansky Rd; south along North Lemansky Road to Pine Creek Rd; south on Pine Creek Rd to Hagood Cut-off Road; south on Hagood Cut-off Rd to South Pine Creek Rd; east on South Pine Creek Rd to Hwy 97; south on Hwy 97 to Town of Riverside North Main Street junction; southeast on North Main Street to Tunk Valley road and the Okanogan River Bridge; north along the west shore of the Okanogan River to the Tonasket Fourth Street bridge and the point of beginning.

Deer Area No. 2015 Omak (Okanogan County): Restricted to private land only located within the following boundary: Beginning at Hwy 97 and Riverside Cut-off road; west on Riverside Cut-off Rd to Conconully Road; south on Conconully Rd to Danker Cut-off road; west on Danker Cut-off road to Salmon Creek Rd; north on Salmon Creek Rd to Spring Coulee Rd; south on Spring Coulee Rd to B&O Road North Rd; southwest on B&O North Rd to Hwy 20; east on Hwy 20 to B&O Rd; south on B&O Rd to the Town of Malott and the bridge over the Okanogan River; north along the west bank of the Okanogan River to the Town of Riverside and the Tunk Valley road bridge; west on Tunk Valley road to State Street in Riverside; south on State Street to 2nd Street; west on 2nd Street to Hwy 97 and the point of beginning.

Deer Area No. 2016 Conconully (Okanogan County): Restricted to private land only located within the following boundary: Beginning at the Conconully town limit at the south edge of Town and the east shore of Conconully Reservoir; south along the east shore of the reservoir to Salmon Creek; south along the east bank of Salmon Creek to Salmon Creek road at the old Ruby Town site; south on Salmon Creek road to Green Lake road; northeast on Green Lake road to Conconully road; north on Conconully road to the south limit of the Town of Conconully and the point of beginning.

Deer Area No. 3071 Whitcomb (Benton County): That part of GMU 373 made up by the Whitcomb Unit of the Umatilla National Wildlife Refuge.

Deer Area No. 3072 Paterson (Benton County): That part of GMU 373 made up by the Paterson Unit of the Umatilla National Wildlife Refuge.

Deer Area No. 3088 High Prairie (Klickitat County): That portion of GMU 388 (Grayback) that is south of SR 142.

Deer Area No. 3682 Ahtanum (Yakima County): That part of GMU 368 beginning at the power line crossing on Ahtanum Creek in T12N, R16E, Section 15; west up Ahtanum Creek to South Fork Ahtanum Creek; southwest up South Fork Ahtanum Creek to its junction with Reservation Creek; southwest up Reservation Creek and the Yakama Indian Reservation boundary to the main divide between the Diamond Fork drainage and Ahtanum Creek drainage; north along the crest of the main divide between the Diamond Fork drainage and the Ahtanum Creek drainage to Darland Mountain; northeast on US Forest Service Trail 615 to US Forest Service Road 1020; northeast on US Forest Service Road 1020 to US Forest Service Road 613; northeast on US Forest Service Road 613 to US Forest Service Trail 1127; northeast on US Forest Service Trail 1127 to US Forest Service Road 1302 (Jump Off Road), southeast of the Jump Off Lookout Station; northeast on US Forest Service Road 1302 (Jump Off Road) to Hwy 12. Northeast on Hwy 12 to the Naches River. Southeast down the Naches River to Cowiche Creek. West up Cowiche Creek and the South Fork Cowiche Creek to Summitview Ave. Northwest on Summitview Ave to Cowiche Mill Road. West on Cowiche Mill Road to the power line in the northeast corner of T13N, R15E, SEC 13. Southeast along the power line to Ahtanum Creek and the point of beginning.

Deer Area No. 4004 (San Juan County): That part of GMU 410 made up of Shaw Island.

Deer Area No. 4005 (San Juan County): That part of GMU 410 made up of Lopez Island.

Deer Area No. 4006 (San Juan County): That part of GMU 410 made up of Orcas Island.

Deer Area No. 4007 (San Juan County): That part of GMU 410 made up of Decatur Island.

Deer Area No. 4008 (San Juan County): That part of GMU 410 made up of Blakely Island.

Deer Area No. 4009 (Skagit County): That part of GMU 410 made up of Cypress Island.

Deer Area No. 4010 (San Juan County): That part of GMU 410 made up of San Juan Island.

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. 4926 Guemes (Skagit County): That part of GMU 407 (North Sound) on Guemes Island.

Deer Area No. 5064: That part of GMU 564 in the Columbia River near the mouth of the Cowlitz River made up of Cottonwood Island and Howard Island.

Deer Area No. 6014 (Pierce County): That part of GMU 652 made up of Anderson Island.

Deer Area No. 6020: Dungeness-Miller Peninsula (Clallam and Jefferson counties): That part of GMU 624 west of Discovery Bay and Salmon Creek.

~~**(Deer Area No. 4926 Guemes (Skagit County):** That part of GMU 407 (North Sound) on Guemes Island.~~

~~**Deer Area No. 3088 High Prairie (Klickitat County):** That portion of GMU 388 (Grayback) that is south of SR 142.)~~

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 09-53, filed 4/15/09, effective 5/16/09)

WAC 232-28-342 2009-10, 2010-11, 2011-12 Small game seasons. It is unlawful to fail to comply with bag, possession, and season limits except as described below. Violations of this section are punishable under RCW 77.15.245, 77.15.400, and 77.15.430, depending on the species hunted and the violation.

STATEWIDE SEASONS:

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Bag and Possession Limits: Four (4) grouse per day, straight or mixed bag, with a total of twelve (12) grouse in possession at any time.

SEASON DATES: Sept. 1 - Dec. 31, 2009, 2010, 2011.

BOBCAT

Bag and Possession Limits: No limit.

SEASON DATES: Sept. 1 - Mar. 15, 2009, 2010, 2011, 2012.

RESTRICTION: Bobcat may not be hunted with dogs.

RACCOON

Bag and Possession Limits: No limit.

OPEN AREA: Statewide, EXCEPT closed on Long Island within Willapa National Wildlife Refuge.

SEASON DATES: Sept. 1 - Mar. 15, 2009, 2010, 2011, 2012.

FOX

Bag and Possession Limits: No limit.

OPEN AREA: Statewide EXCEPT closed within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 407 and 410.

SEASON DATES: Sept. 1 - Mar. 15, 2009, 2010, 2011, 2012.

COYOTE

Bag and Possession Limits: No limit.

OPEN AREA : Statewide.

SEASON DATES: Year round.

RESTRICTION: Coyote may not be hunted with dogs.

COTTONTAIL RABBIT AND SNOWSHOE HARE (OR WASHINGTON HARE)

Bag and Possession Limits: Five (5) cottontails or snowshoe hares per day, with a total of fifteen (15) in possession at any time, straight or mixed bag.

SEASON DATES: Sept. 1, 2009 - Mar. 15, 2010; Sept. 1, 2010 - Mar. 15, 2011; Sept. 1, 2011 - Mar. 15, 2012.

CROWS

Bag and Possession Limits: No limit.

SEASON DATES: Oct. 1, 2009 - Jan. 31, 2010; Oct. 1, 2010 - Jan. 31, 2011; Oct. 1, 2011 - Jan. 31, 2012.

JACKRABBIT

Season closed statewide.

PTARMIGAN, SAGE, AND SHARP-TAILED GROUSE

Season closed statewide.

WILD TURKEY:

YOUTH SEASON

LEGAL BIRD: Male turkeys and turkeys with visible beards only.

SEASON DATES: April 3-4, 2010; April 2-3, 2011; April 7-8, 2012.

SPRING SEASON

LEGAL BIRD: Male turkeys and turkeys with visible beards only.

SEASON DATES: April 15 - May 31, 2009, 2010, 2011, 2012.

BAG LIMIT: The combined spring/youth season limit is three (3) birds. Only two (2) turkeys may be killed in Eastern Washington, except only one (1) may be killed in Chelan, Kittitas, or Yakima counties. One (1) turkey may be killed per year in Western Washington outside of Klickitat County. Two (2) turkeys may be killed in Klickitat County.

FALL NORTHEAST BEARDLESS TURKEY SEASON

LEGAL BIRD: Beardless only.

LEGAL HUNTER: Open to all hunters with a valid turkey tag.

OPEN AREA: GMUs 105-124.

SEASON DATES: Sept. 26 - Oct. 9, 2009; Sept. 25 - Oct. 8, 2010; Sept. 24 - Oct. 7, 2011.

BAG LIMIT: Two (2) beardless turkeys.

EARLY FALL GENERAL SEASON

LEGAL BIRD: Either sex.

LEGAL HUNTER: Open to all hunters with a valid turkey tag.

OPEN AREA: GMUs 101 ~~((and))~~, 127-133, 145-154, and 162-186.

SEASON DATES: Sept. 26 - Oct. 9, 2009; Sept. 25 - Oct. 8, 2010; Sept. 24 - Oct. 7, 2011.

BAG LIMIT: One (1) turkey during the early fall general and permit hunting seasons combined.

FALL PERMIT SEASONS

LEGAL BIRD: Either sex.

LEGAL HUNTER: All hunters who are selected in the fall turkey special permit drawing and who possess a valid turkey tag.

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits	Bag Limit*
((Blue Mt. West	Sept. 26 - Oct. 9, 2009, Sept. 25 - Oct. 8, 2010, Sept. 24 - Oct. 7, 2011	Either sex	GMUs 149-163	400	±
Blue Mt. East	Sept. 26 - Oct. 9, 2009, Sept. 25 - Oct. 8, 2010, Sept. 24 - Oct. 7, 2011	Either sex	GMUs 145, 172-186	300	±))
Klickitat	Sept. 26 - Oct. 9, 2009, Sept. 25 - Oct. 8, 2010, Sept. 24 - Oct. 7, 2011	Either sex	GMUs 382, 388, 568-578	150	1
Methow	Nov. 15 - Dec. 15, 2009, 2010, 2011	Either sex	GMUs 218-231 and 242	50	1

*BAG LIMIT: During the early fall general and permit hunting seasons combined.

LATE FALL SEASON

LEGAL BIRD: Either sex.

LEGAL HUNTER: Open to all hunters with a valid turkey tag.

OPEN AREA: GMUs 105-124.

SEASON DATES: Nov. 20 - Dec. 15, 2009, 2010, 2011.

BAG LIMIT: One (1) turkey.

HUNTER EDUCATION INSTRUCTOR INCENTIVE PERMITS

LEGAL BIRD: Male turkeys and turkeys with visible beards only.

LEGAL HUNTER: Qualified hunter education instructors who are selected through a random drawing. Qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing. Instructors who are drawn, accept a permit, and are able to participate in the hunt, will not be eligible for these incentive permits for a period of ten years thereafter.

OPEN AREA: Statewide.

SEASON DATES: April 1 - May 31, 2009, 2010, 2011, 2012.

PERMITS: 2.

OFFICIAL HUNTING HOURS FOR WILD TURKEY:

HUNTING HOURS: One-half hour before sunrise to sunset during spring and fall seasons.

SPECIAL REGULATIONS FOR WILD TURKEY:

1. Turkey season is open for shotgun shooting #4 shot or smaller, archery, and muzzleloader shotgun shooting #4 shot or smaller.
2. A turkey tag is required for hunting turkey.
3. It is unlawful to use dogs to hunt turkeys.
4. It is unlawful to bait game birds.

EASTERN WASHINGTON SEASONS:**RING-NECKED PHEASANT**

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

YOUTH SEASON DATES: Sept. 26 and 27, 2009; Sept. 25 and 26, 2010; Sept. 24 and 25, 2011. Open only to youth hunters accompanied by an adult at least 18 years old.

REGULAR SEASON DATES: Oct. 24, 2009 - Jan. 18, 2010; Oct. 23, 2010 - Jan. 17, 2011; Oct. 22, 2011 - Jan. 16, 2012.

The director is authorized to close the pheasant season on an emergency basis as conditions warrant, consistent with RCW 34.05.350 and 77.12.150.

CHUKAR

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

YOUTH SEASON DATES: Sept. 26 and 27, 2009; Sept. 25 and 26, 2010; Sept. 24 and 25, 2011. Open only to youth hunters accompanied by an adult at least 18 years old.

REGULAR SEASON DATES: Oct. 3, 2009 - Jan. 18, 2010; Oct. 2, 2010 - Jan. 17, 2011; Oct. 1, 2011 - Jan. 16, 2012.

GRAY (HUNGARIAN) PARTRIDGE

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

YOUTH SEASON DATES: Sept. 26 and 27, 2009; Sept. 25 and 26, 2010; Sept. 24 and 25, 2011. Open only to youth hunters accompanied by an adult at least 18 years old.

REGULAR SEASON DATES: Oct. 3, 2009 - Jan. 18, 2010; Oct. 2, 2010 - Jan. 17, 2011; Oct. 2, 2011 - Jan. 16, 2012.

MOUNTAIN QUAIL

Season closed throughout Eastern Washington.

CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

YOUTH SEASON DATES: Sept. 26 and 27, 2009; Sept. 25 and 26, 2010; Sept. 24 and 25, 2011. Open only to youth hunters accompanied by an adult at least 18 years old.

REGULAR SEASON DATES: Oct. 3, 2009 - Jan. 18, 2010; Oct. 2, 2010 - Jan. 17, 2011; Oct. 2, 2011 - Jan. 16, 2012.

WESTERN WASHINGTON SEASONS:**RING-NECKED PHEASANT**

Bag and Possession Limits: Two (2) pheasants of either sex per day, with a total of fifteen (15) pheasants in possession at any time.

YOUTH SEASON DATES: Sept. 26 and 27, 2009; Sept. 25 and 26, 2010; Sept. 24 and 25, 2011. Open only to youth hunters accompanied by an adult at least 18 years old.

HUNTERS SIXTY-FIVE YEARS OF AGE OR OLDER SEASON DATES: Sept. 28 - Oct. 2, 2009; Sept. 27 - Oct. 1, 2010; Sept. 26-30, 2011.

REGULAR SEASON DATES: Oct. 3 - Nov. 30, 2009; Oct. 2 - Nov. 30, 2010; Oct. 1 - Nov. 30, 2011. 8 a.m. to 4 p.m.; EXCEPT Dungeness Recreation Area Site (Clallam County) starting Oct. 3, 2009; Oct. 2, 2010; Oct. 1, 2011.

EXTENDED SEASON DATES: Dec. 1-15, 2009, 2010, 2011. 8 a.m. to 4 p.m. only on the following release sites: Belfair, Fort Lewis, Kosmos, Lincoln Creek, Scatter Creek, Skookumchuck, and all Whidbey Island release sites EXCEPT Bayview. Pheasants will not be released during the extended season.

~~((A Western Washington Pheasant Permit is required to hunt pheasant in Western Washington, in addition to a current small game hunting license. Pheasant kills must be recorded. Upon taking a pheasant, the holder of a Western Washington Pheasant Permit must immediately enter on the corresponding space the date and location of kill.~~

~~There are three license options available:~~

~~(1) Full Season Option: Allows the harvest of eight (8) pheasants.~~

~~(2) Youth Option: Allows the harvest of eight (8) pheasants by youth hunters.~~

~~(3) 3-Day Option: Allows the harvest of four (4) pheasants harvested over three consecutive days.~~

~~Every person possessing a Western Washington Pheasant Permit must, by December 31, return the permit to the department of fish and wildlife. The number of permits purchased per year is not limited.~~

~~A hunter shall select one valid option at the time they purchase their Western Washington Pheasant Permit. It is unlawful to purchase an additional permit until the pheasants allowed on the current permit are taken.)~~

SPECIAL RESTRICTION: Western Washington pheasant hunters must choose to hunt on either odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, all hunting sites on Whidbey Island, and at the Dungeness Recreation Area, and must indicate their choice on the Western Washington Pheasant Permit by choosing "odd" or "even." Hunters who select the three day option, hunters 65 years of age or older, and youth hunters may hunt during either weekend day morning. Youth hunters must be accompanied by an adult at least 18 years old who must have an appropriately marked pheasant permit if hunting.

MOUNTAIN QUAIL

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

SEASON DATES: Oct. 3 - Nov. 30, 2009; Oct. 2 - Nov. 30, 2010; Oct. 1 - Nov. 30, 2011.

CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

Bag and Possession Limits: Ten (10) California (valley) quail or northern bobwhite per day, with a total of thirty (30) California (valley) quail or northern bobwhite in possession at any time, straight or mixed bag.

SEASON DATES: Oct. 3 - Nov. 30, 2009; Oct. 2 - Nov. 30, 2010; Oct. 1 - Nov. 30, 2011.

FALCONRY SEASONS:

UPLAND GAME BIRD AND FOREST GROUSE - FALCONRY

Bag and Possession Limits: Two (2) pheasants (either sex), six (6) partridge, five (5) California (valley) quail or northern bobwhite, two (2) mountain quail (in Western Washington only), and three (3) forest grouse (blue, ruffed, spruce) per day. Possession limit is twice the daily bag limit.

OPEN AREA: Statewide.

SEASON DATES: Aug. 1, 2009 - Mar. 15, 2010; Aug. 1, 2010 - Mar. 15, 2011; Aug. 1, 2011 - Mar. 15, 2012.

TURKEY - FALCONRY

A turkey tag is required to hunt turkey during the turkey falconry season.

Bag and Possession Limits: One (1) turkey (either sex) per turkey tag with a maximum of two (2) turkeys. Possession limit: Two (2).

OPEN AREA: Eastern Washington.

SEASON DATES: Sept. 1, 2009 - Feb. 15, 2010; Sept. 1, 2010 - Feb. 15, 2011; Sept. 1, 2011 - Feb. 15, 2012.

MOURNING DOVE - FALCONRY

Bag and Possession Limits: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons. Possession limit is twice the daily limit.

OPEN AREA: Statewide.

SEASON DATES: Sept. 1 - Dec. 16, 2009, 2010, 2011.

COTTONTAIL RABBIT AND SNOWSHOE HARE - FALCONRY

Bag and Possession Limits: Five (5) cottontails or snowshoe hares per day, straight or mixed bag. Possession limit: Fifteen (15).

OPEN AREA: Statewide.

SEASON DATES: Aug. 1, 2009 - Mar. 15, 2010; Aug. 1, 2010 - Mar. 15, 2011; Aug. 1, 2011 - Mar. 15, 2012.

OTHER SEASONS:

CANADA GOOSE SEPTEMBER SEASON

Bag and Possession Limits: Western Washington, except Cowlitz and Wahkiakum counties and that part of Clark County north of the Washougal River: Five (5) Canada geese per day with a total of ten (10) in possession at any time.

Cowlitz and Wahkiakum counties and that part of Clark County north of the Washougal River: Three (3) Canada geese per day with a total of six (6) in possession at any time.

WESTERN WASHINGTON SEASON DATES: Sept. 10-15, 2009, 2010, 2011. EXCEPT Pacific County: Sept. 1-15, 2009, 2010, and 2011.

MOURNING DOVE

Bag and Possession Limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

OPEN AREA: Statewide.

SEASON DATES: Sept. 1-30, 2009, 2010, 2011.

HIP REQUIREMENTS:

All hunters age 16 and over of migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon) are required to complete a Harvest Information Program (HIP) survey at a license dealer, and possess a Washington Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey, and possess a free Washington Youth Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds.

BAND-TAILED PIGEON

Bag and Possession Limits: Two (2) band-tailed pigeons per day with a total of four (4) band-tailed pigeons in possession at one time.

OPEN AREA: Statewide.

SEASON DATES: Sept. 15-23, 2009, 2010, 2011.

WRITTEN AUTHORIZATION REQUIRED TO HUNT BAND-TAILED PIGEONS.

All persons hunting band-tailed pigeons in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Application forms must be delivered to a department of fish and wildlife office no later than August 25 or postmarked on or before August 25 in order for applicants to be mailed an authorization before the season starts. Immediately after taking a band-tailed pigeon into possession, hunters must record in ink the information required on the harvest report. By October 15, hunters must return the harvest report to a department of fish and wildlife office, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the following band-tailed pigeon season.

BIRD DOG TRAINING SEASON

Wild upland game birds may be pursued during the dog-training season, but may not be killed except during established hunting seasons. A small game license is required to train dogs on wild game birds. A ~~((small game license and a))~~ Western Washington Pheasant Permit is required to train dogs on pheasants in Western Washington. Captive raised game birds may be released and killed during dog training if proof of lawful acquisition (invoices) are in possession and the birds are appropriately marked (WAC 232-12-271 and 232-12-044).

OPEN AREA: Statewide.

SEASON DATES: Aug. 1, 2009 - Mar. 31, 2010; Aug. 1, 2010 - Mar. 31, 2011; Aug. 1, 2011 - Mar. 31, 2012.

Only youth and seniors may train dogs during their respective seasons on designated Western Washington pheasant release sites.

Bird dog training may be conducted year round on areas posted for bird dog training on portions of: Region One - Espanola (T24N, R40E, E 1/2 of section 16); Region Three - South L. T. Murray Wildlife Area; Region Four - Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Five - Shillapoo/Vancouver Lake Wildlife Area; Region Six - Scatter Creek Wildlife Area, Fort Lewis Military Base.

HOUND HUNTING DURING DEER AND ELK HUNTING SEASONS

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a modern firearm deer or elk season. The use of hounds to hunt black bear, cougar (EXCEPT by public safety cougar removal permit (WAC 232-12-243) or a commission authorized hound permit (WAC 232-28-285)), coyote, and bobcat is prohibited year round.

YAKAMA INDIAN RESERVATION:

The 2009-10, 2010-11, 2011-12 upland bird seasons within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

COLVILLE INDIAN RESERVATION:

The 2009-10, 2010-11, 2011-12 upland bird seasons within the Colville Indian Reservation shall be the same as the season established by the Colville Indian Tribe.

AMENDATORY SECTION (Amending Order 09-53, filed 4/15/09, effective 5/16/09)

WAC 232-28-351 2009-2011 Deer general seasons and definitions. It is unlawful to fail to comply with bag, possession, and season limits except as described below. Violations of this section are punishable under RCW 77.15.410.

Bag Limit: One (1) deer per hunter during the license year except where otherwise permitted by Fish and Wildlife Commission rule.

Hunting Method: Hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Any Buck Deer Seasons: Open only to the taking of deer with visible antlers (buck fawns illegal).

Antler Point: To qualify as an antler point, the point must be at least one inch long measured on the longest side.

Antler Restrictions: APPLIES TO ALL HUNTERS DURING ANY GENERAL SEASON AND DESIGNATED SPECIAL PERMIT SEASONS. Buck deer taken in antler restricted GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Eye guards are antler points when they are at least one inch long.

2 Point minimum GMUs: 437, 636, 654, and 681.

3 Point minimum GMUs: All mule deer in 100, 200, and 300 series GMUs; white-tailed deer in GMUs 127, 130, 133, 136, 139, 142, 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, 186, and black-tailed deer in GMU 578.

Permit Only Units: The following GMUs require a special permit to hunt deer: 290 (Desert), 329 (Quilomene), 371 (Alkali), and 485 (Green River).

GMUs Closed to Deer Hunting: 157 (Mill Creek Watershed), 490 (Cedar River), and 522 (Loo-wit).

Black-tailed Deer: Any member of black-tailed/mule deer (species *Odocoileus hemionus*) found west of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to the Klickitat River; south down Klickitat River to the Columbia River.

Mule Deer: Any member of black-tailed/mule deer (species *Odocoileus hemionus*) found east of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County

to the Klickitat River; south down Klickitat River to the Columbia River.

White-tailed Deer: Means any white-tailed deer (member of the species *Odocoileus virginianus*) except the Columbian whitetail deer (species *Odocoileus virginianus leucurus*).

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: Valid modern firearm deer tag on his/her person for the area hunted.

Hunting Method: Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow or muzzleloader, but only during modern firearm seasons.

MODERN FIREARM DEER SEASONS

Hunt Season	2009 Dates	2010 Dates	2011 Dates	Game Management Units (GMUs)	Legal Deer
HIGH BUCK HUNTS					
	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten, Olympic Peninsula, and Henry Jackson Wilderness Areas and Lake Chelan Recreation Area	3 pt. min.
GENERAL SEASON					
Western Washington Black-tailed Deer	Oct. 17-31	Oct. 16-31	Oct. 15-31	407, 418, 426, 448 through 466, 501 through 520, 524 through 556, 560, 568, 572, 574, 601 through 633, 638 through 653, 658 through 673, 684	Any buck
				GMUs 410, 564, Deer Areas 4013, 4926, 6014, and 6020	Any deer
				578	3 pt. min.
				437, 636, 654, 681	2 pt. min.
Eastern Washington White-tailed Deer	Oct. 17-30	Oct. 16-29	Oct. 15-28	101 through 124, 373	Any white-tailed buck
	Oct. 17-25	Oct. 16-24	Oct. 15-23	203 through 284, 328, 330 through 368, 372	Any white-tailed buck
	Oct. 17-25	Oct. 16-24	Oct. 15-23	127 through 154, 162 through 186 379, 381	White-tailed, 3 pt. min. Any white-tailed deer
Eastern Washington Mule Deer	Oct. 17-25	Oct. 16-24	Oct. 15-23	101 through 154, 162 through 186, 203 through 284, 328, 330 through 368, 372, 379, 381	Mule deer, 3 pt. min.
	Oct. 17-30	Oct. 16-29	Oct. 15-28	373, 382, 388	Mule deer, 3 pt. min.
LATE GENERAL SEASON					
Western Washington Black-tailed Deer	Nov. 19-22	Nov. 18-21	Nov. 17-20	407, ((410;)) 454, 466, 501 through 520, 524 through 560, 568 ((through 578)), 572, 601 through 633, 638 through 653, 658 through 673, 684 and 699	Any buck
				636, 654, 681	2 pt. min.
	Nov. 19-22	Nov. 18-21	Nov. 17-20	GMUs 410 and 564, Deer Areas 4013, 4926, 6014, 6020	Any deer
Eastern Washington White-tailed Deer	Nov. 7-19	Nov. 6-19	Nov. 5-19	105 through 124	Any white-tailed buck
HUNTERS 65 AND OVER, DISABLED, OR YOUTH GENERAL SEASONS					
Eastern Washington White-tailed Deer	Oct. 17-30	Oct. ((16-29)) 21-24	Oct. 15-28	101 through 124	Any white-tailed deer
	Oct. 17-25	Oct. 16-24	Oct. 15-23	127 through 142, 145, 154, Deer Area 1010, and 172 through 178	White-tailed, 3 pt. min. or antlerless
MASTER HUNTER SEASON					
Eastern Washington White-tailed Deer	Dec. 9-15	Dec. 9-15	Dec. 9-15	GMUs 130-142	White-tailed, antlerless only

ARCHERY DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: Valid archery deer tag on his/her person for the area hunted.

Special Notes: Archery tag holders can only hunt during archery seasons with archery equipment (WAC 232-12-054).

Hunt Area	2009 Dates	2010 Dates	2011 Dates	Game Management Units (GMUs)	Legal Deer
Early Archery General Deer Seasons					
Western Washington Black-tailed Deer	Sept. 1-25	Sept. 1-24	Sept. 1-23	407 through 426, 448, 450, 454, 466, 501, 504, 505, 510, 513, 520, 554, 564, 568, 572, ((601, 603, 615;)) 621 through 633, 642 through 652, 658 through 672, 684 and 699	Any deer
				460, 503, 574, 601, 603, 615, 673	Any buck
				437, 654, 681	2 pt. min. or antlerless

Hunt Area	2009 Dates	2010 Dates	2011 Dates	Game Management Units (GMUs)	Legal Deer
				578	3 pt. min.
	Sept. 1-20	Sept. 1-19	Sept. 1-18	516, 524, 556, 560, ((602, 607, 612, 618,)) 636, 638, 653	Any deer
				506, 530, 550, 602, 607, 612, 618	Any buck
Eastern Washington Mule Deer	Sept. 1-25	Sept. 1-24	Sept. 1-23	105 through 127, 145, 162, 163, 166, 169, 243, 334	3 pt. min.
				142, 175 through 181, 186, Deer Area 1010, 244 through 247, 249, 250, 260, 372, 373, 379, 381, 388	3 pt. min. or antlerless
	Sept. 1-20	Sept. 1-19	Sept. 1-18	149, 154, 162, 166, 169, 172, 251, 328, 335, 336, 340, 342, 346, 352, 356, 360, 364, 368	3 pt. min.
	Sept. 1-15	Sept. 1-15	Sept. 1-15	101, 130 through 139, 204 through 242, 248, 254, 262, 266, 269, 272, 278, 284, 382	3 pt. min.
	Sept. 16-25	Sept. 16-24	Sept. 16-23	101, 130 through 139, 204 through 242, 248, 254, 262, 266, 269, 272, 278, 284, 382	3 pt. min. or antlerless
Eastern Washington White-tailed Deer		Sept. 1-24	Sept. 1-23	101 through 121	Any white-tailed buck
	Sept. 1-25	Sept. 1-24	Sept. 1-23	((401 through)) 124, 204 through 250, 254 through 284, 373, 379, 381	Any white-tailed deer
	Sept. 1-25	Sept. 1-24	Sept. 1-23	127 through 145, 162, 163, 166, 169, 175, 178, 181, 186	White-tailed, 3 pt. min. or antlerless
	Sept. 1-20	Sept. 1-19	Sept. 1-18	154, ((162, 166, 169,)) 172	White-tailed, 3 pt. min. or antlerless
	Sept. 1-20	Sept. 1-19	Sept. 1-18	149	White-tailed, 3 pt. min.
Late Archery General Deer Seasons					
Western Washington Black-tailed Deer	Nov. 25 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	437, 636, 654, 681	2 pt. min. or antlerless
	Nov. 25 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	466, 510 through 520, 524, 556, ((601, 607 through 618,)) 638, 648, and 699	Any deer
	Nov. 25 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	460, 506, 530, 560, 572, 601, 607 through 618	Any buck
		Nov. 24 - Dec. 31	Nov. 23 - Dec. 31	603, 624, 652	Any buck
	Nov. 25 - Dec. 31	Nov. 24 - Dec. 31	Nov. 23 - Dec. 31	407, 410, 454, 505, 564, ((603, 624,)) 627, 642, ((652,)) 660 through 672	Any deer
Eastern Washington Mule Deer	Nov. 21-30	Nov. 21-30	Nov. 21-30	209, 215, 233, 243, 250	3 pt. min.
	Nov. 25 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	346, 352, 364, 388, Deer Area 3682	3 pt. min.
				145, 163, 178	3 pt. min. or antlerless
				272, 278, 373	3 pt. min. or antlerless
	Dec. 2-8	Dec. 2-8	Dec. 2-8	133, 136	Antlerless <u>only</u>
Dec. 9-31	Dec. 9-31	Dec. 9-31	Deer Area 1021	Antlerless <u>only</u>	
Eastern Washington White-tailed Deer	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	101	Any white-tailed deer
	Nov. 25 - Dec. 15	Nov. ((24)) 25 - Dec. 15	Nov. 23 - Dec. 15	105, 108, 117, 121, 124	Any white-tailed deer
				127	White-tailed, 3 pt. min. or antlerless ((white-tailed deer))
	Nov. 25 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	145, 163, 178	White-tailed, 3 pt. min. or antlerless ((white-tailed deer))
	Nov. 25 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	204, 209, 215, 233, 243, 272, 278, 373	Any white-tailed deer
Dec. 2-8	Dec. 2-8	Dec. 2-8	133, 136	Antlerless <u>only</u>	

MUZZLELOADER DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: Valid muzzleloader deer tag on his/her person for the area hunted.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment.

Hunt Area	2009 Dates	2010 Dates	2011 Dates	Game Management Units (GMUs)	Legal Deer
High Buck Hunts	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten, Olympic Peninsula, and Henry Jackson Wilderness areas, and Lake Chelan Recreation Area	3 pt. min.
Early Muzzleloader General Deer Seasons					
Western Washington Black-tailed Deer	Sept. 26 - Oct. 4	Sept. 25 - Oct. 3	Sept. 24 - Oct. 2	407, 418, 426, 448, 450, 501, 504, 505, 506, 510, 513, 516, 520, 530, 554, 556, 568, 572, 574, 603, 607, 612, 615, 624, ((636,)) 638, 642, 648, 660, 663, 672, 673, 684	Any buck
				410, 454, 564, 627, 652, 666, Deer Areas 4926 and 6020	Any deer
				437, 636	2 pt. min.
				578	3 pt. min.
Eastern Washington White-tailed Deer	Sept. 26 - Oct. 4	Sept. 25 - Oct. 3	Sept. 24 - Oct. 2	101 through 124, 203, 204, 209, 215, 231, 233, 239, 242, 243, 244, 245, 246, 248, 250, 251, 260, 278, 284	White-tailed, any buck
				142	White-tailed, 3 pt. min. or antlerless
				133, 136, 145, 149, 175, 181, 186	White-tailed, 3 pt. min.
				((101 through 124,)) 373, 379	White-tailed, any deer
Eastern Washington Mule Deer	Sept. 26 - Oct. 4	Sept. 25 - Oct. 3	Sept. 24 - Oct. 2	101 through 124, 133, 136, 142, 145, 149, 175, 181, 186, 203, 204, 209, 215, 231, 233, 239, 242, 243, 244, 245, 246, 248, 250, 251, 254, 260, 262, 266, 269, 272, 284, 328, 330 through 342, 352 through 360, 368, 373, 382	Mule deer, 3 pt. min.
				278, 379	Mule deer, 3 pt. min. or antlerless
Late Muzzleloader General Deer Seasons					
Western Washington Black-tailed Deer	Nov. 26 - Dec. 15	Nov. 25 - Dec. 15	Nov. 24 - Dec. 15	407, 410, 501, 504, 564, 633, 666, 684, and Deer Areas 4926 and 6020	Any deer
				654	2 pt. min.
				460, 550, 602, 658	Any buck
	Nov. 26 - Dec. 6	Nov. ((26)) 25 - Dec. 6	Nov. 24 - Dec. 6	651, 667, 673	Any buck
Dec. 7-15	Dec. 7-15	Dec. 7-15	651, 673	Any deer	
Eastern Washington White-tailed Deer	Nov. 26 - Dec. 8	Nov. 25 - Dec. 8	Nov. 24 - Dec. 8	113	Any white-tailed ((deer)) buck
				172, 181	White-tailed, 3 pt. min. or antlerless
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	379	Any white-tailed deer
	Nov. 25 - Dec. 1	Nov. 24 - Dec. 1	Nov. 23 - Dec. 1	130, 133, 136, 139	White-tailed, 3 pt. min. or antlerless
	Nov. 20-30	Nov. 20-30	Nov. 20-30	381	Any white-tailed deer
Eastern Washington Mule Deer	Nov. 20-30	Nov. 20-30	Nov. 20-30	382	3 pt. min.
	Nov. 25 - Dec. 1	Nov. 24 - Dec. 1	Nov. 23 - Dec. 1	130	Antlerless
	Nov. 20-30	Nov. 20-30	Nov. 20-30	381	3 pt. min. or antlerless
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	379	3 pt. min.

AMENDATORY SECTION (Amending Order 09-53, filed 4/15/09, effective 5/16/09)

WAC 232-28-352 2009-2011 Elk general seasons and definitions. It is unlawful to fail to comply with bag, possession, and season limits except as described below. Violations of this section are punishable under RCW 77.15.410.

Bag Limit: One (1) elk per hunter during the license year, except where otherwise permitted by fish and wildlife commission rule. Any combination of seasons, tags, and permits set by the fish and wildlife commission will not exceed a maximum of two (2) elk per hunter during the license year.

Hunting Method: Elk hunters must select only one of the hunting methods (modern firearm, archery, or muzzleloader).

Elk Tag Areas: Elk hunters must choose either Eastern or Western Washington to hunt in and buy the appropriate tag for that area.

Any Bull Elk Seasons: Open only to the taking of elk with visible antlers (bull calves are illegal).

Antler Point: To qualify as an antler point, the point must be at least one inch long measured on the longest side.

Branch: A branch is defined as any projection off the main antler beam that is at least one inch long, measured on the longest side, and longer than it is wide.

Spike Bull Antler Restrictions: Bull elk taken in spike only GMUs must have at least one antler with no branches originating more than four inches above where the antler attaches to the skull.

Spike Only GMUs: 145-154, 162-186, 249, and 336-368.

True Spike—Bull Antler Restrictions: Bull elk taken in these units must have both antlers with no branching originating more than four inches above where the antlers attach to the skull. Under the true spike restriction, the taking of an elk that has two points on one side or has antler points within one inch of the definitions regarding length of point, or point of origination, is an infraction under RCW 7.84.030. All other types of violations of the true spike restriction are subject to current penalties and assessments under RCW 77.15.410 and 77.15.420.

True Spike GMUs: 251, 328-335.

3 Point Antler Restrictions: Legal bull elk must have at least 3 antler points on one side with at least 2 antler points above the ear. Eye guards are antler points when they are at least one inch long. Antler restrictions apply to all hunters during any open season.

3 Point GMUs: All of Western Washington except for GMUs 454, 564, 568, 574, 578, 652 for archers, 666, 684, and Elk Area 4941.

Permit Only Units: The following GMUs are closed during general seasons: 157, 371, 418, 485, 522, 524, 556, 621, 636, 653, and Elk Area 3068.

GMUs Closed to Elk Hunting: 437 (except for Elk Area 4941) and 490.

Elk Tag Areas

Eastern Washington: All 100, 200, and 300 GMUs except permit only for all hunters in GMUs 157 and 371. Modern firearms are restricted in GMU 334.

EA - Eastern Washington Archery Tag

EF - Eastern Washington Modern Firearm General Elk Tag

EM - Eastern Washington Muzzleloader Tag

Western Washington: All 400, 500, and 600 GMUs except closed in GMU 437 (except for Elk Area 4941), 490, and modern firearm restrictions in portions of GMU 660. GMU 554 is open only for early archery and muzzleloader seasons. Elk Area 6064 in GMU 638 (Quinalt) is open to master hunters only. Elk hunting by permit only in GMUs 418, 485, 522, 524, 556, 621, and 636.

WA - Western Washington Archery Tag

WF - Western Washington Modern Firearm General Elk Tag

WM - Western Washington Muzzleloader Tag

Modern Firearm General Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid modern firearm elk tag as listed below on his/her person for the area hunted.

Hunting Method: May use modern firearm, bow and arrow, or muzzleloader, but only during modern firearm seasons.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2009 Dates	2010 Dates	2011 Dates	Legal Elk
Eastern Washington	EF	111, 113, 117	Oct. 31 - Nov. 8	Oct. 30 - Nov. 7	Oct. 29 - Nov. 6	Any bull
		145 through 154, 162 through 186, 249, 336 through 368	Oct. 31 - Nov. 8	Oct. 30 - Nov. 7	Oct. 29 - Nov. 6	Spike bull
		251, 328, 329, ((330,)) 334, 335	Oct. 31 - Nov. 8	Oct. 30 - Nov. 7	Oct. 29 - Nov. 6	True spike bull
		Elk Area 3722*	Sept. 9-22	Sept. 8-21	Sept. 6-19	Antlerless <u>only</u>
		101, 105, 108, 121, 124 through 142, 372, 382, 388	Oct. 31 - Nov. 8	Oct. 30 - Nov. 7	Oct. 29 - Nov. 6	Any elk
		Master Hunters Only: 127-142 ((master hunters only))	Dec. 9-31	Dec. 9-31	Dec. 9-31	Any elk
		203 through 248, 250, 254 through 290, 373, 379, 381	Oct. 31 - Nov. 15	Oct. 30 - Nov. 15	Oct. 29 - Nov. 15	Any elk
		Elk Area 2033	Sept. 8 - Oct. 2	Sept. 7 - Oct. 1	Sept. 6-30	Antlerless only
		Master Hunters Only: 371, Elk Area((s- 3911 and)) 3912 ((master hunters only))	Aug. 1 - Jan. 20, 2010	Aug. 1 - Jan. 20, 2011	Aug. 1 - Jan. 20, 2012	Antlerless only
		Master Hunters Only: Elk Area 3911**		Nov. 8 - Dec. 31	Nov. 7 - Dec. 31	Antlerless only

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2009 Dates	2010 Dates	2011 Dates	Legal Elk
		<p><u>Master Hunters Only:</u> Elk Area 3911** ((master hunters only)) 2nd tag.</p> <p>*GMU 372 and Elk Area 3722 are mainly private property, hunters are not advised to try hunting these areas without making prior arrangements for access.</p> <p>**Master Hunters who hunt in Elk Area 3911 may purchase a master hunter, Elk Area 3911, second elk transport tag. <u>Only one (1) elk may be taken from Elk Area 3911.</u> Any legal weapon may be used. Master hunter, Elk Area 3911 second elk transport tags will be valid only for Elk Area 3911 from August 1 - October 25, 2009, August 1 - October ((24)) <u>29</u>, 2010, and August 1 - October ((23)) <u>28</u>, 2011. All hunters participating in the Elk Area 3911 hunt must wear hunter orange.</p>	Aug. 1 - Oct. 25	Aug. 1 - Oct. ((24)) <u>29</u>	Aug. 1 - Oct. ((23)) <u>28</u>	Antlerless only
Western Washington	WF	407, 448, 460, 466, 503, 505 through 520, 530, 550, 560, <u>568</u> , 572, <u>574</u> , <u>578</u> , 601 through 618, 624 (except for Elk Area 6071), 627 through 633, 638 through 652, 654 through 684. Except master hunters only in Elk Area 6064.	Nov. 7-17	Nov. 6-16	Nov. 5-15	3 pt. min.
		501, 504	Nov. 7-17	Nov. 6-16	Nov. 5-15	3 pt. min. or antlerless
		564, ((568, 574 through 578)) 666	Nov. 7-17	Nov. 6-16	Nov. 5-15	Any elk
		454	Nov. 7-17	Nov. 6-16	Nov. 5-15	Any bull

Archery General Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid archery elk tag as listed below on his/her person for the area hunted.

Hunting Method: Bow and arrow only as defined by WAC 232-12-054.

Special Notes: Archery tag holders can hunt only during archery seasons and must hunt with archery equipment (WAC 232-12-054). Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2009 Dates	2010 Dates	2011 Dates	Legal Elk
Early Archery General Elk Seasons						
Eastern Washington	EA	101 through 142, 243, 247, 249, 250, 373, 379, 381, 388	Sept. 8- 20	Sept. 7-19	Sept. 6-18	Any elk
		((445)) 162, 166 through 172, ((181)) 186, <u>352</u> , <u>356</u>	Sept. 8- 20	Sept. 7-19	Sept. 6-18	Spike bull
		328, 329, 335	Sept. 8-20	Sept. 7-19	Sept. 6-18	True spike bull
		<u>145</u> , 149, 154, Elk Area 1010, Elk Area 1013, 163, 175, 178, ((330)) <u>181</u> , 334, 336, 340, ((352, 356)) <u>346</u> , 364	Sept. 8- 20	Sept. 7-19	Sept. 6-18	Spike bull or antlerless
Western Washington	WA	454, 564, ((568, 574, 578)) 652, 666	Sept. 8- 20	Sept. 7-19	Sept. 6-18	Any elk
		407, 448, 501 through 505, 520, 550, 554, 560, <u>568</u> , 572, <u>574</u> , <u>578</u> , 624, except for Elk Area 6071, Elk Area 6061, 654, 660, 667 through 673, 681, 684, and 699	Sept. 8- 20	Sept. 7-19	Sept. 6-18	3 pt. min. or antlerless
		460, 466, 506, 510, 513, 516, 530, 601, 602, 603, 607, 612 through 618, 627, 633, 638 through 648, 651, 658, and 663. Master hunters only in Elk Area 6064.	Sept. 8- 20	Sept. 7-19	Sept. 6-18	3 pt. min.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2009 Dates	2010 Dates	2011 Dates	Legal Elk
Late Archery General Elk Seasons						
Eastern Washington	EA	101, 105, 108, 117 through 127, 373, 388	Nov. 25 - Dec. 8	Nov. ((24)) 25 - Dec. 8	Nov. 23 - Dec. 8	Any elk
		178	Nov. 25 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	Antlerless only
		<u>Master Hunters Only:</u> 127-142 ((master hunters only)). Must wear hunter orange.	Dec. 9-31	Dec. 9-31	Dec. 9-31	Any elk
		Elk Area 1010, 163	Dec. 9 - Jan. 30	Dec. 9 - Jan. 30	Dec. 9 - Jan. 20, 2009	Antlerless only
		203 through 248, 250, 254 through 290, 379, 381. Must wear hunter orange.	Oct. 31 - Nov. 15	Oct. 30 - Nov. 15	Oct. 29 - Nov. 15	Any elk
		<u>Master Hunters Only:</u> 371, Elk Area((3911 and)) 3912 ((master hunters only)). Must wear hunter orange.	Aug. 1 - Jan. 20, 2010	Aug. 1 - Jan. 20, 2011	Aug. 1 - Jan. 20, 2012	Antlerless only
		<u>Master Hunters Only:</u> Elk Area 3911**. Must wear hunter orange.		Aug. 1 - Dec. 31	Aug. 1 - Dec. 31	Antlerless only
		<u>Master Hunters Only:</u> Elk Area 3911((master hunters only))** 2nd tag. Must wear hunter orange.	Aug. 1 - Oct. 25	Aug. 1 - Oct. 24	Aug. 1 - Oct. 23	Antlerless only
		328	Nov. 25 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	True spike bull
		335	Nov. 25 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	True spike bull or antlerless
		336, 346, 352, 364, Elk Area 3681	Nov. 25 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	Spike bull or antlerless
Western Washington	WA	407, 503, 505, 648, 667, 672, 681, and 699. Master hunters only in Elk Area 6064 portion of GMU 638.	Nov. 25 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	3 pt. min. or antlerless
		454, 564, 666	Nov. 25 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	Any elk
		603, 612, 615, 638	Nov. 25 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	3 pt. min.
		506, 520, 530	Nov. 25 - Dec. 7	Nov. 24 - Dec. 7	Nov. 23 - Dec. 7	Antlerless only
		((Elk Area 4941	Nov. 1 - Jan. 20	Nov. 1 - Jan. 20	Nov. 1 - Jan. 20	Any elk))
		*GMU 372 and Elk Area 3722 are mainly private property, hunters are not advised to try hunting these areas without making prior arrangements for access. **Master Hunters who hunt in Elk Area 3911 may purchase a master hunter, Elk Area 3911, second elk transport tag. <u>Only one (1) elk may be taken from Elk Area 3911.</u> Any legal weapon may be used. Master hunter, Elk Area 3911 second elk transport tags will be valid only for Elk Area 3911 from August 1 - October 25, 2009, August 1 - October 24, 2010, and August 1 - October 23, 2011. All hunters participating in the Elk Area 3911 hunt must wear hunter orange.				

Muzzleloader General Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid muzzleloader elk tag as listed below on his/her person for the area hunted.

Hunting Method: Muzzleloader only as defined by WAC 232-12-051.

Special Notes: Muzzleloader tag holders can only hunt during the muzzleloader seasons and must hunt with muzzleloader equipment. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2009 Dates	2010 Dates	2011 Dates	Legal Elk
Early Muzzleloader General Elk Seasons						
Eastern Washington	EM	111, 113, 117, 247	Oct. 3-9	Oct. 2-8	Oct. 1-7	Any bull
		101 through 108, 121 through 142, 245, 250	Oct. 3-9	Oct. 2-8	Oct. 1-7	Any elk
		172, ((245-)) 336 through 342, 352 through 360, 368	Oct. 3-9	Oct. 2-8	Oct. 1-7	Spike bull
		335, Elk Area 2051	Oct. 3-9	Oct. 2-8	Oct. 1-7	True spike bull

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2009 Dates	2010 Dates	2011 Dates	Legal Elk
Western Washington	WM	454, 564, ((568, 574, 578,)) 666, 684	Oct. 3-9	Oct. 2-8	Oct. 1-7	Any elk
		460, 513, 530, 554, 568, 574, 578, 602, 603, 607, 627, 633, 638 except Elk Area 6064, 642, 660, 663, 672	Oct. 3-9	Oct. 2-8	Oct. 1-7	3 pt. min.
		501, 503, 504, 652, except Elk Area 6013 closed to antlerless, 654, 667	Oct. 3-9	Oct. 2-8	Oct. 1-7	3 pt. min. or antlerless
Late Muzzleloader General Elk Seasons						
Eastern Washington	EM	130 through 142	Nov. 25 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	Any elk
		<u>Master Hunters Only:</u> 127-142 ((master hunters only)). Must wear hunter orange.	Dec. 9-31	Dec. 9-31	Dec. 9-31	Any elk
		203 through 248, 250, 254 through 290, 373, 379, 381. Must wear hunter orange.	Oct. 31 - Nov. 15	Oct. 30 - Nov. 15	Oct. 29 - Nov. 15	Any elk
		<u>Master Hunters Only:</u> 371, Elk Area((s-3911 and)) 3912 ((master hunters only)). Must wear hunter orange.	Aug. 1 - Jan. 20	Aug. 1 - Jan. 20	Aug. 1 - Jan. 20	Antlerless only
		<u>Master Hunters Only:</u> Elk Area 3911**. Must wear hunter orange.		<u>Aug. 1 - Dec. 31</u>	<u>Aug. 1 - Dec. 31</u>	<u>Antlerless only</u>
		<u>Master Hunters Only:</u> Elk Area 3911* ((master hunters only)) 2nd tag. Must wear hunter orange.	Aug. 1 - Oct. 25	Aug. 1 - Oct. 24	Aug. 1 - Oct. 23	Antlerless only
Western Washington	WM	501, 503, 504, 505, 652 except Elk Area 6013 closed to antlerless.	Nov. 25 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	3 pt. min. or antlerless
		454, 564, ((568,)) 666, 684	Nov. 25 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	Any elk
		568, 574, 578	Nov. 25-30	Nov. 24-30	Nov. 23-30	((Any elk)) <u>3 pt. min.</u>
		550, 601, 618, 658, 667	Nov. 25 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	3 pt. min.
		*Master Hunters who hunt in Elk Area 3911 may purchase a master hunter, Elk Area 3911, second elk transport tag. Any legal weapon may be used. Only one (1) elk may be taken from Elk Area 3911. Master hunter, Elk Area 3911 second elk transport tags will be valid only for Elk Area 3911 from August 1 - October 25, 2009, August 1 - October 24, 2010, and August 1 - October 23, 2011. All hunters participating in the Elk Area 3911 hunt must wear hunter orange.				

NEW SECTION

WAC 232-28-355 2010 Deer Special Permits. It is unlawful to fail to comply with bag, possession, and season limits except as described below. Violations of this section are punishable under RCW 77.15.410.

Deer Special Permit Hunting Seasons (Open to Permit Holders Only)

Hunters must purchase a deer hunting license prior to purchase of a permit application. Hunters may only apply for permits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for archery, muzzleloader, or modern firearm permit hunts. Hunters drawn for a special permit hunt must comply with weapon restrictions, dates, and other conditions listed for the hunt.

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Kelly Hill	Modern	Any	Nov. 20-24	White-tailed, 3 pt. min.	GMU 105	5
Douglas	Modern	Any	Nov. 20-24	White-tailed, 3 pt. min.	GMU 108	5
Aladdin	Modern	Any	Nov. 20-24	White-tailed, 3 pt. min.	GMU 111	5

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
49 Degrees North	Modern	Any	Nov. 20-24	White-tailed, 3 pt. min.	GMU 117	5
Huckleberry	Modern	Any	Nov. 20-24	White-tailed, 3 pt. min.	GMU 121	5
Mt. Spokane	Modern	Any	Nov. 20-24	White-tailed, 3 pt. min.	GMU 124	5
Tucannon	Modern	Any	Nov. 20-24	Mule deer, 3 pt. min.	GMU 166	1
Wenaha	Modern	Any	Nov. 8-15	Mule deer, 3 pt. min.	GMU 169	2
Lick Creek	Modern	Any	Nov. 20-24	Mule deer, 3 pt. min.	GMU 175	1
Grande Ronde	Modern	Any	Nov. 20-24	Mule deer, 3 pt. min.	GMU 186	1
East Okanogan	Modern	Any	Nov. 1-20	Any buck	GMU 204	5
Sinlahekin	Modern	Any	Nov. 1-20	Any buck	GMU 215	5
Chewuch	Modern	Any	Nov. 1-20	Any buck	GMU 218	15
Pearrygin	Modern	Any	Nov. 1-20	Any buck	GMU 224	15
Gardner	Modern	Any	Nov. 1-20	Any buck	GMU 231	10
Pogue	Modern	Any	Nov. 1-20	Any buck	GMU 233	15
Alta	Modern	Any	Nov. 1-20	Any buck	GMU 242	20
Manson	Modern	Any	Nov. 1-20	Any buck	GMU 243	8
Chiwawa	Modern	Any	Nov. 1-20	Any buck	GMU 245	25
Slide Ridge	Modern	Any	Nov. 1-20	Any buck	GMU 246	10
Entiat	Modern	Any	Nov. 1-20	Any buck	GMU 247	25
Swakane	Modern	Any	Nov. 1-20	Any buck	GMU 250	17
Mission	Modern	Any	Nov. 1-20	Any buck	GMU 251	8
Ritzville	Modern	Any	Nov. 1-20	Any buck	GMU 284	9
Desert	Modern	Any	Oct. 30 - Nov. 7	Any buck	GMU 290	15
Desert	Modern	Any	Nov. 20-28	Any buck	GMU 290	4
Naneum	Modern	Any	Nov. 15-21	Any buck	GMU 328	15
Quilomene	Modern	Any	Nov. 8-21	Any buck	GMU 329	14
Teanaway	Modern	Any	Nov. 15-21	Any buck	GMU 335	15
L.T. Murray	Modern	Any	Nov. 15-21	Any buck	GMUs 336, 340	16
Bethel	Modern	Any	Nov. 8-21	Any buck	GMU 360	5
Cowiche	Modern	Any	Nov. 8-21	Any buck	GMU 368	10
Alkali	Modern	Any	Nov. 6-21	Any buck	GMU 371	5
Kahlotus	Modern	Any	Nov. 10-19	Any buck	GMU 381	10
Grayback	Modern	Any	Nov. 1-23	3 pt. min.	GMU 388	40
Nooksack	Modern	Any	Nov. 19-24	Any buck	GMU 418	25
Skagit	Modern	Any	Nov. 19-24	Any buck	GMU 426	10
Sauk	Modern	Any	Nov. 19-24	2 pt. min.	GMU 437	25
Stillaguamish	Modern	Any	Nov. 19-24	Any buck	GMU 448	10
Snoqualmie	Modern	Any	Nov. 19-24	Any buck	GMU 460	10
Green River	Modern	Any	Oct. 30 - Nov. 5	Any buck	GMU 485	10
Lewis River	Modern	Any	Nov. 1-17	Any buck	GMU 560	1
Washougal	Modern	Any	Nov. 1-17	Any buck	GMU 568	2
Siouxon	Modern	Any	Nov. 1-17	Any buck	GMU 572	1
Wind River	Modern	Any	Nov. 17-23	Any buck	GMU 574	40
West Klickitat	Modern	Any	Nov. 17-23	3 pt. min.	GMU 578	40
Wynoochee	Modern	Any	Nov. 1-24	Any buck	GMU 648	10
Satsop	Modern	Any	Nov. 1-24	Any buck	GMU 651	10
Mashel	Modern	Any	Nov. 1-24	2 pt. min.	GMU 654	10
Capitol Peak	Modern	Any	Nov. 1-24	Any buck	GMU 663	10
Skookumchuck	Modern	Any	Nov. 1-24	Any buck	GMU 667	10
Chiliwist	Archery	Any	Nov. 21-30	Any buck	GMU 239	10
Entiat	Archery	Any	Nov. 21-30	Any buck	GMU 247	48
Chiwawa	Archery	Any	Dec. 1-8	Any buck	GMU 245	14
Slide Ridge	Archery	Any	Dec. 1-8	Any buck	GMU 246	3
Desert	Archery	Any	Nov. 29 - Dec. 12	Any buck	GMU 290	18
Naneum	Archery	Any	Nov. 24 - Dec. 8	Any buck	GMU 328	7
Quilomene	Archery	Any	Nov. 24 - Dec. 8	Any buck	GMU 329	11

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Teanaway	Archery	Any	Nov. 24 - Dec. 8	Any buck	GMU 335	14
L.T. Murray	Archery	Any	Nov. 24 - Dec. 8	Any buck	GMUs 336, 340	9
West Klickitat	Archery	Any	Nov. 24-30	3 pt. min.	GMU 578	100
Kitsap	Archery	Any	Nov. 1-24	Any buck	GMU 627	10
Skokomish	Archery	Any	Nov. 1-24	2 pt. min.	GMU 636	10
Blue Mtns. Foothills	Muzzleloader	Any	Nov. 20 - Dec. 8	White-tailed, 3 pt. min. or antlerless	GMUs 149, 154, 162, 166	60
Alta	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 242	25
Chiwawa	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 245	2
Slide Ridge	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 246	1
Mission	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 251	17
Desert	Muzzleloader	Any	Oct. 16-24	Any buck	GMU 290	2
Teanaway	Muzzleloader	Any	Nov. 8-14	Any buck	GMU 335	2
L.T. Murray	Muzzleloader	Any	Nov. 8-14	Any buck	GMUs 336, 340	2
Bald Mountain	Muzzleloader	Any	Nov. 8-21	Any buck	GMUs 342, 346	10
Naneum	Muzzleloader	Any	Nov. 8-14	Any buck	GMU 328	2
Quilomene	Muzzleloader	Any	Sept. 25 - Oct. 3	Any buck	GMU 329	2
West Klickitat	Muzzleloader	Any	Dec. 1-8	3 pt. min.	GMU 578	100
Olympic	Muzzleloader	Any	Nov. 1-24	Any buck	GMU 621	5

Bucks						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Palouse	Modern	Any	Nov. 6-19	White-tailed, 3 pt. min.	GMUs 127-142	750
Blue Mtns. Foothills East	Modern	Any	Nov. 8-19	White-tailed, 3 pt. min.	GMUs 149, 154, 162-166	100
Blue Mtns. Foothills West	Modern	Any	Nov. 8-19	White-tailed, 3 pt. min.	GMUs 145, 172-181	50
East Okanogan	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 204	50
Sinlahekin	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 215	50
Chewuch	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 218	15
Pearygin	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 224	15
Gardner	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 231	15
Pogue	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 233	20
Chiliwist	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 239	15
Alta	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 242	20
Big Bend	Archery	Any	Dec. 1-8	Any buck	GMU 248	10
Ritzville	Archery	Any	Dec. 1-8	Any buck	GMU 284	4
Alkali	Archery	Any	Sep. 1-25	Any buck	GMU 371	4
Whitcomb	Archery	Any	Sep. 11-15	Any buck	Deer Area 3071	7
Paterson	Archery	Any	Sep. 11-15	Any buck	Deer Area 3072	10
Roosevelt	Muzzleloader	Any	Sep. 25 - Oct. 15	ONLY 2 pt. x 2 pt. mule deer bucks	GMU 133	20
Harrington	Muzzleloader	Any	Sep. 25 - Oct. 15	ONLY 2 pt. x 2 pt. mule deer bucks	GMU 136	20
Steptoe	Muzzleloader	Any	Sep. 25 - Oct. 15	ONLY 2 pt. x 2 pt. mule deer bucks	GMU 139	20
Almota	Muzzleloader	Any	Sep. 25 - Oct. 15	ONLY 2 pt. x 2 pt. mule deer bucks	GMU 142	20
Dayton	Muzzleloader	Any	Sep. 25 - Oct. 3	3 pt. min.	GMU 162	25
Tucannon	Muzzleloader	Any	Sep. 25 - Oct. 3	3 pt. min.	GMU 166	10
Wenaha	Muzzleloader	Any	Sep. 25 - Oct. 3	3 pt. min.	GMU 169	25
Mountain View	Muzzleloader	Any	Sep. 25 - Oct. 3	3 pt. min.	GMU 172	15
Ritzville	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 284	1
Alkali	Muzzleloader	Any	Sep. 26 - Oct. 15	Any buck	GMU 371	1
Kahlotus	Muzzleloader	Any	Oct. 2-9	Any buck	GMU 381	30

Antlerless						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Northeast	Modern	Any	Oct. 16-31	White-tailed, antlerless	GMUs 105, 108, 111, 113, 117, and 121	50
Lincoln	Modern	Any	Oct.16-31	Antlerless	GMU 501	15
Stella	Modern	Any	Oct.16-31	Antlerless	GMU 504	15
Mossyrock	Modern	Any	Oct.16-31	Antlerless	GMU 505	30
South Rainier	Modern	Any	Oct.16-31	Antlerless	GMU 513	10
Winston	Modern	Any	Oct.16-31	Antlerless	GMU 520	20
Pysht	Modern	Any	Oct.16-31	Antlerless	GMU 603	15
Olympic	Modern	Any	Oct.16-31	Antlerless	GMU 621	35
Skokomish	Modern	Any	Oct.16-31	Antlerless	GMU 636	20
Wynoochee	Modern	Any	Oct.16-31	Antlerless	GMU 648	110
Mashel	Modern	Any	Oct.16-31	Antlerless	GMU 654	40
North River	Modern	Any	Oct.16-31	Antlerless	GMU 658	35
Minot Peak	Modern	Any	Oct.16-31	Antlerless	GMU 660	20
Capitol Peak	Modern	Any	Oct.16-31	Antlerless	GMU 663	15
Skookumchuck	Modern	Any	Oct.16-31	Antlerless	GMU 667	20
Entiat	Archery	Any	Nov. 21-30	Antlerless	GMU 247	53
Swakane	Archery	Any	Nov. 21-30	Antlerless	GMU 250	70
Whitcomb	Archery	Any	Sep. 1-10	Antlerless	Deer Area 3071	7
Paterson	Archery	Any	Sep. 1-10	Antlerless	Deer Area 3072	10
Grayback	Archery	Any	Nov. 24 - Dec. 8	Antlerless	GMU 388	100
Sherman	Muzzleloader	Any	Sep. 25 - Oct. 3	White-tailed, antlerless	GMU 101	40
Northeast	Muzzleloader	Any	Sep. 25 - Oct. 3	White-tailed, antlerless	GMUs 105, 108, 111, 113, 117, and 121	100
Selkirk	Muzzleloader	Any	Nov. 25 - Dec. 8	White-tailed, antlerless	GMU 113	30
Whitcomb	Muzzleloader	Any	Sep. 27 - Oct. 1	Antlerless	Deer Area 3071	7
Paterson	Muzzleloader	Any	Sep. 27 - Oct. 1	Antlerless	Deer Area 3072	10
Mossyrock	Muzzleloader	Any	Sep. 25 - Oct. 3	Antlerless	GMU 505	10
Stormking	Muzzleloader	Any	Sep. 25 - Oct. 3	Antlerless	GMU 510	5
South Rainier	Muzzleloader	Any	Sep. 25 - Oct. 3	Antlerless	GMU 513	5
Packwood	Muzzleloader	Any	Sep. 25 - Oct. 3	Antlerless	GMU 516	5
Winston	Muzzleloader	Any	Sep. 25 - Oct. 3	Antlerless	GMU 520	5
Coweeman	Muzzleloader	Any	Sep. 25 - Oct. 3	Antlerless	GMU 550	30
Yale	Muzzleloader	Any	Sep. 25 - Oct. 3	Antlerless	GMU 554	2
Toutle	Muzzleloader	Any	Sep. 25 - Oct. 3	Antlerless	GMU 556	3
Olympic	Muzzleloader	Any	Sep. 25 - Oct. 3	Antlerless	GMU 621	20
North River	Muzzleloader	Any	Sep. 25 - Oct. 3	Antlerless	GMU 658	5

2nd Deer						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Colville River	Any	Any	Sep. 1 - Dec. 31	White-tailed, antlerless	Deer Area 1035	25
Benge	Any	Any	Dec. 9-31	Antlerless	Deer Area 2010	30
Lakeview	Any	Any	Jan. 1-30	Antlerless	Deer Area 2011	20
Methow	Any	Any	Sep. 8 - Oct. 9	Antlerless	Deer Area 2012	100
North Okanogan	Any	Any	Sep. 8 - Oct. 9	Antlerless	Deer Area 2013	50
Central Okanogan	Any	Any	Sep. 8 - Oct. 9	Antlerless	Deer Area 2014	25
Omak	Any	Any	Sep. 8 - Oct. 9	Antlerless	Deer Area 2015	25
Conconully	Any	Any	Sep. 8 - Oct. 9	Antlerless	Deer Area 2016	25
Mt. Spokane	Modern	Any	Oct. 16-29 and Nov. 6-19	White-tailed, antlerless	GMU 124	50
Spokane North	Modern	Any	Oct. 16-29 and Nov. 6-19	White-tailed, antlerless	Deer Area 1050	350
Mica Peak	Modern	Any	Oct. 16-24	White-tailed, antlerless	GMU 127	25

2nd Deer						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Spokane South	Modern	Any	Oct. 16-24	White-tailed, antlerless	Deer Area 1060	125
Cheney	Modern	Any	Oct. 16-24	Antlerless	GMU 130	100
Spokane West	Modern	Any	Oct. 16-24	Antlerless	Deer Area 1070	75
Roosevelt	Modern	Any	Oct. 16-24	Antlerless	GMU 133	150
Harrington	Modern	Any	Oct. 16-24	Antlerless	GMU 136	150
Steptoe	Modern	Any	Oct. 16-24	Antlerless	GMU 139	150
Colfax	Modern	Any	Oct. 16-24	Antlerless	Deer Area 1080	75
Almota	Modern	Any	Oct. 16-24	Antlerless	GMU 142	100
Mayview	Modern	Any	Nov. 1-12	Antlerless	GMU 145	50
Blue Creek	Modern	Any	Nov. 8-19	White-tailed, antlerless	GMU 154	50
Dayton	Modern	Any	Nov. 8-19	White-tailed, antlerless	GMU 162	80
Ten Ten	Modern	Any	Nov. 8-19	Antlerless	Deer Area 1010	60
Marengo	Modern	Any	Nov. 1-12	White-tailed, antlerless	GMU 163	50
Peola	Modern	Any	Nov. 1-12	White-tailed, antlerless	GMU 178	50
East Okanogan	Modern	Any	Oct. 16-24	White-tailed, antlerless	GMU 204	100
Sinlahekin	Modern	Any	Oct. 16-24	White-tailed, antlerless	GMU 215	40
Chewuch	Modern	Any	Oct. 16-24	White-tailed, antlerless	GMU 218	10
Pearygin	Modern	Any	Oct. 16-24	White-tailed, antlerless	GMU 224	10
Gardner	Modern	Any	Oct. 16-24	White-tailed, antlerless	GMU 231	10
Pogue	Modern	Any	Oct. 16-24	White-tailed, antlerless	GMU 233	10
Chiliwist	Modern	Any	Oct. 16-24	White-tailed, antlerless	GMU 239	10
Alta	Modern	Any	Oct. 16-24	White-tailed, antlerless	GMU 242	10
Big Bend	Modern	Any	Oct. 16-24	Antlerless	GMU 248	33
Mission	Modern	Any	Oct. 16-24	Antlerless	GMU 251	33
St. Andrews	Modern	Any	Oct. 16-24	Antlerless	GMU 254	20
Foster Creek	Modern	Any	Oct. 16-24	Antlerless	GMU 260	20
Withrow	Modern	Any	Oct. 16-24	Antlerless	GMU 262	18
Badger	Modern	Any	Oct. 16-24	Antlerless	GMU 266	13
Desert	Modern	Any	Dec. 13-26	Antlerless	GMU 290	50
Kahlotus	Modern	Any	Dec. 4-11	Antlerless	GMU 381	20
East Klickitat	Modern	Any	Oct. 16-29	Antlerless	GMU 382	30
Grayback	Modern	Any	Oct. 16-29	Antlerless	GMU 388	20
Shaw	Modern	Any	Oct. 16-31 and Nov. 18-21	Any deer	Deer Area 4004	20
Lopez	Modern	Any	Oct. 16-31 and Nov. 18-21	Any deer	Deer Area 4005	30
Orcas	Modern	Any	Oct. 16-31 and Nov. 18-21	Any deer	Deer Area 4006	30
Decatur	Modern	Any	Oct. 16-31 and Nov. 18-21	Any deer	Deer Area 4007	30
Blakely	Modern	Any	Oct. 16-31 and Nov. 18-21	Any deer	Deer Area 4008	30
Cypress	Modern	Any	Oct. 16-31 and Nov. 18-21	Any deer	Deer Area 4009	30
San Juan	Modern	Any	Oct. 16-31 and Nov. 18-21	Any deer	Deer Area 4010	30
Camano	Modern	Any	Oct. 16-31 and Nov. 18-21	Any deer	Deer Area 4011	30
Whidbey	Modern	Any	Oct. 16-31 and Nov. 18-21	Any deer	Deer Area 4012	100
Vashon-Maury	Modern	Any	Oct. 16-31 and Nov. 18-21	Any deer	Deer Area 4013	100
Guemes	Modern	Any	Oct. 16-31 and Nov. 18-21	Any deer	Deer Area 4926	30
Randle	Modern	Any	Oct. 16-31	Antlerless	GMU 503	5
Willapa Hills	Modern	Any	Oct. 16-31	Antlerless	GMU 506	10

2nd Deer						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Stormking	Modern	Any	Oct. 16-31	Antlerless	GMU 510	15
Packwood	Modern	Any	Oct. 16-31	Antlerless	GMU 516	15
Ryderwood	Modern	Any	Oct. 16-31	Antlerless	GMU 530	10
Coweeman	Modern	Any	Oct. 16-31	Antlerless	GMU 550	10
Yale	Modern	Any	Oct. 16-31	Antlerless	GMU 554	10
Lewis River	Modern	Any	Oct. 16-31	Antlerless	GMU 560	3
Washougal	Modern	Any	Oct. 16-31	Antlerless	GMU 568	10
Siouxon	Modern	Any	Oct. 16-31	Antlerless	GMU 572	3
Wind River	Modern	Any	Oct. 16-31	Antlerless	GMU 574	3
West Klickitat	Modern	Any	Oct. 16-31	Antlerless	GMU 578	10
High Prairie	Modern	Any	Oct. 16-29	Antlerless	Deer Area 3088	15
Anderson	Modern	Any	Oct. 16-31 and Nov. 18-21	Antlerless	Deer Area 6014	40
Kitsap	Modern	Any	Oct. 16-31	Antlerless	GMU 627	10
Mashel	Modern	Any	Oct. 16-31	Antlerless	GMU 654	10
North River	Modern	Any	Oct. 16-31	Antlerless	GMU 658	16
Deschutes	Modern	Any	Oct. 16-31	Antlerless	GMU 666	40
Mt. Spokane	Archery	Any	Sep. 1-24 and Nov. 25 - Dec. 15	White-tailed, antlerless	GMU 124	25
Mica Peak	Archery	Any	Sep. 1-24 and Nov. 25 - Dec. 15	White-tailed, antlerless	GMU 127	25
Clarkston	Archery	Any	Nov. 20 - Dec. 31	Antlerless	Deer Area 1021	30
Spokane North	Archery	Any	Sep. 1-24 and Nov. 25 - Dec. 15	White-tailed, antlerless	Deer Area 1050	75
Spokane South	Archery	Any	Sep. 1-24 and Nov. 25 - Dec. 15	White-tailed, antlerless	Deer Area 1060	25
Shaw	Archery	Any	Sep. 1-24 and Nov. 25 - Dec. 31	Any deer	Deer Area 4004	20
Lopez	Archery	Any	Sep. 1-24 and Nov. 24 - Dec. 31	Any deer	Deer Area 4005	20
Orcas	Archery	Any	Sep. 1-24 and Nov. 24 - Dec. 31	Any deer	Deer Area 4006	20
Decatur	Archery	Any	Sep. 1-24 and Nov. 24 - Dec. 31	Any deer	Deer Area 4007	20
Blakely	Archery	Any	Sep. 1-24 and Nov. 24 - Dec. 31	Any deer	Deer Area 4008	20
Cypress	Archery	Any	Sep. 1-24 and Nov. 24 - Dec. 31	Any deer	Deer Area 4009	20
San Juan	Archery	Any	Sep. 1-24 and Nov. 24 - Dec. 31	Any deer	Deer Area 4010	20
Camano	Archery	Any	Sep. 1-24 and Nov. 24 - Dec. 31	Any deer	Deer Area 4011	20
Whidbey	Archery	Any	Sep. 1-24 and Nov. 24 - Dec. 31	Any deer	Deer Area 4012	20
Vashon-Maury	Archery	Any	Sep. 1-24 and Nov. 24 - Dec. 31	Any deer	Deer Area 4013	20
Guemes	Archery	Any	Sep. 1-24 and Nov. 24 - Dec. 31	Any deer	Deer Area 4926	20
Anderson	Archery	Any	Sep. 1-24 and Dec. 16-31	Antlerless	Deer Area 6014	8
Miller	Archery	Any	Dec. 15-30	Antlerless	Deer Area 6020	30
Green Bluff	Muzzleloader	Any	Dec. 9-31	White-tailed, antlerless	That portion of GMU 124 east of Hwy 2	75
Mt. Spokane	Muzzleloader	Any	Sep. 25 - Oct. 3	White-tailed, antlerless	GMU 124	25
Spokane North	Muzzleloader	Any	Sep. 25 - Oct. 3	White-tailed, antlerless	Deer Area 1050	25
Cheney	Muzzleloader	Any	Nov. 25 - Dec. 1	Antlerless	GMU 130	25

2nd Deer						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Spokane West	Muzzleloader	Any	Nov. 25 - Dec. 1	Antlerless	Deer Area 1070	25
Colfax	Muzzleloader	Any	Sep. 1-24	Antlerless	Deer Area 1080	10
Roosevelt	Muzzleloader	Any	Sep. 25 - Oct. 3 and Nov. 25 - Dec. 1	Antlerless	GMU 133	25
Harrington	Muzzleloader	Any	Sep. 25 - Oct. 3 and Nov. 25 - Dec. 1	Antlerless	GMU 136	25
Mayview	Muzzleloader	Any	Sep. 25 - Oct. 3	Antlerless	GMU 145	25
Chiwawa	Muzzleloader	Any	Sep. 25 - Oct. 3	Antlerless	GMU 245	8
Swakane	Muzzleloader	Any	Sep. 25 - Oct. 3	Antlerless	GMU 250	5
Mission	Muzzleloader	Any	Sep. 25 - Oct. 3	Antlerless	GMU 251	5
Foster Creek	Muzzleloader	Any	Sep. 25 - Oct. 3	Antlerless	GMU 260	10
Moses Coulee	Muzzleloader	Any	Sep. 25 - Oct. 3	Antlerless	GMU 269	10
Lakeview	Muzzleloader	Any	Nov. 1-18	Antlerless	Deer Area 2011	10
Shaw	Muzzleloader	Any	Sep. 25 - Oct. 3 and Nov. 25 - Dec. 15	Any deer	Deer Area 4004	20
Lopez	Muzzleloader	Any	Sep. 25 - Oct. 3 and Nov. 25 - Dec. 15	Any deer	Deer Area 4005	20
Orcas	Muzzleloader	Any	Sep. 25 - Oct. 3 and Nov. 25 - Dec. 15	Any deer	Deer Area 4006	20
Decatur	Muzzleloader	Any	Sep. 25 - Oct. 3 and Nov. 25 - Dec. 15	Any deer	Deer Area 4007	20
Blakely	Muzzleloader	Any	Sep. 25 - Oct. 3 and Nov. 25 - Dec. 15	Any deer	Deer Area 4008	20
Cypress	Muzzleloader	Any	Sep. 25 - Oct. 3 and Nov. 25 - Dec. 15	Any deer	Deer Area 4009	20
San Juan	Muzzleloader	Any	Sep. 25 - Oct. 3 and Nov. 25 - Dec. 15	Any deer	Deer Area 4010	20
Camano	Muzzleloader	Any	Sep. 25 - Oct. 3 and Nov. 25 - Dec. 15	Any deer	Deer Area 4011	20
Whidbey	Muzzleloader	Any	Sep. 25 - Oct. 3 and Nov. 25 - Dec. 15	Any deer	Deer Area 4012	20
Vashon-Maury	Muzzleloader	Any	Sep. 25 - Oct. 3 and Nov. 25 - Dec. 15	Any deer	Deer Area 4013	20
Guemes	Muzzleloader	Any	Sep. 25 - Oct. 3 and Nov. 25 - Dec. 15	Any deer	Deer Area 4926	20
East Klickitat	Muzzleloader	Any	Nov. 20-30	Antlerless	GMU 382	15
Yale	Muzzleloader	Any	Sep. 25 - Oct. 3	Antlerless	GMU 554	2
Washougal	Muzzleloader	Any	Sep. 25 - Oct. 3	Antlerless	GMU 568	10
West Klickitat	Muzzleloader	Any	Sep. 25 - Oct. 3	Antlerless	GMU 578	10
High Prairie	Muzzleloader	Any	Sep. 25 - Oct. 3	Antlerless	Deer Area 3088	5
Anderson	Muzzleloader	Any	Sep. 25 - Oct. 3 and Nov. 24 - Dec. 15	Antlerless	Deer Area 6014	3

Youth						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Blue Mtns. Foothills East	Modern	Youth	Oct. 16-24	Antlerless	GMUs 149, 154, 163, Deer Area 1010	30
Blue Mtns. Foothills West	Modern	Youth	Oct. 16-24	Antlerless	GMUs 145, 172-181	30
Spokane North	Modern	Youth	Oct. 16-24	Antlerless	Deer Area 1050	50
East Okanogan	Modern	Youth	Oct. 16-24	Antlerless	GMU 204	35
Wannacut	Modern	Youth	Oct. 16-24	Antlerless	GMU 209	10
Sinlahekin	Modern	Youth	Oct. 16-24	Antlerless	GMU 215	20
Chewuch	Modern	Youth	Oct. 16-24	Antlerless	GMU 218	30
Pearrygin	Modern	Youth	Oct. 16-24	Antlerless	GMU 224	35
Gardner	Modern	Youth	Oct. 16-24	Antlerless	GMU 231	15

Youth						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Pogue	Modern	Youth	Oct. 16-24	Antlerless	GMU 233	10
Chiliwist	Modern	Youth	Oct. 16-24	Antlerless	GMU 239	20
Alta	Modern	Youth	Oct. 16-24	Antlerless	GMU 242	25
Chiwawa	Modern	Youth	Oct. 16-24	Antlerless	GMU 245	15
Entiat	Modern	Youth	Oct. 16-24	Antlerless	GMU 247	15
Swakane	Modern	Youth	Oct. 16-24	Antlerless	GMU 250	10
Mission	Modern	Youth	Oct. 16-24	Antlerless	GMU 251	20
Bridge Port	Modern	Youth	Oct. 16-24	Antlerless	GMUs 248, 260	20
Palisades	Modern	Youth	Oct. 16-24	Antlerless	GMUs 266, 269	20
Benge	Modern	Youth	Oct. 30 - Nov. 7	Antlerless	Deer Area 2010	30
Horse Heaven Hills	Modern	Youth	Oct. 16-29	Antlerless	GMU 373	10
Kahlotus	Modern	Youth	Oct. 16-24	Antlerless	GMU 381	10
East Klickitat	Modern	Youth	Oct. 16-29	Any buck	GMU 382	5
East Klickitat	Modern	Youth	Oct. 16-29	Antlerless	GMU 382	20
Grayback	Modern	Youth	Oct. 16-29	Any buck	GMU 388	5
Grayback	Modern	Youth	Oct. 16-29	Antlerless	GMU 388	10
Green River	Modern	Youth	Oct. 30 - Nov. 5	Any deer	GMU 485	5
Lincoln	Modern	Youth	Oct. 16-31	Antlerless	GMU 501	10
Stella	Modern	Youth	Oct. 16-31	Antlerless	GMU 504	10
Mossyrock	Modern	Youth	Oct. 16-31	Antlerless	GMU 505	10
Stormking	Modern	Youth	Oct. 16-31	Antlerless	GMU 510	10
South Rainier	Modern	Youth	Oct. 16-31	Antlerless	GMU 513	10
Packwood	Modern	Youth	Oct. 16-31	Antlerless	GMU 516	10
Winston	Modern	Youth	Oct. 16-31	Antlerless	GMU 520	10
Yale	Modern	Youth	Oct. 16-31	Antlerless	GMU 554	10
Toutle	Modern	Youth	Oct. 16-31	Antlerless	GMU 556	25
Lewis River	Modern	Youth	Oct. 16-31	Antlerless	GMU 560	5
Washougal	Modern	Youth	Oct. 16-31	Antlerless	GMU 568	10
Siouxon	Modern	Youth	Oct. 16-31	Antlerless	GMU 572	5
Wind River	Modern	Youth	Oct. 16-31	Antlerless	GMU 574	10
West Klickitat	Modern	Youth	Oct. 16-31	Any buck	GMU 578	5
West Klickitat	Modern	Youth	Oct. 16-31	Antlerless	GMU 578	10
Skokomish	Modern	Youth	Oct. 9-31	2 pt. min. or antlerless	GMU 636	5
Satsop	Modern	Youth	Oct. 9-31	Any deer	GMU 651	10
Mashel	Modern	Youth	Oct. 9-31	2 pt. min. or antlerless	GMU 654	20
North River	Modern	Youth	Oct. 9-31	Any deer	GMU 658	10
Skookumchuck	Modern	Youth	Oct. 9-31	Any deer	GMU 667	60
East Okanogan	Muzzleloader	Youth	Sep. 25 - Oct. 3	Antlerless	GMU 204	5
Wannacut	Muzzleloader	Youth	Sep. 25 - Oct. 3	Antlerless	GMU 209	5
Pogue	Muzzleloader	Youth	Sep. 25 - Oct. 3	Antlerless	GMU 233	5
Chiliwist	Muzzleloader	Youth	Sep. 25 - Oct. 3	Antlerless	GMU 239	5
Alta	Muzzleloader	Youth	Sep. 25 - Oct. 3	Antlerless	GMU 242	5
Mission	Muzzleloader	Youth	Sep. 25 - Oct. 3	Antlerless	GMU 251	10

Senior 65+						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Blue Mtns. Foothills East	Modern	65+	Oct. 16-24	Antlerless	GMUs 145, 149, 154, Deer Area 1010	30
East Okanogan	Modern	65+	Oct. 16-24	Antlerless	GMU 204	5
Wannacut	Modern	65+	Oct. 16-24	Antlerless	GMU 209	5
Sinlahekin	Modern	65+	Oct. 16-24	Antlerless	GMU 215	5
Chewuch	Modern	65+	Oct. 16-24	Antlerless	GMU 218	10
Pearygin	Modern	65+	Oct. 16-24	Antlerless	GMU 224	10
Gardner	Modern	65+	Oct. 16-24	Antlerless	GMU 231	5
Pogue	Modern	65+	Oct. 16-24	Antlerless	GMU 233	5

Senior 65+						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Chilwist	Modern	65+	Oct. 16-24	Antlerless	GMU 239	10
Alta	Modern	65+	Oct. 16-24	Antlerless	GMU 242	5
Chiwawa	Modern	65+	Oct. 16-24	Antlerless	GMU 245	8
Entiat	Modern	65+	Oct. 16-24	Antlerless	GMU 247	8
Swakane	Modern	65+	Oct. 16-24	Antlerless	GMU 250	8
Mission	Modern	65+	Oct. 16-24	Antlerless	GMU 251	8
Bridgeport	Modern	65+	Oct. 16-24	Antlerless	GMUs 248, 260	10
Palisades	Modern	65+	Oct. 16-24	Antlerless	GMUs 266, 269	10
Sunnyside	Modern	65+	Oct. 16-24	Antlerless	GMU 372	10
Horse Heaven Hills	Modern	65+	Oct. 16-29	Antlerless	GMU 373	10
Kahlotus	Modern	65+	Oct. 16-24	Antlerless	GMU 381	10
East Klickitat	Modern	65+	Oct. 16-29	Antlerless	GMU 382	20
Grayback	Modern	65+	Oct. 16-29	Antlerless	GMU 388	5
Lincoln	Modern	65+	Oct. 16-31	Antlerless	GMU 501	5
Stella	Modern	65+	Oct. 16-31	Antlerless	GMU 504	5
Mossyrock	Modern	65+	Oct. 16-31	Antlerless	GMU 505	15
Stormking	Modern	65+	Oct. 16-31	Antlerless	GMU 510	5
South Rainier	Modern	65+	Oct. 16-31	Antlerless	GMU 513	5
Packwood	Modern	65+	Oct. 16-31	Antlerless	GMU 516	5
Winston	Modern	65+	Oct. 16-31	Antlerless	GMU 520	5
Yale	Modern	65+	Oct. 16-31	Antlerless	GMU 554	5
Toutle	Modern	65+	Oct. 16-31	Antlerless	GMU 556	10
Lewis River	Modern	65+	Oct. 16-31	Antlerless	GMU 560	2
Washougal	Modern	65+	Oct. 16-31	Antlerless	GMU 568	10
Siouxon	Modern	65+	Oct. 16-31	Antlerless	GMU 572	2
Wind River	Modern	65+	Oct. 16-31	Antlerless	GMU 574	2
West Klickitat	Modern	65+	Oct. 16-31	Antlerless	GMU 578	5
Copalis	Modern	65+	Oct. 16-31	Antlerless	GMU 642	20
North River	Modern	65+	Oct. 16-31	Antlerless	GMU 658	10
Williams Creek	Modern	65+	Oct. 16-31	Antlerless	GMU 673	20

Hunters with Disabilities						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
East Okanogan	Modern	Hunter with Disability	Oct. 16-24	Antlerless	GMU 204	7
Wannacut	Modern	Hunter with Disability	Oct. 16-24	Antlerless	GMU 209	5
Sinlahekin	Modern	Hunter with Disability	Oct. 16-24	Antlerless	GMU 215	7
Chewuch	Modern	Hunter with Disability	Oct. 16-24	Antlerless	GMU 218	5
Pearygin	Modern	Hunter with Disability	Oct. 16-24	Antlerless	GMU 224	5
Gardner	Modern	Hunter with Disability	Oct. 16-24	Antlerless	GMU 231	7
Pogue	Modern	Hunter with Disability	Oct. 16-24	Antlerless	GMU 233	5
Chilwist	Modern	Hunter with Disability	Oct. 16-24	Antlerless	GMU 239	5
Alta	Modern	Hunter with Disability	Oct. 16-24	Antlerless	GMU 242	5
Chiwawa	Modern	Hunter with Disability	Oct. 16-24	Antlerless	GMU 245	7
Entiat	Modern	Hunter with Disability	Oct. 16-24	Antlerless	GMU 247	7
Mission	Modern	Hunter with Disability	Oct. 16-24	Antlerless	GMU 251	7

Hunters with Disabilities						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Saint Andrews	Modern	Hunter with Disability	Oct. 16-24	Antlerless	GMU 254	7
Bridge Port	Modern	Hunter with Disability	Oct. 16-24	Antlerless	GMUs 248, 260	7
Palisades	Modern	Hunter with Disability	Oct. 16-24	Antlerless	GMUs 266, 269	7
Horse Heaven Hills	Modern	Hunter with Disability	Oct. 16-29	Antlerless	GMU 373	10
Kahlotus	Modern	Hunter with Disability	Nov. 1-9	Antlerless	GMU 381	10
East Klickitat	Modern	Hunter with Disability	Oct. 16-29	Antlerless	GMU 382	15
Grayback	Modern	Hunter with Disability	Oct. 16-29	Antlerless	GMU 388	5
Green River	Modern	Hunter with Disability	Oct. 30 - Nov. 5	Antlerless	GMU 485	5
Lincoln	Modern	Hunter with Disability	Oct. 16-31	Antlerless	GMU 501	2
Stella	Modern	Hunter with Disability	Oct. 16-31	Antlerless	GMU 504	2
Mossyrock	Modern	Hunter with Disability	Oct. 16-31	Antlerless	GMU 505	3
Stormking	Modern	Hunter with Disability	Oct. 16-31	Antlerless	GMU 510	2
South Rainier	Modern	Hunter with Disability	Oct. 16-31	Antlerless	GMU 513	2
Packwood	Modern	Hunter with Disability	Oct. 16-31	Antlerless	GMU 516	2
Winston	Modern	Hunter with Disability	Oct. 16-31	Antlerless	GMU 520	2
Yale	Modern	Hunter with Disability	Oct. 16-31	Antlerless	GMU 554	2
Toutle	Modern	Hunter with Disability	Oct. 16-31	Antlerless	GMU 556	3
Lewis River	Modern	Hunter with Disability	Oct. 16-31	Antlerless	GMU 560	1
Washougal	Modern	Hunter with Disability	Oct. 16-31	Antlerless	GMU 568	7
Siouxon	Modern	Hunter with Disability	Oct. 16-31	Antlerless	GMU 572	2
Wind River	Modern	Hunter with Disability	Oct. 16-31	Antlerless	GMU 574	1
West Klickitat	Modern	Hunter with Disability	Oct. 16-31	Antlerless	GMU 578	2
Capitol Peak	Modern	Hunter with Disability	Oct. 16-31	Antlerless	GMU 663	20
Skookumchuck	Modern	Hunter with Disability	Oct. 16-31	Antlerless	GMU 667	30
North River	Modern	Hunter with Disability	Oct. 17-31	Antlerless	GMU 658	3
Wind River	Archery	Hunter with Disability	Sep. 1-24	Antlerless	GMU 574	1
West Klickitat	Archery	Hunter with Disability	Sep. 1-24	3 pt. min. or antlerless	GMU 578	1
East Okanogan	Muzzleloader	Hunter with Disability	Sep. 25 - Oct. 3	Antlerless	GMU 204	3
Sinlahekin	Muzzleloader	Hunter with Disability	Sep. 25 - Oct. 3	Antlerless	GMU 215	3
Gardner	Muzzleloader	Hunter with Disability	Sep. 25 - Oct. 3	Antlerless	GMU 231	3

Hunters with Disabilities						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Chiwawa	Muzzleloader	Hunter with Disability	Sep. 25 - Oct. 3	Antlerless	GMU 245	3
Mission	Muzzleloader	Hunter with Disability	Sep. 25 - Oct. 3	Antlerless	GMU 251	3
Entiat	Muzzleloader	Hunter with Disability	Sep. 25 - Oct. 3	Antlerless	GMU 247	3
Saint Andrews	Muzzleloader	Hunter with Disability	Sep. 25 - Oct. 3	Antlerless	GMU 254	3
Bridge Port	Muzzleloader	Hunter with Disability	Sep. 25 - Oct. 3	Antlerless	GMUs 248, 260	3
Palisades	Muzzleloader	Hunter with Disability	Sep. 25 - Oct. 3	Antlerless	GMUs 266, 269	3
Capitol Peak	Muzzleloader	Hunter with Disability	Sep. 25 - Oct. 3	Antlerless	GMU 663	2
North River	Muzzleloader	Hunter with Disability	Sep. 25 - Oct. 3	Antlerless	GMU 658	1

Master Hunter						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Republic	Any	Master Hunter	Sep. 1 - Dec. 31	Any deer	Designated properties within Deer Area 1030	HC 25
Miller	Any/2nd tag	Master Hunter	Jan.1-20	Antlerless deer; archery and crossbow equipment only	That part of Deer Area 6020 east of Sequim Bay	30
Lakeview	Any/2nd tag	Master Hunter	Dec. 9-31	Antlerless	Deer Area 2011	20

Hunter Education Instructor Incentive Permits				
<ul style="list-style-type: none"> - Special deer permits will be allocated through a random drawing to those hunter education instructors that qualify. - Permit hunters must use archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. - Qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing. - Instructors who are drawn, accept a permit, and are able to participate in the hunt, will not be eligible for these incentive permits for a period of ten years thereafter. - Permittees may purchase a second license for use with the permit hunt only. 				
Area	Dates	Restrictions	GMUs	Permits
Region 1	All general season and permit seasons established for GMUs included with the permit	Any white-tailed deer	Any 100 series GMU EXCEPT GMU 157	2
Region 2		Any white-tailed deer	GMUs 204-215	2
Region 2		Any deer	GMUs 215-251	1
Region 2		Any deer	GMU 290	1
Region 3		Any deer	GMUs 335-368, 382, 388	1
Region 4		Any deer	Any 400 series GMU EXCEPT GMUs 485 and 490	2
Region 5		Legal buck for 500 series GMU of choice or antlerless	Any 500 series GMU open for a general deer hunting season or a special deer permit hunting season	6
Region 6		Legal buck for GMU of choice	GMUs 654, 660, 672, 673, 681	1

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-353 2009 Deer special permits.

NEW SECTION

WAC 232-28-356 2010 Elk special permits. It is unlawful to fail to comply with bag, possession, and season limits except as described below. Violations of this section are punishable under RCW 77.15.410.

Special Elk Permit Hunting Seasons (Open to Permit Holders Only)

Hunters must purchase an elk hunting license prior to purchase of a permit application. Hunters may only apply for permits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for Eastern or Western Washington archery, muzzleloader, or mod-

ern firearm permit hunts. Applicants must have purchased the proper tag for these hunts. The elk tag prefixes required to apply for each hunt are shown in the following table. Hunters drawn for a special permit hunt must comply with weapon restrictions, dates, and other conditions listed for the hunt.

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	EF	Any	Oct. 26 - Nov. 14	Any bull	Elk Area 1015	1
Prescott	EF	Any	Sept. 21-25	Any bull	GMU 149	1
Prescott	EF	Any	Oct. 25 - Nov. 7	Any bull	GMU 149	8
Blue Creek	EF	Any	Sept. 21-25	Any bull	GMU 154	1
Blue Creek	EF	Any	Oct. 25 - Nov. 7	Any bull	GMU 154	6
Watershed	EA, EF, EM	Any	Oct. 30 - Nov. 7	3 pt. min. or antlerless	GMU 157	45
Dayton	EF	Any	Oct. 25 - Nov. 7	Any bull	GMU 162	30
Tucannon	EF	Any	Oct. 25 - Nov. 7	Any bull	GMU 166	9
Wenaha West	EF	Any	Oct. 25 - Nov. 7	Any bull	Elk Area 1008	10
Wenaha East	EF	Any	Oct. 25 - Nov. 7	Any bull	Elk Area 1009	12
Mountain View	EF	Any	Sept. 21-25	Any bull	GMU 172	1
Mountain View	EF	Any	Oct. 25 - Nov. 7	Any bull	GMU 172	11
Lick Creek	EF	Any	Oct. 25 - Nov. 7	Any bull	GMU 175	1
Peola	EF	Any	Sept. 21-25	Any bull	GMU 178	1
Peola	EF	Any	Oct. 25 - Nov. 7	Any bull	GMU 178	4
Couse	EF	Any	Oct. 25 - Nov. 7	Any bull	GMU 181	2
Grande Ronde	EF	Any	Oct. 25 - Nov. 7	Any bull	GMU 186	1
Mission	EF	Any	Sept. 20-24	Any bull	GMU 251	1
Colockum	EF	Any	Oct. 25 - Nov. 7	Any bull	GMUs 328, 329	2
Colockum	EF	Any	Sept. 20-24	Any bull	GMUs 328, 329	1
Teanaway	EF	Any	Sept. 20-24	Any bull	GMU 335	1
Peaches Ridge	EF	Any	Sept. 20-24	Any bull	GMUs 336, 346	1
Observatory	EF	Any	Sept. 20-24	Any bull	GMUs 340, 342	1
Little Naches	EF	Any	Oct. 1-10	Any bull	GMU 346	7
Goose Prairie	EF	Any	Sept. 20-24	Any bull	GMUs 352, 356	1
Bethel	EF	Any	Sept. 20-24	Any bull	GMU 360	1
Rimrock	EF	Any	Sept. 20-24	Any bull	GMU 364	1
Cowiche	EF	Any	Sept. 20-24	Any bull	GMU 368	1
Nooksack	WF	Any	Oct. 9 - Nov. 17	Any bull	GMU 418	4
Wahkiakum	WF	Any	Sept. 20-24	Any bull	GMUs 506, 530	1
Packwood	WF	Any	Sept. 20-24	Any bull	GMU 516	1
Margaret	WF	Any	Sept. 20-24 and Nov. 6-16	Any bull	GMU 524	2
Margaret	WF	Any	Nov. 6-16	Any bull	GMU 524	18
Toutle	WF	Any	Sept. 20-24 and Nov. 6-16	Any bull	GMU 556	2
Toutle	WF	Any	Nov. 6-16	Any bull	GMU 556	131
Lewis River	WF	Any	Sept. 20-30	Any bull	GMU 560	2
Siouxon	WF	Any	Sept. 20-30	Any bull	GMU 572	2
Carlton	WF	Any	Sept. 20-30	Any bull	Elk Area 5057	5
West Goat Rocks	WF	Any	Sept. 20-30	Any bull	Elk Area 5058	5
Mt. Adams	WF	Any	Sept. 20-30	Any bull	Elk Area 5059	5
Mudflow	WF	Any	Nov. 8-14	Any elk	Elk Area 5099	5
Peninsula	WF	Any	Sept. 20-24	3 pt. min.	GMUs 602, 607, 612	1
Clearwater	WF	Any	Oct. 1-11	3 pt. min.	GMU 615	2
Matheny	WF	Any	Oct. 1-11	3 pt. min.	GMU 618	3
Quinault	WF	Any	Sept. 20-24	3 pt. min.	GMU 638	1

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Wynoochee	WF	Any	Oct. 1-11	3 pt. min.	GMU 648	1
Satsop	WF	Any	Oct. 1-11	3 pt. min.	GMU 651	1
White River	WF	Any	Sept. 20-24	Any bull	GMU 653	1
Prescott	EA	Any	Sept. 1-19	Any bull	GMU 149	5
Blue Creek	EA	Any	Sept. 1-19	Any bull	GMU 154	4
Dayton	EA	Any	Sept. 1-19	Any bull	GMU 162	14
Tucannon	EA	Any	Sept. 1-19	Any bull	GMU 166	4
Wenaha West	EA	Any	Sept. 1-19	Any bull	Elk Area 1008	4
Wenaha East	EA	Any	Sept. 1-19	Any bull	Elk Area 1009	3
Mountain View	EA	Any	Sept. 1-19	Any bull	GMU 172	6
Lick Creek	EA	Any	Sept. 1-19	Any bull	GMU 175	1
Peola	EA	Any	Sept. 1-19	Any bull	GMU 178	2
Couse	EA	Any	Sept. 1-19	Any bull	GMU 181	1
Grande Ronde	EA	Any	Sept. 1-19	Any bull	GMU 186	1
Colockum	EA	Any	Sept. 7-19	Any bull	GMUs 328, 329	2
Peaches Ridge	EA	Any	Sept. 7-19	Any bull	GMUs 336, 346	74
Observatory	EA	Any	Sept. 7-19	Any bull	GMUs 340, 342	87
Goose Prairie	EA	Any	Sept. 7-19	Any bull	GMUs 352, 356	60
Bethel	EA	Any	Sept. 7-19	Any bull	GMU 360	18
Rimrock	EA	Any	Sept. 7-19	Any bull	GMU 364	98
Cowiche	EA	Any	Sept. 7-19	Any bull	GMU 368	12
Klickitat Meadows	EA	Any	Oct. 10-21	Any bull	Elk Area 3068	1
Nooksack	WA	Any	Sept. 1-24 and Dec. 1-31	Any bull	GMU 418	2
Margaret	WA	Any	Sept. 7-19 and Dec. 1-15	Any bull	GMU 524	8
Toutle	WA	Any	Sept. 7-19 and Dec. 1-15	Any bull	GMU 556	83
Mudflow	WA	Any	Sept. 7-19	Any elk	Elk Area 5099	5
Olympic	WA	Any	Sept. 7-19	3 pt. min.	GMU 621, EXCEPT for Elk Area 6071	6
Skokomish	WA	Any	Sept. 7-19	3 pt. min.	GMU 636	5
White River	WA	Any	Sept. 7-19	Any bull	GMU 653	13
Prescott	EM	Any	Oct. 1-15	Any bull	GMU 149	2
Blue Creek	EM	Any	Oct. 1-15	Any bull	GMU 154	2
Dayton	EM	Any	Oct. 1-15	Any bull	GMU 162	6
Tucannon	EM	Any	Oct. 1-15	Any bull	GMU 166	2
Wenaha West	EM	Any	Oct. 1-15	Any bull	Elk Area 1008	2
Wenaha East	EM	Any	Oct. 1-15	Any bull	Elk Area 1009	3
Mountain View	EM	Any	Oct. 1-15	Any bull	GMU 172	3
Lick Creek	EM	Any	Oct. 1-15	Any bull	GMU 175	1
Peola	EM	Any	Oct. 1-15	Any bull	GMU 178	6
Couse	EM	Any	Oct. 1-15	Any bull	GMU 181	1
Grande Ronde	EM	Any	Oct. 1-15	Any bull	GMU 186	1
Mission	EM	Any	Oct. 1-11	Any bull	GMU 251	1
Colockum	EM	Any	Oct. 1-10	Any bull	GMUs 328, 329	1
Peaches Ridge	EM	Any	Oct. 1-10	Any bull	GMUs 336, 346	17
Observatory	EM	Any	Oct. 1-10	Any bull	GMUs 340, 342	16
Goose Prairie	EM	Any	Oct. 1-10	Any bull	GMUs 352, 356	10
Bethel	EM	Any	Oct. 1-10	Any bull	GMU 360	8
Rimrock	EM	Any	Oct. 1-10	Any bull	GMU 364	17
Cowiche	EM	Any	Oct. 1-10	Any bull	GMU 368	6
Klickitat Meadows	EM	Any	Oct. 1-10	Any bull	Elk Area 3068	1
Nooksack	WM	Any	Sept. 25 - Oct. 8 and Nov. 25-30	Any bull	GMU 418	2
Margaret	WM	Any	Oct. 2-8	Any bull	GMU 524	45
Toutle	WM	Any	Oct. 2-8	Any bull	GMU 556	30
Mudflow	WM	Any	Oct. 2-8	Any elk	Elk Area 5099	5

Bulls						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Prescott	EF	Any	Dec. 1-15	Any bull	GMU 149	2
Prescott	EF	Any	Dec. 16-31	Any bull	GMU 149	2
Mission	EF	Any	Oct. 25 - Nov. 7	Any bull	GMU 251	1
Teanaway	EF	Any	Dec. 18-31	Any bull	GMU 335	9
Peaches Ridge	EF	Any	Oct. 25 - Nov. 7	Any bull	GMUs 336, 346	98
Observatory	EF	Any	Oct. 25 - Nov. 7	Any bull	GMUs 340, 342	52
Goose Prairie	EF	Any	Oct. 25 - Nov. 7	Any bull	GMUs 352, 356	55
Bethel	EF	Any	Oct. 25 - Nov. 7	Any bull	GMU 360	31
Rimrock	EF	Any	Oct. 25 - Nov. 7	Any bull	GMU 364	124
Cowiche	EF	Any	Oct. 25 - Nov. 7	Any bull	GMU 368	17
Klickitat Meadows	EF	Any	Oct. 25 - Nov. 7	Any bull	Elk Area 3068	1
Alkali	EF	Any	Oct. 16 - Nov. 5	Any elk	GMU 371	20
Nooksack	WF	Any	Oct. 9 - Nov. 17	Spike only	GMU 418	6
Green River	WF	Any	Oct. 30 - Nov. 5	Any bull	GMU 485	6
Upper Smith Creek	WF	Any	Oct. 25-31	Any elk	Elk Area 5064	2
Mount Whittier	WF	Any	Oct. 25-31	Any elk	Elk Area 5065	1
Olympic	WF	Any	Nov. 6-16	3 pt. min.	GMU 621, EXCEPT for Elk Area 6071	14
Skokomish	WF	Any	Nov. 6-16	3 pt. min.	GMU 636	10
White River	WF	Any	Nov. 6-16	Any bull	GMU 653	30
Teanaway	EA	Any	Nov. 24 - Dec. 8	Any bull	GMU 335	13
Alkali	EA	Any	Sept. 1-24	Any bull	GMU 371	5
Nooksack	WA	Any	Sept. 1-24 and Dec. 1-31	Spike only	GMU 418	2
Upper Smith Creek	WA	Any	Oct. 9-15	Any elk	Elk Area 5064	2
Lewis River	WA	Any	Nov. 24 - Dec. 7	3 pt. min.	GMU 560	5
Siouxon	WA	Any	Nov. 24 - Dec. 7	3 pt. min.	GMU 572	5
Teanaway	EM	Any	Dec. 9-17	Any bull	GMU 335	8
Alkali	EM	Any	Sept. 26 - Oct. 15	Any bull	GMU 371	10
Nooksack	WM	Any	Sept. 25 - Oct. 8 and Nov. 25-30	Spike only	GMU 418	2
Upper Smith Creek	WM	Any	Oct. 16-24	Any elk	Elk Area 5064	2
Mount Whittier	WM	Any	Oct. 16-24	Any elk	Elk Area 5065	1
Yale	WM	Any	Nov. 24 - Dec. 15	3 pt. min.	GMU 554	15
Olympic	WM	Any	Oct. 2-8	3 pt. min.	GMU 621, EXCEPT for Elk Area 6071	5
Skokomish	WM	Any	Oct. 2-8	3 pt. min.	GMU 636	5
White River	WM	Any	Oct. 2-8	Any bull	GMU 653	4

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Aladdin	EF	Any	Oct. 30 - Nov. 7	Antlerless	GMU 111	15
Selkirk	EF	Any	Oct. 30 - Nov. 7	Antlerless	GMU 113	20
49 Degrees North	EF	Any	Oct. 30 - Nov. 7 and Dec. 16-31	Antlerless	GMU 117	45
Turnbull	EF	Any	Oct. 26 - 31	Antlerless	Elk Area 1015	6
Turnbull	EF	Any	Nov. 2-7	Antlerless	Elk Area 1015	6
Turnbull	EF	Any	Nov. 9-14	Antlerless	Elk Area 1015	6
Mayview	EF	Any	Oct. 30 - Nov. 7	Antlerless	GMU 145	30
Prescott	EF	Any	Oct. 30 - Nov. 7	Antlerless	GMU 149	20
Blue Creek	EF	Any	Oct. 30 - Nov. 7	Antlerless	GMU 154	50
Dayton	EF	Any	Oct. 30 - Nov. 7	Antlerless	Elk Area 1012	50
Marengo-Dayton	EF	Any	Oct. 30 - Nov. 7	Antlerless	GMU 163 and Elk Area 1011	50
Mountain View	EF	Any	Oct. 30 - Nov. 7	Antlerless	Elk Area 1013	15
Dayton	EF	Any	Oct. 30 - Nov. 7	Antlerless	Elk Area 1016	75
Lick Creek	EF	Any	Oct. 30 - Nov. 7	Antlerless	GMU 175	25

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Peola	EF	Any	Oct. 30 - Nov. 7	Antlerless	GMU 178	30
Couse	EF	Any	Oct. 4-15	Antlerless	GMU 181	30
Malaga	EF	Any	Sept. 14-24	Antlerless	Elk Area 2032	10
Malaga	EF	Any	Nov. 6 - Dec. 31	Antlerless	Elk Area 2032	35
West Bar	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 330	5
West Bar	EF	Any	Nov. 4-7	Antlerless	GMU 330	5
Teanaway	EF	Any	Dec. 18 - Jan. 9	Antlerless	GMU 335	50
Taneum	EF	Any	Nov. 3-7	Antlerless	GMU 336	75
Manastash	EF	Any	Nov. 3-7	Antlerless	GMU 340	100
Umtanum	EF	Any	Nov. 3-7	Antlerless	GMU 342	100
Little Naches	EF	Any	Nov. 3-7	Antlerless	GMU 346	75
Nile	EF	Any	Nov. 3-7	Antlerless	GMU 352	10
Bumping	EF	Any	Nov. 3-7	Antlerless	GMU 356	15
Bethel	EF	Any	Nov. 3-7	Antlerless	GMU 360	10
Rimrock	EF	Any	Nov. 3-7	Antlerless	GMU 364	50
Cowiche	EF	Any	Nov. 3-7	Antlerless	GMU 368	50
Klickitat Meadows	EF	Any	Nov. 3-7	Antlerless	Elk Area 3068	5
North Bend	WF	Any	Nov. 6-16	Antlerless	Elk Area 4601	7
Mossyrock	WF	Any	Nov. 6-16	Antlerless	GMU 505	50
Willapa Hills	WF	Any	Nov. 6-16	Antlerless	GMU 506	35
Winston	WF	Any	Nov. 6-16	Antlerless	GMU 520	100
Margaret	WF	Any	Nov. 23-30	Antlerless	GMU 524	70
Ryderwood	WF	Any	Nov. 6-16	Antlerless	GMU 530	50
Coweeman	WF	Any	Nov. 6-16	Antlerless	GMU 550	120
Coweeman	WF	Any	Jan. 1-15	Antlerless	GMU 550	50
Toutle	WF	Any	Nov. 23-30	Antlerless	GMU 556	120
Lewis River	WF	Any	Nov. 6-16	Antlerless	GMU 560	100
Washougal	WF	Any	Nov. 6-16	Antlerless	GMU 568	75
Siouxon	WF	Any	Nov. 6-16	Antlerless	GMU 572	30
Wind River	WF	Any	Nov. 6-16	Antlerless	GMU 574	75
West Klickitat	WF	Any	Nov. 6-16	Antlerless	GMU 578	150
Toledo	WF	Any	Nov. 6-16	Antlerless	Elk Area 5029	30
Newaukum	WF	Any	Nov. 6-16	Antlerless	Elk Area 5050	5
Green Mt.	WF	Any	Nov. 6-16	Antlerless	Elk Area 5051	10
Boistfort	WF	Any	Nov. 6-16	Antlerless	Elk Area 5054	50
Wildwood	WF	Any	Jan. 16-30	Antlerless	Elk Area 5061	20
Upper Smith Creek	WF	Any	Oct. 25-31	Antlerless	Elk Area 5064	4
Mount Whittier	WF	Any	Oct. 25-31	Antlerless	Elk Area 5065	2
Mudflow	WF	Any	Nov. 8-14	Antlerless	Elk Area 5099	10
Raymond	WF	Any	Dec. 16-31	Antlerless	Elk Area 6010	10
Raymond	WF	Any	Jan. 1-20	Antlerless	Elk Area 6010	5
Raymond	WF	Any	Feb. 1-28	Antlerless	Elk Area 6010	5
North Minot	WF	Any	Oct. 20-31	Antlerless	Elk Area 6067	5
North River	WF	Any	Nov. 8-13	Antlerless	GMU 658	10
Deschutes	WF	Any	Jan. 10-20	Antlerless	GMU 666	10
Williams Creek	WF	Any	Nov. 8-16	Antlerless	GMU 673	50
Tri Valley	WF	Any	Dec. 1 - Jan. 20	Antlerless	Elk Area 6012	5
Turnbull	EA	Any	Sept. 7-19	Antlerless	Elk Area 1015	14
Dayton	EA	Any	Sept. 1-19	Antlerless	Elk Area 1016	25
Malaga	EA	Any	Sept. 1-7	Antlerless	Elk Area 2032	20
Klickitat Meadows	EA	Any	Oct. 10-21	Antlerless	Elk Area 3068	9
Alkali	EA	Any	Sept. 1-24	Antlerless	GMU 371	5
North Bend	WA	Any	Sept. 7-19	Antlerless	Elk Area 4601	14
Margaret	WA	Any	Sept. 7-19 and Dec. 1-15	Antlerless	GMU 524	35
Toutle	WA	Any	Sept. 7-19 and Dec. 1-15	Antlerless	GMU 556	50

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Ethel	WA	Any	Jan. 1-20	Antlerless	Elk Area 5049	10
Newaukum	WA	Any	Aug. 1-15	Antlerless	Elk Area 5050	10
Newaukum	WA	Any	Aug. 16-31	Antlerless	Elk Area 5050	10
Upper Smith Creek	WA	Any	Oct. 9-15	Antlerless	Elk Area 5064	4
Mudflow	WA	Any	Sept. 7-19	Antlerless	Elk Area 5099	10
Lewis River	WA	Any	Nov. 24 - Dec. 7	Antlerless	GMU 560	15
Siouxon	WA	Any	Nov. 24 - Dec. 7	Antlerless	GMU 572	5
Aladdin	EM	Any	Oct. 2-8	Antlerless	GMU 111	10
Selkirk	EM	Any	Oct. 2-8	Antlerless	GMU 113	10
49 Degrees North	EM	Any	Oct. 2-8 and Dec. 16-31	Antlerless	GMU 117	20
Turnbull	EM	Any	Oct. 2-8	Antlerless	Elk Area 1015	9
Turnbull	EM	Any	Nov. 24 - Dec. 8	Antlerless	Elk Area 1015	9
Dayton	EM	Any	Oct. 2-8	Antlerless	Elk Area 1016	25
Blue Creek	EM	Any	Dec. 9 - Jan. 20	Antlerless	GMU 154	40
Mountain View	EM	Any	Oct. 2-8	Antlerless	Elk Area 1013	10
Lick Creek	EM	Any	Oct. 2-8	Antlerless	GMU 175	15
Peola	EM	Any	Oct. 2-8	Antlerless	GMUs 145, 178	30
Couse	EM	Any	Dec. 1-31	Antlerless	GMU 181	30
Couse	EM	Any	Jan. 1-20	Antlerless	GMU 181	30
Malaga	EM	Any	Oct. 9-21	Antlerless	Elk Area 2032	35
West Bar	EM	Any	Oct. 2-10	Antlerless	GMU 330	5
Taneum	EM	Any	Oct. 2-10	Antlerless	GMU 336	75
Manastash	EM	Any	Oct. 2-10	Antlerless	GMU 340	75
Umtanum	EM	Any	Oct. 2-10	Antlerless	GMU 342	200
Nile	EM	Any	Oct. 2-10	Antlerless	GMU 352	10
Bumping	EM	Any	Oct. 2-10	Antlerless	GMU 356	25
Bethel	EM	Any	Oct. 2-10	Antlerless	GMU 360	10
Cowiche	EM	Any	Oct. 2-10	Antlerless	GMU 368	100
Alkali	EM	Any	Sept. 26 - Oct. 15	Antlerless	GMU 371	10
Teanaway	EM	Any	Dec. 9-17	Antlerless	GMU 335	6
Klickitat Meadows	EM	Any	Oct. 2-10	Antlerless	Elk Area 3068	4
North Bend	WM	Any	Oct. 2-8	Antlerless	Elk Area 4601	10
Stella	WM	Any	Jan. 1-16	Antlerless	GMU 504	75
Toledo	WM	Any	Dec. 8-20	Antlerless	Elk Area 5029	40
Mossyrock	WM	Any	Jan. 1-16	Antlerless	Elk Area 5052	15
Randle	WM	Any	Jan. 1-16	Antlerless	Elk Area 5053	15
Boistfort	WM	Any	Jan. 1-16	Antlerless	Elk Area 5054	50
Willapa Hills	WM	Any	Dec. 8-19	Antlerless	GMU 506	15
Green Mt.	WM	Any	Jan. 1-16	Antlerless	Elk Area 5051	30
Wildwood	WM	Any	Jan. 1-15	Antlerless	Elk Area 5061	30
Mudflow	WM	Any	Oct. 2-8	Antlerless	Elk Area 5099	10
Winston	WM	Any	Oct. 2-8	Antlerless	GMU 520	45
Margaret	WM	Any	Oct. 2-8	Antlerless	GMU 524	35
Ryderwood	WM	Any	Oct. 2-8	Antlerless	GMU 530	30
Coweeman	WM	Any	Nov. 24 - Dec. 15	Antlerless	GMU 550	45
Yale	WM	Any	Oct. 2-8	Antlerless	GMU 554	40
Yale	WM	Any	Nov. 24 - Dec. 15	Antlerless	GMU 554	35
Toutle	WM	Any	Oct. 2-8	Antlerless	GMU 556	50
Lewis River	WM	Any	Oct. 2-8	Antlerless	GMU 560	50
Washougal	WM	Any	Nov. 24-30	Antlerless	GMU 568	50
Siouxon	WM	Any	Oct. 2-8	Antlerless	GMU 572	15
Wind River	WM	Any	Nov. 24-30	Antlerless	GMU 574	100
West Klickitat	WM	Any	Nov. 24-30	Antlerless	GMU 578	150
Ethel	WM	Any	Aug. 1-15	Antlerless	Elk Area 5049	10
Ethel	WM	Any	Aug. 16-31	Antlerless	Elk Area 5049	10

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Newaukum	WM	Any	Jan. 1-20	Antlerless	Elk Area 5050	10
Upper Smith Creek	WM	Any	Oct. 16-24	Antlerless	Elk Area 5064	4
Mount Whittier	WM	Any	Oct. 16-24	Antlerless	Elk Area 5065	2
North Minot	WM	Any	Oct. 2-8	Antlerless	Elk Area 6067	10
Mashel	WM	Any	Jan. 1-15	Antlerless	Elk Area 6054	25
North River	WM	Any	Nov. 25 - Dec. 15	Antlerless	GMU 658	20
Tri Valley	WM	Any	Dec. 16 - Jan. 20	Antlerless	Elk Area 6012	5

Youth - Only youth hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Toledo	WF, WM, WA	Youth	Aug. 1-7	Antlerless	Elk Area 5029	10
Mudflow	WF, WM, WA	Youth	Nov. 22-28	Any elk	Elk Area 5099	3
Mudflow	WF, WM, WA	Youth	Nov. 22-28	Antlerless	Elk Area 5099	4
Dungeness	WF, WM, WA	Youth	Dec. 1-31	Antlerless	Elk Area 6071, north of HWY 101 only	5 ^{HC}

65+ Senior - Only hunters 65 and older may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Margaret	WF, WM, WA	65+	Nov. 23-30	Antlerless	GMU 524	10
Toledo	WF, WM, WA	65+	Aug. 15-21	Antlerless	Elk Area 5029	10

Hunters with Disabilities - Only hunters with disabilities may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	EF, EM, EA	Hunters w/ Disabilities	Oct. 10-17	Antlerless	Elk Area 1015	6
Observatory	EF, EM	Hunters w/ Disabilities	Oct. 25 - Nov. 7	Any elk	GMUs 340, 342	5
Little Naches	EF, EM, EA	Hunters w/ Disabilities	Oct. 1-10	Any elk	GMU 346	5
Little Naches	EF, EM, EA	Hunters w/ Disabilities	Nov. 3-7	Antlerless	GMU 346	5
Alkali	EF	Hunters w/ Disabilities	Oct. 16 - Nov. 5	Any elk	GMU 371	5
Corral Canyon	EF, EM, EA	Hunters w/ Disabilities	Sept. 26 - Oct. 3	Any elk	Elk Area 3721	2
Toledo	WF, WM, WA	Hunters w/ Disabilities	Aug. 8-14	Antlerless	Elk Area 5029	10
Ethel	WF, WM, WA	Hunters w/ Disabilities	Nov. 6-16	Antlerless	Elk Area 5049	5
Mudflow	WF, WM, WA	Hunters w/ Disabilities	Oct. 25-31	Antlerless	Elk Area 5099	4
Mudflow	WF, WM, WA	Hunters w/ Disabilities	Sept. 20-26	Any elk	Elk Area 5099	4
Centralia Mine	WF, WM, WA	Hunters w/ Disabilities	Oct. 2-3	Antlerless	Elk Area 6011	3
Centralia Mine	WF, WM, WA	Hunters w/ Disabilities	Oct. 9-10	Antlerless	Elk Area 6011	3

Master Hunter - Only master hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt. Additional weapon restrictions may be conditioned on local situation for each hunt. For those hunts allowing the purchase of a second tag, only one elk may be killed in the unit under the authorization of the permit.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	Any elk tag	Master Hunter	Dec. 10-31	Antlerless	Elk Area 1015	6
Green Mt.	Any elk tag	Master Hunter	Jan. 17-30	Antlerless	Elk Area 5051	20
Mossyrock	Any elk tag	Master Hunter	Jan. 17-30	Antlerless	Elk Area 5052	10
Randle	Any elk tag	Master Hunter	Jan. 17-30	Antlerless	Elk Area 5053	15
Merwin	Any elk tag	Master Hunter	Nov. 24 - Dec. 15	Antlerless	Elk Area 5060	7
Merwin	Any elk tag	Master Hunter	Jan. 17-30, 2011	Antlerless	Elk Area 5060	7
Pumice Plains	Any elk tag	Master Hunter	Oct. 25 - Nov. 2	Antlerless	Elk Area 5063	5

Master Hunter - Only master hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt. Additional weapon restrictions may be conditioned on local situation for each hunt. For those hunts allowing the purchase of a second tag, only one elk may be killed in the unit under the authorization of the permit.

Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Pumice Plains	Any elk tag	Master Hunter	Oct. 18-24	Antlerless	Elk Area 5063	2
Malaga	Any elk tag/2nd tag	Master Hunter	Aug. 1 - Mar. 31	Antlerless	Elk Area 2032	100 ^{HC}
Peshastin	Any elk tag/2nd tag	Master Hunter	Aug. 1 - Mar. 31	Antlerless	Elk Area 2033	100 ^{HC}
Fairview	Any elk tag/2nd tag	Master Hunter	Jan. 1 - Feb. 28	Antlerless	Designated Areas in Elk Area 3911	50 ^{HC}
Rattlesnake Hills	Any elk tag/2nd tag	Master Hunter	Aug. 1 - Feb. 28	Antlerless or spike bull	Designated Areas in GMU 372	20 ^{HC}
North Bend	Any elk tag/2nd tag	Master Hunter	Aug. 15 - Mar. 31	Antlerless	Designated Areas in Elk Area 4601	25 ^{HC}
Skagit River	Any elk tag/2nd tag	Master Hunter	Dec. 1 - Feb. 28	Antlerless	Designated Areas in Elk Area 4941	15 ^{HC}
Cowlitz Valley	Any elk tag/2nd tag	Master Hunter	Aug. 1 - Sept. 6	Antlerless	Designated Areas in GMUs 503, 505, 510, 513, 516	15 ^{HC}
Gray's River	Any elk tag/2nd tag	Master Hunter	Aug. 1 - Sept. 6 and Dec. 15 - Feb. 28	Antlerless	Elk Area 5056	15 ^{HC}
JBH	Any elk tag/2nd tag	Master Hunter	Nov. 17 - Feb. 28	Antlerless	Elk Area 5090	20 ^{HC}
North River	Any elk tag/2nd tag	Master Hunter	Dec. 16 - Feb. 28	Antlerless	Designated Areas in GMU 658	10 ^{HC}
Raymond	Any elk tag/2nd tag	Master Hunter	Oct. 1 - Mar. 31	Antlerless	Elk Area 6010	5 ^{HC}
Dungeness	Any elk tag/2nd tag	Master Hunter	Sept. 1 - Feb. 28	Antlerless	Elk Area 6071 north of Hwy 101 only	15 ^{HC}
Toledo	Any elk tag/2nd tag	Master Hunter	Dec. 21-31	Antlerless	Elk Area 5029	35
Toledo	Any elk tag/2nd tag	Master Hunter	Aug. 22-28	Antlerless	Elk Area 5029	10
Trout Lake**	Any elk tag/2nd tag	Master Hunter	Dec. 15-31	Antlerless	Elk Area 5062	3
Trout Lake**	Any elk tag/2nd tag	Master Hunter	Jan. 1-14, 2011	Antlerless	Elk Area 5062	3
Trout Lake**	Any elk tag/2nd tag	Master Hunter	Jan. 15-30, 2011	Antlerless	Elk Area 5062	3

**May only hunt on privately owned lands. Must use only archery or legal shotgun (10 or 12 gauge; slugs only).

^{HC}This is a damage hunt administered by a WDFW designated hunt coordinator. Successful applicants will be contacted on an as-needed basis to help with specific sites of elk damage on designated landowner's property. Not all successful applicants will be contacted in any given year depending on elk damage activity for that year.

Hunter Education Instructor Incentive Permits				
<ul style="list-style-type: none"> Special elk permits will be allocated through a random drawing to those hunter education instructors that qualify. Permit hunters must use archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. Qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing. Instructors who are drawn, accept a permit, and are able to participate in the hunt, will not be eligible for these incentive permits for a period of ten years thereafter. Permittees may purchase a second license for use with the permit hunt only. 				
Area	Dates	Restrictions	GMUs	Permits
Region 3	All general season and permit seasons established for GMUs included with the permit	Any elk	GMUs 336-368	2
Region 5		Any elk	All 500 series GMUs EXCEPT GMU 522	4
Region 6		Any elk	GMUs 654, 660, 672, 673, 681	1

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-354 2009 Elk special permits.

WSR 10-10-087
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)
 [Filed May 3, 2010, 1:12 p.m., effective June 3, 2010]

Effective Date of Rule: Thirty-one days after filing.
 Purpose: To allow for reimbursement for the delivery of home health services via telemedicine. The department is also using this opportunity to incorporate minor housekeep-

ing changes such as changing "medical assistance administration" to "the department" and any changes in terms required to be consistent with the implementation of the new ProviderOne system.

Citation of Existing Rules Affected by this Order: Amending WAC 388-551-2000, 388-551-2010, 388-551-2020, 388-551-2030, 388-551-2100, 388-551-2110, 388-551-2120, 388-551-2130, 388-551-2200, 388-551-2210, and 388-551-2220.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: Chapter 74.09 RCW, and chapter 326, Laws of 2009 (SHB 1529).

Adopted under notice filed as WSR 10-05-078 on February 15, 2010.

A final cost-benefit analysis is available by contacting Ellen Silverman, DSHS-HRSA, P.O. Box 45560, Olympia, WA 98504-5560, phone (360) 725-1570, fax (360) 586-9727, e-mail silvees@dshs.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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 11, 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 11, Repealed 0.

Date Adopted: May 3, 2010.

Susan N. Dreyfus
Secretary

AMENDATORY SECTION (Amending WSR 02-15-082, filed 7/15/02, effective 8/15/02)

WAC 388-551-2000 Home health services—General. The purpose of the (~~medical assistance administration (MAA)~~) department's home health program is to reduce the costs of health care services by providing equally effective, less restrictive quality care to the client in the client's residence, subject to the restrictions and limitations in this subchapter.

Home health skilled services are provided for acute, intermittent, short-term, and intensive courses of treatment. See chapters 388-515 and 388-71 WAC for programs administered to clients who need chronic, long-term maintenance care.

AMENDATORY SECTION (Amending WSR 02-15-082, filed 7/15/02, effective 8/15/02)

WAC 388-551-2010 Home health services—Definitions. The following definitions and abbreviations and those found in WAC 388-500-0005 apply to this subchapter:

"Acute care" means care provided by a home health agency for clients who are not medically stable or have not attained a satisfactory level of rehabilitation. These clients require frequent intervention by a registered nurse or licensed therapist.

"Brief skilled nursing visit" means a registered nurse, or a licensed practical nurse under the supervision of a registered nurse, performs only one of the following activities during a visit to a client:

- (1) An injection;
- (2) Blood draw; or
- (3) Placement of medications in containers.

"Chronic care" means long-term care for medically stable clients.

"Full skilled nursing visit" means a registered nurse, or a licensed practical nurse under the supervision of a registered nurse, performs one or more of the following activities during a visit to a client:

- (1) Observation;
- (2) Assessment;
- (3) Treatment;
- (4) Teaching;
- (5) Training;
- (6) Management; and
- (7) Evaluation.

"Home health agency" means an agency or organization certified under medicare to provide comprehensive health care on an intermittent or part-time basis to a patient in the patient's place of residence.

"Home health aide" means an individual registered or certified as a nursing assistant under chapter 18.88 RCW who, under the direction and supervision of a registered nurse or licensed therapist, assists in the delivery of nursing or therapy related activities, or both.

"Home health aide services" means services provided by a home health aide only when a client has an acute, intermittent, short-term need for the services of a registered nurse, physical therapist, occupational therapist, or speech therapist who is employed by or under contract with a home health agency. Such services are provided under the supervision of the previously identified authorized practitioners and include, but are not limited to, ambulation and exercise, assistance with self-administered medications, reporting changes in a client's condition and needs, and completing appropriate records.

"Home health skilled services" means skilled health care (nursing, specialized therapy, and home health aide) services provided in the client's residence on an intermittent or part-time basis by a medicare-certified home health agency with a current (~~medical assistance administration (MAA)~~) provider number. See also WAC 388-551-2000.

"Long-term care" is a generic term referring to various programs and services, including services provided in home and community settings, administered directly or through contract by the department's aging and (~~adult~~) disability services administration (~~(AASA)~~) (ADSA) through home and community services (HCS) or the division of developmental disabilities (DDD).

"Plan of care (POC)" (also known as **"plan of treatment (POT)"**) means a written plan of care that is estab-

lished and periodically reviewed and signed by both ~~((a physician))~~ an ordering licensed practitioner and a home health agency provider. The plan describes the home health care to be provided at the client's residence. See WAC 388-551-2210.

"Residence" means a client's home or place of living. (See WAC 388-551-2030 (2)(g)(ii) for clients in residential facilities whose home health services are not covered through ~~((MAA's))~~ department's home health program.)

"Review period" means the three-month period the ~~((medical assistance administration (MAA)))~~ department assigns to a home health agency, based on the address of the agency's main office, during which ~~((MAA))~~ the department reviews all claims submitted by that agency.

"Specialized therapy" means skilled therapy services provided to clients that include:

- (1) Physical;
- (2) Occupational; or
- (3) Speech/audiology services.

(See WAC 388-551-2110.)

"Telemedicine" - For the purposes of WAC 388-551-2000 through 388-551-2220, means the use of telemonitoring to enhance the delivery of certain home health skilled nursing services through:

- (1) The collection of clinical data and the transmission of such data between a patient at a distant location and the home health provider through electronic processing technologies. Objective clinical data that may be transmitted includes, but is not limited to, weight, blood pressure, pulse, respirations, blood glucose, and pulse oximetry; or
- (2) The provision of certain education related to health care services using audio, video, or data communication instead of a face-to-face visit.

AMENDATORY SECTION (Amending WSR 02-15-082, filed 7/15/02, effective 8/15/02)

WAC 388-551-2020 Home health services—Eligible clients. (1) Clients in the following fee-for-service ~~((MAA))~~ programs are eligible to receive home health services subject to the limitations described in this chapter. Clients enrolled in a ~~((healthy options))~~ department-contracted managed care ~~((plan))~~ organization (MCO) receive all home health services through their designated plan.

- (a) Categorically needy program (CNP);
- (b) Limited casualty program - medically needy program (LCP-MNP); and
- (c) ~~((General assistance expedited (GA-X) (disability determination pending); and~~
- ~~((d)))~~ Medical care services (MCS) under the following programs:
 - (i) General assistance - unemployable (GA-U); and
 - (ii) Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) (GA-W).

(2) ~~((MAA))~~ The department does not cover home health services under the home health program for clients in the CNP-emergency medical only and LCP-MNP-emergency medical only programs. ~~((MAA))~~ The department evaluates a request for home health skilled nursing visits on a case-by-case basis under the provisions of WAC 388-501-0165, and

may cover up to two skilled nursing visits within the eligibility enrollment period if the following criteria are met:

- (a) The client requires hospital care due to an emergent medical condition as described in WAC 388-500-0005; and
- (b) ~~((MAA))~~ The department authorizes up to two skilled nursing visits for follow-up care related to the emergent medical condition.

AMENDATORY SECTION (Amending WSR 02-15-082, filed 7/15/02, effective 8/15/02)

WAC 388-551-2030 Home health skilled services—Requirements. (1) ~~((MAA))~~ The department reimburses for covered home health skilled services provided to eligible clients, subject to the restrictions or limitations in this section and other applicable published WAC.

(2) Home health skilled services provided to eligible clients must:

- (a) Meet the definition of "acute care" in WAC 388-551-2010.
- (b) Provide for the treatment of an illness, injury, or disability.
- (c) Be medically necessary as defined in WAC 388-500-0005.
- (d) Be reasonable, based on the community standard of care, in amount, duration, and frequency.
- (e) Be provided under a plan of care (POC), as defined in WAC 388-551-2010 and described in WAC 388-551-2210. Any statement in the POC must be supported by documentation in the client's medical records.
- (f) Be used to prevent placement in a more restrictive setting. In addition, the client's medical records must justify the medical reason(s) that the services should be provided in the client's residence instead of ~~((a physician's))~~ an ordering licensed practitioner's office, clinic, or other outpatient setting. This includes justification for services for a client's medical condition that requires teaching that would be most effectively accomplished in the client's home on a short-term basis.

(g) Be provided in the client's residence.

(i) ~~((MAA))~~ The department does not reimburse for services if provided at the workplace, school, child day care, adult day care, skilled nursing facility, or any other place that is not the client's place of residence.

(ii) Clients in residential facilities contracted with the state and paid by other programs such as home and community programs to provide limited skilled nursing services, are not eligible for ~~((MAA))~~ department-funded limited skilled nursing services unless the services are prior authorized under the provisions of WAC 388-501-0165.

(h) Be provided by:

(i) A home health agency that is Title XVIII (medicare) certified;

(ii) A registered nurse (RN) prior authorized by ~~((MAA))~~ the department when no home health agency exists in the area a client resides; or

(iii) An RN authorized by ~~((MAA))~~ the department when the RN is unable to contract with a medicare-certified home health agency.

AMENDATORY SECTION (Amending WSR 02-15-082, filed 7/15/02, effective 8/15/02)

WAC 388-551-2100 (~~Covered~~) **Home health services—Covered skilled nursing services.** (1) ((MAA)) The department covers home health acute care skilled nursing services listed in this section when furnished by a qualified provider. ((MAA)) The department evaluates a request for covered services that are subject to limitations or restrictions, and approves such services beyond those limitations or restrictions when medically necessary, under the standard for covered services in WAC 388-501-0165.

(2) ((MAA)) The department covers the following home health acute care skilled nursing services, subject to the limitations in this section:

(a) Full skilled nursing services that require the skills of a registered nurse or a licensed practical nurse under the supervision of a registered nurse, if the services involve one or more of the following:

- (i) Observation;
- (ii) Assessment;
- (iii) Treatment;
- (iv) Teaching;
- (v) Training;
- (vi) Management; and
- (vii) Evaluation.

(b) A brief skilled nursing visit if only one of the following activities is performed during the visit:

- (i) An injection;
- (ii) Blood draw; or
- (iii) Placement of medications in containers (e.g., envelopes, cups, medisets).

(c) Home infusion therapy only if the client:

- (i) Is willing and capable of learning and managing the client's infusion care; or
- (ii) Has a volunteer caregiver willing and capable of learning and managing the client's infusion care.

(d) Infant phototherapy for an infant diagnosed with hyperbilirubinemia:

(i) When provided by ((an MAA-approved)) a department-approved infant phototherapy agency; and

(ii) For up to five skilled nursing visits per infant.

(e) Limited high-risk obstetrical services:

(i) For a medical diagnosis that complicates pregnancy and may result in a poor outcome for the mother, unborn, or newborn;

(ii) For up to three home health visits per pregnancy if:

(A) Enrollment in or referral to the following providers of first steps has been verified:

- (I) Maternity support services (MSS); or
- (II) Maternity case management (MCM); and

(B) The visits are provided by a registered nurse who has either:

- (I) National perinatal certification; or
- (II) A minimum of one year of labor, delivery, and postpartum experience at a hospital within the last five years.

(3) ((MAA)) The department limits skilled nursing visits provided to eligible clients to two per day.

AMENDATORY SECTION (Amending WSR 02-15-082, filed 7/15/02, effective 8/15/02)

WAC 388-551-2110 Home health services—Covered specialized therapy. (1) ((MAA)) The department limits specialized therapy visits to one per client, per day, per type of specialized therapy. Specialized therapy is defined in WAC 388-551-2010.

(2) ((MAA)) The department does not allow duplicate services for any specialized therapy for the same client when both providers are performing the same or similar procedure(s).

AMENDATORY SECTION (Amending WSR 02-15-082, filed 7/15/02, effective 8/15/02)

WAC 388-551-2120 Home health services—Covered aide services. (1) ((MAA limits)) The department pays for one home health aide ((visits to one)) visit per client per day.

(2) ((MAA)) The department reimburses for home health aide services, as defined in WAC 388-551-2010, only when the services are provided under the supervision of, and in conjunction with, practitioners who provide:

- (a) Skilled nursing services; or
- (b) Specialized therapy services.

(3) ((MAA)) The department covers home health aide services only when a registered nurse or licensed therapist visits the client's residence at least once every fourteen days to monitor or supervise home health aide services, with or without the presence of the home health aide.

NEW SECTION

WAC 388-551-2125 Home health services—Delivered through telemedicine. (1) The department covers the delivery of home health services through telemedicine for clients who have been diagnosed with an unstable condition who may be at risk for hospitalization or a more costly level of care. The client must have a diagnosis(es) where there is a high risk of sudden change in clinical status which could compromise health outcomes.

(2) The department pays for one telemedicine interaction, per eligible client, per day based on the ordering licensed practitioner's home health plan of care.

(3) To receive payment for the delivery of home health services through telemedicine, the services must involve:

(a) An assessment, problem identification, and evaluation which includes:

(i) Assessment and monitoring of clinical data including, but not limited to, vital signs, pain levels and other biometric measures specified in the plan of care. Also includes assessment of response to previous changes in the plan of care; and

(ii) Detection of condition changes based on the telemedicine encounter that may indicate the need for a change in the plan of care; and

(b) Implementation of a management plan through one or more of the following:

(i) Teaching regarding medication management as appropriate based on the telemedicine findings for that encounter;

- (ii) Teaching regarding other interventions as appropriate to both the patient and the caregiver;
 - (iii) Management and evaluation of the plan of care including changes in visit frequency or addition of other skilled services;
 - (iv) Coordination of care with the ordering licensed practitioner regarding telemedicine findings;
 - (v) Coordination and referral to other medical providers as needed; and
 - (vi) Referral to the emergency room as needed.
- (4) The department does not require prior authorization for the delivery of home health services through telemedicine.
- (5) The department does not pay for the purchase, rental, or repair of telemedicine equipment.

AMENDATORY SECTION (Amending WSR 06-24-036, filed 11/30/06, effective 1/1/07)

WAC 388-551-2130 (~~Noncovered~~) Home health services—Noncovered services. (1) The (~~Health and Recovery Services Administration (HRSA)~~) department does not cover the following home health services under the home health program, unless otherwise specified:

(a) Chronic long-term care skilled nursing visits or specialized therapy visits for a medically stable client when a long-term care skilled nursing plan or specialized therapy plan is in place through the department of social and health services' aging and disability services administration (ADSA).

(i) (~~HRSA~~) The department considers requests for interim chronic long-term care skilled nursing services or specialized therapy services for a client while the client is waiting for ADSA to implement a long-term care skilled nursing plan or specialized therapy plan; and

(ii) On a case-by-case basis, (~~HRSA~~) the department may authorize long-term care skilled nursing visits or specialized therapy visits for a client for a limited time until a long-term care skilled nursing plan or specialized therapy plan is in place. Any services authorized are subject to the restrictions and limitations in this section and other applicable published WACs.

(b) Social work services.

(c) Psychiatric skilled nursing services.

(d) Pre- and postnatal skilled nursing services, except as listed under WAC 388-551-2100 (2)(e).

(e) Well-baby follow-up care.

(f) Services performed in hospitals, correctional facilities, skilled nursing facilities, or a residential facility with skilled nursing services available.

(g) Home health aide services that are not provided in conjunction with skilled nursing or specialized therapy services.

(h) Health care for a medically stable client (e.g., one who does not have an acute episode, a disease exacerbation, or treatment change).

(i) Home health specialized therapies and home health aide visits for clients in the following programs:

(i) CNP - emergency medical only; and

(ii) LCP-MNP - emergency medical only.

(j) Skilled nursing visits for a client when a home health agency cannot safely meet the medical needs of that client within home health services program limitations (e.g., for a client to receive infusion therapy services, the caregiver must be willing and capable of managing the client's care).

(k) More than one of the same type of specialized therapy and/or home health aide visit per day.

(l) HRSA does not reimburse for duplicate services for any specialized therapy for the same client when both providers are performing the same or similar procedure(s).

(m) Home health visits made without a written (~~physician's~~) licensed practitioner's order, unless the verbal order is:

(i) Documented prior to the visit; and

(ii) The document is signed by the (~~physician~~) ordering licensed practitioner within forty-five days of the order being given.

(2) HRSA does not cover additional administrative costs billed above the visit rate (these costs are included in the visit rate and will not be paid separately).

(3) HRSA evaluates a request for any service that is listed as noncovered under the provisions of WAC 388-501-0160.

AMENDATORY SECTION (Amending WSR 02-15-082, filed 7/15/02, effective 8/15/02)

WAC 388-551-2200 Home health services—Eligible providers. The following may contract with (~~MAA~~) the department to provide home health services through the home health program, subject to the restrictions or limitations in this section and other applicable published WAC:

(1) A home health agency that:

(a) Is Title XVIII (medicare) certified;

(b) Is department of health (DOH) licensed as a home health agency;

(c) Submits a completed, signed core provider agreement to (~~MAA~~) the department; and

(d) Is assigned a provider number.

(2) A registered nurse (RN) who:

(a) Is prior authorized by (~~MAA~~) the department to provide intermittent nursing services when no home health agency exists in the area a client resides;

(b) Is unable to contract with a medicare-certified home health agency;

(c) Submits a completed, signed core provider agreement to (~~MAA~~) the department; and

(d) Is assigned a provider number.

AMENDATORY SECTION (Amending WSR 02-15-082, filed 7/15/02, effective 8/15/02)

WAC 388-551-2210 Home health services—Provider requirements. For any delivered home health service to be payable, (~~MAA~~) the department requires home health providers to develop and implement an individualized plan of care (POC) for the client.

(1) The POC must:

(a) Be documented in writing and be located in the client's home health medical record;

(b) Be developed, supervised, and signed by a licensed registered nurse or licensed therapist;

(c) Reflect the ~~((physician's))~~ ordering licensed practitioner's orders and client's current health status;

(d) Contain specific goals and treatment plans;

(e) Be reviewed and revised by ~~((a-physician))~~ an ordering licensed practitioner at least every sixty calendar days, signed by ~~((a-physician))~~ the ordering licensed practitioner within forty-five days of the verbal order, and returned to the home health agency's file; and

(f) Be available to department staff or its designated contractor(s) on request.

(2) The provider must include in the POC all of the following:

(a) The client's name, date of birth, and address (to include name of residential care facility, if applicable);

(b) The primary diagnosis (the diagnosis that is most related to the reason the client qualifies for home health services) or the diagnosis that is the reason for the visit frequency;

(c) All secondary medical diagnoses, including date(s) of onset or exacerbation;

(d) The prognosis;

(e) The type(s) of equipment required, including telemedicine as appropriate;

(f) A description of each planned service and goals related to the services provided;

(g) Specific procedures and modalities;

(h) A description of the client's mental status;

(i) A description of the client's rehabilitation potential;

(j) A list of permitted activities;

(k) A list of safety measures taken on behalf of the client; and

(l) A list of medications which indicates:

(i) Any new prescription; and

(ii) Which medications are changed for dosage or route of administration.

(3) The provider must include in or attach to the POC:

(a) A description of the client's functional limits and the effects;

(b) Documentation that justifies why the medical services should be provided in the client's residence instead of ~~((a-physician's))~~ an ordering licensed practitioner's office, clinic, or other outpatient setting;

(c) Significant clinical findings;

(d) Dates of recent hospitalization;

(e) Notification to the DSHS case manager of admittance; ~~((and))~~

(f) A discharge plan, including notification to the DSHS case manager of the planned discharge date and client disposition at time of discharge; and

(g) Order for the delivery of home health services through telemedicine, as appropriate.

(4) The individual client medical record must comply with community standards of practice, and must include documentation of:

(a) Visit notes for every billed visit;

(b) Supervisory visits for home health aide services as described in WAC 388-551-2120(3);

(c) All medications administered and treatments provided;

(d) All ~~((physician))~~ licensed practitioner's orders, new orders, and change orders, with notation that the order was received prior to treatment;

(e) Signed ~~((physician))~~ licensed practitioner's new orders and change orders;

(f) Home health aide services as indicated by a registered nurse or licensed therapist in a home health aide care plan;

(g) Interdisciplinary and multidisciplinary team communications;

(h) Inter-agency and intra-agency referrals;

(i) Medical tests and results;

(j) Pertinent medical history; and

(k) Notations and charting with signature and title of writer.

(5) The provider must document at least the following in the client's medical record:

(a) Skilled interventions per the POC;

(b) Client response to the POC;

(c) Any clinical change in client status;

(d) Follow-up interventions specific to a change in status with significant clinical findings; ~~((and))~~

(e) Any communications with the attending ~~((physician))~~ ordering licensed practitioner; and

(f) Telemedicine findings, as appropriate.

(6) The provider must include the following documentation in the client's visit notes when appropriate:

(a) Any teaching, assessment, management, evaluation, client compliance, and client response;

(b) Weekly documentation of wound care, size (dimensions), drainage, color, odor, and identification of potential complications and interventions provided;

(c) If a client's wound is not healing, the client's ~~((physician))~~ ordering licensed practitioner has been notified, the client's wound management program has been appropriately altered and, if possible, the client has been referred to a wound care specialist; and

(d) The client's physical system assessment as identified in the POC.

AMENDATORY SECTION (Amending WSR 02-15-082, filed 7/15/02, effective 8/15/02)

WAC 388-551-2220 Home health services—Provider payments. (1) In order to be reimbursed, the home health provider must bill ~~((MAA))~~ the department according to the conditions of payment under WAC 388-502-0150 and other issuances.

(2) Payment to home health providers is:

(a) A set rate per visit for each discipline provided to a client;

(b) Based on the county location of the providing home health agency; and

(c) Updated by general vendor rate changes.

(3) For clients eligible for both medicaid and medicare, ~~((MAA))~~ the department may pay for services described in this chapter only when medicare does not cover those services. The maximum payment for each service is medicaid's maximum payment.

(4) Providers must submit documentation to ~~((MAA))~~ the department during the home health agency's review period. Documentation includes, but is not limited to, the requirements listed in WAC 388-551-2210.

(5) After ~~((MAA))~~ the department receives the documentation, the ~~((MAA))~~ department's medical director or designee reviews the client's medical records for program compliance and quality of care.

(6) ~~((MAA))~~ The department may take back or deny payment for any insufficiently documented home health care service when the ~~((MAA))~~ department's medical director or designee determines that:

(a) The service did not meet the conditions described in WAC 388-550-2030; or

(b) The service was not in compliance with program policy.

(7) Covered home health services for clients enrolled in a Healthy Options managed care plan are paid for by that plan.

WSR 10-11-001

PERMANENT RULES

DEPARTMENT OF HEALTH

(Medical Quality Assurance Commission)

[Filed May 5, 2010, 2:20 p.m., effective June 5, 2010]

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

Purpose: WAC 246-919-606 Nonsurgical medical cosmetic procedures (medical physicians) and 246-918-126 Nonsurgical medical cosmetic procedures (medical physician assistants) defines the area of medicine and sets minimum standards for the performance and the delegation of nonsurgical medical cosmetic procedures by physicians and physician assistants in this state. The adopted new sections will protect the public from potential harm or risk of harm.

Statutory Authority for Adoption: RCW 18.71.017 and 18.71A.020.

Other Authority: RCW 18.130.050(4).

Adopted under notice filed as WSR 09-24-107 on December 2, 2009.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-919-606, subsection (12) adds clarifying language regarding the medication or substance that is not approved by the FDA or not approved by the FDA for the particular purpose for which it is used. WAC 246-918-126, subsection (11) adds clarifying language regarding the medication or substance that is not approved by the FDA or not approved by the FDA for the particular purpose for which it is used.

A final cost-benefit analysis is available by contacting Beverly A. Teeter, P.O. Box 47866, Olympia, WA 98504, phone (360) 236-2758, fax (360) 236-2795, e-mail teeter@doh.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 2, 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 2, Amended 0, Repealed 0.

Date Adopted: January 14, 2010.

Maryella E. Jansen
Executive Director

NEW SECTION

WAC 246-918-126 Nonsurgical medical cosmetic procedures. (1) The purpose of this rule is to establish the duties and responsibilities of a physician assistant who injects medication or substances for cosmetic purposes or uses prescription devices for cosmetic purposes. These procedures can result in complications such as visual impairment, blindness, inflammation, burns, scarring, disfiguration, hypopigmentation and hyperpigmentation. The performance of these procedures is the practice of medicine under RCW 18.71.011.

(2) This section does not apply to:

(a) Surgery;

(b) The use of prescription lasers, noncoherent light, intense pulsed light, radiofrequency, or plasma as applied to the skin; this is covered in WAC 246-919-605 and 246-918-125;

(c) The practice of a profession by a licensed health care professional under methods or means within the scope of practice permitted by such license;

(d) The use of nonprescription devices; and

(e) Intravenous therapy.

(3) Definitions. These definitions apply throughout this section unless the context clearly requires otherwise.

(a) "Nonsurgical medical cosmetic procedure" means a procedure or treatment that involves the injection of a medication or substance for cosmetic purposes, or the use of a prescription device for cosmetic purposes. Laser, light, radiofrequency and plasma devices that are used to topically penetrate the skin are devices used for cosmetic purposes, but are excluded under subsection (2)(b) of this section, and are covered by WAC 246-919-605 and 246-918-125.

(b) "Physician" means an individual licensed under chapter 18.71 RCW.

(c) "Physician assistant" means an individual licensed under chapter 18.71A RCW.

(d) "Prescription device" means a device that the federal Food and Drug Administration has designated as a prescription device, and can be sold only to persons with prescriptive authority in the state in which they reside.

PHYSICIAN ASSISTANT RESPONSIBILITIES

(4) A physician assistant may perform a nonsurgical medical cosmetic procedure only after the commission approves a practice plan permitting the physician assistant to

perform such procedures. A physician assistant must ensure that the supervising or sponsoring physician is in full compliance with WAC 246-919-606.

(5) A physician assistant may not perform a nonsurgical cosmetic procedure unless his or her supervising or sponsoring physician is fully and appropriately trained to perform that same procedure.

(6) Prior to performing a nonsurgical medical cosmetic procedure, a physician assistant must have appropriate training in, at a minimum:

- (a) Techniques for each procedure;
- (b) Cutaneous medicine;
- (c) Indications and contraindications for each procedure;
- (d) Preprocedural and postprocedural care;
- (e) Recognition and acute management of potential complications that may result from the procedure; and
- (f) Infectious disease control involved with each treatment.

(7) The physician assistant must keep a record of his or her training in the office and available for review upon request by a patient or a representative of the commission.

(8) Prior to performing a nonsurgical medical cosmetic procedure, either the physician assistant or the delegating physician must:

- (a) Take a history;
- (b) Perform an appropriate physical examination;
- (c) Make an appropriate diagnosis;
- (d) Recommend appropriate treatment;
- (e) Obtain the patient's informed consent including disclosing the credentials of the person who will perform the procedure;
- (f) Provide instructions for emergency and follow-up care; and
- (g) Prepare an appropriate medical record.

(9) The physician assistant must ensure that there is a written office protocol for performing the nonsurgical medical cosmetic procedure. A written office protocol must include, at a minimum, the following:

(a) A statement of the activities, decision criteria, and plan the physician assistant must follow when performing procedures under this rule;

(b) Selection criteria to screen patients for the appropriateness of treatment;

(c) A description of appropriate care and follow-up for common complications, serious injury, or emergencies; and

(d) A statement of the activities, decision criteria, and plan the physician assistant must follow if performing a procedure delegated by a physician pursuant to WAC 246-919-606, including the method for documenting decisions made and a plan for communication or feedback to the authorizing physician concerning specific decisions made.

(10) A physician assistant may not delegate the performance of a nonsurgical medical cosmetic procedure to another individual.

(11) A physician assistant may perform a nonsurgical medical cosmetic procedure that uses a medication or substance that the federal Food and Drug Administration has not approved, or that the federal Food and Drug Administration has not approved for the particular purpose for which it is

used, so long as the physician assistant's sponsoring or supervising physician is on-site during the entire procedure.

(12) A physician assistant may perform a nonsurgical medical cosmetic procedure at a remote site. A physician assistant must comply with the established regulations governing physician assistants working in remote sites, including obtaining commission approval to work in a remote site under WAC 246-918-120.

(13) A physician assistant must ensure that each treatment is documented in the patient's medical record.

(14) A physician assistant may not sell or give a prescription device to an individual who does not possess prescriptive authority in the state in which the individual resides or practices.

(15) A physician assistant must ensure that all equipment used for procedures covered by this section is inspected, calibrated, and certified as safe according to the manufacturer's specifications.

(16) A physician assistant must participate in a quality assurance program required of the supervising or sponsoring physician under WAC 246-919-606.

NEW SECTION

WAC 246-919-606 Nonsurgical medical cosmetic procedures. (1) The purpose of this rule is to establish the duties and responsibilities of a physician who delegates the injection of medication or substances for cosmetic purposes or the use of prescription devices for cosmetic purposes. These procedures can result in complications such as visual impairment, blindness, inflammation, burns, scarring, disfigurement, hypopigmentation and hyperpigmentation. The performance of these procedures is the practice of medicine under RCW 18.71.011(3).

(2) This rule does not apply to:

(a) Surgery;

(b) The use of prescription lasers, noncoherent light, intense pulsed light, radiofrequency, or plasma as applied to the skin; this is covered in WAC 246-919-605 and 246-918-125;

(c) The practice of a profession by a licensed health care professional under methods or means within the scope of practice permitted by such license;

(d) The use of nonprescription devices; and

(e) Intravenous therapy.

(3) Definitions. These definitions apply throughout this section unless the context clearly requires otherwise.

(a) "Nonsurgical medical cosmetic procedure" means a procedure or treatment that involves the injection of a medication or substance for cosmetic purposes, or the use of a prescription device for cosmetic purposes. Laser, light, radiofrequency and plasma devices that are used to topically penetrate the skin are devices used for cosmetic purposes, but are excluded under subsection (2)(b) of this section, and are covered by WAC 246-919-605 and 246-918-125.

(b) "Physician" means an individual licensed under chapter 18.71 RCW.

(c) "Prescription device" means a device that the federal Food and Drug Administration has designated as a prescrip-

tion device, and can be sold only to persons with prescriptive authority in the state in which they reside.

PHYSICIAN RESPONSIBILITIES

(4) A physician must be fully and appropriately trained in a nonsurgical medical cosmetic procedure prior to performing the procedure or delegating the procedure. The physician must keep a record of his or her training in the office and available for review upon request by a patient or a representative of the commission.

(5) Prior to authorizing a nonsurgical medical cosmetic procedure, a physician must:

- (a) Take a history;
- (b) Perform an appropriate physical examination;
- (c) Make an appropriate diagnosis;
- (d) Recommend appropriate treatment;
- (e) Obtain the patient's informed consent;
- (f) Provide instructions for emergency and follow-up care; and
- (g) Prepare an appropriate medical record.

(6) Regardless of who performs the nonsurgical medical cosmetic procedure, the physician is ultimately responsible for the safety of the patient.

(7) Regardless of who performs the nonsurgical medical cosmetic procedure, the physician is responsible for ensuring that each treatment is documented in the patient's medical record.

(8) The physician must ensure that there is a quality assurance program for the facility at which nonsurgical medical cosmetic procedures are performed regarding the selection and treatment of patients. An appropriate quality assurance program must include the following:

- (a) A mechanism to identify complications and untoward effects of treatment and to determine their cause;
- (b) A mechanism to review the adherence of supervised health care professionals to written protocols;
- (c) A mechanism to monitor the quality of treatments;
- (d) A mechanism by which the findings of the quality assurance program are reviewed and incorporated into future protocols required by subsection (10)(d) of this section and physician supervising practices; and

(e) Ongoing training to maintain and improve the quality of treatment and performance of supervised health care professionals.

(9) A physician may not sell or give a prescription device to an individual who does not possess prescriptive authority in the state in which the individual resides or practices.

(10) The physician must ensure that all equipment used for procedures covered by this section is inspected, calibrated, and certified as safe according to the manufacturer's specifications.

PHYSICIAN DELEGATION

(11) A physician who meets the above requirements may delegate a nonsurgical medical cosmetic procedure to a properly trained physician assistant, registered nurse or licensed practical nurse, provided all the following conditions are met:

(a) The treatment in no way involves surgery as that term is understood in the practice of medicine;

(b) The physician delegates procedures that are within the delegate's lawful scope of practice;

(c) The delegate has appropriate training in, at a minimum:

- (i) Techniques for each procedure;
- (ii) Cutaneous medicine;
- (iii) Indications and contraindications for each procedure;
- (iv) Preprocedural and postprocedural care;
- (v) Recognition and acute management of potential complications that may result from the procedure; and
- (vi) Infectious disease control involved with each treatment.

(d) The physician has a written office protocol for the delegate to follow in performing the nonsurgical medical cosmetic procedure. A written office protocol must include, at a minimum, the following:

- (i) The identity of the physician responsible for the delegation of the procedure;
- (ii) Selection criteria to screen patients for the appropriateness of treatment;
- (iii) A description of appropriate care and follow-up for common complications, serious injury, or emergencies; and
- (iv) A statement of the activities, decision criteria, and plan the delegate shall follow when performing delegated procedures, including the method for documenting decisions made and a plan for communication or feedback to the authorizing physician concerning specific decisions made.

(e) The physician ensures that the delegate performs each procedure in accordance with the written office protocol;

(f) Each patient signs a consent form prior to treatment that lists foreseeable side effects and complications, and the identity and license of the delegate or delegates who will perform the procedure; and

(g) Each delegate performing a procedure covered by this section must be readily identified by a name tag or similar means so that the patient understands the identity and license of the treating delegate.

(12) If a physician delegates the performance of a procedure that uses a medication or substance that the federal Food and Drug Administration has not approved, or that the federal Food and Drug Administration has not approved for the particular purpose for which it is used, the physician must be on-site during the entire duration of the procedure.

(13) If a physician delegates the performance of a procedure that uses a medication or substance that is approved by the federal Food and Drug Administration for the particular purpose for which it is used, the physician need not be on-site during the procedure, but must be reachable by phone and able to respond within thirty minutes to treat complications.

(14) If the physician is unavailable to supervise a delegate as required by this section, the physician must make arrangements for an alternate physician to provide the necessary supervision. The alternate supervisor must be familiar with the protocols in use at the site, will be accountable for adequately supervising the treatment under the protocols, and must have comparable training as the primary supervising physician.

(15) A physician performing or delegating nonsurgical cosmetic procedures may not sponsor more than three physician assistants at any one time.

(16) A physician may not permit a delegate to further delegate the performance of a nonsurgical medical cosmetic procedure to another individual.

WSR 10-11-007
PERMANENT RULES
DEPARTMENT OF
SERVICES FOR THE BLIND

[Filed May 6, 2010, 2:53 p.m., effective June 6, 2010]

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

Purpose: The purpose of the proposed changes to WAC 67-25-060 is to (1) add language to define the criteria for nonsignificant disability; (2) clarify language regarding the criteria for significant disability and most significant disability by removing reference to specific disabilities and focusing on the functional limitations (caused by a disability) related to employment; and (3) clarify and quantify level of service required for each level of disability.

The proposed changes are based on federal statute and do not change the effect of the rule.

Citation of Existing Rules Affected by this Order: Amending X [WAC 67-25-060].

Statutory Authority for Adoption: Code of Federal Regulations, The Rehabilitation Act, and Washington State Constitution.

Adopted under notice filed as WSR 09-23-103 on November 17, 2009.

A final cost-benefit analysis is available by contacting Patrick Dymond, Department of Services for the Blind, phone (360) 725-3836, fax (360) 407-0670, e-mail Patrick.Dymond@dsb.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended X [1], 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 X [1], 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: May 6, 2010.

Ellen Drumheller
Rules Coordinator

AMENDATORY SECTION (Amending WSR 05-08-097, filed 4/4/05, effective 5/5/05)

WAC 67-25-060 **Criteria for nonsignificant disability, significant disability and most significant disability.**

(1) An individual with a nonsignificant disability is an individual:

(a) Who has at least one functional limitation related to employment; and

(b) Requires one or more substantial types of services.

(2) An individual with a significant disability is an individual:

(a) ~~Who has ((a severe physical or mental disability which seriously limits his or her functional capacities (mobility, communication, self-care, self-direction, work tolerance or work skills) in terms of achieving an employment outcome;~~

~~(b) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and~~

~~(c) Who has one or more physical or mental disabilities resulting from amputation, arthritis, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorder, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia and end-stage renal disease, or other disability or combination of disabilities determined on the basis of an assessment of rehabilitation needs to cause comparable substantial functional limitation))~~

at least two functional limitations related to employment; and

(b) Requires one or more substantial types of services provided over an extended period of time.

~~((2))~~ (3) An individual with a most significant disability is an individual:

(a) Who has at least three ((or more)) functional limitations ~~((mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills)))~~ related to employment; and

~~(b) ((Whose vocational rehabilitation can be expected to))~~ Requires ((multiple vocational rehabilitation)) two or more substantial types of services provided over an extended period of time.

WSR 10-11-021
PERMANENT RULES
DEPARTMENT OF PERSONNEL

[Filed May 10, 2010, 9:11 a.m., effective June 10, 2010]

Effective Date of Rule: June 10, 2010.

Purpose: On December 7, 2009, a special meeting was held before the Washington personnel resources board. The purpose of the meeting was to allow parties to present testimony regarding a request submitted by public school employees of Washington (PSE) to modify WAC 357-04-045.

By memorandum dated December 17, 2009, the board denied the request and directed the department of personnel

staff to draft a new rule modification to address how the three hundred fifty hours referenced in WAC 357-04-045 should be counted.

The proposed rule change sets forth how the three hundred fifty hours and the one thousand fifty hours referenced in WAC 357-04-045 should be counted.

Citation of Existing Rules Affected by this Order: Amending WAC 357-04-045.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 10-07-119 on March 22, 2010.

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 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: May 6, 2010.

Eva N. Santos, Secretary
Personnel Resources Board

AMENDATORY SECTION (Amending WSR 04-15-016, filed 7/8/04, effective 7/1/05)

WAC 357-04-045 Which part-time or temporary employees of higher education employers are exempt from civil service rules? Persons employed to work one thousand fifty hours or less (~~((1050 hours or less))~~) in ~~((any))~~ a twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, are exempt from civil service rules.

Employees who are either exempt under this subsection or exceptions authorized under WAC 357-19-440, and who work more than three hundred fifty (~~((350))~~) hours in ~~((any))~~ a twelve consecutive month period from the original date of hire or January 1, 2004, whichever is later, may be included in an appropriate bargaining unit for purposes of collective bargaining, as determined by the public employment relations commission. Overtime and time worked as a student employee under the provisions of WAC 357-04-040 are not counted in the ~~((three hundred))~~ three hundred fifty (~~((350))~~) hours. For purposes of counting the three hundred fifty hours, the twelve-month period will begin on the employee's original date of hire or January 1, 2004, whichever is later. The next twelve-month period will repeat accordingly. For example:

The employee's original date of hire is June 1, 2009. The twelve-month period would be June 1, 2009, through May 31, 2010. The next twelve-month period would be June 1, 2010, through May 31, 2011. This pattern will continue.

Once the employee works at least three hundred fifty hours in a job classification in the collective bargaining unit the employee remains in that collective bargaining unit until the end of the first twelve-month period (as described in this section) in which the employee does not work at least three hundred fifty hours in a job classification that is in the collective bargaining unit. An employee who has not worked sufficient hours in a bargaining unit job classification to remain in the bargaining unit, is excluded from the bargaining unit until the employee again works at least three hundred fifty hours in a bargaining unit job classification in a twelve-month period (as described in this section).

Temporary appointment under the provisions of this section may be subject to remedial action in accordance with WAC 357-19-450, if the number of hours worked exceeds one thousand fifty hours (~~((1050 hours))~~) in ~~((any))~~ a twelve (~~((12))~~) consecutive month period from the original date of hire or October 1, 1989, whichever is later. Overtime and time worked as a student employee under the provisions of WAC 357-04-040 are not counted in the one thousand fifty (~~((1050))~~) hours. For purposes of counting the one thousand fifty hours, the twelve-month period will begin on the employee's original date of hire or October 1, 1989, whichever is later. The next twelve-month period will repeat accordingly. For example:

The employee's original date of hire is June 1, 2009. The twelve-month period would be June 1, 2009, through May 31, 2010. The next twelve-month period would be June 1, 2010, through May 31, 2011. This pattern will continue.

WSR 10-11-025

PERMANENT RULES

MARINE EMPLOYEES' COMMISSION

[Filed May 10, 2010, 11:10 a.m., effective June 10, 2010]

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

Purpose: Due to changes in chapter 47.64 RCW, revisions were necessary in agency rules to reflect those changes.

Citation of Existing Rules Affected by this Order: Repealing WAC 316-55-110, 316-55-120, 316-55-130, 316-55-500 [316-55-150], 316-55-505, 316-55-510, 316-55-515, 316-55-517, 316-55-700, 316-55-710 and 316-55-730; and amending WAC 316-55-001, 316-55-005, 316-55-010, 316-55-020, 316-55-030, 316-55-090, 316-55-160, 316-55-170, 316-55-500, 316-55-525, and 316-55-600.

Statutory Authority for Adoption: RCW 47.64.280.

Adopted under notice filed as WSR 10-06-037 on February 23, 2010.

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 11, Repealed 11.

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: May 10, 2010.

Kathy J. Marshall
Administrator

AMENDATORY SECTION (Amending WSR 03-12-074, filed 6/3/03, effective 7/4/03)

WAC 316-55-001 Scope—Contents—Other rules. This chapter directs activities of and proceedings before the marine employees' commission relating to ~~((the resolution of))~~ impasses occurring in collective bargaining. This chapter does not reflect, and does not provide procedures for, direct involvement of the commission in the investigation and/or settlement of contested cases between parties. The assistance rendered by the commission to the parties at impasse during collective bargaining ~~((and the commission's review of compliance with fiscal limitations are))~~ is not adjudicatory in nature and ~~((are))~~ is not governed by RCW 34.05.425 or 34.12.020 or chapter 10-08 WAC. Such assistance ~~((and/or review of compliance are))~~ is considered to be a ministerial act(s) prescribed by RCW 47.64.170 through ~~((47.64.240))~~ 47.64.220. However, because the collective bargaining process is related to bargaining unit recognition and clarification, to fair representation of ferry employees, to alleviation of ferry employee grievances, and to ~~((fact-finding))~~ salary survey procedures and requests, the terms of this chapter should be read together with the terms of:

(1) Chapter 316-02 WAC, which lists rules of practice and procedure applicable to all types of proceedings before the marine employees' commission.

(2) Chapter 316-25 WAC, which lists rules about proceedings on petitions for investigation of questions concerning representation of ferry system employees.

(3) Chapter 316-35 WAC, which lists rules about proceedings on petitions for clarification of an existing ferry system employees' bargaining unit.

(4) Chapter 316-45 WAC, which lists rules about proceedings on complaints charging unfair labor practices in the Washington state ferry system.

(5) Chapter 316-65 WAC, which lists rules about arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement in the Washington state ferry system.

(6) Chapter 316-75 WAC, which lists rules about determination of union security disputes arising between ferry system employees and employee organizations certified or recognized as their bargaining representative.

(7) Chapter 316-85 WAC, which lists rules about ~~((fact-finding))~~ salary surveys of compensation, benefits, and conditions of employment.

AMENDATORY SECTION (Amending WSR 03-12-074, filed 6/3/03, effective 7/4/03)

WAC 316-55-005 Impasse procedures—~~((Duty to adopt))~~ Adoption. As the first step in the performance of their duty to bargain, the ~~((ferry system management))~~ employer and the ferry employee organization will endeavor to agree upon impasse procedures. Such agreement shall provide for implementation of those impasse procedures not later than ~~((July))~~ August 1st in each ~~((odd-numbered))~~ even-numbered year ~~((following enactment of the biennial budget))~~ preceding the biennial budget period during which the bargaining agreement should take effect. If the parties fail to agree upon impasse procedures ~~((by July 1, the impasse procedures provided in WAC 316-55-010 through 316-55-600)),~~ RCW 47.64.210, 47.64.230, and 47.64.300 will apply.

Before November 1st each odd-numbered year, the parties shall execute a written agreement naming the agreed-upon arbitrator and dates reserved for bargaining and arbitration, in accordance with RCW 47.64.170 (6)(a).

AMENDATORY SECTION (Amending WSR 03-12-074, filed 6/3/03, effective 7/4/03)

WAC 316-55-010 Resolution of impasses—Request for mediation. When there is no impasse agreement between the parties, or either party fails to utilize ~~((the))~~ its procedures ~~((of the impasse agreement))~~ by August 1st in each ~~((odd-numbered))~~ even-numbered year, either party may ~~((make a))~~ request in writing ~~((to))~~ that the marine employees' commission ~~((for mediation))~~ appoint a mediator. A copy of the request is to be served on the other party.

AMENDATORY SECTION (Amending WSR 03-12-074, filed 6/3/03, effective 7/4/03)

WAC 316-55-020 Mediation request—Information required. The party or parties requesting mediation must provide the following information to the commission:

(1) The name and address of the ~~((department))~~ employer and the name, address and telephone number of the ~~((department's))~~ employer's principal representative in the negotiations;

(2) The name and address of the employee organization and the name, address and telephone number of the employee organization's principal representative in the negotiations;

(3) A clear and concise statement of the disputed issues and the parties' positions;

(4) A description of the size and composition of the bargaining unit involved;

(5) The expiration date of any collective bargaining agreement then in effect or recently expired;

(6) Any other relevant information; and

(7) The name, signature, and capacity of each officer, agent, attorney, or other individual acting for the filing party or parties.

AMENDATORY SECTION (Amending WSR 03-12-074, filed 6/3/03, effective 7/4/03)

WAC 316-55-030 Impasse resolution—Appointment of mediator. When a request for mediation is filed, the commission will appoint a qualified, impartial, and disinterested person to serve as mediator. ~~((If the parties have listed the names of one or more persons who are acceptable to both parties as mediator, then the commission shall consider their desires.))~~

AMENDATORY SECTION (Amending WSR 03-12-074, filed 6/3/03, effective 7/4/03)

WAC 316-55-090 Impasse resolution—Confidential nature of function. Information disclosed by the parties to the mediator in confidence during the course of mediation will not be revealed by the mediator. Mediation meetings ~~((will be of an executive, private or nonpublic nature))~~ are exempt from the provisions of chapter 42.30 RCW.

AMENDATORY SECTION (Amending WSR 03-12-074, filed 6/3/03, effective 7/4/03)

WAC 316-55-160 ~~((Fact-finding.))~~ Salary survey. Before collective bargaining, the commission will conduct a salary survey as required by RCW 47.64.220 in the manner and procedure described in chapter 316-85 WAC. ~~((The parties may request the commission make other findings of fact during bargaining or impasse.))~~ The ~~((obtained))~~ published salary survey ~~((data))~~ report is a public document.

AMENDATORY SECTION (Amending WSR 03-12-074, filed 6/3/03, effective 7/4/03)

WAC 316-55-170 Waiver of mediation ~~((and fact finding))~~. By mutual agreement, the parties may waive mediation ~~((and fact finding))~~ and proceed with binding arbitration as provided for in the impasse procedures agreed to under RCW 47.64.200 or 47.64.300 through 47.64.320. This waiver must be in writing and signed by the representatives of the parties. ~~((If the parties waive mediation or fact finding, impasse resolution is to continue as described in WAC 316-55-500 et seq.))~~ Regardless of the status of the mediation, the parties must comply with the interest arbitration agreement under RCW 47.64.170 (6)(a).

AMENDATORY SECTION (Amending WSR 03-12-074, filed 6/3/03, effective 7/4/03)

WAC 316-55-500 Binding arbitration. If ~~((impasse continues fourteen days after the mediator's appointment, or beyond any other date mutually agreed to by the parties))~~ agreement has not been reached within a reasonable period of negotiations and mediation, if applicable, or in compliance with the parties' interest arbitration agreement under RCW 47.64.170 (6)(a), all impasse items will be submitted to arbitration. ~~((That arbitration will be binding upon the parties in accordance with RCW 47.64.240. The parties will notify the commission in writing. This))~~ Each of the parties will notify the commission of the outstanding disputed issues, in writing,

within five days after reaching impasse. Notice to the commission must contain:

(1) The name ~~((and address of the department and the name)),~~ address and telephone number of the ~~((department's))~~ parties' principal representative in ~~((the))~~ negotiations;

(2) ~~((The name and address of the employee organization party to the impasse and the name, address and telephone number of that party's principal representative in the negotiations;~~

~~((3) A clear and concise statement of the disputed issues and the parties' positions;~~

~~((4))~~ A description of the size and composition of the bargaining unit involved;

~~((5) The expiration date of any collective bargaining agreement in effect at the time or recently expired;~~

~~((6) Any other relevant information; and~~

~~((7) The name, signature and capacity of each officer, agent, attorney or other representative acting for the filing party or parties.))~~ (3) A clear and concise statement of the disputed issues and the party's final positions.

The commission will review the issues submitted and issue an order certifying those appropriate for interest arbitration. If the parties have a dispute over the issues for arbitration, the commission may convene a hearing to take evidence to decide the issue.

The issues for arbitration shall be limited to the issues certified by the commission.

The original notice must be filed with the commission at its Olympia office. ~~((The))~~ Each party ~~((filing the notice must serve a copy on each of the other parties))~~ must file the notice with both the commission and the selected arbitrator and serve a copy on the other party to ~~((the))~~ impasse. Amendments to notices must be filed and served in the same manner as the original notice in the proceeding.

AMENDATORY SECTION (Amending WSR 03-12-074, filed 6/3/03, effective 7/4/03)

WAC 316-55-525 Conduct of interest arbitration. ~~((1) Submission of the impasse items to the arbitration panel is limited to those issues upon which the parties have not reached agreement. With respect to each such item, the arbitration panel award is restricted to the final offers on each impasse item submitted by the parties to the arbitration board on each impasse item.~~

~~((2) The arbitration panel will at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed in chapter 47.64 RCW.~~

~~((3) From the time of appointment until the arbitration panel makes its final determination, there is to be no discussion concerning recommendations for settlement of the dispute by the members of the arbitration panel with parties other than those who are direct parties to the dispute. The arbitration panel may conduct formal or informal hearings to discuss offers submitted by both parties.~~

~~((4) The arbitration panel will consider, in addition to any other relevant factors, the following factors:~~

~~((a) Past collective bargaining contracts between the parties including the bargaining that led up to the contracts;~~

(b) Comparison of wages, hours, employee benefits, and conditions of employment of the involved ferry employees with those of public and private sector employees in states along the west coast of the United States, including Alaska, and in British Columbia doing directly comparable work but not necessarily identical work, giving consideration to factors peculiar to the area and the classifications involved;

(c) The interests and welfare of the public, the ability of the ferry system to finance economic adjustments, and the effect of the adjustments on the normal standard of services;

(d) The right of the legislature to appropriate and to limit funds for the conduct of the ferry system; and

(e) The limitations on ferry toll increases and operating subsidies as may be imposed by the legislature.

(5) The chairman of the arbitration panel may hold hearings and administer oaths, examine witnesses and documents, take testimony and receive evidence, issue subpoenas to compel the attendance of witnesses and the production of records, and delegate such powers to other members of the arbitration panel. The chairman of the arbitration panel may petition the superior court in Thurston county, or any county in which any hearing is held, to enforce the order of the chairman compelling the attendance of witnesses and the production of records.

(6) A majority of the arbitration panel will within thirty days after its first meeting select the most reasonable offer, in its judgment, of the final offers on each impasse item submitted by the parties.

(7) The selections by the arbitration panel and items agreed upon by the ferry system management and the employee organization will be deemed to be the collective bargaining agreement between the parties.

(8) The determination of the arbitration panel will be by majority vote and will be final and binding, subject to RCW 47.64.180 and 47.64.190. The arbitration panel will write an explanation for its selection and inform the parties of its decision.

(9) Two copies of the final award, including the written explanation required by subsection (8) of this section will be filed with the commission.)) The issues for arbitration shall be limited to the issues certified by the commission. Except with respect to biennial bargaining described under RCW 47.64.170(6), the parties will follow interest arbitration procedures contained in RCW 47.64.300 through 47.64.330. The parties will provide the commission with a copy of the final award when issued.

AMENDATORY SECTION (Amending WSR 03-12-074, filed 6/3/03, effective 7/4/03)

WAC 316-55-600 Central filing of agreements. The parties to collective bargaining agreements entered into as a result of collective bargaining in accordance with chapter 47.64 RCW will file ~~((two))~~ a complete ~~((copies))~~ copy of their agreement with the commission.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 316-55-110	Impasse resolution—Dispute resolution panel.
WAC 316-55-120	Impasse resolution—Expenses.
WAC 316-55-130	Impasse resolution—Disclosure.
WAC 316-55-150	Impasse resolution—Vacancies.
WAC 316-55-505	Final offer.
WAC 316-55-510	Single arbitrator.
WAC 316-55-515	Arbitration panel.
WAC 316-55-517	Arbitration panel chairman—Qualifications—Replacement.
WAC 316-55-700	Result of collective bargaining agreements—If budget or fares exceeded.
WAC 316-55-710	Collective bargaining agreements stayed.
WAC 316-55-730	Commission action.

WSR 10-11-030

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed May 11, 2010, 11:06 a.m., effective June 11, 2010]

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

Purpose: Removes the requirement of having public disclosure requests notarized [notarized].

Citation of Existing Rules Affected by this Order: Amending WAC 308-93-087, 308-93-088, 308-93-089, and 308-56A-090.

Statutory Authority for Adoption: RCW 46.16.276.

Other Authority: RCW 46.01.110.

Adopted under notice filed as WSR 10-08-019 on March 30, 2010.

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 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Date Adopted: May 11, 2010.

Walt Fahrer
Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-15-059, filed 7/12/06, effective 8/12/06)

WAC 308-56A-090 Disclosure of individual vehicle owner information. (1) **What vehicle record owner information is protected from disclosure?** Vehicle information protected from disclosure is the same as under chapters 42.56 and 46.12 RCW (~~which includes:~~

- ~~(a) Name and address information;~~
- ~~(b) Social Security numbers;~~
- ~~(c) Medical or disability information; and~~
- ~~(d) Telephone numbers), and 18 U.S.C. 2721.~~

(2) **Who may receive disclosure of individual vehicle owner names and addresses?**

(a) Government agencies (~~that require use of name and address information in their normal course of business~~);

(b) (~~Any business entity~~) Businesses that require (~~s use of name and address~~) the information in their normal course of conducting business (~~in accordance with these rules~~);

(c) Vehicle manufacturers (~~who~~) that require vehicle ownership information for recall of their product;

(d) Individuals (~~that~~) who provide proof of personal identification:

(i) For vehicles currently registered in their name; or

(ii) For vehicles for which they can provide a bill of sale or acceptable documents indicating (~~that~~) they purchased the vehicle.

(e) Please see subsection (3) of this section for additional restrictions.

Business and government (~~entities~~) agencies requesting disclosure of individual vehicle owner names and addresses must enter into a disclosure agreement with the department.

(3) **When both a mailing and residence address are recorded on the vehicle record, which address will be disclosed?** (~~Where~~) When both a mailing address and residence address are recorded on the vehicle record and are different, only the mailing address will be disclosed. Both addresses will be disclosed in response to requests from courts, law enforcement agencies, or government (~~entities~~) agencies with enforcement, investigative, or taxing authority and only for use in the normal course of conducting (~~their~~) business.

(4) **What documentation does the department require to disclose vehicle owner name(s) and address(es)?** The department requires:

(a) A signed (~~and notarized~~) vehicle/vessel record disclosure request (~~application~~) form provided by the department and completed by the (~~applicant~~) requestor indicating the specific purpose for which the information will be used; and

(b) A disclosure agreement with the department as required by RCW 46.12.380.

(c) Acceptable business (~~entity~~) verification; or

(d) A contract with the department.

(5) **What is acceptable business verification?** For purposes of this section, acceptable business verification includes:

(a) If the requester is a licensed Washington business, a copy of its current master business license;

(b) If the requester is a business that is not required to be licensed in this state, its federal employer identification number/federal tax number (or Uniform Business Identifier) on official letterhead with a (~~notarized~~) signature of the owner or an authorized representative;

(c) If an attorney, a copy of the current bar card; or

(d) If a private investigator, a copy of the current private investigator's license.

(6) **Does a business need to supply a new form and copy of the business license each time vehicle information is requested?** Yes, each time a request is made for vehicle information a new form and copy of the business license is needed, unless (~~a~~) an unexpired contract exists between the business and the department.

(7) (~~If a business entity has entered into a contract or agreement with the department, is a separate request for each inquiry required?~~ No. If a business entity has entered into a signed contract between the business and the department, a separate request for each inquiry is not required.

(~~8~~) **Are businesses allowed individual owner information on vehicle records?** Yes, if a business requires individual owner information to conduct its (~~regular~~) normal business and qualifies under RCW 46.12.380 and 18 U.S.C. (~~27-24~~) 2721 (commonly known as Driver Privacy Protection Act), it may receive individual vehicle owner information.

(~~9~~) **Who may release the vehicle owner name and address information?**

(a) The public disclosure unit of the driver and vehicle services division of the department of licensing; or

(b) Agents and subagents, but only when disclosing information for purposes described in subsection (2)(d) of this section.

(~~10~~) **When may the department disclose the individual name(s) and address(es) of vehicle owners?** Notwithstanding the provisions of chapters 42.56 and 46.12 RCW, and 18 U.S.C. 2721 the department may disclose names and addresses of vehicle owners when:

(a) The requesting party is a business (~~entity~~) that requests the information for use in their normal course of business;

(b) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party and/or their business, and specifies the purpose for which the information will be used; and

(c) The requesting party enters into a disclosure agreement with the department in which the (~~party~~) parties: (~~it~~) Agree(s) they will use the information only for the purpose stated in the request for the information(~~;~~ and

(ii) Will not use, or facilitate the use of the information for the purpose of making any unsolicited business contact with a person named in the disclosed information.

~~(11) What does the term "unsolicited business contact" mean?~~ The term "unsolicited business contact" means a contact that is intended to result in or promote the sale of any goods or services to a person named in the disclosure information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction).

~~((12)) (10) Is the department required to notify the vehicle owner when ownership information is disclosed?~~ When the department grants a request from an attorney or private investigator for information under this section, the department will provide notice to the vehicle owner that the request has been granted. The notice will provide the name and address of the requesting party. Additionally, if a contract holder releases owner information to a private investigator or attorney, they must notify the vehicle owner that a request has been granted, and include the name and address of the requesting party and provide a copy to the department's public disclosure unit.

~~((13) How long will the department retain the request for disclosure of vehicle owner information?~~ The department will retain the request for disclosure for three years.

~~(14)) (11) Who is responsible for assuring that the information is used appropriately?~~ Any person, business, ((entity)) agency or association that receives vehicle owner information under this section is responsible for assuring, under penalty of perjury under the laws of the state of Washington, that the information received is not used for a purpose contrary to the agreement between the person, business, ((entity)) agency or association and the department.

AMENDATORY SECTION (Amending WSR 01-16-105, filed 7/30/01, effective 8/30/01)

WAC 308-93-087 Disclosure of names and addresses of individual vessel owners. (1) What vessel record information is protected from disclosure?

Vessel information protected from disclosure is the same as under chapters ~~((42.17))~~ 42.56 and 46.12 RCW ~~((which includes:~~

- (a) Name and address information;
- (b) Social Security numbers;
- (c) Uniform Business Identifier; and
- (d) Telephone numbers).

(2) Who may receive disclosure of individual vessel owner names and addresses?

- (a) Government agencies;
- (b) Any business entity that uses the name and address information in their normal course of business in accordance with these rules;
- (c) Vessel manufacturers ~~((who))~~ that require vessel ownership information for recall of their own products;
- (d) A vessel owner for their own vessel; or

(e) Individuals who meet the criteria listed in subsection (6) of this section.

(3) What documentation does the department require to disclose vessel owner names and addresses?

The department requires:

(a) A ~~((record))~~ disclosure request form provided by the department and completed by the applicant; and

(b) Acceptable business ~~((entity))~~ verification.

(4) What is acceptable business verification?

For purposes of this section acceptable business verification includes:

(a) If a licensed Washington business, a copy of its current unexpired master business license;

(b) If a business is not required to be licensed in this state, its federal employer identification number/federal tax number (or Uniform Business Identifier) on its official letterhead with a ~~((notarized))~~ signature of the owner or an authorized representative;

(c) If an attorney, a copy of the current bar card; or

(d) If a private investigator, a copy of the current private investigator's license; or

(e) If an out-of-state business not licensed in Washington:

(i) If the business is required to be licensed, a copy of its current business license issued by the governmental authority with jurisdiction over the license; or

(ii) If the business is not required to be licensed, its federal employer identification number/federal tax number on its official letterhead with a ~~((notarized))~~ signature of the owner or an authorized representative.

(5) If a business ~~((entity))~~ has entered into an agreement with the department, is a separate request for each inquiry required?

No. If a business ~~((entity))~~ has entered into a written agreement with the department, a separate request for each inquiry is not required.

(6) When may an individual be provided vessel owner name and address information?

(a) When the owner of record is requesting the information; or

(b) When the requester presents a bill of sale or other evidence of ownership and needs the ownership information ~~((of record))~~ to obtain a release of interest.

(7) Who may release the vessel owner name and address information?

(a) The department of licensing; or

(b) Agents and subagents, only when disclosing information for purposes described in subsection (6)(b) of this section.

(8) When may the department disclose the names and addresses of vessel owners?

Notwithstanding the provisions of chapter ~~((42.17))~~ 42.56 RCW, the department may disclose the names and addresses of vessel owners when:

(a) The requesting party is a business ~~((entity))~~ that requests the information for use in their normal course of business;

(b) The request is in writing, signed by the person requesting disclosure, contains the full legal name and

address of the requesting party (~~and~~) or their business, and specifies the purpose for which the information will be used;

(c) The requesting party enters into a disclosure agreement with the department in which the (~~party~~) parties:

(i) Agree(~~s~~) they will use the information only for the purpose stated in the request for the information; and

(ii) (~~Will not use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information; and~~

(~~d~~)) Individuals (~~who~~) meet the criteria listed in subsection (6) of this section.

(9) (~~What does the term "unsolicited business contact" mean?~~

The term "unsolicited business contact" means a contact that is intended to result in or promote the sale of any goods or services to a person named in the disclosure information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(10)) **Is the department required to notify the vessel owner when ownership information is disclosed?**

When the department grants a request from an attorney or private investigator, for information under this section, the department will provide notice to the vessel owner that the request has been granted. In addition, the notice will contain the name and address of the requesting party.

(~~11~~) **How long will the department retain the request for disclosure of vessel owner information?**

The department will retain the request for disclosure for three years.

(12)) Additionally, if contract holders release owner information to a private investigator or attorney, they must notify the vessel owner that a request has been granted and include the name and address of the requesting party and send a copy to the department public disclosure unit.

(10) **Who is responsible for assuring that the information is used appropriately?**

Any person, business, (~~entity~~) agency or association that receives vessel owner information under this section is responsible for assuring under penalty of perjury under the laws of the state of Washington that the information received is not used for a purpose contrary to the agreement between the person, business, (~~entity~~) agency or association and the department.

AMENDATORY SECTION (Amending WSR 01-16-105, filed 7/30/01, effective 8/30/01)

WAC 308-93-088 Disclosure violations, penalties. (1) What are violations of chapters (~~42.17~~) 42.56 and 46.12 RCW, this chapter, or a disclosure agreement with the department?

(a) The unauthorized disclosure of information from a department vessel record;

(b) The use of a false representation to obtain information from the department's vessel records;

(c) The use of information obtained from the department vessel records for a purpose other than what is stated in the

request for information or in the disclosure agreement executed with the department; or

(d) The sale or other distribution of any vessel owner name or address to another person not disclosed in the request or disclosure agreement.

(2) **What are the penalties associated with these violations?**

The department may suspend or revoke for up to five years the privilege of obtaining vessel record information.

(~~In addition:~~

(a) ~~The unauthorized disclosure of information from a department vessel record; or~~

(b) ~~The use of a false representation to obtain information from the department's vessel records; or~~

(c) ~~The use of information obtained from the department vessel records for a purpose other than what is stated in the request for information or in the disclosure agreement executed with the department; or~~

(d) ~~The sale or other distribution of any vessel owner name or address to another person not disclosed in the request or disclosure agreement is a gross misdemeanor punishable by a fine not to exceed ten thousand dollars, or by imprisonment in a county jail not to exceed one year, or both such fine and imprisonment for each violation.)~~

AMENDATORY SECTION (Amending WSR 06-15-059, filed 7/12/06, effective 8/12/06)

WAC 308-93-089 Lists of registered and legal owners of vessels—Furnished for certain purposes—Penalty for unauthorized use. (1) What vessel record information is protected?

Vessel information protected from disclosure is the same as under chapters 42.56 and 46.12 RCW and Executive Order 00-03 for vehicles(~~includes:~~

(a) ~~Name and address information;~~

(b) ~~Social Security numbers;~~

(c) ~~Medical or disability information;~~

(d) ~~Telephone numbers; and~~

(e) ~~Bank account information).~~

(2) **Who may receive a list (~~disclosure~~) of individual vessel owner names and addresses?**

In addition to any other authority that it may have, the department of licensing may furnish lists of registered and legal owners of vessels only for the purposes specified in this section to:

(a) The (~~manufactures~~) manufacturers of vessels, or their authorized agents, to be used to enable those (~~manufactures~~) manufacturers to carry out the provisions of the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451 et seq.) and the Code of Federal Regulations adopted by the United States Coast Guard;

(b) Any governmental agency of the United States or Canada, or political subdivisions, to be used by them or their authorized commercial agents or contractors only in connection with the enforcement of the laws governing the operation of a vessel or vessel safety programs administered by that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor;

(c) A person, organization or entity for the purposes of compiling statistical data relating to vessel demographics in this state. The department may provide only a specific part of the list that is required for completion of the work required of the person, organization or entity;

(d) An authorized agent or contractor of the department to be used only in connection with providing vessel excise tax, licensing and registration information to vessel dealers; or

(e) Any business regularly making loans to other persons to finance the purchase of vessels, to be used to assist the person requesting the list to determine ownership of a specific vessel for the purpose of determining whether or not to provide such financing.

(3) What documentation is needed to receive lists of vessel owner names and addresses?

Each entity must submit the following to the department:

(a) A record disclosure request form provided by the department and completed by the applicant; and

(b) Verification of the applicant's identity as a business; and

(c) A formal agreement between the requester and the department.

(4) What is acceptable verification?

For purposes of this section acceptable business verification includes:

(a) If a licensed Washington business, a copy of its current unexpired master business license;

(b) If a business not required to be licensed in this state, its federal identification number/federal tax number (or Uniform Business Identifier) on its official letterhead with a ~~((notarized))~~ signature of the owner or an authorized representative;

(c) If an attorney, a copy of the current bar card;

(d) If a private investigator, a copy of the current private investigator's license; or

(e) If an out-of-state business not licensed in Washington:

(i) If the business is required to be licensed, a copy of its current business license issued by the governmental authority with jurisdiction over the license; or

(ii) If the business is not required to be licensed, its federal employer identification number/federal tax number on its official letterhead with a ~~((notarized))~~ signature of the owner or an authorized representative.

(5) If a business ~~((entity))~~ or governmental agency has entered into an agreement with the department, is a separate request for each inquiry required?

No. If a business or governmental agency has entered into an agreement with the department, a separate request for each inquiry is not required if the information will be used as originally stated.

(6) Who may release a list of vessel owner name and address information?

The department of licensing, driver and vehicle services division's public disclosure/records~~((contracts))~~ section, is authorized to release lists of names and addresses to qualified applicants.

(7) When may the department disclose lists of names and addresses of vessel owners?

Notwithstanding the provisions of chapter 42.56 RCW, the department may disclose the names and addresses of vessel owners when:

(a) The requesting party is a business ~~((entity))~~ that requests the information for use in their normal course of business;

(b) The request is in writing, signed by the person requesting disclosure, ~~((contains))~~ containing the full legal name and address of the requesting party and/or their business, and specifies the purpose for which the information will be used; and

(c) The requesting party enters into a disclosure agreement with the department in which the party:

(i) Agrees they will use the information only for the purpose stated in the request for the information; and

(ii) Will not use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information.

(8) What does the term "unsolicited business contact" mean?

The term "unsolicited business contact" means a contact that is intended to result in or promote the sale of any goods or services to a person named in the disclosure information or to use the information for the purposes of facilitating a profit expecting business activity. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(9) Is the department required to notify the vessel owner when ownership information is disclosed?

No, except when the information is granted to an attorney or private investigator. The department will then provide the owner of the vessel with notification; the notice will also contain the name and address of the requesting party.

(10) ~~((How long will the department retain the request for lists of names and address disclosure?))~~

~~The department will retain the requests for three years unless a contract for ongoing receipt of information is entered into.~~ Additionally, if contract holders release owner information to a private investigator or attorney, they must notify the vessel owner that a request has been granted, and include the name and address of the requesting party, and send a copy to the department's public disclosure unit.

(11) Who is responsible for assuring that the information is used appropriately?

Any person, business, ~~((entity))~~ agency or association that receives vessel owner information under this section shall be responsible, under penalty of perjury under the laws of the state of Washington, for assuring that the information received is not used for a purpose contrary to the agreement between the person, business, ~~((entity))~~ agency or association and the department or state and federal laws and regulations.

WSR 10-11-032
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)
[Filed May 11, 2010, 1:36 p.m., effective June 11, 2010]

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

Purpose: The rule is necessary to meet the legislative requirements of sections 201 and 209 of the operating budget for fiscal years 2010 and 2011 that pertain to the disproportionate share hospital (DSH) programs and the certified public expenditure (CPE) payment program hold harmless payments. The amendments affect determining the payment rates for inpatient and outpatient hospital services and CPE payment program hold harmless payments.

Citation of Existing Rules Affected by this Order: Amending WAC 388-550-4670, 388-550-4900, and 388-550-5150.

Statutory Authority for Adoption: Sections 201 and 209, chapter 564, Laws of 2009 (ESHB 1244); RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.500.

Adopted under notice filed as WSR 10-07-115 on March 22, 2010.

A final cost-benefit analysis is available by contacting Sandy Stith, P.O. Box 45500, Olympia, WA 98504-5500, phone (360) 725-1949, fax (360) 753-9152, e-mail sandy.stith@dshs.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 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 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 3, Repealed 0.

Date Adopted: May 11, 2010.

Susan N. Dreyfus
Secretary

AMENDATORY SECTION (Amending WSR 08-20-032, filed 9/22/08, effective 10/23/08)

WAC 388-550-4670 CPE payment program—"Hold harmless" provision. To meet legislative requirements, the department includes a "hold harmless" provision for hospital providers eligible for the certified public expenditure (CPE) payment program. Under the provision and subject to legislative directives and appropriations, hospitals eligible for payments under the CPE payment program will receive no less in combined state and federal payments than they would have received under the methodologies otherwise in effect as described in this section. All hospital submissions pertaining

to the CPE payment program, including but not limited to cost report schedules, are subject to audit at any time by the department or its designee.

(1) The department:

(a) Uses historical cost and payment data trended forward to calculate prospective hold harmless grant payment amounts for the current state fiscal year (SFY); and

(b) Reconciles these hold harmless grant payment amounts when the actual claims data (~~(is)~~) are available for the current fiscal year.

(2) For ~~((each state fiscal year))~~ SFYs 2006 through 2009, the department calculates what the hospital would have been paid under the methodologies otherwise in effect for the ~~((state fiscal year-))~~ SFY ~~(())~~ as the sum of:

(a) The total payments for inpatient claims for patients admitted during the fiscal year, calculated by repricing the claims using:

(i) For SFYs 2006 and 2007, the inpatient payment method in effect during SFY 2005; or

(ii) For SFYs 2008 and ~~((beyond))~~ 2009, the payment method that would otherwise be in effect during the CPE payment program year if the CPE payment program had not been enacted.

(b) The total net disproportionate share hospital and state grant payments paid for SFY 2005.

(3) For SFY 2010 and beyond, the department calculates what the hospital would have been paid under the methodologies otherwise in effect for the SFY as the sum of:

(a) The total of the inpatient claim payment amounts that would have been paid during the SFY had the hospital not been in the CPE payment program;

(b) One-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during SFY 2005; and

(c) All of the other disproportionate share hospital payment amounts paid to and retained by each hospital during SFY 2005 to the extent the same disproportionate share hospital programs exist in the 2009-2011 biennium.

(4) For each SFY, the department determines total state and federal payments made under the program, including:

(a) Inpatient claim payments;

(b) Disproportionate share hospital (DSH) payments; and

(c) Supplemental upper payment limit payments ~~((made for SFY 2006 and 2007))~~, as applicable.

~~((4))~~ The amount determined in subsection (3) of this section is subtracted from the amount calculated in subsection (2) of this section to determine the gross state grant amount necessary to hold the hospital harmless. If the resulting number is positive, the hospital is entitled to a grant in that amount, subject to legislative directives and appropriations.

~~((a))~~ (5) A hospital may receive a hold harmless grant, subject to legislative directives and appropriations, when the following calculation results in a positive number:

(a) For SFY 2006 through SFY 2009, the amount derived in subsection (4) of this section is subtracted from the amount derived in subsection (2) of this section; or

(b) For SFY 2010 and beyond, the amount derived in subsection (4) of this section is subtracted from the amount derived in subsection (3) of this section.

(6) The department calculates interim hold harmless and final hold harmless grant amounts as follows:

(a) An interim hold harmless grant amount is calculated approximately ten months after the end of the SFY to include the paid claims for the same SFY admissions. Claims are subject to utilization review prior to the interim hold harmless calculation. Prospective grant payments made under subsection (1) of this section are deducted from the calculated interim hold harmless grant amount to determine the net grant payment amount due to or due from the hospital.

(b) The ~~((department calculates the))~~ final hold harmless grant amount is calculated at such time as the final allowable federal portions of program payments are determined. The procedure is the same as the interim grant calculation but it includes all additional claims that have been paid or adjusted since the interim hold harmless calculation. Claims are subject to utilization review and audit prior to the final calculation of the hold harmless amount. Interim grant payments determined under (a) of this subsection are deducted from this final calculation to determine the net final hold harmless amount due to or due from the hospital.

AMENDATORY SECTION (Amending WSR 07-14-090, filed 6/29/07, effective 8/1/07)

WAC 388-550-4900 Disproportionate share hospital (DSH) payments—General provisions. (1) As required by section 1902 (a)(13)(A) of the Social Security Act (42 USC 1396 (a)(13)(A)) and RCW 74.09.730, the department makes payment adjustments to eligible hospitals that serve a disproportionate number of low-income clients with special needs. These adjustments are also known as disproportionate share hospital (DSH) payments.

(2) No hospital has a legal entitlement to any DSH payment. A hospital may receive DSH payments only if:

(a) It satisfies the requirements of 42 USC 1396r-4;

(b) It satisfies all the requirements of department rules and policies; and

(c) The legislature appropriates sufficient funds.

(3) For purposes of eligibility for DSH payments, the following definitions apply:

(a) "Base year" means ~~((the hospital fiscal year or))~~ the twelve-month medicare cost report year that ended during the calendar year immediately preceding the year in which the state fiscal year (SFY) for which the DSH application is being made begins.

(b) "Case mix index (CMI)" means the average of diagnosis related group (DRG) weights for all of an individual hospital's DRG-paid medicare claims during the ~~((state fiscal year (SFY)))~~ SFY two years prior to the SFY for which the DSH application is being made.

(c) "Charity care" means necessary hospital care rendered to persons unable to pay for the hospital services or unable to pay the deductibles or coinsurance amounts required by a third-party payer. The charity care amount is determined in accordance with the hospital's published charity care policy.

(d) ("~~Disproportionate share hospital (DSH) cap~~" means the maximum amount per state fiscal year that the state can distribute in DSH payments to hospitals (statewide DSH cap), or the maximum amount of DSH payments a hospital may receive during a state fiscal year (hospital-specific DSH cap).

~~((e))~~ "DSH reporting data file (DRDF)" means the information submitted by hospitals to the department which the department uses to verify medicare ~~((patient))~~ client eligibility and ~~((patient))~~ applicable inpatient days.

~~((f))~~ (e) "Hospital-specific DSH cap" means the maximum amount of DSH payments a hospital may receive from the department during a ~~((state fiscal year))~~ SFY. ~~((For a critical access hospital (CAH), the DSH cap is based strictly on the net cost to the hospital of providing services to uninsured patients))~~ If a hospital does not qualify for DSH, the department will not calculate the hospital-specific DSH cap and the hospital will not receive DSH payments.

~~((g))~~ (f) "Inpatient medicare days" means inpatient days attributed to clients eligible for Title XIX medicare programs. Excluded from this count are inpatient days attributed to clients eligible for state administered programs, medicare Part A, Title XXI, the refugee program and the take charge program.

(g) "Low income utilization rate (LIUR)" ~~((means))~~ the sum of ~~((these))~~ two percentages: ~~((f))~~

(i) The ratio of payments received by the hospital for patient services provided to clients under medicare (including managed care) ~~((and state administered programs)),~~ plus cash subsidies received by the hospital from state and local governments for patient services, divided by total payments received by the hospital from all patient categories; plus ~~((z))~~

(ii) The ratio of inpatient charity care charges ~~((excluding contractual allowances))~~ less inpatient cash subsidies received by the hospital from state and local governments, less contractual allowances and discounts, divided by total ~~((billed))~~ charges for inpatient services. ~~((The department uses LIUR as one criterion to determine a hospital's eligibility for the low income disproportionate share hospital (LIDSH) program. To qualify for LIDSH, a hospital's LIUR must be greater than twenty-five percent.))~~

(h) "Medicare inpatient utilization rate (MIPUR)" ~~((means the number of inpatient days of service provided by a hospital to medicare clients during its hospital fiscal year or medicare cost report year, divided by the number of inpatient days of service provided by that hospital to all patients during the same period))~~ is calculated as a fraction (expressed as a percentage), the numerator of which is the hospital's number of inpatient days attributable to clients who (for such days) were eligible for medical assistance during the base year (regardless of whether such clients received medical assistance on a fee-for-service basis or through a managed care entity), and the denominator of which is the total number of the hospital's inpatient days in that period. "Inpatient days" include each day in which a person (including a newborn) is an inpatient in the hospital, whether or not the person is in a specialized ward and whether or not the person remains in the hospital for lack of suitable placement elsewhere.

(i) "Medicare cost report year" means the twelve-month period included in the annual cost report a medicare-certified hospital or institutional provider is required by law to submit to its fiscal intermediary.

(j) "Nonrural hospital" means a hospital that ~~((is not a peer group E hospital or a small rural hospital and))~~;

(i) Is not participating in the "full cost" public hospital certified public expenditure (CPE) payment program as described in WAC 388-550-4650;

(ii) Is not designated as an "institution for mental diseases (IMD)" as defined in WAC 388-550-2600 (2)(d);

(iii) Is not a small rural hospital as defined in (n) of this subsection; and

(iv) Is located ~~((inside))~~ in the state of Washington or in a designated bordering city. For DSH purposes, the department considers as nonrural any hospital located in a designated bordering city.

(k) "Obstetric services" means routine, nonemergency ~~obstetric services and the delivery of babies.~~

(l) "Service year" means the one year period used to measure the costs and associated charges for hospital services. The service year may refer to a hospital's fiscal year or medicare cost report year, or to a state fiscal year.

(m) "Statewide disproportionate share hospital (DSH) cap" is the maximum amount per SFY that the state can distribute in DSH payments to all qualifying hospitals during a SFY.

~~((m))~~ (n) "Small rural hospital" means a hospital that:

(i) Is not ~~((a peer group E hospital,))~~ participating in the "full cost" public hospital certified public expenditure (CPE) payment program as described in WAC 388-550-4650;

(ii) Is not designated as an "institution for mental diseases (IMD)" as defined in WAC 388-550-2600 (2)(d);

(iii) Has fewer than seventy-five acute ~~((licensed))~~ beds~~(s);~~

(iv) Is located ~~((inside))~~ in the state of Washington~~(s);~~ and

(v) Is located in a city or town with a nonstudent population of no more than seventeen thousand ~~((one))~~ eight hundred ~~((fifteen))~~ six in calendar year ~~((2006))~~ 2008, as determined by ~~((the Washington State office of financial management estimate. The nonstudent population ceiling increases cumulatively by two percent each succeeding state fiscal year))~~ population data reported by the Washington state office of financial management population of cities, towns and counties used for the allocation of state revenues. This nonstudent population is used for SFY 2010, which begins July 1, 2009. For each subsequent SFY, the nonstudent population is increased by two percent.

~~((n))~~ (o) "Uninsured patient" ~~((means an individual who does not have health insurance that would apply to the hospital service the individual sought and received. An individual who did have health insurance that applied to the hospital service the individual sought and received, is considered an insured individual for DSH program purposes, even if the insurer did not pay the full charges for the services. When determining the cost of a hospital service provided to an uninsured patient, the department uses as a guide whether the service would have been covered under medicaid))~~ is a person without creditable coverage as defined in 45 C.F.R. 146.113.

(An "insured patient," for DSH program purposes, is a person with creditable coverage, even if the insurer did not pay the full charges for the service.) To determine whether a service provided to an uninsured patient may be included for DSH application and calculation purposes, the department considers only services that would have been covered and paid through the department's fee-for-service process.

(4) To be considered for a DSH payment for each SFY, a hospital ~~((located in the state of Washington or in a designated bordering city))~~ must ~~((submit to the department a completed and final DSH application by the due date. The due date will be posted on the department's web site))~~ meet the criteria in this section:

(a) DSH application requirement.

(i) Only a hospital located in the state of Washington or in a designated bordering city is eligible to apply for and receive DSH payments. An institution for mental disease (IMD) owned and operated by the state of Washington is exempt from the DSH application requirement.

(ii) A hospital that meets DSH program criteria is eligible for DSH payments in any SFY only if the department receives the hospital's DSH application by the deadline posted on the department's website.

(b) DSH application review and correction period.

(i) This subsection applies only to DSH applications that meet the requirements under (a) of this subsection.

(ii) The department reviews and may verify any information provided by the hospital on a DSH application. However, each hospital has the responsibility for ensuring its DSH application is complete and accurate.

(iii) If the department finds that a hospital's application is incomplete or contains incorrect information, the department will notify the hospital. The hospital must resubmit a new, corrected application. The department must receive the new DSH application from the hospital by the deadline for corrected DSH applications posted on the department's website.

(iv) If a hospital finds that its application is incomplete or contains incorrect information, it may choose to submit changes and/or corrections to the DSH application. The department must receive the corrected, complete, and signed DSH application from the hospital by the deadline for corrected DSH applications posted on the department's website.

(c) Official DSH application.

(i) The department considers as official the last signed DSH application submitted by the hospital as of the deadline for corrected DSH applications. A hospital cannot change its official DSH application. Only those hospitals with an official DSH application are eligible for DSH payments.

(ii) If the department finds that a hospital's official DSH application is incomplete or contains inaccurate information that affects the hospital's LIDSH payment(s), the hospital does not qualify for, will not receive, and cannot retain, LIDSH payment(s). Refer to WAC 388-550-5000.

(5) A hospital is a disproportionate share hospital for a specific SFY if the hospital ~~((submits a completed DSH application for that specific year, if it))~~ satisfies the ~~((utilization rate))~~ medicaid inpatient utilization rate (MIPUR) requirement (discussed in (a) of this subsection), and the obstetric services requirement (discussed in (b) of this subsection).

(a) The hospital must have a ~~((medicaid inpatient utilization rate-))~~ MIPUR ~~((+))~~ greater than one percent; and

(b) Unless one of the exceptions described in (i)(A) or (B) of this subsection applies, the hospital must have at least two obstetricians who have staff privileges at the hospital and who have agreed to provide obstetric services to eligible individuals.

(i) The obstetric services requirement does not apply to a hospital that:

(A) Provides inpatient services predominantly to individuals younger than age eighteen; or

(B) Did not offer nonemergency obstetric services to the general public as of December 22, 1987, when section 1923 of the Social Security Act was enacted.

(ii) For hospitals located in rural areas, "obstetrician" means any physician with staff privileges at the hospital to perform nonemergency obstetric procedures.

~~(6) ((To determine a hospital's eligibility for any DSH program, the department uses the criteria in this section and the information obtained from the DSH application submitted by the hospital, subject to the following:~~

~~(a) Charity care. If the hospital's DSH application and audited financial statements for the relevant fiscal year do not agree on the amount for charity care, the department uses the lower amount listed. For purposes of calculating a hospital's LIUR, the department allows a hospital to claim charity care amounts related to inpatient services only. A hospital must submit a copy of its charity care policy for the relevant fiscal year as part of the hospital's DSH application.~~

~~(b) Total inpatient hospital days. If the hospital's DSH application and its medicare cost report do not agree on the number of total inpatient hospital days, the department uses the higher number listed to determine the hospital's MIPUR. Labor and delivery days count towards total inpatient hospital days. Nursing facility and swing bed days do not count towards total inpatient hospital days)) To determine a hospital's MIPUR, the department uses inpatient days as follows:~~

~~(a) The total inpatient days on the official DSH application if this number is greater than the total inpatient hospital days on the medicare cost report; and~~

~~(b) The MMIS medicaid days as determined by the DSH reporting data file (DRDF) process if the Washington state medicaid days on the official DSH application do not match the eligible days on the final DRDF. If the hospital did not submit a DRDF, the department uses paid medicaid days from MMIS.~~

(7) The department administers the following DSH programs (depending on legislative budget appropriations):

(a) Low income disproportionate share hospital (LIDSH);

(b) Institution for mental diseases disproportionate share hospital (IMDDSH);

(c) General assistance-unemployable disproportionate share hospital (GAUDSH);

(d) Small rural disproportionate share hospital (SRDSH);

(e) Small rural indigent assistance disproportionate share hospital (SRIADSH);

(f) Nonrural indigent assistance disproportionate share hospital (NRIADSH);

(g) Public hospital disproportionate share hospital (PHDSH); and

(h) Psychiatric indigent inpatient disproportionate share hospital (PIIDSH).

(8) Except for IMDDSH, the department allows a hospital to receive any one or all of the DSH payment ~~((adjustments))~~ it qualifies for, up to the individual hospital's DSH cap (see subsection (10) of this section) and provided that total DSH payments do not exceed the statewide DSH cap. See WAC 388-550-5130 regarding IMDDSH. To be eligible for payment under multiple DSH programs, a hospital must meet:

(a) The basic requirements in subsection (5) of this section; and

(b) The eligibility requirements for the particular DSH payment, as discussed in the applicable DSH program WAC.

(9) For each SFY, the department calculates DSH payments ~~((due an))~~ for each DSH program for eligible hospitals using data from ~~((the))~~ each hospital's base year. The department does not use base year data for GAUDSH and PIIDSH payments, which are calculated based on specific claims data.

(10) The department's total DSH payments to a hospital for any given SFY cannot exceed the ~~((individual hospital's annual DSH limit (also known as the))~~ hospital-specific DSH cap ~~((+))~~ for that SFY. Except for critical access hospitals (CAHs), the department determines a hospital's DSH cap as follows. The department:

~~(a) ((The cost to the hospital of providing services to medicaid clients, including clients served under medicaid managed care organization (MCO) plans))~~ Uses the overall ratio of costs-to-charges (RCC) to determine costs for:

~~(i) Medicaid services, including medicaid services provided under managed care organization (MCO) plans; and~~

~~(ii) Uninsured charges; then~~

~~(b) ((Less the amount paid by the state under the non-DSH payment provision of the medicaid state plan))~~ Subtracts all payments related to the costs derived in (a) of this subsection; then

~~(c) ((Plus the cost to the hospital of providing services to uninsured patients;~~

~~(d) Less any cash payments made by or on behalf of uninsured patients; and~~

~~(e) Plus))~~ Makes any adjustments required and/or authorized by federal statute or regulation.

(11) A CAH's DSH cap is based strictly on the cost to the hospital of providing services to ~~((uninsured patients. In calculating a CAH's DSH cap, the department deducts payments received by the hospital from and on behalf of the uninsured patients from the hospital's costs of services for the uninsured patients))~~ medicaid clients served under MCO plans, and uninsured patients. To determine a CAH's DSH cap amount, the department:

~~(a) Uses the overall RCC to determine costs for:~~

~~(i) Medicaid services provided under MCO plans; and~~

~~(ii) Uninsured charges; then~~

~~(b) Subtracts the total payments made by, or on behalf of, the medicaid clients serviced under MCO plans, and uninsured patients.~~

(12) In any given federal fiscal year, the total of the department's DSH payments cannot exceed the statewide DSH cap as published in the federal register.

(13) If the department's DSH payments for any given federal fiscal year exceed the statewide DSH cap, the department will adjust DSH payments to each hospital to account for the amount overpaid. The department makes adjustments in the following program order:

- (a) PHDSH;
- (b) SRIADSH;
- (c) SRDSH;
- (d) NRIADSH;
- (e) GAUDSH;
- (f) PIIDSH;
- (g) IMDDSH; and
- (h) LIDSH.

(14) If the statewide DSH cap is exceeded, the department will recoup DSH payments made under the various DSH programs, in the order of precedence described in subsection (13) of this section, starting with PHDSH, until the amount exceeding the statewide DSH cap is reduced to zero. See specific program WACs for description of how amounts to be recouped are determined.

(15) The total amount the department may distribute annually under a particular DSH program is capped by legislative appropriation, except for PHDSH, GAUDSH, and PIIDSH, which are not fixed ~~((pools))~~ amounts. Any changes in payment amount to a hospital in a particular DSH ~~((pool))~~ program means a redistribution of payments within that DSH ~~((pool))~~ program. When necessary, the department will recoup from hospitals to make additional payments to other hospitals within that DSH ~~((pool))~~ program.

(16) If funds in a specific DSH program need to be redistributed because of legislative, administrative, or other state action, only those hospitals eligible for that DSH program will be involved in the redistribution.

(a) If an individual hospital has been overpaid by a specified amount, the department will recoup that overpayment amount from the hospital and redistribute it among the other eligible hospitals in the DSH ~~((pool))~~ program. The additional DSH payment to be given to each of the other hospitals from the recouped amount is proportional to each hospital's share of the particular DSH ~~((pool))~~ program.

(b) If an individual hospital has been underpaid by a specified amount, the department will pay that hospital the additional amount owed by recouping from the other hospitals in the DSH ~~((pool))~~ program. The amount to be recouped from each of the other hospitals is proportional to each hospital's share of the particular DSH ~~((pool))~~ program.

(17) All information ~~((submitted by a hospital))~~ related to ~~((its))~~ a hospital's DSH application is subject to audit by the department or its designee. ~~((The department may audit any, none, or all DSH applications for a given state fiscal year.))~~ The department determines the extent and timing of the audits. For example, the department or its designee may choose to do a desk review ~~((upon receipt))~~ of an individual hospital's DSH application and/or supporting documentation, or audit all hospitals that qualified for a particular DSH program after payments have been distributed under that program.

(18) If a hospital's submission of incorrect information or failure to submit correct information results in DSH overpayment to that hospital, the department will recoup the overpayment amount, in accordance with the provisions of RCW 74.09.220 and 43.20B.695.

(19) DSH calculations use fiscal year data, and DSH payments are distributed based on funding for a specific ~~((state fiscal year))~~ SFY. Therefore, unless otherwise specified, changes and clarifications to DSH program rules apply for the full ~~((state fiscal year))~~ SFY in which the rules are adopted.

AMENDATORY SECTION (Amending WSR 07-14-090, filed 6/29/07, effective 8/1/07)

WAC 388-550-5150 Payment method—General assistance-unemployable disproportionate share hospital (GAUDSH). (1) A hospital is eligible for the general assistance-unemployable disproportionate share hospital (GAUDSH) payment if the hospital:

- (a) Meets the criteria in WAC 388-550-4900;
- (b) Is an in-state or designated bordering city hospital;
- (c) Provides services to clients eligible under the medical care services program; and
- (d) Has a medicaid inpatient utilization rate (MIPUR) of one percent or more.

(2) The department determines the GAUDSH payment for each eligible hospital in accordance with:

(a) WAC 388-550-4800 for inpatient hospital claims submitted for general assistance unemployable (GAU) clients; and

(b) WAC 388-550-7000 through 388-550-7600 and other sections in chapter 388-550 WAC that pertain to outpatient hospital claims submitted for GAU clients.

(3) The department makes GAUDSH payments to a hospital on a claim-specific basis.

WSR 10-11-033

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed May 11, 2010, 1:38 p.m., effective July 1, 2010]

Effective Date of Rule: July 1, 2010.

Purpose: The department is amending WAC 388-406-0055 related to the benefit start date for food assistance to comply with the United States Department of Agriculture, Food and Nutrition Services (FNS) federal regulations under 7 C.F.R. 273.2(h), FNS waiver 2010182, and FNS policy memo 88-4.

Under this amendment, if the department is unable to process an application for food assistance in the first thirty-day period due to the applicant's delay and the information was provided by the end of the second thirty-day period, the department would approve benefits starting the date the information was provided.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-406-0055.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, and 74.08A.-010.

Other Authority: 7 C.F.R. 273.2(h).

Adopted under notice filed as WSR 10-06-118 on March 3, 2010.

Changes Other than Editing from Proposed to Adopted Version: The adopted version adds a new subsection (4) that includes a reference to WAC 388-106-0045 When will the department authorize my long-term care services?

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: May 10, 2010.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 09-20-031, filed 9/29/09, effective 11/1/09)

WAC 388-406-0055 When do my benefits start? The date we approve your application affects the amount of benefits you get. If you are eligible for:

(1) Cash assistance, your benefits start:

(a) The date we have enough information to make an eligibility decision; or

(b) No later than the thirtieth day for TANF, SFA, or RCA; or

(c) No later than the forty-fifth day for general assistance (GA) unless you are confined in a Washington state public institution as defined in WAC 388-406-0005 (6)(a) on the forty-fifth day, in which case your benefits will start on the date you are released from confinement.

(2) Basic Food, your benefits start from the date you applied unless:

(a) You are recertified for Basic Food. If you are recertified for Basic Food, we determine the date your benefits start under WAC 388-434-0010;

(b) You applied for Basic Food while living in an institution. If you apply for Basic Food while living in an institution, the date you are released from the institution determines your start date as follows. If you are expected to leave the institution:

(i) Within thirty days of the date we receive your application, your benefits start on the date you leave the institution; or

(ii) More than thirty days from the date we receive your application, we deny your application for Basic Food. You may apply for Basic Food again when your date of release from the institution is closer.

(c) We were unable to process your application within thirty days because of a delay on your part. If you caused the delay, but submit required verification by the end of the second thirty-day period, we approve your benefits starting the ~~((first day of the month following the month you applied for benefits))~~ date you provide the required verification. We start your benefits from this date even if we denied your application for Basic Food.

(d) We initially denied your application for Basic Food and your assistance unit (AU) becomes categorically eligible (CE) within sixty days from the date you applied. If your AU becoming CE under WAC 388-414-0001 makes you eligible for Basic Food, the date we approve Basic Food is the date your AU became CE.

(e) You are approved for transitional food assistance under chapter 388-489 WAC. We determine the date transitional benefits start as described under WAC 388-489-0015.

(f) You receive transitional food assistance with people you used to live with, and are now approved to receive Basic Food in a different assistance unit:

(i) We must give the other assistance unit ten days notice as described under WAC 388-458-0025 before we remove you from the transitional food assistance benefits.

(ii) Your Basic Food benefits start the first of the month after we remove you from the transitional benefits. For example, if we remove you from transitional benefits on November 30th, you are eligible for Basic Food on December 1st.

(3) Medical assistance, the date your benefits start is stated in chapter 388-416 WAC.

(4) For long-term care, the date your services start is stated in WAC 388-106-0045.

WSR 10-11-046

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed May 12, 2010, 9:37 a.m., effective June 12, 2010]

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

Purpose: The rules primarily convert existing policy to rule, update and readopt rules in chapters with appropriate subject matter headings, and delete obsolete references. Those rules that reflect new or revised policies are intended to provide staff and the public with guidance as to how eligibility for unemployment benefits will be determined in specific situations.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-12-142, 192-12-151, 192-12-153, 192-12-154, 192-12-155, 192-12-160, 192-12-170, 192-12-173, 192-12-365, 192-16-004, 192-16-005, 192-16-009, 192-16-015, 192-16-016, 192-16-025, 192-16-030, 192-16-050, 192-16-055, 192-17-010, 192-23-001, 192-23-011, 192-23-012, 192-23-051, 192-23-052, 192-23-081, 192-23-082, 192-23-091, 192-23-113, 192-23-301, 192-23-320, 192-23-350 and 192-23-900; and amending WAC 192-130-060, 192-130-065, 192-130-070, 192-140-005, 192-140-010, 192-140-100,

192-150-150, 192-180-010, 192-180-013, 192-180-015, 192-180-025, 192-200-005, 192-200-030, 192-230-020, and 192-250-045.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, and 50.20.010.

Adopted under notice filed as WSR 10-06-084 on March 1, 2010.

Changes Other than Editing from Proposed to Adopted Version: WAC 192-150-150 is amended for clarifying language related to changes in work and local labor market. The definition of "preponderance of evidence" in WAC 192-100-065 is revised to mirror the definition developed through case law. WAC 192-170-080 is modified to include the words "due to a lack of work" following the word "layoff" for purposes of clarity. It is also modified to state that a disciplinary suspension from work will be treated as a suspension rather than a leave of absence.

A final cost-benefit analysis is available by contacting Juanita Myers, P.O. Box 9046, Olympia, WA 98507-9046, phone (360) 902-9665, fax (360) 902-9799, e-mail jtmymers2@comcast.net.

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 49, Amended 16, Repealed 32.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 49, Amended 16, Repealed 032.

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 49, Amended 16, Repealed 32.

Date Adopted: May 5, 2010.

Paul Trause
Deputy Commissioner

AMENDATORY SECTION (Amending WSR 05-01-076, filed 12/9/04, effective 1/9/05)

WAC 192-130-060 Notice to employer. (1) Whenever an individual files an initial application for unemployment benefits, a notice will be mailed to:

(a) The claimant's last employer, and

(b) Any prior employer ~~((from whom the claimant has a potentially disqualifying separation where there is insufficient subsequent employment to purge a separation disqualification. An individual will be presumed to have a potentially disqualifying separation when:~~

~~(i) For claims with an effective date prior to January 4, 2004, it has been less than seven weeks or the individual has not earned at least seven times his or her weekly benefit amount since the job separation; or~~

~~(ii) For claims with an effective date January 4, 2004, and later,)) where it has been less than ten weeks since the job~~

separation or the individual has not earned at least ten times his or her weekly benefit amount since the job separation.

(2) Whenever an individual files an initial application for unemployment benefits and a benefit year is established, the department will mail a notice ~~((will be mailed))~~ to all base year employers. This notice to base year employers will include information on wages reported and benefit charging related information and will request an employer response if the wage information is incorrect or if the employer wishes to request relief of benefit charging.

(3) Whenever an individual files an initial application for unemployment benefits, the department will mail a notice ~~((will be mailed))~~ to any separating employer as provided in WAC 192-320-075. This notice will include information that the employer may be liable for all benefits paid on the claim as provided in RCW 50.29.021 (2)(c).

(4) Whenever an individual files an additional claim for benefits (reopens an existing claim after subsequent employment), the department will mail a notice ~~((will be mailed))~~ to the last employer reported by the claimant and to any prior employer from ~~((who))~~ whom the claimant has a potentially disqualifying separation who has not previously been notified.

AMENDATORY SECTION (Amending WSR 05-01-076, filed 12/9/04, effective 1/9/05)

WAC 192-130-065 Mailing addresses for notice to employer. The department will mail notices to employers required by RCW 50.20.150 and WAC 192-130-060 ~~((will be mailed))~~ as follows:

(1) The department will mail the notice to the last employer of the claimant ~~((will be mailed to the address provided by the claimant. However, an alternative mailing address may be used in the following circumstances))~~ as follows:

(a) If the employer has notified the department ~~((has been notified))~~ that the employer is represented for unemployment insurance purposes by an employer representative or cost control firm, the department will mail the notice to the last employer ~~((may be mailed))~~ directly to that firm; or

(b) If an employer has ~~((notified))~~ provided the department ~~((that unemployment claim notices should be mailed to a specified))~~ with a mailing address, the department will mail the notice to the last employer ~~((may be mailed))~~ directly to that address; or

(c) If the employer has not provided the department with a mailing address, the department will mail the notice to the last employer to the address provided by the claimant.

(2) The department will mail the notice to any base year employer who has reported wages to the department ~~((will be mailed))~~ to the employer's mailing address of record provided by the employer for tax purposes.

(3) The notice to any other employer from whom the claimant has a potentially disqualifying separation (without sufficient subsequent employment to purge a separation disqualification) will be mailed to the address provided by the claimant.

AMENDATORY SECTION (Amending WSR 05-01-076, filed 12/9/04, effective 1/9/05)

WAC 192-130-070 Mailing of eligibility determinations—RCW 50.20.180. (1) The department will mail an eligibility ((determination)) decision based on a job separation issue ((will be mailed)) to the following:

(a) The last employer, if the claimant was separated from employment for reasons other than lack of work;

(b) A previous employer from whom the claimant has a potentially disqualifying separation as provided in WAC 192-130-060 if the claimant was separated from employment for reasons other than lack of work;

(c) ~~((For claims with an effective date prior to January 4, 2004, to any employer since the beginning of the claimant's base year who provides information that the claimant was discharged for a felony or gross misdemeanor connected with the work;~~

~~((For claims with an effective date of January 4, 2004 or later,))~~ To any employer since the beginning of the claimant's base year who provides information that the claimant was discharged for gross misconduct connected with the work, or whose wage credits are deleted from the claimant's record as a result of the claimant's gross misconduct.

(2) The department will mail an eligibility ((determination)) decision based on an issue other than a separation from employment ((will be mailed)) to an employer if the employer provides relevant information ((relating to)) about the claimant's eligibility for a specific week.

AMENDATORY SECTION (Amending WSR 99-08-073, filed 4/5/99, effective 5/6/99)

WAC 192-140-005 Filing weekly claims for benefits.

(1) **How do I file my weekly claim for benefits?** You may file your claim by ~~((placing a telephone call to))~~ calling the department's unemployment information and weekly claims line, using the department's internet web site, or filing a paper claim. ~~((The department can approve other methods of filing a weekly claim in individual circumstances.))~~

(2) **When do I file my claim?** You must file a claim for every week for which you want to be paid or have counted as your waiting week. Every week begins at 12:01 a.m. on Sunday and ends at midnight on Saturday. You must file your claim ((must be filed)) after the end of the week(s) you are claiming.

(a) File your telephone or internet claim after 12:01 a.m. Sunday, but before 5:00 p.m. on Friday, following the week you are claiming. (In case of a legal holiday, file your claim before 5:00 p.m. on the last working day of the week.)

(b) If you file by ~~((mail))~~ paper, file your claim anytime Sunday through Saturday following the week you are claiming. If you file by mail, your claim is considered filed on the postmarked date. If you file by fax, your claim is considered filed on the date of receipt.

(3) **How often do I file my claim?** File your claim weekly. The department may approve other filing schedules in cases of emergency or in unusual circumstances.

(4) **What happens if I miss a week?** If you do not claim a week, you ~~((will have to contact the unemployment claims~~

~~telecenter to))~~ must reopen your claim. See WAC 192-110-050.

(a) If you have not yet received your first payment, you may claim benefits for one week prior to the week in which you contact the telecenter to reopen your claim.

(b) If you have received your first payment and not more than four consecutive weeks have elapsed since you last filed a claim, you may claim benefits for any of the four weeks prior to the week in which you contacted the telecenter to reopen your claim.

(c) Except as described in (a) and (b) of this subsection, we will consider unclaimed weeks late. The department will not pay you for these weeks unless you show good cause for not contacting the telecenter earlier to reopen your claim.

(5) **What information do I have to report?** Your claim must include:

(a) The Saturday date of the week you are claiming;

(b) Answers to the questions:

(i) The telecenter cannot process a claim filed by telephone ((cannot be processed)) or internet unless all questions are answered;

(ii) The department will process a claim filed in writing ((will be processed)) if at least one question is answered and other information required by this subsection (5) is provided, but your eligibility for benefits will be in question and you will be asked to provide complete information, which could result in a denial of benefits;

(c) Your personal identification number if filing by telephone or internet, or your signature if you filed your claim in writing;

(d) The amount and source of any pension you are receiving for the week claimed;

(e) Any holiday earnings received during the week claimed;

(f) Any vacation pay received during the week claimed, including the dates for which payment was received, if applicable; and

(g) Any earnings and the number of hours you worked during the week claimed.

(6) **What happens if I don't provide this information?** The department cannot process a telephone or internet claim that does not meet the requirements of subsection (5) ((cannot be processed)) of this section and you will receive ((verbal)) instructions to contact ((your)) the unemployment claims telecenter. A written claim that does not meet these requirements is incomplete and the department will ((be returned)) return it to you with a request for additional information.

~~((7))~~ **What happens if I file my claim late?**

~~((a))~~ Until you receive your first payment, your claim is late if it is filed more than seven days (one week) after the Saturday of the week being claimed. You will not be paid for these weeks unless you can prove you had a good reason for filing late.

~~((b))~~ After you have received your first payment, your claim is late if it is filed more than 28 days (four weeks) after the Saturday of the week being claimed. Any week that is filed late may be conditionally paid. This means you will be paid benefits, but you will be asked to prove you had a good reason for filing late. If you cannot do so, you will receive a

notice directing you to repay benefits for the week(s) you filed late.))

AMENDATORY SECTION (Amending WSR 99-08-073, filed 4/5/99, effective 5/6/99)

WAC 192-140-010 Personal identification number.

(1) The first time you call the unemployment information and weekly claims line to obtain information about your claim or to file a weekly claim for benefits, you must ~~((establish))~~ set up a personal identification number (PIN). This number is your electronic signature on all claims filed by telephone and its use is equivalent to your signature on written forms.

(2) Security of the PIN is your responsibility. You are responsible for any payments made as a result of the use of this PIN unless you provide evidence showing that the individual using your PIN was not authorized to do so. Your PIN must be reset if you forget ((your PIN)) it or if someone else, including an employee of the department, learns your PIN((-it must be reset)). You are responsible for either contacting the unemployment claims telecenter to ((establish)) set up a new PIN or setting up a new PIN using the department's internet site.

AMENDATORY SECTION (Amending WSR 07-22-055, filed 11/1/07, effective 12/2/07)

WAC 192-140-100 What happens if I do not respond to a request for information about a discharge from work? (1) If you do not respond to a request for information about a discharge from work and if you:

(a) Have not given the department enough information to identify or contact the employer, the department will presume the employer discharged you for misconduct connected with ((the)) your work. The department will deny benefits ((will be denied)) under RCW 50.20.066.

~~((If you))~~ (b) Have given the department enough information to contact the employer, the department will not deny benefits ((will not be denied)) unless ((the employer shows by)) a preponderance of evidence shows that you were discharged for misconduct connected with your work or the separation was for another disqualifying reason.

(2) ~~((This))~~ If benefits are denied due to misconduct, the denial is for an indefinite period of time and will continue ((until you meet the requalification provisions of RCW 50.20.066)) for ten weeks and until you earn ten times your weekly benefit amount in employment that is covered by Title 50 RCW.

AMENDATORY SECTION (Amending WSR 07-22-055, filed 11/1/07, effective 12/2/07)

WAC 192-150-150 When is a separation considered a refusal of new work? (1) Section 3304 (a)(5) of the Federal Unemployment Tax Act and RCW 50.20.110 state that you cannot be denied benefits if you refuse to accept new work when the wages, hours, or other working conditions are substantially less favorable than those prevailing for similar work in your local labor market.

(2) For purposes of this chapter, "new work" includes an offer by your present employer of:

(a) Different duties than those you agreed to perform in your current employment contract or agreement; or

(b) Different terms or conditions of employment from those in the existing contract or agreement.

(3) ~~When ((your employer changes your pay, hours, or conditions of work in a manner that does not constitute good cause under RCW 50.20.050(2)), the department will decide if the change is an offer of new work. If it is, the department will also decide if the new work is substantially less favorable than similar work in your local labor market)) you resign rather than accept changes in working conditions that are different from those under which you had been working, the department will decide whether you left work voluntarily or refused an offer of new work.~~

~~(a) If the changes in working conditions are not substantial, the department will consider you to have voluntarily quit work.~~

~~(b) If ((the department decides the)) there is a substantial change in working conditions so as to constitute((s)) an offer of new work and the change is not authorized or implied by the original employment agreement, ((and the new work is substantially less favorable,)) the department will treat the separation as a layoff due to lack of work and adjudicate ((the issue of)) the refusal of new work under RCW 50.20.080.~~

~~(i) ((The department will adjudicate the refusal of new work even if you have not claimed benefits for the week in which you refused the new work; and~~

~~(ii) The employer offering the new work is an interested party to the work refusal decision.~~

~~(b) If the department decides the change is not an offer of new work, or the new work is not substantially less favorable, it will adjudicate the separation from work as a voluntary quit under RCW 50.20.050(2) or a discharge under RCW 50.04.294, as appropriate.~~

~~(4)) If the ((employer reduces)) change in working conditions is a reduction in your pay or hours ((by)) of ten percent or less, the department will presume ((that it is not substantially less favorable and adjudicate the separation under RCW 50.20.050(2) or a discharge under RCW 50.04.294, as appropriate)) the change is not substantial. You can overcome this presumption by providing additional information to the department ((that shows)) showing the job was not suitable ((as provided in)) under RCW 50.20.110.~~

~~((5))~~ (ii) If you continue working ((for your employer)) after ((being notified of the change(s) in)) your working conditions have changed, ((the department will consider that you have agreed to the new terms and conditions of employment and have accepted the offer of new work. If you)) but later quit work because of these changes, the department will ((consider that)) presume you ((have)) voluntarily left work for personal reasons. This ((provision)) does not apply when:

(A) You give notice of your intent to quit ((work upon being notified of the change(s) in working conditions and simply)) but continue to work during an agreed upon notice period((-In addition,)); or

(B) You ((may)) continue working during an employer-provided grievance or arbitration period in response to the change in working conditions ((without the department considering that you have accepted the new work)).

~~((6))~~ (iii) This subsection does not apply when the change in working conditions was caused by your own misconduct. The department will treat your refusal of the new working conditions as a separation from work under RCW 50.20.050 or 50.20.066.

(c) If the department decides you were separated due to a layoff but you refused an offer of new work, the department will issue a written decision even if you do not claim benefits for the week in which the refusal occurred. The employer offering the new work is an interested party to the work refusal decision.

(4) For purposes of this section, the following definitions apply:

(a) "Conditions of work" includes fringe benefits such as life and health insurance; paid sick, vacation, and annual leave; provisions for leaves of absence and holiday leave; pensions, annuities and retirement provisions; and severance pay. It also includes job security and reemployment rights; training and promotion policies; wage guarantees; unionization; grievance procedures; work rules, including health and safety rules; medical and welfare programs; physical conditions such as heat, light and ventilation; shifts of employment; and permanency of work.

(b) "Prevailing" means the most typical or customary in a particular occupation for a given area. The department will decide if a wage rate is prevailing for your labor market area based on information provided by its labor market and economic analysis branch.

(c) "Similar work" means similarity of the operations performed, the skill, ability and knowledge required, and the responsibilities involved.

(d) "Substantial change in working conditions" means a material change that is significant in terms of amount, degree, or impact as opposed to a change that is relatively minor or trivial. A change in working conditions is not substantial if the conditions prevailing after the change are those generally prevailing for other workers performing the same or similar work in your local labor market area.

(e) "Substantially less favorable" means the work is materially reduced below the standard under which the majority of individuals in your occupation and local labor market area customarily work(~~(, or the work would have a significantly unfavorable impact on you)~~).

AMENDATORY SECTION (Amending WSR 07-22-055, filed 11/1/07, effective 12/2/07)

WAC 192-180-010 Job search requirements—Directives—RCW 50.20.010 (1)(c) and 50.20.240. (1) **Do I have to look for work?** You must be actively seeking work unless you are:

(a) Attached to an employer as defined in WAC 192-180-005(1); or

(b) Participating in a training program approved by the commissioner.

(2) **When should I start my job search?** You must look for work every week that you file a claim for benefits, unless you are exempt under subsection (1) of this section.

(3) **What are my weekly job search requirements?**

(a) At a minimum, you must:

(i) Make job search contacts with at least three employers each week; or

(ii) Participate in three approved in-person job search activities at the WorkSource office or local employment center, or any combination of employer contacts or in-person job search activities for a total of three.

(b) Based on your individual circumstances, such as your occupation, experience, or labor market area, the department may issue you a directive requiring more than three employer contacts or job search activities each week.

(c) If you are a member of a referral union you must be registered with your union, eligible for and actively seeking dispatch, and comply with your union's dispatch or referral requirements (see WAC 192-210-120). Your benefits may be denied for any weeks in which you fail to meet these requirements and you may be directed to seek work outside of your union.

(4) **What is a "job search contact"?** A job search contact is a contact with an employer to inquire about or apply for a job. You may use job search methods that are customary for your occupation and labor market area, including in-person, telephone, internet, or telefax contacts. The work applied for must be suitable (see RCW 50.20.100) unless you choose to look for work in a lower skill area. A contact does not count if it is made with an employer whom you know is not hiring, or if the department decides the contact is designed in whole or in part to avoid meeting the job search requirements. Simply posting your resume on-line (for example, Monster.com or Craigslist) does not constitute a job search contact for purposes of this section; an application or contact with an employer for a specific job must be submitted to count as one of the required weekly job search contacts.

(5) **What is an "in-person job search activity"?** This is an activity provided through the WorkSource office or local employment center that will assist you in your reemployment efforts. It includes, but is not limited to, job search workshops, training classes, or other facilitated services provided by WorkSource staff and approved by the local WorkSource administrator. For claimants residing in Washington state, an in-person job search activity must be documented in the department's services, knowledge and information exchange system (SKIES) to qualify. For interstate claimants, the activity must be documented in the one-stop system in the state in which you reside.

(6) **What is a directive?** A directive is a written notice from the department telling you that specific methods of job search are required in order to meet the job search requirements. A written directive need not have been issued to deny benefits for failure to meet the job search requirements in subsection (3) of this section.

(7) **When is a directive issued?** The department can issue a directive to clarify or to increase the job search requirements you must meet. Examples include, but are not limited to, cases in which you need to:

(a) Increase the number of employer contacts each week;

(b) Change your method of looking for work (such as from resumes to in-person contacts);

(c) Expand the geographic area in which you look for work; or

(d) Look for work in a secondary occupation.

(8) **When is the directive effective?** The directive is effective when it is given in writing by the department. It stays in effect until a new written directive is given, or it is rescinded in writing.

AMENDATORY SECTION (Amending WSR 05-19-018, filed 9/9/05, effective 10/10/05)

WAC 192-180-013 What are the job search requirements for individuals who work less than full time? (1) "Partially unemployed" workers are those individuals:

- (a) Who were hired to work full time(~~(:)~~);
- (b) Whose weekly hours of work have been temporarily reduced (~~(to less than full time)~~) by their employer(~~(:)~~) by no more than sixty percent;
- (c) Who earn less than one and one-third times their weekly benefit amount plus five dollars during a week(~~(:)~~); and
- (d) Who are expected to return to full time work for their employer within four months.

The department considers these workers (~~(are considered)~~) to be employer attached and they are not required to register for or seek work. They must be available for all work offered by their regular employer.

(2) **"Part time"** workers are individuals who normally work less than full time, or who take a job that is less than full time. To be eligible for benefits, these individuals must be available for and actively seeking full time work and the department may review their job search at any time. If they get a part time job, they must continue to look for full time work or we will deny their benefits under RCW 50.20.010 (1)(c). This definition of "part time" workers means individuals who work part time but do not meet the requirements of RCW 50.20.119.

(3) **"Part time eligible"** workers are individuals who have worked no more than (~~(47)~~) seventeen hours in any week of their base year. They are eligible for benefits under RCW 50.20.119. These individuals may look for work of (~~(47)~~) seventeen or fewer hours per week and the department may review their job search at any time. Once an individual gets a job for (~~(47)~~) seventeen or fewer hours per week, he or she is employer attached and no longer required to look for work.

AMENDATORY SECTION (Amending WSR 07-22-055, filed 11/1/07, effective 12/2/07)

WAC 192-180-015 Tracking job search activities—RCW 50.20.240. (1) Do I need to keep track of my job search activities? You must keep a record or log of your job search contacts and the in-person job search activities you receive through the WorkSource office or local employment center unless you are:

- (a) A member of a full referral union;
- (b) Allowed benefits because you left work to protect yourself or a member of your immediate family from domestic violence or stalking as provided in RCW 50.20.050 (2)(b)(iv); or
- (c) Exempt from job search requirements under WAC 192-180-010(1).

(2) **What information do I need to keep in the log?** Your job search log must contain at least the following information:

(a) For in-person or telephone job search contacts, record the date contact was made; the employer's name, address and telephone number; (~~(the type of)~~) how contact was made (in-person, telephone, etc.); the name or position of the person you contacted; and the type of work you applied for. If application was made on-line, by newspaper or other means in which there is no direct employer contact, include date, web address, or newspaper name or address, the job applied for, such as a job reference number, or attach a copy of the job announcement or a confirmation notice received after your application was submitted;

(b) For in-person job search activities at the WorkSource office or local reemployment center, record the date contact was made; and a description of the services you received or the activities in which you participated.

(3) **Is there a specific form I must use?** The department will supply you with a form (EMS 10313) to use in tracking your job search activities. You may use your own form or tracking method as long as you record all information required by this section.

(4) **How long should I keep my log?** Keep your log for at least sixty days after the end of your benefit year or thirty days after receiving your final payment on any extension of benefits, whichever is later.

AMENDATORY SECTION (Amending WSR 07-22-055, filed 11/1/07, effective 12/2/07)

WAC 192-180-025 Job search review interviews. (1) What is a job search review (JSR) interview? The JSR is an interview between you and a representative of the WorkSource office or local employment center. Its purpose is to review your job search documentation, identify any barriers to your reemployment, develop a plan for resolving barriers that may be identified, and provide advice on how to improve your job search efforts. For interstate claimants, this interview may be conducted by telephone or by the local employment center in a contracted state.

(2) **Will my job search activities be reviewed?** Yes, you must bring your job search log to the interview. The interviewer will review your log with you and discuss areas in which your job search can be improved. The employer contacts and job search activities included in your log will be verified at random. The interviewer may further verify any reported contacts at his or her discretion.

(3) **How many weeks will be reviewed?** (~~((a))~~) The interviewer will review at least one week of your job search documentation at the initial interview. If the job search documentation is unsatisfactory, (~~((b))~~) the department will reschedule you for a second interview in which we will review your documentation for all weeks claimed.

(4) **What happens if I don't attend the initial JSR interview?** If you fail to (~~((appear for))~~) attend the initial JSR interview (~~((without being excused, you will be scheduled for a second interview in which all weeks claimed will be reviewed~~).

~~(b) If you are excused from attending the initial JSR interview;)) and you have an:~~

~~(a) **Excused absence.** WorkSource staff will reschedule you ((will be rescheduled)) for a review of one week of your job search documentation.~~

~~((4) **When may I be excused from attending the initial JSR?))**~~ You may be excused from attending the initial JSR interview only for the following reasons:

- ~~((a)) (i) Jury duty;~~
- ~~((b)) (ii) National Guard duty;~~
- ~~((c)) (iii) Natural disaster or acts of nature; or~~
- ~~((d)) (iv) Verifiable employment or a job interview.~~

~~(b) **Unexcused absence, the following will apply:**~~

~~(i) The department will schedule you for an interview in which we will review your job search activities for all weeks claimed; and~~

~~(ii) The department will deny your benefits for the week of the initial interview unless you can show good cause for not attending. (See WAC 192-180-030.)~~

~~(5) **What does "all weeks" mean?** For purposes of this section, "all weeks" means the latest of the following:~~

- ~~(a) Weeks claimed since you filed your application for benefits; or~~
- ~~(b) Weeks claimed since your last JSR interview, if applicable.~~

~~(6) **Do I need to bring anything else to the JSR interview?** You must be prepared to present proof of your identity during the JSR interview. ((This includes)) Acceptable documents are:~~

~~(a) State or government issued ((photo)) driver's license or identification card with photo; ((or))~~

~~(b) ((Two of the following government issued documents:)) U.S. passport (expired or unexpired);~~

~~(c) Permanent resident card or alien registration receipt card (Form I-551);~~

~~(d) Unexpired employment authorization document, with photo;~~

~~(e) School identification card with photo;~~

~~((i)) (f) Voter's registration card;~~

~~((ii)) (g) U.S. military identification card or draft record;~~

~~((iii)) (h) Military dependent's identification card;~~

~~((iv)) (i) U.S. Coast Guard merchant mariner card; or~~

~~((v)) (j) Native American tribal document((;~~

~~(vi) U.S. Social Security card;~~

~~(vii) Certification of birth abroad issued by the U.S. Department of State;~~

~~(viii) Original or certified copy of a birth certificate;~~

~~(ix) U.S. citizen ID card;~~

~~(x) ID card for use of resident citizen in the United States; or~~

~~(xi) Unexpired employment authorization document issued by the United States citizenship and immigration services (USCIS)).~~

AMENDATORY SECTION (Amending WSR 07-23-129, filed 11/21/07, effective 1/1/08)

WAC 192-200-005 Disqualification of students—RCW 50.20.095. (1) **General rule.** If you are registered in a

course of study that provides scholastic instruction of twelve or more credit hours per week, you are disqualified from receiving benefits or credit for your waiting week.

(2) **Period of disqualification.** The disqualification starts with the week the instruction begins or the week you left employment to return to school, whichever is earlier. The disqualification ends at midnight on Saturday of the week prior to the first full week in which you are no longer registered for twelve or more hours of instruction. You must certify to the department that you are not currently registered for twelve or more credit hours and will not be registered for twelve or more credit hours for at least sixty days. If you begin classes within sixty days, all benefits paid since the date of your certification will be considered an overpayment. This overpayment is subject to recovery under RCW 50.20.-190. If you are registered for classes that begin more than sixty days in the future, you will not be disqualified under this subsection.

(3) **Disqualification not applicable.** The disqualification does not apply if you:

(a) Are in approved training under RCW 50.20.043;

(b) Are in an approved self-employment assistance program under RCW 50.20.250; or

(c) Show by a preponderance of the evidence that your student status does not significantly interfere with your actual availability for work when you apply.

(4) **Definitions.** As used in this section:

(a) "School" includes primary schools, secondary schools, and institutions of higher education as defined in RCW 50.44.037;

(b) "Scholastic instruction" includes all teaching or opportunity for learning subjects other than those of a strictly vocational nature. Subjects of a vocational nature are those embraced in the definition of "training" contained in WAC 192-200-010.

(c) "Twelve or more hours per week" means 12 or more credit hours per week or its equivalent((;

~~((d) "Preponderance of evidence" means evidence sufficient to persuade a reasonable person considering all the evidence that the proposal is more probably true than not true)).~~

(5) **Students.** Students who claim benefits are subject to all of the provisions of Title 50 RCW including:

(a) RCW 50.20.050 dealing with those who leave work voluntarily without good cause;

(b) RCW 50.20.010 (1)(c) requiring claimants to be able and available for and actively seeking work; and

(c) RCW 50.20.240 requiring claimants to provide evidence of their job search activities as requested by the department.

AMENDATORY SECTION (Amending WSR 07-23-129, filed 11/21/07, effective 1/1/08)

WAC 192-200-030 May I receive unemployment benefits while I am in training? (1) To be eligible for unemployment benefits while in training, you must meet the following criteria:

(a) The training must be full-time as defined by the training facility but subject to the discretion of the commissioner,

including skills training classes designated as full-time by the local WorkSource administrator; and

(b) You must be making satisfactory progress in training. Except as provided in ~~((subsection))~~ (c) of this subsection, "satisfactory progress" is defined in WAC 192-270-065; or

(c) If you are enrolled in an approved self-employment assistance program under RCW 50.20.250, "satisfactory progress" means you are attending classes and participating in other activities related to setting up a business within the ~~((timeframes))~~ time frames outlined in your approved training plan.

(d) The certification that you are making satisfactory progress in full-time training must be signed by the registrar or equivalent person designated by the training facility.

(2) You must notify the department if you discontinue or suspend training, change your course of study, or reduce enrollment to less than full-time.

(3) If your enrollment drops below full-time or you are not making satisfactory progress, you may be required to show that you are meeting the availability for work and job search requirements of RCW 50.20.010 (1)(c) and 50.20.240, and the provisions of RCW 50.20.080 regarding failure to apply for, or refusal to accept suitable work.

AMENDATORY SECTION (Amending WSR 07-23-128, filed 11/21/07, effective 1/1/08)

WAC 192-230-020 How are cash payments and offsets applied to my overpayment? (1) If the department has assessed more than one overpayment against you, we will first apply payments against any overpayment involving fraud. If there are multiple overpayments involving fraud, we will apply payments in order beginning with the oldest benefit year. If none of the overpayments involve fraud, we will apply payments in order beginning with the oldest benefit year.

(2) Within the priority established in subsection (1) of this section, the department will apply cash payments to the outstanding balance in the following order:

- (a) Court costs.
- (b) Interest.
- (c) Penalties based on fraud.
- (d) Overpaid benefits.
- (e) Surcharge assessed under RCW ~~((41.14.027))~~ 40.14.027.

(3) The department will only apply offsets to the overpaid benefits. Court costs, fraud penalties, interest, and surcharges cannot be offset; they must be repaid.

AMENDATORY SECTION (Amending WSR 09-13-057, filed 6/12/09, effective 7/13/09)

WAC 192-250-045 Who is not eligible for participation in the shared work program? (1) The following employees are not eligible for participation in the shared work program:

(a) Employees paid on any basis other than hourly wage. This includes, but is not limited to, employees paid on a piece rate, mileage rate, job rate, salary, or commission basis. The commissioner may waive this provision for employees paid

on a piece rate basis if an hourly rate of pay can be established.

(b) Officers of the corporation that is applying for participation.

(2) The following businesses are not eligible for participation in the shared work program:

(a) Businesses with a tax rate of ~~((more than))~~ 5.4 percent or more, not including the social cost factor rate and taxes under RCW 50.24.010 and 50.24.014.

(b) Nonqualified employers, meaning employers who have reported no payroll for four consecutive quarters.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 192-12-142	Claims, appeals, petitions—Filing not to be refused.
WAC 192-12-151	Benefit payments—Not a determination of allowance.
WAC 192-12-153	Payment of benefits—Initial allowance—Employer appeal.
WAC 192-12-154	Payment of benefits by appeals tribunal—Claimant appeal.
WAC 192-12-155	Payment of benefits by commissioner—Petition to court.
WAC 192-12-160	Withdrawals from trust fund.
WAC 192-12-170	Unemployment compensation administration fund.
WAC 192-12-173	Federal programs—Maintenance of regulations and guidelines.
WAC 192-12-365	Interpretive regulation—Definition of suitable work as it applies to agricultural labor.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 192-16-004	Interpretive regulation—Benefit year—Further defining initial separation from employment—RCW 50.04.030.
WAC 192-16-005	Interpretive regulations—Applications for initial determinations—Backdating—RCW 50.04.030.
WAC 192-16-009	Disqualification for leaving work voluntarily—Meaning

	of good cause for claims with an effective date prior to January 4, 2004—RCW 50.20.-050(1).	WAC 192-23-081	Failure to provide details on a refusal of an offer of work.
WAC 192-16-015	Leaving work for marital or domestic reasons—RCW 50.20.050 (1)(d).	WAC 192-23-082	Failure to respond to a request for information regarding failure to apply for work.
WAC 192-16-016	Satisfying disqualification under RCW 50.20.050 (1)(d) when separation is for reasons of marital status and marriage occurs after date of separation.	WAC 192-23-091	Failure to respond to a request for information regarding labor dispute.
WAC 192-16-025	Lump sum retirement payment.	WAC 192-23-113	Failure to respond to a request to provide information regarding athletic employment.
WAC 192-16-030	Interpretive regulation—Computation of pension deductions under RCW 50.04.323.	WAC 192-23-301	Failure to respond to a request for information regarding reasonable assurance of return to work.
WAC 192-16-050	Diversion of unemployment benefits to satisfy child support obligations.	WAC 192-23-320	Failure to respond to a request for documentation of a systematic and sustained work search.
WAC 192-16-055	Interpretive regulations—Special coverage provisions—Bona fide notification of intent for substitute teacher—RCW 50.44.-050(1).	WAC 192-23-350	Failure to respond to a request for pension information.
		WAC 192-23-900	Claimant liable for repayment of overpayments caused by conditional payment.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-17-010	Exemption from provisions of WAC 197-10-800.
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REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 192-23-001	Failure to respond to request for information results in a presumption of disqualifying information.
WAC 192-23-011	Failure to provide details of employment.
WAC 192-23-012	Failure to provide details on holiday and/or vacation pay.
WAC 192-23-051	Failure to provide details on separation from employment.
WAC 192-23-052	Failure to respond to a request for information regarding voluntary quit.

NEW SECTION

WAC 192-100-055 Nondisclosure and willful nondisclosure—RCW 50.20.160. (1) "Nondisclosure" is not a synonym for fraud or misrepresentation. It refers to situations in which you have information or knowledge which you fail to disclose to the department inadvertently or through oversight. The department may redetermine an allowance of benefits resulting from nondisclosure at any time within two years following the benefit year in which the allowance was made.

(2) "Willful nondisclosure" means you fail to disclose information when you knew or should have known that it was material. The department may redetermine an allowance of benefits resulting from willful nondisclosure at any time.

NEW SECTION

WAC 192-100-060 Labor dispute. A labor dispute means a deliberate action by two or more individuals or by an employer resulting in a strike or lockout where wages, hours, working conditions, or terms of employment are at issue.

NEW SECTION

WAC 192-100-065 Preponderance of evidence defined. "Preponderance of evidence" is that evidence which, when fairly considered, produces the stronger impression, has the greater weight, and is the more convincing as to

its truth when weighted against the evidence in opposition thereto.

NEW SECTION

WAC 192-100-070 Conditional payments. (1) A conditional payment is payment issued to you after you have already received benefits but during a period in which the department questions your continued eligibility for benefits. Your right to retain such payment is conditioned on the department's finding that you were eligible for benefits during the week(s) in question.

(2) You are no longer considered to be in continued claim status if you have not claimed benefits (had a break in claim) for four weeks or longer.

(3) A conditional payment is not considered a "determination of allowance" as provided in RCW 50.20.160(3).

NEW SECTION

WAC 192-110-090 Prompt payment of benefits. The department will promptly issue payment once it determines that you are eligible for benefits.

(1) An appeal by an employer concerning your eligibility for benefits will not prevent payment.

(2) If benefits are allowed to you as the result of an appeal decision, the department will promptly pay benefits and a petition for the commissioner's review will not prevent payment.

(3) If benefits are allowed to you as the result of a commissioner's decision, the department will promptly pay benefits and the filing of a petition for judicial review will not prevent payment.

(4) If benefits are allowed to you as the result of a court decision, the department will promptly pay benefits. An appeal to a court of higher jurisdiction will not prevent payment.

NEW SECTION

WAC 192-110-095 May I backdate my application for unemployment benefits (RCW 50.04.030)? (1) **General rule.** A benefit year begins on Sunday of the calendar week in which you file your application for benefits. However, an application may be backdated for good cause or for the convenience of the department.

(2) **Definitions.** As used in this section:

(a) "Good cause" means factors that would prevent a reasonably prudent person in similar circumstances from filing an application for benefits. These include, but are not limited to, acting on advice directly from a department employee or its agent on whom a reasonable person would rely, incapacity due to illness or injury, or other serious factors.

(b) "For the convenience of the department" means those situations where it is difficult or impossible for the department to accept a timely application. These include, but are not limited to, equipment breakdowns, lack of available staff to accept applications, or special handling requirements.

(3) **Limitations on good cause.**

(a) You must file your application for benefits during the first week in which those factors that constitute good cause

are no longer present. The effective date will be Sunday of such week.

(b) Backdating will not be allowed if you claim good cause based on information from department staff or agents where you could reasonably be expected to question the accuracy of this information, and you knew or should have known of your redetermination or appeal rights and failed to exercise them.

NEW SECTION

WAC 192-110-110 Establishing a new benefit year—RCW 50.04.030. Once your current benefit year expires, you are not eligible for a new benefit year unless you have returned to work and earned at least six times the weekly benefit amount on your new claim.

Example: You separate from one job on December 29, 2008, and from a second job on February 7, 2009. You file an application for benefits effective February 8, 2009. When the benefit year ends, you must have earned six times your new weekly benefit amount since February 7, 2009, to be eligible for a new claim.

NEW SECTION

WAC 192-110-150 May I have an individual with power of attorney or other authorization file an initial or weekly claim for benefits, testify in my place, or otherwise certify on my behalf? No. RCW 9A.72.085 requires that an oath, certification, verification or declaration must be signed or sworn to by the person making it. (Exception: An estate executor or administrator may file a claim for the last completed calendar week prior to a claimant's death.)

(1) You are required to personally certify on your initial application for benefits and weekly claims that the information provided to the department is correct.

(2) An individual with power of attorney may not testify in your place in any adjudicative proceeding. Such individual may file an appeal on your behalf if he or she provides the department with a copy of the document granting him or her power of attorney. Such individual may also be called as a witness on your behalf or assist with the preparation of your case but you must provide sworn testimony in support of your appeal.

(3) An agent with power of attorney may not otherwise act on your behalf when statutes or regulations specifically or implicitly require your signature or personal certification.

NEW SECTION

WAC 192-140-035 What happens if I do not respond to a request for information? (1) The department will presume that you are disqualified from benefits if you provide potentially disqualifying information, or fail to provide necessary information, and then do not respond to a request for specific information. The department will deny benefits under RCW 50.20.010.

(2) This denial is for an indefinite period of time and will continue until you provide the requested information.

(3) Once you provide the requested information, the department may issue a redetermination under RCW 50.20.-

160. The department will issue a new decision allowing benefits if you provide enough information to establish your eligibility for benefits.

NEW SECTION

WAC 192-140-040 What happens if I do not provide details about my employment when filing my weekly claim? (1) The department will presume you are not unemployed under RCW 50.04.310 if you:

(a) Report that you had work and earnings for one or more weeks;

(b) Fail to provide employer name and address; and

(c) Do not respond to a request for information.

(2) Further, the department will presume you are not unemployed under RCW 50.04.310 if:

(a) You report that you will have earnings for a week not yet claimed;

(b) Subsequently claim benefits for the week without providing employer name and address and the amount of earnings; and

(c) Do not respond to a request for information.

(3) The department will deny benefits under this section based on RCW 50.20.010. This denial applies only to the week(s) in which work and earnings information is incomplete.

NEW SECTION

WAC 192-140-045 What happens if I do not respond to a request for information about a refusal of an offer of work? (1) If you do not respond to a request for information about a refusal of an offer of work, the department will presume you refused an offer of suitable work without good cause.

(2) The department will deny benefits under RCW 50.20.080. This denial will continue for seven weeks and until you earn seven times your weekly benefit amount in employment that is covered by Title 50 RCW.

NEW SECTION

WAC 192-140-050 What happens if I do not respond to a request for information about failure to apply for work? (1) The department will presume you failed to apply for suitable work without good cause if:

(a) You have been directed by the department to apply for work;

(b) The department is advised that you have failed to comply as directed; and

(c) You do not respond to a request for information.

(2) The department will deny benefits under RCW 50.20.080. This denial will continue for seven weeks and until you earn seven times your weekly benefit in employment that is covered by Title 50 RCW.

NEW SECTION

WAC 192-140-055 What happens if I do not respond to a request for information about a labor dispute? (1) The department will presume you are unemployed as a result

of a labor dispute and directly interested in or participating in the dispute if you do not respond to a request for information about a labor dispute.

(2) The department will deny benefits under RCW 50.20.090. This denial will continue until you provide the requested information.

NEW SECTION

WAC 192-140-095 What happens if I do not respond to a request for details about my separation from work?

(1) If you report work and earnings in one week and during the week following you do not report work and earnings, you must provide details about your separation from work.

(2) The department will presume you have voluntarily quit work without good cause under RCW 50.20.050 unless you provide:

(a) Complete employer information, including:

(i) Name of employer;

(ii) Complete address of employer;

(iii) Hours worked and earnings if not previously reported; and

(iv) Last day worked.

(b) Details about the reasons for separation from work.

(3) A separation from employment occurs whenever the employer-employee relationship is severed. For purposes of this section, a separation occurs when:

(a) You are not scheduled to work for a period of one week or more; or

(b) You have a week with no earnings following a week in which you had earnings.

(4) The department will deny benefits under RCW 50.20.050. This denial will continue for seven weeks and until you earn seven times your weekly benefit in employment that is covered by Title 50 RCW.

NEW SECTION

WAC 192-140-105 What happens if I do not respond to a request for information about a voluntary quit from work?

(1) If you do not respond to a request for information about a voluntary quit from work the department will presume you have voluntarily quit work without good cause under RCW 50.20.050, unless available evidence shows that your separation from work was for another reason.

(2) If benefits are denied as a voluntary quit, the denial will continue for seven weeks and until you earn seven times your weekly benefit in employment that is covered by Title 50 RCW.

NEW SECTION

WAC 192-140-130 What happens if I do not respond to a request for information about holiday or vacation pay?

(1) The department will presume you are not unemployed as provided in RCW 50.04.310 if you report that you received holiday or vacation pay and the amount paid, and do not respond to a request for specific information about the holiday or vacation pay.

(2) If you report that you will have holiday or vacation pay for a week not yet claimed and subsequently claim bene-

fits for the week without providing employer name and address and the amount of payment, and do not respond to a request for information, the department will presume you are not unemployed as provided in RCW 50.04.310.

(3) The department will deny benefits under RCW 50.20.010. This denial applies only to the week(s) in which holiday or vacation pay information is incomplete.

NEW SECTION

WAC 192-140-135 What happens if I fail to respond to a request for information about athletic employment?

(1) If your eligibility for benefits is based on employment as a participant in sports or athletic events and you do not respond to a request for information, the department will presume you have reasonable assurance of performing similar services in the upcoming season.

(2) The department will deny benefits under RCW 50.20.113. This denial applies to the entire period between sporting seasons.

NEW SECTION

WAC 192-140-140 What happens if I fail to respond to a request for information about reasonable assurance to return to work in educational employment?

(1) If your eligibility for benefits is based on services to an educational institution, your employer has provided information that you have reasonable assurance of returning to work after the school holiday or break, and you do not respond to a request for information about reasonable assurance, the department will presume that such assurance exists.

(2) The department will deny benefits under RCW 50.44.050. This denial applies to the period between academic years or terms, and during holiday or vacation periods.

NEW SECTION

WAC 192-140-145 What happens if I do not respond to a request for pension information? (1) The department will presume you are receiving a pension in an amount greater than your weekly benefit amount and contributed to only by a base period employer if:

(a) You report that you have applied for a retirement pension or your pension has changed since your last claim; and

(b) You do not respond to the question concerning pension information when filing your weekly claim.

(2) The department will deny benefits under RCW 50.04.323. This denial will continue until you provide the information showing that you are not ineligible for benefits under RCW 50.04.323.

NEW SECTION

WAC 192-150-145 Change in working conditions covered by RCW 50.20.050 (2)(b)(v) through (x). (1) If you quit work due to a change in working conditions that meets the requirements of RCW 50.20.050 (2)(b)(v) through (x), the department will not deny benefits solely on the basis that you continued working for a brief period of time follow-

ing the change. However, you must demonstrate to the department that the change in working conditions was the motivating factor for quitting work.

(2) "Brief period of time" means the amount of time a reasonably prudent person would have continued working after the change in circumstances.

NEW SECTION

WAC 192-150-225 Examples of flagrant and wanton misconduct. (1) Examples of behaviors that may constitute flagrant and wanton conduct resulting in a finding of gross misconduct include, but are not limited to:

(a) A medical provider under the influence of illegal narcotics while at work;

(b) A health care worker who steals money or valuables from patients;

(c) A commercial truck driver under the influence of alcohol while operating the employer's vehicle;

(d) A school employee convicted of conduct that requires the individual to register as a sex offender;

(e) An attorney convicted of conduct that results in being disbarred or suspended from the practice of law; or

(f) A department store employee who secretly films or photographs customers in the store's fitting rooms.

(2) These behaviors are examples only and do not require the department to find gross misconduct in similar situations.

NEW SECTION

WAC 192-150-230 What happens if I am discharged prior to the effective date of my resignation? (1) Except as provided in subsection (2) of this section, if you notify your employer that you are resigning from your job and the employer discharges you prior to the end of the notice period, the separation is treated as a discharge. The department will not deny benefits unless the employer can show that you were discharged for misconduct.

(2) If your employer pays you through the notice period but requires no work, the separation is treated as a quit. The separation date is the last day of the notice period. Payment for the notice period is deductible from benefits as payment in lieu of notice.

NEW SECTION

WAC 192-170-010 Availability for work—RCW 50.20.010. (1) In general, the department will consider you available for work if you:

(a) Are willing to work full-time, part-time, and accept temporary work during all of the usual hours and days of the week customary for your occupation.

(i) You are not required to be available for part-time or temporary work if it would substantially interfere with your return to your regular occupation.

(ii) The requirement to be available for full-time work does not apply under the circumstances described in WAC 192-170-050 (1)(b) or 192-170-070;

(b) Are capable of accepting and reporting for any suitable work within the labor market in which you are seeking work;

(c) Do not impose conditions that substantially reduce or limit your opportunity to return to work at the earliest possible time;

(d) Are available for work during the hours customary for your trade or occupation; and

(e) Are physically present in your normal labor market area, unless you are actively seeking and willing to accept work outside your normal labor market.

(2) You are not considered available for work if you fail or refuse to seek work as required in a directive issued by the department under WAC 192-180-010.

NEW SECTION

WAC 192-170-065 Suitable work factors—Agricultural labor—RCW 50.04.150 and 50.20.100. When deciding whether agricultural labor is suitable work for you, the department will consider the degree of risk involved to your health, safety, and morals, your physical fitness, your skill level, your length of unemployment and prospects for work in your customary occupation, the distance of the available work from your residence, and other factors pertinent to your ability to perform the work.

NEW SECTION

WAC 192-170-080 Leave of absence. (1) A leave of absence is an absence from work mutually and voluntarily agreed upon by you and your employer or a collective bargaining agent, or leave to which you are entitled under federal or state law, where the employer-employee relationship is continued and you will be reinstated in the same or similar job when the leave expires.

(a) If you are on a leave of absence, you are not unemployed and thus not eligible for benefits.

(b) If you choose not to return to work when the leave of absence ends, the separation is treated as a voluntary quit. The separation date will be the first working day after the leave expires.

(c) If no job is available with the employer when the leave of absence ends, the separation is treated as a layoff due to a lack of work.

(d) If you have been on medical leave and are released for work by your medical provider, but your employer refuses to permit you to return to work, you are considered to be laid off due to a lack of work and potentially eligible for benefits.

(2) A leave of absence does not exist if the employer offers you only a preference for rehire or a promise of a job if work exists at the end of the leave. An employee-initiated leave that only provides fringe benefits during the leave or preferential status for reemployment is not a leave of absence but a voluntary quit.

(3) A temporary or indefinite disciplinary suspension from work by the employer is not a leave of absence. The department will treat this as a suspension.

NEW SECTION

WAC 192-170-090 Incarceration. (1) If you were previously warned that your continued employment was in jeopardy because of poor attendance, and you engage in illegal activities where you are aware there is a clear possibility of arrest and detention, misconduct may be established under RCW 50.04.294 (2)(d) or (e).

(2) If you are jailed but later released without having been charged with or convicted of a crime, the separation is not considered misconduct except as provided in subsection (3) of this section.

(3) If your employer discharges you for absenteeism or job abandonment because you failed without good cause to notify the employer of your incarceration or anticipated release date, such failure may be considered misconduct.

(4) You will be considered unavailable for work during any days in which you are incarcerated unless those days are not part of your regular work week based on your occupation. Example: You are sentenced to a specific time in custody but allowed to serve your time on weekends. If weekends are not part of your regular work week, you will be considered available for work.

NEW SECTION

WAC 192-170-100 AmeriCorps and AmeriCorps VISTA volunteers. (1) AmeriCorps volunteers enroll with nonprofit organizations to provide services within the state. They may enroll in full-time or part-time programs. If you enroll in a part-time program, you can seek and accept other work. You are potentially eligible for benefits if you are immediately available for and seeking full-time work.

(2) AmeriCorps VISTA (volunteers in service to America) volunteers are assigned to public or private organizations to work towards meeting community needs. The contract requires they be available for service each day and evening of the week. AmeriCorps VISTA volunteers are not available for work. You are not eligible for benefits while under contract, even if you received benefits prior to enrollment in service.

(3) Stipends received as an AmeriCorps or AmeriCorps VISTA volunteer are not covered employment. They may not be used to requalify for benefits after a denial for a quit, discharge, or job refusal.

Chapter 192-190 WAC

DEDUCTIONS FROM UNEMPLOYMENT BENEFITS

NEW SECTION

WAC 192-190-010 Income tax withholding. (1) You may request to have federal income tax withheld from your benefits. If you choose to do so, the department will deduct the withholding at the percentage specified in 26 U.S.C. Section 3402 (p)(2). You may cancel this withholding at any time.

(2) Benefits deducted for income tax purposes are considered paid to you. If you are paid benefits to which you are

not entitled, the amount withheld for income tax will be included in the overpayment.

NEW SECTION

WAC 192-190-015 Deductions for child support—RCW 50.40.050. (1) After being properly notified by a child support agency, the department will withhold a portion of your benefits to send to the agency to satisfy child support obligations.

(2) **Notification.** The child support agency is responsible for notifying you of the order to deduct child support from your unemployment benefits.

(3) **Overpayments.** Benefits deducted to satisfy child support obligations are considered paid to you. If you receive benefits to which you are not entitled, the amount deducted to satisfy child support obligations will be included in the overpayment.

(4) **Benefits withheld in error.** The child support agency is responsible for reimbursing you if the amount deducted from your benefits is greater than you are required to pay to satisfy your child support obligations. If an amount less than you are required to pay is deducted from your benefits, the department will deduct the additional amount from future benefit weeks.

(5) **Appeals.**

(a) You must file your appeal concerning the validity of the child support order, the total amount due, or the amount to be deducted from your benefits, with the child support agency.

(b) You may file your appeal concerning the department's authority to deduct child support from your benefits, the weeks for which the deduction is made, and the accuracy of the amount deducted with the department in the same manner as eligibility decisions are appealed. You may file your appeal based on the department's notice to you that child support obligations have been or will be deducted from your benefits. All laws and rules pertaining to benefit appeals apply to appeals under this subsection.

(6) **Effective date of deduction.** The department will not deduct child support obligations from benefits paid for weeks prior to the date on which notification is served on you by the child support agency.

NEW SECTION

WAC 192-190-020 Are lump sum retirement payments deductible from my benefits (RCW 50.04.323)? Lump sum retirement benefits are deductible from benefits as provided in this section.

(1) Lump sum retirement payments are prorated over the individual's life expectancy as determined by Title I in Regulation 1.72-9 of the Internal Revenue Code. The percentage contributed by the employer to the retirement will be prorated over the individual's life expectancy to determine the amount deducted from benefits.

(2) After a job separation, the withdrawal of only the funds and applicable interest contributed by the individual to a retirement pension is not deductible from benefits.

(3) The transfer or rollover of a lump sum retirement payment within sixty days of receipt to another long-term

retirement plan, such as an individual retirement account (IRA), or 401K is not deductible from benefits.

NEW SECTION

WAC 192-190-025 How is the pension deduction calculated? (1) The share contributed by the employer to the pension is deductible from benefits. The amount of the deduction equals the percentage of the contribution(s) made by the base year employer as of the last pay period in the base year in which the contribution(s) was made. The department will prorate the employer's share to a weekly amount.

(a) The department will presume the services you provided to the employer in the base year affected eligibility for or increased the pension amount unless you provide verification from the employer or the pension fund administrator showing otherwise.

(b) The department will presume you made no contribution to the pension unless you provide evidence satisfactory to the department that such a contribution was made.

(2) A disability pension based entirely on the percentage of disability is not deductible. For example, disability payments paid by the Veterans Administration (VA) based on extent of injury are not deductible.

(3) Retirement benefits paid by the Social Security Administration are not deductible from benefits.

(4) For purposes of this section, "pension" includes retirement benefits or retired pay, annuity, or other similar periodic payment.

NEW SECTION

WAC 192-190-030 Is reimbursement of expenses deductible from my benefits? (1) Moneys paid to you as reimbursement for expenses are not deductible from benefits. However, there must be a reasonable relationship between the amount paid and the actual expenses incurred. If the amount paid is greater than actual expenses, the entire amount must be reported to the department as remuneration and may be deducted from your weekly benefit amount.

(2) Examples:

(a) A volunteer firefighter is paid twenty-five dollars for each fire call. The amount is considered reimbursement for the costs associated with responding to the fire call, such as travel expenses. You are not required to report the reimbursement to the department when filing your claim.

(b) A volunteer firefighter is paid fifty dollars per week even if he or she has no fire calls during that week. The amount is considered remuneration because there is no relationship between the payment and the costs associated with service as a firefighter. You must report the payments to the department when filing your claim.

NEW SECTION

WAC 192-190-035 Vacation or holiday pay. (1) You must report vacation and holiday pay when filing your claim for benefits.

(2) If vacation or holiday pay is assigned to a specific time period by your employer or as part of a collective bar-

gaining agreement, the department will deduct it from your benefits.

(3) If you receive a cash out of accrued vacation leave, it is not deductible from benefits.

NEW SECTION

WAC 192-190-040 Back pay and settlements. (1) "Back pay" means wages paid to a worker for a prior pay period. An employer may award back pay to a separated or suspended employee for a specific period of time.

If you received benefits for any weeks for which back pay is awarded, you must report the amount of the back pay to the department.

(a) If the employer does not deduct the amount owed before giving you the award, you will receive an overpayment notice and must pay the amount owed to the department.

(b) If the employer deducts the amount of benefits owed before giving you the back pay award, the employer must pay the amount owed to the department.

(2) A back pay award may not be used to purge a disqualifying separation.

A lump sum payment of worker's compensation benefits does not constitute a back pay award for purposes of RCW 50.20.160.

(3) A "settlement" is the resolution of a dispute or lawsuit under specific terms, often financial. The department will treat a settlement due to loss of wages the same as a back pay award.

NEW SECTION

WAC 192-190-045 Severance pay. When payment for your separation from work is assigned to any period before the date of separation, it is considered severance pay. Severance pay is not deductible from benefits.

NEW SECTION

WAC 192-190-050 Termination pay. (1) Termination pay is the same as earnings and is deductible from benefits. It means payments that are assigned to and have a connection with the period following the last day you worked but before you are separated from employment. The payments may be connected to a specific period of time by collective bargaining agreement, individual contract or hiring agreement, customary trade practice, or your request.

(2) Your employer may place conditions for receiving payments, such as requiring that you be available for work during the payment period as needed or stopping payment before the payment period ends if you get another job.

Example 1: The employer provides a job security plan which pays full salary and benefits for five months after the layoff date. The employees are on-call to work as needed for the employer. These payments are deductible because the payments are conditioned on your agreement to remain on-call.

Example 2: An employment contract provides for payments for up to two years following layoff, based on years of service. Fringe benefits continue during the period and

accrued vacation time may be used to extend the length of the payments. Payments are deductible because there is a clear connection between the payments and the time period following the last day of work based on the continuation of fringe benefits such as vacation leave.

NEW SECTION

WAC 192-190-055 Payment in lieu of notice. (1) If you have a contract or hiring agreement that requires the employer to give you advance notice of termination, and the employer fails to do so, the payments you receive from the employer for wages or salary you would have earned during the notice period are deductible from benefits.

(2) If you give notice to the employer to quit work, and the employer discharges you before the end of the notice period, any wages paid to you through the end of the notice period are deductible from benefits.

NEW SECTION

WAC 192-190-060 Bonuses. (1) If a bonus is attributable to work you performed during a week in which you claimed benefits, the amount paid is deductible from benefits.

Example: You work twenty hours a week and receive partial unemployment benefits. Based on productivity for that week, your employer awards a fifty dollar cash bonus to workers. The fifty dollars is deductible from benefits.

(2) If a bonus is not attributable to work you performed during a week claimed, it is not deductible from benefits.

Example: You work eight months for an employer and are then laid off. At the end of the year, your employer pays each worker a bonus of one hundred dollars for each month worked during the calendar year. You receive eight hundred dollars based on your eight months of work. Because the bonus is attributable to work performed before you separated from your job, it is not deductible from benefits.

(3) A bonus includes, but is not limited to, cash payments and other things of value that are over and above the employment contract or hiring agreement.

NEW SECTION

WAC 192-190-065 Tips. Tips are considered earnings and must be reported each week you claim benefits. They are deductible from benefits.

NEW SECTION

WAC 192-190-070 Jury duty—RCW 50.20.117. (1) Payment received because you are on-call or reporting as a prospective juror, or serving on a jury, is earnings and deductible from benefits.

(2) Payment received as reimbursement of expenses for travel, meals, and other costs associated with jury duty is not deductible from benefits.

NEW SECTION

WAC 192-190-075 Sick leave pay. (1) You must report sick leave pay when filing your claim for benefits.

(a) If sick leave pay is assigned to a specific time period by your employer or as part of a collective bargaining agreement, it is deductible from benefits.

(b) If you receive a cash out of accrued sick leave, it is not deductible from benefits.

(2) If your benefits are reduced because you reported sick leave pay, they will not be further reduced because you were not able to work on the day(s) for which you were on paid sick leave.

Example: You are sick for three days during a week. You receive sick leave pay for two of those days. Your benefits will be reduced for those two days by the amount of sick leave paid to you. Your benefits will be reduced by one-seventh under RCW 50.20.130 for the third day because you were not able to work.

NEW SECTION

WAC 192-190-080 Disability payments. (1) Disability payments paid to you by an insurance company based on premiums paid by the employer are not earnings and are not deductible from benefits.

(2) Disability payments paid to you from a trust fund paid solely by the employer's contributions are earnings and are deductible from benefits.

NEW SECTION

WAC 192-190-085 Work study. (1) The Higher Education Act (Public Law 102-325, Title IV) prohibits the deduction of federal financial aid, including work study, from benefits. If the financial aid award includes both federal and state moneys, it is not deductible from benefits.

(2) Earnings from work programs that require services in exchange for student financial aid are deductible from benefits unless Title IV funds are included in the award.

(3) Federally subsidized programs, such as the Workforce Investment Act, do not include Title IV funds. Students provide services to an employer who reports income for tax purposes. These earnings are deductible from benefits.

(4) Other forms of financial aid, such as grants or loans, which do not require the performance of services, are not deductible from benefits.

NEW SECTION

WAC 192-190-090 National Guard pay. You must report earnings if you are in the National Guard or military reserve and are on active duty more than seventy-two consecutive hours. Earnings for active duty that exceeds seventy-two consecutive hours are deductible from benefits.

NEW SECTION

WAC 192-190-100 AmeriCorps stipends. (1) Stipends received for participation as an AmeriCorps volunteer are considered payment for services and are deductible from benefits. Moneys received for education-related expenses, such as tuition and books, are not deductible from benefits.

(2) If you work a part-time job, your earnings from the part-time job are deductible from benefits. See also WAC 192-170-100.

NEW SECTION

WAC 192-210-001 Which educational employees are subject to RCW 50.44.050? (1) Except as provided in subsection (2) of this section, the provisions of RCW 50.44.050 apply to services performed in the employ of an educational institution or institution of higher education operated by:

- (a) The state;
- (b) A political subdivision of the state;
- (c) A nonprofit organization or unit; or
- (d) An Indian tribe.

(2)(a) The provisions of RCW 50.44.050 do not apply if you are employed by a subsidiary business or organization owned or operated by an educational institution when:

- (i) The primary purpose of the subsidiary business or organization is other than educational;
- (ii) You are not employed in the role of faculty, research or principal administrative staff; and
- (iii) Your regular employment does not depend on the school's academic calendar.

(b) All three criteria must be met in order for your services to be exempt from the provisions of RCW 50.44.050. For example:

(i) You work for Pack Forest (operated by the University of Washington, College of Forest Resources) or one of the extension programs operated by Washington State University. You are not employed in the role of faculty, research or principal administrative staff and your regular employment does not depend on the school's academic calendar. However, the primary purpose of each of these entities is educational. Employment for these entities is subject to the provisions of RCW 50.44.050 regardless of the nature of your employment.

(ii) You work for a radio station that is wholly owned and operated by a college. The primary purpose of the business is other than educational, you are not employed in the role of faculty, research, or principal administrative staff, and your regular employment does not depend on the school's academic calendar. You are not subject to the restrictions of RCW 50.44.050.

NEW SECTION

WAC 192-210-045 When does reasonable assurance apply if I work for more than one school? (1) RCW 50.44.-050 prevents the payment of benefits when "any and all" school wages for "any and all" schools for **any** week of unemployment fall between two successive academic terms or during holiday or vacation break periods.

(2) If you receive reasonable assurance for the following academic term from any school, the wages from all schools for whom you worked during the preceding academic term or break will be restricted.

Example: You worked for ABC and XYZ schools during spring 2009. You received reasonable assurance of returning to work during the fall 2009 term from ABC School but not from XYZ School. The wages from both schools

must be restricted during the period between academic terms or breaks.

(3) The period during which wages will be restricted begins during the first full week in which any school for which you worked during the preceding academic term is on break and continues through the last full week in which all schools for which you worked during the preceding academic term have resumed a term of instruction.

Example: You worked for ABC and XYZ schools during the 2008-2009 academic year. Summer is not part of the academic year for either school. ABC School's summer break begins June 15, 2009, and ends September 2, 2009. XYZ School's break begins June 22, 2009, and ends September 9, 2009. Your school wages must be restricted from June 14, 2009, through September 5, 2009.

NEW SECTION

WAC 192-210-050 Reasonable assurance for substitute teachers—RCW 50.44.050(1). When deciding whether a substitute teacher has reasonable assurance of returning to work, the department will consider, but is not limited to, the following factors:

- (1) Number of full-time teaching positions;
- (2) Student enrollment;
- (3) Number of schools;
- (4) Size of substitute teacher list at the beginning, during, and end of the academic year or term;
- (5) School district priorities that affect the assignment of substitute teachers; and
- (6) The average number of substitute teachers assigned each day.

NEW SECTION

WAC 192-210-200 Professional athletes—RCW 50.20.113. (1) A professional athlete is not eligible for benefits during the period between two successive sports seasons when substantially all of his or her base period wages were earned through participation in professional sports or athletic events and the individual has reasonable assurance of returning to professional sports during the next season.

(2) Definitions: For purposes of this section:

- (a) "Substantially all" means ninety percent of the individual's base period wages were earned in professional sports.
- (b) "Professional athlete" includes:
 - (i) A regular player or team player;
 - (ii) An alternate player;
 - (iii) An individual in training to become a regular player or team player; and
 - (iv) An individual who, although not performing active sports, is retained as a player or team member while recuperating from illness or disability.

"Professional athlete" does not include ancillary personnel such as managers, coaches, and trainers involved with the team or sporting event.

(3) Reasonable assurance exists when the individual has:

- (a) A written or verbal multiyear contract which extends into the subsequent season; or

(b) Offered to work and the employer has expressed interest in hiring the athlete for the next season; or

(c) Expressed a readiness and intent to participate in the sport for the next season.

WSR 10-11-050

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed May 12, 2010, 2:32 p.m., effective June 12, 2010]

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

Purpose: The department is amending WAC 388-106-0125 If I am age twenty-one or older, how does CARE use criteria to place me in a classification group for in-home care? and adopting new WAC 388-106-0126 If I am under twenty-one, how does CARE use criteria to place me in a classification group for in-home care?

The department is revising WAC 388-106-0125 to amend the in-home classifications to allow for the reduction of in-home base hours for each of the seventeen classification groups, as directed by the Washington state 2009-11 budget (ESHB 1244, sections 205 (1)(b) and 206(5)). As instructed by the legislature, classification groups with greater care needs receive a smaller percentage reduction than classification groups with lesser care needs.

The department is adopting new WAC to maintain base hours for children and youth under the age of twenty-one.

Citation of Existing Rules Affected by this Order: Amending WAC 388-106-0125; and new WAC 388-106-0126.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, Washington state 2009-11 budget (ESHB 1244, section 206(5)).

Adopted under notice filed as WSR 10-06-114 on March 3, 2010.

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 1, Amended 1, 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 1, Amended 1, Repealed 0.

Date Adopted: May 10, 2010.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-10-022, filed 4/25/08, effective 5/26/08)

WAC 388-106-0125 If I am age twenty-one or older, how does CARE use criteria to place me in a classification group for in-home care? CARE uses the criteria of cognitive performance score as determined under WAC 388-106-0090, clinical complexity as determined under WAC 388-106-0095, mood/behavior and behavior point score as determined under WAC 388-106-0100, ADLS as determined under WAC 388-106-0105, and exceptional care as determined under WAC 388-106-0110 to place you into one of the following seventeen in-home groups. CARE classification is determined first by meeting criteria to be placed into a group, then you are further classified based on ADL score or behavior point score into a classification sub-group following a classification path of highest possible base hours to lowest qualifying base hours.

(1) If you meet the criteria for exceptional care, then CARE will place you in **Group E**. CARE then further classifies you into:

(a) **Group E High** with ~~((420))~~ 416 base hours if you have an ADL score of 26-28; or

(b) **Group E Medium** with ~~((350))~~ 346 base hours if you have an ADL score of 22-25.

(2) If you meet the criteria for clinical complexity and have cognitive performance score of 4-6 or you have cognitive performance score of 5-6, then you are classified in **Group D** regardless of your mood and behavior qualification or behavior points. CARE then further classifies you into:

(a) **Group D High** with ~~((280))~~ 277 base hours if you have an ADL score of 25-28; or

(b) **Group D Medium-High** with ~~((240))~~ 234 base hours if you have an ADL score of 18-24; or

(c) **Group D Medium** with ~~((190))~~ 185 base hours if you have an ADL score of 13-17; or

(d) **Group D Low** with ~~((145))~~ 138 base hours if you have an ADL score of 2-12.

(3) If you meet the criteria for clinical complexity and have a CPS score of less than 4, then you are classified in **Group C** regardless of your mood and behavior qualification or behavior points. CARE then further classifies you into:

(a) **Group C High** with ~~((200))~~ 194 base hours if you have an ADL score of 25-28; or

(b) **Group C Medium-High** with ~~((180))~~ 174 base hours if you have an ADL score of 18-24; or

(c) **Group C Medium** with ~~((140))~~ 132 base hours if you have an ADL score of 9-17; or

(d) **Group C Low** with ~~((95))~~ 87 base hours if you have an ADL score of 2-8.

(4) If you meet the criteria for mood and behavior qualification and do not meet the classification for C, D, or E groups, then you are classified into **Group B**. CARE further classifies you into:

(a) **Group B High** with ~~((155))~~ 147 base hours if you have an ADL score of 15-28; or

(b) **Group B Medium** with ~~((90))~~ 82 base hours if you have an ADL score of 5-14; or

(c) **Group B Low** with ~~((52))~~ 47 base hours if you have an ADL score of 0-4; or

(5) If you meet the criteria for behavior points and have a CPS score of greater than 2 and your ADL score is greater than 1, and do not meet the classification for C, D, or E groups, then you are classified in **Group B**. CARE further classifies you into:

(a) **Group B High** with ~~((155))~~ 147 base hours if you have a behavior point score 12 or greater; or

(b) **Group B Medium-High** with ~~((110))~~ 101 base hours if you have a behavior point score greater than 6; or

(c) **Group B Medium** with ~~((90))~~ 82 base hours if you have a behavior point score greater than 4; or

(d) **Group B Low** with ~~((52))~~ 47 base hours if you have a behavior point score greater than 1.

(6) If you are not clinically complex and your CPS score is less than 5 and you do not qualify under either mood and behavior criteria, then you are classified in **Group A**. CARE further classifies you into:

(a) **Group A High** with ~~((78))~~ 71 base hours if you have an ADL score of 10-28; or

(b) **Group A Medium** with ~~((62))~~ 56 base hours if you have an ADL score of 5-9; or

(c) **Group A Low** with ~~((29))~~ 26 base hours if you have an ADL score of 0-4.

NEW SECTION

WAC 388-106-0126 If I am under age twenty-one, how does CARE use criteria to place me in a classification group for in-home care? CARE uses the criteria of cognitive performance score as determined under WAC 388-106-0090, clinical complexity as determined under WAC 388-106-0095, mood/behavior and behavior point score as determined under WAC 388-106-0100, ADLS as determined under WAC 388-106-0105, and exceptional care as determined under WAC 388-106-0110 to place you into one of the following seventeen in-home groups. CARE classification is determined first by meeting criteria to be placed into a group, then you are further classified based on ADL score or behavior point score into a classification sub-group following a classification path of highest possible base hours to lowest qualifying base hours.

(1) If you meet the criteria for exceptional care, then CARE will place you in **Group E**. CARE then further classifies you into:

(a) **Group E High** with 420 base hours if you have an ADL score of 26-28; or

(b) **Group E Medium** with 350 base hours if you have an ADL score of 22-25.

(2) If you meet the criteria for clinical complexity and have cognitive performance score of 4-6 or you have cognitive performance score of 5-6, then you are classified in **Group D** regardless of your mood and behavior qualification or behavior points. CARE then further classifies you into:

(a) **Group D High** with 280 base hours if you have an ADL score of 25-28; or

(b) **Group D Medium-High** with 240 base hours if you have an ADL score of 18-24; or

(c) **Group D Medium** with 190 base hours if you have an ADL score of 13-17; or

(d) **Group D Low** with 145 base hours if you have an ADL score of 2-12.

(3) If you meet the criteria for clinical complexity and have a CPS score of less than 4, then you are classified in **Group C** regardless of your mood and behavior qualification or behavior points. CARE then further classifies you into:

(a) **Group C High** with 200 base hours if you have an ADL score of 25-28; or

(b) **Group C Medium-High** with 180 base hours if you have an ADL score of 18-24; or

(c) **Group C Medium** with 140 base hours if you have an ADL score of 9-17; or

(d) **Group C Low** with 95 base hours if you have an ADL score of 2-8.

(4) If you meet the criteria for mood and behavior qualification and do not meet the classification for C, D, or E groups, then you are classified into **Group B**. CARE further classifies you into:

(a) **Group B High** with 155 base hours if you have an ADL score of 15-28; or

(b) **Group B Medium-High** with 90 base hours if you have an ADL score of 5-14; or

(c) **Group B Low** with 52 base hours if you have an ADL score of 0-4; or

(5) If you meet the criteria for behavior points and have a CPS score of greater than 2 and your ADL score is greater than 1, and do not meet the classification for C, D, or E groups, then you are classified in **Group B**. CARE further classifies you into:

(a) **Group B High** with 155 base hours if you have a behavior point score 12 or greater; or

(b) **Group B Medium-High** with 110 base hours if you have a behavior point score greater than 6; or

(c) **Group B Medium** with 90 base hours if you have a behavior point score greater than 4; or

(d) **Group B Low** with 52 base hours if you have a behavior point score greater than 1.

(6) If you are not clinically complex and your CPS score is less than 5 and you do not qualify under either mood and behavior criteria, then you are classified in **Group A**. CARE further classifies you into:

(a) **Group A High** with 78 base hours if you have an ADL score of 10-28; or

(b) **Group A Medium** with 62 base hours if you have an ADL score of 5-9; or

(c) **Group A Low** with 29 base hours if you have an ADL score of 0-4.

WSR 10-11-051

PERMANENT RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed May 12, 2010, 2:37 p.m., effective June 12, 2010]

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

Purpose: The department is amending chapter 388-831 WAC to include individuals who have a history of violent

behavior which demonstrate a likelihood to commit a violent act. This amendment reflects the legislation contained in RCW 71A.12.210.

Citation of Existing Rules Affected by this Order: Amending WAC 388-831-0010 and 388-831-0030.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.12.210.

Other Authority: Title 71A RCW.

Adopted under notice filed as WSR 10-07-160 on March 24, 2010.

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 2, 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 2, Repealed 0.

Date Adopted: May 7, 2010.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-20-118, filed 9/30/08, effective 10/31/08)

WAC 388-831-0010 Definitions. The definitions in this section apply throughout the chapter unless the context clearly requires otherwise.

"Certified community protection program residential services" means access to twenty-four hour supervision, instruction, and support services as identified in the person's individual support plan.

"Community protection program" See WAC 388-831-0020.

"Constitutes a risk to others" means a determination of a person's risk and/or dangerousness based upon a thorough assessment by a qualified professional. Actuarial risk assessment instruments should be used to supplement clinical judgment whenever appropriate.

"Department" means the department of social and health services.

"Developmental disability" means that condition defined in WAC 388-823-0040 and RCW 71A.10.020(3).

"Disclosure" means providing copies of professional assessments, incident reports, legal documents, and other information pertaining to community protection issues to ensure the provider has all relevant information. Polygraph and plethysmograph reports are excluded from disclosure.

"Division" means the division of developmental disabilities (DDD).

"Managed successfully" means that a person supported by a community protection program does not engage in the

behavior identified in WAC 388-831-0030 and RCW 71A.12.210.

"Opportunistic behavior" means an act committed on impulse, which is not premeditated. In determining whether an act is opportunistic, the original motive or intent of the offense or crime will be considered.

"Predatory" means acts directed toward strangers, individuals with whom a relationship has been established or promoted for the primary purpose of victimization, or casual acquaintances with whom no substantial personal relationship exists. Predatory behavior may be characterized by planning and/or rehearsing the act, stalking, and/or grooming the victim.

"Program participant" means a person who has agreed to and is receiving services and supports in the community protection program.

"Qualified professional" means a licensed psychologist, psychiatrist, or a certified or affiliate sex offender treatment provider with at least three years prior experience working with individuals with developmental disabilities, and:

- If the person being assessed has demonstrated sexually aggressive or sexually violent behavior, that person must be assessed by a certified sex offender treatment provider, or affiliate sex offender treatment provider working under the supervision of a certified sex offender treatment provider; or
- If the person being assessed has demonstrated violent, dangerous, or aggressive behavior, that person must be assessed by a licensed psychologist or psychiatrist who has received specialized training in the treatment of or has at least three years prior experience treating violent or aggressive behavior.

"Restrictive procedures" or "Restrictions" means procedures that restrict a client's freedom of movement, restrict access to client property, prevent a client from doing something the client wants to do, require a client to do something the client does not want to do, or remove something the client owns or has earned.

"Risk assessment" means the written opinion of a qualified professional stating, at a minimum:

- Whether a person meets the criteria in WAC 388-831-0030 and RCW 71A.12.210; and
- What restrictions are necessary to keep people safe.

"Service provider" means a person or agency contracted with the department or a sub-contractor who delivers services and supports to a community protection program participant.

"Specialized environment" means a place where the program participant has agreed to supervision in a safe, structured manner specifying rules, requirements, restrictions, and expectations for personal responsibility in order to maximize community safety.

"Treatment team" means the program participant and the group of people responsible for the development, implementation, and monitoring of the person's individual supports and services. This group may include, but is not limited to, the case resource manager, therapist, residential provider, employment/day program provider, and the person's legal representative and/or family, provided the person agrees to the family member's involvement.

~~("Violent offense" means any felony defined as a violent offense in RCW 9.94A.030-))~~

"Violent" or "violence" means acts that meet the criteria for crimes listed in RCW 9.94A.030(32), 9.94A.030(45), 9.94A.030(46), 9.94A.030(54), or 9A.48.040, whether or not the person who committed the acts has been charged with or convicted of the crime.

"Waiver" means the community-based program funded under section 1915(c) of Title XIX of the federal social security act and chapter 388-845 WAC.

AMENDATORY SECTION (Amending WSR 08-20-118, filed 9/30/08, effective 10/31/08)

WAC 388-831-0030 Who are individuals with community protection issues? You are considered an individual with community protection issues if:

(1) You have been determined to have a developmental disability as defined in WAC 388-823-0040 and RCW 71A.10.020(3); and

(2) You have been identified by DDD as a person who meets one or more of the following:

(a) You have been charged with or convicted of a crime of sexual violence as defined in chapter 9A.44 or 71.09 RCW;

(b) You have been charged with or convicted of a crime involving sexual acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization, or persons of casual acquaintance with whom no substantial personal relationship exists;

(c) You have been charged with or convicted of one or more violent crimes as defined in RCW 9.94A.030(45);

(d) You have not been charged with or convicted of a crime identified in (2)(a), (b), or (c) above, but you have a history of violent, stalking, sexually violent, predatory and/or opportunistic behavior which a qualified professional has determined demonstrates a likelihood to commit a violent, sexually violent and/or predatory act (~~((based on current behaviors that may escalate to violence, as determined by a qualified professional))~~); and

(3) You constitute a current risk to others as determined by a qualified professional.

(4) Charges or crimes that result in acquittal are excluded.

WSR 10-11-056

PERMANENT RULES

OFFICE OF

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2008-07—Filed May 13, 2010, 6:59 a.m., effective June 13, 2010]

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

Purpose: These rules give the Washington assigned risk plan (WARP) at its discretion, the authority to provide USL&H and maritime liability coverage for Washington state employers for their Washington employees who temporarily work out-of-state.

Citation of Existing Rules Affected by this Order:
Amending WAC 284-22-040.

Statutory Authority for Adoption: RCW 48.02.060 and 48.22.070.

Adopted under notice filed as WSR 10-07-121 on March 23, 2010.

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 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 1, Repealed 0.

Date Adopted: May 13, 2010.

Mike Kreidler
Insurance Commissioner

AMENDATORY SECTION (Amending Order R 92-12, filed 9/16/92, effective 10/17/92)

WAC 284-22-040 Territory. (1) The assigned risk plan shall provide coverage only for employers who are unable to purchase United States Longshore and Harbor Workers' Compensation Act (USL&H) coverage and maritime employers' liability coverage incidental to such workers' compensation coverage for their operations within the state of Washington.

(2) The assigned risk plan may, at its discretion, provide USL&H coverage and maritime employers' liability coverage incidental to such workers' compensation coverage for Washington state employers who are unable to purchase USL&H coverage for their Washington employees who temporarily work out-of-state.

WSR 10-11-061

PERMANENT RULES

CENTRAL WASHINGTON UNIVERSITY

[Filed May 13, 2010, 12:05 p.m., effective June 13, 2010]

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

Purpose: Modify nondiscrimination statement and redundant sections eliminated.

Citation of Existing Rules Affected by this Order: Repealing WAC 106-72-005, 106-72-015, 106-72-025, 106-72-130, 106-72-250, and 106-72-400.

Statutory Authority for Adoption: RCW 28B.10528 [28B.10.528] and 28B.35.120.

Adopted under notice filed as WSR 10-08-076 on April 6, 2010.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 6.

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: May 12, 2010.

James L. Gaudino
President

NEW SECTION

WAC 106-72-004 Equal opportunity and nondiscrimination. Central Washington University's policies and practices affirm and actively promote the rights of all individuals to equal opportunity in education and employment. Discrimination on the basis of race, color, creed, religion, national origin, sex, sexual orientation, gender identity and gender expression, age, marital status, disability, or status as a protected veteran is prohibited. The university provides an internal procedure for reporting discrimination and affords protection against retaliation for participating in the complaint process. Central Washington University complies with all applicable federal, state, and local laws, regulations, and executive orders including when soliciting bids and in the fulfillment of all contracts with governmental agencies.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 106-72-005	Equal opportunity/affirmative action in employment.
WAC 106-72-015	Annual workforce analysis.
WAC 106-72-025	Equal opportunity for students.
WAC 106-72-130	Procedures, rules, and regulations—Contracts and contractors.
WAC 106-72-250	Procedures, rules, and regulations—Government contracts.
WAC 106-72-400	Equal opportunity grievance procedures.

WSR 10-11-066
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed May 14, 2010, 8:03 a.m., effective June 14, 2010]

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

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The repeal of the marketing order (chapter 16-512 WAC) was approved in a referendum of affected fryer producers pursuant to RCW 15.66.090.

Purpose: The Washington fryer commission petitioned the director to repeal the marketing order. The repeal will terminate the Washington fryer commission under chapter 16-512 WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-512-005, 16-512-006, 16-512-010, 16-512-020, 16-512-040, 16-512-050, 16-512-060, and 16-512-070.

Statutory Authority for Adoption: Chapters 15.66 and 34.05 RCW.

Adopted under notice filed as WSR 10-04-060 on January 29, 2010.

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 8.

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 8.

Date Adopted: May 14, 2010.

Dan Newhouse
Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-512-005	Marketing order—Policy statement.
WAC 16-512-006	Marketing order purposes.
WAC 16-512-010	Definitions.
WAC 16-512-020	Fryer commission—Structure, powers, duties, and procedure.
WAC 16-512-040	Assessments and assessment funds.
WAC 16-512-050	Information reports.

WAC 16-512-060

Separability.

WAC 16-512-070

Effective time.

WSR 10-11-068
PERMANENT RULES
DEPARTMENT OF PERSONNEL

[Filed May 14, 2010, 8:50 a.m., effective June 15, 2010]

Effective Date of Rule: June 15, 2010.

Purpose: The proposed change to WAC 357-46-035(2) is housekeeping in nature. The proposed change to subsection (4) will clarify that general government employees have layoff option rights to all classes they have held permanent status in regardless of any breaks in service as provided in subsection (1) of the rule. This is to emphasize that the criteria in subsection (1) must be met.

The proposed changes to WAC 357-46-080 are an attempt to make this rule easier to read. The only language being added is the last two sentences of subsection (2) which say that general government employees have rights to the statewide layoff list for classes in which they held permanent status which are at a higher salary range (than the class the employee is being laid off from) and lower classes in the same class series and higher education (HE) employees do not have access to the statewide layoff list for higher level classes unless the HE employer's layoff procedure allows access.

The proposed change to WAC 357-46-020 is housekeeping. This is in line with the language that was added to WAC 357-46-080 effective September 16, 2009, regarding HE employers addressing statewide layoff list rights in their procedure when the employee has had a break in state service.

Citation of Existing Rules Affected by this Order: Amending WAC 357-46-020, 357-46-035, and 357-46-080.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 10-08-100 on April 7, 2010.

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 3, 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: May 13, 2010.

Eva N. Santos
Director

AMENDATORY SECTION (Amending WSR 07-11-092, filed 5/16/07, effective 7/1/07)

WAC 357-46-020 What must be included in the employer's layoff procedure? The employer's layoff procedure must:

(1) Identify clearly defined layoff unit(s) that minimize disruption of the employer's total operation and provide options to employees scheduled for layoff;

- Employers may establish separate and exclusive layoff units for project employment, employee business units, or special employment programs.

(2) Provide opportunities to avoid or minimize layoff, such as transfers, voluntary demotion, voluntary reduced work schedule, or voluntary leave without pay;

(3) Require the appointing authority to provide written notice of layoff to employees in accordance with WAC 357-46-025;

(4) Provide layoff options for permanent employees being laid off as provided in WAC 357-46-035;

(5) Address the time frame in which employees must select a layoff option;

(6) Define what the employer considers when determining the comparability of a position;

(7) Identify the employer's legitimate business requirements if the employer is going to consider those requirements in determining layoff options under WAC 357-46-035;

- Legitimate business requirements may include requirements such as circumstances or characteristics that render a position uniquely sensitive to disruption in continuity such as meeting critical deadlines, continuity in patient care, or research progress.

(8) Describe how employment retention ratings will be calculated, including options for factoring performance into ratings; and

(9) Specify how the employer will break ties when more than one employee has the same employment retention rating.

(10) Higher education employers address in their layoff procedure whether or not employees have layoff list rights to classes they held permanent status in prior to any breaks in state service.

AMENDATORY SECTION (Amending WSR 09-17-064, filed 8/13/09, effective 9/16/09)

WAC 357-46-035 Layoff option. (1) What option does a permanent employee have to take a position when the employee is scheduled for layoff?

Within the layoff unit, a permanent employee scheduled for layoff must be offered the option to take a position, if available, that meets the following criteria:

(a) The position is allocated to the class in which the employee holds permanent status at the time of the layoff. If no option to a position in the current class is available, the employee's option is to a position in a class in which the employee has held permanent status that is at the same salary range. If the employee has no option to take a position at the same salary range, the employee must be given an opportunity

to take a position in a lower class in a class series in which the employee has held permanent status, in descending salary order. The employee does not have to have held permanent status in the lower class in order to be offered the option to take a position in the class.

(b) The position is comparable to the employee's current position as defined by the employer's layoff procedure.

(c) The employee satisfies the competencies and other position requirements.

(d) The position is funded and vacant, or if no vacant funded position is available, the position is occupied by the employee with the lowest employment retention rating.

(2) What if the employee has no option under subsection ((4)) (1) of this section?

(a) If a permanent employee has no option available under subsection (1) of this section, the employer must determine if there is an available position in the layoff unit to offer the employee in lieu of separation that meets the following criteria:

(i) The position is at the same or lower salary range maximum as the position from which the employee is being laid off;

(ii) The position is vacant or held by a probationary employee or an employee in a nonpermanent appointment;

(iii) The position is comparable or less than comparable; and

(iv) The position is one for which the employee meets the competencies and other position requirements.

(b) If more than one qualifying position is available, the position with the highest salary range maximum is the one that must be offered.

(3) What happens when a class in which the employee previously held permanent status has been revised or abolished?

If a class in which an employee has previously held permanent status has been revised or abolished, the employer shall determine the closest matching class to offer as a layoff option. The closest matching class must be at the same or lower salary range maximum as the class from which the employee is being laid off.

(4) Does an employee have layoff option rights as provided in subsection (1) of this section to classifications the employee held permanent status in prior to any breaks in state service?

General government employees have layoff option rights as provided in subsection (1) of this section to ((aH)) classifications the employee has held permanent status in regardless of any breaks in state service.

Higher education employers must address in their layoff procedure whether or not employees will be given layoff options to classes they held permanent status in prior to any breaks in state service.

AMENDATORY SECTION (Amending WSR 09-17-063, filed 8/13/09, effective 9/16/09)

WAC 357-46-080 Which employees are eligible to have their name placed on an employer's statewide layoff list? (1) Permanent employees who satisfy the following criteria must have their name placed on the statewide layoff list

for other employers if the employee exercises this option within the two-year eligibility period:

~~(a) Employees who are laid off or notified in writing by the employer that they are scheduled to be laid off are eligible to be on the statewide layoff list for classes in which they held permanent status at the same or lower salary range and lower classes in the same class series. Permanent status is not required in the lower classes in the class series. For purposes of this subsection "employees" includes Washington management service (WMS) employees who are laid off or have been notified by the employer that they are scheduled to be laid off and who have held permanent status in Washington general service. WMS employees only have layoff list rights to classes which the highest step of the salary range is equal to or below the WMS salary at the time of layoff or notification of layoff.~~

~~(b) Employees who accept a voluntary demotion in lieu of layoff are eligible to be on the statewide layoff list for the class from which they demoted and classes at that salary range and lower salary ranges in which the employees held permanent status and lower classes in the same class series. Permanent status is not required for the lower classes in the class series. Washington management service (WMS) employees who accept a voluntary demotion in lieu of layoff are eligible to be on the statewide layoff list for classes in which they held permanent status. WMS employees only have layoff list rights to classes which the highest step of the salary range is equal to or below the WMS salary at the time of the demotion.~~

~~(c) Employees who accepted less than comparable positions at the time of layoff are eligible to be on the statewide layoff list for classes in which they held permanent status at the current or lower salary range and lower classes in the same class series. Permanent status is not required for the lower classes in the class series.~~

~~(2) Employees who have been demoted for cause from a class are not eligible to be on the statewide layoff list for that class.) Laid off or notified in writing by the employer they are scheduled to be laid off:~~

~~(b) Accepted a voluntary demotion in lieu of layoff; or~~

~~(c) Accepted less-than-comparable positions at the time of layoff.~~

For purposes of this subsection "employees" includes Washington management service (WMS) employees who have held permanent status in Washington general service.

(2) All employees who meet the criteria in subsection (1) of this section are eligible to be on the statewide layoff list for classes in which they held permanent status at the same or lower salary range and lower classes in the same class series. Permanent status is not required in the lower classes in the same class series. General government employees have statewide layoff list rights to classes in which they held permanent status which are at a higher salary range and lower classes in the same class series. Higher education employees do not have access to the statewide layoff list for higher level classes unless the employer's layoff procedure allows.

(3) WMS employees only have layoff list rights to classes in which the highest step of the salary range is equal to or below the WMS salary at the time of layoff or notification of layoff, or at the time of demotion.

~~((3))~~ (4) General government employees have layoff list rights to all classifications the employee has held permanent status in regardless of any breaks in state service.

(5) Higher education employers must address in their layoff procedure whether or not employees will be given layoff list rights to classes they held permanent status in prior to any breaks in state service.

(6) Employees who have been demoted for cause from a class are not eligible to be on the statewide layoff list for that class.

WSR 10-11-069

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed May 14, 2010, 8:50 a.m., effective June 15, 2010]

Effective Date of Rule: June 15, 2010.

Purpose: Effective December 15, 2009, WAC 357-19-070 was changed so that employers will have discretion of whether or not to count time served in a current probationary or trial service period towards the probationary or trial service period of a new position. We are now proposing a similar change be made to WAC 357-58-320. This change will give employers discretion of whether or not to count time served in a WMS review period towards the review period of a new WMS position.

Citation of Existing Rules Affected by this Order: Amending WAC 357-58-320.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 10-08-101 on April 7, 2010.

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 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: May 13, 2010.

Eva N. Santos
Director

AMENDATORY SECTION (Amending WSR 05-12-070, filed 5/27/05, effective 7/1/05)

WAC 357-58-320 What happens when a WMS employee promotes to a new WMS position within the same agency while serving in a review period? If a WMS employee is promoted to a different WMS position in the

same agency during the review period((;-)) the ((following applies:

(1) ~~Time served in the initial review period counts towards the review period of the new position if the employer determines the positions are closely related.~~

(2) ~~The review period starts over if the employer determines the positions are not closely related.)~~ employer may count time served in the initial review period towards the review period of the new position.

WSR 10-11-070

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed May 14, 2010, 8:51 a.m., effective June 15, 2010]

Effective Date of Rule: June 15, 2010.

Purpose: The current rules do not specify a notice period for an employee receiving notification that they are being separated from a position during a transition review period. We are proposing that the notice period be the same as the notice period of a trial service reversion which is seven calendar days.

Citation of Existing Rules Affected by this Order: Amending WAC 357-46-125.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 10-08-099 on April 7, 2010.

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 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: May 13, 2010.

Eva N. Santos
Director

AMENDATORY SECTION (Amending WSR 05-12-078, filed 5/27/05, effective 7/1/05)

WAC 357-46-125 What happens if an employee does not complete the transition review period? (1) The employer may involuntarily separate an employee from a position during the transition review period or the employee may choose to voluntarily separate from a position. The employer must give seven calendar days' written notice to an employee who is being separated during a transition review period. If during the last seven days of the transition review period, the employee commits an egregious act which war-

rants separation, the employer may immediately separate the employee without seven calendar days' notice. An employee may voluntarily separate a maximum of three times as a result of a single layoff action.

(2) When an employee who is serving a transition review period following appointment to a position as a layoff option is separated from the position during the transition review period, the following applies:

(a) The employee must be provided with a layoff option in accordance with WAC 357-46-035 if the employer involuntarily separates the employee; or

(b) The employee's name is placed on any layoff lists for which the employee is eligible if the employee voluntarily separates.

(3) When an employee who is serving a transition review period following appointment from a layoff list or the general government transition pool is separated from the position during a transition review period, the employee's name is reinstated on any layoff list from which it was removed at the time of placement in the position. The employee remains on the list until the employee's initial eligibility expires or ((he/she is)) they are rehired. The time served during the transition review period does not extend the period of eligibility for a layoff list or the transition pool.

(4) Separation during the transition review period is not subject to appeal.

WSR 10-11-071

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed May 14, 2010, 8:51 a.m., effective June 15, 2010]

Effective Date of Rule: June 15, 2010.

Purpose: The proposed changes are housekeeping in nature.

Citation of Existing Rules Affected by this Order: Amending WAC 357-31-100.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 10-08-102 on April 7, 2010.

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 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: May 13, 2010.

Eva N. Santos
Director

AMENDATORY SECTION (Amending WSR 09-03-013, filed 1/9/09, effective 2/13/09)

WAC 357-31-100 Must an employer have a policy for requesting and approving leave? Each employer must develop a leave policy which specifies the procedure for requesting and approving all leave, as provided in the civil service rules. The employer's policy must:

(1) Allow an employee to use vacation leave without advance approval when the employee is requesting to use vacation leave to respond to family care emergencies, or for an emergency health condition as provided in WAC 357-31-200((2)) (1)(b);

(2) Allow an employee to use a reasonable amount of accrued leave or unpaid leave when the employee is a victim, or has a family member, as defined in chapter 357-01 WAC, who is a victim of domestic violence, sexual assault, or stalking as defined in RCW 49.76.020; and

(3) Address advance notice from the employee when the employee is seeking leave under subsection (2) of this section. When advance notice cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking, the employee or the employee's designee must give notice to the employer no later than the end of the first day that the employee takes such leave.

WSR 10-11-072

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed May 14, 2010, 8:51 a.m., effective July 1, 2010]

Effective Date of Rule: July 1, 2010.

Purpose: Due to the launch of a new on-line recruiting system, the department of personnel (DOP) staff conducted a review of the recruitment rules (chapter 357-16 WAC).

The new system will not have a central talent pool therefore we are proposing to remove the "central talent pool" language from WAC 357-16-025. WAC 357-16-100 currently says an applicant's exam results must be made available "within a reasonable time period." Under the new system the exams are not scored until after the applicant is processed. This could delay the applicant receiving their score. Therefore staff is proposing a repeal of WAC 357-16-100. Also under the new system there is not a way to remove a candidate from a list other than when they are appointed from the list. Staff is therefore proposing we change the rule to say the applicant's name "may be" removed rather than "is" removed.

Citation of Existing Rules Affected by this Order: Repealing WAC 357-16-100; and amending WAC 357-16-025 and 357-16-157.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 10-08-103 on April 7, 2010.

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; and 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 1.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 1.

Date Adopted: May 13, 2010.

Eva N. Santos
Director

AMENDATORY SECTION (Amending WSR 07-23-009, filed 11/8/07, effective 12/11/07)

WAC 357-16-025 How must employers and the department inform prospective applicants of recruitments? Employers shall determine the appropriate method to solicit job seekers, which may include but not be limited to, public announcements; searching the ((state central talent pool; or, using an)) employer or the department's maintained talent pool. Recruitment announcements shall inform prospective job seekers how to apply for, or express interest in, positions which may come open for recruitment.

AMENDATORY SECTION (Amending WSR 09-11-063, filed 5/14/09, effective 6/16/09)

WAC 357-16-157 Is an eligible's name removed from applicant and/or candidate pools when he/she is appointed to a position? An eligible's name ((is)) may be removed from the applicant and/or candidate pool for the class to which he/she is appointed and all lower classes in the same class series.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 357-16-100	Must employers make final examination results available to an applicant?
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WSR 10-11-073

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed May 14, 2010, 8:51 a.m., effective June 15, 2010]

Effective Date of Rule: June 15, 2010.

Purpose: The proposed language was in the prior merit system rule. This language was inadvertently left out of the new rule. The other proposed changes are housekeeping in nature.

Citation of Existing Rules Affected by this Order: Amending WAC 357-46-060.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 10-08-104 on April 7, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 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 1, Repealed 0.

Date Adopted: May 13, 2010.

Eva N. Santos
Director

AMENDATORY SECTION (Amending WSR 09-17-056 and 09-18-113, filed 8/13/09 and 9/2/09, effective 12/3/09)

WAC 357-46-060 Does a veteran receive any preference in layoff? (1) An eligible veteran receives a preference by having ~~((his/her))~~ their seniority increased. This is done by adding the eligible veteran's total active military service, not to exceed five years, to ~~((his/her))~~ their unbroken service date.

(2) An eligible veteran is defined as any permanent employee who:

(a) Has one or more years in active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government; and

(b) Has received, upon termination of such service:

(i) An honorable discharge;

(ii) A discharge for physical reasons with an honorable record; or

(iii) A release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given.

(3) "An eligible veteran" does not include any person who as a veteran voluntarily retired, as evidenced by the "DD Form 214" or other official military records, with twenty or more years' active military service and has military retirement pay in excess of five hundred dollars per month.

(4) The surviving spouse or surviving registered domestic partner of an eligible veteran is entitled to veteran's senior-

ity preference for up to five years as outlined in subsection (1) and (2) of this section regardless of whether the veteran had at least one year of active military service.

WSR 10-11-074

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed May 14, 2010, 8:52 a.m., effective June 15, 2010]

Effective Date of Rule: June 15, 2010.

Purpose: ESSB 6724 was passed and signed by the governor on March 23, 2010. This bill expands the total number of days a state employee can receive shared leave from two hundred sixty-one days to five hundred twenty-two days. The bill also adds language to RCW 41.04.665 which says the employer may authorize leave in excess of five hundred twenty-two days in extraordinary circumstances. Language was also removed from the law which said "leave transferred to or from employees of school districts or educational service districts is limited to transfers to or from employees within the same employing district." Therefore, employees of school districts or educational service districts are authorized to share leave with employees in other state agencies.

Citation of Existing Rules Affected by this Order: Amending WAC 357-31-400, 357-31-675, and 357-31-410.

Statutory Authority for Adoption: Chapter 41.06 RCW. Adopted under notice filed as WSR 10-08-105 on April 7, 2010.

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 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 3, Repealed 0.

Date Adopted: May 13, 2010.

Eva N. Santos
Director

AMENDATORY SECTION (Amending WSR 07-11-095, filed 5/16/07, effective 7/1/07)

WAC 357-31-400 How much shared leave may an employee receive? The employer determines the amount of leave, if any, which an employee may receive under these rules. However, an employee must not receive more than ~~((two hundred sixty-one))~~ five hundred twenty-two days of shared leave during total state employment ~~((and))~~. An employer may authorize leave in excess of five hundred twenty-two days in extraordinary circumstances for an

employee qualifying for shared leave because they are suffering from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature. A nonpermanent employee who is eligible to use accrued leave or personal holiday may not use shared leave beyond the expected end date of the appointment. Leave used under the sick leave pool program, as described in WAC 357-31-570, is included in the ~~((two hundred sixty-one))~~ five hundred twenty-two day limit.

Employers are encouraged to consider other methods of accommodating the employee's needs such as modified duty, modified hours, flex-time, or special assignments in place of shared leave.

AMENDATORY SECTION (Amending WSR 05-08-139, filed 4/6/05, effective 7/1/05)

WAC 357-31-410 May employees donate leave to employees in other agencies, institutions of higher education, ~~((or))~~ related higher education boards, educational service districts, or school districts? Leave donated under the civil service rules and shared leave statutes may be transferred from employees of one employer to an employee of the same employer or, with the approval of the heads of both employers, to an employee of another state employer, educational service district, or an employee of a school district.

AMENDATORY SECTION (Amending WSR 07-17-123, filed 8/20/07, effective 10/1/07)

WAC 357-31-675 Is shared leave received under the uniformed service shared leave pool included in the ~~((two hundred sixty-one day total))~~ shared leave limits specified in RCW 41.04.665? Shared leave received under the uniformed service shared leave pool is not included in the ~~((two hundred sixty-one))~~ five hundred twenty-two day total specified in RCW 41.04.665.

WSR 10-11-075

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed May 14, 2010, 8:52 a.m., effective June 15, 2010]

Effective Date of Rule: June 15, 2010.

Purpose: SHB 2403 changes RCW 38.40.060 to reflect that employees are eligible for twenty-one days paid military leave for all required military duty (removes the reference to "active" military duty). Language is also added which says employees shall be charged military leave only for days that he or she is scheduled to work. These changes become effective June 10, 2010.

Citation of Existing Rules Affected by this Order: Amending WAC 357-31-360.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 10-08-107 on April 7, 2010.

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

Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 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 1, Repealed 0.

Date Adopted: May 13, 2010.

Eva N. Santos
Director

AMENDATORY SECTION (Amending WSR 08-15-043, filed 7/11/08, effective 10/1/08)

WAC 357-31-360 Must employees who have been ordered to ~~((active))~~ required military duty ~~((or active training duty)),~~ training, or drills be granted paid military leave? (1) Employees must be granted military leave with pay not to exceed twenty-one working days during each year, beginning October 1st and ending the following September 30th, in order to report for ~~((active))~~ required military duty ~~((or to take part in active)),~~ training duty in the Washington National Guard or the Army, Navy, Air Force, Coast Guard, or Marine Corps reserves of the United States or any organized reserve or armed forces of the United States, or to report for drills including those in the National Guard under Title 10 U.S.C., or state active status. The employee is charged military leave only for the days that they are scheduled to work.

(2) Military leave with pay is in addition to any vacation and sick leave to which an employee is entitled and does not reduce benefits, performance ratings, privileges, or pay.

(3) During paid military leave, the employee must receive the normal base salary.

(4) Employees required to appear during working hours for a physical examination to determine physical fitness for military service must receive full pay for the time required to complete the examination.

WSR 10-11-076

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed May 14, 2010, 8:52 a.m., effective June 15, 2010]

Effective Date of Rule: June 15, 2010.

Purpose: SB 6540 transfers all powers, duties, and functions of the department of personnel relating to the combined fund drive (CFD) to the secretary of state. This bill is effective June 10, 2010. The proposed changes repeal references to the CFD from Title 357 WAC.

Citation of Existing Rules Affected by this Order: Repealing chapter 357-55 WAC; and amending WAC 357-58-050.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 10-08-109 on April 7, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 39.

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 1, Repealed 39.

Date Adopted: May 13, 2010.

Eva N. Santos
Director

AMENDATORY SECTION (Amending WSR 05-12-068, filed 5/27/05, effective 7/1/05)

WAC 357-58-050 What chapters of civil service rules apply to WMS positions? Other chapters of civil service rules do not apply to WMS positions or employees except for the chapters listed below. If a WMS issue is identified that the director of the department of personnel has not specifically addressed in the adoption of the WMS rules, the other civil service rules do not apply or take precedence in addressing the issue.

Except where specifically stated otherwise, the following chapters apply to positions or employees included in the WMS.

WAC 357-04 General provisions

WAC 357-07 Public records

WAC 357-22 Personnel files

WAC 357-25 Affirmative action program

WAC 357-26 Reasonable accommodation

WAC 357-31 Leave

WAC 357-34 Employee training and development

WAC 357-37 Performance management

WAC 357-40 Discipline

WAC 357-43 Employee business units

WAC 357-52 Appeals

~~((WAC 357-55 Combined fund drive))~~

REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 357-55 WAC Combined fund drive

WSR 10-11-081 PERMANENT RULES FOREST PRACTICES BOARD

[Filed May 17, 2010, 8:56 a.m., effective June 17, 2010]

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

Purpose: The purpose of the rule is to assure that no habitat important to the northern spotted owl is altered through forest practices while the forest practices board determines a long-term strategy for spotted owl habitat conservation. It establishes a three-member, multi-stakeholder spotted owl conservation advisory group. This group plays a role, along with the state department of fish and wildlife, in the evaluation of landowner surveys that indicate the absence of spotted owls at northern spotted owl site centers.

Citation of Existing Rules Affected by this Order: Amending WAC 222-16-010 and 222-16-080.

Statutory Authority for Adoption: RCW 76.09.040.

Adopted under notice filed as WSR 10-06-027 on February 22, 2010.

A final cost-benefit analysis is available by contacting Gretchen Robinson, 1111 Washington Street S.E., Olympia, WA 98504-7012, phone (360) 902-1705, fax (360) 902-1428, e-mail gretchen.robinson@dnr.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 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: May 11, 2010.

Peter Goldmark
Chair

AMENDATORY SECTION (Amending WSR 08-17-092, filed 8/19/08, effective 9/19/08)

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

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

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

"Alluvial fan" see "sensitive sites" definition.

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

"Aquatic resources" means water quality, fish, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olym-

pic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunni*), the Van Dyke's salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*) and their respective habitats.

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

"**Bankfull depth**" means the average vertical distance between the channel bed and the estimated water surface elevation required to completely fill the channel to a point above which water would enter the flood plain or intersect a terrace or hillslope. In cases where multiple channels exist, the bankfull depth is the average depth of all channels along the cross-section. (See board manual section 2.)

"**Bankfull width**" means:

(a) For streams - the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section (see board manual section 2).

(b) For lakes, ponds, and impoundments - line of mean high water.

(c) For tidal water - line of mean high tide.

(d) For periodically inundated areas of associated wetlands - line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

"**Basal area**" means the area in square feet of the cross section of a tree bole measured at 4 1/2 feet above the ground.

"**Bedrock hollows**" (colluvium-filled bedrock hollows, or hollows; also referred to as zero-order basins, swales, or bedrock depressions) means landforms that are commonly spoon-shaped areas of convergent topography within unchannelled valleys on hillslopes. (See board manual section 16 for identification criteria.)

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

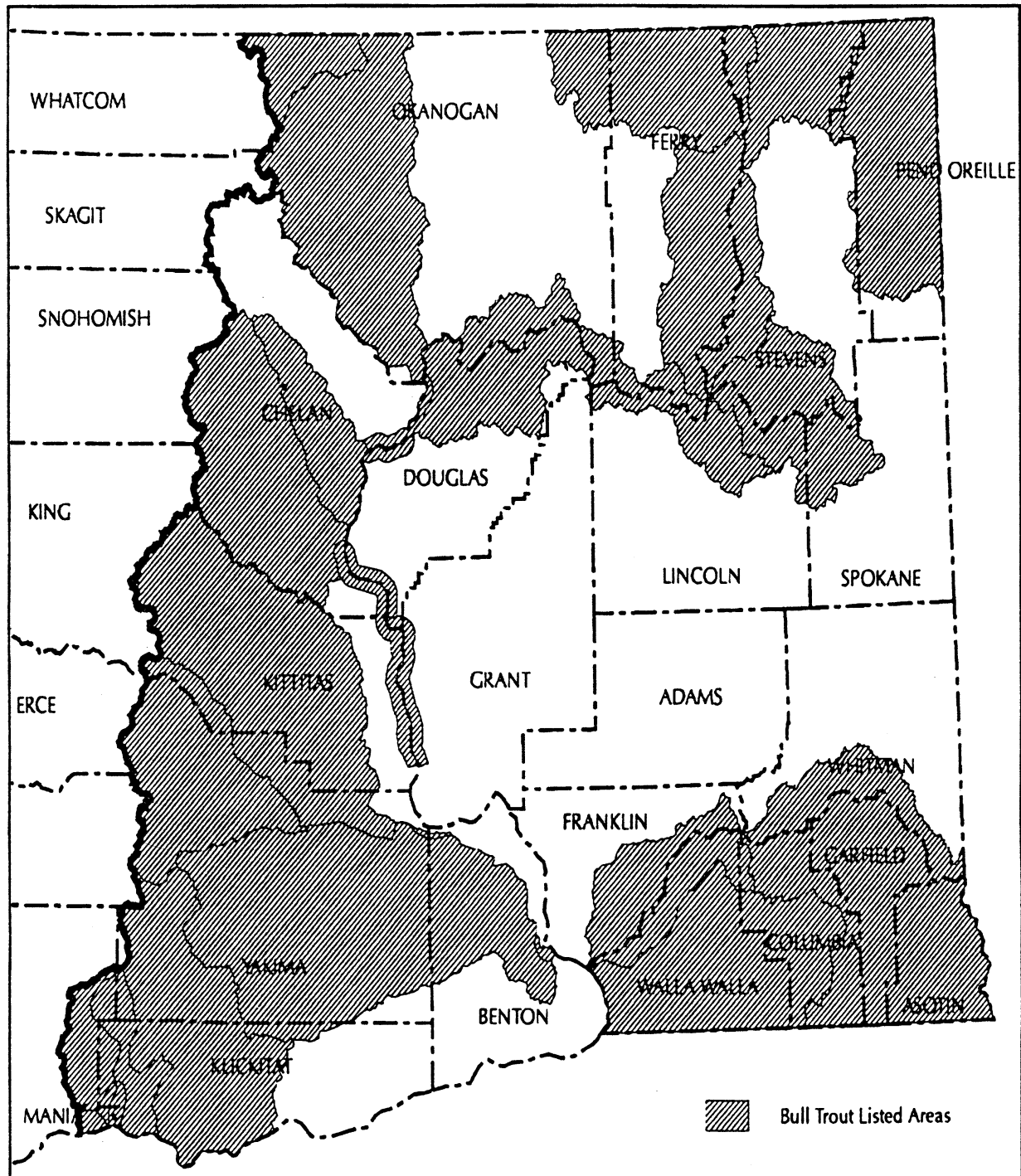
"**Bog**" means wetlands which have the following characteristics: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); and vegetation such as sphagnum moss, Labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce, western hemlock, lodgepole pine, western red cedar, western white pine, Oregon crabapple, or quaking aspen, and may be associated with open water. This includes nutrient-poor fens. (See board manual section 8.)

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

"**Bull trout habitat overlay**" means those portions of Eastern Washington streams containing bull trout habitat as identified on the department of fish and wildlife's bull trout map. Prior to the development of a bull trout field protocol and the habitat-based predictive model, the "bull trout habitat overlay" map may be modified to allow for ~~((locally-based))~~ locally based corrections using current data, field knowledge, and best professional judgment. A landowner may meet with the departments of natural resources, fish and wildlife and, in

consultation with affected tribes and federal biologists, determine whether certain stream reaches have habitat conditions that are unsuitable for supporting bull trout. If such a determination is mutually agreed upon, documentation submitted to the department will result in the applicable stream reaches no longer being included within the definition of bull trout habitat overlay. Conversely, if suitable bull trout habitat is discovered outside the current mapped range, those waters will be included within the definition of "bull trout habitat overlay" by a similar process.

Bull Trout Overlay Map



"Channel migration zone (CMZ)" means the area where the active channel of a stream is prone to move and this results in a potential near-term loss of riparian function and associated habitat adjacent to the stream, except as modified by a permanent levee or dike. For this purpose, near-term means the time scale required to grow a mature forest. (See board manual section 2 for descriptions and illustrations of CMZs and delineation guidelines.)

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

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

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

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

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

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

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

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

"Completion of harvest" means the latest of:

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

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

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

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

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

"Convergent headwalls" (or headwalls) means tear-drop-shaped landforms, broad at the ridgetop and terminating where headwaters converge into a single channel; they are broadly concave both longitudinally and across the slope, but may contain sharp ridges separating the headwater channels. (See board manual section 16 for identification criteria.)

"Conversion activities" means activities associated with conversions of forest land to land uses other than commercial timber operation. These activities may be occurring

during or after timber harvest on forest land. They may include but are not limited to the following:

- Preparation for, or installation of, utilities on the forest practices activity site. The development or maintenance of existing rights of way providing utilities exclusively for other ownerships shall not be considered conversions of forest land (see WAC 222-20-010(5)).

- Any of, or any combination of, the following activities in preparation for nonforestry use of the land: Grading, filling, or stump removal.

- Preparation for, or construction of, any structure requiring local government approval.

- Construction of, or improvement of, roads to a standard greater than needed to conduct forest practices activities.

- Clearing for, or expansion of, rock pits for nonforest practices uses or developing surface mines.

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

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

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

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

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

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

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

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

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

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

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

"Deep-seated landslides" means landslides in which most of the area of the slide plane or zone lies below the maximum rooting depth of forest trees, to depths of tens to hundreds of feet. (See board manual section 16 for identification criteria.)

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

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

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

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

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

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

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

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

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

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

"Fill" means the placement of earth material or aggregate for road or landing construction or other similar activities.

"Fish" means for purposes of these rules, species of the vertebrate taxonomic groups of *Cephalospidomorphi* and *Osteichthyes*.

"Fish habitat" means habitat, which is used by fish at any life stage at any time of the year including potential habitat likely to be used by fish, which could be recovered by restoration or management and includes off-channel habitat.

"Fish passage barrier" means any artificial in-stream structure that impedes the free passage of fish.

"Flood level - 100 year" means a calculated flood event flow based on an engineering computation of flood magnitude that has a 1 percent chance of occurring in any given year. For purposes of field interpretation, landowners may use the following methods:

Flow information from gauging stations;

Field estimate of water level based on guidance for "Determining the 100-Year Flood Level" in the forest practices board manual section 2.

The 100-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

"Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future. For small forest landowner road maintenance and abandonment planning only, the term "forest land" excludes the following:

(a) Residential home sites. A residential home site may be up to five acres in size, and must have an existing structure in use as a residence;

(b) Cropfields, orchards, vineyards, pastures, feedlots, fish pens, and the land on which appurtenances necessary to the production, preparation, or sale of crops, fruit, dairy products, fish, and livestock exist.

"Forest landowner" means any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner. However, any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest landowner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land. The following definitions apply only to road maintenance and abandonment planning:

(1) **"Large forest landowner"** is a forest landowner who is not a small forest landowner.

(2) **"Small forest landowner"** is a forest landowner who at the time of submitting a forest practices application or notification meets all of the following conditions:

- Has an average annual timber harvest level of two million board feet or less from their own forest lands in Washington state;

- Did not exceed this annual average harvest level in the three year period before submitting a forest practices application or notification;

- Certifies to the department that they will not exceed this annual harvest level in the ten years after submitting the forest practices application or notification.

However, the department will agree that an applicant is a small forest landowner if the landowner can demonstrate that the harvest levels were exceeded in order to raise funds to pay estate taxes or to meet equally compelling and unexpected obligations such as court-ordered judgments and extraordinary medical expenses.

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

Road and trail construction;

Harvesting, final and intermediate;

Precommercial thinning;

Reforestation;

Fertilization;

Prevention and suppression of diseases and insects;

Salvage of trees; and

Brush control.

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

"**Forest road**" means ways, lanes, roads, or driveways on forest land used since 1974 for forest practices. "Forest road" does not include skid trails, highways, or local government roads except where the local governmental entity is a forest landowner. For road maintenance and abandonment planning purposes only, "forest road" does not include forest roads used exclusively for residential access located on a small forest landowner's forest land.

"**Forest trees**" does not include hardwood trees cultivated by agricultural methods in growing cycles shorter than 15 years if the trees were planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees. "Forest trees" includes Christmas trees but does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

"**Full bench road**" means a road constructed on a side hill without using any of the material removed from the hillside as a part of the road. This construction technique is usually used on steep or unstable slopes.

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

"**Ground water recharge areas for glacial deep-seated slides**" means the area upgradient that can contribute water to the landslide, assuming that there is an impermeable perching layer in or under a deep-seated landslide in glacial deposits. (See board manual section 16 for identification criteria.)

"**Headwater spring**" means a permanent spring at the head of a perennial channel. Where a headwater spring can be found, it will coincide with the uppermost extent of Type Np Water.

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

"**Horizontal distance**" means the distance between two points measured at a zero percent slope.

"**Hyporheic**" means an area adjacent to and below channels where interstitial water is exchanged with channel water and water movement is mainly in the downstream direction.

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

- Mass wasting;
- Surface and road erosion;
- Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);
- Large organic debris;
- Shading; and
- Stream bank and bed stability.

"**Inner gorges**" means canyons created by a combination of the downcutting action of a stream and mass movement on the slope walls; they commonly show evidence of recent movement, such as obvious landslides, vertical tracks of disturbance vegetation, or areas that are concave in contour and/or profile. (See board manual section 16 for identification criteria.)

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

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

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

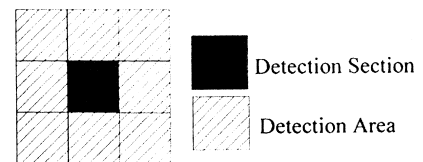
"**Limits of construction**" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

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

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

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

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



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

"**Median home range circle**" means a circle, with a specified radius, centered on a spotted owl site center. The

radius for the median home range circle in the Hoh-Clearwater/Coastal Link SOSEA is 2.7 miles; for all other SOSEAs the radius is 1.8 miles.

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

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

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

"Multiyear permit" means a permit to conduct forest practices which is effective for longer than two years but no longer than five years.

"Northern spotted owl site center" means(=

~~(1) Until December 31, 2008, the location of northern spotted owls:~~

~~(a) Recorded by the department of fish and wildlife as status 1, 2 or 3 as of November 1, 2005; or~~

~~(b) Newly discovered, and recorded by the department of fish and wildlife as status 1, 2 or 3 after November 1, 2005.~~

~~(2) After December 31, 2008,)) the location of status 1, 2 or 3 northern spotted owls based on the following definitions:~~

Status 1: Pair or reproductive - a male and female heard and/or observed in close proximity to each other on the same visit, a female detected on a nest, or one or both adults observed with young.

Status 2: Two birds, pair status unknown - the presence or response of two birds of opposite sex where pair status cannot be determined and where at least one member meets the resident territorial single requirements.

Status 3: Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or three or more responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

In determining the existence, location, and status of northern spotted owl site centers, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

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

"Occupied marbled murrelet site" means:

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

(a) A nest is located; or

(b) Downy chicks or eggs or egg shells are found; or

(c) Marbled murrelets are detected flying below, through, into or out of the forest canopy; or

(d) Birds calling from a stationary location within the area; or

(e) Birds circling above a timber stand within one tree height of the top of the canopy; or

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

(3) For sites defined in (1) and (2) above, the sites will be presumed to be occupied based upon observation of circling described in (1)(e), unless a two-year survey following the 2003 Pacific Seabird Group (PSG) protocol has been completed and an additional third-year of survey following a method listed below is completed and none of the behaviors or conditions listed in (1)(a) through (d) of this definition are observed. The landowner may choose one of the following methods for the third-year survey:

(a) Conduct a third-year survey with a minimum of nine visits conducted in compliance with 2003 PSG protocol. If one or more marbled murrelets are detected during any of these nine visits, three additional visits conducted in compliance with the protocol of the first nine visits shall be added to the third-year survey. Department of fish and wildlife shall be consulted prior to initiating third-year surveys; or

(b) Conduct a third-year survey designed in consultation with the department of fish and wildlife to meet site specific conditions.

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

(a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat"; or

(c) The beginning of any narrow area of "suitable marbled murrelet habitat" less than 300 feet in width and more than 300 feet in length.

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

(a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the distinguishing vegetative characteristics important to murrelets; or

(c) The beginning of any narrow area of suitable marbled murrelet habitat, comparable to the area where the observed behaviors or conditions listed in (1) above occurred, less than 300 feet in width and more than 300 feet in length.

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

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

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

"Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: Provided, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

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

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

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

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

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

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

"Preferred tree species" means the following species listed in descending order of priority for each timber habitat type:

Ponderosa pine habitat type	Mixed conifer habitat type
all hardwoods	all hardwoods
ponderosa pine	western larch
western larch	ponderosa pine
Douglas-fir	western red cedar
western red cedar	western white pine
	Douglas-fir
	lodgepole pine

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

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

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

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

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and

Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

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

"Riparian function" includes bank stability, the recruitment of woody debris, leaf litter fall, nutrients, sediment filtering, shade, and other riparian features that are important to both riparian forest and aquatic system conditions.

"Riparian management zone (RMZ)" means:

(1) **For Western Washington**

(a) The area protected on each side of a Type S or F Water measured horizontally from the outer edge of the bankfull width or the outer edge of the CMZ, whichever is greater (see table below); and

Site Class	Western Washington Total RMZ Width
I	200'
II	170'
III	140'
IV	110'
V	90'

(b) The area protected on each side of Type Np Waters, measured horizontally from the outer edge of the bankfull width. (See WAC 222-30-021(2).)

(2) **For Eastern Washington**

(a) The area protected on each side of a Type S or F Water measured horizontally from the outer edge of the bankfull width or the outer edge of the CMZ, whichever is greater (see table below); and

Site Class	Eastern Washington Total RMZ Width
I	130'
II	110'

Site Class	Eastern Washington Total RMZ Width
III	90' or 100'*
IV	75' or 100'*
V	75' or 100'*

* Dependent upon stream size. (See WAC 222-30-022.)

(b) The area protected on each side of Type Np Waters, measured horizontally from the outer edge of the bankfull width. (See WAC 222-30-022(2).)

(3) **For exempt 20 acre parcels**, a specified area alongside Type S and F Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

"RMZ core zone" means:

(1) **For Western Washington**, the 50 foot buffer of a Type S or F Water, measured horizontally from the outer edge of the bankfull width or the outer edge of the channel migration zone, whichever is greater. (See WAC 222-30-021.)

(2) **For Eastern Washington**, the thirty foot buffer of a Type S or F Water, measured horizontally from the outer edge of the bankfull width or the outer edge of the channel migration zone, whichever is greater. (See WAC 222-30-022.)

"RMZ inner zone" means:

(1) **For Western Washington**, the area measured horizontally from the outer boundary of the core zone of a Type S or F Water to the outer limit of the inner zone. The outer limit of the inner zone is determined based on the width of the affected water, site class and the management option chosen for timber harvest within the inner zone. (See WAC 222-30-021.)

(2) **For Eastern Washington**, the area measured horizontally from the outer boundary of the core zone 45 feet (for streams less than 15 feet wide) or 70 feet (for streams more than 15 feet wide) from the outer boundary of the core zone. (See WAC 222-30-022.)

"RMZ outer zone" means the area measured horizontally between the outer boundary of the inner zone and the RMZ width as specified in the riparian management zone definition above. RMZ width is measured from the outer edge of the bankfull width or the outer edge of the channel migration zone, whichever is greater. (See WAC 222-30-021 and 222-30-022.)

"Road construction" means either of the following:

- (a) Establishing any new forest road;
- (b) Road work located outside an existing forest road prism, except for road maintenance.

"Road maintenance" means either of the following:

- (a) All road work located within an existing forest road prism;
- (b) Road work located outside an existing forest road prism specifically related to maintaining water control, road safety, or visibility, such as:
 - Maintaining, replacing, and installing drainage structures;
 - Controlling road-side vegetation;
 - Abandoning forest roads according to the process outlined in WAC 222-24-052(3).

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

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

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

"Sensitive sites" are areas near or adjacent to Type Np Water and have one or more of the following:

(1) **Headwall seep** is a seep located at the toe of a cliff or other steep topographical feature and at the head of a Type Np Water which connects to the stream channel network via overland flow, and is characterized by loose substrate and/or fractured bedrock with perennial water at or near the surface throughout the year.

(2) **Side-slope seep** is a seep within 100 feet of a Type Np Water located on side-slopes which are greater than 20 percent, connected to the stream channel network via overland flow, and characterized by loose substrate and fractured bedrock, excluding muck with perennial water at or near the surface throughout the year. Water delivery to the Type Np channel is visible by someone standing in or near the stream.

(3) **Type Np intersection** is the intersection of two or more Type Np Waters.

(4) **Headwater spring** means a permanent spring at the head of a perennial channel. Where a headwater spring can be found, it will coincide with the uppermost extent of Type Np Water.

(5) **Alluvial fan** means a depositional land form consisting of cone-shaped deposit of water-borne, often coarse-sized sediments.

(a) The upstream end of the fan (cone apex) is typically characterized by a distinct increase in channel width where a stream emerges from a narrow valley;

(b) The downstream edge of the fan is defined as the sediment confluence with a higher order channel; and

(c) The lateral margins of a fan are characterized by distinct local changes in sediment elevation and often show disturbed vegetation.

Alluvial fan does not include features that were formed under climatic or geologic conditions which are not currently present or that are no longer dynamic.

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

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

"Site class" means a grouping of site indices that are used to determine the 50-year or 100-year site class. In order to determine site class, the landowner will obtain the site class index from the state soil survey, place it in the correct index range shown in the two tables provided in this definition, and select the corresponding site class. The site class will then drive the RMZ width. (See WAC 222-30-021 and 222-30-022.)

(1) For Western Washington

Site class	50-year site index range (state soil survey)
I	137+
II	119-136
III	97-118
IV	76-96
V	<75

(2) For Eastern Washington

Site class	100-year site index range (state soil survey)	50-year site index range (state soil survey)
I	120+	86+
II	101-120	72-85
III	81-100	58-71
IV	61-80	44-57
V	≤60	<44

(3) For purposes of this definition, the site index at any location will be the site index reported by the *Washington State Department of Natural Resources State Soil Survey*, (soil survey) and detailed in the associated forest soil summary sheets. If the soil survey does not report a site index for the location or indicates noncommercial or marginal forest land, or the major species table indicates red alder, the following apply:

- (a) If the site index in the soil survey is for red alder, and the whole RMZ width is within that site index, then use site class V. If the red alder site index is only for a portion of the RMZ width, or there is on-site evidence that the site has historically supported conifer, then use the site class for conifer in the most physiographically similar adjacent soil polygon.
- (b) In Western Washington, if no site index is reported in the soil survey, use the site class for conifer in the most physiographically similar adjacent soil polygon.
- (c) In Eastern Washington, if no site index is reported in the soil survey, assume site class III, unless site specific information indicates otherwise.
- (d) If the site index is noncommercial or marginally commercial, then use site class V.

See also section 7 of the board manual.

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

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

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

"Small forest landowner long-term application" means a proposal from a small forest landowner to conduct forest practices activities for terms of three to fifteen years. Small forest landowners as defined in WAC 222-21-010(13) are eligible to submit long-term applications.

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

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

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

"Spotted owl conservation advisory group" means a three-person advisory group designated by the board as follows: One person shall be a representative of Washington's forest products industry, one person shall be a representative of a Washington-based conservation organization actively involved with spotted owl conservation, and one person shall be a representative of the department's forest practices program. Members of the group shall have a detailed working knowledge of spotted owl habitat relationships and factors affecting northern spotted owl conservation. On an annual basis, beginning November 2010, the board will determine whether this group's function continues to be needed for spotted owl conservation.

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

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

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

"Stream-adjacent parallel roads" means roads (including associated right of way clearing) in a riparian management zone on a property that have an alignment that is parallel to the general alignment of the stream, including roads used by others under easements or cooperative road agreements. Also included are stream crossings where the alignment of the road continues to parallel the stream for more than 250 feet on either side of the stream. Not included are federal, state, county or municipal roads that are not subject to forest practices rules, or roads of another adjacent landowner.

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

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

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

- (a) Within 50 miles of marine waters;
- (b) At least forty percent of the dominant and codominant trees are Douglas-fir, western hemlock, western red cedar or sitka spruce;
- (c) Two or more nesting platforms per acre;
- (d) At least 7 acres in size, including the contiguous forested area within 300 feet of nesting platforms, with similar forest stand characteristics (age, species composition, forest

structure) to the forested area in which the nesting platforms occur.

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

"Temporary road" means a forest road that is constructed and intended for use during the life of an approved forest practices application/notification. All temporary roads must be abandoned in accordance to WAC 222-24-052(3).

"Threaten public safety" means to increase the risk to the public at large from snow avalanches, identified in consultation with the department of transportation or a local government, or landslides or debris torrents caused or triggered by forest practices.

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

"Timber" means forest trees, standing or down, of a commercial species, including Christmas trees. However, timber does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.-035.

"Unconfined avulsing stream" means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex flood plain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement.

"Validation," as used in WAC 222-20-016, means the department's agreement that a small forest landowner has correctly identified and classified resources, and satisfactorily completed a roads assessment for the geographic area described in Step 1 of a long-term application.

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

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

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

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

"Western Washington" means the geographic area of Washington west of the Cascade crest and the drainages defined in Eastern Washington.

"Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not

include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

"Wetland functions" include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

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

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

"Wildlife reserve trees" means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

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

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

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

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

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

"Yarding corridor" means a narrow, linear path through a riparian management zone to allow suspended cables necessary to support cable logging methods or suspended or partially suspended logs to be transported through these areas by cable logging methods.

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

AMENDATORY SECTION (Amending WSR 05-12-119, filed 5/31/05, effective 7/1/05)

WAC 222-16-080 Critical habitats (state) of threatened and endangered species. (1) Critical habitats (state) of threatened or endangered species and specific forest practices designated as Class IV-Special are as follows:

(a) Bald eagle (*Haliaeetus leucocephalus*) - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of fish and wildlife, between the dates of January 1 and August 15 or 0.25 mile at other times of the year; and within 0.25 mile of a communal roosting site. Communal roosting sites shall not include refuse or garbage dumping sites.

(b) Gray wolf (*Canis lupus*) - harvesting, road construction, or site preparation within 1 mile of a known active den site, documented by the department of fish and wildlife, between the dates of March 15 and July 30 or 0.25 mile from the den site at other times of the year.

(c) Grizzly bear (*Ursus arctos*) - harvesting, road construction, aerial application of pesticides, or site preparation within 1 mile of a known active den site, documented by the department of fish and wildlife, between the dates of October 1 and May 30 or 0.25 mile at other times of the year.

(d) Mountain (woodland) caribou (*Rangifera tarandus*) - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active breeding area, documented by the department of fish and wildlife.

(e) Oregon silverspot butterfly (*Speyeria zerene hippolyta*) - harvesting, road construction, aerial or ground application of pesticides, or site preparation within 0.25 mile of an individual occurrence, documented by the department of fish and wildlife.

(f) Peregrine falcon (*Falco peregrinus*) - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of fish and wildlife, between the dates of March 1 and July 30; or harvesting, road construction, or aerial application of pesticides within 0.25 mile of the nest site at other times of the year.

(g) Sandhill crane (*Grus canadensis*) - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active nesting area, documented by the department of fish and wildlife.

(h) Northern spotted owl (*Strix occidentalis caurina*)

(i) **Within a SOSEA boundary** (see maps in WAC 222-16-086), except as indicated in (h)(ii) of this subsection, harvesting, road construction, or aerial application of pesticides on suitable spotted owl habitat within a median home range circle that is centered within the SOSEA or on adjacent federal lands.

(ii) **Within the Entiat SOSEA**, harvesting, road construction, or aerial application of pesticides within the areas indicated for demographic support (see WAC 222-16-086 (2)) on suitable spotted owl habitat located within a median home range circle that is centered within the demographic support area.

(iii) **Outside of a SOSEA**, harvesting, road construction, or aerial application of pesticides, between March 1 and August 31 on the seventy acres of highest quality suitable

spotted owl habitat surrounding a northern spotted owl site center located outside a SOSEA. The highest quality suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife. Consideration shall be given to habitat quality, proximity to the activity center and contiguity.

(iv) **Small parcel northern spotted owl exemption.** Forest practices proposed on the lands owned or controlled by a landowner whose forest land ownership within the SOSEA is less than or equal to 500 acres and where the forest practice is not within 0.7 mile of a northern spotted owl site center shall not be considered to be on lands designated as critical habitat (state) for northern spotted owls.

(i) Western pond turtle (*Clemmys marmorata*) - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known individual occurrence, documented by the department of wildlife.

(j) Marbled murrelet (*Brachyramphus marmoratus*)

(i) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within an occupied marbled murrelet site.

(ii) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within suitable marbled murrelet habitat within a marbled murrelet detection area.

(iii) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within suitable marbled murrelet habitat containing 7 platforms per acre outside a marbled murrelet detection area.

(iv) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction outside a marbled murrelet detection area within a marbled murrelet special landscape and within suitable marbled murrelet habitat with 5 or more platforms per acre.

(v) Harvesting within a 300 foot managed buffer zone adjacent to an occupied marbled murrelet site that results in less than a residual stand stem density of 75 trees per acre greater than 6 inches in dbh; provided that 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches in dbh, where they exist. The primary consideration for the design of managed buffer zone widths and leave tree retention patterns shall be to mediate edge effects. The width of the buffer zone may be reduced in some areas to a minimum of 200 feet and extended to a maximum of 400 feet as long as the average of 300 feet is maintained.

(vi) Except that the following shall not be critical habitat (state):

(A) Where a landowner owns less than 500 acres of forest land within 50 miles of saltwater and the land does not contain an occupied marbled murrelet site; or

(B) Where a protocol survey (see WAC 222-12-090(14)) has been conducted and no murrelets were detected. The landowner is then relieved from further survey requirements. However, if an occupied marbled murrelet site is established, this exemption is void.

(2) The following critical habitats (federal) designated by the United States Secretary of the Interior or Commerce, or specific forest practices within those habitats, have been determined to have the potential for a substantial impact on

the environment and therefore are designated as critical habitats (state) of threatened or endangered species.

(3) For the purpose of identifying forest practices which have the potential for a substantial impact on the environment with regard to threatened or endangered species newly listed by the Washington fish and wildlife commission and/or the United States Secretary of the Interior or Commerce, the department shall after consultation with the department of fish and wildlife, prepare and submit to the board a proposed list of critical habitats (state) of threatened or endangered species. This list shall be submitted to the board within 30 days of the listing of the species. The department shall, at a minimum, consider potential impacts of forest practices on habitats essential to meeting the life requisites for each species listed as threatened or endangered. Those critical habitats (state) adopted by the board shall be added to the list in subsection (1) of this section. See WAC 222-16-050 (1)(b).

(4) For the purpose of identifying any areas and/or forest practices within critical habitats (federal) designated by the United States Secretary of the Interior or Commerce which have the potential for a substantial impact on the environment, the department shall, after consultation with the department of fish and wildlife, submit to the board a proposed list of any forest practices and/or areas proposed for inclusion in Class IV - Special forest practices. The department shall submit the list to the board within 30 days of the date the United States Secretary of the Interior or Commerce publishes a final rule designating critical habitat (federal) in the Federal Register. Those critical habitats included by the board in Class IV - Special shall be added to the list in subsection (2) of this section. See WAC 222-16-050 (1)(b).

(5)(a) Except for bald eagles under subsection (1)(a) of this section, the critical habitats (state) of threatened and endangered species and specific forest practices designated in subsections (1) and (2) of this section are intended to be interim. These interim designations shall expire for a given species on the earliest of:

(i) The effective date of a regulatory system for wildlife protection referred to in (b) of this subsection or of substantive rules on the species.

(ii) The delisting of a threatened or endangered species by the Washington fish and wildlife commission and by the United States Secretary of Interior or Commerce.

(b) The board shall examine current wildlife protection and department authority to protect wildlife and develop and recommend a regulatory system, including baseline rules for wildlife protection. To the extent possible, this system shall:

(i) Use the best science and management advice available;

(ii) Use a landscape approach to wildlife protection;

(iii) Be designed to avoid the potential for substantial impact to the environment;

(iv) Protect known populations of threatened and endangered species of wildlife from negative effects of forest practices consistent with RCW 76.09.010; and

(v) Consider and be consistent with recovery plans adopted by the department of fish and wildlife pursuant to RCW 77.12.020(6) or habitat conservation plans or 16 U.S.C. 1533(d) rule changes of the Endangered Species Act.

(6) Regardless of any other provision in this section, forest practices applications shall not be classified as Class IV-Special based on critical habitat (state) (WAC 222-16-080 ((WAC)) and 222-16-050 (1)(b)) for a species, if the forest practices are consistent with one or more of the following:

(a) Documents addressing the needs of the affected species provided such documents have received environmental review with an opportunity for public comment under the National Environmental Policy Act, 42 U.S.C. section 4321 et seq.:

(i) A habitat conservation plan and incidental take permit; or an incidental take statement covering such species approved by the Secretary of the Interior or Commerce pursuant to 16 U.S.C. § 1536(b) or 1539(a); or

(ii) An "unlisted species agreement" covering such species approved by the U.S. Fish and Wildlife Service or National Marine Fisheries Service; or

(iii) Other conservation agreement entered into with a federal agency pursuant to its statutory authority for fish and wildlife protection that addresses the needs of the affected species; or

(iv) A rule adopted by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service for the conservation of an affected species pursuant to 16 U.S.C. section 1533(d); or

(b) Documents addressing the needs of the affected species so long as they have been reviewed under the State Environmental Policy Act;

(i) A landscape management plan; or

(ii) Another cooperative or conservation agreement entered into with a state resource agency pursuant to its statutory authority for fish and wildlife protection;

(c) A special wildlife management plan (SWMP) developed by the landowner and approved by the department in consultation with the department of fish and wildlife;

(d) A bald eagle management plan approved under WAC 232-12-292;

(e) A landowner option plan (LOP) for northern spotted owls developed pursuant to WAC 222-16-100(1);

(f) A cooperative habitat enhancement agreement (CHEA) developed pursuant to WAC 222-16-105; or

(g) A take avoidance plan issued by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service prior to March 20, 2000;

(h) Surveys demonstrating the absence of northern spotted owls at a northern spotted owl site center have been reviewed and approved by the department of fish and wildlife and all three of the following criteria have been met:

(i) The site has been evaluated by the spotted owl conservation advisory group; and

(ii) As part of the spotted owl conservation advisory group's evaluation, the department's representative has consulted with the department of fish and wildlife; and

(iii) The spotted owl conservation advisory group has reached consensus that the site need not be maintained while the board completes its evaluation of rules affecting the northern spotted owl. The spotted owl conservation advisory group shall communicate its findings to the department in writing within sixty days of the department of fish and wild-

life's approval of surveys demonstrating the absence of northern spotted owls.

In those situations where one of the options above has been used, forest practices applications may still be classified as Class IV-Special based upon the presence of one or more of the factors listed in WAC 222-16-050(1), other than critical habitat (state) for the species covered by the existing plan or evaluations.

(7) The department, in consultation with the department of fish and wildlife, shall review each SOSEA to determine whether the goals for that SOSEA are being met through approved plans, permits, statements, letters, or agreements referred to in subsection (6) of this section. Based on the consultation, the department shall recommend to the board the suspension, deletion, modification or reestablishment of the applicable SOSEA from the rules. The department shall conduct a review for a particular SOSEA upon approval of a landowner option plan, a petition from a landowner in the SOSEA, or under its own initiative.

(8) The department, in consultation with the department of fish and wildlife, shall report annually to the board on the status of the northern spotted owl to determine whether circumstances exist that substantially interfere with meeting the goals of the SOSEAs.

WSR 10-11-083

PERMANENT RULES

WASHINGTON STATE UNIVERSITY

[Filed May 17, 2010, 10:44 a.m., effective July 1, 2010]

Effective Date of Rule: July 1, 2010.

Purpose: Campus traffic and parking regulations are being updated.

Citation of Existing Rules Affected by this Order: Amending WAC 504-15-100, 504-15-210, 504-15-510, 504-15-520, 504-15-540, 504-15-560, 504-15-810, 504-15-880 and 504-15-930; and creating WAC 504-15-370.

Statutory Authority for Adoption: RCW 28B.30.150.

Adopted under notice filed as WSR 10-05-104 on February 17, 2010.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 9, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 9, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 9, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 7, 2010.

Ralph T. Jenks, Director
Procedures, Records, and Forms
and University Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-100 Definitions. The definitions in this section are applicable within the context of this chapter.

(1) Campus. Describes all property owned, leased, and/or controlled by the university Pullman campus which is or may hereafter be dedicated mainly to the educational, research, housing, recreational, parking, or other activities of the university.

(2) Commuter student. Any student who does not live in a university residence hall (dormitory). All students living in fraternities, sororities, university-owned housing (other than residence halls), and private housing are considered to be commuter students.

(3) Day. Unless otherwise specified, the term "day" refers to a calendar day.

(4) Disability parking. See persons with disability.

(5) Disability zone. A parking zone designated for exclusive use by persons with disability and identified with a sign bearing the associated international symbol.

(6) Electric-assisted bicycle. As defined under RCW 46.04.169.

(7) Fire zone. An area needed for emergency access to buildings, fire hydrants, or fire equipment. Such areas include, but are not limited to, areas with adjacent curbs or rails painted red.

~~((7))~~ (8) Gate card. A plastic card that activates the gates controlling access to certain parking areas.

~~((8))~~ (9) Holiday. See university holiday.

~~((9))~~ (10) Illegal use of permit. A parking violation in which a parking ticket is issued under the following circumstances:

(a) Use of a parking permit or indicator on a vehicle other than the specified vehicle identified by a license plate number on the permit.

(b) Use of a parking permit or indicator obtained under false pretenses.

(c) Use of a modified parking permit or indicator.

(d) Use and/or retention of a parking permit or indicator by person(s) ineligible, or no longer eligible, for such a permit as described and authorized in this chapter.

~~((10))~~ (11) Impound. To take and hold a vehicle in legal custody by use of a wheel lock and/or towing.

~~((11))~~ (12) Indicator. A decal or hanger displayed adjacent to a parking permit which defines additional parking areas available to a permit holder.

~~((12))~~ (13) Loading zone. A loading dock, or an area signed "loading zone" adjacent to a facility, in a parking area, or near a residence hall. Such an area is intended for loading and unloading bulky or voluminous material. Loading zones are restricted at all times unless signed otherwise.

~~((13))~~ (14) Moped. ~~((Any two-wheeled or three-wheeled motor vehicle with an engine displacement of 50cc or less.))~~ As defined under RCW 46.04.304.

~~((14))~~ (15) Motorcycle. ~~((Any two wheeled or three wheeled motor vehicle with an engine displacement greater than 50cc.))~~ As defined under RCW 46.04.330.

~~((15))~~ (16) Motorized foot scooter. As defined under RCW 46.04.336.

(17) Motor vehicle. ~~((All motor driven conveyances except wheelchairs. Also referred to as "vehicle" in this chapter.))~~ As defined under RCW 46.04.320.

~~((16))~~ (18) No parking zone. Any area not specifically marked and/or signed for parking. Such areas include, but are not limited to, areas with adjacent curbs or rails painted yellow.

~~((17))~~ (19) Officer. Any parking or police official employed by the university who is designated by the parking administrator or chief of police to issue parking tickets, to place and remove wheel locks, or to cause vehicles to be towed under this chapter.

~~((18))~~ (20) Owner. The person registered with any state as the present owner of a vehicle in the most current registration records available to the university, the owner's expressed representative, or any transferee not designated in such records, provided that the parking administrator or chief of police has received actual written notice of the transfer.

~~((19))~~ (21) Park/parking. This refers to the placement or standing of a vehicle, with or without a driver in attendance, and with or without the engine running.

~~((20))~~ (22) Parking administrator. The manager in charge of the parking department or designee.

~~((21))~~ (23) Parking appeals committee. Any person or persons appointed to consider parking violations and the application of fees, fines, and sanctions. Said person or persons are appointed by the vice-president whose responsibilities include supervision of the parking department or designee.

~~((22))~~ (24) Parking department. The university department which is charged with the responsibility of managing, operating, planning, and maintaining parking facilities; enforcing the parking regulations; and coordinating commute trip reduction efforts for the Pullman campus.

~~((23))~~ (25) Parking meter. A single fixed device that typically requires payment and limits the amount of time a vehicle can park in a single space. Also referred to as "meter" in this chapter. A parking meter is not a parking payment device.

~~((24))~~ (26) Parking payment device. A machine that requires payment and vends a parking permit and/or a paid receipt. Parking payment devices may be located in various places on the campus. A parking payment device is not a parking meter.

~~((25))~~ (27) Parking permit. A vinyl, plastic, paper, or other instrument sanctioned by the parking department that is displayed from a vehicle, and authorizes parking in specified areas. Also referred to as "permit" in this chapter.

~~((26))~~ (28) Parking ticket. The first notice of a parking violation which is usually placed in a visible location on a motor vehicle.

~~((27))~~ (29) Pay parking facility. A location where parking is provided and payment is made on-site via a parking payment device, cashier, or other means other than a parking meter.

~~((28))~~ (30) Pedestrian mall. A space that is designed primarily for pedestrian use, but with limited authorized use of motor vehicle and other motorized and nonmotorized conveyances. These restricted areas are depicted on the Pullman campus map and/or with signing at the entrances to the pedestrian mall areas.

~~((29))~~ (31) Persons with disability. For the purpose of this chapter, persons with disability shall refer to a person or persons with disability or disabilities who qualify for a state-issued persons with disability parking identification and permit.

~~((30))~~ (32) Resident priority zone. A parking area close to a residence hall (i.e., crimson zone or gray zone) that is typically limited to use by resident students.

~~((31))~~ (33) Resident student. A student with a current, valid residence hall contract, who lives in a residence hall.

~~((32))~~ (34) Residence hall. Residence ~~((halls include, but are not limited to, the following: Coman Hall, Community Hall, Davis Hall, Duncan-Dunn Hall, Gannon Hall, Goldsworthy Hall, Honors Hall, McCroskey Hall, McEachern Hall, Orton Hall, Perham Hall, Regents Hall, Rogers Hall, Scott Hall, Stephenson Complex, Stevens Hall, Stimson Hall, Streit Hall, Waller Hall, and Wilmer Hall))~~ hall units (dormitories) that are owned by the university but are not included as university-owned housing apartments. Occupants of residence halls are considered resident students and are eligible for parking permits in resident priority zones.

~~((33))~~ (35) Service vehicle. A vehicle used to provide a service for the university or a tenant or contractor of the university (e.g., a university owned vehicle or a privately owned vehicle with a valid service vehicle authorization displayed).

~~((34))~~ (36) Service zone. Parking spaces or area designated for the use of service vehicles, other government-owned vehicles, and vehicles displaying a service indicator or commercial permit. Authorized vehicles may park in these zones on an occasional basis for a maximum of fifteen minutes, except for vehicles that display a commercial permit, or a service indicator issued for an extended time. Service zones are restricted at all times unless signed otherwise.

~~((35))~~ (37) Staff. For the purposes of these regulations, "staff" includes all nonstudent employees of the university and the nonstudent employees of other entities located on, or regularly doing business on campus. Teaching assistants, research assistants, and other students employed by the university, or other entities located on, or regularly doing business on campus, are not "staff." They are considered to be students for the purpose of these regulations.

~~((36))~~ (38) Standing. "Standing" is the stopping of a vehicle with the driver remaining in it.

~~((37))~~ (39) Storage of a vehicle. Impounded vehicles are held in storage until released. During such time they are subject to storage fees.

~~((38))~~ (40) Student. The term "student" includes all persons who are not staff who are taking courses at the university, enrolled full-time or part-time, pursuing undergraduate, graduate, professional studies, or auditing one or more classes.

~~((39))~~ (41) Summer session. The summer session includes all summer sessions beginning on the first day of the

earliest session, and ending on the last day of the latest session.

~~((40))~~ (42) University. Refers to Washington State University.

~~((41))~~ (43) University holiday. A day regarded by the university as an official university holiday.

~~((42))~~ (44) University-owned housing. Housing units or apartments, and their respective parking areas, that are owned by the university, but are not included as residence halls. Occupants of university-owned housing are eligible for housing parking permits issued by the university.

~~((43))~~ (45) Unpaid. A full or partial outstanding balance due. This definition includes parking tickets which are pending appeal.

~~((44))~~ (46) Vacation. A period of time when classes or final exams are not in session. Except for holidays that fall within this period, the business offices of the university are open during this time.

~~((45))~~ (47) Visitors. Persons who are not staff or students and who only visit the campus on an occasional basis.

~~((46))~~ (48) Wheel lock. A device used to temporarily immobilize a motor vehicle. Wheel locked vehicles are considered to be impounded in place and subject to storage fees.

~~((47))~~ (49) Wheel lock-eligible list. The current list of wheel lock-eligible vehicles as maintained by the parking department. A vehicle remains on the wheel lock-eligible list until all fines and fees related to parking tickets are paid in full or otherwise resolved to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

~~((48))~~ (50) Wheel lock-eligible vehicle. Any vehicle on which three or more parking tickets more than thirty days old are unpaid and which parking tickets were issued during the time the vehicle was registered to or otherwise held by the owner. The vehicle remains wheel lock-eligible until all fines and fees related to parking tickets are paid in full or otherwise resolved to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-210 Times of enforcement. Parking regulations are subject to enforcement at all times.

(1) Parking permit areas. All parking permit zones are limited to authorized permit holders during specific hours. These hours are posted in each parking area at the entrance to parking areas, or along roadways where parking is marked.

(2) Restricted spaces. These spaces are restricted for the designated purpose at all times unless signed otherwise:

- (a) Disability zones.
- (b) Load/unload.
- (c) Service.
- (d) Reserved.
- (e) Reserved (bagged) parking meters.
- (f) Pedestrian mall.

(g) Areas which are specially signed or physically set apart by barricades, traffic cones, tape, or other traffic devices.

(3) Parking metered spaces. Parking meters are in effect during the times posted on each meter. During these times the

meter must be paid the posted amount. Additional time cannot be purchased beyond the meter's posted maximum time limit (e.g., a two-hour meter allows a maximum of two hours to be purchased at one time). A motor vehicle which is parked at an expired meter is considered in violation initially, and after each period equal to the maximum time posted for the meter. In such case a parking ticket may be issued for each violation. For example, a vehicle parked at a meter with a two-hour maximum time limit for six hours and five minutes of CONTINUOUS unpaid parking at the same meter would be eligible for up to three parking tickets.

(4) Special conditions. The parking regulations are enforced every day, twenty-four hours a day. During certain times the following special conditions exist, and the regulations are modified.

(a) Crimson permit zones.

(i) Permits are not required in crimson zones at the start of each semester from the Monday of the week prior to the first day of class through the ~~((fifth))~~ third day of class.

(ii) Crimson, orange, and green permits are valid in crimson zones during summer session, vacation periods, and between semesters.

~~((iii) Temporary one-hour parking zones may be established in portions of the crimson zones during finals week and at the start of each semester to accommodate moving into and moving out of residence halls.))~~

(b) Gray permit zones.

(i) Permits are not required in gray zones at the start of each semester from the Monday of the week prior to the first day of class through the ~~((fifth))~~ third day of class, during vacation periods, and between semesters.

(ii) During summer session, gray zones are open to all valid university parking permits, except blue permits and housing parking permits.

~~((iii) Temporary one-hour parking zones may be established in portions of the gray zones during finals week and at the start of each semester to accommodate moving into and moving out of residence halls.))~~

(c) Blue permit zones. Permits are not required in blue zones at the start of each semester from the Monday of the week prior to the first day of class through the ~~((fifth))~~ third day of class, during finals week, vacation periods, and between semesters.

(d) University-owned housing areas. Permits are not required in university-owned housing areas at the start of each semester from the Monday of the week prior to the first day of class through the ~~((fifth))~~ third day of class, and during finals week.

(e) Summer business hours. During the period when the university is on official summer business hours, all metered spaces and permit areas which are not restricted are open parking after 4:00 p.m. Official summer business hours are posted on the human resource services department web site throughout the summer.

(f) The parking department may select and designate portions of permit zones as temporary one-hour parking zones at the start of each semester to accommodate moving into and out of residence halls and during finals week.

(5) Pay parking facilities. Some parking areas provide parking on an hourly basis. Hours of operation and a schedule

of fees are posted at the facility entrance and at the point of payment. Parking tickets are issued to vehicles that are parked over the duration of time that was paid and for non-payment. Parking areas with parking meters are not considered pay parking facilities.

NEW SECTION

WAC 504-15-370 Storage of vehicles. Storage of vehicles, including motorcycles and mopeds, is prohibited on campus unless otherwise authorized by the parking department.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-510 Parking permits—General. (1) The university issues parking permits for designated areas of the campus. Any vehicle parked on the campus must clearly display a valid university parking permit in accordance with this chapter during the posted hours and in locations when and where permits are required. University staff and students may not use any other permit in lieu of a valid university parking permit or valid university housing parking permit.

(2) Inoperable vehicles. It is the owner's responsibility to immediately contact the parking department or police department in the event that the owner's vehicle becomes inoperable when the vehicle is parked on campus.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-520 Parking permits—Form and display. All parking permits must be entirely visible and displayed in the approved position on the vehicle with permit numbers and relevant dates visible. Vehicles with permits which are not displayed in accordance with the provisions of this section are subject to parking tickets for the violation of improperly displaying a permit.

(1) Autos and trucks:

(a) Hanging permits, both annual and daily, must be displayed hanging from the rear-view mirror post.

(b) Permits mounted solely by suction cup and permit decals directly affixed to the windshield must be displayed on the front windshield at the lower left corner (driver's side). Decals must be mounted completely by means of their own adhesive (not by tape).

(2) Motorcycles and mopeds. Motorcycle and moped permits must be mounted completely by means of their own adhesive and prominently displayed on the left rear side of the vehicle or on top of the rear tail light.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-540 Zone parking permits—Availability and use. The management and assignment of parking zones is designed to provide a parking space to each permit holder. However, uncontrolled access to parking areas and unexpected parking demand make it impossible to guarantee a parking space in a permit holder's assigned zone. Every

effort is made via surveys and limits on permit sales, to ensure that permit holders are not displaced from their assigned zones. The only exception to this is that the sale of blue permits is not limited.

Staff and students are generally assigned to specific parking areas, referred to as zones. Parking zones are color-coded with respect to their price and numbered with respect to the specific parking zone assignment of each permit holder. Permit holders may park in their assigned zone as reflected by the combination of color and number on their permit and corresponding sign, or they may park in other zones as described below.

(1) Orange permits. Orange permit holders may park in their numerically assigned orange zone, or in any green, yellow, red, or blue zone. These permits may be made available on a daily basis.

(2) Green permits. Green permit holders may park in their numerically assigned green zone, or in any yellow, red, or blue zone. These permits may be made available on a daily basis.

(3) Yellow permits. Yellow permit holders may park in their numerically assigned yellow zone, or in any red or blue zone. These permits may be made available on a daily basis.

(4) Red permits. Red permit holders may park in their numerically assigned red zone or in any blue zone. These permits may be made available on a daily basis.

(5) Crimson permits. Crimson permit holders may park in their numerically assigned crimson zone, or in the numerically corresponding gray zone (e.g., a crimson 1 permit is valid in the gray 1 zone, but not in the gray 2 zone), or in any blue zone. Crimson permit holders must turn in their crimson permit for a refund or credit toward another permit, if applicable, immediately upon moving out of the residence hall. Only resident students are eligible for crimson permits.

(6) Gray permits. Gray permit holders may park in their numerically assigned gray zone, or in any blue zone. These permits may be made available on a daily basis. Gray permit holders must turn in their gray permit for refund or credit toward another permit, if applicable, immediately upon moving out of a residence hall. Only resident students are eligible for gray permits.

(7) Blue permits (~~((peripheral parking))~~). Blue permit holders may park in any blue zone. These permits may be made available on a daily basis.

AMENDATORY SECTION (Amending WSR 09-11-069, filed 5/14/09, effective 7/1/09)

WAC 504-15-560 Other parking permits—Availability and use. (1) Visitor permits. Visitor permits are available on an annual or daily basis to visitors of the university. Visitor permits may be used only by bona fide visitors as defined by this chapter. Use by any other person constitutes illegal use of a parking permit. Annual visitor permits are valid in green, yellow, red and blue zones, and parking spaces signed for visitor permits only. Daily visitor permits may be assigned to specific zones on a space-available basis. If a parking zone is not specified on the permit, it is valid in the same parking areas as an annual visitor permit. Visitor per-

mits are not valid in pay parking facilities, parking meters, or restricted spaces.

(2) Golden cougar permits. Golden cougar permits are special visitor permits that are issued to retired staff in recognition of their service without additional cost. They are issued on an annual basis and are valid in green, yellow, red, blue zones, and visitor-permit-only parking spaces. Staff who are employed by the university or by other entities located on campus after formal retirement are not eligible to use a golden cougar permit in lieu of a regular paid zone permit.

~~(3) ((President's associates decals. President's associates decals are issued to eligible members of the Washington State University foundation. Use of these decals for parking shall be in accordance with a separate agreement between WSU and the WSU foundation. However, university faculty, staff, and students may not use a president's associates decal or any other parking benefit instrument in lieu of a paid zone permit.~~

~~(4))~~ Conference permits. Conference permits are available to visitors who participate in conferences held on the university campus. They are available on a daily basis only. Conference permits may be assigned to specific zones on a space-available basis. ~~((If a parking zone is not specified on the permit, it is valid in green, yellow, red, blue zones, and visitor permit only parking spaces.))~~ Conference permits are not valid in orange zones, pay parking facilities, parking meters, or restricted spaces.

~~((5))~~ (4) Motorcycle permits. Motorcycle permits are valid within boundaries of areas specifically posted and/or marked for motorcycle permits. Motorcycle permits are available on an annual and daily basis.

~~((6))~~ (5) Moped permits. Moped permits are valid within boundaries of areas specifically posted and/or marked for moped permits. Moped permits are available on an annual and daily basis.

~~((7))~~ (6) Commercial permits. Commercial permits are issued to vendors, suppliers, and service representatives of outside companies performing a service for the university. Commercial permits are available on an annual or daily basis. Annual commercial permits are valid in service zones, parking meters, and green, yellow, red and blue zones, and visitor-permit-only parking spaces. Daily commercial permits may be assigned to specific zones on a space-available basis. Commercial permits are not valid in orange zones or pay parking facilities.

~~((8))~~ (7) Construction permits. A construction permit is issued to personnel who are working on a construction site on campus. Construction permits are available on an annual or daily basis and are assigned to a specific parking area.

~~((9))~~ (8) Housing permits. A housing permit is issued to eligible residents of university-owned housing. Housing permits are valid only in specific housing parking areas.

~~((10))~~ (9) Carpool. Upon application, a bona fide carpool as defined by the campus policies and procedures is given preference in the assignment of parking zones, and issued a permit that facilitates the carpool. Obtaining or using a carpool permit under false pretenses constitutes the illegal use of a permit.

~~((11))~~ (10) Departmental permits. Departmental parking permits are available for use by department employees

who need to use their personal vehicles for university business. Departmental permits are available in different forms and are valid at parking meters; service zones; orange, green, yellow, red, blue, crimson, and gray permit zones; and pay parking facilities. Departmental permits are not valid in reserved spaces. The use of departmental permits for anything other than official departmental business is prohibited by the State Ethics Act.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-810 Violations, fines, and sanctions. (1) Violations and fines. Parking violations are processed by the university. Fines must be paid at the parking department or at other authorized locations, by mail, or from the parking department's web site. Schedules for parking violations, fines, and sanctions are posted in the public area of the parking department office and on the parking department's web site.

(2) Reduction of fines.

(a) The fine for "meter violation" and the fine for "overtime in a timed zone" violation are reduced by one-half if paid within twenty-four hours of time of issuance. Eligible violations received on Friday or Saturday can be paid on the following Monday to satisfy the twenty-four hour requirement. Mailed payment of fines must be postmarked within twenty-four hours to receive the one-half reduction.

(b) ~~((Visitors. The first violation of the notices for "no parking permit" and "no parking permit for this area" issued to a visitor is considered a warning notice upon presentation of the parking ticket to the parking department.~~

~~((c) If a permit holder of record neglects to display his or her permit and receives a notice of violation for "no parking permit," a reduced fine is assessed when possession of a valid parking permit for the location is verified by the parking department within twenty-four hours.~~

~~((d))~~ Internal policies regarding disposition of parking tickets may be established on approval of the vice-president or designee whose responsibilities include supervision of the parking department, under the advisement of the university's internal auditor.

~~((3) ((Inoperable vehicles. It is the owner's responsibility to immediately contact the parking department in the event that the owner's vehicle becomes inoperable when the vehicle is present on campus.~~

(4)) Payment of parking fines. All parking fines are due upon issuance of a parking ticket. Thirty days after date of issuance of a parking ticket, a late fee shall be added to all unpaid parking fines. For example, a parking ticket issued on May 1 would be assessed a late fee on May 31. Failure to pay the fine and fee assessed for any violation results in referral to the university controller's office for collection. The controller or designee may, if other collection efforts fail, withhold the amount of the outstanding fines and fees from damage deposits or other funds held for any student in order to secure payment. Where collection efforts are unsuccessful, the controller or designee may notify the registrar to refrain from issuing student transcripts or to withhold permission to reenroll for a subsequent term until outstanding fines and fees are

paid. The procedures discussed above are not exclusive, however, and failure by anyone to pay fines and fees may also lead to towing or use of the wheel lock device described in these regulations. Nor are the procedures discussed above a precondition to towing or use of the wheel lock.

~~((5))~~ (4) Failure to pay fines. Failure to pay a fine or comply with other penalties assessed pursuant to these regulations, and exhausting or failing to exercise appeals provided for in these regulations, may result in the inability to renew a vehicle license through the state pursuant to RCW 46.16.216.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-880 Fees, fines, and release of an impounded vehicle. The owner of an impounded vehicle may not secure the release of the stored vehicle until payment in full by cash, approved payment card, or money order of fines and fees has been made on all unpaid parking tickets to include the payment of fines and fees related to parking tickets not yet eligible for late fees relating to the vehicle which were issued while the vehicle was owned by the person who owned the vehicle at the time it is wheel locked or towed hereunder, and the owner has paid in full the wheel lock fee, unpaid parking tickets, late fees, storage fees, and towing fees for any and all other vehicles owned by the registered owner.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-930 Bicycles, skateboards, scooters, and ~~((rollerskates)) roller skates.~~ (1) The riding and use of ~~((bicycles,))~~ skateboards, scooters, and ~~((rollerskates)) roller skates~~ is prohibited from the Terrell Pedestrian Mall~~((;))~~ and Library Pedestrian Mall.

(2) The riding and use of bicycles, skateboards, scooters, and roller skates is prohibited on all building plazas, all pedestrian overpasses, interior building spaces, parking structures, ~~((and))~~ parking structure ramps, all stairways, steps, ledges, benches, planting areas, and any other fixtures.

~~((2))~~ (3) Bicycles, skateboards, scooters, and ~~((roller skates))~~ roller skates may be ridden and used on sidewalks outside the prohibited areas when a bike path is not provided. ~~((Operators must move at a safe speed and yield to pedestrians at all times.~~

~~(3) Bicycles, skateboards, and rollerskates may not be ridden on or over stairways, steps, ledges, benches, planting areas, or any other fixtures.)~~

(4) Electric-assisted bicycles must be used in a human propulsion only mode on pedestrian malls and sidewalks.

(5) Motorized foot scooters must be used in a human propulsion only mode on sidewalks.

(6) Operators must move at a safe speed and yield to pedestrians at all times. Reckless or negligent operation of bicycles, skateboards, scooters, and roller skates on any part of campus is prohibited.

(7) Bicyclists must obey all traffic ~~((regulations of the road))~~ laws applying to persons riding bicycles when operating ~~((a))~~ bicycles ~~((in))~~ on roadways.

~~((5))~~ (8) Bicycles may be secured only at bicycle racks and facilities designed for such purpose.

WSR 10-11-084

PERMANENT RULES

WASHINGTON STATE UNIVERSITY

[Filed May 17, 2010, 10:45 a.m., effective July 16, 2010]

Effective Date of Rule: July 16, 2010.

Purpose: The university's rules regarding the State Environmental Policy Act are being updated and clarified to reflect current administrative practices, offices, and titles.

Citation of Existing Rules Affected by this Order: Amending WAC 504-48-015, 504-48-020, 504-48-040, 504-48-050 and 504-48-060; and creating WAC 504-48-065.

Statutory Authority for Adoption: RCW 28B.30.150.

Adopted under notice filed as WSR 10-05-103 on February 17, 2010.

Changes Other than Editing from Proposed to Adopted Version: Nonsubstantive change, the university has merged two units that were previously referenced in WAC 504-48-050, (1) capital planning and development and (2) facilities operations. The language in WAC 504-48-050 is adjusted to accommodate this organizational change.

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 5, Repealed 0.

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Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 5, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 7, 2010.

Ralph T. Jenks, Director
Procedures, Records, and Forms
and University Rules Coordinator

AMENDATORY SECTION (Amending Order 90-3, filed 10/19/90, effective 11/19/90)

WAC 504-48-015 Adoption by reference. The university hereby adopts by reference the 1984 SEPA rules, chapter 197-11 of the Washington Administrative Code, and any amendments thereto, except as follows:

WAC	
197-11-010	Authority.
197-11-020	Purpose.
197-11-030	Policy.
197-11-810	Exemptions and nonexemptions applicable to specific state agencies.
197-11-820	Department of licensing.
197-11-825	Department of labor and industries.
197-11-830	Department of natural resources.
197-11-835	Department of fisheries.
197-11-840	Department of game.

197-11-845	Department of social and health services.
197-11-850	Department of agriculture.
197-11-855	Department of ecology.
197-11-860	Department of transportation.
197-11-865	Utilities and transportation commission.
197-11-870	Department of commerce and economic development.
197-11-875	Other agencies.
197-11-906	Content and consistency of agency procedures.
(197-11-908	Environmentally sensitive areas:)
197-11-910	Designation of responsible official.
197-11-912	Procedures on consulted agencies.
197-11-917	Relationship to chapter 197-10 WAC.
197-11-950	Severability.
197-11-955	Effective date.

AMENDATORY SECTION (Amending Order 90-3, filed 10/19/90, effective 11/19/90)

WAC 504-48-020 Required methods of public notice.

When these rules require notice to be given under WAC 197-11-510, the university shall:

(1) Provide notice in such form as a press release or advertisement in (~~WSU Week, Washington State University Daily Evergreen, and~~) a newspaper of general circulation in the county, city or general area that the proposal is located; and

(2) In the case of site-specific project proposals, post a notice on the proposed site.

AMENDATORY SECTION (Amending Order 90-3, filed 10/19/90, effective 11/19/90)

WAC 504-48-040 Emergencies. Actions that must be undertaken immediately or within a time too short to allow full compliance with these rules, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt from the procedural requirements of this chapter. Such actions include, but are not limited to, the following:

(1) Emergency pollution control actions responding to accidental discharges, leaks or spills into the air, state waters, or on land.

(2) Implementation of a change in waste disposal procedures caused by unanticipated changes in waste sources which are in compliance with federal and state regulations and standards.

(3) Cleanup or decontamination of academic and research facilities or equipment accidentally exposed or contaminated, to permit maintenance, repair or relocation, when the procedures followed are in accordance with federal or state guidelines, recommendations, or standards.

(4) Emergency actions implemented to reduce an imminent hazard to the health and safety of an element of the university resulting from structural failure, equipment malfunction, human error, or natural event.

AMENDATORY SECTION (Amending Order 90-3, filed 10/19/90, effective 11/19/90)

WAC 504-48-050 Designation of responsible official. (~~For the purposes of SEPA, the responsible agency official is:~~

~~Director of Facilities Planning
122 French Administration Building
Washington State University~~

~~Pullman, WA 99164-1010))~~ The responsible agency official is the vice-president, or equivalent, with supervision of the project(s), or his or her designee.

AMENDATORY SECTION (Amending Order 90-3, filed 10/19/90, effective 11/19/90)

WAC 504-48-060 Procedures ~~(of)~~ of consulted agencies. The responsible officer designated in WAC 504-48-050 shall be responsible for coordinating, receiving, and reviewing comments and requests for information from agencies regarding threshold determinations, scoping, EIS's, and supplemental EIS's.

NEW SECTION

WAC 504-48-065 Administrative appeal. There is no administrative appeal of any university determination relating to SEPA. Any appeal must be a judicial appeal under WAC 197-11-680(4).

WSR 10-11-085

PERMANENT RULES

COMMISSION ON

JUDICIAL CONDUCT

[Filed May 17, 2010, 12:22 p.m., effective June 17, 2010]

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

Purpose: CJCRP Rule 28, Reinstatement of Eligibility, the proposed revised language more closely addresses the typical circumstances of a request for reinstatement and clarifies (but does not change) the point that the investigation of a former judge's present fitness for judicial office is confidential. In addition, the proposed revisions clarify that the commission deliberations are confidential and that the reinstatement decision is public.

Citation of Existing Rules Affected by this Order: Amending CJCRP 28.

Statutory Authority for Adoption: WA Const. Art. IV. Sec. 31.

Other Authority: Chapter 2.64 RCW.

Adopted under notice filed as WSR 10-06-104 on March 2, 2010.

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 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: May 14, 2010.

J. Reiko Callner
Executive Director

AMENDATORY SECTION (Amending 96-01 filed 08/13/96)

RULE 28. REINSTATEMENT OF ELIGIBILITY

An individual, whose eligibility for judicial office had been removed by the supreme court, or by resignation and stipulated order (~~(of closure)~~) in a proceeding before the commission, may file with the commission a petition for reinstatement of eligibility. The petition shall set forth the residence and mailing address of the petitioner, the date of removal by the supreme court, or resignation and stipulated order (~~(of closure)~~) in the proceeding before the commission and a concise statement of facts (~~(claimed to)~~) justifying reinstatement. The petition shall be a public document.

The commission may refer the petition to the investigative officer for investigation of the character and fitness of the petitioner to be eligible for holding judicial office. The investigative officer may seek and consider any information from any source that may relate to the issues of character and fitness or the reinstatement. The investigation shall be confidential.

Petitioner shall make an affirmative showing by clear, cogent and convincing evidence, that reinstatement will not be detrimental to the integrity and standing of the judiciary and the administration of justice, or be contrary to the public interest.

In cases where the supreme court has removed the individual's eligibility for judicial office, t(†)he commission will recommend to the supreme court in writing that the petitioner should or should not be reinstated to eligibility to hold judicial office as provided by these rules and the *Discipline Rules for Judges*. In cases where the individual stipulated in a proceeding at the commission level to ineligibility for judicial office, the commission shall deliberate in executive session, and issue a public decision granting or denying the petitioner's reinstatement request for eligibility to hold judicial office. The commission will provide a copy of the recommendation or decision to petitioner or petitioner's lawyer.

The petitioner shall be responsible, and shall make adequate provision, for payment of all costs and reasonable attorneys' fees in these proceedings in a manner determined by the commission. Failure to pay the amount assessed shall be grounds to dismiss the petition.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the commission on judicial conduct and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 10-11-086

PERMANENT RULES

GAMBLING COMMISSION

[Order 668—Filed May 17, 2010, 1:40 p.m., effective July 1, 2010]

Effective Date of Rule: July 1, 2010.

Purpose: This rule change provides guidelines [guidelines] for raffle licensees to follow if their organization requests approval to offer raffle prizes exceeding forty thousand dollars per prize or eighty thousand dollars annually. Raffle licensees who request approval to exceed the prize limits would be required to submit a detailed plan, including a plan to include the goals for the raffle, an overview of the licensee's mission, vision and type of programs supported by the licensee; specific details of the raffle (date of drawing, cost of raffle tickets, prizes available, security of prizes, plans for selling raffle tickets, and description of how the licensee will ensure the integrity of the raffle); an explanation of how the proceeds will be used; a plan to protect the licensee in the event of low ticket sales or other risks; an explanation of how the licensee will purchase prizes for the raffle; and a projected budget.

Citation of Existing Rules Affected by this Order: Amending WAC 230-11-065; and new section WAC 230-11-067.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 10-07-069 on March 16, 2010.

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 1, Repealed 0.

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

Date Adopted: May 17, 2010.

Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 602, filed 9/26/06, effective 1/1/08)

WAC 230-11-065 (~~(Own prizes for raffles before drawing date.)~~) Raffle prizes. (1) Organizations must own the prizes offered to winners before the date of the drawing. However, if the winner has an option to receive a cash prize instead of the merchandise, the organization may enter into a contract to purchase the merchandise prize after the winner chooses his or her option. The organization must have the funds to make the purchase on account before the date of the drawing.

(2) At the time and date of any raffle drawing, the organization must have on deposit an unencumbered amount of money that is equal to or greater than all cash prizes being offered in the raffle. The organization must have these funds deposited in the gambling receipts account, if required, or in a recognized Washington state depository authorized to receive funds. The organization must not reduce the balance of funds available from this account below the required amount before awarding the prize(s).

(3) Raffle prizes must:

(a) Be available at the time and place of the drawing; and
 (b) If cash, be United States currency or an equivalent amount of negotiable instruments; and

(c) For licensees, not exceed forty thousand dollars per prize or eighty thousand dollars in total raffle prizes in a license year(~~(-The commissioners may vote to permit licensees to exceed these limits on specific occasions if the licensees show good cause in writing))~~, except as authorized in WAC 230-11-067.

NEW SECTION

WAC 230-11-067 Requesting approval to offer raffle prizes exceeding forty thousand dollars per prize or eighty thousand dollars annually. The commissioners may vote to approve a licensee to exceed raffle prize limits on specific occasions if a licensee shows good cause in writing.

The licensee must submit a raffle plan to us that includes at least the following information:

(1) The organization's goals for conducting the raffle; and

(2) A brief overview of the licensee's mission and vision including the type of programs supported by the licensee and clients served; and

(3) Specific details of the raffle rules including:

- (a) Date of the drawing; and
- (b) Cost of raffle tickets; and
- (c) Prizes available; and
- (d) Security of prizes; and
- (e) Plans for selling raffle tickets; and
- (f) Description of how the licensee protects the integrity of the raffle; and

(4) An explanation of how the proceeds from the raffle will be used; and

(5) A plan to protect the licensee in the event of low ticket sales and other risks; and

(6) An explanation of how the licensee will purchase the prize(s) for the raffle; and

(7) A projected budget including:

(a) Estimated gross gambling receipts, expenses, and net income for the raffle; and

(b) Minimum number of projected ticket sales to break even; and

(c) Corresponding sales and prize levels with projected revenues and expenses for each level; and

(d) Minimum and maximum prizes available; and

(8) Any other information that we request or any information the licensee wishes to submit.

WSR 10-11-087 PERMANENT RULES GAMBLING COMMISSION

[Order 669—Filed May 17, 2010, 1:41 p.m., effective July 1, 2010]

Effective Date of Rule: July 1, 2010.

Purpose: A majority of card room licensees use on-line banking. This rule change allows licensees and staff to use on-line access to bank accounts to verify player-supported jackpot funds and progressive jackpot prize funds. This rule change will bring our rules up-to-date with current technology, while not compromising the integrity of our regulatory program. The change codifies current agency practice.

Citation of Existing Rules Affected by this Order: Amending WAC 230-15-720 and 230-15-400.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 10-07-068 on March 16, 2010.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: May 17, 2010.

Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 660, filed 9/11/09, effective 1/1/10)

WAC 230-15-400 Accounting for player-supported jackpot funds. Class F or house-banked licensees must:

(1) Maintain a separate bank account in a bank, mutual savings bank, or credit union in Washington state for holding player-supported jackpot (PSJ) funds; and

(2) Deposit only funds from PSJs into the account; and

(3) Not make payouts from the PSJ funds until licensees have first deposited the funds in the PSJ account. However, licensees may pay out prizes won during the gambling day and deduct administrative expenses before licensees deposit the funds; and

(4) Transfer or deposit the PSJ funds into the PSJ account or with an armored car service no later than the second banking day after the close of business; and

(5) Identify all deposits or transfers of PSJ funds by the type of PSJ fund and date of collection. Licensees must keep the validated deposit receipts or transfer information as a part of their required daily records or have on-line access to their player-supported jackpot bank accounts; and

(6) Transfer the amount from the PSJ account to the cage or general account before the end of the month if PSJ prizes are paid from the cage or general account. The licensee must keep the transfer information as part of the written records; and

(7) Reconcile the account balance in their bank statement to the PSJ prize balance on their PSJ fund accrual record each month. "Reconcile" means the licensee must compare the two balances, resolve any differences, and document the comparison and the differences in writing. Licensees must keep the reconciliation as part of their records.

AMENDATORY SECTION (Amending Order 608, filed 4/10/07, effective 1/1/08)

WAC 230-15-720 Deposit and reconciliation requirements for progressive jackpot prizes. (1) House-banked card game licensees must deposit all progressive jackpot funds in a separate bank account at least weekly.

(2) Licensees must:

- (a) Keep a record of all deposits; and
- (b) For each progressive prize, identify the deposits by game name and number and dates of collection; and
- (c) Maintain validated deposit slips as part of their records or have on-line access to their progressive jackpot prize bank accounts.

(3) At the end of the month, licensees must:

- (a) Reconcile the account balance with the bank statement to the progressive jackpot fund balances. "Reconcile" means the licensee must compare the two balances, resolve any differences, and document the comparison and the differences in writing; and
- (b) Keep the reconciliation as part of their records.

WSR 10-11-103
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 18, 2010, 10:33 a.m., effective July 1, 2010]

Effective Date of Rule: July 1, 2010.

Purpose: The department is updating the American National Standards Institute (ANSI) reference to the most current edition. This change will update from the 1970 edition to the 1997 edition. The ANSI being updated is A10.9-1997, Concrete and Masonry Work Safety Requirements. In addition, an internal reference was also updated.

WAC 296-155-680 General provisions.

- Subsection (1) - updated the ANSI reference from "A10.9-1970 Safety Requirements for Concrete Construction and Masonry Work" to "A10.9-1997 Concrete and Masonry Work Safety Requirements."
- Subsection (7)(c) - after the word "guyed" changed the "and" to "or."

WAC 296-155-683 Concrete finishing.

- Subsection (1) - updated the reference from "chapter 296-155 WAC, Part J-1, Scaffolds" to "chapter 296-874 WAC, Scaffolds."

These revisions will make the requirements of the division of occupational safety and health's concrete, concrete forms, shoring, and masonry construction standard consistent with current industry practices, thereby eliminating confusion and clarifying employer obligations. Eliminating confusion and clarifying employer obligations should increase employee safety while reducing compliance costs.

Citation of Existing Rules Affected by this Order: Amending 2 [WAC 296-155-680 and 296-155-683].

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

Other Authority: Chapter 49.17 RCW.

Adopted under notice filed as WSR 10-04-093 on February 2, 2010.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: May 18, 2010.

Judy Schurke
Director

AMENDATORY SECTION (Amending WSR 00-14-058, filed 7/3/00, effective 10/1/00)

WAC 296-155-680 General provisions. (1) General. All equipment, material and construction techniques used in concrete construction and masonry work shall meet the applicable requirements for design, construction, inspection, testing, maintenance and operations as prescribed in ANSI ((A10.9-1970)) A10.9-1997, ((Safety Requirements for)) Concrete ((Construction)) and Masonry Work Safety Requirements.

(2) Construction loads. No construction loads shall be placed on a concrete structure or portion of a concrete structure unless the employer determines, based on information received from a person who is qualified in structural design, that the structure or portion of the structure is capable of supporting the loads.

(3) Vertical loads. Vertical loads consist of a dead load plus an allowance for live load. The weight of formwork together with the weight of freshly placed concrete is dead load. The live load consists of the weight of workers, equip-

ment, runways and impact, and shall be computed in pounds per square foot (psf) of horizontal projection.

(4) Lateral loads. Braces and shores shall be designed to resist all foreseeable lateral loads such as wind, cable tensions, inclined supports, impact of placement, and starting and stopping of equipment. The assumed value of load due to wind, impact of concrete, and equipment acting in any direction at each floor line shall not be less than one hundred pounds per lineal foot of floor edge or two percent of total dead load of the floor, whichever is greater. Wall forms shall be designed for a minimum wind load of ten psf, and bracing for wall forms should be designed for a lateral load of at least one hundred pounds per lineal foot of wall, applied at the top. Walls of unusual height require special consideration.

(5) Special loads. Formwork shall be designed for all special conditions of construction likely to occur, such as unsymmetrical placement of concrete, impact of machine-delivered concrete, uplift, and concentrated loads.

(6) Form supports and wedges shall be checked during concrete placement to prevent distortion or failure.

(7) Reinforcing steel.

(a) All protruding reinforcing steel, onto and into which employees could fall, shall be guarded to eliminate the hazard of impalement.

(b) Wire mesh rolls: Wire mesh rolls shall be secured at each end to prevent dangerous recoiling action.

(c) Guying: Reinforcing steel for walls, piers, columns, and similar vertical structures shall be guyed (~~and~~) or supported to prevent overturning and to prevent collapse.

(8) Post-tensioning operations.

(a) No employee (except those essential to the post-tensioning operations) shall be permitted to be behind the jack during tensioning operations.

(b) Signs and barriers shall be erected to limit employee access to the post-tensioning area during tensioning operations.

(9) Working under loads.

(a) No employee shall be permitted to work under concrete buckets while buckets are being elevated or lowered into position.

(b) To the extent practical, elevated concrete buckets shall be routed so that no employee, or the fewest number of employees, are exposed to the hazards associated with falling concrete buckets.

(10) Personal protective equipment.

(a) No employee shall be permitted to apply a cement, sand, and water mixture through a pneumatic hose unless the employee is wearing protective head and face equipment.

(b) No employee shall be permitted to place or tie reinforcing steel more than six feet (1.8 m) above any adjacent working surface unless the employee is protected by personal fall arrest systems, safety net systems, or positioning device systems meeting the criteria of chapter 296-155 WAC, Part C-1.

(c) Each employee on the face of formwork or reinforcing steel shall be protected from falling 6 feet (1.8m) or more to lower levels by personal fall arrest systems, safety net systems, or positioning device systems meeting the criteria of chapter 296-155 WAC, Part C-1.

AMENDATORY SECTION (Amending WSR 98-05-046, filed 2/13/98, effective 4/15/98)

WAC 296-155-683 Concrete finishing. (1) Scaffolds for use of cement finishers shall comply with the requirements of chapter (~~296-155~~) 296-874 WAC, (~~Part J-1~~) Scaffolds.

(2) Where grinders, chippers, and other equipment is used which creates a thrust force while working on scaffolding, such scaffold shall be securely tied to a structure or held in with weighted drop lines.

(3) Grinding and dressing operations carried on within closed rooms, stairwells, elevator shafts, etc., shall be provided with forced air ventilation.

(4) Grinding machine operators shall wear respirators whenever machines are in operation or where dust hazard exists.

(5) Eye protection shall be worn by workers engaged in grinding, chipping, or sacking concrete as required by WAC 296-155-215.

WSR 10-11-105
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 18, 2010, 10:40 a.m., effective July 1, 2010]

Effective Date of Rule: July 1, 2010.

Purpose: The definition of the term "hospitalization" is being clarified to reduce confusion and bring our rules into line with Occupational Safety and Health Administration's interpretation of the word.

There was some confusion about the requirement to report a hospitalization within eight hours in chapter 296-800 WAC, Safety and health core rules. This rule making will clarify that employers or an agent for the employer must report an employee's hospitalization within eight hours of the time the incident is reported to the employer or an agent of the employer.

Citation of Existing Rules Affected by this Order: Amending 1 [WAC 296-800-32005].

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

Other Authority: Chapter 49.17 RCW.

Adopted under notice filed as WSR 10-04-095 on February 2, 2010.

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

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: May 18, 2010.

Judy Schurke
Director

AMENDATORY SECTION (Amending WSR 08-05-012, filed 2/8/08, effective 4/1/08)

WAC 296-800-32005 Report the death, probable death of any employee, or the in-patient hospitalization of any employee within 8 hours. (1) You must report to us within eight hours of an incident that:

- Causes a fatal or possibly fatal injury
- Causes injury requiring in-patient hospitalization of any employee

To report, contact your nearest labor and industries office by phone or in person, or call the OSHA toll-free hotline, 1-800-321-6742.

EXCEPTION: ((If you do not learn of a reportable incident when it happens, you must report it within eight hours of learning about the incident.)) If any employer does not learn of a reportable incident at the time it occurs and the incident would otherwise be reportable under this subsection, the employer shall make a report within eight hours of the time the incident is reported to any agent or employee of the employer.

(2) Your report must include:

- Establishment name
- Location of the incident
- Time of the incident
- Number of fatalities, hospitalized employees, or pesticide exposures
- Contact person
- Phone number
- Brief description of the incident

(3) Fatalities or hospitalizations that occur within thirty days of an incident must also be reported.

WSR 10-11-119

PERMANENT RULES

DEPARTMENT OF HEALTH

(Veterinary Board of Governors)

[Filed May 18, 2010, 5:26 p.m., effective June 18, 2010]

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

Purpose: In response to HB 1331 (chapter 235, Laws of 2007) these rules identify standard tasks and procedures that must be included during the training of veterinary technician candidates who qualify to sit for the licensing examination through practical experience, and include the supervising veterinarian's attestations to the completion of the required tasks and procedures.

Statutory Authority for Adoption: RCW 18.92.128.

Adopted under notice filed as WSR 10-06-057 on February 24, 2010.

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 14, 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 14, Amended 0, Repealed 0.

Date Adopted: April 12, 2010.

Timothy D. Gintz, DVM, Chair
Veterinary Board of Governors

QUALIFYING PRACTICAL EXPERIENCE

NEW SECTION

WAC 246-935-145 Purpose and performance of practical experience standard tasks and procedures. (1)

The purpose of these rules is to identify knowledge areas and standard tasks and procedures that must be included in the practical experience of a person who qualifies to take the veterinary technician licensing examination through 9500 hours of experience gained within the last seven years. The rules provide categories of required knowledge areas, tasks and procedures.

(2) The supervising veterinarian will attest to the candidate's knowledge and completion of the required tasks and procedures for the categories of animal on forms provided by the secretary.

(3) The tasks and procedures will be performed under the appropriate supervision by the licensed veterinarian under WAC 246-935-040, 246-935-050, and 246-935-235.

NEW SECTION

WAC 246-935-150 Definitions. The definitions in this section apply to WAC 246-935-145 through 246-935-255 unless the context clearly requires otherwise.

"Board" means the veterinary board of governors.

"Categories of animals" means:

- (a) Companion animals - dogs and cats;
- (b) Avian and exotic animals;
- (c) Equine;
- (d) Food animal and camelids - ruminants and nonruminants;
- (e) Large animal includes equine, food animals, and camelids - ruminants and nonruminants.

"Knowledge based demonstration of experience" means the candidate can verbally, in writing, or schematically demonstrate an understanding of the essential principles necessary for successful completion of a required task or procedure.

"Practical demonstration of experience" means the candidate can demonstrate the successful completion of the required task or procedure.

"Practical experience" means a minimum of five years (9500 hours) of full-time experience within a seven year period during which a candidate completes required tasks and procedures consistent with the scope of practice of a licensed veterinary technician.

"Secretary" means the secretary of the department of health.

"Supervising veterinarian" means the licensed veterinarian who provides written attestation to the demonstration of knowledge and completion of experience in the required tasks and procedures.

"Trainee" means a person who:

(a) Has submitted documentation to the board of 7600 hours of experience as an unregistered assistant, or other substantially equivalent training approved by the board; and

(b) Has provided a written declaration of his or her intention to sit for the Veterinary Technician National Examination, or other examination approved by the board, within the next calendar year; and

(c) Possesses a current registration as a veterinary medication clerk as provided in this chapter; and

(d) Has received written confirmation from the board that he or she is designated as a "trainee."

NEW SECTION

WAC 246-935-160 Basic veterinary science knowledge. The supervising veterinarian will attest to knowledge and completion of the following tasks and procedures related to basic veterinary science.

(1) General animal knowledge (husbandry, nutrition, species and breed identification, behavior and grooming).

(2) Anatomy, physiology, and organ systems.

(3) Restraint techniques.

(4) Euthanasia techniques and protocol.

(5) Medical charting, documentation, and veterinary terminology.

NEW SECTION

WAC 246-935-170 Clinical/pathology and laboratory diagnostics. The supervising veterinarian will attest to knowledge and completion of the following tasks and procedures related to clinical/pathology and laboratory diagnostics.

(1) Parasitology.

(2) Serology/hematology.

(3) Ophthalmologic testing.

(4) Urinalysis.

(5) Microbiology.

(6) Necropsy.

(7) Cytology.

NEW SECTION

WAC 246-935-180 Hospital standard operating procedures, instruments, and equipment. The supervising veterinarian will attest to knowledge and completion of the fol-

lowing tasks and procedures related to hospital standard surgical operating procedures, instruments, and equipment.

(1) Surgery room preparation and protocol.

(2) Equipment operation and maintenance.

(3) Routine patient treatment.

NEW SECTION

WAC 246-935-190 Anesthesia and emergency procedures. The supervising veterinarian will attest to completion of the following tasks, procedures, and knowledge related to anesthesia and emergency procedures.

(1) Triage. Assessment, recognition, and response to common veterinary emergencies.

(2) General anesthesia.

NEW SECTION

WAC 246-935-200 Pharmacy. The supervising veterinarian will attest to knowledge and completion of the following tasks and procedures related to clinical and legal pharmacy practices.

(1) Veterinary medication clerk certification as required in RCW 18.92.015.

(2) Major drug categories, pharmacology, uses, and side effects.

(3) Pharmacy law as related to controlled substances.

NEW SECTION

WAC 246-935-210 Public health, infectious diseases, and zoonosis. The supervising veterinarian will attest to knowledge and completion of the following tasks and procedures related to infectious diseases and zoonosis.

(1) Pathology, epidemiology and prevention and treatment of common diseases and zoonosis.

(2) Vaccinations and basic immunology.

(3) Public health and safety issues.

NEW SECTION

WAC 246-935-220 Dental. The supervising veterinarian will attest to completion of the following tasks and procedures and equipment knowledge related to dentistry.

(1) Dental and oral anatomy, charting, and nomenclature.

(2) Teeth cleaning, polishing, hand instrumentation, and standard dental equipment.

(3) Dental disease treatment, diagnostics, pathology, and prevention.

NEW SECTION

WAC 246-935-230 Imaging equipment and techniques. The supervising veterinarian will attest to completion of the following tasks and procedures and equipment knowledge related to veterinary imaging.

(1) Radiology.

(2) Additional imaging technology.

NEW SECTION

WAC 246-935-235 Supervised practical experience and unlicensed practice. (1) A trainee performing the last 1900 hours of practical experience required before taking the veterinary technician exam, under appropriate supervision as set forth in this chapter, shall not be found to have engaged in the unlicensed practice of veterinary medicine or the unlicensed practice of a veterinary technician.

(2) During the last 1900 hours of the supervised practical experience period, the trainee may perform the same tasks as a licensed veterinary technician as set forth in WAC 246-935-050, but only under the immediate supervision of a licensed veterinarian.

NEW SECTION

WAC 246-935-240 Trainee. (1) A trainee is a person who:

(a) Has submitted documentation to the board of 7600 hours of experience as an unregistered assistant, or other substantially equivalent training approved by the board; and

(b) Has provided a written declaration of his or her intention to sit for the veterinary technician national examination, or other examination approved by the board, within the next calendar year; and

(c) Possesses a current registration as a veterinary medication clerk as provided in this chapter.

(2) The trainee designation is valid until the results of the examination scores referred to in subsection (1)(b) of this

section are available or for a period not to exceed one calendar year, whichever occurs first.

(3) If a trainee fails to complete the supervised experience requirements within the last calendar year of the supervised experience time period, or any time extension granted by the board, the person's trainee status expires and the person may only perform tasks as an unregistered assistant.

(4) The board may grant an extension of the time in which a trainee may complete the supervised experience requirements due to illness or other extenuating circumstances. Trainees seeking an extension must petition the board, in writing, at least forty-five days prior to the expiration of the trainee period.

NEW SECTION

WAC 246-935-250 Supervising veterinarian's attestation. The supervising veterinarian shall complete an attestation, on forms provided by the secretary, verifying successful completion of the required tasks and procedures. These forms are set forth in WAC 246-935-255. The attestation shall include at a minimum:

- (1) Identification or description of the procedure or task.
- (2) Identification of the individual performing the task or procedure.
- (3) Identification of the supervising veterinarian.
- (4) Date the task or procedure was completed.
- (5) Whether the procedure or task was completed using practical demonstration of experience or knowledge based demonstration of experience.

NEW SECTION

WAC 246-935-255 Forms. (1) Checklist for WAC 246-935-160(1) general animal knowledge.

ATTESTATION OF SUPERVISING VETERINARIAN

Veterinary Technician Practical Experience Task: Form 1

Checklist for WAC 246-935-160(1) general animal knowledge

GENERAL ANIMAL KNOWLEDGE (HUSBANDRY, NUTRITION, SPECIES AND BREED IDENTIFICATION, BEHAVIOR AND GROOMING)

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
Check items as completed. Complete all items in each section.			
GENERAL ANIMAL KNOWLEDGE			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
PRACTICAL DEMONSTRATION/COMPANION ANIMAL			
Properly perform nail trim and anal gland expression on canine.	<input type="checkbox"/>		
Properly perform nail trim and anal gland expression on feline.	<input type="checkbox"/>		
Properly perform bathing of canine.	<input type="checkbox"/>		
Properly perform bathing of feline.	<input type="checkbox"/>		

Demonstrate the ability to identify major cat and dog breeds and physical descriptive terminology.	<input type="checkbox"/>		
KNOWLEDGE BASE/COMPANION ANIMAL			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Describe daily water and calorie intake requirements for canine and feline.	<input type="checkbox"/>		
Describe the dietary importance of: Carbohydrates, protein, fat, minerals, and water.	<input type="checkbox"/>		
Describe difference between pica and coprophagia.	<input type="checkbox"/>		
Describe three common feline behavioral problems and possible solutions.	<input type="checkbox"/>		
Describe three common canine behavioral problems and possible solutions.	<input type="checkbox"/>		
Describe the gestation period for canine and feline species.	<input type="checkbox"/>		
Describe core vaccines provided to canine and feline.	<input type="checkbox"/>		
Describe the differences between live vaccine, modified and killed.	<input type="checkbox"/>		
Describe the signs of the estrous cycle in canines.	<input type="checkbox"/>		
Describe the protocol for worming and vaccinations in puppies and kittens.	<input type="checkbox"/>		
Describe the minimum caging requirement for avian husbandry.	<input type="checkbox"/>		
Describe the feathers included when trimming wings of birds to prevent flying.	<input type="checkbox"/>		
Describe the basic characteristics seen in the different canine breed groups: Herding, hunting, working dog, terrier, etc.	<input type="checkbox"/>		
PRACTICAL DEMONSTRATION/LARGE ANIMAL			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Successfully prepare a tail tie and tail wrap on a horse.	<input type="checkbox"/>		
Clean hooves of a horse.	<input type="checkbox"/>		
	<input type="checkbox"/>		
KNOWLEDGE BASE/LARGE ANIMAL			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Describe three common equine behavioral problems and possible solutions.	<input type="checkbox"/>		
Accurately identify animals in the correct species for ovine, porcine, caprine, and bovine.	<input type="checkbox"/>		
Describe different methods for identification of large animals (tattoos and various locations, hot branding, hoof branding, trichoglyphs, and freeze branding).	<input type="checkbox"/>		
Describe gestation period for equine, bovine, caprine, porcine and ovine.	<input type="checkbox"/>		
Describe core vaccines for equine.	<input type="checkbox"/>		
Describe three stages of equine labor, signs and associated timelines.	<input type="checkbox"/>		
Describe "foal heat diarrhea."	<input type="checkbox"/>		
Describe when worming and vaccination should occur for foals.	<input type="checkbox"/>		

Supervising veterinarian signature	
I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.	
SIGNATURE OF SUPERVISING VETERINARIAN	DATE SIGNED

(2) Checklist for WAC 246-935-160(2) anatomy, physiology and organ systems.

ATTESTATION OF SUPERVISING VETERINARIAN

Veterinary Technician Practical Experience Task: Form 2

Checklist for WAC 246-935-160(2) anatomy, physiology and organ systems

ANATOMY, PHYSIOLOGY AND ORGAN SYSTEMS

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
<i>Check items as completed. Complete all items in each section.</i>			
ANATOMY, PHYSIOLOGY AND ORGAN SYSTEMS			
<i>KNOWLEDGE BASE/COMPANION ANIMAL</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Accurately describe the body cavities and their subdivisions for canine and feline species.	<input type="checkbox"/>		
Describe the following fractures: Greenstick, transverse, oblique, spiral, comminuted, and physeal.	<input type="checkbox"/>		
Define the difference between cell, tissue, organ and system.	<input type="checkbox"/>		
Define the following visceral terms: Peritoneum, pleura, pericardium.	<input type="checkbox"/>		
Define terms associated with physiology: Atrophy, hypertrophy, aplasia, hyperplasia, hypoplasia, metabolism, anabolism, catabolism, osmosis, isotonic, hypertonic, and hypotonic.	<input type="checkbox"/>		
List the functions of water in the body and the difference between intracellular and intercellular fluid.	<input type="checkbox"/>		
Define the functions of protein in the body.	<input type="checkbox"/>		
Define the process of phagocytosis.	<input type="checkbox"/>		
Describe the four primary types of tissues in the body.	<input type="checkbox"/>		
Describe four epithelial cells in the body.	<input type="checkbox"/>		
Define osteocyte, osteoblast, and osteoclast.	<input type="checkbox"/>		
Define the structure of the following long bones: Epiphysis, diaphysis, cancellous bone, and compact bone.	<input type="checkbox"/>		
List vertebral formula for dogs.	<input type="checkbox"/>		
List three types of cartilage and where found (hyaline, elastic, and fibro).	<input type="checkbox"/>		
List three primary types of joints and where found (fibrous, cartilaginous, synovial).	<input type="checkbox"/>		
Define the difference between a tendon and a ligament.	<input type="checkbox"/>		

List three types of muscle tissue and where found (smooth, cardiac, and skeletal).	<input type="checkbox"/>		
Define the following movement terms: Abduction, adduction, flexion, extension, pronation, and supination.	<input type="checkbox"/>		
Define EKG wave and what each segment represents in terms of heart electrical conduction.	<input type="checkbox"/>		
Describe portal circulation.	<input type="checkbox"/>		
Describe pulmonary circulation.	<input type="checkbox"/>		
Describe systemic circulation.	<input type="checkbox"/>		
Describe the digestive process from ingestion to defecation.	<input type="checkbox"/>		
Describe the primary functions of the liver.	<input type="checkbox"/>		
Describe the disorder called portal systemic shunt.	<input type="checkbox"/>		
Describe the difference between sympathetic and parasympathetic nervous system and the actions of each.	<input type="checkbox"/>		
List in order the segments of the intestine.	<input type="checkbox"/>		
Describe three protective layers of central nervous system and the term "blood brain barrier."	<input type="checkbox"/>		
Describe the structure of the respiratory system in order.	<input type="checkbox"/>		
Define the terms pneumothorax, hemothorax, pyothorax, and chylothorax.	<input type="checkbox"/>		
Define surfactant and atelectasis.	<input type="checkbox"/>		
Define the terms eupnea, apnea, dyspnea, polypnea, hyperpnea, and hypercapnia.	<input type="checkbox"/>		
List five openings to the pharynx.	<input type="checkbox"/>		
List four parts of the larynx.	<input type="checkbox"/>		
Describe five primary functions of the kidney.	<input type="checkbox"/>		
List common waste products found in urine.	<input type="checkbox"/>		
Describe the organs of the urinary system.	<input type="checkbox"/>		
Describe the process of urine formation in the kidneys.	<input type="checkbox"/>		
Define estrogen and progesterone and when and where produced.	<input type="checkbox"/>		
Describe five stages of estrous cycle in canine and what is occurring in each stage.	<input type="checkbox"/>		
Describe "seasonally polyestrous" and list two species associated with this.	<input type="checkbox"/>		
Define colostrum, its importance and time sensitive nature.	<input type="checkbox"/>		
Define ovariohysterectomy.	<input type="checkbox"/>		
Describe pituitary gland and the hormones secreted in anterior and posterior section.	<input type="checkbox"/>		
Define os penis and in what species it occurs.	<input type="checkbox"/>		
Define the two thyroid gland hormones and importance of each.	<input type="checkbox"/>		
Define the parathyroid gland and its importance.	<input type="checkbox"/>		
Describe adrenal glands, location, and importance.	<input type="checkbox"/>		
Describe the location and importance of the pancreas.	<input type="checkbox"/>		
Describe difference between T and B cells and where formed.	<input type="checkbox"/>		
Define canine "tie" and how it is resolved.	<input type="checkbox"/>		
Describe fetal circulation and problems with patent ductus arteriosus.	<input type="checkbox"/>		
Define origin and insertion in terms of anatomical structures.	<input type="checkbox"/>		
Demonstrate knowledge and terminology of the bones of the limbs, axial, skeleton, and the skull.	<input type="checkbox"/>		

	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
KNOWLEDGE BASE/LARGE ANIMAL			
Identify the body cavities in the horse and their subdivisions.	<input type="checkbox"/>		
List vertebral formula for a horse.	<input type="checkbox"/>		
List the four parts of the bovine stomach and what occurs in each part.	<input type="checkbox"/>		
Define "hardware disease" seen in cattle.	<input type="checkbox"/>		
Describe "gastric groove" associated with young bovine and importance.	<input type="checkbox"/>		
Describe "heaves" in a horse and what physical changes you would see.	<input type="checkbox"/>		
Describe parts of hoof in a horse.	<input type="checkbox"/>		
Describe "proud flesh" seen in horses.	<input type="checkbox"/>		
Demonstrate knowledge and terminology of the bones of the limbs, axial, skeleton, and the skull.	<input type="checkbox"/>		
Supervising veterinarian signature I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named Veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(3) Checklist for WAC 246-935-160(3) restrain techniques.

ATTESTATION OF SUPERVISING VETERINARIAN

Veterinary Technician Practical Experience Task: Form 3

Checklist for WAC 246-935-160(3) restraint techniques

RESTRAINT TECHNIQUES

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
Check items as completed. Complete all items in each section.			
RESTRAINT TECHNIQUES			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
PRACTICAL DEMONSTRATION/COMPANION ANIMAL			
Demonstrate the following restraints:	<input type="checkbox"/>		
• Canine sternal recumbency restraint.	<input type="checkbox"/>		
• Canine lateral recumbency restraint.	<input type="checkbox"/>		
• Canine cephalic venipuncture restraint.	<input type="checkbox"/>		
• Canine saphenous venipuncture restraint.	<input type="checkbox"/>		
• Canine jugular venipuncture restraint.	<input type="checkbox"/>		
• Canine eye/ear medication restraint.	<input type="checkbox"/>		
• Canine intramuscular injection or nail trim restraint.	<input type="checkbox"/>		
• Canine gauze muzzle application.	<input type="checkbox"/>		

• Canine nylon/leather muzzle application.	<input type="checkbox"/>		
• Feline cephalic venipuncture restraint.	<input type="checkbox"/>		
• Feline jugular venipuncture.	<input type="checkbox"/>		
• Feline sternal recumbency "cat press" restraint.	<input type="checkbox"/>		
• Feline lateral recumbency "cat stretch" restraint.	<input type="checkbox"/>		
• Feline towel restraint.	<input type="checkbox"/>		
• Feline muzzle application.	<input type="checkbox"/>		
KNOWLEDGE BASE/COMPANION ANIMAL			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Describe the use of a rabies pole.	<input type="checkbox"/>		
PRACTICAL DEMONSTRATION/LARGE ANIMAL			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Demonstrate haltering and leading a large animal.	<input type="checkbox"/>		
KNOWLEDGE BASE/LARGE ANIMAL			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Describe a chain lead with halter already in place on horse.	<input type="checkbox"/>		
Describe a chain or rope nose twitch to a haltered horse.	<input type="checkbox"/>		
Describe a tail restraint in bovine patient.	<input type="checkbox"/>		
KNOWLEDGE BASE/AVIAN			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Describe a beak trim restraint.	<input type="checkbox"/>		
Describe a pedicure restraint.	<input type="checkbox"/>		
Describe a wing trim restraint.	<input type="checkbox"/>		
Describe a blood draw restraint.	<input type="checkbox"/>		
Describe a medication administration restraint.	<input type="checkbox"/>		
KNOWLEDGE BASE/FERRET			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Describe a physical exam restraint.	<input type="checkbox"/>		
Describe a pedicure restraint.	<input type="checkbox"/>		
Describe a blood draw restraint.	<input type="checkbox"/>		
Describe a medication administration restraint.	<input type="checkbox"/>		
KNOWLEDGE BASE/RABBIT			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Describe a pedicure restraint.	<input type="checkbox"/>		
Describe a tooth trimming restraint.	<input type="checkbox"/>		
Describe a physical exam restraint.	<input type="checkbox"/>		
Describe a blood draw restraint.	<input type="checkbox"/>		

Describe a medication administration restraint.	<input type="checkbox"/>		
Describe the most common injury in rabbit restraints.	<input type="checkbox"/>		
KNOWLEDGE BASE/RODENT			
Describe a pedicure restraint.	<input type="checkbox"/>		
Describe a tooth trimming restraint.	<input type="checkbox"/>		
Describe a physical exam restraint.	<input type="checkbox"/>		
Describe a blood draw restraint.	<input type="checkbox"/>		
Describe a medication administration restraint.	<input type="checkbox"/>		
Describe the difference in restraint between a mouse and a rat.	<input type="checkbox"/>		
Supervising veterinarian signature I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(4) WAC 246-935-160(4) checklist for euthanasia techniques and protocols.

ATTESTATION OF SUPERVISING VETERINARIAN

Veterinary Technician Practical Experience Task: Form 4

Checklist for Euthanasia Techniques and Protocols

EUTHANASIA TECHNIQUES AND PROTOCOLS

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
Check items as completed. Complete all items in each section.			
EUTHANASIA TECHNIQUES AND PROTOCOLS			
PRACTICAL DEMONSTRATION			
Demonstrate the explanation to a companion animal owner about what to expect during and immediately after euthanasia of a cat or dog by venous lethal injection.	<input type="checkbox"/>		
KNOWLEDGE BASE			
Describe how the following are important in determining a method of euthanasia.	<input type="checkbox"/>		
• Safety (personal, of bystanders, of the environment).	<input type="checkbox"/>		
• Intended post-mortem diagnostics.	<input type="checkbox"/>		
• Intended consumption/use of animal products.	<input type="checkbox"/>		

• Disposal of remains.	<input type="checkbox"/>		
Describe the two main things that must happen prior to death in order for euthanasia to be considered humane.	<input type="checkbox"/>		
• Minimal stress, pain and anxiety of the animal.	<input type="checkbox"/>		
• Unconsciousness.	<input type="checkbox"/>		
Describe the pros and cons of the following general forms of euthanasia.	<input type="checkbox"/>		
• Lethal chemical injection.	<input type="checkbox"/>		
• Mechanical (gunshot, captive bolt, cervical disarticulation, pithing).	<input type="checkbox"/>		
• Lethal inhalant.	<input type="checkbox"/>		
• Stunning with exsanguination.	<input type="checkbox"/>		
Explain why freezing alone is not considered a humane form of euthanasia.	<input type="checkbox"/>		
Demonstrate the correct place on a cow skull for gunshot or stunning.	<input type="checkbox"/>		
Describe the content and reason for a euthanasia release form.	<input type="checkbox"/>		
Supervising veterinarian signature			
I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(5) WAC 246-935-160(5) checklist medical records.

ATTESTATION OF SUPERVISING VETERINARIAN

Veterinary Technician Practical Experience Task: Form 5

Checklist for WAC 246-935-160(5) medical records

MEDICAL RECORDS

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
Check items as completed. Complete all items in each section.			
MEDICAL RECORDS			
<i>PRACTICAL DEMONSTRATION</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Write at least five legally accurate and complete entries into a medical record consistent with Washington state law.	<input type="checkbox"/>		
<i>KNOWLEDGE BASE</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
You have just administered a drug to a veterinary patient: Under Washington state law, list the five things that must be legally recorded in the medical record for this action.	<input type="checkbox"/>		

Define what each letter of the acronym "SOAP" means in relation to medical record entries.	<input type="checkbox"/>		
Discuss the term "informed consent."	<input type="checkbox"/>		
Define signalment.	<input type="checkbox"/>		
Describe presenting complaints and patient history (signs vs presumed diagnosis).	<input type="checkbox"/>		
Discuss what information to include in the record and the use of non-leading questions.	<input type="checkbox"/>		
Supervising veterinarian signature I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(6) WAC 246-935-170(1) checklist for parasitology.

ATTESTATION OF SUPERVISING VETERINARIAN

Veterinary Technician Practical Experience Task: Form 6

Checklist for WAC 246-935-170(1) parasitology

PARASITOLOGY

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
Check items as completed. Complete all items in each section.			
PARASITOLOGY			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
<i>PRACTICAL DEMONSTRATION/COMPANION AND LARGE ANIMAL</i>			
Perform proper set up of fecal direct smear.	<input type="checkbox"/>		
Perform proper set up of fecal flotation.	<input type="checkbox"/>		
Perform proper set up of Baehrman flotation.	<input type="checkbox"/>		
Accurately identify protozoa in fecal sample including <i>Coccidia</i> and <i>Giardia</i> .	<input type="checkbox"/>		
Accurately identify roundworm, hookworm, and whipworm eggs in fecal sample.	<input type="checkbox"/>		
Accurately identify spirochetes and bacteria in fecal sample.	<input type="checkbox"/>		
Accurately perform ear cytology and identify ear mites.	<input type="checkbox"/>		
Accurately perform skin scraping and identify <i>Demodex</i> mites.	<input type="checkbox"/>		
Accurately identify tapeworm and tapeworm segments and adult roundworm in gross examination.	<input type="checkbox"/>		

	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
KNOWLEDGE BASE/COMPANION AND LARGE ANIMAL			
Describe the difference between <i>Taenia</i> and <i>Dipylidium</i> species of tapeworm, physical differences, transmission, identification, and prevention.	<input type="checkbox"/>		
Describe the difference between <i>Demodex</i> and <i>Sarcoptes</i> mites and the collection methods.	<input type="checkbox"/>		
Describe proper handling techniques in the collection and testing of fecal samples for various diagnostic tests.	<input type="checkbox"/>		
Define terms: Steatorrhea, amylopoorrhea, creatorrhea, and what you would see in a fecal exam.	<input type="checkbox"/>		
Describe what you would expect to see using direct smear, fecal flotation medium, and Baehrman technique.	<input type="checkbox"/>		
Describe cellophane tape method to detect pinworms in horses.	<input type="checkbox"/>		
Describe cellophane tape method to detect <i>Cheyletiella</i> .	<input type="checkbox"/>		
Describe physical differences between biting lice and sucking lice, diseases transmitted, and treatment of infestation.	<input type="checkbox"/>		
Describe protozoa (<i>Giardia</i> and <i>Coccidia</i>) and how detected.	<input type="checkbox"/>		
Describe common bacteria seen in fecal samples and how to identify.	<input type="checkbox"/>		
Describe <i>Nanophyetus</i> organism, disease, and treatment.	<input type="checkbox"/>		
Describe common intracellular rickettsial diseases, how identified, and transmission.	<input type="checkbox"/>		
Describe flea lifecycle, identification, and diseases transmitted (<i>Ctenocephalides felis</i>).	<input type="checkbox"/>		
Describe soft and hard ticks, their lifecycle, identification, common diseases transmitted, and treatment of tick infestation.	<input type="checkbox"/>		
Describe common mites seen in veterinary practice, lifecycle of each, identification, symptoms seen with infestation, and treatment (<i>Demodex</i> , <i>Sarcoptes</i> , <i>Otodectes</i> , and <i>Cheyletiella</i>).	<input type="checkbox"/>		
Explain how <i>Giardia</i> snap tests work and sample collection process.	<input type="checkbox"/>		
Describe <i>Cuterebra</i> larvae identification and treatment.	<input type="checkbox"/>		
Define <i>Trichomonas</i> transmission, infection, and treatment.	<input type="checkbox"/>		
Define pinworms, transmission identification, and treatment.	<input type="checkbox"/>		
Supervising veterinarian signature			
I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(7) Checklist for WAC 246-935-170(2) serology and hematology.

ATTESTATION OF SUPERVISING VETERINARIAN

Veterinary Technician Practical Experience Task: Form 7

Checklist for WAC 246-935-170(2) serology and hematology

SEROLOGY AND HEMATOLOGY

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
Check items as completed. Complete all items in each section.			
SEROLOGY AND HEMATOLOGY			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
<i>PRACTICAL DEMONSTRATION/COMPANION ANIMAL</i>			
Accurately collect and read a PCV sample.	<input type="checkbox"/>		
Perform blood sample collection using the jugular vein in a dog or cat.	<input type="checkbox"/>		
Perform blood sample collection using a cephalic vein in a dog or cat.	<input type="checkbox"/>		
Perform blood sample collection using the femoral vein in a cat.	<input type="checkbox"/>		
Perform blood sample collection using the saphenous vein in a dog.	<input type="checkbox"/>		
Prepare and stain blood smears.	<input type="checkbox"/>		
Accurately read and document manual differential on a cat.	<input type="checkbox"/>		
Accurately read and document manual differential on a dog.	<input type="checkbox"/>		
Accurately perform sample collection and recording of total protein.	<input type="checkbox"/>		
Accurately identify red blood cell inclusions and abnormalities.	<input type="checkbox"/>		
Accurately identify white blood cell abnormalities.	<input type="checkbox"/>		
Complete one SNAP test (heartworm, FELV, or FIV).	<input type="checkbox"/>		
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
<i>PRACTICAL DEMONSTRATION/LARGE ANIMAL</i>			
Perform blood sample collection using jugular vein in large animal species.	<input type="checkbox"/>		
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
<i>KNOWLEDGE BASE/COMPANION AND LARGE ANIMAL</i>			
Describe the difference between whole blood, plasma, and serum.	<input type="checkbox"/>		
Describe the different blood tubes and their additives and purpose (RTT, SST, GTT, BTT, LTT).	<input type="checkbox"/>		
Describe layers and content in a spun RTT or SST or PCV tube.	<input type="checkbox"/>		
Describe the primary function and production of red and white blood cells.	<input type="checkbox"/>		
List the five types of white blood cells, description, and functions.	<input type="checkbox"/>		
Describe thrombocytes: Including a description, the purpose, and production process.	<input type="checkbox"/>		
Define the difference between HCT and PCV.	<input type="checkbox"/>		
Define common terms used in hematology analysis including: Rouleaux, agglutination, polychromasia, hypochromasia, poikilocytes, spherocytes, stomatocytes, acanthocytes, polycythemia, schistocytes, reticulocytes and echinocytes.	<input type="checkbox"/>		
Define and describe common findings associated with red blood cells including: Basophilic stippling, howell-jolly bodies, Heinz bodies, <i>Hemobartonella felis</i> , <i>Hemobartonella canis</i> , <i>babesia</i> , <i>Ehrlichia canis</i> , <i>Dirofilaria immitis</i> vs <i>Dipetalonema reconditum</i> , and Polycythemia.	<input type="checkbox"/>		

Describe what you would expect to see with stress leukogram.	<input type="checkbox"/>		
Define and describe common findings associated with white blood cells including dohle bodies, toxic neutrophils, neutropenia, neutrophilia, left shift, band cells, lymphocytosis, lymphopenia, monocytosis, and eosinophilia.	<input type="checkbox"/>		
Define and describe thrombocythemia and thrombocytopenia.	<input type="checkbox"/>		
Define three indices used in evaluating anemia (MCV, MCHC, and MCH) and how each is calculated.	<input type="checkbox"/>		
Define the difference between regenerative and nonregenerative anemia and what you would expect to see on differential with each.	<input type="checkbox"/>		
Describe proper storage of blood samples.	<input type="checkbox"/>		
Describe proper sample collection and preservation for serum and plasma.	<input type="checkbox"/>		
Define what the three abnormal colors seen in plasma serum signify (yellow, white, and red).	<input type="checkbox"/>		
Describe cross matching and blood typing required prior to blood transfusion in cats and dogs.	<input type="checkbox"/>		
Describe hemocytometers and the process used in a manual count for red and white blood cells.	<input type="checkbox"/>		
Describe when it would not be appropriate to collect samples from a dog or cat using the jugular vein.	<input type="checkbox"/>		
For blood chemistries, define each of the following enzyme tests and what they measure: Bun, Crea, Ck, Alt, Bili, GGT, Alkp, Amyl, Lip, BG, TP, Alb, Glob, A:G Ratio.	<input type="checkbox"/>		
For electrolytes, define each and their primary functions: CA ⁺⁺ , Phos, Na ⁺ , K ⁺ , Mg, Cl ⁻ , BiCarb.	<input type="checkbox"/>		
Define different coagulation tests and process used for each: ACT, PT, PTT, buccal mucosal bleeding time, and fibrinogen assay.	<input type="checkbox"/>		
Define antigen/antibody testing associated with common SNAP tests (heartworm, FELV, and FIV).	<input type="checkbox"/>		
Define titers and titer testing and how it can be used in determining vaccination intervals.	<input type="checkbox"/>		
Supervising veterinarian signature			
I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(8) Checklist for WAC 246-935-170(3) ophthalmologic testing.

ATTESTATION OF SUPERVISING VETERINARIAN

Veterinary Technician Practical Experience Task: Form 8

Checklist for WAC 246-935-170(3) ophthalmologic testing

OPHTHALMOLOGIC TESTING

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
Check items as completed. Complete all items in each section.			
OPHTHALMOLOGIC TESTING			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
<i>PRACTICAL DEMONSTRATION/COMPANION ANIMAL</i>			
Perform tear production testing and accurately note results.	<input type="checkbox"/>		
Safely and accurately administer topical eye anesthetic.	<input type="checkbox"/>		
Safely and accurately use fluorescein stain on the cornea.	<input type="checkbox"/>		
<i>KNOWLEDGE BASE/COMPANION AND LARGE ANIMAL</i>			
Describe the process used to test for cornea damage.	<input type="checkbox"/>		
Describe the process for tear testing and normal and abnormal values.	<input type="checkbox"/>		
Describe common topical ophthalmological anesthetics use, process, storage, and risks.	<input type="checkbox"/>		
Define the purpose of tonometry and use in animal practice.	<input type="checkbox"/>		
Describe the anatomy of the eye.	<input type="checkbox"/>		
Describe the characteristics of common eye conditions including: Glaucoma, cataract, entropion, prolapsed gland of the nictitans, lenticular sclerosis, and keratoconjunctiva sicca.	<input type="checkbox"/>		
Supervising veterinarian signature			
I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(9) Checklist for WAC 246-935-170(4) urinalysis.

ATTESTATION OF SUPERVISING VETERINARIAN

Veterinary Technician Practical Experience Task: Form 9

Checklist for WAC 246-935-170(4) urinalysis

URINALYSIS

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
Check items as completed. Complete all items in each section.			
URINALYSIS			

<i>PRACTICAL DEMONSTRATION/COMPANION ANIMAL</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Accurately collect a urine sample using the free catch method in canine.	<input type="checkbox"/>		
Accurately collect urine sample using manual expression method in feline.	<input type="checkbox"/>		
Perform a gross examination of a urine sample.	<input type="checkbox"/>		
Perform urine sample collection via catheterization of a male canine.	<input type="checkbox"/>		
Accurately complete urinalysis including centrifuging a sample, completing a urine chemistry strip, and specific gravity.	<input type="checkbox"/>		
Prepare, read, and record enough urine sediments to accurately identify bacteria, mucous, fat, yeast, sperm, crystals, casts, cellular content, and artifacts.	<input type="checkbox"/>		
<i>KNOWLEDGE BASE/COMPANION AND LARGE ANIMAL</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Describe proper urine sample collection and storage.	<input type="checkbox"/>		
Describe changes that occur in urine samples left at room temperature.	<input type="checkbox"/>		
Define common urinary terms including: Polyuria, oliguria, polakiuria, stranguria, and anuria.	<input type="checkbox"/>		
Explain what can cause urine to be the following colors: Yellow, brown, green, red-to-reddish brown, cloudy, and flocculent.	<input type="checkbox"/>		
Define terms hematuria, hemoglobinuria, and myoglobinuria.	<input type="checkbox"/>		
Define specific gravity and why it is tested.	<input type="checkbox"/>		
Define pH and what it measures.	<input type="checkbox"/>		
Regarding urinary chemistry strips, define each: Protein, glucose, ketones, bilirubin, and blood.	<input type="checkbox"/>		
Define the difference between diabetes mellitus and diabetes insipidus.	<input type="checkbox"/>		
Define and describe three common types of casts seen in urine and where in the urinary system they are produced.	<input type="checkbox"/>		
Describe toxicities/conditions seen in urine that produce leucine, ammonium biurate, tyrosine, triple phosphate, and Ca ⁺⁺ oxalate crystals.	<input type="checkbox"/>		
Describe two parasites seen in small animal urine (<i>Capillaria plica</i> and <i>Diocotophyma renale</i>).	<input type="checkbox"/>		
Define radio-opaque vs. radiolucent and what bladder stones are in each category.	<input type="checkbox"/>		
Define and describe four urolith's compositions of the urinary tract system (triple phosphate, urate, cystine, and oxalate).	<input type="checkbox"/>		
Define the process for cystocentesis from a small animal.	<input type="checkbox"/>		
Describe the impact of collection methods on urinalysis interpretation.	<input type="checkbox"/>		
Describe SSA testing.	<input type="checkbox"/>		
Describe micro albuminuria.	<input type="checkbox"/>		
Supervising veterinarian signature			
I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(10) Checklist for WAC 246-935-170(5) microbiology.

ATTESTATION OF SUPERVISING VETERINARIAN

Veterinary Technician Practical Experience Task: Form 10

Checklist for WAC 246-935-170(5) microbiology

MICROBIOLOGY

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
Check items as completed. Complete all items in each section.			
MICROBIOLOGY			
<i>PRACTICAL DEMONSTRATION/COMPANION AND LARGE ANIMAL</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Properly collect a sample and inoculate fungal media.	<input type="checkbox"/>		
Accurately read colony growth present on fungal media.	<input type="checkbox"/>		
Properly collect a sample of suspected bacteria for gram staining.	<input type="checkbox"/>		
Accurately identify ear swabs and skin impression cytology, identifying bacteria and yeast.	<input type="checkbox"/>		
<i>KNOWLEDGE BASE/COMPANION AND LARGE ANIMAL</i>			
<i>KNOWLEDGE BASE/COMPANION AND LARGE ANIMAL</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Describe fungal culture media and the difference in appearance between a true positive and a contaminate result.	<input type="checkbox"/>		
Define process and stains used in gram staining.	<input type="checkbox"/>		
Define the process and importance of gram staining.	<input type="checkbox"/>		
Describe the culture media used to identify bacteria including MacConkey, Blood agar, and Mannitol salt agar.	<input type="checkbox"/>		
Describe antibiotic susceptibility testing such as Mueller-Hinton.	<input type="checkbox"/>		
Describe aerobic and anaerobic bacteria.	<input type="checkbox"/>		
Describe the general differences between viral and bacterial organisms.	<input type="checkbox"/>		
Explain the meaning of MIC.	<input type="checkbox"/>		
Supervising veterinarian signature			
I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(11) Checklist for WAC 246-935-170(6) necropsy procedure.

ATTESTATION OF SUPERVISING VETERINARIAN

Veterinary Technician Practical Experience Task: Form 11

Checklist for WAC 246-935-170(6) necropsy procedure

NECROPSY PROCEDURE

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
Check items as completed. Complete all items in each section.			
NECROPSY PROCEDURE			
KNOWLEDGE BASE/COMPANION AND LARGE ANIMAL	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Describe physical requirements needed to perform necropsy in animal hospital.	<input type="checkbox"/>		
Describe personnel safety procedures to be followed when performing necropsy.	<input type="checkbox"/>		
Describe complete method used to preserve and submit a sample to the state health department when testing for rabies.	<input type="checkbox"/>		
Describe the proper handling and disposal of animal remains that are suspect for zoonotic disease.	<input type="checkbox"/>		
Supervising veterinarian signature I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(12) Checklist for WAC 246-935-170(7) cytology.

ATTESTATION OF SUPERVISING VETERINARIAN

Veterinary Technician Practical Experience Task: Form 12

Checklist for WAC 246-935-170(7) cytology

CYTOLOGY

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
Check items as completed. Complete all items in each section.			
CYTOLOGY			
PRACTICAL DEMONSTRATION/COMPANION AND LARGE ANIMAL	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Perform an accurate vaginal cytology, and correctly assess the stage of estrous cycle in canine.	<input type="checkbox"/>		
Demonstrate and perform proper sample collection procedure for fine needle aspiration of skin mass or cyst, and an impression smear.	<input type="checkbox"/>		

	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
KNOWLEDGE BASE/COMPANION AND LARGE ANIMAL			
Describe what you would expect to see on a vaginal cytology from each of the four cycles of canine estrous.	<input type="checkbox"/>		
Describe what you would expect to see in cytology exam in septic wound impression smear.	<input type="checkbox"/>		
Describe what you would expect to see in fluid cytology of nonseptic cyst.	<input type="checkbox"/>		
Supervising veterinarian signature I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(13) Checklist for WAC 246-935-180(1) surgery room preparation and protocol.

ATTESTATION OF SUPERVISING VETERINARIAN

Veterinary Technician Practical Experience Task: Form 13

Checklist for WAC 246-935-180(1) surgery room preparation and protocol

SURGERY ROOM PREPARATION AND PROTOCOL

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
Check items as completed. Complete all items in each section.			
SURGERY ROOM PREPARATION AND PROTOCOL			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
PRACTICAL DEMONSTRATION			
Successful assembly and sterilization of standard surgical packs.	<input type="checkbox"/>		
Identify common surgical instrument names, basic use, cleaning, and maintenance.	<input type="checkbox"/>		
Successfully complete sterile gowning and gloving.	<input type="checkbox"/>		
Demonstrate aseptic surgical field draping and maintenance.	<input type="checkbox"/>		
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
KNOWLEDGE BASE			
Describe principles of steam, ethylene oxide gas, and cold sterilization.	<input type="checkbox"/>		
Describe various techniques of aseptic hanging surgical preparation of a limb.	<input type="checkbox"/>		
Identify suture and needle type, size, qualities, nomenclature, and basic usage.	<input type="checkbox"/>		
Describe proper collection and disposal of biohazard materials.	<input type="checkbox"/>		

Identify categories of anesthetic monitoring equipment and what they monitor.	<input type="checkbox"/>		
Describe patient warming devices, their safe operation, and risks.	<input type="checkbox"/>		
Describe aseptic vs. antiseptic.	<input type="checkbox"/>		
Supervising veterinarian signature I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(14) Checklist for WAC 246-935-180(2) equipment operation and maintenance.

ATTESTATION OF SUPERVISING VETERINARIAN

Veterinary Technician Practical Experience Task: Form 14

Checklist for WAC 246-935-180(2) equipment operation and maintenance

EQUIPMENT OPERATION AND MAINTENANCE

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
Check items as completed. Complete all items in each section.			
EQUIPMENT OPERATION AND MAINTENANCE			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
PRACTICAL DEMONSTRATION			
Demonstrate successful operation of three types of surgical patient monitors.	<input type="checkbox"/>		
Set up, pressure test and trouble shoot an anesthetic machine.	<input type="checkbox"/>		
Demonstrate ability to read gas levels and change cylinders for medical gases.	<input type="checkbox"/>		
Successful setup and operation of an IV fluid pump.	<input type="checkbox"/>		
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
KNOWLEDGE BASE			
Describe the types, uses, and safety issues of compressed gases.	<input type="checkbox"/>		
Describe the basic principles of suction equipment, electrocautery set up, safety, and usage.	<input type="checkbox"/>		
Supervising veterinarian signature I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(15) Checklist for WAC 246-935-180(3) routine patient treatment.

ATTESTATION OF SUPERVISING VETERINARIAN

Veterinary Technician Practical Experience Task: Form 15

Checklist for WAC 246-935-180(3) routine patient treatment

ROUTINE PATIENT TREATMENT

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
Check items as completed. Complete all items in each section.			
ROUTINE PATIENT TREATMENT			
<i>PRACTICAL DEMONSTRATION/COMPANION ANIMAL</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Administer oral, subQ, IM, and IV medication.	<input type="checkbox"/>		
Perform proper clipping, positioning, and scrubbing technique of three surgical areas.	<input type="checkbox"/>		
Place and secure peripheral IV catheter in a cat and a dog.	<input type="checkbox"/>		
Demonstrate microchip insertion into a cat or a dog.	<input type="checkbox"/>		
Demonstrate force feeding a cat.	<input type="checkbox"/>		
Perform simple interrupted and simple continuous suturing of prepared skin.	<input type="checkbox"/>		
Perform pain assessment of a cat and dog.	<input type="checkbox"/>		
Display accurate assessment of temperature, pulse and respiratory rate in a cat and dog.	<input type="checkbox"/>		
Ability to determine fluid requirements and IV rate based on patient hydration and needs.	<input type="checkbox"/>		
Identify components and apply a three-layer bandage on cat or dog.	<input type="checkbox"/>		
Identify components and apply a Robert Jones bandage.	<input type="checkbox"/>		
Perform bladder expression on anesthetized or debilitated dog or cat.	<input type="checkbox"/>		
Complete effective oral delivery of post-op instructions to owner/agent.	<input type="checkbox"/>		
Calculation of maintenance IV fluid rate.	<input type="checkbox"/>		
Ability to trouble-shoot a nonflowing IV fluid system.	<input type="checkbox"/>		
Demonstrate the management and removal of drains.	<input type="checkbox"/>		
Demonstrate principles of effective in-person and telephone communication.	<input type="checkbox"/>		
<i>PRACTICAL DEMONSTRATION/LARGE ANIMALS</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Perform temperature, pulse, and respiration in large animals.	<input type="checkbox"/>		
Perform general hoof examination in large animals including coloration, texture, temperature, and pulse.	<input type="checkbox"/>		
Place and secure a jugular IV catheter in a large animal.	<input type="checkbox"/>		
Assess GI motility.	<input type="checkbox"/>		

Give an IM injection in three different locations on a horse.	<input type="checkbox"/>		
KNOWLEDGE BASE/COMPANION ANIMAL AND EXOTICS	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Define standard ranges for vital signs for a dog, cat, and one exotic species.	<input type="checkbox"/>		
Identify the optimal venipuncture sites for dog, cat, and at least two exotic species.	<input type="checkbox"/>		
Describe both clean and contaminated wounds.	<input type="checkbox"/>		
Describe the four stages of wound healing.	<input type="checkbox"/>		
Identify common bandaging, splinting, casting materials, and their uses.	<input type="checkbox"/>		
Describe standard bandage, splint, and cast management or care (in hospital and at home).	<input type="checkbox"/>		
Identify the types of IV fluids and their uses.	<input type="checkbox"/>		
Describe nomenclature of catheters, needles, injection ports, and syringes.	<input type="checkbox"/>		
Know process for urinary catheterization of cats and female dogs.	<input type="checkbox"/>		
Identification of all common suture patterns.	<input type="checkbox"/>		
Identify common techniques to prevent patient wound disruption/mutilation.	<input type="checkbox"/>		
Identify routine chemicals for disinfection and their appropriate usage.	<input type="checkbox"/>		
Identify common abnormal behaviors in hospitalized cats, dogs, and horses.	<input type="checkbox"/>		
Define different bandage application including wet to dry, wet to wet, and dry.	<input type="checkbox"/>		
Describe these common medical problems seen in birds, symptoms, causes, and treatment: Feather picking, pododermatitis, knemidocoptic mange, overgrown beak, and metabolic bone disease, hypovitaminosis A, and egg binding.	<input type="checkbox"/>		
Describe common medical problems seen in mice and rats (mammary gland tumors, pulmonis bacteria, and ringtail in rats) cause, symptom, and treatment.	<input type="checkbox"/>		
Describe common medical problems seen in ferrets (hyperestrogenism, hyperadrenocorticism, hyperinsulinism, influenza, and urolithiasis) cause, symptoms, and treatment.	<input type="checkbox"/>		
Describe terms "night" and "day" feces associated with rabbits.	<input type="checkbox"/>		
Describe the process of neonatal tube feeding.	<input type="checkbox"/>		
Accurately define "wind up" pain in animals and how it can be prevented.	<input type="checkbox"/>		
Describe common medical problems seen with rabbits (malocclusion, trichobezoars, diarrhea, mite infestation, and heat stroke) causes, symptoms, and treatment.	<input type="checkbox"/>		
Accurately define the three types of pain: Physiological, clinical, and neurogenic.	<input type="checkbox"/>		

	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
KNOWLEDGE BASE/LARGE ANIMAL			
Describe neonatal care to be performed within the first day of life in a pig.	<input type="checkbox"/>		
Describe common internal parasites seen in large animals, how identified, and treated (roundworms, lungworms, threadworms, whipworms, stomach worms, kidney worms, etc.).	<input type="checkbox"/>		
Describe common dehorning methods used with goats and sheep.	<input type="checkbox"/>		
Describe when brucellosis vaccination must occur for cattle and how to identify that the vaccination occurred.	<input type="checkbox"/>		
Describe mastitis, causes, symptoms and treatments.	<input type="checkbox"/>		
Describe caseous lymphadenitis found in goats, the cause, symptom and treatment.	<input type="checkbox"/>		
Describe common lameness problems seen in horses, their location, cause, and treatment (joint mouse, OCD, bucked shins, bowed tendons, splints, laminitis, navicular disease, wind puffs, thrush, and hoof cracks).	<input type="checkbox"/>		
Describe the importance of "meconium."	<input type="checkbox"/>		
List the allowed locations for injections on an animal being raised for food production.	<input type="checkbox"/>		
Describe how you can age a horse by assessing teeth structure.	<input type="checkbox"/>		
Describe "drenching" used in medication administration in cattle, sheep, and goats.	<input type="checkbox"/>		
State maximum ml dose per IM injection site.	<input type="checkbox"/>		
Define normal range of vital signs.	<input type="checkbox"/>		
Supervising veterinarian signature I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(16) Checklist for WAC 246-935-190 Anesthesia and emergency procedures.

ATTESTATION OF SUPERVISING VETERINARIAN

Veterinary Technician Practical Experience Task: Form 16

Checklist for WAC 246-935-190 Anesthesia and emergency procedures

ANESTHESIA AND EMERGENCY PROCEDURES

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____
Supervising veterinarian name: _____
Supervising veterinarian license #: _____
Check items as completed. Complete all items in each section.
ANESTHESIA AND EMERGENCY PROCEDURES

KNOWLEDGE BASE/GENERAL ANESTHESIA	Check as completed	DATE SUCCESSFULLY COMPLETED
Accurately define four stages of anesthesia and the four planes of anesthesia depth, including physical attributes associated for each.	<input type="checkbox"/>	
Accurately describe guidelines for feline and canine and acceptable levels while under general anesthesia (minimum of RR, HR, temperature, ocular signs, palprebral, reflexes, CO ₂ , SPO ₂ , BP).	<input type="checkbox"/>	
Accurately list common anti-cholinergics and their effects and risks for feline, canine, and equine.	<input type="checkbox"/>	
Accurately describe common tranquilizer/sedatives and their effects, risks, and reversing agents if available, for feline, canine, and equine, including: Phenothiazines, benzodiazepines, alpha-2 antagonists, opioids, ultra-short acting barbiturates, cyclohexamines, and Propofol.	<input type="checkbox"/>	
<ul style="list-style-type: none"> Using list of drugs above, describe routes and method of administration for each. 	<input type="checkbox"/>	
<ul style="list-style-type: none"> Using list of drugs above, describe length of duration for each and any associated contraindications. 	<input type="checkbox"/>	
Accurately describe common inhalants and their effects and risks, including: Isoflurane, Sevoflurane, and nitrous oxide.	<input type="checkbox"/>	
Describe health hazards of waste anesthetic gases for hospital personnel.	<input type="checkbox"/>	
Describe the basic principles of waste gas scavenging.	<input type="checkbox"/>	
Describe how to select correct size for intubation tube.	<input type="checkbox"/>	
Describe how to respond to emergency situations caused by adverse anesthetic events, cardiopulmonary arrest, and cardiovascular shock.	<input type="checkbox"/>	
Define purpose for endotracheal tube placement, associated risks, and their prevention.	<input type="checkbox"/>	
Define arterial gas monitoring process and what it measures.	<input type="checkbox"/>	
Define purpose for esophageal stethoscopes, use, and placement.	<input type="checkbox"/>	
Describe both in-circuit and out-of-circuit anesthesia machines.	<input type="checkbox"/>	
Define two most common classification of local anesthetics (analgesics), esters and amides, uses, risks, and length of duration.	<input type="checkbox"/>	
Demonstrate successful operation of three types of surgical patient monitors.	<input type="checkbox"/>	
Describe epidural blocks used in canine (purpose, location, and common drugs used in block and their duration).	<input type="checkbox"/>	
Describe how to monitor and assist in patient thermoregulation.	<input type="checkbox"/>	
Describe difference between crystalloid fluids and colloid fluids, types, methods of administration and when applicable.	<input type="checkbox"/>	
Describe the difference between rebreathing and nonrebreathing systems.	<input type="checkbox"/>	
ANESTHESIA/EMERGENCY SUPPORT		
PRACTICAL DEMONSTRATION/COMPANION ANIMAL	Check as completed	DATE SUCCESSFULLY COMPLETED
Perform preanesthetic evaluation on feline and canine species including signalment, medical history, risk assessment, and laboratory evaluation.	<input type="checkbox"/>	
Set-up anesthesia machine(s) for both rebreathing and nonrebreathing and select circuit and equipment for patient.	<input type="checkbox"/>	
Identify all parts of an anesthesia machine and what each part does.	<input type="checkbox"/>	

Ability to interpret normal values for EKG on feline and canine species.	<input type="checkbox"/>	
Ability to assess abnormal rates and rhythms in respiration and heart in both feline and canine species.	<input type="checkbox"/>	
Accurately take blood pressure readings on feline and canine species using a Doppler device.	<input type="checkbox"/>	
Accurately monitor the patient's condition during general anesthetic procedures for both feline and canine species, including manual monitoring of all vital signs.	<input type="checkbox"/>	
Prepare and administer preanesthetics in feline and canine species.	<input type="checkbox"/>	
Prepare and administer intravenous injectable anesthetics.	<input type="checkbox"/>	
Intubate both feline and canine species.	<input type="checkbox"/>	
Demonstrate correct lead placement and preparation of a diagnostic quality EKG strip.	<input type="checkbox"/>	
Ability to obtain femoral pulse in a small animal.	<input type="checkbox"/>	
Ability to determine accurate anesthetic IV fluid rates based on hydration and needs of patient under anesthesia.	<input type="checkbox"/>	
Accurately complete anesthesia monitoring record.	<input type="checkbox"/>	
Extubate feline and canine and monitor recovery.	<input type="checkbox"/>	
Anesthetic recovery of cat and dog.	<input type="checkbox"/>	
Demonstrate proper use of ambu bag on feline or canine species.	<input type="checkbox"/>	
Demonstrate proper oxygen sighing and bagging techniques.	<input type="checkbox"/>	
PRACTICAL DEMONSTRATION/LARGE ANIMAL	Check as completed	DATE SUCCESSFULLY COMPLETED
Perform preanesthetic evaluation on equine species including signalment, medical history, risk assessment, and laboratory evaluation.	<input type="checkbox"/>	
KNOWLEDGE BASE/LARGE ANIMAL	Check as completed	DATE SUCCESSFULLY COMPLETED
Describe step-by-step placement of jugular catheter placement in equine or large animal.	<input type="checkbox"/>	
Accurately describe common tranquilizer/sedatives and their effects, risks and reversing agents if available, for equine and ruminants.	<input type="checkbox"/>	
Accurately define normal values for equine, ruminants, and nonruminants and minimal acceptable levels while under general anesthesia (minimum of RR, HR, temperature, ocular signs, pupil, reflexes, CO ₂ , SPO ₂).	<input type="checkbox"/>	
Describe epidural blocks used in equine and ruminants (caudal epidural and paravertebral). Purpose, location, and common drugs used in block and their duration.	<input type="checkbox"/>	
Describe symptoms of colic in equine and common emergency treatments.	<input type="checkbox"/>	
Describe symptoms of founder in equine and common emergency treatments.	<input type="checkbox"/>	
Describe bloat in cattle and common emergency treatments.	<input type="checkbox"/>	

<i>KNOWLEDGE BASE/COMPANION ANIMAL</i>	Check as completed	DATE SUCCESSFULLY COMPLETED
Describe five types of shock seen in animals, the symptoms and treatment (hypovolemic, cardiogenic, septic, anaphylactic, and neurogenic).	<input type="checkbox"/>	
Ability to assess pulse to heart rate to determine if there is a deficit.	<input type="checkbox"/>	
Describe components required in triage assessment (ABCs).	<input type="checkbox"/>	
Describe manual cardio pulmonary resuscitation in both feline and canine.	<input type="checkbox"/>	
Describe hemorrhage control techniques in feline and canine.	<input type="checkbox"/>	
Describe initial fracture stabilization in feline and canine.	<input type="checkbox"/>	
Describe common emergency drugs used in small companion animal hospitals.	<input type="checkbox"/>	
Describe common reproductive and neonatal emergency care.	<input type="checkbox"/>	
Describe process involved in performing emergency tracheostomy, chest tube placement, and pharyngostomy in companion animals.	<input type="checkbox"/>	
Supervising veterinarian signature I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.		
SIGNATURE OF SUPERVISING VETERINARIAN		DATE SIGNED

(17) Worksheet for WAC 246-935-200 Pharmacy.

ATTESTATION OF SUPERVISING VETERINARIAN

Veterinary Technician Practical Experience Task: Form 17

Worksheet for WAC 246-935-200 Pharmacy

PHARMACY

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
Check items as completed. Complete all items in each section.			
PHARMACY			
<i>PREREQUISITE</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Completion of veterinary medication clerk registration.			
<i>PRACTICAL DEMONSTRATION/COMPANION ANIMAL</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Demonstrate appropriate reconstitution of vaccines.	<input type="checkbox"/>		
Demonstrate appropriate administration of vaccines.	<input type="checkbox"/>		
Demonstrate appropriate reconstitution of commonly used injectable and oral medications.	<input type="checkbox"/>		

Demonstrate appropriate administration of commonly used injectable and oral medications.	<input type="checkbox"/>		
Demonstrate accurate charting of medications including medication name, dosage, route of administration, and dosage frequency.	<input type="checkbox"/>		
Calculate dosages and administer common IV medications.	<input type="checkbox"/>		
Calculate dosages and administer common IM medications.	<input type="checkbox"/>		
Calculate dosages and administer common SQ medications.	<input type="checkbox"/>		
Calculate dosages and administer common oral medications.	<input type="checkbox"/>		
Correctly prepare and label common prescription medications.	<input type="checkbox"/>		
KNOWLEDGE BASE/COMPANION AND LARGE ANIMAL			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Demonstrate knowledge for correct storage, inventory, and tracking of controlled drugs.	<input type="checkbox"/>		
Demonstrate correct destruction of expired controlled drugs.	<input type="checkbox"/>		
Describe storage, safe handling, and disposal of common biologicals.	<input type="checkbox"/>		
Describe storage, safe handling, and disposal of common therapeutic agents.	<input type="checkbox"/>		
Describe storage, safe handling, and disposal of common pesticides.	<input type="checkbox"/>		
Describe storage, safe handling, and disposal of common hazardous wastes.	<input type="checkbox"/>		
Describe DEA requirements for the handling, administering, dispensing, and logging of controlled substances.	<input type="checkbox"/>		
Demonstrate knowledge of common large animal biologicals including administration routes, types of vaccines, frequency and potential side effects.	<input type="checkbox"/>		
Describe common drugs under the classification of antibiotics, including the primary purposes, side effects, and contraindications.	<input type="checkbox"/>		
Describe common drugs under the classification of cardiovascular including the primary purposes, side effects, and contraindications.	<input type="checkbox"/>		
Describe common drugs under the classification of diuretics including the primary purposes, side effects, and contraindications.	<input type="checkbox"/>		
Describe common drugs under the classification of hormones including the primary purposes, side effects, and contraindications.	<input type="checkbox"/>		
Describe common drugs under the classification of sedatives and tranquilizers including the primary purposes, side effects, and contraindications.	<input type="checkbox"/>		
Describe common drugs under the classification of antiparasitics and antifungals, including the primary purposes, side effects, and contraindications.	<input type="checkbox"/>		
Describe common drugs under the classification of anti-inflammatories including the primary purposes, side effects, and contraindications.	<input type="checkbox"/>		
Describe common drugs under the classification of glucocorticoids including the primary purposes, side effects, and contraindications.	<input type="checkbox"/>		
Describe common drugs under the classification of anticonvulsives including the primary purposes, side effects, and contraindications.	<input type="checkbox"/>		
Describe common drugs under the classification of gastrointestinal bronchial dilators including the primary purposes, side effects, and contraindication.	<input type="checkbox"/>		

Describe common drugs under the classification of ophthalmic preparation including the primary purposes, side effects, and contraindications.	<input type="checkbox"/>		
Describe common drugs under the classification of antiparasitcides.	<input type="checkbox"/>		
Supervising veterinarian signature I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(18) Checklist for WAC 246-935-210 Public health, infectious diseases, and zoonosis.

ATTESTATION OF SUPERVISING VETERINARIAN

Veterinary Technician Practical Experience Task: Form 18

Checklist for WAC 246-935-210 Public health, infectious diseases, and zoonosis.

- (1) Epidemiology and control of major zoonotic diseases.
- (2) Vaccinations and basic immunology.
- (3) Public health and safety issues.

PUBLIC HEALTH, INFECTIOUS DISEASES, AND ZOOONOSIS

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
Check items as completed. Complete all items in each section.			
PUBLIC HEALTH, INFECTIOUS DISEASES, AND ZOOONOSIS			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
PRACTICAL DEMONSTRATION/INFECTIOUS AND ZOOONOTIC DISEASES			
Common isolation/quarantine ward protocols.	<input type="checkbox"/>		
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
KNOWLEDGE BASE/INFECTIOUS AND ZOOONOTIC DISEASES			
Identify general disease - species and organ systems affected, causative organisms, how transmitted, situations/individuals at highest risk, and if condition is reportable for the following:			
• Baylisascaris Larva Migrans.	<input type="checkbox"/>		
• Plague.	<input type="checkbox"/>		
• Talaremia.	<input type="checkbox"/>		
• Listeriosis.	<input type="checkbox"/>		
• Anthrax.	<input type="checkbox"/>		
• Cryptosporidiosis.	<input type="checkbox"/>		
• Cysticercosis.	<input type="checkbox"/>		
• Echinococcoses.	<input type="checkbox"/>		
• Leptospirosis.	<input type="checkbox"/>		
• Trichinellosis.	<input type="checkbox"/>		

• West Nile Virus.	<input type="checkbox"/>		
• Bartonellosis/Cat Scratch Disease.	<input type="checkbox"/>		
• Coxiella Burnetti/Q Fever.	<input type="checkbox"/>		
• <i>E. Coli</i> .	<input type="checkbox"/>		
• Lyme Disease.	<input type="checkbox"/>		
• Avian Chlamydiosis.	<input type="checkbox"/>		
• Sporotrichosis.	<input type="checkbox"/>		
• Ehrlichiosis.	<input type="checkbox"/>		
• Prion Disease (Mad Cow, Scrapie).	<input type="checkbox"/>		
• Systemic Fungal Disease (Histo, Blasto, Coccidioidomycosis, Cryptococcus).	<input type="checkbox"/>		
• ORF (Contagious Ecthyma).	<input type="checkbox"/>		
• Monkeypox.	<input type="checkbox"/>		
• Erysipelosis.	<input type="checkbox"/>		
• Pastereurellosis.	<input type="checkbox"/>		
• Rat Bite Fever.	<input type="checkbox"/>		
• Hanta Virus.	<input type="checkbox"/>		
Identify general disease - species and organ systems affected, causative organisms, how transmitted, situations/individuals at highest risk and if condition is reportable, and diagnostic procedures/protocols for source species for the following:			
• Rabies.	<input type="checkbox"/>		
• Toxocaral Larva Migrans.	<input type="checkbox"/>		
• Toxoplasmosis.	<input type="checkbox"/>		
• Salmonellosis.	<input type="checkbox"/>		
• Tuberculosis.	<input type="checkbox"/>		
• Campylobacteriosis.	<input type="checkbox"/>		
• Ringworm/Dermatophytoses.	<input type="checkbox"/>		
• Brucellosis.	<input type="checkbox"/>		
KNOWLEDGE BASE/INFECTIOUS AND ZOOONOTIC DISEASES	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Knowledge of whom to report the following confirmed or suspected conditions:			
• Animal biting a human.	<input type="checkbox"/>		
• Foreign animal disease (such as foot and mouth disease).	<input type="checkbox"/>		
• Disease eradicated from Washington (such as tuberculosis).	<input type="checkbox"/>		
KNOWLEDGE BASE/FOREIGN ANIMAL DISEASES	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Describe the clinical signs, mode of transmission, and species affected by the following foreign animal diseases:			
• Avian Influenza.	<input type="checkbox"/>		
• Blue Tongue.	<input type="checkbox"/>		
• Hoof and Mouth Disease.	<input type="checkbox"/>		
• Hog Cholera.	<input type="checkbox"/>		
• Rinderpest.	<input type="checkbox"/>		

• Trypanosomiasis.	<input type="checkbox"/>		
• Velogenic New Castle Disease.	<input type="checkbox"/>		
• Vesicular Stomatitis.	<input type="checkbox"/>		
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
KNOWLEDGE BASE/INFECTIOUS DISEASES DOGS			
Knowledge of the causative organism, target organ system(s), clinical signs, common diagnostic procedures, modes of transmission, and general treatment goals for the following diseases:			
• Distemper.	<input type="checkbox"/>		
• Parvo.	<input type="checkbox"/>		
• Infectious Canine Hepatitis/CAV-1.	<input type="checkbox"/>		
• Kennel Cough Complex/Bordetella, Parainfluenza.	<input type="checkbox"/>		
• Corona.	<input type="checkbox"/>		
Knowledge of the target organ system(s) and clinical signs of the following diseases:			
• Canine Influenza.	<input type="checkbox"/>		
• Papillomatosis.	<input type="checkbox"/>		
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
KNOWLEDGE BASE/INFECTIOUS DISEASES CATS			
Knowledge of the causative organism, target organ system(s), clinical signs, common diagnostic procedures, modes of transmission, and general treatment goals for the following diseases:			
• Panleukopenia.	<input type="checkbox"/>		
• Rhinotracheitis.	<input type="checkbox"/>		
• Calici Virus.	<input type="checkbox"/>		
• Chlamydiosis.	<input type="checkbox"/>		
• FELV.	<input type="checkbox"/>		
• FIV.	<input type="checkbox"/>		
• FIP and FECV.	<input type="checkbox"/>		
Knowledge of the target organ system(s) and clinical signs of the following diseases:			
• Herpes.	<input type="checkbox"/>		
• Kennel Cough Complex.	<input type="checkbox"/>		
• Mycoplasma Felis.	<input type="checkbox"/>		
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
KNOWLEDGE BASE/INFECTIOUS DISEASES HORSES			
Knowledge of the causative organism, target organ system(s), clinical signs, common diagnostic procedures, modes of transmission, and general treatment goals for the following diseases:			
• Equine Infectious Anemia.	<input type="checkbox"/>		
• Tetanus (<i>C. tetani</i>).	<input type="checkbox"/>		
• Eastern, Western, and West Nile Encephalitis.	<input type="checkbox"/>		
• Influenza.	<input type="checkbox"/>		
• Rhinopneumonitis/Equine Herpes virus.	<input type="checkbox"/>		

• Botulism (<i>C. botulinum</i>).	<input type="checkbox"/>		
Knowledge of the target organ system(s) and clinical signs of the following diseases:			
• Equine Viral Arteritis.	<input type="checkbox"/>		
• Equine Protozoal Myelitis.	<input type="checkbox"/>		
• Sarcoids.	<input type="checkbox"/>		
• Potomac Horse Fever.	<input type="checkbox"/>		
• Equi Streptococcus (strangles).	<input type="checkbox"/>		
KNOWLEDGE BASE/INFECTIOUS DISEASES CATTLE AND SMALL RUMINANTS	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Knowledge of the causative organism, target organ system(s), clinical signs, common diagnostic procedures, modes of transmission, and general treatment goals for the following diseases:			
• Bovine viral diarrhea and Mucosal disease.	<input type="checkbox"/>		
• Johne's Disease/Mycobacterium paratuberculosis.	<input type="checkbox"/>		
• Bovine Respiratory Disease Syndrome/Shipping Fever (IBR, BVD, P13, BRSV, Haemophilum somnus).	<input type="checkbox"/>		
• Scours or Neonatal Diarrhea/rotavirus, <i>E. Coli</i> , Corona Virus.	<input type="checkbox"/>		
• Interdigital necrobacillosis/Foot rot.	<input type="checkbox"/>		
• Mastitis.	<input type="checkbox"/>		
• Pink eye/Infectious keratoconjunctivitis.	<input type="checkbox"/>		
• Botulism (Clost. Botulinum).	<input type="checkbox"/>		
• Actinomycoses (Lumpy Jaw).	<input type="checkbox"/>		
• Actinobacillosis (Wooden Tongue).	<input type="checkbox"/>		
Knowledge of the target organ system(s) and clinical signs of the following diseases:			
• Papillomatous digital dermatitis.	<input type="checkbox"/>		
• Blackleg/Clostridium chauvoei.	<input type="checkbox"/>		
• Malignant edema/braxy/Clostridium septicum.	<input type="checkbox"/>		
• Bovine leukemia virus/Lymphosarcoma.	<input type="checkbox"/>		
• Malignant catarrhal fever/Herpes.	<input type="checkbox"/>		
• Tyzzer's disease/Clostridium piliforme.	<input type="checkbox"/>		
• Black disease/Clostridium navyi.	<input type="checkbox"/>		
• Bacillary hemoglobinuria/Clostridium haemolyticum (Red Water Disease).	<input type="checkbox"/>		
• Caprine arthritis-encephalitis (virus).	<input type="checkbox"/>		
KNOWLEDGE BASE/INFECTIOUS DISEASES SWINE	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Knowledge of the causative organism, target organ system(s), clinical signs, common diagnostic procedures, modes of transmission, and general treatment goals for the following diseases:			
• Erysipelothrix.	<input type="checkbox"/>		
• Pseudorabies.	<input type="checkbox"/>		
• PRRS virus.	<input type="checkbox"/>		
• Atrophic Rhinitis/Bordetella and Pasteurella.	<input type="checkbox"/>		

Knowledge of the target organ system(s) and clinical signs of the following diseases:			
• Swine influenza.	<input type="checkbox"/>		
• Lawsonia intracellularis.	<input type="checkbox"/>		
• Rotaviral diarrhea.	<input type="checkbox"/>		
• Bloody Scours/Serpulina hyodysenteriae.	<input type="checkbox"/>		
• Streptococcus suis.	<input type="checkbox"/>		
• TGE.	<input type="checkbox"/>		
• Greasy pig disease/Staph. hyicus.	<input type="checkbox"/>		
• Describe trichinella, how transmitted and prevention.	<input type="checkbox"/>		
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
KNOWLEDGE BASE/INFECTIOUS DISEASES POULTRY			
Knowledge of the causative organism, target organ system(s), clinical signs, common diagnostic procedures, modes of transmission and general treatment goals for the following disease:			
• Thrush/Candidiasis	<input type="checkbox"/>		
Knowledge of the target organ system(s) and clinical signs of the following diseases:			
• Fowl cholera.	<input type="checkbox"/>		
• Mycoplasmosis.	<input type="checkbox"/>		
• Black head/Histomoniasis.	<input type="checkbox"/>		
• Marek's disease.	<input type="checkbox"/>		
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
KNOWLEDGE BASE/INFECTIOUS DISEASES RABBITS			
Knowledge of the target organ system(s) and clinical signs of the following disease:			
• Pasteurellosis.	<input type="checkbox"/>		
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
KNOWLEDGE BASE/INFECTIOUS DISEASES FERRETS			
Knowledge of the causative organism, target organ system(s), clinical signs, common diagnostic procedures, modes of transmission, and general treatment goals for the following disease:			
• Distemper.	<input type="checkbox"/>		
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
KNOWLEDGE BASE/INFECTIOUS DISEASES COMPANION BIRDS			
Knowledge of the target organ system(s) and clinical signs of the following diseases:			
• Psittacine beak and feather disease.	<input type="checkbox"/>		
• Pacheco's parrot disease.	<input type="checkbox"/>		
• Pox virus.	<input type="checkbox"/>		
• Avian polyoma virus.	<input type="checkbox"/>		
• Pododermatitis.	<input type="checkbox"/>		

<i>KNOWLEDGE BASE/INFECTIOUS DISEASES RODENTS</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Knowledge of the target organ system(s) and clinical signs of the following diseases:			
• Mycoplasmosis.	<input type="checkbox"/>		
• Pasteurella.	<input type="checkbox"/>		
• Bacillus piliformis/Tyzzler's disease.	<input type="checkbox"/>		
• Mousepox.	<input type="checkbox"/>		
• Mouse hepatitis Virus.	<input type="checkbox"/>		
<hr/>			
<i>KNOWLEDGE BASE/INFECTIOUS DISEASES REPTILES</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Knowledge of the target organ system(s) and clinical signs of the following diseases:			
• Mycobacteriosis.	<input type="checkbox"/>		
<hr/>			
<i>PRACTICAL DEMONSTRATION/VACCINATION PROTOCOL AND ADMINISTRATION CANINE</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Development of a typical puppy vaccination protocol.	<input type="checkbox"/>		
Demonstrate canine vaccine administration.	<input type="checkbox"/>		
<hr/>			
<i>KNOWLEDGE BASE/VACCINATION PROTOCOL AND ADMINISTRATION CANINE</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Knowledge of typical core vaccines, common optional vaccines, and signs of adverse vaccination reactions.	<input type="checkbox"/>		
<hr/>			
<i>PRACTICAL DEMONSTRATION/VACCINATION PROTOCOL AND ADMINISTRATION FELINE</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Development of a typical kitten vaccination protocol.	<input type="checkbox"/>		
Feline vaccine administration.	<input type="checkbox"/>		
<hr/>			
<i>KNOWLEDGE BASE/VACCINATION PROTOCOL AND ADMINISTRATION FELINE</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Knowledge of typical core vaccines, common optional vaccines, and signs of adverse vaccination reactions.	<input type="checkbox"/>		
<hr/>			
<i>PRACTICAL DEMONSTRATION/VACCINATION PROTOCOL AND ADMINISTRATION HORSES</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Demonstrate equine vaccination administration.	<input type="checkbox"/>		

<i>KNOWLEDGE BASE/VACCINATION PROTOCOL AND ADMINISTRATION HORSES</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Knowledge of typical core vaccines, common optional vaccines, and signs of adverse vaccination reactions.	<input type="checkbox"/>		
<hr/>			
<i>KNOWLEDGE BASE/VACCINATION PROTOCOL AND ADMINISTRATION CATTLE AND SMALL RUMINANTS</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Knowledge of typical core vaccines, common optional vaccines for at least one species, and sites for animals raised for food production in this category.	<input type="checkbox"/>		
Supervising veterinarian signature I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(19) Checklist for WAC 246-935-220 Dentistry.

ATTESTATION OF SUPERVISING VETERINARIAN

Veterinary Technician Practical Experience Task: Form 19

Checklist for WAC 246-935-220 dentistry

DENTISTRY

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
Check items as completed. Complete all items in each section.			
DENTISTRY			
<i>PRACTICAL DEMONSTRATION/COMPANION ANIMAL</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Identification of hand instruments.	<input type="checkbox"/>		
Demonstrate accurate use of hand instruments.	<input type="checkbox"/>		
Demonstrate accurate use of ultrasonic scaler and polisher.	<input type="checkbox"/>		
Perform complete dental prophylaxis on canine.	<input type="checkbox"/>		
Perform complete dental prophylaxis on feline.	<input type="checkbox"/>		
Describe proper technique for taking dental radiographs (digital or manual) including premolars, incisors, and canines.	<input type="checkbox"/>		
Accurately chart dental cleaning using appropriate nomenclature for canine.	<input type="checkbox"/>		
Accurately chart dental cleaning using appropriate nomenclature for feline.	<input type="checkbox"/>		

	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
KNOWLEDGE BASE/COMPANION ANIMAL/EXOTIC			
Accurately describe tooth structure and components of a tooth.	<input type="checkbox"/>		
Demonstrate knowledge and use of common descriptive terms of teeth (i.e., rostral, buccal, lingual, occlusal, apical, etc.).	<input type="checkbox"/>		
Diagram tooth formula in canine and accurately identify each tooth.	<input type="checkbox"/>		
Diagram tooth formula in feline and accurately identify each tooth.	<input type="checkbox"/>		
Accurately describe normal dentition from puppy to dog.	<input type="checkbox"/>		
Accurately describe normal dentition from kitten to cat.	<input type="checkbox"/>		
List common abnormalities in teeth development.	<input type="checkbox"/>		
Describe periodontal disease and accurately list stages and associated signs.	<input type="checkbox"/>		
Describe two common periodontal diseases in felines and treatment (gingival stomatitis and FORLs).	<input type="checkbox"/>		
Define accurate normal sulcus depths for canine and feline.	<input type="checkbox"/>		
Describe dental problems seen in rabbits and rodents, causes, and treatment.	<input type="checkbox"/>		
Describe the proper techniques and risks extracting canine, premolar, and incisors in companion animals.	<input type="checkbox"/>		
Describe treatment and prevention of dental disease in companion animals.	<input type="checkbox"/>		
KNOWLEDGE BASE/LARGE ANIMAL			
Accurately describe dental structure of herbivores, specifically equine, bovine, ovine, and caprine.	<input type="checkbox"/>		
Describe common equine dental problems.	<input type="checkbox"/>		
Describe process of "floating" teeth in horses and why it is important.	<input type="checkbox"/>		
Define "wolf" teeth in equine and problems associated with them.	<input type="checkbox"/>		
Supervising veterinarian signature I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(20) Checklist for WAC 246-935-230 imaging.

ATTESTATION OF SUPERVISING VETERINARIAN

Veterinary Technician Practical Experience Task: Form 20

Checklist for WAC 246-935-230 imaging

IMAGING

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name:	_____
Supervising veterinarian name:	_____

Supervising veterinarian license #: _____			
Check items as completed. Complete all items in each section.			
IMAGING			
PRACTICAL DEMONSTRATION/COMPANION	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Demonstrate and perform recommended safety procedures.	<input type="checkbox"/>		
Use technique chart to set exposure of X-ray machine.	<input type="checkbox"/>		
Demonstrate anatomical positioning options (i.e. V/D, D/V, lateral, obliques, and OFA views).	<input type="checkbox"/>		
Produce radiographs appropriately including proper labeling of radiographs.	<input type="checkbox"/>		
Critique radiographs regarding positioning, exposure, and collimation.	<input type="checkbox"/>		
Perform at least one contrast study.	<input type="checkbox"/>		
Take diagnostic, properly positioned radiographs of thoracic cavity.	<input type="checkbox"/>		
Take diagnostic, properly positioned radiographs of abdominal cavity.	<input type="checkbox"/>		
Take diagnostic, properly positioned radiographs of pelvis.	<input type="checkbox"/>		
Take diagnostic, properly positioned radiographs of pelvic limb.	<input type="checkbox"/>		
Take diagnostic, properly positioned radiographs of thoracic limb.	<input type="checkbox"/>		
Take diagnostic, properly positioned radiographs of vertebral column.	<input type="checkbox"/>		
Take diagnostic, properly positioned radiographs of skull.	<input type="checkbox"/>		
KNOWLEDGE BASE			
KNOWLEDGE BASE	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Describe basic principles and use of MRI.	<input type="checkbox"/>		
Describe basic principles and use of CT.	<input type="checkbox"/>		
Accurately describe labeling requirement for radiographs.	<input type="checkbox"/>		
Describe proper care and maintenance of radiographic cassettes.	<input type="checkbox"/>		
Describe proper care and storage of x-ray film.	<input type="checkbox"/>		
Demonstrate proper film handling.	<input type="checkbox"/>		
Accurately describe different contrast materials and their uses.	<input type="checkbox"/>		
Describe common equine and ruminant radiographic anatomy and positioning.	<input type="checkbox"/>		
Demonstrate knowledge of positioning avian and exotic pets for radiographs.	<input type="checkbox"/>		
Describe components of x-ray machine and how x rays are developed.	<input type="checkbox"/>		
Know difference between various screen types and films associated with each.	<input type="checkbox"/>		
Define radiology terms associated with exposure to radiation: REM, RAD, SIEVERT, MPD, dosimeter, and TLD.	<input type="checkbox"/>		
Define miliamperage, kilovoltage, miliamperage seconds, and focal spot to film distance (FFD).	<input type="checkbox"/>		
Define difference between low and high contrast objects.	<input type="checkbox"/>		
Describe proper environmental disposal of used processor fluids.	<input type="checkbox"/>		
Describe proper environmental disposal of films to be destroyed.	<input type="checkbox"/>		
Describe scatter radiation and grid usage.	<input type="checkbox"/>		
Define anatomical position terminology for small and large animal.	<input type="checkbox"/>		
Supervising veterinarian signature			

I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.

SIGNATURE OF SUPERVISING VETERINARIAN

DATE SIGNED

WSR 10-11-120
PERMANENT RULES
DEPARTMENT OF HEALTH

(Veterinary Board of Governors)

[Filed May 18, 2010, 5:27 p.m., effective June 18, 2010]

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

Purpose: The amendments clarify what must be included and maintained in the record of veterinary patients. The amended rules also clarify who may request copies of patient records and the fees that may be charged for providing the patient records. The rules also shorten the time period for responding to a request for records from fifteen to ten days.

Citation of Existing Rules Affected by this Order:
 Amending WAC 246-933-320.

Statutory Authority for Adoption: RCW 18.92.030.

Adopted under notice filed as WSR 10-01-068 on December 11, 2009.

A final cost-benefit analysis is available by contacting Judy Haenke, P.O. Box 47850, Olympia, WA 98504-7850, phone (360) 236-4947, fax (360) 586-4359, e-mail judy.haenke@doh.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: May 18, 2010.

Timothy D. Gintz, DVM, Chair
 Veterinary Board of Governors

AMENDATORY SECTION (Amending WSR 03-14-035, filed 6/23/03, effective 7/24/03)

WAC 246-933-320 General requirements for all veterinary medical facilities. (1) **Construction and maintenance:** All facilities shall be so constructed and maintained as to provide comfort and safety for patients and clients. All areas of the premises shall be maintained in a clean and

orderly condition, free of objectionable odors. All facilities shall comply with applicable state, county and municipal laws, ordinances and regulations.

(2) **Ventilation:** Adequate heating and cooling shall be provided for the comfort of the animals, and the facility shall have sufficient ventilation in all areas.

(3) **Lighting:** Proper lighting shall be provided in all rooms utilized for the practice of veterinary medicine. Outside lighting shall be adequate to identify the building and to assist the clients.

(4) **Water:** Potable water shall be provided.

(5) **Basic sanitation:** Any equipment, instruments or facilities used in the treatment of animals shall be clean and sanitary at all times to protect against the spread of diseases, parasites and infection.

(6) **Waste disposal:** Covered waste containers, impermeable by water, shall be used for the removal and disposal of animal and food wastes, bedding, animal tissues, debris and other waste.

Disposal facilities shall be so operated as to minimize insect or other vermin infestation, and to prevent odor and disease hazards or other nuisance conditions.

The facility shall use refrigeration and employ a procedure for the prompt, sanitary and esthetic disposal of dead animals which complies with all applicable state, county and municipal laws, ordinances and regulations.

(7) **Records:**

(a) Every veterinarian shall keep daily written (~~reports~~) records of the animals he or she treats.

(b) Separate records for companion animals shall be kept for each animal.

(c) The medical record for a litter may be recorded either on the dam's record or on a litter record until the individual animals are permanently placed or reach the age of three months.

(d) Records for food and fibre producing animals and animals kept in herds or flocks, etc., may be maintained on a group or (~~client~~) owner or authorized agent basis.

(e) All records shall be legible, readily retrievable and shall be kept for a period of three years following the last treatment or examination.

(f) The author of all medical record entries must be identified by code or employee number, or initials.

(g) The records shall include, but not be limited to, the following:

(i) Name, address and telephone number of the owner or authorized agent.

(ii) Name, number or other identification of the animal or group.

(iii) Species, breed, age, sex, weight and color of the animal.

(iv) Immunization record.

(v) Beginning and ending dates of custody of the animal.

~~((vi))~~ (h) The records must include sufficient information ~~((in the history and examination portions of the record))~~ to justify the tentative diagnosis and to warrant the treatment. This would include, but not be limited to:

~~((A))~~ (i) A short history of the animal's condition as it pertains to its medical status.

~~((B))~~ (ii) Physical examination findings and any laboratory or other diagnostic tests performed ~~((and))~~ or recommended.

~~((vii))~~ (iii) Provisional or final diagnosis.

~~((viii))~~ (iv) Treatment administered ~~((and))~~ or recommended.

~~((ix))~~ (v) Dosage and route of medications administered, prescribed or dispensed.

~~((x))~~ (vi) Anesthesia dosage and route of administration.

~~((xi))~~ (vii) Description of surgery performed.

~~((xii))~~ (viii) Progress of the case.

~~((xiii) If applicable, documentation of the low-income status for persons that seek the limited veterinary services provided by qualified animal care and control agencies and humane societies.~~

~~((b))~~ (8) Veterinary medical records and ~~((radiographs))~~ medical images are the property of the veterinarian or the veterinary facility that originally ordered their preparation.

(9) When requested by the ~~((client))~~ owner or authorized agent, copies of records will be made available as promptly as required ~~((under the))~~ by medical necessity or public health circumstances, but no later than ~~((fifteen))~~ ten working days upon the ~~((client's))~~ owner or authorized agent's request.

(a) The veterinarian may charge ~~((a reasonable))~~ the copying fee ~~((, not to exceed the actual cost for providing the veterinary care information))~~ as set forth in WAC 246-08-400 as now or hereafter amended.

(b) A ~~((radiograph))~~ medical image shall be released upon the request of another veterinarian who has the authorization of the owner or authorized agent of the animal to which it pertains. ~~((Such radiograph))~~

The medical image shall be returned ~~((to))~~ within ten working days following receipt of a written request from the originating veterinarian or veterinary facility ~~((within fifteen working days of receipt of a written request)).~~ If the originating veterinarian provides a copy of the medical image, he or she may charge the actual costs of duplicating the medical image.

~~((8))~~ (10) Storage: All supplies, including food and bedding, shall be stored in facilities which adequately protect such supplies against infestation, contamination or deterioration. Refrigeration shall be provided for all supplies that are of a perishable nature, including foods, drugs and biologicals.

~~((9))~~ (11) Biologicals and drugs: Biologicals and other drugs shall be stored in such a manner as to prevent contamination and deterioration in accordance with the packaging and storage requirements of the current editions of the *U.S. Pharmacopeia*, 12601 Twinbrook Parkway, Rockville, Maryland 20852, and the *National Formulary*, Mack Pub-

lishing Company, 20th and Northampton Streets, Easton, Pennsylvania 18042 ~~((and))~~ or manufacturers' recommendation.

All controlled substances shall be maintained in a locked cabinet or other suitable secure container in accordance with federal and Washington state laws.

Controlled substance records shall be readily retrievable, in accordance with federal and Washington state laws.